FINAL

ENVIRONMENTAL IMPACT STATEMENT

FOR THE

SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

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Type of Action:	Environmental Impact Statement
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This Final Environmental Impact Statement evaluates the proposed issuance by the U.S. Fish Wildlife Service of a requested permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The applicants are jointly the City of San Antonio and Bexar County, Texas. The applicants are seeking an incidental take permit to cover take of nine threatened or endangered species and to implement a conservation plan to protect and preserve these species and the habitats on which they depend.

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EXECUTIVE SUMMARY

This Environmental Impact Statement (EIS) describes potential impacts of the issuance of an incidental take permit (ITP or Permit) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq., ESA), by the U.S. Fish and Wildlife Service (Service) to Bexar County and the City of San Antonio, Texas (the Applicants) to authorize incidental take of nine federally endangered species. Referred to as the Covered Species, they include two birds - the golden-cheeked warbler (*Setophega* [=*Dendroica*] *chrysoparia*; GCWA) and black-capped vireo (*Vireo atricapilla*, BCVI), and seven karst invertebrates (collectively the Covered Karst Invertebrates) - Government Canyon bat cave spider (*Neoleptoneta microps*), Madla Cave meshweaver (*Cicurina madla*), Braken Cave meshweaver (*Cicurina venii*), Government Canyon Bat Cave meshweaver (*Cicurina vespera*), two beetles with no common name (*Rhadine exilis* and *Rhadine infernalis*), and Helotes mold beetle (*Batrisodes venyivi*).

The Service is the lead federal agency with responsibility for issuing the ITP as described in the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP or the Plan). The issuance of the Permit is the Proposed Action. The Permit would authorize a limited amount of incidental take of the Covered Species within the jurisdictions of Bexar County and/or the City of San Antonio (excluding Comal County, since they have their own ITP TE-223267) (the Enrollment Area). In return, the SEP-HCP implements conservation measures for the Covered Species in Bexar, Comal, Blanco, Kendall, Kerr, Bandera, and Medina counties (the Plan Area). A detailed description of the Plan Area can be found in Section 2.3 of the SEP-HCP.

This EIS evaluates the potential impacts of the incidental take of the Covered Species as well as the impacts of the conservation measures in the Plan Area on the natural and social resources within the Plan Area. Four Action Alternatives were developed that proposed incidental take and conservation measures. The effects of these Action Alternatives, and a No Action Alternative, were evaluated and compared. Based on the analysis in this EIS, the Proposed SEP-HCP Alternative is recommended as the Preferred Alternative. The development of the alternatives and a description of each are described in more detail in **Chapter 3** of this EIS.

PURPOSE AND NEED

The greater San Antonio area is positioned at the southeastern edge of the Edwards Plateau ecoregion in Texas. This ecoregion supports several federally threatened or endangered species that occupy a variety of habitats, including mature woodlands, early-growth shrublands, and subterranean caves. The natural resources of the Edwards Plateau have also been a significant attraction for human communities. Over the past 30 years, the human population in and around San Antonio increased by more than 75 percent (U.S. Census Bureau [USCB] 1995, 2000, 2010a). The economy of the San Antonio metropolitan area is expected to continue drawing people to the region, with a projected population increase of more than 60 percent over the next 30 years (ESRI Business Solutions [ESRI BIS] 2009, Wendell Davis and Associates [WDA] 2010a). It is anticipated that approximately 51,000 acres of new residential, 12,000 acres of new commercial and industrial, and 30,000 acres of new transportation and utilities would be built in the Enrollment Area over the next 30 years to accommodate the anticipated growth (WDA 2010a). Habitats for federally threatened or endangered species are being and will continue to be impacted as a result of these land development activities. The Service identifies habitat loss and degradation as the primary factors threatening the survival and recovery of many of these species.

The Applicants need a long-term, comprehensive solution to allow otherwise lawful activities that could result in take of Covered Species while assuring compliance with the ESA. Therefore, the Applicants have requested an ITP from the Service, which would permit the incidental take of the Covered Species resulting from otherwise lawful activities (see Chapter 3 of the SEP-HCP for a detailed description of Covered Activities). The proposed federal action is the issuance of a section 10(a)(1)(B) permit by the Service for a term of 30 years to allow incidental take of Covered Species. The Service must consider the request and determine if the SEP-HCP meets the issuance criteria in the ESA before issuing an ITP.

SCOPING AND PUBLIC PARTICIPATION

Public scoping for this EIS began with the publication of a Notice of Intent to prepare an EIS (NOI) in the *Federal Register* on Wednesday, April 27, 2011 (**Appendix A**). The Service published the NOI to advise the public that an EIS will be prepared for the SEP-HCP and that scoping meetings will be held in June 2011. Letters were sent to 24 federal, state and, local agencies with the NOI attached requesting comments on the potential resources that could be affected or issues that could arise by the issuance of the Permit.

Public scoping meeting announcements were published in the *Blanco County News*, *The Helotes Echo*, *Kerrville Daily Times*, *The Bandera Bulletin*, *San Antonio Express News*, *La Prensa* (Spanish), *Hondo Anvil Herald*, and *The Boerne Star* (**Appendix B**). Meeting details were also posted to several websites including the SEP-HCP project website and websites managed by the Service, the Hill Country Alliance, and the Texas Water Development Board. Members of the SEP-HCP Citizens' Advisory Committee (CAC), Biological Advisory Team (BAT), and the Agency Oversight Group (AOG) were also sent invitations to the public scoping meetings. Five public scoping meetings were held throughout the Plan Area in Bandera, Boerne, Blanco, Kerrville, and Helotes, Texas, between June 6, 2011, and June 14, 2011, to engage the community, share information, and ask the community for their input. All five meetings followed the same format which began with an open house from 5:30 p.m. to 6:00 p.m., a formal presentation at 6:00 p.m. followed by a continuation of the open house, and concluded with a moderated question and answer session at 7:00 p.m. The meetings provided opportunities for the public to learn about and comment on the proposed Permit and SEP-HCP as it was being developed.

A total of 211 people attended the 5 public scoping meetings, including 194 members of the public, 3 media outlets, and 14 elected officials. The public comment period extended from April 27, 2011 through July 26, 2011. During this time, 66 public comments were received. See **Appendix B** for more details.

A Notice of Availability and announcement of public meetings (NOA) was published in the *Federal Register* on Friday, December 19, 2014 (**Appendix C**). The NOA announced the availability of the draft SEP-HCP and the draft EIS for public review and comment and that public meetings would be held. The NOA and a news release were posted to the Service's Austin Ecological Services website (www.fws.gov/southwest/es/AustinTexas) and the SEP-HCP project website (www.sephcp.com). The draft EIS was made available for public review at several libraries in the Plan Area, and a link to access an electronic version of the draft EIS was distributed via the NOA and news release to county judges in the Plan Area and members of the CAC, BAT and AOG; federal, state and local agencies; and elected officials, Native American tribes with affiliations to the Plan Area, conservation organizations, and stakeholders that signed up for the SEP-HCP mailing list.

Two public meetings were held, one in Helotes, Texas (February 3, 2015) and one in Kerrville, Texas (February 4, 2015). Public meeting announcements were published in *San Antonio Express News* and *Kerrville Daily Times* on January 18, 2015, and meeting information was published on the Service's Austin Ecological Services website and the SEP-HCP project website. The public meetings provided the public an opportunity to view the draft EIS, draft SEP-HCP, and a series of exhibits, and project staff were available to answer questions. A presentation was given from approximately 5:30 p.m. to 6:30 p.m. and was followed by an informal open house. Official comments were received at the meeting orally via a court reporter and in writing via comment cards at the meetings. After the meetings, official comments were received via the project website, email, U.S. mail, and www.regulations.gov. The comment period closed on March 19, 2015.

A total of 57 people attended the meeting in Helotes and 76 people attended the meeting in Kerrville. A total of 111 comments were received during the comment period; 44 comments provided feedback on the draft SEP-HCP, 22 comments provided feedback on the draft EIS and 45 comments provided feedback on both documents. A transcript of all comments received as well as responses can be found in **Appendix D**.

ALTERNATIVES CONSIDERED

Bexar County and the City of San Antonio instituted the CAC and the BAT during the development of the draft SEP-HCP to provide guidance to the Applicants on the range of potential alternatives that should be evaluated and compared in the EIS. All meetings of these committees were subject to the Texas Open Meetings Act and agendas, materials, and minutes were posted on the SEP-HCP website. The input received from these committees and feedback received during the scoping process helped refine the preliminary range of alternatives (described in Chapter 3.2) into four Action Alternatives and the No Action Alternative.

The four Action Alternatives share several common characteristics:

Covered Species: All four Action Alternatives propose the incidental take of nine federally listed endangered species.

Voluntarily Conserved Species: All four Action Alternatives will result in habitat that will be impacted and habitat that will be protected for species that are not federally listed as threatened or endangered but that may share similar habitats as the Covered Species. Voluntarily Conserved Species will not be covered under the Proposed Action but may be affected.

Enrollment Area: All four Action Alternatives propose an Enrollment Area that includes the jurisdictions of Bexar County and the City of San Antonio including its extraterritorial jurisdiction (ETJ) (the area where the City of San Antonio has the ability to exercise its legal authority beyond its city limits), and the area where the City of San Antonio's ETJ is projected to expand over the 30 year timeframe of the SEP-HCP. The Enrollment Area excludes any portion of Comal County. Enrolled properties are those landowners that apply for inclusion under the HCP and are extended incidental take coverage for Covered Activities for the Covered Species that occur on the property submitted for coverage.

Covered Activities: Covered Activities are all otherwise lawful, non-federal land development projects within the Enrollment Area; they may include, but are not limited to, construction and

maintenance for land development, utilities, and transportation infrastructure. The ITP associated with the SEP-HCP will authorize a certain amount of incidental take of the Covered Species. Landowners, developers, and others conducting non-federal Covered Activities within the Enrollment Area may be eligible to achieve ESA compliance through the Plan. Those that complete the enrollment process become SEP-HCP Participants. SEP-HCP Participants voluntarily elect to utilize the SEP-HCP to comply with the ESA.

Direct and Indirect Impacts to GCWA and BCVI: All acres of suitable GCWA and BCVI habitat within the boundaries of a property to be enrolled are assumed to be directly impacted by Covered Activities, unless such habitat occurs within an area where habitat will be preserved and such habitat meets a minimum set of preserve criteria. All acres of suitable GCWA and BCVI habitat located up to 300 feet outside the boundaries of a property to be enrolled are assumed to be indirectly impacted by Covered Activities.

Mitigation Measures for BCVI and GCWA: Preservation Credits will be created by the SEP-HCP for each acre of GCWA and BCVI habitat protected, such that each acre of protected habitat yields one Preservation Credit. Credit can be acquired by conserving previously unprotected habitat in the Plan Area or by purchasing credits from an existing Service-approved conservation bank. All Action Alternatives assume that the GCWA and BCVI preserve systems will be composed of consolidated tracts of 500 acres or larger and will generate at least 500 GCWA Preservation Credits or 100 BCVI Preservation Credits. Preserve land will include some areas of non-habitat; as such the SEP-HCP will purchase more land than needed to generate the appropriate number of Preservation Credits.

Direct and Indirect Impacts to Covered Karst Invertebrates: Direct impacts to known locations of Covered Karst Invertebrates will only occur once certain conservation baselines are met. The conservation baselines are derived from the Service's recovery standards for downlisting each of the Covered Karst Invertebrates; these baselines include preservation of high and medium quality karst preserves (as described in the Service's *Karst Preserve Design Recommendations*) within each karst faunal region where each Covered Karst Invertebrate is currently known to occur (Service 2012). Without those conservation baselines, the landowner would have to maintain a minimum distance of 750 feet around the feature, including those features on adjacent properties that are within 750 feet. Additionally, each landowner would have to conduct extensive karst feature surveys on their property prior to applying to be covered under the SEP-HCP to identify any previously unknown features. Parcels in Karst Zones 1 through 4 could contain occupied features with no surface expression. Therefore, there is an expectation that direct and indirect impacts to previously unknown and undetectable subsurface features will occur upon clearing and construction. There is no way to know exactly what the extent of these impacts would be.

Mitigation Measures for Covered Karst Invertebrates: For all Action Alternatives, the SEP-HCP will establish new preserves with Covered Karst Invertebrates, which will be distributed across the karst fauna regions (KFRs) in Bexar County (except Alamo Heights KFR). These preserves would be established in accordance with the Service's (2012) *Karst Preserve Design Recommendations* and would contribute to meeting recovery criteria for the Covered Karst Invertebrates.

Preserve Management and Monitoring: To ensure the permanent protection and management of Covered Species' habitat, the Applicants will establish a preserve management and monitoring process.

Cost Estimates: The cost estimates for all Action Alternatives assume that the entire allocation of incidental take authorization will be used by the SEP-HCP Participants within the 30-year timeframe of the SEP-HCP.

Financing: All of the Action Alternatives will implement a conservation program which will include the purchase and management of preserve land for the Covered Species. The funding for these actions will come from fees collected from SEP-HCP Participants and public funding sources. However, each Action Alternative contemplates a different distribution of these two sources of revenue, as described below.

- **Proposed SEP-HCP Alternative:** 74% from participation fees, 26% from public sources
- **10% Participation Alternative:** 47% from participation fees, 53% from public sources
- **Single-County Alternative:** 46% from participation fees, 54% from public sources
- **Increased Mitigation Alternative:** 37% from participation fees, 63% from public sources

No Action Alternative

The No Action Alternative represents the status quo, whereby individuals seeking authorization for incidental take of an endangered species must apply directly to the Service; they will be responsible for completing the permitting process and complying with other state and federal requirements associated with the issuance of a federal permit. Bexar County and the City of San Antonio will not seek a broad-scale and long-term ITP from the Service. Bexar County will not implement the SEP-HCP and will not sponsor a locally-administered program to streamline ESA compliance. If the SEP-HCP is not implemented the cost of ESA compliance will remain the responsibility of the individual seeking authorization for incidental take of an endangered species.

Action Alternatives

Proposed SEP-HCP Alternative

The Proposed SEP-HCP Alternative assumes 50 percent of the development activities requiring an ITP for the Covered Species over the next 30 years will participate in the SEP-HCP. The incidental take represents 50 percent of the projected habitat loss for GCWA (9,371 acres) and BCVI (2,640 acres) and 20 percent of the loss of Karst Zones 1-4 (21,086 acres/49 occupied features) resulting from land development projects within the Enrollment Area over the next 30 years. The Proposed SEP-HCP Alternative requires a mitigation ratio of 2 to 1 for direct impacts to GCWA or BCVI and 0.5 to 1 for indirect impacts. It would preserve 23,430 acres of habitat for the GCWA and 6,600 acres of habitat for the BCVI.

For the Covered Karst Invertebrates, all development activities must be outside a 750-foot radius around all occupied features until the conservation baseline is met for the species within each cave within each KFR. After the conservation baseline is met, Covered Activities would be permitted for a fee ranging between $40,000 and $400,000, depending on the distance of the activity to an occupied cave. Approximately 1,000 acres of new karst preserves will be protected for the Covered Karst Invertebrates.

10% Participation Alternative

The 10% Participation Alternative represents the alternative with a reduced amount of take in the same Enrollment Area as the Proposed SEP-HCP Alternative. It assumes 10 percent of the development activities requiring an ITP for the Covered Species over the next 30 years will participate in the SEP-HCP. The incidental take request represents 10 percent of the projected habitat loss for GCWA (2,100 acres) and BCVI (556 acres) and 10 percent of the loss of Karst Zones 1-4 (10,543 acres/25 occupied features) resulting from development within the Enrollment Area over the next 30 years. The 10% Participation Alternative proposes the same mitigation ratio for direct and indirect impacts to the GCWA and BCVI; and the same conservation baseline requirements for Covered Karst Species as the Proposed SEP-HCP Alternative. The result is 5,250 acres of habitat for GCWA, 1,390 acres of habitat for BCVI, and approximately 750 acres of new karst preserve that would be preserved as a result of the 10% Participation Alternative.

Single County Alternative

The Single-County Alternative was modeled from other single-county HCPs in Central Texas, whereby all incidental take and all mitigation occur within the same county. The Single County Alternative will authorize the same amount of incidental take within the Enrollment Area as the Proposed SEP-HCP Alternative; however, it will require that all mitigation measures be limited to the jurisdictions of San Antonio and Bexar County.

The Single County Alternative proposes the same karst conservation program as the Proposed SEP-HCP Alternative. However, the Single County Alternative will only require 1 to 1 mitigation ratio for direct impacts to GCWA and BCVI. As such, the Single County Alternative would provide fewer acres of preserve for GCWA (11,714 acres) and BCVI (3,330 acres) when compared to the Proposed SEP-HCP Alternative. The Single County Alternative assumes that 75 percent of the GCWA and BCVI preserve land will be located in relatively suburban areas and 25 percent will be located in relatively rural areas. A largely suburban preserve system will require more intensive management to address threats from adjacent land uses than a rural preserve system. In addition, land values in suburban areas are higher than in rural areas. In order to account for the higher costs associated with preserve acquisition and management, the Single County Alternative will require higher Preservation Credit fees and will require three times the amount of public funding when compared to the Proposed SEP-HCP Alternative.

Increased Mitigation Alternative

The Increased Mitigation Alternative incorporates input received from the BAT and some CAC members whereby greater protection measures are proposed for the Covered Species than the other Action Alternatives. Like the Proposed SEP-HCP Alternative, the Increased Mitigation Alternative would authorize the incidental take of 9,371 acres of GCWA habitat, 2,640 acres of BCVI habitat and 21,086 acres/49 occupied features of Covered Karst Invertebrate habitat and BCVI mitigation is the same as Proposed SEP-HCP Alternative. However, unlike the Proposed SEP-HCP Alternative, the proposed habitat conservation for the GCWA would require a mitigation ratio of 3 to 1 for direct impacts resulting in 35,141 acres of preserve and 2,000 acres of new karst preserves for the Covered Karst Invertebrates. As recommended, the Increased Mitigation Alternative would also require 60 percent of the GCWA preserve to be within Bexar County or within 5 miles of the county border. Of the action alternatives, the Increased Mitigation Alternative would have the highest Preservation Credit fees and would require the most public funding.

AFFECTED ENVIRONMENT AND CONSEQUENCES

Affected Environment

The description of the affected environment describes the current environmental conditions considered by the Service to be potentially affected by the alternatives. In order to provide a succinct description of those resources that may be affected by the alternatives and a level of analysis that is commensurate with the importance of the impact, some resources and topics are analyzed in detail and others are considered but dismissed from further analysis.

The resources described and analyzed in detail in this EIS are: Water Resources (see **Section 4.3**); Vegetation (see **Section 4.4**); General Wildlife (see **Section 4.5**); Threatened and Endangered Species (see **Section 4.6**); Socioeconomic Resources (see **Section 4.7**) and Climate Change (see **Section 4.8**). Other topics analyzed in this EIS include: Cumulative Impacts (see **Section 4.9**); Unavoidable Impacts (see **Section 4.10**); Irreversible and Irretrievable Commitment of Resources (see **Section 4.11**) and Short-term Use of the Environment vs. Long-term Productivity (see **Section 4.12**).

Resources or topics that were considered but dismissed from detailed analysis include energy and depleteable resources; prime and unique farmlands; public health and safety; wetlands and floodplains; cultural resources; geology; air quality; noise; environmental justice; wild and scenic rivers; and national forests and grasslands. These resources are not likely to be affected by the authorized take, proposed mitigation, or funding and administration of the Action Alternatives (see **Section 4.1.1 Issues and Resources Considered but Dismissed from Detailed Analysis** for more details).

Environmental Consequences

National Environmental Policy Act (NEPA) regulations require the analysis of a No Action Alternative as a benchmark that enables decision makers to assess the magnitude of the environmental impacts of the Action Alternatives (40 CFR 1502.14). Under the No Action Alternative, the current trends projected for human population growth and associated land development in Bexar County and the City of San Antonio, Texas, will continue and impacts to listed species will be authorized under existing federal programs. If no difference is anticipated between the future condition under the No Action Alternative and the Action Alternatives, then there is no impact from the proposed federal action. However, the SEP-HCP will influence where development occurs around caves and also may influence the amount of habitat a developer chooses to destroy versus paying mitigation fees.

The timing and location of development projects are influenced most by market conditions. Therefore, it is reasonable to assume that the Action Alternatives, compared to the No Action Alternative, will have only minor impacts on the extent, timing and placement of development and any associated impacts to habitat for the Covered Species over the next 30 years. Since there will likely be no significant difference in land development patterns across the Enrollment Area under the No Action or the Action Alternatives, consideration of environmental consequences in this EIS are limited to the potential impacts of the take that will be authorized by the permit, the proposed mitigation activities, and the funding and administration of the Action Alternatives.

The EIS contains a resource-by-resource analysis of direct, indirect, and cumulative impacts for each of the affected resources. A summary of the anticipated impacts of the No Action and the four Action Alternatives is provided in **Table ES-1** below.

Controversy

Public perception of the SEP-HCP as a governmental attempt to control private property drove considerable controversy. The public scoping meetings held prior to releasing the draft EIS, as well as the public meetings held after the draft EIS was published were generally contentious, and most of the written and verbal comments were opposed to the Plan. During the meetings, many people expressed distrust of the role of the federal government. Others expressed concern that the SEP-HCP was an attempt by the City of San Antonio to secure rural portions of the Edwards Aquafer Recharge Zone for San Antonio's future water supply. The controversy was exacerbated by a misconception that the "Incidental Take Permit" gave the Applicants permission to "take" private property rather than the authority to regulate "take" of endangered species, as provided by the ESA. In part, as a result of this controversy Bandera, Blanco, Medina, Kendall, and Kerr counties passed resolutions voicing concern about the SEP-HCP and requesting to be removed from the Plan Area. These resolutions were submitted despite being told by the Applicants that removing them from the plan meant that they could not utilize the SEP-HCP to mitigate land development activities and conservation activities could still occur anywhere in the Plan Area with suitable habitat where a willing land owner wanted to maintain habitat in exchange for financial compensation. Many commenters expressed preference for the No Action Alternative, under an apparent misconception that "no action" meant no development would occur and there would be no government involvement in the Plan Area. The public involvement program, described in Chapter 2, was intended to inform the public and receive substantive input from the biological experts, local land developers, resource agencies, and local citizenry. Although there were several comments from plan advocates, the majority of the comments were from those concerned that the government was trying to control private land ownership.

An additional controversy arose among SEP-HCP advocates over the amount of mitigation and whether or not BAT and CAC recommendations were incorporated into the plan. The BAT was charged with: 1) advising the Applicant on technical matters relating to the biology and conservation of the species and habitats addressed in the SEP-HCP; 2) recommending the form and level of mitigation and methods for determining mitigation needs; and 3) recommending a plan for consideration by Bexar County and the City of San Antonio prior to its submittal to the Service as the basis for a permit application. Likewise, the CAC was charged with overall goals and objectives for the plan and alternatives for each of five framing issues: 1) plan boundaries; 2) species to be included; 3) activities covered by the ITP; 4) conservation strategies; and 5) funding strategies. While the BAT submitted their final recommendations to the CAC, the CAC could not reach consensus on a single set of recommendations. While no single Action Alternative includes all aspects of the BAT recommendations, their recommendations are captured, in some form, in each of the Action Alternatives. Moreover, the BAT recommendations and CAC deliberations were used to construct the Proposed SEP-HCP Alternative as a compromise among various interests. Therefore, BAT recommendations and CAC deliberations were integral to the development of the Proposed SEP-HCP Alternative.

Table ES-1: Summary of Environmental Impacts for each Alternative

Resource/ Topic	No Action	Proposed SEP-HCP	10% Participation	Single-County	Increased Mitigation
Land Development Trends	Land development trends will continue as projected in the SEP-HCP Plan Area. 241,152 acres in the Plan Area are projected to be converted to a developed land use between 2010 and 2040, of which 51,150 acres will result in habitat loss for the GCWA, 10,084 acres will result in habitat loss for the BCVI, and 247 occupied karst features will be impacted. Compliance with the ESA will occur on a project-by-project basis via incidental take authorizations from the Service. Land development activities will have a **minor to moderate adverse impact** on the Covered Species in the Plan Area.	Land development trends will continue as projected in the SEP-HCP Plan Area resulting in the loss of habitat for the Covered Species. The SEP-HCP will not substantially affect the amount, timing, or location of land development over the next 30 years, with the exception of preventing future development from occurring in areas that are designated as preserve. These activities will have a similar impact as the No Action Alternative and result in **minor to moderate adverse impacts** on the Covered Species. Unlike the No Action Alternative, incidental take authorization will be administered by the SEP-HCP for Covered Species including:			
		9,371 acres for the GCWA, 2,640 acres for the BCVI, and 21,086 acres of Karst Zones 1-4. This alternative assumes a 50 percent participation rate which will provide for 50 percent of the projected habitat loss for the GCWA and the BCVI and 20 percent of the projected habitat loss for Covered Karst Invertebrates in the Enrollment Area over 30 years.	2,100 acres for the GCWA, 566 acres for the BCVI, and 10,543 acres of Karst Zones 1-4. This alternative assumes a 10 percent participation rate which will provide for 10 percent of the projected habitat loss for the GCWA, BCVI and Covered Karst Invertebrates in the Enrollment Area over 30 years.	9,371 acres for the GCWA, 2,640 acres for the BCVI, and 21,086 acres of Karst Zones 1-4. This alternative assumes a 50 percent participation rate which will provide for 50 percent of the projected habitat loss for the GCWA and the BCVI and 20 percent of the projected loss for Covered Karst Invertebrates in the Enrollment Area over 30 years.	9,371 acres for the GCWA, 2,640 acres for the BCVI, and 21,086 acres of Karst Zones 1-4. This alternative assumes a 50 percent participation rate which will provide for 50 percent of the projected habitat loss for the GCWA and the BCVI and 20 percent of the projected loss for Covered Karst Invertebrates in the Enrollment Area over 30 years.

Resource/ Topic	No Action	Proposed SEP-HCP	10% Participation	Single-County	Increased Mitigation
Water Resources	Potential adverse impacts to water resources associated with land development activities are moderated by existing regulatory programs and mitigation from incidental take authorization (the Edwards Aquifer HCP). **Minor to moderate adverse impacts** overall will occur.	Potential adverse impacts to water resources associated with land development activities are similar to the No Action Alternative but are moderated by existing regulations. The conservation of approximately:			
		31,030 acres from land development activities within the SEP-HCP Plan Area could result in **negligible to minor beneficial impacts** to water resources compared to No Action.	7,390 acres from land development activities within the SEP-HCP Plan Area could result in **negligible beneficial impacts** to water resources compared to No Action.	16,014 acres from land development activities within and adjacent to Bexar County could result in **negligible to minor beneficial impacts** to water resources compared to No Action.	16,014 acres from land development activities within and adjacent to Bexar County could result in **negligible to minor beneficial impacts** to water resources compared to No Action.
Vegetation	Anticipated land development will generally reduce the extent and sustainability of native vegetation communities. Some adverse impacts may be moderated by existing regulations and through other park and open space initiatives, as well as incidental take authorizations. **Moderate adverse impacts** to vegetation are expected.	Potential adverse impacts to vegetation associated with land development activities are similar to the No Action Alternative; some may be moderated by existing regulations and through other park and open space initiatives. The conservation of approximately:			
		31,030 acres from land development activities within the SEP-HCP Plan Area could result in **moderate beneficial impacts** to vegetation compared to No Action.	7,390 acres from land development activities within the SEP-HCP Plan Area could result in **minor beneficial impacts** to vegetation compared to No Action.	16,014 acres from land development activities within and adjacent to Bexar County could result in **minor to moderate beneficial impacts** to vegetation compared to No Action.	43,741 acres from land development activities within the SEP-HCP Plan Area could result in **moderate beneficial impacts** to vegetation compared to No Action.

Resource/ Topic	No Action	Proposed SEP-HCP	10% Participation	Single-County	Increased Mitigation
General Wildlife	Anticipated land development will generally reduce wildlife habitat, may introduce non-native species, and disrupt the balance of natural wildlife communities; however, some urban-adapted species could benefit. Adverse impacts may be moderated by existing regulations through other parks and open space programs and incidental take authorizations. **Moderate adverse impacts** to native wildlife communities are expected.	Potential adverse impacts to wildlife associated with land development activities are similar to the No Action Alternative; some urban-adapted species could benefit. The conservation of approximately:			
		31,030 acres from land development activities within the SEP-HCP Plan Area could result in **moderate beneficial impacts** to wildlife compared to No Action.	7,390 acres from land development activities within the SEP-HCP Plan Area could result in **minor beneficial impacts** to wildlife compared to No Action.	16,014 acres from land development activities within and adjacent to Bexar County could result in **moderate beneficial impacts** to wildlife compared to No Action.	43,741 acres from land development activities within the SEP-HCP Plan Area could result in **moderate beneficial impacts** to wildlife compared to No Action.

Resource/ Topic	No Action	Proposed SEP-HCP	10% Participation	Single-County	Increased Mitigation
Golden-cheeked Warbler	Anticipated land development will result in the loss of approximately 51,150 acres of GCWA habitat within the SEP-HCP Plan Area. These adverse impacts may be mitigated through project-by-project incidental take authorization by the Service and would contribute to species' recovery. However, many projects may continue, as they do now, with no take coverage for impacts to listed species resulting in **moderate adverse impacts**.	The take of 9,371 acres of habitat in the Enrollment Area and the conservation of 23,430 acres of GCWA habitat from land development activities within the SEP-HCP Plan Area could result in **moderate beneficial impacts** to the GCWA compared to No Action.	The take of 2,100 acres of habitat in the Enrollment Area and the conservation of approximately 5,250 acres of GCWA habitat from land development activities within the SEP-HCP Plan Area could result in **minor beneficial impacts** to GCWA compared to No Action.	The take of 9,371 acres of habitat in the Enrollment Area and the conservation of approximately 11,714 acres of GCWA habitat from land development activities in or within 10 miles of Bexar County could result in **minor to moderate beneficial impacts** to GCWA compared to No Action.	The take of 9,371 acres of habitat in the Enrollment Area and the conservation of approximately 35,141 acres of GCWA habitat from land development activities within the SEP-HCP Plan Area, of which 60 percent would be in Bexar County and/or within 5 miles, could result in **moderate beneficial impacts** to GCWA compared to No Action.
Black-capped Vireo	Anticipated land development will result in the loss of approximately 10,084 acres of BCVI habitat within the SEP-HCP Plan Area. However, historic land cover change suggests that BCVI habitat will also be created. Adverse impacts will be mitigated through project-by-project incidental take authorization by the Service. No Action could result in **negligible adverse and beneficial impacts**.	The take of 2,640 acres of habitat in the Enrollment Area and the conservation of 6,600 acres of BCVI habitat within the SEP-HCP Plan Area could result in **minor to moderate beneficial impacts** to the BCVI compared to No Action.	The take of 556 acres of habitat in the Enrollment Area and the conservation of 1,390 acres of BCVI habitat within the SEP-HCP Plan Area could result in **minor beneficial impacts** to the BCVI compared to No Action.	The take of 2,640 acres of habitat in the Enrollment Area and the conservation of 3,300 acres of BCVI habitat within or adjacent to Bexar County could result in **minor beneficial impacts** to the BCVI compared to No Action.	The take of 2,640 acres of habitat in the Enrollment Area and the conservation of 6,600 acres of BCVI habitat within the SEP-HCP Plan Area could result in **minor to moderate beneficial impacts** to the BCVI compared to No Action.

Resource/ Topic	No Action	Proposed SEP-HCP	10% Participation	Single-County	Increased Mitigation
Covered Karst Invertebrates	Anticipated land development could result in the loss of approximately 105,431 acres in Karst Zone 1 through Zone 4 or 247 occupied karst features within the SEP-HCP Plan Area, which will result in adverse impacts. These adverse impacts may be mitigated through project-by-project incidental take authorization by the Service and would contribute to species' recovery. However, many projects may continue, as they do now, with no take coverage for impacts to listed species resulting in **moderate adverse impacts**.	The take of 21,086 acres of potential habitat and 49 occupied features in the Enrollment Area and the conservation of 1,000 acres within the SEP-HCP Plan Area could result in **minor to moderate beneficial impacts** to the Covered Karst Invertebrates compared to No Action.	The take of 10,543 acres of potential habitat and 25 occupied features in the Enrollment Area and the conservation of 750 acres within the SEP-HCP Plan Area could result in **minor beneficial impacts** to the Covered Karst Invertebrates compared to No Action.	The take of 21,086 acres of potential habitat and 49 occupied features in the Enrollment Area and the conservation of 1,000 acres within the SEP-HCP Plan Area could result in **minor beneficial impacts** to the Covered Karst Invertebrates compared to No Action.	The take of 21,086 acres of potential habitat and 49 occupied features in the Enrollment Area and the conservation of 2,000 acres within the SEP-HCP Plan Area could result in **moderate beneficial impacts** to the Covered Karst Invertebrates compared to No Action.
Other Threatened, Endangered and Candidate Species	Anticipated land development will generally reduce habitat, may introduce non-native species, and disrupt the balance of natural wildlife communities. Adverse impacts may be moderated by existing regulations through other parks and open space programs and incidental take authorizations. **Moderate adverse impacts** to other threatened, endangered and candidate species are expected.	Potential adverse impacts to other threatened, endangered and candidate species associated with land development activities are similar to the No Action Alternative. The conservation of approximately:			
		31,030 acres from land development activities within the SEP-HCP Plan Area could result in **moderate beneficial impacts** to other threatened, endangered and candidate species compared to No Action.	7,390 acres from land development activities within the SEP-HCP Plan Area could result in **minor beneficial impacts** to threatened, endangered and candidate species compared to No Action.	16,014 acres from land development activities within and adjacent to Bexar County could result in **moderate beneficial impacts** to threatened, endangered and candidate species compared to No Action.	43,741 acres from land development activities within the SEP-HCP Plan Area could result in **moderate beneficial impacts** to threatened, endangered and candidate species compared to No Action.

Resource/ Topic	No Action	Proposed SEP-HCP	10% Participation	Single-County	Increased Mitigation
Socio-economic Resources	The No Action Alternative is not likely to substantially affect the projected population, employment, or general economic trends and the tax base will continue to grow within the SEP-HCP Plan Area. Growth under the No Action Alternative would result in **negligible adverse impacts**.	Potential adverse impacts to the Socioeconomic Environment associated with land development activities are similar to the No Action Alternative. The conservation of approximately:			
		31,030 acres from land development activities within the SEP-HCP Plan Area could result in both beneficial and adverse impacts. The intensity of these impacts is anticipated be minimal. Compared to No Action, this alternative is likely to have **negligible adverse impacts**.	7,390 acres from land development activities within the SEP-HCP Plan Area could result in both beneficial and adverse impacts. The intensity of these impacts is anticipated to be minimal. Compared to No Action, this alternative is likely to have **negligible adverse impacts.**	16,014 acres from land development activities within the SEP-HCP Plan Area could result in both beneficial and adverse impacts. The intensity of these impacts is anticipated to be minimal. Compared to No Action, this alternative is likely to have **negligible adverse impacts.**	43,741 acres from land development activities within the SEP-HCP Plan Area could result in both beneficial and adverse impacts. The intensity of these impacts is anticipated to be minimal. Compared to No Action, this alternative is likely to have **minor adverse impacts.**
Climate Change	Anticipated land development will generally reduce open space, native vegetation communities, and increase heat island effects. Some adverse impacts may be moderated by existing regulations and through other park and open space initiatives as well as incidental take authorizations. Overall **minor adverse impacts** to the climate relative to the action alternatives.	Potential adverse impacts to the Climate Change associated with land development activities are similar to the No Action Alternative. The conservation of approximately:			
		31,030 acres from land development activities within the SEP-HCP Plan Area could result in **minor beneficial impacts** to climate compared to No Action.	7,390 acres from land development activities within the SEP-HCP Plan Area could result in **negligible beneficial impacts** to climate compared to No Action.	16,014 acres from land development activities within and adjacent to Bexar County could result in **minor beneficial impacts** to climate compared to No Action.	43,741 acres from land development activities within the SEP-HCP Plan Area could result in **moderate beneficial impacts** to climate compared to No Action.

CHAPTER 1

INTRODUCTION, PURPOSE AND NEED

1.1 INTRODUCTION

Bexar County and the City of San Antonio (Applicants) are applying to the U. S. Fish and Wildlife Service (Service) for an incidental take permit (ITP) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq., ESA), to authorize the incidental take of nine federally endangered species, two birds and seven karst invertebrates (collectively the Covered Species). The ESA protects threatened and endangered species and their habitats by prohibiting "take" of these species without a permit. As defined by the ESA, take means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." The Service can permit the incidental take of endangered species for certain activities if certain permit issuance criteria are met, as described in Section 10(a)(2)(B) of the ESA, including prescribed measures to mitigate or minimize harm.

The issuance of an ITP by the Service is a federal action subject to the provisions of the National Environmental Policy Act of 1969 (42 USC 4321 et seq., NEPA). As part of the NEPA process, the Service prepared this Environmental Impact Statement (EIS) to analyze the impacts of issuing an ITP to the Applicants including, among others, impacts to social, cultural and economic resources as well as natural resources.

In support of the permit application the Applicants have prepared a habitat conservation plan called the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP). If approved by the Service, the permit would be for a period of 30 years and would authorize a limited amount of incidental take of the Covered Species within the jurisdictions of Bexar County and the City of San Antonio. The SEP-HCP creates a voluntary, locally managed, and simplified process for complying with the ESA. In this chapter we briefly describe the SEP-HCP and baseline conditions within the Plan Area (see below).

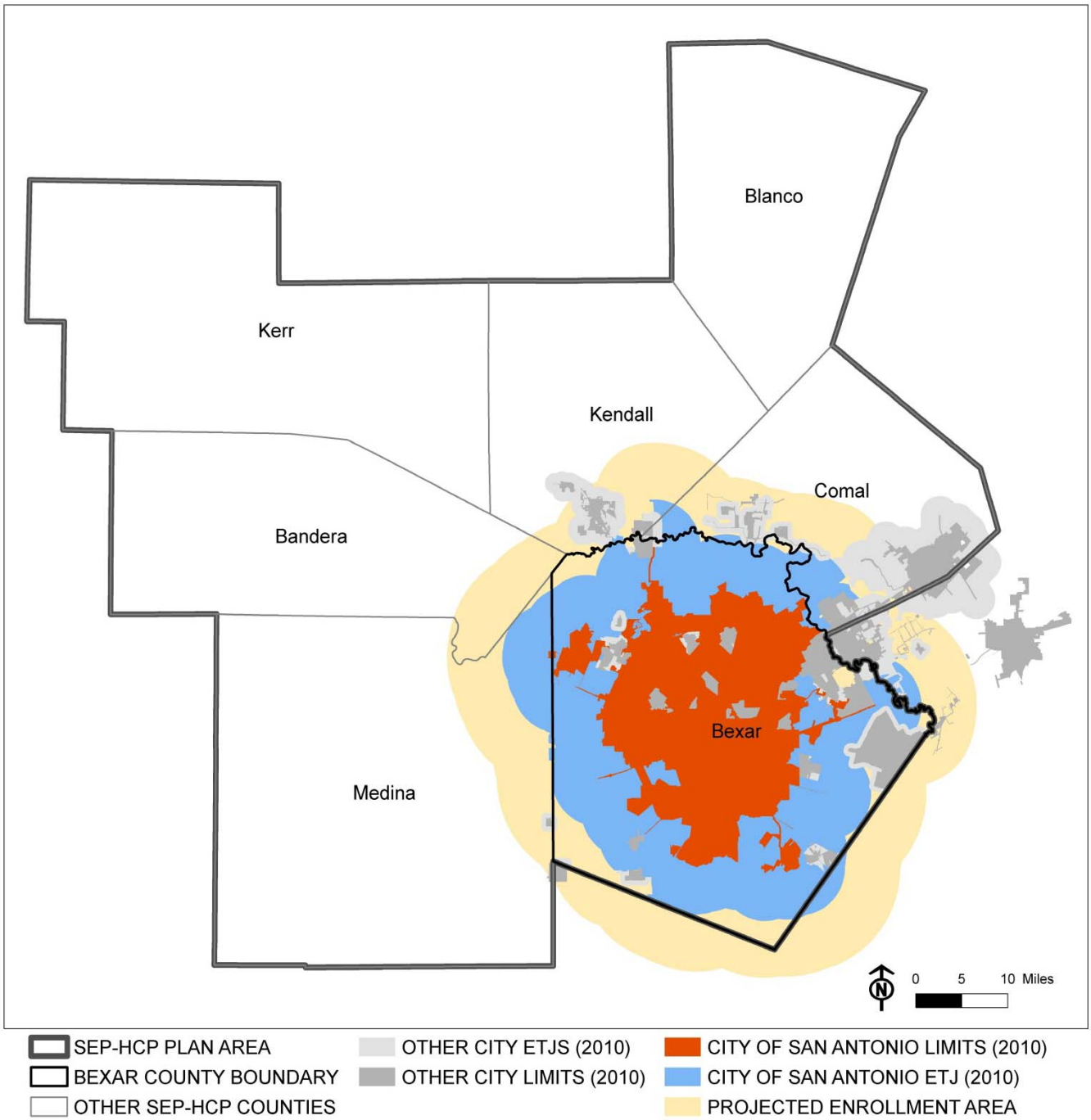
1.1.1 SEP-HCP Plan Area and Enrollment Area

The SEP-HCP Plan Area (Plan Area) includes Bexar, Medina, Bandera, Kerr, Kendall, Blanco and Comal counties (**Figure 1-1**). An activity that will incidentally take a Covered Species (Covered Activities) must occur within the Enrollment Area. The Enrollment Area is defined as the jurisdictions of Bexar County and the City of San Antonio, including both the current and future extra-territorial jurisdiction (ETJ), excluding Comal County which is covered by ITP TE-223267. Conservation actions may occur throughout all seven counties of the Plan Area.

The Natural Environment

The Plan Area is approximately 4,126,000 acres and crosses parts of six different ecological subregions, as described by the U.S. Environmental Protection Agency (EPA) including: Balcones Canyonlands, Edwards Plateau Woodlands, Northern Blackland Prairie, Northern Nueces Alluvial Plains, Southern Post Oak Savanna, and Llano Uplift (Griffith *et al.* 2004). As such, the Plan Area has highly variable terrain ranging from gently undulating to rolling hills in the southeast to high topographic relief associated with incised valleys in the northwest. The dominant vegetation cover in the Plan Area ranges

Figure 1-1: SEP-HCP Plan Area and Enrollment Area



Source: SEP-HCP 2015.

from a combination of oak and juniper woodlands (McMahan *et al.* 1984) in the west to tall grass and short grass prairies in the eastern portion of the Plan Area. Starting in the 1990s the forested land cover in the Plan Area began shrinking due to conversion to grassland/shrub vegetation and urban land uses (U.S. Geological Survey [USGS] 2003). It is anticipated that almost 7,800 acres of natural vegetation will be converted to urban uses each year between 2010 and 2040.

The water resources within the Plan Area support a variety of wildlife and riparian habitat, and provide for recreational uses and scenic vistas. These resources include the Edwards and Trinity aquifers; several rivers including the Blanco, Guadalupe, Medina, San Antonio, and Pedernales; two major impoundments at Medina and Canyon lakes; and numerous streams, creeks, and springs, some of which have been designated as ecologically significant. The Plan Area provides habitat for approximately 520 wildlife species as well as 48 federally and/or state-listed threatened and endangered species. Approximately 128,000 acres of the Plan Area are currently under some degree of conservation, including lands owned by public entities or conservation organizations and private lands under conservation easements.

The Human Environment

The Plan Area is a growing region in Central Texas with a 2010 population of almost 2 million people; more than 86 percent live in the City of San Antonio and Bexar County (USCB 2010a). The Plan Area is expected to continue to grow to more than 3.2 million people by 2040 with notable changes expected in Medina County (207 percent increase), Comal County (173 percent increase), and Kendall County (98 percent increase) (ESRI BIS 2009; WDA 2010a). The dominant economic drivers within the Plan Area include education, health care, the leisure industries, and the financial and real estate industries. Joint Base San Antonio- Camp Bullis (Camp Bullis) is a 28,000-acre military base located in northern Bexar County. It is the largest military facility in the Plan Area. According to 2006 employment statistics, Camp Bullis was the largest generator of employment in the San Antonio metropolitan area, supporting the employment of 195,075 people including direct, indirect and induced jobs (City of San Antonio and United States Department of Defense 2009). Because of these economic strengths, the region has fared generally well through the recent economic downturn. The education and health care sectors, in particular, have been forecasted to continue to lead the economic growth of the region; combined, these industries are forecasted to add over 67,000 new jobs to the region by 2018 (Texas Workforce Commission [TWC] 2008). The rapidly growing human population and the vibrant and growing economy suggest a potential for losses or degradation of habitat for the region's endangered species as land is developed to support this growth. Of the total acres within the Plan Area, excluding Camp Bullis and the areas within Bexar County that do contain potential habitat for the Covered Species, approximately 12 percent of the land was developed by 2009, with Bexar and Comal counties accounting for the largest percentage of development. By 2040 the amount of developed acreage is expected to increase in the Plan Area to 19 percent for a total of more than 240,000 acres (WDA 2010b).

1.1.2 Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP)

The SEP-HCP seeks to balance the needs for future growth in the region and the conservation needs of endangered species and their habitat. It will provide an option that non-federal entities may voluntarily use to achieve compliance with the ESA in an expedited and efficient manner for otherwise lawful, development activities. In support of the ITP application, the Applicants prepared the SEP-HCP to establish a conservation program that will minimize and mitigate, to the maximum extent practicable, the impacts of incidental take of the Covered Species in the Plan Area that will be authorized by the proposed permit. In addition to the Covered Species, the SEP-HCP voluntarily addresses some of the

conservation needs of several other species found in the Plan Area (Voluntarily Conserved Species, **Table 1-1**). The Voluntarily Conserved Species are expected to benefit from the conservation actions implemented for the Covered Species through the SEP-HCP. Voluntarily Conserved Species would not be covered by the ITP. If any are listed in the future, the ITP and its associated SEP-HCP may need to be amended to cover incidental take for those species.

Table 1-1: Covered and Voluntarily Conserved Species in the Plan Area

Common Name	Scientific Name	Taxa	Habitat
Covered Species			
Golden-cheeked warbler	*Setophaga* [=*Dendroica*] *chrysoparia*	Bird	Closed canopy juniper-oak woodlands
Black-capped vireo	*Vireo atricapilla*	Bird	Deciduous shrub habitats
Government Canyon Bat Cave spider	*Neoleptoneta microps*	Arachnid	Karst caves – known in Government Canyon State Natural Area
Madla Cave meshweaver	*Cicurina madla*	Arachnid	Karst – known in 20 caves in Bexar County
Bracken Cave meshweaver	*Cicurina venii*	Arachnid	Karst – known in 1 cave in Bexar County
Government Canyon Bat Cave meshweaver	*Cicurina vespera*	Arachnid	Karst – known in 1 cave in Bexar County
A beetle with no common name	*Rhadine exilis*	Insect	Karst – known in 45 to 50 caves in Bexar County
A beetle with no common name	*Rhadine infernalis*	Insect	Karst – known in 36 to 39 caves in Bexar County
Helotes mold beetle	*Batrisodes venyivi*	Insect	Karst – known in 8 caves in Bexar County
Voluntary Conserved Species			
Cave myotis bat	*Myotis velifer*	Mammal	Natural and manmade structures and limestone caves
Cagle's map turtle	*Graptemys caglei*	Reptile	Riffles and pools of rivers and major streams
Texas tortoise	*Gopherus berlandieri*	Reptile	Open scrub woods, arid brush, lomas, and grass-cactus associations
Indigo snake	*Drymarchon corais*	Reptile	Mesquite-grassland-savannah near water source
Spot-tailed earless lizard	*Holbrookia lacerate*	Reptile	Prairies, grasslands, savannas, and open woodlands
Texas horned lizard	*Phrynosoma cornutum*	Reptile	Flat open terrain with sparse plant cover with sandy, rocky or loamy soils
Texas garter snake	*Thamnophis sirtalis annectens*	Reptile	Adjacent to streams, rivers, ponds, lakes, and marshes
Eurycea salamanders	Various	Amphibian	Aquatic karst, aquifers, and springs
Golden orb	*Quadrula aurea*	Mollusk	Moderate-sized streams and small rivers
Texas pimpleback	*Quadrula petrina*	Mollusk	Moderate-sized streams and small rivers
Texas fatmucket	*Lampsilis bracteata*	Mollusk	Moderate-sized streams and small rivers
Tobusch fishhook cactus	*Sclerocactus brevihamatus*	Plant	Juniper-oak woodland

Common Name	Scientific Name	Taxa	Habitat
	ssp. Tobuschii		
Big red sage	*Salvia pentstemonoides*	Plant	Seeps and creeks within limestone canyons
Bracted twistflower	*Strentanthus bracteatus*	Plant	Oak-juniper woodland
Longstalk heimia	*Nesaea longipes*	Plant	Desert spring-runs, seepage slopes and near perennial streams
Correll's false dragon-head	*Physostegia correlli*	Plant	Stream sides, creek beds, irrigation channels, and roadside ditches
Canyon rattlesnake-root	*Prenanthes carrii*	Plant	Upper woodland canyon drainages and creek side seepage shelves

Source: SEP-HCP 2015.

1.2 PURPOSE AND NEED FOR ACTION

The Proposed Action under NEPA is the issuance of an ITP by the Service that will authorize incidental take of the Covered Species, as provided for under section 10(a)(1)(B) of the ESA, associated with lawful activities. Issuance of this permit will also allow the Applicants to extend this incidental take authorization to other non-federal entities within the Enrollment Area in accordance with the SEP-HCP. The purpose of issuing an ITP is to authorize the Applicants to "take" the Covered Species in the Enrollment Area while conserving their habitat. The need for issuing the permit is to conserve the Covered Species and the ecosystems upon which they depend and to ensure ESA compliance.

Several key goals and objectives have been identified through input from public and agency stakeholders in support of the purpose and need for the Proposed Action. The goals and objectives described below reflect the benefits that the Applicants and the stakeholder community expect to achieve as a result of a permit being issued.

1.2.1 Protect and Manage Habitat of Threatened and Endangered Species at a Regional Scale

Land development activities have accompanied and supported the population and economic growth in Bexar County and have resulted in the loss of habitat for federally threatened or endangered species within the Plan Area. Between 2010 and 2040, 341,551 new residential buildings (multi-family and single family) are projected to be built in the Plan Area. More than half of this development (55 percent) will occur in Bexar County (WDA 2010b). **Table 1-2** gives an estimate of Covered Species habitat that is projected to be lost between 2010 and 2040 within the Plan Area. While occupied Covered Karst Invertebrate caves are not known to occur outside of Bexar County, Veni (2002) delineated karst zones into Medina and Bandera counties. Because these counties are within the current and future expanded Enrollment Area, they are included in the analysis.

Table 1-2: Estimated Habitat Loss within the Plan Area (2010 to 2040)

County	Acres of Available Habitat	Estimated Acres of Habitat Loss without SEP-HCP	Estimated Percent Habitat Loss without SEP-HCP	Estimated Percent Habitat Loss Relative to Overall Estimated Habitat Loss without the SEP-HCP	Proportion of Habitat Loss to be mitigated by the SEP-HCP
Golden-cheeked Warbler Habitat					
Bandera	165,752	2,428	1.5%	4.7%	
Bexar	59,018	14,883	25.2%	29.1%	
Blanco	46,530	166	0.4%	0.3%	
Comal	115,808	23,163	20.0%	45.3%	
Kendall	65,269	3,413	5.2%	6.7%	
Kerr	113,985	1,565	1.4%	3.1%	
Medina	92,308	5,532	6.0%	10.8%	
SEP-HCP Plan Area	658,670	51,150	7.8%		18.3%*
Black-capped Vireo Habitat					
Bandera	7,599	133	1.8%	1.3%	
Bexar	17,856	5,073	28.4%	50.3%	
Blanco	2,275	7	0.3%	0.1%	
Comal	3,591	715	19.9%	7.1%	
Kendall	4,945	217	4.4%	2.2%	
Kerr	53,074	905	1.7%	9.0%	
Medina	62,292	3,034	4.9%	30.1%	
SEP-HCP Plan Area	151,632	10,084	6.7%		26.2%*
Karst Species Habitat – Karst Zones 1 & 2					
Bandera	0	0	0.0%	0.0%	0%**
Bexar	109,793	46,276	42.1%	90.4%	20%
Blanco	0	0	0.0%	0.0%	
Comal	0	0	0.0%	0.0%	
Kendall	0	0	0.0%	0.0%	
Kerr	0	0	0.0%	0.0%	
Medina	20,161	4,895	24.3%	9.6%	0%**
SEP-HCP Plan Area	129,954	51,171	39.4%		20%*
Karst Species Habitat – Karst Zones 3 & 4					
Bandera	444	40	9.0%	0.07%	0%**
Bexar	131,209	48,296	36.8%	89.0%	20%
Blanco	0	0	0.0%	0.0%	
Comal	0	0	0.0%	0.0%	
Kendall	0	0	0.0%	0.0%	
Kerr	0	0	0.0%	0.0%	
Medina	24,358	5,923	24.3%	10.9%	0%**
SEP-HCP Plan Area	156,011	54,259	34.8%		20%*

*Requested incidental take for the Covered Species is 9,371 ac of potential GCW habitat, 2,640 acres of potential BCV habitat and 21,086 acres of potential karst habitat (10,234 acres Karst Zones 1 & 2 and 10,852 acres Karst Zones 3 &4 as delineated by Veni (2002)).
**Currently the Covered Karst Invertebrates are not known to occur outside of Bexar County, however, it is possible that over the life of the permit, given the little known information on the distribution and occurrence of these species, that they could occur in the areas of the Bexar County Karst Zones (Veni 2002) which extend into the surrounding counties. Source: SEP-HCP 2015.

The Service has identified habitat loss and degradation as one of the primary factors threatening the survival and recovery of these species. While recent conservation initiatives sponsored by the City of San Antonio, such as the Edwards Aquifer Protection Program, have protected tens of thousands of acres in the Plan Area from future development, most of these actions do not specifically provide for the protection or management of the Covered Species. Without specific habitat protection and on-going management, the conservation value of these lands for the Covered Species may be limited. The region's few conservation actions that have specifically targeted the protection and management of endangered species are relatively small and scattered. Unfortunately, these isolated efforts may not provide for the self-sustaining ecosystem processes that naturally maintain endangered species habitats. One objective of the SEP-HCP is to design and implement a regional conservation program that focuses on protection and long-term management of endangered species habitat while supporting the conservation of other regionally important natural resources.

1.2.2 Expedite the Incidental Take Permitting Process

The process for obtaining an ITP from the Service can be expensive and could take years to complete. One of the benefits of the SEP-HCP is that it reduces the number of steps and time required to complete the individual permitting process. The SEP-HCP will provide a significant time savings for development projects in the Enrollment Area that require a permit (**Figure 1-2**).

Figure 1-2: Permitting Process – Without a HCP vs. With a HCP

Source: SEP-HCP EIS Team 2011.

1.2.3 Increase Compliance with ESA

As the population and employment in Bexar County continues to grow, land development will occur to accommodate this growth. The need for an ITP is based on the development expected to occur in the Enrollment Area that has the potential to result in take of the Covered Species. In applying for an ITP directly from the Service, the developer is responsible for all legal and consultation fees, costs for scientific studies and environmental documentation, and the cost of implementing the agreed upon mitigation measures; these expenses can range from tens of thousands to hundreds of thousands of dollars. Some developers elect to proceed with projects without proper coordination with the Service and risk law enforcement actions that could delay completion of their projects and result in fines or imprisonment. Non-compliance with the ESA creates a situation where habitat is lost or degraded

without the benefits of the corresponding conservation measures. A benefit of the expedited compliance process associated with the SEP-HCP is that it could encourage greater compliance with the ESA.

1.2.4 Address Compatibility Issues between the Mission of Camp Bullis and the Needs of Endangered Species

The DOD identified encroaching land development and conflicts with endangered species as significant compatibility issues threatening the training mission at Camp Bullis (Cannizzo 2011). To identify solutions, the City of San Antonio, Bexar County, and Camp Bullis prepared the *Camp Bullis Joint Land Use Study* (JLUS) with the input from local stakeholders to help ensure that economic growth and land development is managed in a manner that allows the installation to achieve its mission and remain a vital contributor to the region's economy. The JLUS recommended the implementation of a HCP to help alleviate endangered species-related compatibility issues (City of San Antonio and United States Department of Defense 2009).

1.2.5 Support Economic Growth

Out of concern that compliance with the ESA could adversely affect local economies, the State of Texas formed an "Interagency Task Force on Economic Growth and Endangered Species" (Task Force). The mission of this Task Force was to provide policy and technical assistance regarding compliance with endangered species laws and to provide recommendations to local and regional governments to help ensure compliance with endangered species laws and regulations in an effective and cost efficient manner. The Task Force identified HCPs as an innovative and important conservation tool for endangered species that could help alleviate potential conflicts with the economic growth of Texas communities (Task Force 2010).

1.2.6 Involve a Diversity of Stakeholders and Seek Partnerships

The Applicants emphasized the need to seek input and achieve support from a wide spectrum of stakeholders during development and implementation of the SEP-HCP. Some of the guiding principles used to involve a diversity of stakeholders and foster partnerships were:

1. Include a broad spectrum of stakeholder interests on advisory committees and teams.
2. Convene advisory groups after permit issuance to provide feedback on SEP-HCP implementation.
3. Enable and encourage formal, but flexible, partnerships with other jurisdictions to cooperate on SEP-HCP administration and implementation in regionally-appropriate ways.
4. Share research results, monitoring data and other planning information with the public to the extent practicable without compromising sensitive biological, personal, or property information.

1.2.7 Implement a Locally-appropriate and Cost-effective Habitat Conservation Plan

According to stakeholder input, the regional conservation of threatened or endangered species should be achieved by using locally-appropriate and cost-effective tools and approaches. This includes understanding local community and landowner concerns regarding endangered species habitat protection and prioritizing the use of compatible land protection tools. There are several means to achieve this goal, including:

1. Seek voluntary, willing conservation partners for endangered species habitat protection and management.
2. Provide opportunities to review the progress of the conservation project and adapt it to changing needs and circumstances over time.

3. Minimize administrative costs associated with SEP-HCP implementation through the use of efficient and effective practices.

1.2.8 Leverage Existing Conservation Resources

Within the Plan Area there are several natural preserves, such as Texas Parks and Wildlife Department's (TPWD) Government Canyon State Natural Area, which provide habitat for endangered species, as well as established programs designed to conserve open space. One way to maximize the benefits of past, present, and future conservation efforts or opportunities is to coordinate the conservation efforts of the SEP-HCP within existing programs.

1. Coordinate conservation planning for endangered species on a regional scale to take advantage of available conservation opportunities.
2. Pool conservation resources from multiple sources, as available, to achieve biologically significant, regional conservation of endangered species.
3. Compliment other conservation efforts in the region (such as aquifer protection initiatives, scenic and cultural preservation, and parkland acquisition programs) and avoid competition with complementary programs for conservation resources.

1.3 REGULATORY FRAMEWORK

1.3.1 Endangered Species Act

The ESA is intended to protect and conserve species listed as threatened or endangered and the habitats upon which they depend. The implementing regulations for the ESA are presented in Title 50, section 17 of the Code of Federal Regulations (50 CFR § 17). Section 9 of the ESA prohibits "take" of any federally listed wildlife species (16 USC 1538(a)). Take, as defined by the ESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 USC 1532(19)). Section 10(a)(1)(B) of the ESA authorizes the Service to issue an ITP for non-federal projects or activities not requiring federal authorization or funding. The permit allows for impacts to listed species, provided certain conditions are satisfied. These conditions include the preparation of a HCP outlining the measures that the recipient of the permit will undertake to minimize and mitigate "to the maximum extent practicable" the impacts of the taking of the species (ESA (10)(a)(2)(A)).

Section 7(a)(2) of the ESA requires all federal agencies, in consultation with the Service, to ensure that any action "authorized, funded, or carried out" by that agency is "not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification" of designated critical habitat. The Service's issuance of an ITP is an action subject to the provisions of section 7 of the ESA and, therefore, the Service must consult to determine whether issuance of the permit will jeopardize the continued existence of the listed species or result in the adverse modification or destruction of designated critical habitats. Section 7 requires, among other things, an analysis of direct, indirect and, cumulative effects on the listed species and effects on designated critical habitat. The results of the section 7 consultation are documented in a Biological Opinion prepared by the Service. The intra-service section 7 consultation must be concluded prior to the issuance of the ITP.

1.3.2 National Environmental Policy Act (NEPA)

The issuance of an ITP is a federal action and is, therefore, subject to NEPA. NEPA requires that federal agencies consider all reasonably foreseeable environmental impacts of their proposed actions on the human environment. NEPA also requires that the federal action agency involve and inform the public in

the decision-making process; although NEPA does not mandate a specific outcome. NEPA also established the Council on Environmental Quality (CEQ) in the Executive Office of the President to formulate and recommend national policies that ensure that the programs of the federal government promote improvement of the quality of the environment. The CEQ set forth regulations (40 CFR 1500-1508) to assist federal agencies in implementing NEPA during the planning phases of any federal action. These regulations, together with specific federal agency NEPA implementation procedures, help ensure that the environmental impacts of any proposed decisions are fully considered.

While the ESA lays out substantive requirement for compliance, NEPA sets out procedures for agencies to consider the impacts of their actions, so the scope of NEPA goes beyond that of the ESA. NEPA analyses must consider the impacts of a federal action on the human environment, such as cultural (archeological and historical), social, and economic resources, as well as the natural environment. With respect to HCPs in general, compliance with NEPA is not a direct obligation or requirement of the Applicant for the ITP. However, the Service must comply with NEPA when making its decision on the application and implementing the federal action of issuing a permit. Consequently, the appropriate environmental analyses must be conducted and documented before an ITP can be issued.

The CEQ identifies three levels of environmental review in decision-making for agency actions. Routine actions which normally do not have adverse environmental impacts may be classified as Categorical Exclusions. Agencies may prepare an Environmental Assessment in order to determine whether or not an action may have significant impacts, and if so then prepare an EIS, or it may prepare an EIS, if significant impacts are anticipated. The severity of impacts can be subjective, and may depend on public perception and controversy. The Service has determined that an EIS is appropriate for this proposed action. The final step in the EIS process is a Record of Decision (ROD).

1.3.3 Texas State Law Relevant to Regional Habitat Conservation Plans

Texas state law, as written in Chapter 83 of the Texas Parks and Wildlife Code, restricts a local government's role in developing, adopting, approving, or participating in an HCP. Among other things, state law requires the governmental entity participating in an HCP to establish a Citizens' Advisory Committee (CAC), appoint a Biological Advisory Team (BAT), comply with open records and open meetings laws, comply with public hearing requirements, provide a grievance process to CAC members, and acquire preserves by specific deadlines.

Under Chapter 83 of the Texas Parks and Wildlife Code, governmental entities participating in a HCP are prohibited from:

- Imposing any sort of regulation related to endangered species (other than regulations involving groundwater withdrawal) unless that regulation is necessary to implement a HCP for which the governmental entity was issued a federal permit (§ 83.014(a)).
- Discriminating against a permit application, permit approval, or request for utility service to land that has been designated a habitat preserve for an HCP (§ 83.014(b)).
- Limiting water or wastewater service to land that has been designated as habitat preserve (§ 83.014(c)).
- Requiring a landowner to pay a mitigation fee or set aside, lease, or convey land as habitat preserve as a condition to the issuance of a permit, approval or service (§ 83.014(d)).

In addition to the above prohibitions, Chapter 83 stipulates that the mitigation included in an HCP, including any participation fee and the size of habitat preserves, must be based on the amount of harm to each endangered species that the HCP will protect. However, after notice and hearing, an HCP (including the mitigation fees and size of any proposed preserves) may be based partially upon recovery criteria applicable to the listed species covered by the HCP (§ 83.105).

Chapter 83 also stipulates that governmental entities participating in an HCP demonstrate that adequate sources of funding exist to acquire the land for designated habitat preserves within four years of the date of permit issuance or within six years from the date of initial application, or the voters must have authorized bonds or other financing in an amount equal to the estimated cost of acquiring all of the land needed for habitat preserves within that time frame (§83.013). The deadline is calculated from the time a particular parcel is designated as proposed habitat preserve, a provision that may allow governmental entities flexibility to acquire preserves on a phased basis as the HCP is implemented.

Finally, Chapter 83 imposes a requirement that before adopting an HCP, amendment, ordinance, budget, fee schedule, rule, regulation, or order with respect to an HCP, the Applicants must hold a public hearing and publish notice of such hearing in the newspaper of largest general circulation in the counties in which the Applicants proposes the action. Such notice must include a brief description of the proposed action and the time and place of the public hearing on the proposed action. The Applicants must publish notice in accordance with the foregoing requirements, and must do so not later than the thirtieth day prior to the public hearing (§83.019).

1.4 DECISION NEEDED

Section 10(a)(1)(B) requires that the Service determine, after public comment, that five issuance criteria are satisfied before a permit can be issued. These criteria are: 1**)** the taking will be incidental; 2**)** the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; 3**)** the applicant will ensure that adequate funding for the plan will be provided; 4**)** the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and 5**)** other measures, if any, are required under will be met. If issuance criteria are met, the Service must issue an ITP (16 U.S.C. 1539(a)(2)(A).

CHAPTER 2

SCOPING AND PUBLIC PARTICIPATION

2.1 SCOPING

In accordance with NEPA agencies preparing an EIS shall conduct scoping as an early and open process to determine the range of issues to be addressed and to identify the significant issues related to the proposed action. As part of the scoping process, the Service invites the participation of affected federal, state, and local agencies; any affected Indian tribe; the proponent of the action; and other interested parties including those who might not be in accord with the action. NEPA requires a specific process for scoping that includes the publication of a Notice of Intent (NOI) in the *Federal Register*, a scoping meeting, and a comment period.

2.1.1 Notice of Intent

An NOI was published in the *Federal Register* on Wednesday, April 27, 2011. The Service issued this notice to advise the public that an EIS will be prepared for the SEP-HCP. A copy was posted to the SEP-HCP website (www.sephcp.com) and is included in **Appendix A**.

2.1.2 Public Scoping Meetings

Five public scoping meetings were held throughout the Plan Area between June 6, 2011 and June 14, 2011 to engage the community, share information and ask the community for their input (**Table 2-1**). The meetings provided opportunities for the public to learn about and comment on the EIS as it was being developed.

Kerrville, TX – June 13, 2011

Photo Credit: SEP-HCP EIS Team 2011.

Table 2-1: Dates and Locations of Public Scoping Meetings

Date	City	Location
June 6, 2011	Bandera, TX	Silver Sage Corral Great Room, 803 Buck Creek Drive
June 7, 2011	Boerne, TX	Boerne Convention Center, 820 Adler Road
June 9, 2011	Blanco, TX	Old Blanco County Courthouse, 300 Main Street
June 13, 2011	Kerrville, TX	YO Ranch Conference Center, 2033 Sidney Baker
June 14, 2011	Helotes, TX	Helotes Ag Activity Center, 12132 Leslie Road

Source: SEP-HCP EIS Team 2011.

2.1.3 Outreach

Meeting announcements were published in the *Blanco County News*, *Helotes Echo*, *Kerrville Daily Times*, *Bandera Bulletin*, *San Antonio Express News*, *La Prensa* (Spanish), *Hondo Anvil Herald* and *Boerne Star*. These announcements were published the week of May 16, 2011, the week of May 30, 2011, and again the week of June 6, 2011. Meeting details were also posted to several websites

including the SEP-HCP project website and websites managed by the Service, the Hill Country Alliance, and the Texas Water Development Board.

Members of the CAC, BAT, and the AOG were also sent invitations to the public scoping meetings. These notifications served as an invitation to interested stakeholders to become involved in the scoping process for the EIS. All meeting announcements and Scoping Meeting materials can be found in **Appendix B**.

Helotes, TX – June 14, 2011

Photo Credit: SEP-HCP EIS Team 2011.

2.1.4 Attendance

A total of 211 people attended the five public scoping meetings, including 194 members of the public, 3 media outlets, and 14 elected officials (**Table 2-2**).

Table 2-2: Attendance

Location	Public	Media	Public Officials	Total
Bandera – Silver Sage Corral Great Room	10	0	3	13
Boerne – Boerne Convention Center	44	3	5	52
Blanco – Old Blanco County Courthouse	25	0	1	26
Kerrville – YO Ranch Conference Center	95	0	4	99
Helotes – Helotes AG Activity Center	20	0	1	21
TOTAL	194	3	14	211

Source: SEP-HCP EIS Team 2011.

2.1.5 Agency Scoping Process

In June 2011, letters were sent to federal, state and local agencies with the NOI attached requesting comments by August 22, 2011, on the potential resources that could be affected or issues that could arise by the issuance of the permit. The letter is included in **Appendix E**. The following agencies received a copy of this letter.

- Bexar Metropolitan Water District
- Edwards Aquifer Authority
- Federal Emergency Management
- Federal Highway Administration
- General Services Administration
- Guadalupe-Blanco River Authority
- Railroad Commission of Texas
- San Antonio Water Systems
- Texas Attorney General's Office
- Texas Commission on Environmental. Quality
- Texas Department of Agriculture
- Texas Department of Transportation
- Texas Division of Emergency Management

- Texas General Land Office
- Texas Parks and Wildlife Department
- Texas State Soil and Water Conservation Board
- Texas Water Development Board
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture – Natural Resources Conservation Service
- U.S. Department of Housing & Urban Development
- U.S. Department of the Air Force – Randolph Fir Force Base
- U.S. Department of the Army - Fort Sam Houston
- U.S. Environmental Protection Agency
- U.S. Geological Survey

2.1.6 Scoping Comments

A total of 66 comments were received during the comment period, which closed July 26, 2011. Five of the Plan Area's County Commissioners' Courts (Bandera, Blanco, Medina, Kendall, and Kerr counties) passed resolutions during the EIS scoping period for the SEP-HCP. In their resolutions the Commissioners' Courts raised concerns that the SEP-HCP is an illegal extension of the Applicant's regulatory authorities over land development into other counties. As a result of this concern, they each requested to be removed from the Plan Area and from possible future inclusion in the SEP-HCP as permittees. The Service and Applicants considered the request and the concerns and modified the plan to remove the option for these counties to become co-permittees at any time in the future. Therefore, these counties will not have to do anything to comply with this permit, nor will they receive authority to extend incidental take authorization for non-federal activities in their jurisdictions under the SEP HCP. However, conservation activities could occur in Bandera, Blanco, Medina, Kendall, Comal, Kerr, and Bexar counties. The acquisition of preserve land would only occur through private land transactions for conservation easements, Preservation Credits, and possibly fee title real estate transactions with willing landowners. This will provide willing landowners with financial benefits for maintaining habitat for listed species on their private lands.

See **Appendix B** for the comments received during the scoping process and the responses.

2.2 DRAFT EIS PUBLIC MEETINGS

2.2.1 Notice of Availability

A Notice of Availability and announcement of public meetings (NOA) was published in the *Federal Register* on Friday, December 19, 2014 (**Appendix C**). The NOA announced the availability of the draft SEP-HCP and the draft EIS for public review and comment and to announce that public meetings will be held during the comment period. The NOA and a news release were posted to the Service's Austin Ecological Services website (www.fws.gov/southwest/es/AustinTexas) and the SEP-HCP project website (www.sephcp.com). The draft EIS was made available for public review at several libraries in the Plan Area, and a link to access an electronic version of the draft EIS was distributed via the NOA and news release to county judges in the Plan Area and members of the CAC, BAT and AOG; federal, state and local agencies; and elected officials, Native American tribes with affiliations to the Plan Area, conservation organizations, and stakeholders that signed up for the SEP-HCP mailing list.

Agencies and Officials

- Bexar County
- Bandera County

- Comal County
- Edwards Aquifer Authority, Environmental Studies
- Edwards Aquifer Research and Data Center, Texas State University
- Guadalupe-Blanco River Authority
- Kendall County
- Kerr County
- Medina County
- National Park Service, Santa Fe, New Mexico
- Texas Commission on Environmental Quality
- San Antonio River Authority
- Texas Department of Agriculture
- Texas Department of Transportation
- Texas General Land Office
- Texas Parks and Wildlife Department
- Texas Water Development Board
- Texas Department of Water Resources
- Texas State University, Texas Rivers Center, River Systems Institute
- U.S. Army Corps of Engineers, Fort Worth, Texas
- U.S. Bureau of Reclamation, Austin, Texas
- U.S. Department of Agriculture
- Natural Resources Conservation Service, Temple, Texas
- Rural Utilities Service (RUS), Washington, D.C.
- U.S. Environmental Protection Agency, Region 6, Dallas, Texas
- U.S. Farmers Home Administration, Temple, Texas
- U.S. Geological Survey, Austin, Texas
- The City of San Antonio, Texas

U.S. Senators

- Senator John Cornyn
- Senator Ted Cruz

U.S. Representatives

- Congressman Francisco Canseco
- Congressman Henry Cuellar
- Congressman Lloyd Doggett
- Congressman Blake Farenthold
- Congressman Charles Gonzales
- Congressman Ruben Hinojosa
- Congressman Ron Paul
- Congressman Lamar Smith

State Senators

- Senator Glenn Hegar
- Senator Leticia Van Deputte
- Senator Carlos I. Uresti
- Senator Jeff Wentworth
- Senator Judith Zaffirini

State Representatives

- Representative Jose Aliseda
- Representative Joaquin Castro
- Representative Joe Farias
- Representative Trey Martinez Fischer
- Representative Pete P. Gallego
- Representative John V. Garza
- Representative Roland Gutierrez
- Representative Harvey Hilderbran
- Representative Todd A. Hunter
- Representative Jason Isaac
- Representative Tracy O. King
- Representative John Langston Kuempel
- Representative Lyle Larson
- Representative Ruth Jones McClendon
- Representative Jose Menendez
- Representative Doug Miller
- Representative Geanie Morrison
- Representative Joe Strauss
- Representative Mike Villarreal

Native American Tribes

- Alabama-Coushatta Tribe of Texas
- Alabama-Quassarte Tribal Town
- Apache Tribe of Oklahoma
- Caddo Nation of Oklahoma
- Comanche Nation of Oklahoma
- The Delaware Nation
- Kiowa Indian Tribe of Oklahoma
- Mescalero Apache Tribe
- Seminole Nation of Oklahoma
- Tonkawa Tribe of Indians of Oklahoma
- Wichita and Affiliated Tribes

Conservation Organizations

- Gulf States National Resource Center
- San Antonio Audubon Society
- San Marcos River Foundation
- Sierra Club
- Sportsmen Conservationists of Texas
- Texas Nature Conservancy
- Texas Farm Bureau

2.2.2 Public Meetings

Two public meetings were held, one in Helotes, Texas (February 3, 2015) and one in Kerrville, Texas (February 4, 2015). Public meeting announcements were published in *San Antonio Express News* and

Kerrville Daily Times on January 18, 2015, and meeting information was published on the Service's Austin Ecological Services website and the SEP-HCP project website.

The public meetings provided the public an opportunity to view the draft EIS and SEP-HCP, a series of exhibits, and project staff was available to answer questions. A presentation was given from approximately 5:30 p.m. to 6:30 p.m. and was followed by an informal open house. A total of 57 people attended the meeting in Helotes and 76 people attended the meeting in Kerrville. See **Appendix C** for the public meeting materials.

2.2.3 Public Meeting Comments

Official comments were received at the meetings orally via a court reporter and in writing via comment cards. Official comments were also received via the project website, email, U.S. mail, and www.regulations.gov. The comment period closed on March 19, 2015. A total of 111 comments were received during the comment period; 44 comments provided feedback on the draft SEP-HCP, 22 comments provided feedback on the draft EIS, and 45 comments provided feedback on both documents. A transcript of all comments received as well as responses can be found in **Appendix D**.

2.3 SEP-HCP WEBSITE

The SEP-HCP website, www.sephcp.com, is the repository of all information concerning the development and activities involved in the SEP-HCP project and the NEPA process. Documents, such as the draft SEP-HCP, draft EIS, technical reports, maps, public notices, project management and guidance documents, press and media coverage, and other links are included, in addition to a calendar of events, details about the project committees, and a page with project contact information and a place to leave a comment. The dedicated EIS page includes all materials from the public scoping process and the public meetings.

2.4 TRIBAL CONSULTATION

In order to initiate consultation with American Indian tribes that may have an interest in resources within the 7-county Plan Area, the Texas Historical Commission's web-site was consulted (THC 2015). The website includes a list of federallyrecognized Native American tribes affiliated with Texas, and eight tribes have provided maps exhibiting counties with tribal cultural affiliations. The list identifies 11 tribes with cultural affiliation to the 7-county Plan Area. A letter was sent to each of the tribes to initiate consultation. One tribe responded to the letter (the Caddo Nation of Oklahoma). According to the tribal response, the project is in the Caddo Nation area of interest; however, it does not impact sites of interest to the Caddo Nation. The letter and a list of contacted tribes are in **Appendix F**.

2.5 SEP-HCP PERMIT APPLICATION

Anyone wishing to review the SEP-HCP permit application may request a copy by writing the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4012, Albuquerque, NM 87103.

CHAPTER 3
ALTERNATIVES

3.1 ALTERNATIVES DEVELOPMENT PROCESS

The identification and evaluation of alternatives was informed through active community and public agency involvement. The alternative analysis process for the SEP-HCP involved input from the BAT, CAC, and AOG. The CAC adopted a charge which included:

- Recommend overall vision, goals and objectives of the SEP-HCP, including assistance with the recovery of threatened and endangered species; and reducing the associated pressures on Camp Bullis and aid in maintaining its training mission.
- Recommend a preferred alternative for each of the SEP-HCP major framing issues:
    - Boundaries of the Plan Area
    - Species to be covered for incidental take
    - Activities to be covered by incidental take
    - Conservation strategies
    - Funding strategies
- Recommend the form and level of mitigation required of plan participants, and the methods for determining such requirements.
- Recommend a plan for consideration by Bexar County and the City of San Antonio prior to its submittal to the Service as the basis for a permit application.

The CAC could not reach consensus on a single set of recommendations.

The BAT was responsible for advising the project Applicants on technical matters relating to the biology and conservation of the species and habitats addressed in the SEP-HCP. The BAT's charge included:

- Providing input to the project Applicants and the CAC on biological matters in connection with the development of the SEP-HCP, including critical review of any aspect of the SEP-HCP directly or indirectly affecting the biological integrity of the plan.
- As required by Chapter 83 of the Texas Parks & Wildlife Code, the BAT also assisted in the:
    - Calculation of harm to the endangered species
    - The sizing and configuring of the habitat preserves
- Comments and recommendations from the BAT were based on the best available science.

BAT recommendations were used to develop Action Alternatives. Moreover, the BAT recommendations and CAC deliberations were used to construct the Proposed SEP-HCP Alternative as a compromise among various interests. Therefore, BAT recommendations and CAC input were integral to the development of a preferred alternative. For example, the BAT recommended and the CAC adopted the Plan Area, Covered Activities, permit duration, and Covered Species. The BAT recommendations are contained in Section 14.4 of the SEP-HCP and other discussions among CAC members, particularly during a workshop, are described in Chapter 3.2 below.

Through the AOG, the Service provided oversight and concurrence on the development and evaluation of the alternatives in the SEP-HCP, which were carried forward into the EIS. Variables considered for each alternative include: 1) the Plan Area, the Enrollment Area, and the area where the preserve system could be located; 2) the amount of incidental take that would be requested for each of the Covered Species in the plan; 3) the conservation needs for each species, including mitigation ratio, preserve size, preserve distribution, preservation credit criteria, and participation fees; and 4) an estimated budget for implementing the alternative.

The alternatives considered during development of the SEP-HCP were initially identified from a review of other HCP models used in Texas and elsewhere across the country. These models include two general approaches for mitigating impacts to Covered Species: regulatory programs and pre-determined preserves.

3.1.1 Regulatory Programs

One approach for structuring an HCP is based on regulations designed to either require or provide an incentive for the conservation of an endangered species. This approach is not a realistic option for the SEP-HCP because Texas counties have limited authority to regulate land use, pursuant to the Texas Constitution. In addition, Chapter 83 of the Texas Parks and Wildlife Code contains a number of specific limitations on the authority of local government to regulate activities for the benefit of endangered species. For example, section 83.014 of the Texas Parks and Wildlife Code prohibits governmental entities from imposing a "regulation, rule, or ordinance related to endangered species unless the regulation, rule, ordinance is necessary to implement [an HCP] for which the governmental entity was issued a Federal Permit." The only exception to this prohibition is for regulations that involve groundwater withdrawal. A government entity also is prohibited from discriminating against a permit application, and is prohibited from denying a request for utility, water, or wastewater service to land that has been designated a habitat preserve for an HCP or as critical habitat for endangered species. Finally, governmental entities are precluded from requiring that a landowner pay a mitigation fee or take any other action as a condition for obtaining a government approval not related to the HCP. In short, a county's ability to pass regulations for the purpose of protecting endangered species is extremely limited; therefore, the regulatory approach was not considered a model for the SEP-HCP.

3.1.2 Pre-determined Preserves

Under the pre-determined preserve model, the HCP would identify and delineate a target area for preserve acquisition that may or may not be owned by an applicant. Implementing this approach would trigger several provisions of Texas state law related to development of HCPs by local governments. Within this pre-determined target area, an applicant would agree to acquire or otherwise protect a certain amount of habitat for the species covered by the plan. Development would be allowed outside the designated target area, through participation in the HCP or through individual ESA incidental take authorizations. Projects on land within the target area would not be allowed to participate in the HCP, but could seek ESA incidental take authorizations directly from the Service. This type of plan is premised on protecting an appropriate amount of high-quality habitat up-front, such that the impacts of development in the remainder of the Enrollment Area (up to the limit of authorized take) would be adequately minimized and mitigated and the continued existence of the species would not be jeopardized. The Balcones Cayonlands Conservation Plan in Travis County, Texas, and the Riverside County and San Diego Multi-species Conservation Plans, California, are examples of HCPs based on this model. Under current Texas state law an applicant would be required to acquire targeted properties within six years of permit issuance. This would mean that an applicant would need to have agreements with

willing landowners and all of the funding in place within the first few years, if not before the issuance of the permit, to accomplish this goal. This would not be a practicable option for the Applicants; therefore, the pre-determined preserve approach was not used for the SEP-HCP.

3.1.3 The Action Alternatives

Alternative development was an iterative process involving making changes to one variable, and reviewing the effects to other variables. Employing this method of changing a variable and reviewing how its resulting affects meet the purpose and need resulted in numerous alternatives that were suggested and refined. The first pre-application draft of the SEP-HCP proposed 10 Preliminary Alternatives, including the No Action Alternative. These 10 Preliminary Alternatives were presented to agencies, project stakeholders, and the public through a series of scoping meetings held throughout the Plan Area during the month of June 2011 (see **Chapter 2 – Public Scoping and Participation** for more information).

The input received during the scoping process helped to further refine the 10 Preliminary Alternatives into 4 Action Alternatives. Key factors that played a role in removing some of the alternatives include: (1) counties in the Plan Area formally requesting to be removed from the Enrollment Area of the SEP-HCP and declining the opportunity to opt-in to the SEP-HCP in the future; and (2) the City of San Antonio requested that its city limits, ETJ, and the area where its ETJ will likely expand over the 30 year timeframe of the SEP-HCP be added to the Enrollment Area. Based on this feedback and comments received during scoping several of the Preliminary Alternatives were modified and several were eliminated from further consideration. Four Action Alternatives and the No Action Alternative were advanced for consideration in this EIS.

3.2 ALTERNATIVES CONSIDERED BUT REJECTED FROM FURTHER STUDY

Of the 10 Preliminary Alternatives identified, five action alternatives were eliminated from further study based on preliminary screening. These five alternatives are: 1) Proposed SEP-HCP Full Implementation, 2) First Draft Alternative, 3) CAC Workshop Alternative, 4) Limited Karst Alternative, and 5) Complete Coverage Alternative. **Table 3-1** provides detailed information on each of the alternatives eliminated from further study using the same parameters used in the alternatives promoted for further study, includinghe Plan Area, Covered Species, Incidental Take Request in acres, Mitigation Measures by species, and the Estimated Budget. The brief description of attributes and the rationale for eliminating each of these alternatives is given below.

3.2.1 SEP-HCP Full Implementation

The SEP-HCP Full Implementation Alternative covers Bexar County and the City of San Antonio, including its future ETJ, and also allocates an amount of incidental take for impacts outside of Bexar County that may be accessed if one or more other jurisdictions outside of Bexar County opt to become formal SEP-HCP Partners. This alternative authorizes incidental take of 12,000 acres for GCWA, 4,000 acres for BCVI, and 15,800 acres of karst zones 1 though 4 for seven listed karst invertebrates across a 7-county Plan Area. The SEP-HCP Full Implementation Alternative does not authorize incidental take of two listed karst invertebrates, *C. baronia* and *T. cokendolpheri,* that only occur in the fully developed Alamo Heights Karst Fauna Region.

The amount of incidental take allocated to the SEP-HCP Full Implementation Alternative represents approximately 50 percent of the estimated GCWA and BCVI habitat losses within Bexar County over 30 years and approximately 33 percent of the estimated habitat losses for these species in other Plan

Table 3-1: SEP-HCP Alternatives Eliminated from Further Study

October 2015

	Proposed SEP-HCP Full Implementation	First Draft Alternative	CAC Workshop Alternative	Limited Karst Alternative	Complete Coverage Alternative
PLAN AREA					
Participation Area	Bexar County plus the jurisdictions of other formal SEP-HCP Partners that have "opted in" to the Plan's participation process	6 counties: Bexar, Medina, Bandera, Kerr, Kendall, and Blanco	Bexar County plus the jurisdictions of other counties (excluding Comal) that have "opted in" to the Plan's participation process	Bexar County plus the jurisdictions of other formal SEP-HCP Partners that have "opted in" to the Plan's participation process	6 counties: Bexar, Medina, Bandera, Kerr, Kendall, and Blanco
Conservation Actions	7counties: Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal	7counties: Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal	7counties: Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal	7counties: Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal	7counties: Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal
COVERED SPECIES					
	GCWA, BCVI, 7 Listed Karst Invertebrates	GCWA, BCVI, and 9 Listed Karst Invertebrates	GCWA, BCVI, and 9 Listed Karst Invertebrates	GCWA, BCVI, 3 Listed Karst Invertebrates	GCWA, BCVI, and 9 Listed Karst Invertebrates
INCIDENTAL TAKE REQUEST					
GCWA *(acres of habitat loss or degradation within Enrolled Properties)*	12,000 ac	12,000 ac	11,800 ac (Bexar County capped at 7,500 ac)	12,000 ac	28,000 ac
BCVI *(acres of habitat loss or degradation within Enrolled Properties)*	4,000 ac	4,000 ac	3,800 ac (Bexar County capped at 2,400 ac)	4,000 ac	9,400 ac
Listed Karst *(acres of Karst Zone 1-4 within Enrolled Properties and the number of associated occupied karst features)*	7,700 ac (Z1&2) 8,100 ac (Z3&4) 37 occupied features	7,800 ac (Z1&2) 8,700 ac (Z3&4) 37 caves	7,800 ac (Z1&2) 8,700 ac (Z3&4) 37 caves	7,700 ac (Z1&2) 8,100 ac (Z3&4) 37 occupied features	52,000 ac (Z1&2) 57,500 ac (Z3&4) 249 caves
MITIGATION MEASURES					
GCWA					
Mitigation Ratio	2 : 1 direct impact 0.5 : 1 indirect impact	2 : 1 direct impact 0.5 : 1 indirect impact	2 : 1 direct impact 0.5 : 1 indirect impact	2 : 1 direct impact 0.5 : 1 indirect impact	3 : 1 direct impact (Bexar County) 2 : 1 direct impact (rural counties) 0.5 : 1 indirect impact
Preserve Size	30,000 ac	30,000 ac	29,500 ac	30,000 ac	89,000 ac

October 2015

	Proposed SEP-HCP Full Implementation	First Draft Alternative	CAC Workshop Alternative	Limited Karst Alternative	Complete Coverage Alternative
Preserve Distribution	Anticipated to be in mostly rural areas	Goal for 5,000 ac in/adjacent to Bexar County with the remaining 25,000 in rural areas	Require up to 5,000 ac in Bexar County with remaining 24,500 ac in rural areas	Anticipated to be in mostly rural areas	Commitment to acquire at least 60% in/adjacent to Bexar County (53,400 ac) with no more than 40% in rural counties (35,600 ac)
Credit Fee	$4,000 per credit ($8,000 per acre of direct loss)	$5,000 per credit ($10,000 per acre of direct loss)	$4,000 per credit ($8,000 per acre of direct loss)	$4,000 per credit ($8,000 per acre of direct loss)	$5,000 per credit (calculates to $15,000 per acre of direct loss in Bexar County and $10,000 per acre of direct loss outside Bexar County)
<u>BCVI</u>					
Mitigation Ratio	2 : 1 direct impact 0.5 : 1 indirect impact	1 :1 direct impact 0.5 : 1 indirect impact	2 : 1 direct impact 0.5 : 1 indirect impact	2 : 1 direct impact 0.5 : 1 indirect impact	2 :1 direct impact 0.5 : 1 indirect impact
Preserve Size	10,000 ac	5,000 ac	9,500 ac	10,000 ac	23,400 ac
Preserve Distribution	Anticipated to be mostly in rural areas	Anticipated to be mostly in rural areas	Anticipated to be mostly in rural areas	Anticipated to be in mostly rural areas	Anticipated to be mostly in rural areas
Credit Fee	$4,000 per credit (calculates to $8,000 per acre of direct loss)	$5,000 per credit (calculates to $5,000 per acre of direct loss)	$4,000 per credit (calculates to $8,000 per acre of direct loss)	$4,000 per credit (calculates $8,000 per acre of direct loss)	$5,000 per credit (calculates to $10,000 per acre of direct loss)
<u>Listed Karst Invertebrates</u>					
Conservation Goal	1x of preserves needed to achieve draft downlisting criteria for most species	2x of preserves needed to achieve draft downlisting criteria for most species	2x of preserves needed to achieve draft downlisting criteria for most species	1x of preserves needed to achieve draft downlisting criteria for the 3 relatively common listed karst species	2x of preserves needed to achieve draft downlisting criteria for all species
Preserve Size	Approx. 1,000 ac of new preserves; based on acquisition of 3 new karst preserves in each of 5 KFRs	Approx. 2,400 acres of new preserves; based on acquisition of 6 new karst preserves in each KFR	Approx. 2,400 acres of new preserves; based on acquisition of 6 new karst preserves in each KFR	Approx. 1,000 acres of new preserves; based on acquisition of 1 high quality and 2 medium quality karst preserves in each of 5 KFRs comprising the range of these species	Approx. 4,800 acres of new preserves; based on acquisition of 12 new karst preserves in each KFR
Preserve Distribution	Distributed across Bexar County Karst Zones	Distributed across Bexar County KFRs	Distributed across Bexar County KFRs	Distributed across Bexar County KFRs, excluding the Alamo Heights KFR	Distributed across Bexar County KFRs

October 2015

	Proposed SEP-HCP Full Implementation	First Draft Alternative	CAC Workshop Alternative	Limited Karst Alternative	Complete Coverage Alternative
Participation Fees	Avoidance required 750 ft from feature until regional downlisting criteria achieved OCZ B (345 to 750 ft buffer) = $40,000 OCZ A (0 to 345 ft buffer) = $400,000	Avoidance required 345 ft from feature until regional downlisting criteria achieved Karst Zone 3 & 4 = $100 per acre Karst Zone 1 & 2 = $500 per acre OCZ B (0 to 150 ft) = $40,000 OCZ A (150 to 345 ft) = $400,000	Avoidance required 345 ft from feature until regional downlisting criteria achieved Karst Zone 3 & 4 = $100 per acre Karst Zone 1 & 2 = $500 per acre OCZ B (0 to 150 ft) = $40,000 OCZ A (150 to 345 ft) = $400,000	Avoidance required 750 ft from feature until regional downlisting criteria achieved OCZ B (345 to 750 ft buffer) = $40,000 OCZ A (0 to 345 ft buffer) = $400,000	Avoidance required 345 ft from feature until regional downlisting criteria achieved Karst Zone 3 & 4 = $100 per acre Karst Zone 1 & 2 = $500 per acre OCZ B (0 to 150 ft) = $40,000 OCZ A (150 to 345 ft) = $400,000
Special Conditions for Features Discovered During Construction	Stop construction for at most 7 days within 50 ft of feature to allow for Plan-sponsored investigations.	Stop construction for at least 1 week within 345 ft of feature and determine if feature contains listed species (including genetic analysis for taxanomic identification, if necessary); consult with Service if feature contains any one of the 6 very rare listed karst species; additional conservation measures may be required.	Stop construction for at least 1 week within 345 ft of feature and determine if feature contains listed species (including genetic analysis for taxanomic identification, if necessary); consult with Service if feature contains any one of the 6 very rare listed karst species; additional conservation measures may be required.	Stop construction for at most 7 days within 50 ft of feature to allow for Plan-sponsored investigations.	Stop construction for at least 1 week within 345 ft of feature and determine if feature contains listed species (including genetic analysis for taxanomic identification, if necessary); consult with Service if feature contains any one of the 6 very rare listed karst species; additional conservation measures may be required.
ESTIMATED BUDGET (alternatives rounded to nearest $10,000)					
Plan Costs					
Preserve Acquisition Costs	$202,219,107	$437,600,000	$448,040,000	$202,220,000	$2,248,170,000
Plan Administration	$13,758,935	$14,360,000	$15,750,000	$13,760,000	$47,580,000
Preserve Mgt. and Monitoring	$51,819,272	$50,480,000	$60,130,000	$51,820,000	$187,510,000
Other Conservation Measures	2,717,610	$2,820,000	$3,050,000	$2,720,000	$8,350,000
Contingency Fund Contributions	$2,200,825	$1,940,000	$2,600,000	$2,200,000	$8,440,000
Mgt. Endowment Contributions	$95,781,667	$92,950,000	$112,170,000	$95,780,000	$352,070,000
Total Estimated Plan Costs	$368,497,418	$600,150,000	$641,740,000	$368,500,000	$2,852,120,000
Plan Revenues					
Participation Fee					
Application Fees	$53,501	$50,000	$50,000	$50,000	$250,000
GCWA Credit Sales	$161,512,827	$201,890,000	$158,820,000	$161,510,000	$597,260,000
BCVI Credit Sales	$53,837,609	$33,650,000	$51,150,000	$53,840,000	$159,830,000
Karst Participation Fees	$4,449,737	$13,140,000	$13,140,000	$4,450,000	$68,540,000

October 2015

	Proposed SEP-HCP Full Implementation	First Draft Alternative	CAC Workshop Alternative	Limited Karst Alternative	Complete Coverage Alternative
Total Participation Fee Revenue	$219,853,674	$248,730,000	$223,160,000	$219,850,000	$825,880,000
Public Funding					
Bexar County	$74,196,092	$175,600,000	209,180,000	$74,200,000	$1,013,080,000
Bexar County TID%	2.4%	5.7%	6.8%	2.4%	32.8%
City of San Antonio	$74,196,092	$175,600,000	209,180,000	$74,200,000	$1,013,080,000
City of San Antonio TID%	1.8%	4.3%	5.1%	1.8%	24.5%
GCWA Credit Savings	$251,560	$220,000	220,000	$250,000	$100,000
Total Public Funding	$148,643,744	$351,420,000	418,580,000	$148,650,000	$2,026,260,000
Total Estimated Plan Revenues	$368,497,418	$600,150,000	$641,750,000	$368,500,000	$2,852,130,000
% Participation Fees	60%	41%	35%	60%	29%
% Public Funding	40%	59%	65%	40%	71%

Area counties over 30 years. The amount of incidental take allocated for the Covered Karst Invertebrates represents approximately 15 percent of the area of potential karst habitat (and the estimated number of associated occupied karst features) that would be affected by new development over 30 years.
Impacts to GCWA and BCVI habitat are assessed on the basis of the area of potential habitat that occurs within and adjacent to the boundaries of voluntarily enrolled properties. Compensation for direct impacts to this habitat are assessed at a rate of two acres of mitigation for each acre impacted and indirect impacts are assessed at a rate of 0.5 acre of mitigation for each acre impacted. Participants purchase GCWA or BCVI conservation credits that are created by the SEP-HCP Administrator from acres of habitat protected in SEP-HCP preserves, whereby each acre of protected habitat yields one conservation credit. Credits will be sold for $4,000 per credit, which corresponds to $8,000 per acre of habitat directly impacted and $2,000 per acre of habitat indirectly impacted.

It is assumed that the GCWA and BCVI preserve systems will include some areas of non-habitat buffers and that the SEP-HCP Administrator will purchase 25 percent more land than it needs to generate the appropriate number of conservation credits. Therefore, at full implementation, the GCWA and BCVI preserve systems will include approximately 40,000 acres protected and managed for those species in perpetuity. The SEP-HCP Full Implementation Alternative assumes that the GCWA and BCVI preserve systems will be composed of large tracts acquired in relatively rural parts of the Plan Area.

Impacts to the Covered Karst Invertebrates will be assessed based on the distance of Covered Activities from known occupied karst features that occur within or adjacent to voluntarily enrolled properties. Unless and until the Service's draft downlisting criteria have been met for the Covered Karst Invertebrates occurring within a particular karst feature, evaluated on a region-by-region basis, Plan Participants will be required to avoid conducting Covered Activities within 750 feet of that occupied feature. If the draft downlisting criteria have been met for those species in that region, then compensation for incidental take would be assessed by participation fees of $40,000 for impacts between 345 to 750 feet of the feature entrance and $400,000 for impacts within 345 feet of the feature entrance. Plan Participants would be required to avoid conducting Covered Activities within designated Critical Habitat until the draft downlisting criteria for the affected species were met range-wide. Participants would be fully covered for incidental take of the Covered Karst Invertebrates that might occur as a result of activities conducted beyond 750 feet of the entrance to a known occupied karst feature, including any take associated with any previously unknown features encountered during construction. The SEP-HCP Full Implementation Alternative budgets for the acquisition and perpetual management of approximately 1,000 acres of new karst preserves, with an emphasis on acquiring new preserves that help achieve any unmet draft downlisting criteria for the Covered Karst Invertebrates. Given the location of potential karst habitats, it is assumed that these acres will be acquired in relatively urban parts of Bexar County.

This alternative is designed to meet the purpose and need and the biological goals and objectives for the Covered Species in a manner that is consistent with the issuance criteria for an incidental take permit under Section 10 of the ESA. Private and public funding levels are practicable and are likely to win political support from the Project Sponsors and encourage robust levels of voluntary participation; however, since five of the seven counties in the Plan Area formally requested to be removed from the Enrollment Area of the SEP-HCP and declined the opportunity to opt-in to the SEP-HCP, this alternative was eliminated from further consideration.

3.2.2 First Draft Alternative

The First Draft Alternative covers 12,000 acres of incidental take associated with the GCWA, and 4,000 acres associated with the BCVI, and all nine of the Bexar County listed karst invertebrates within a 7-county plan area (Table 3-1). The amount of incidental take authorization allocated to the First Draft Alternative would be similar to the amount allocated to the SEP-HCP Full Implementation Alternative; however, slightly more take authorization would be allowed for the karst invertebrates to address the additional two species occurring in the Alamo Heights Karst Fauna Region.

Participation in the First Draft Alternative would initially be limited to properties located within Bexar County or within any of the adjacent SEP-HCP sectors (excluding those sectors covering Comal County), unless or until other jurisdictions outside of Bexar County opt to become formal plan partners. However, the full amount of the plan's take authorization could be utilized within the initial Enrollment Area, even if no other jurisdictions become formal plan partners.

The First Draft Alternative would include reduced mitigation ratios for direct impacts to BCVI habitat and increased fees for GCWA and BCVI conservation credits. The First Draft Alternative also included a biological objective to acquire approximately 5,000 new acres of GCWA preserve within Bexar County or the adjacent SEP-HCP sectors (largely high-growth, suburban areas), which would be provided for in the funding plan.

With respect to the listed karst species, the First Draft Alternative would cover incidental take within 345 feet of a known occupied feature after regional downlisting criteria have been met for the affected species, but would require special conditions with potentially severe restrictions (including indefinite stoppage of covered activities and additional Service consultation) if participants encountered other karst features during construction. The First Draft Alternative would only cover take within designated critical habitat after two times the regional draft downlisting criteria were achieved for the affected species. Participation fees would be assessed for per acre impacts to potential karst zone habitat, in addition to fees for impacts within occupied cave zones (including 0 to 150 feet of a cave footprint and 150 to 345 feet of a cave footprint). The target size of the karst preserve system for the First Draft Alternative would be 2,400 acres, or approximately two high quality and four medium quality karst preserves in each of the six Karst Fauna Regions.

The First Draft Alternative does not adequately create a streamlined process for achieving ESA compliance for the Covered Karst Invertebrates, which is an important purpose for seeking a regional habitat conservation plan. The enrollment process for listed karst invertebrates would involve a complicated process of reevaluating the current status of the affected species with each new application and exposed participants in full compliance with their participation agreements to potentially indefinite suspensions of covered activities and additional consultation with the Service (see Table 3.1 for a list of these special conditions). These measures would have substantially eroded a participant's regulatory assurances in ways that conferred little benefit to the participant for having voluntarily enrolled in the plan. Therefore, this alternative was dismissed from further analysis.

3.2.3 CAC Workshop Alternative

The CAC Workshop Alternative is based on the First Draft Alternative, with the following adjustments: slightly reduced amount of maximum incidental take authorization (Table 3-1), a cap on the amount of incidental take authorization for the GCWA and BCVI that could occur in Bexar County, an increase to 2:1 for BCVI mitigation ratios, and a decrease in participation fees for GCWA and BCVI.

This alternative received tentative approval from the SEP-HCP's CAC members who participated in a day-long facilitated workshop held on June 15, 2011. However, the alternative did not receive official approval from the CAC at their July 11, 2011 meeting. As with the First Draft Alternative, the CAC Workshop Alternative would not provide a streamlined ESA compliance mechanism for karst species and would not have provided reliable regulatory assurances to voluntary plan participants. The enrollment process to take karst species will involve a re-evaluation of the current status of affected species with each new application, and additional USFWS consultation which could result in indefinite suspension of covered activities. This alternative was eliminated in favor of another CAC alternative which included increased mitigation (The Increased Mitigation Alternative).

3.2.4 Limited Karst Species Alternative

The Limited Karst Species Alternative is based on the SEP-HCP Full Implementation Alternative; however, it only includes incidental take authorization for the GCWA, BCVI, and three of the least rare listed karst invertebrates (*C. madla, R. infernales,* and *R. exilis*). Coverage would not be provided for any of the other six rarer listed karst invertebrates. Under this alternative, potential participants would need to demonstrate that their projects would not impact any of the six karst species not addressed by the plan. The participation process for this alternative would require participants to conduct karst faunal surveys in all caves and voids encountered in a project area, including features accidentally discovered during construction. Participants would be required to consult directly with the Service any time that non-covered karst species were found in, or were known to occur near their project area. Participants and the Service would determine on a case-by-case basis the most appropriate way to avoid taking the non-covered karst species or initiate a separate consultation to cover incidental take of those species not covered by the plan.

Like the karst enrollment process for the First Draft Alternative, the Limited Karst Species Alternative would substantially erode a participant's regulatory assurances in ways that confer little benefit to the participant for having voluntarily enrolled in the plan. Therefore, this alternative does not meet an important purpose for seeking a regional plan and it may not meet the Service's standards for issuance of an incidental take permit, so it was eliminated from further consideration.

3.2.5 Complete Coverage Alternative

The Complete Coverage Alternative is generally based on the First Draft Alternative, but assumes that all projected habitat losses for the GCWA, BCVI, and all nine listed karst invertebrates within the plan area over 30 years are covered for incidental take by the plan. This alternative would seek to achieve full compliance with the ESA for all anticipated habitat losses across the plan area over the next 30 years. The Complete Coverage Alternative also assumes that the conservation program achieves the equivalent of regional or range-wide recovery for all of the covered species. Detailed elements of the Complete Coverage Alternative are presented in Table 3-1.

To implement this alternative, it is assumed that participation in the plan would either be mandatory through a new regulatory process or that substantial public funding would be needed to provide automatic coverage for plan area residents, without relying on a voluntary enrollment process.
The level of mitigation proposed for the Complete Coverage Alternative and the target preserve sizes are based on the recommendations of the SEP-HCP's Biological Advisory Team (BAT) for the amount of conservation needed to achieve or substantially contribute to the recovery of these species. This alternative would also require at least 60 percent of the GCWA mitigation to be located in Bexar County

or within five miles of the county boundary.
The complete coverage alternative would require a level of funding that far exceeds the maximum extent practicable, both with respect to the fees assessed to individual participants and for the amount of public revenue needed to adequately ensure sufficient funding and, therefore, was not considered practicable and was eliminated from further study.

DESCRIPTION OF ALTERNATIVES CONSIDERED FOR DETAILED STUDY

3.2.6 No Action Alternative

NEPA regulations (section 1502.14(d)) require an EIS to include an alternative of no action. No action means "the proposed activity would not take place and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward" (CEQ 1981). The No Action Alternative is defined as the conditions that can be expected if the Service does not issue an ITP to the Applicants for the SEP-HCP.

Under the No Action Alternative, compliance with the ESA will continue to occur on an individual basis through project-specific consultations with the Service. Local governments, business entities, private landowners, and others will independently determine whether or not ESA permitting is necessary for a project and, if needed, will work with the Service to obtain authorization for incidental take. Individual permitting actions will occur at the level and scope of an individual project. Mitigation requirements will be individually negotiated with the Service based on the level of impact to listed species and the maximum practicable mitigation options available to each individual applicant.

Individuals seeking an ITP from the Service for non-federal actions will prepare their own HCP and the Service will have to comply with NEPA on each ITP. Assembling the necessary project-related and species information, negotiating the details of the conservation program, and preparing the required documentation to apply for an ITP can take several years, depending on the circumstances of the individual project. The preparation of the appropriate documentation to support an individual permit application may require the developer to hire professional services including: biologists, NEPA professionals, legal counsel, and real estate professionals. Each application for incidental take will be individually reviewed before the issuance of a permit. Developers will be responsible for bearing all the costs of preparing the individual permit application package.

3.2.7 Common Characteristics of the Action Alternatives

The four Action Alternatives share several common characteristics:

ITP Process - All four Action Alternatives are an alternate means to comply with the ESA which will be administered by the Applicants.

Covered Species - All four Action Alternatives propose the incidental take of nine federally listed endangered species.

Enrollment Area - All four Action Alternatives contemplate an Enrollment Area that includes the jurisdictions of Bexar County and the City of San Antonio including its ETJ and the area where the City of San Antonio's ETJ will likely be expanded over the 30 year timeframe of the SEP-HCP (except in Comal County). Use of the SEP-HCP's incidental take authorization will be limited to Covered Activities conducted on properties within the Enrollment Area (**Figure 1-1**).

Covered Activities: All four Action Alternatives would authorize a limited amount of incidental take of the Covered Species for otherwise lawful construction activities conducted in the Enrollment Area. Examples of different types of non-federal projects or actions that will be Covered Activities include the following:

- The construction, use, and/or maintenance of public or private land development projects, including but not limited to single- and multi-family homes, residential subdivisions, farm and ranch improvements, commercial or industrial projects, government offices, and park infrastructure;
- The construction, maintenance, and/or improvement of roads, bridges, and other transportation infrastructure;
- The installation and/or maintenance of utility infrastructure, including but not limited to transmission or distribution lines and facilities related to electric, telecommunication, water, wastewater, petroleum or natural gas, and other utility products or services;
- The construction, use, maintenance, and/or expansion of schools, hospitals, corrections or justice facilities, and community service development or improvement projects;
- The construction, use, or maintenance of other public infrastructure and improvement projects (e.g., projects by municipalities, counties, school districts); and
- The construction, use, maintenance and/or expansion of quarries, gravel mining, or other similar extraction projects.

Direct and Indirect Impacts to GCWA and BCVI Species: All acres of suitable GCWA and BCVI habitat within the boundaries of a property to be enrolled are assumed to be directly impacted by Covered Activities, unless such habitat occurs within an area where habitat will be preserved and such habitat meets a minimum set of preserve criteria. All acres of suitable GCWA and BCVI habitat located up to 300 feet outside the boundaries of a property to be enrolled are assumed to be indirectly impacted by Covered Activities. The 300 feet assumption follows the rationale and approved practices of other approved HCPs in the region (USFWS 2010) and is the measure to account for potential indirect impacts to the species from Covered Activities, since the exact extent of potential indirect habitat losses or degradations from fragmentation or edge effects is unknown. This buffer takes into account the potential indirect effects associated with Covered Activities which may be associated with construction activities or other land use practices conducted within an Enrolled Property after the authorized habitat loss/degradation has occurred. Construction activities and other types of human land uses that cause noise or other disturbances can harass neighboring GCWAs or BCVIs. Human activities within Enrolled Properties can also cause changes to local populations of predator or competitor species, thereby degrading the adjacent habitat and harming adjacent individuals of the Covered Species.

Mitigation Measures for GCWA and BCVI: Preservation Credits will be created by the SEP-HCP for each acre of GCWA and BCVI habitat protected, such that each acre of protected habitat yields one Preservation Credit. All Action Alternatives assume that the GCWA and BCVI preserve systems will be composed of consolidated tracts (smaller tracts of land will be consolidated into larger tracts) and will include some areas of non-habitat; as such the SEP-HCP will purchase more land than needed to generate the appropriate number of Preservation Credits.

Direct and Indirect Impacts to Covered Karst Invertebrates: Direct impacts to known locations of Covered Karst Invertebrates will only occur once certain conservation baselines are met. The conservation baselines are derived from the Service's recovery standards for downlisting each of the

Covered Karst Invertebrates; these baselines include preservation of high and medium quality karst preserves (as described in the Service's *Karst Preserve Design Recommendations*) within each karst faunal region where each Covered Karst Invertebrate is currently known to occur (Service 2012). Without those conservation baselines, the landowner would have to maintain a minimum distance of 750 feet around the feature, including those features on adjacent properties that are within 750 feet. Additionally, each landowner would have to conduct extensive karst feature surveys on their property prior to applying to be covered under the SEP-HCP to identify any previously unknown features. Parcels in Karst Zones 1 through 4 could contain occupied features with no surface expression. Therefore, there is an expectation that direct and indirect impacts to previously unknown and undetectable subsurface features will occur upon clearing and construction. There is no way to know exactly what the extent of these impacts would be.

Mitigation Measures for Covered Karst Invertebrates: For all Action Alternatives, the SEP-HCP will establish new preserves with Covered Karst Invertebrates which will be distributed across the Bexar County KFR (except the Alamo Heights KFR). These preserves would be established in accordance with the Service's (2012) *Karst Preserve Design Recommendations* and would contribute to meeting recovery criteria for the Covered Karst Invertebrates.

Adaptive Preserve Management and Monitoring: The primary conservation measure for the Covered Species is the acquisition, permanent protection, and management of their habitats within the Plan Area. In order to ensure the permanent protection and management of Covered Species' habitat, the Applicants will establish an adaptive preserve management and monitoring process. This process includes establishing a baseline condition for each preserve, planning property-specific management strategies and practices, implementing management strategies and practices on an on-going basis, and evaluating the effectiveness of the management actions and adapting the management practices as needed. In addition, the HCP will contribute to the understanding of the biology, ecology and conservation of the Covered Species by providing access, on a limited basis, to preserves for research purposes.

Plan Administration: All Action Alternatives will require the Applicants to develop and follow an administrative process. The specific roles and responsibilities of each Applicant will be detailed in an Interlocal Agreement between Bexar County and the City of San Antonio. It is expected that Bexar County will be responsible for most of the tasks needed to implement the HCP, including enrolling Participants, acquiring and managing the preserve system, and coordinating with the Service. The City of San Antonio is expected to provide approximately 50 percent of the public funding needed to support the implementation of the Plan.

The Applicants may convene at least two standing advisory committees to provide on-going input on the implementation of the HCP: a scientific advisory committee and a stakeholder advisory committee. The operational rules for these committees will include opportunities for regular public involvement. Public input may also be received via other special public meetings or hearings called by the Applicants. The HCP would include a number of reporting and coordination tasks to demonstrate that the Plan is being properly implemented. Annual reports on Plan enrollment, the preserve system, monitoring activities, financial status, and compliance issues will be submitted to the Service. Regular coordination with the Service regarding the enrollment of new Participants, new preserve acquisitions, adaptive preserve management, and secondary uses of preserve lands is also expected. Upon request the annual

reports will be made available to federal and state agencies and the public in compliance with 40 CFR 1505.3.

Cost Estimates: The cost estimates for all Action Alternatives assume that the entire allocation of incidental take authorization will be used by the Participants within the 30-year timeframe of the ITP. As such, the cost estimates represent the maximum costs for acquisition of preserve land; HCP administration; preserve management, monitoring, and other conservation measures; as well as contributions to a contingency fund and management endowment.

Financing Options
All four Action Alternatives will require some level of public funding. The Applicants will be responsible for providing this public funding.

3.2.8 Proposed SEP-HCP Alternative

The Proposed SEP-HCP Alternative assumes 50 percent of the development activities requiring an ITP for the Covered Species over the next 30 years will participate in the SEP-HCP. This participation percentage is based on other regional HCPs in the region for similar species that have shown this to be an appropriate estimate (for example Williamson County's and Comal County's RHCPs) and . This amount represents 50 percent of the projected GCWA and BCVI habitat loss and 20 percent of loss of potential habitat for the Covered Karst Invertebrates resulting from land development projects within the Enrollment Area over the next 30 years (**Table 3-2**).

Table 3-2: Take Request, Proposed Conservation & Mitigation – Proposed SEP-HCP Alternative

Covered Species	Take Request	Proposed Conservation	Participation Fees & Mitigation Requirement
GCWA	9,371 acres	23,430 acres of preserve Goal to acquire preserve land in Bexar County	$4,000 per credit 2:1 mitigation ratio for direct impacts 0.5:1 mitigation ratio for indirect impacts
BCVI	2,640 acres	6,600 acres of preserve Goal to purchase preserve land in Bexar County	$4,000 per credit 2:1 mitigation ratio for direct impacts 0.5:1 mitigation ratio for indirect impacts
Covered Karst Invertebrates	10,234 acres (Zone 1 & 2) 10,852 acres (Zone 3 & 4) 49 occupied features	1,000 acres distributed across Bexar karst zones (excludes Alamo Heights KFR) *Note: It's likely that the 1,000 acres will be distributed over Karst Zones 1 & 2, based on the unlikelihood that Recovery Quality Karst Preserve will be found in Karst Zones 3 &4.*	Avoid activity within 750 feet until a certain number of preserves needed to achieve the conservation baseline for that species are met. $400,000 in Occupied Cave Zone A (0 to 345 feet radius) $40,000 in Occupied Cave Zone B (345 to 750 feet radius)

Source: SEP-HCP 2015.

The total estimated cost to implement the Proposed SEP-HCP Alternative is $299,474,000 over the life of the permit of which 74 percent will be paid for through participation fees and 26 percent will be

sourced from public funding. Sources of public funding could include impact fees, grants, sales tax revenue, tax increment finance zones (TIFs), or other real estate transfer taxes.

3.2.9 10% Participation Alternative

The 10% Participation Alternative represents the alternative with a reduced amount of take. It assumes 10 percent of the development activities requiring an ITP for the Covered Species over the next 30 years will participate in the SEP-HCP. The incidental take request represents 10 percent of the projected GCWA and BCVI habitat loss and 10 percent of the loss of Karst Zones 1-4 resulting from development within the Enrollment Area over the next 30 years (**Table 3-3)**.

Table 3-3: Take Request, Proposed Conservation & Mitigation – 10% Participation Alternative

Covered Species	Take Request	Proposed Conservation	Participation Fees & Mitigation Requirement
GCWA	2,100 acres	5,250 acres of preserve	$4,000 per credit 2:1 mitigation ratio for direct impacts 0.5:1 mitigation ratio for indirect impacts
BCVI	556 acres	1,390 acres of preserve	$4,000 per credit 2:1 mitigation ratio for direct impacts 0.5:1 mitigation ratio for indirect impacts
Covered Karst Invertebrates	5,117 acres (Zone 1 & 2) 5,426 acres (Zone 3 & 4) 25 occupied features	750 acres distributed across Bexar karst zones concentrated in Zones 1 & 2 (excludes Alamo Heights KFR)	Avoid activities within 750 feet Avoid, minimize, mitigate to maximum practicable extent
			$400,000 in Occupied Cave Zone A (0 to 345 feet radius) $40,000 in Occupied Cave Zone B (345 to 750 feet radius)

Source: SEP-HCP 2015.

The total estimated cost to implement the 10% Participation Alternative is $131,060,000 over the life of the permit of which 47 percent will be paid for through participation fees and 53 percent will be sourced from public funding.

3.2.10 Single-County Alternative

The Single-County Alternative proposes the preserve system will be located within Bexar County and within 10 miles of the Bexar County border. This mitigation requirement was modeled after other single-county HCPs in Central Texas, such as the Williamson County HCP. This alternative proposes the same amount of take for the Covered Species as the Proposed SEP-HCP Alternative; however, it proposes one-half of the preserve for GCWA and BCVI and greater participation fees. The reduced conservation levels are based on a 1-to-1 direct impact mitigation ratio (**Table 3-4**). This alternative will have higher costs per acre of habitat preserve than the other Action Alternatives because the land in Bexar County has a higher appraisal value.

The total estimated cost to implement the Single-County Alternative is $564,010,000 over the life of the permit of which 46 percent will be paid for through participation fees and 54 percent will be from public funding.

Table 3-4: Take Request, Proposed Conservation & Mitigation – Single-County Alternative

Covered Species	Take Request	Proposed Conservation	Participation Fees & Mitigation Requirement
GCWA	9,371 acres	11,714 acres of preserve Requires all preserves to be within Bexar County or within 10 miles of the county border	$10,000 per credit 1:1 mitigation ratio for direct impacts 0.5:1 mitigation ratio for indirect impacts
BCVI	2,640 acres	3,300 acres of preserve Requires all preserves to be within Bexar County or within 10 miles of the county border	$10,000 per credit 1:1 mitigation ratio for direct impacts 0.5:1 mitigation ratio for indirect impacts
Covered Karst Invertebrates	10,234 acres (Zone 1 & 2) 10,852 acres (Zone 3 & 4) 49 occupied features	1,000 acres distributed across Bexar karst zones but concentrated in Zones 1 & 2 (excludes Alamo Heights KFR)	Avoid activity within 750 feet until a certain number of preserves needed to achieve the conservation baseline for that species are met.
			$400,000 in Occupied Cave Zone A (0 to 345 feet radius) $40,000 in Occupied Cave Zone B (345 to 750 feet radius)

Source: SEP-HCP 2015.

3.2.11 Increased Mitigation Alternative

The Increased Mitigation Alternative incorporates input received from the CAC and the BAT. These advisory groups suggested greater protection measures for some of the Covered Species than the other Action Alternatives. This includes higher proposed habitat conservation for the GCWA, and two times that suggested in the Proposed SEP-HCP for the Covered Karst Invertebrates. The advisory groups also suggested that 60 percent of the GCWA preserve should be within Bexar County and within 5 miles of the county border. Like the Proposed SEP-HCP Alternative, the Increased Mitigation Alternative assumes 50 percent of the development activities requiring an ITP for the Covered Species over the next 30 years will participate in the SEP-HCP which represents 50 percent of the projected GCWA and BCVI habitat loss and 20 percent of the loss of Karst Zones 1-4 resulting from development within the enrollment area over the next 30 years (**Table 3-5**).

Table 3-5: Take Request, Proposed Conservation & Mitigation – Increased Mitigation Alternative

Covered Species	Take Request	Proposed Conservation	Participation Fees & Mitigation Requirement
GCWA	9,371 acres	35,141 acres of preserve Requires 60 percent (21,085 acres) to be within Bexar County or within 5 miles of the county border	$5,500 per credit 3:1 mitigation ratio for direct impacts 0.5:1 mitigation ratio for indirect impacts
BCVI	2,640 acres	6,600 acres of preserve	$5,500 per credit 2:1 mitigation ratio for direct impacts 0.5:1 mitigation ratio for indirect impacts
Covered Karst Invertebrates	10,234 acres (Zone 1 & 2) 10,852 acres (Zone 3 & 4) 49 occupied features	2,000 acres distributed across Bexar karst zones (excludes Alamo Heights KFR)	Avoid activity within 750 feet until 2 times the number of preserves needed to achieve the conservation baseline for that species is met.
			$400,000 in Occupied Cave Zone A (0 to 345 feet radius)

Covered Species	Take Request	Proposed Conservation	Participation Fees & Mitigation Requirement
			$40,000 in Occupied Cave Zone B (345 to 750 feet radius)

Source: SEP-HCP 2015.

The total estimated cost to implement the Increased Mitigation Alternative is $1,122,090,000 over the life of the permit of which 37 percent will be paid for through participation fees and 63 percent will be sourced from public funding.

3.3 COMPARISON OF PROPOSED ALTERNATIVES

Table 3-6: Comparison of Proposed Alternatives

Covered Species	No Action Alternative	Proposed SEP-HCP Alternative	10% Participation Alternative	Single-County Alternative	Increased Mitigation Alternative
Incidental Take Request					
GCWA	Compliance with the ESA will continue to occur on an individual basis through project-specific consultations with the Service. Applicants will independently determine whether or not ESA permitting is necessary for a project and, if needed, will work with the Service to obtain authorization for incidental take.	9,371 acres	2,100 acres	9,371 acres	9,371 acres
BCVI		2,640 acres	556 acres	2,640 acres	2, 640 acres
Covered Karst Invertebrates		10,234 acres (Zone 1 & 2) 10,852 acres (Zone 3 & 4) 49 occupied features	5,117 acres (Zone 1 & 2) 5,426 acres (Zone 3 & 4) 25 occupied features	10,234 acres (Zone 1 & 2) 10,852 acres (Zone 3 & 4) 49 occupied features	10,234 acres (Zone 1 & 2) 10,852 acres (Zone 3 & 4) 49 occupied features
Proposed Conservation					
GCWA	Individual permitting actions will occur at the level and scope of an individual project. Mitigation requirements will be individually negotiated with the Service. Possible forms of mitigation could include on-site conservation of habitat, acquisition of off-site preserve lands, or purchase of Preservation Credits from an independent Service-approved conservation bank.	23,430 acres	5,250 acres	11,714 acres (Bexar County or within 10 miles)	35,141 acres 21,085 acres in Bexar County or within 5 miles 14,056 acres in mostly rural areas
BCVI		6,600 acres	1,390 acres	3,300 acres (Bexar County or within 10 miles)	6,600 acres
Covered Karst Invertebrates		1,000 acres	750 acres	1,000 acres	2,000 acres

Covered Species	No Action Alternative	Proposed SEP-HCP Alternative	10% Participation Alternative	Single-County Alternative	Increased Mitigation Alternative
Participation Fees					
GCWA	Compliance with the ESA will continue to occur on an individual basis through project-specific consultations with the Service. Applicants will be responsible for bearing all the costs of preparing the individual permit application package.	$8,000 per acre (Direct Impacts) $2,000 per acre (Indirect Impacts)	$8,000 per acre (Direct Impacts) $2,000 per acre (Indirect Impacts)	$10,000 per acre (Direct Impacts) $5,000 per acre (Indirect Impacts)	$16,500 per acre (Direct Impacts) $2,750 per acre (Indirect Impacts)
BCVI		$8,000 per acre (Direct Impacts) $2,000 per acre (Indirect Impacts)	$8,000 per acre (Direct Impacts) $2,000 per acre (Indirect Impacts)	$10,000 per acre (Direct Impacts) $5,000 per acre (Indirect Impacts)	$11,000 per acre (Direct Impacts) $2,750 per acre (Indirect Impacts)
Covered Karst Invertebrates		$40,000 (345 to 750 ft. radius), $400,000 (0 to 345 ft. radius)			
Total Costs and Revenue Sources					
Total SEP-HCP Cost	The No Action will not result in costs beyond those that an individual incurs to comply with ESA, nor will it generate revenues.	$299,474,000	$131,060,000	$564,010,000	$1,122,090,000
Participation Fees		74%	47%	46%	37%
Public Funding		26%	53%	54%	63%

Source: SEP-HCP 2015.

CHAPTER 4

AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

4.1 THE AFFECTED ENVIRONMENT

The description of the affected environment establishes the current environmental conditions considered by the Service to be potentially affected by the Proposed Action. In order to provide a succinct description of those resources that may be affected by the Proposed Action and a level of analysis that is commensurate with the importance of the impact, some resources and topics are analyzed in detail and others are considered but eliminated from further study. As stated in CEQ regulation 40 CFR 1502.2(b), a succinct discussion shall be provided for the issues and topics that were considered but dismissed from detailed study, describing why more study is not warranted. The following provides a brief discussion of the issues and resources considered but dismissed from detailed analysis followed by the resources analyzed in detail.

4.1.1 Issues and Resources Considered but Dismissed from Detailed Analysis

Several of the resources listed below could be affected by individual land development or land use activities conducted in the Plan Area; however, the Proposed Action cannot be shown to cause such impacts, even indirectly, because the same activities could, and will likely, continue with or without the implementation of the SEP-HCP. Therefore, issuance of an ITP with the SEP-HCP is not likely to cause more than negligible impacts to the following resources.

Energy and Depletable Resource Requirements and Conservation Potential

The Proposed Action does not include an energy or resource extraction component and will not require energy or resources to be depleted; therefore, this topic is dismissed from detailed analysis.

Prime and Unique Farmlands

The *Farmland Protection Policy Act* (FPPA), Subtitle I of Title XV of the *Agricultural and Food Act of 1981*, Pub. L. 97-98, provides protection to prime and unique farmlands. Prime and unique farmlands are defined by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) as "land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops" (NRCS 2011). The purpose of the FPPA is to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of prime, unique, and other farmlands of statewide or local importance to non-agricultural uses.

According to the NRCS soil data there is prime farmland in the Plan Area located primarily east of the Balcones Escarpment; which is typically delineated by the I-35. In analyzing the impacts of the Proposed Action on prime and unique farmlands, consideration is given to the impacts of taking Covered Species habitat as well as conserving habitat. Suitable habitat for the Covered Species includes woodland, shrubland, and Karst Zones 1-4. These habitats are not generally used for agricultural production; woodlands and shrubland habitats are sometimes used as rangeland. The Covered Activities could impact prime and unique farmland; however, these impacts would be minimal because there is little prime farmland that overlaps the Covered Species habitat in the Enrollment Area. The incidental inclusion of prime farmlands into the preserve system will not convert the use of the land to a non-

agricultural purpose. As such the Proposed Action is not anticipated to have an effect on prime and unique farmlands.

Public Health and Safety

The Proposed Action will not likely detract from or contribute to public health or safety. While there may be an expectation that preserve lands, purchased by public entities, will have some level of public access, the primary purpose of the preserve system is for the long-term conservation of the Covered Species. Secondary use of preserve lands will not be authorized if the use will have a reasonable likelihood of materially reducing the long-term conservation value of the protected habitat for the Covered Species. As such, it is unlikely that public recreational use of the preserve system for public health purposes will be authorized. The effects to public health and safety are dismissed from further analysis.

Wetlands and Floodplains

Wetlands and floodplains are generally associated within the water resources in the Plan Area, which are discussed in more detail in **Section 4.3.**

Activities causing the loss of suitable habitat for the Covered Species or the designation of preserve lands could affect wetlands and floodplains where these resources overlap such activities. However the potential for overlap is slight because suitable habitat for the Covered Species does not typically occur in wetland or floodplain areas. And, the incidental inclusion of wetlands and floodplains within the preserve system will protect such resources from future land development.

Wetlands and all waters of the U.S. are protected by section 404 of the *Clean Water Act*, which is administered by the U.S. Army Corps of Engineers (the Corps). Projects that affect jurisdictional wetlands or waters of the U.S. may be required to obtain a permit from the Corps prior to construction and may be required to provide compensatory mitigation to offset any adverse environmental effects. As one of its responsibilities, the Federal Emergency Management Agency (FEMA) manages the National Flood Insurance Program (NFIP) and oversees the floodplain management and mapping components of the program. NFIP was created by the *National Flood Insurance Act of 1968* to provide an insurance alternative to government-sponsored disaster assistance to help pay for damages that result from flooding. In order to participate, local jurisdictions must adopt a floodplain management ordinance to manage construction activities within special flood hazard areas (SFHA), which include floodplains. All seven counties and several local jurisdictions in the Plan Area participate in NFIP and have established an authority, through the adoption of a flood damage prevention court order, to monitor and permit development within floodplains. The Bexar Regional Watershed Management Program is a collaborative effort between Bexar County, the City of San Antonio, the San Antonio River Authority and other suburban jurisdictions to manage watershed issues including flood control within the region. All projects occurring within the Plan Area, including those that might enroll in the SEP-HCP must comply with all applicable regulations regarding wetlands and floodplains. Because wetlands and floodplains are already protected by existing regulations, the Proposed Action is not expected to have an impact, and as such, these resources are not analyzed in detail.

Cultural Resources

Projects that are federally permitted, licensed, funded, or partially funded with federal money must comply with section 106 (36 CFR 800.16) of the *1966 National Historic Preservation Act* (NHPA). Section 106 requires that every federal agency consider the impacts of their actions on historic properties.

According to section 106 of the NHPA, 'historic properties' include those that are at least fifty years old and that are listed on or eligible for inclusion in the National Register of Historic Places (NRHP). This includes both historic properties and archeological properties. The NRHP, which is maintained by the Secretary of the Interior, is a historic resources inventory that includes buildings, structures, objects, sites, and districts. Section 106 also requires federal agencies to seek comments from an independent reviewing agency, the Advisory Council on Historic Preservation (ACHP). The ACHP has developed a process for carrying out section 106 responsibilities which is defined in its regulations entitled Protection of Historic Properties, 36 CFR 800. The NHPA also provides for the designation and appointment of a State Historic Preservation Officer (SHPO) in each state to administer the state's historic preservation program of maintaining inventories of historic properties and authorizes Native American tribal organizations to assume all or part of SHPO functions with regard to tribal historic preservation and heritage. The SHPO and Tribal Historic Preservation Officers (THPO) must be consulted with on federal undertakings that may affect historic properties. In Texas the state historic preservation program is administered by the Texas Historical Commission (THC). The THC also maintains a list of federally-recognized Indian tribes who have concerns in the state of Texas.

In addition to federal regulations, cultural resources located on land owned or controlled by the State of Texas, one of its cities or counties, or other political subdivisions, are protected by the Texas Antiquities Code (TAC). Cultural resources may include archeological, historic, architectural sites, and places of particular significance to traditional cultures. Under the TAC, any historic or prehistoric property located on publicly-owned or other lands under the jurisdiction of the State of Texas may be determined eligible as a State Antiquities Landmark (SAL). Conditions for formal landmark designation are covered in Chapter 26 of the SHPO/THC's *Rules of Practice and Procedure for the Antiquities Code of Texas*. All groundbreaking activities affecting public land must be authorized by the THC Department of Antiquities Protection. Authorization includes a formal Antiquities permit, which stipulates the conditions under which survey, discovery, excavation, demolition, restoration, or scientific investigations will occur.

In Texas, archeological and historical properties that are on private property are not protected by federal or state law, unless a federal undertaking is involved, or a subdivision of the state has jurisdiction through an easement or ownership. As previously stated, state public lands are under the purview of the TAC. As the preserve system established under the SEP-HCP will be administered by and under the jurisdiction of the Applicants, any cultural resources eligible for SAL designation on these lands will be protected under the TAC. Moreover, any significant historic or archeological resources on enrolled properties will be protected by the NHPA. However, since historical and archeological resources are location specific and enrolled properties and preserve lands are not identified in the SEP-HCP, the effects of the Proposed Action on cultural resources cannot be determined.

In order to determine whether American Indian tribes show an interest within the 7-county plan area, the THC's web-site was consulted (THC 2015). The website includes a list of federally-recognized Native American tribes affiliated with Texas, and eight tribes have provided maps exhibiting counties with

tribal cultural affiliations. The list identifies 11tribes with cultural affiliation to the 7-county plan area. A letter was sent to each of the tribes to initiate consultation. One tribe responded to the letter: The Caddo Nation of Oklahoma. The response stated that they had no concerns within the Plan Area. The letter and a list of contacted tribes are in **Appendix F**.

SEP-HCP Participants and Applicants will have to comply with federal and state laws protecting cultural resources. It will be their responsibility to conduct inventories, consider the effects of permitting and maintenance on cultural resources within the Enrollment Area and within preserves, and consult with the THC and Native American tribes on historical, archaeological and other culturally sensitive sites.

Since these laws provide protection for cultural resources both within preserves and on permitted land, and the location of such lands cannot be identified further, analysis of impacts to cultural resources is not conducted in this EIS.

Geology

The geology of the Plan Area includes Cretaceous limestone and Quaternary alluvial terrace deposits. The Cretaceous rock includes limestone of the Edwards Aquifer and confining units above and below the primary water bearing units of the Edwards Group and Georgetown Formation. Other significant aquifer units in the local region include the Trinity Aquifer, consisting of older Cretaceous limestone, primarily in the Glen Rose Formation, and to a lesser extent some usable groundwater is found in the Austin Chalk in rocks younger than the Edwards Group. In areas with significant surface water streams, alluvial terrace and associated clastic sediments provide a thin cover over the limestone.

Impacts to geology are not addressed except as they pertain to groundwater. Texas Commission on Environmental Quality (TCEQ) regulations protect groundwater resources and the geologic features that provide recharge, including caves. If a construction project would impact a cave that does not provide recharge, the TCEQ regulations prescribe that these caves be filled. Because there are existing rules that regulate geology, as it pertain to groundwater, the SEP-HCP would not result in an impact. Impacts to groundwater resources are addressed in the water resources analysis below.

Air Quality

Air pollution may contribute to adverse human health impacts and ecosystem degradation. Major sources of air pollution come from point sources, such as stationary industrial, commercial, and construction and mining equipment and non-point sources such as lawn and garden equipment and motor vehicles. The *Clean Air Act of 1970* (CAA), as amended, resulted in requirements to consider the impact that proposed federal actions may have on air quality. Under the CAA, the EPA sets national ambient air quality standards (NAAQS) for seven air pollutants to protect public health and the environment, with an adequate margin of safety: carbon monoxide (CO), ozone (O_3), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter, 10 and 2.5 microns and less (PM_{10} and $PM_{2.5}$) and lead (Pb). EPA delegated authority for monitoring and enforcing air quality regulations in Texas to the TCEQ Office of Air Quality.

In 2002 there were 13 regions in the state of Texas that were not in attainment with the 8-hour ozone standard including the San Antonio region (Bexar and Comal counties). As such the state of Texas, along with 33 other states, submitted an agreement to the EPA pledging to meet the 1997 8-hour ozone standard earlier than required. The most significant milestone in this agreement was that the State had to be in attainment by December 31, 2007, based on air quality data from 2005, 2006, and 2007. The San

Antonio region submitted a plan or early action compact (EAC) in 2004 to demonstrate achievement of the ozone standards to TCEQ for inclusion in the State Implementation Plan.

On April 15, 2008, the EPA issued final action which designated the San Antonio EAC area as in attainment with the 8-hour ozone standard; the San Antonio region had met all the milestones of their EAC program and demonstrated attainment of the eight-hour ozone standard by the December 31, 2007 deadline. Provided that the area continues to monitor their attainment status no further action is required. However, the EPA has been contemplating a reduction in the eight-hour ozone standard and is in the process of gathering input from the agency's science advisors. Upon enactment of a new standard, it is possible that the San Antonio region will no longer be in attainment with the eight-hour ozone standard. As such, actions, including the Covered Activities, which could result in impacts to air quality, are of concern.

The conservation of habitat for the Covered Species could result in beneficial impacts to air quality. Conservation of open space has been shown to improve air quality by protecting the plants that naturally create oxygen and filter out air pollutants such as ozone, sulfur dioxide and carbon monoxide (Sherer 2003; Coder 1996). However the extent of these benefits is largely tied to location of the open spaces as well as the density and type of vegetation. At this time, the location of habitat preserve lands, and the size of the preserve tracts has not been identified for the proposed SEP-HCP and as such, the effects of the Proposed Action on air quality cannot be measured, although they are expected to be negligibly beneficial. The issuance of the Permit cannot be shown to cause air quality impacts, even indirectly, because ESA compliance and conservation of habitat will occur whether or not the SEP-HCP is implemented.

The Covered Activities contemplated in the SEP-HCP could have an adverse effect on air quality such as from the temporary use of heavy machinery and other construction activities, and the removal of existing vegetation. However, the magnitude of any potential effects from machinery or burning activities related to the clearing of habitat for the Covered Species would be negligible, since these types of activities already occur in the SEP-HCP Plan Area for agricultural and development activities, and would be temporary in nature. The Proposed Action is not a prerequisite for or a catalyst to land development activities; land development is anticipated to occur whether or not the SEP-HCP is implemented; therefore, the impacts of the Proposed Action on air quality will be negligible.

Nevertheless, although the San Antonio area is currently in attainment of all NAAQS, it is vulnerable to being designated as nonattainment for ozone in the next few years. In addition to the long-range planning initiatives for managing congestion, the Alamo Area Council of Governments has applied to and been accepted by EPA into the EPA Ozone Advance program. The advance program is a collaborative effort between EPA, states, and local governments to enact expeditious emission reductions to help near nonattainment areas remain in attainment of the NAAQS. This further reflects the sensitivity of ozone levels in the area, and the need for federally funded or permitted projects in the San Antonio area to consider emissions which contribute to the formation of ozone.

Because of the air quality concerns of significant population centers within the Plan Area, EPA recommends certain mitigation measures to reduce potential short-term air quality impacts associated with construction activities, and that these measures are included in a Construction Emissions Mitigation Plan (CEMP). These measures are expected to reduce impacts associated with emissions of NO_2, CO, PM, $S0_2$, and other pollutants from construction-related activities and include:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water
- or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
- Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 miles per hour.

Mobile and Stationary Source Controls:

- Plan construction scheduling to minimize vehicle trips;
- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections;
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed;
- If practicable, utilize new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible;
- Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and
- Consider alternative fuels and energy sources such as natural gas and electricity (plug-in or battery).

Administrative Controls:

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking;
- Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips; and
- Identify sensitive receptors in the project area, such as children, elderly, and infirmed, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors.

Compliance with the EPA, as well as other federal and state laws, will be necessary regardless of the Proposed Action. Additionally, land development activities are expected to continue regardless of whether or not the SEP-HCP. Therefore, impacts associated with the Proposed Action cannot be shown to cause such impacts.

Noise

Land development activities, including the removal or alteration of vegetation with heavy machinery, could temporarily add to the ambient noise levels. As such, development projects enrolled in the SEP-HCP may also result in noise impacts; however, the magnitude of these potential effects are expected to be negligible, and any increases in ambient noise resulting from clearing activities will be temporary in

nature. Land development activities are expected to continue regardless of whether or not the SEP-HCP is implemented and impacts associated with the Proposed Action cannot be shown to cause such impacts.

Environmental Justice

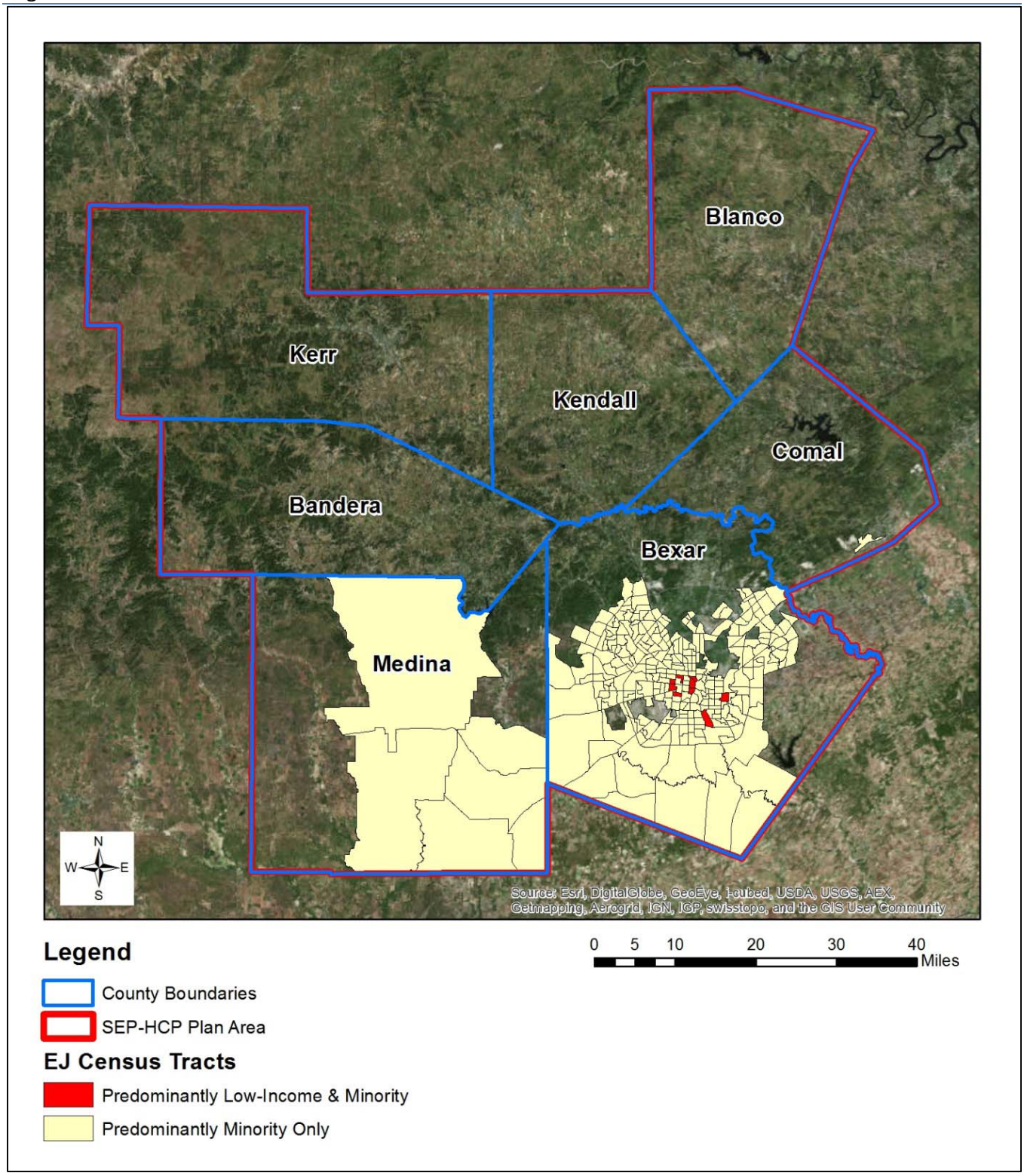
Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, provides that "each federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental impacts of its programs, policies, and activities on minority and low-income populations" (Federal Register 1994). Minority and low-income populations do live in the Plan Area. Data from the 2010 Census shows that almost 2 million people live in the Plan Area of which 64.5 percent, or almost 1.28 million people, are minority.

The minority population accounts for 19.1 percent of the population in Bandera County; 69.7 percent in Bexar County; 20.6 percent in Blanco County; 28.7 percent in Comal County; 22.9 percent in Kendall County; 27.8 percent in Kerr County; and 53.5 percent in Medina County (USCB 2010a). Of the 421 Census tracts in the Plan Area, 290 contain a population that is greater than 50 percent minority. These 290 Census tracts are predominantly located in the south and central region of Bexar County and the southeast and central region of Medina County (see **Figure 4-1**).

Based on the 2009 to 2013 5-year American Community Survey conducted by the USCB, more than 131,000 people surveyed in the Plan Area, or 19.4 percent, earn an income that is less than the 2012 poverty guidelines for a 3-person household, as established by the U.S. Department of Health and Human Services and are considered low-income (USCB 2013; USDHHS 2015). The 2013 median household income in the Plan Area was: Bandera County ($49,215); Bexar County ($50,112); Blanco County ($49,487); Comal County ($65,839); Kendall County ($73,790); Kerr County ($43,601); and Medina County ($55,326) (USCB 2013). The average household size in the Plan Area is three people per household. According to the US Department of Health and Human Services, the 2015 poverty guideline for a three-person household is $20,090. Of the 421 Census tracts in the Plan Area, 9 have a median household income that is below the $20,090 poverty guideline. These tracts are located within the urban core of San Antonio as shown in **Figure 4-1**.

The implementation of the SEP-HCP would extend incidental take authorization to development projects that qualify (projects that contain suitable habitat for the Covered Species located within the Enrollment Area) and the preservation of habitat as mitigation in the Plan Area. The SEP-HCP would have no significant influence on the type, amount, timing or location of land development anticipated over the next 30 years; its only influence would be to facilitate compliance with the ESA for qualified projects in a more timely and cost-effective fashion when compared with the process for project-by-project compliance. **Figure 4-2** highlights the areas where potential habitat may exist in the Plan Area for the Covered Species relative to the areas that are predominantly minority. Those areas that are predominately low income and minority do not overlap with Covered Species habitat; therefore, no impacts from the Proposed Action are expected to affect them. The development projects that could voluntarily make use of the SEP-HCP as a means to comply with the ESA would be limited to areas with suitable habitat for the Covered Species that occur in the Enrollment Area.

Figure 4-1: EJ Census Tracts in the Plan Area



Source: USCB 2010 and 2013.

The preservation of suitable habitat for the purposes of mitigation could occur throughout the Plan Area. While some potentially suitable habitat in the Plan Area overlaps areas that are predominantly minority, most potentially suitable habitat for the Covered Species is located in areas that are not predominantly minority. As such, the effects of the enrolled development projects and the preservation lands would be predominantly borne by non-environmental justice populations and would not result in disproportionately high and adverse impacts to low-income or minority populations.

Another environmental justice issue considered is impacts to places important to Native American tribes. There are no federally recognized Native American tribes in the Plan Area; however, there are numerous tribes which have historical ties to Central Texas, including the Plan Area. Consultation with Native American tribes affiliated with the Plan Area is addressed in **Section 4.1.1 - Cultural Resources**. SEP-HCP Participants and the Applicants will have to comply with federal and state laws protecting traditional cultural places, as well as other cultural resources.

Studies have suggested that the conservation of open space could have the effect of increasing property values of the surrounding land (McConnell and Walls 2005). In addition, the effects associated with land development activities could adversely affect environmental justice populations. These effects however are not likely to adversely impact environmental justice populations in the SEP-HCP Plan Area because minority or low-income populations live predominantly in the urbanized area of Bexar County and central and southern Medina County and largely in areas that do not overlap Covered Species' habitat. The adverse effects of the Covered Activities would impact all people, environmental justice populations and non-environmental justice populations alike. As such, the Covered Activities and the acquisition of preserve lands will not result in disproportionately high and adverse human health or environmental impacts to environmental justice populations; therefore, environmental justice is dismissed from detailed analysis in this EIS.

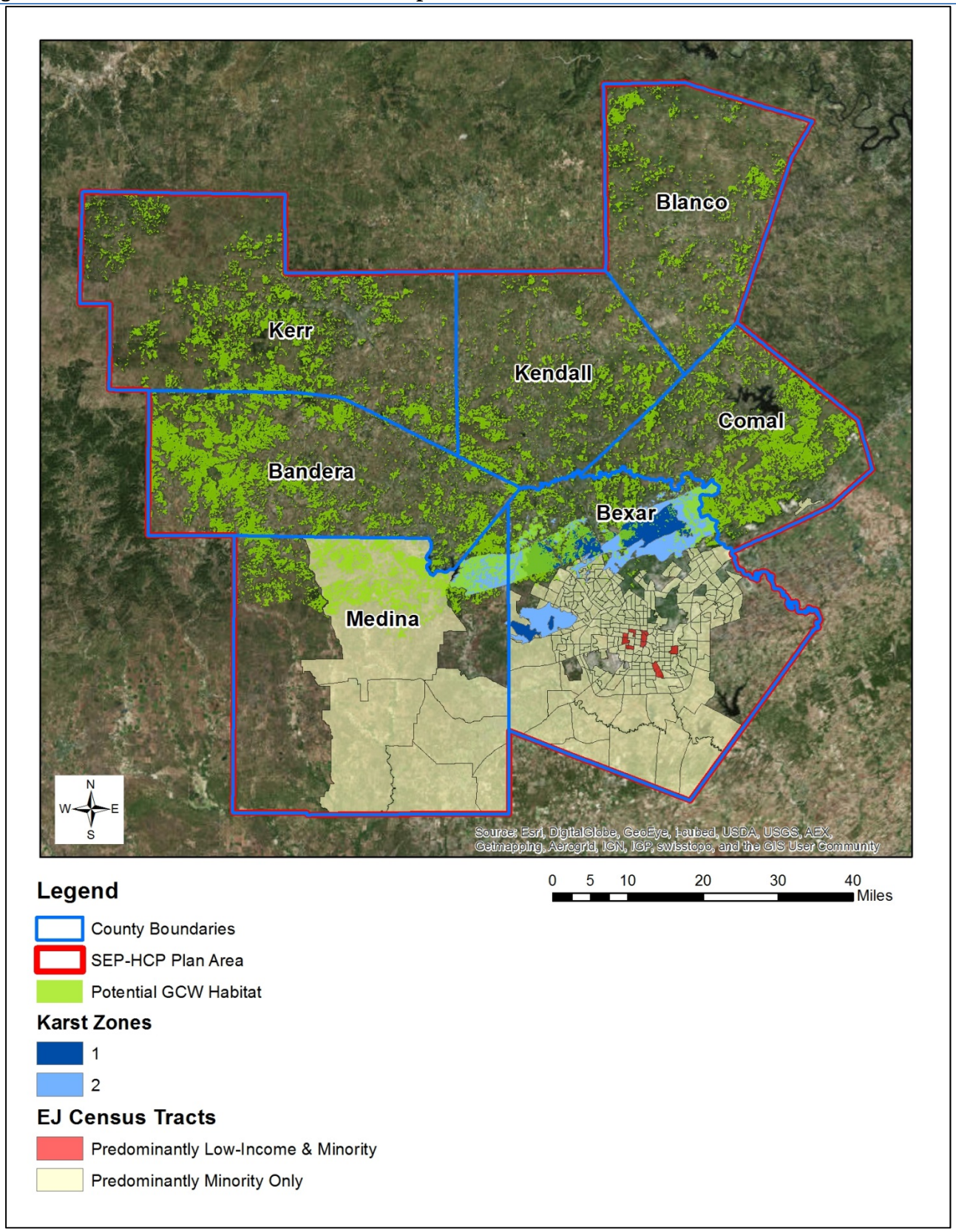
Wild and Scenic Rivers

The Wild and Scenic Rivers Act, as amended requires that selected rivers in the U.S., including their immediate environments, that possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, be preserved in free-flowing condition, and that they and their immediate environments be protected for the benefit and enjoyment of present and future generations. A 191-mile segment of the Rio Grande, which passes through Big Bend National Park and the Chihuahuan Desert, is the only river segment in the state of Texas designated as a wild and scenic river. This segment of the Rio Grande is not located in the Plan Area and, therefore, impacts to wild and scenic rivers are not analyzed further (National Wild and Scenic Rivers System 2011).

National Forests and Grasslands

According to the U.S. Department of Agriculture (USDA) Forest Service, in the state of Texas there are four National Forests: Angelina, Davy Crockett, Sabine and Sam Houston, all of which are located in East Texas. The Caddo-Lyndon B. Johnson National Grasslands and the Rita Blanco Grasslands are the only National Grasslands in the state. None of these protected resources are located within the Plan Area (USDA 2015). Therefore, the Proposed Action would not impact National Forests or Grasslands, which is why these resources are not analyzed in detail in the EIS.

Figure 4-2: EJ Census Tracts and Covered Species Habitat in the Plan Area



Source: USCB 2010 and 2013; Diamond *et al.* 2010; Veni 1994

4.2 ASSESSMENT OF IMPACTS

4.2.1 Types of Impacts

The following sections provide a description of the current environmental condition of the resources being potentially impacted by the Proposed Action followed by an analysis of the impacts that the Proposed Alternatives, discussed in **Chapter 3 - Alternatives,** could have on these resources. Each resource is analyzed for several types of impacts: direct, indirect, beneficial, and adverse. These terms have been defined in the CEQ's NEPA regulation 40 CFR 1508, as shown below:

- **Direct effect:** An impact that occurs as a result of the proposed action or alternatives in the same place and at the same time as the action.
- **Indirect effect:** An impact that is caused by the proposed action or alternative and is later in time or farther removed in distance than the action, but is still reasonably foreseeable. Indirect impacts may include growth inducing impacts and other impacts related to induced changes in the pattern of land use, population density or growth rate, and related impacts on air and water and other natural systems, including ecosystems.
- **Beneficial impacts:** A positive change in the condition or appearance of the resource or change that moves the resource toward a desired condition.
- **Adverse effect:** A change that moves the resource away from a desired condition or detracts from its appearance or condition.

Per 40 CFR 1508.27, the significance of an impact must be considered in terms of both its context as well as the intensity of the impact. These terms are defined as:

- **Context:** the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected regions, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance will usually depend upon the impacts in the locale rather than in the world as a whole. Both short-term and long-term impacts are relevant.
- **Intensity:** refers to the severity of the impact.

In this EIS the context of an impact is described in the narrative for each resource and is based on the above requirements. The intensity of an impact is ranked as negligible, minor, moderate or major and is defined for each resource topic. Following the direct and indirect analysis for each resource, this chapter concludes with an analysis of cumulative impacts, unavoidable adverse impacts, irreversible and irretrievable commitment of resources, and short-term use of the environment versus long-term productivity.

4.3 WATER RESOURCES

4.3.1 Affected Environment

Groundwater Resources

Four major aquifers, the Carrizo, Edwards Balcones Fault Zone (BFZ), Edwards-Trinity, and Trinity; and two minor aquifers, the Ellenburger-San Saba and Hickory aquifers, underlie the Plan Area. The most significant aquifer, in terms of the volume of water pumped for human use, is the Edwards BFZ Aquifer (Edwards Aquifer).

The Edwards Aquifer supplies water to millions of users including users in Bexar, Medina, and Comal counties in the Plan Area, and is the primary water source for the City of San Antonio. The Edwards

Aquifer is known to store and transmit large quantities of water, and is subject to very rapid recharge in the area where the aquifer is unconfined; or where the upper limit of the aquifer is located at the water table. This zone is referred to as the recharge zone (**Figure 4-3**), and is extremely sensitive to environmental impact. Contaminants originating from human activities that occur in the recharge zone have the potential to degrade the groundwater quality.

The Edwards Aquifer also provides the source water for many major springs in Texas, including the two largest: Comal Springs in Comal County and San Marcos Springs in Hays County. These spring systems serve as the sole known habitat for a number of federally listed aquatic species. The confined portion of the Edwards Aquifer has a slower recharge rate than the unconfined portion because the surrounding rock and soil, above and below, are less permeable and let less water pass through. The confined zone of the Edwards Aquifer extends to the south and southeast of the recharge zone and is where the highest capacity wells and largest springs exist (Collins and Hovorka 1997).

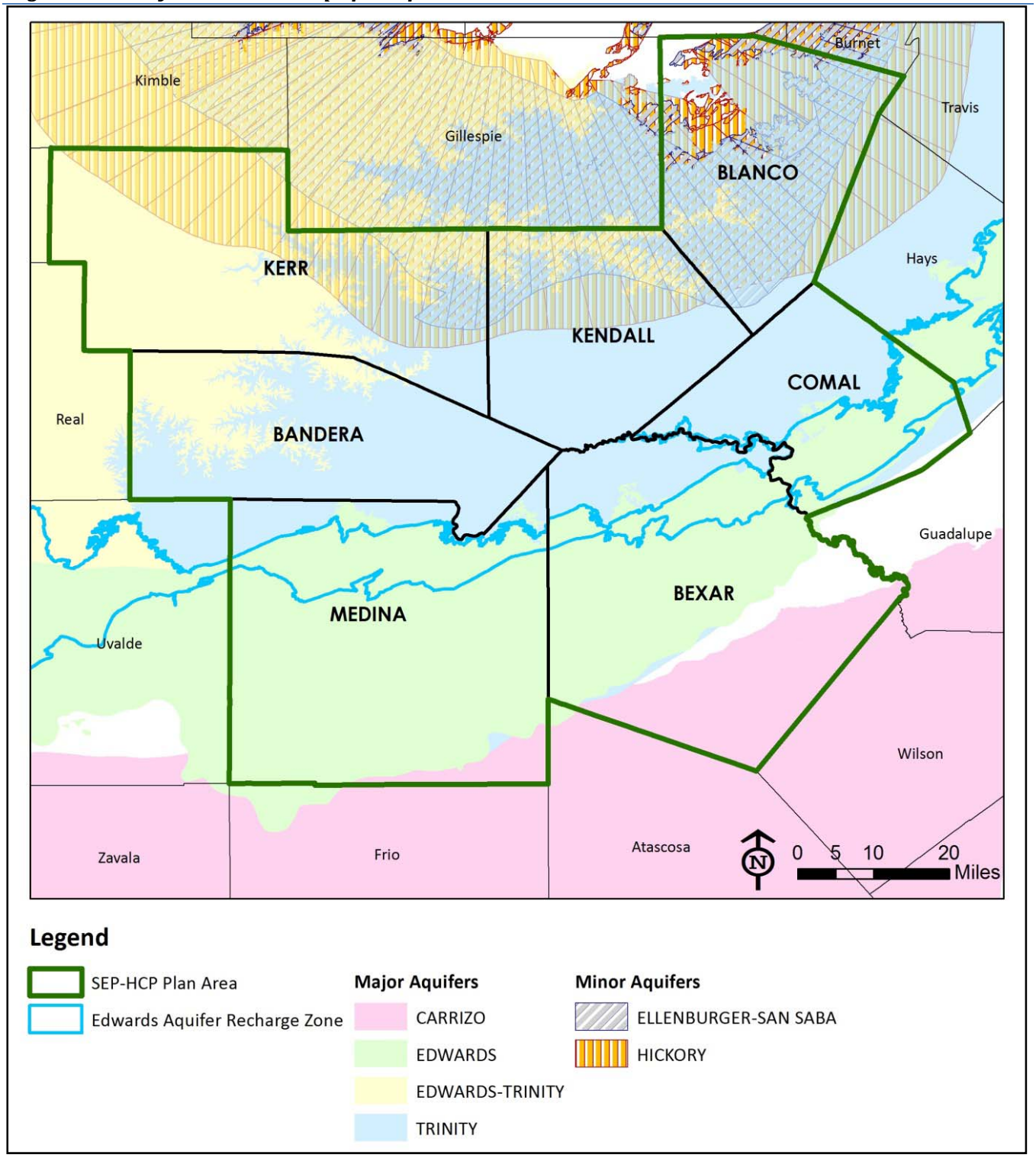
The limestone of the Edwards Group has excellent water quality conditions, and the focused recharge zones and enhanced secondary porosity (additional fractures in the rock that occurred after the limestone was formed) allow more water to pass through. These factors make the Edwards Aquifer one of the most productive groundwater reservoirs in the country (Sharp and Banner 1997). In the northwestern portion of the Plan Area, the Edwards Group rocks have been eroded away and are not present. Here, the Upper Glen Rose is exposed; this area is classified as a contributing zone to the Edwards Aquifer. Heading southeast from the contributing zone, the limestone of the Edwards Group becomes exposed to the surface and is referred to as the recharge zone. Southeast of the recharge zone, the Edwards Aquifer become confined by the Del Rio unit above and the Glen Rose unit below. The Glen Rose and Del Rio units have low permeability and therefore less recharge is possible in these areas (Ferrill *et al.* 2004).

The Trinity Aquifer is located within older rocks than those in the Edwards Group limestone, and lies below the Edwards Aquifer in areas where the Edwards is present. In the southeast portion of the Plan Area, the Trinity Aquifer is below the Edwards Aquifer recharge and confined zones. North and northwest of the Edwards Aquifer recharge zone is the outcrop section of the Trinity Aquifer, where the bedrock is visible exposed, which is also considered the contributing zone to the Edwards Aquifer. The Trinity Aquifer in this area is karstic, and numerous minor springs exist, primarily in areas that have been cut into by surface streams. The water in this portion of the Trinity Aquifer is generally of very good quality.

The western-most portion of Kerr County and a limited portion of northern Kendall County are included in the Edwards-Trinity Aquifer system. This aquifer is located where the Edwards Group limestone caps the underlying Trinity limestone. Water quality in the Edwards-Trinity Aquifer is generally good, but the amount of available water is less than from the Edwards BFZ Aquifer.

Much of Blanco County and portions of Kendall and Kerr counties are included in the extent of the Ellenburger-San Saba Aquifer. This aquifer is located in much older Paleozoic limestone and provides usable amounts of high quality groundwater. This aquifer underlies the Edwards-Trinity and Trinity Aquifers in much of this area. Also in northern Blanco County, the Hickory Aquifer is found in isolated outcrops. This is a sandstone aquifer of good quality and moderate quantity.

Figure 4-3: Major and minor aquifers of the Plan Area



Source: Texas Water Development Board 2010.

To the southeast of the Edwards lies the Carrizo-Wilcox Aquifer, which is a sandstone aquifer supplying water to much of the Interior Coastal Plain Region. The Carrizo-Wilcox Aquifer is characterized by relatively slow transport time and has a high degree of storage. The quality of the water is good.

Groundwater Recharge

Approximately 80 percent of recharge into the Edwards Aquifer occurs in losing streams, where surface water flows into faults, fractures, and karst features that have been made more porous through weathering and erosion as the water passes through (Sharp and Banner 1997). Periods of recharge are intermittent as most streams in south-central Texas are ephemeral and only flow briefly after rainfall events; however, the recharge capacity of surface water into the aquifer is extremely efficient due to the porous nature of the system. Water passing over the contributing zone (Glen Rose outcrop) and into major fault zones and exposed, heavily karstified Edwards Group limestone (recharge zone), is rapidly transferred directly to the aquifer with little or no filtration.

The geologic mechanisms that form karst are complex, and many factors affect how karst is expressed. These factors control the way the groundwater flow system evolves, and ultimately how groundwater is recharged, transmitted, and naturally discharged through the aquifer system.

Groundwater movement is generally west to east in the Plan Area, based on groundwater elevations (Lindgren *et al.* 2004). Aquifer flow models for the entire Edwards Aquifer show groundwater flows from Uvalde and Medina counties east-northeast eventually discharging at the Comal, Hueco, and San Marcos springs, and numerous other small springs (Kuniansky *et al.* 2001). However, recent tracer studies in northern Bexar County performed by the Edwards Aquifer Authority (EAA) indicate water flows from north to south with very rapid flow velocities (Johnson *et al.* 2009). These observations indicate that flow paths may be more complex than originally thought, and rapid groundwater transport is dominated by karstic conduit flow.

Groundwater Management

Groundwater in Texas is managed through a system of local or regional entities created by the Texas Legislature in Chapter 36 of the Texas Water Code to regulate usage and conservation of groundwater resources. In the Plan Area, there are six groundwater districts. The Medina Groundwater Conservation District manages groundwater resources of the Trinity and Carrizo aquifers in that county. The Bandera County River Authority and Groundwater Conservation District (Bandera County), Headwaters Groundwater Conservation District (Kerr County), Cow Creek Groundwater Conservation District (Kendall County), and Blanco-Pedernales Groundwater Conservation District (Blanco County) regulate Trinity Aquifer pumping and management in these respective counties. No groundwater conservation district exists in northwestern Comal County to manage that section of the Trinity Aquifer.

The EAA was created in 1993 (implemented in 1996) by the Texas Legislature as a special groundwater district with the purpose to manage and regulate the San Antonio segment of the Edwards Aquifer. The EAA jurisdiction includes all of Medina, Bexar, and southeastern Comal County. The TCEQ requires a Edwards Aquifer Protection Plan be produced in conjunction with any development within its defined Edwards Aquifer Recharge Zone regulatory area (TCEQ 2009). Components of a plan include a Geological Assessment, Water Pollution Abatement Plan, Sewage Collection System Plan, and above and below ground Storage Tank Facility Plans. Regulations regarding storage tanks also apply over the transition zone of the Edwards Aquifer.

Significant Recharge Features

A significant recharge feature is defined by the TCEQ as a karst feature with a well-defined surface opening (such as a cave) or a sinkhole (without a surface opening) that has a catchment area greater than 1.6 acres (0.6 hectare) (TCEQ 2004). Most of the recharge into the Edwards Aquifer occurs where

surface water flows over faults, fractures, and karst features (Sharp and Banner 1997). However, the total number of recharge features in the Plan Area is not known.

Factors Influencing the Amount of Aquifer Recharge

There are numerous ways to decrease or degrade water that enters (or recharges) aquifers. One way is to cover, cap, or fill recharge features, thereby preventing water from entering them and recharging the aquifer. Similarly, impervious cover (such as from pavement and buildings) may decrease aquifer recharge by reducing the area of soil into which rainfall can infiltrate. While much of the water flowing off impervious surfaces is directed to nearby streams, storm water runoff often occurs in short bursts of high volume flows that provide few opportunities for runoff to infiltrate recharge features before it leaves the recharge zone. Large stands of woody vegetation may reduce the amount of precipitation reaching groundwater. Dense canopy cover intercepts rainwater, may inhibit infiltration into the soil by dropping leaf litter, and may draw off soil moisture through transpiration (Owens and Lyons 2004). On the other hand, this retained rainwater moisture may result in decreased transpiration rates and lesser needs for soil moisture (Owens and Lyons 2004).

Groundwater Quality

The State of Texas has not developed specific standards for pollutant discharge to groundwater; however, state policy requires that "…groundwater be kept reasonably free of contaminants that interfere with present and potential uses of groundwater… [and that] discharges of pollutants,…be conducted in a manner that will maintain present uses and not impair potential uses of groundwater or pose a public health hazard" (Texas Water Code § 26.401). Groundwater contamination, as defined by the Texas Groundwater Protection Committee, is "…the detrimental alteration of the naturally occurring physical, thermal, chemical, or biological quality of groundwater reasonably suspected of having been caused by the activities of entities under the jurisdiction of the various state agencies" (Texas Groundwater Protection Committee [TGPC] 2006). The state agencies of the Committee systematically monitor groundwater quality at selected sites (e.g., underground storage tanks and landfills) throughout the state to determine if levels of specific contaminants vary from baseline conditions for that site. The Texas Groundwater Protection Committee (2013) reported that 3,627 groundwater contamination cases were documented or under enforcement across the state during the 2012 calendar year.

Surface Water

Water Features

The Plan Area is located within the Texas-Gulf Geographic Region, which is the drainage area of a number of rivers that flow into the Gulf of Mexico and includes parts of Louisiana, New Mexico, and Texas (Seaber *et al.* 1987). According to the National Hydrography Dataset (NHD), parts of four major river basins are present within the Plan Area boundaries: the Colorado, Guadalupe, Nueces, and San Antonio river basins (**Figure 4-4**). Within the Plan Area, these four river basins are further divided into sixteen subbasins: Atascosa, Austin-Travis Lakes, Buchanan-Lyndon B. Johnson Lakes, Cibolo, Hondo, Llano, Lower San Antonio, Medina, Middle Guadalupe, Pedernales, San Marcos, San Miguel, South Llano, Upper Frio, Upper Guadalupe, and Upper San Antonio (**Figure 4-4**).

The Colorado River Basin includes the drainage area for the Colorado River, which is the largest river completely within Texas (Texas State Historical Association [TSHA] 2010). The Colorado River Basin encompasses approximately 13 percent of the Plan Area and covers portions of Blanco, Kendall, and Kerr counties. Within the Plan Area, five sub-basins occur within the Colorado River Basin: Buchanan-Lyndon B. Johnson Lakes, Austin-Travis Lakes, Llano, South Llano, and Pedernales. The Guadalupe

River Basin encompasses approximately 30 percent of the Plan Area and covers portions of Blanco, Comal, Kendall, and Kerr counties. Within the Guadalupe River Basin, the San Marcos, Upper Guadalupe, and Middle Guadalupe sub-basins occur within the Plan Area. The San Antonio River Basin encompasses approximately 35 percent of the Plan Area and covers portions of Bandera, Bexar, Comal, Kendall, Kerr, and Medina counties. Within the Plan Area, four sub-basins (the Cibolo, Upper San Antonio, Lower San Antonio, and Medina sub-basins) occur within the San Antonio River Basin. The Nueces River Basin encompasses approximately 22 percent of the Plan Area and occurs in portions of Bandera, Kerr, and Medina counties. Four sub-basins occur within the Nueces River Basin within the Plan Area: Upper Frio, Hondo, San Miguel, and Atascosa.

Four major rivers (the Guadalupe, Medina, Pedernales, and San Antonio rivers) bisect the Plan Area, and represent approximately 323 miles of waterway within the Plan Area (**Figure 4-4**). These major waterways, and the numerous streams and creeks that feed them, are valuable surface water resources for the Plan Area and support wildlife, riparian habitat, recreational uses, and scenic vistas. Of the four major rivers within the Plan Area, the Guadalupe, Medina, and Pedernales are included in the Nationwide Rivers Inventory (NRI). The NRI is a database of over 3,400 free-flowing river segments in the U. S. that are believed to possess one or more remarkable natural or cultural value that has more than local or regional significance (National Park Service [NPS] 2008).
The Medina River originates from springs in northwest Bandera County and travels southeast for approximately 116 miles to its mouth at the San Antonio River in southern Bexar County (TSHA 2010). The Medina Dam impounds the Medina River to form Medina Lake in Medina County. The NRI identifies the Medina River from the head of Medina Lake upstream to the State Highway (SH) 173 bridge in Bandera as the fourth most popular river to float in Texas (NPS 2008).

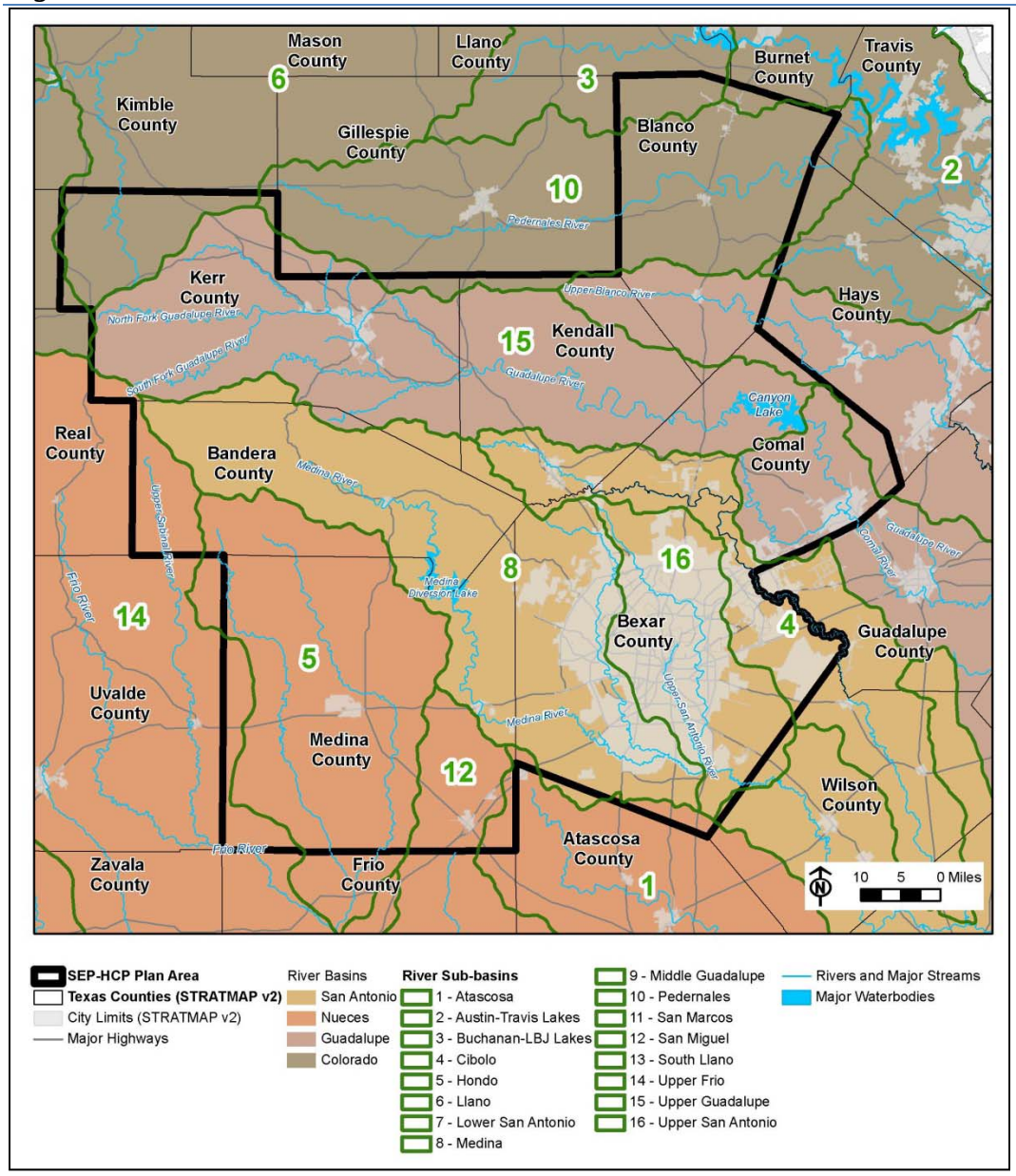
The Pedernales River bisects Blanco County and originates from springs in Kimble County. The river courses northeast for approximately 106 miles to its mouth on Lake Travis in western Travis County. Approximately 45 miles of the Pedernales River occur within the Plan Area. From its confluence with Lake Travis upstream to its headwaters, the Pedernales River is recommended as a potential component of the National Wild and Scenic Rivers System and it is rated as the fifth best recreational river in the state according to the NRI (NPS 2008).

The San Antonio River begins at a group of springs in central Bexar County approximately 4 miles north of downtown San Antonio (TSHA 2010). The river flows southeast for approximately 180 miles before its confluence with the Guadalupe River north of Tivoli, Texas (TSHA 2010). Approximately 34 miles of the San Antonio River occur within the Plan Area. Principal tributaries include Medina River and Cibolo Creek, and two reservoirs impound the river – one for flood control and the other for irrigation (TSHA 2010).

Surface Water Quality

Under the Clean Water Act, the State of Texas (through the TCEQ) has developed and enforces a comprehensive set of surface water quality standards that includes chemical, physical, and biological criteria. The Texas Surface Water Quality Standards are found in the Texas Administrative Code (TAC) under Title 30, Chapter 307 and establish explicit water quality goals throughout the state for all types of surface water sources.

Figure 4-4: River Basins and Sub-Basins



Source: TCEQ 2013.

The state standards are set in an effort to maintain the quality of water in the state, consistent with public health and enjoyment, the protection of aquatic life, and the operation of existing industries and economic development. Surface waters are evaluated for the following five categories: aquatic life, contact recreation, public water supply, fish consumption, and general uses. Standards related to drinking water also apply to groundwater that is used as a public water supply.

Every two years, the TCEQ assesses water quality across the state and submits a report to the EPA regarding how each body of water meets the state water quality standards. This water quality inventory is the basis of the Clean Water Act 303(d) list, which identifies all impaired water bodies that do not meet the water quality criteria established to support designated uses. The following table lists the

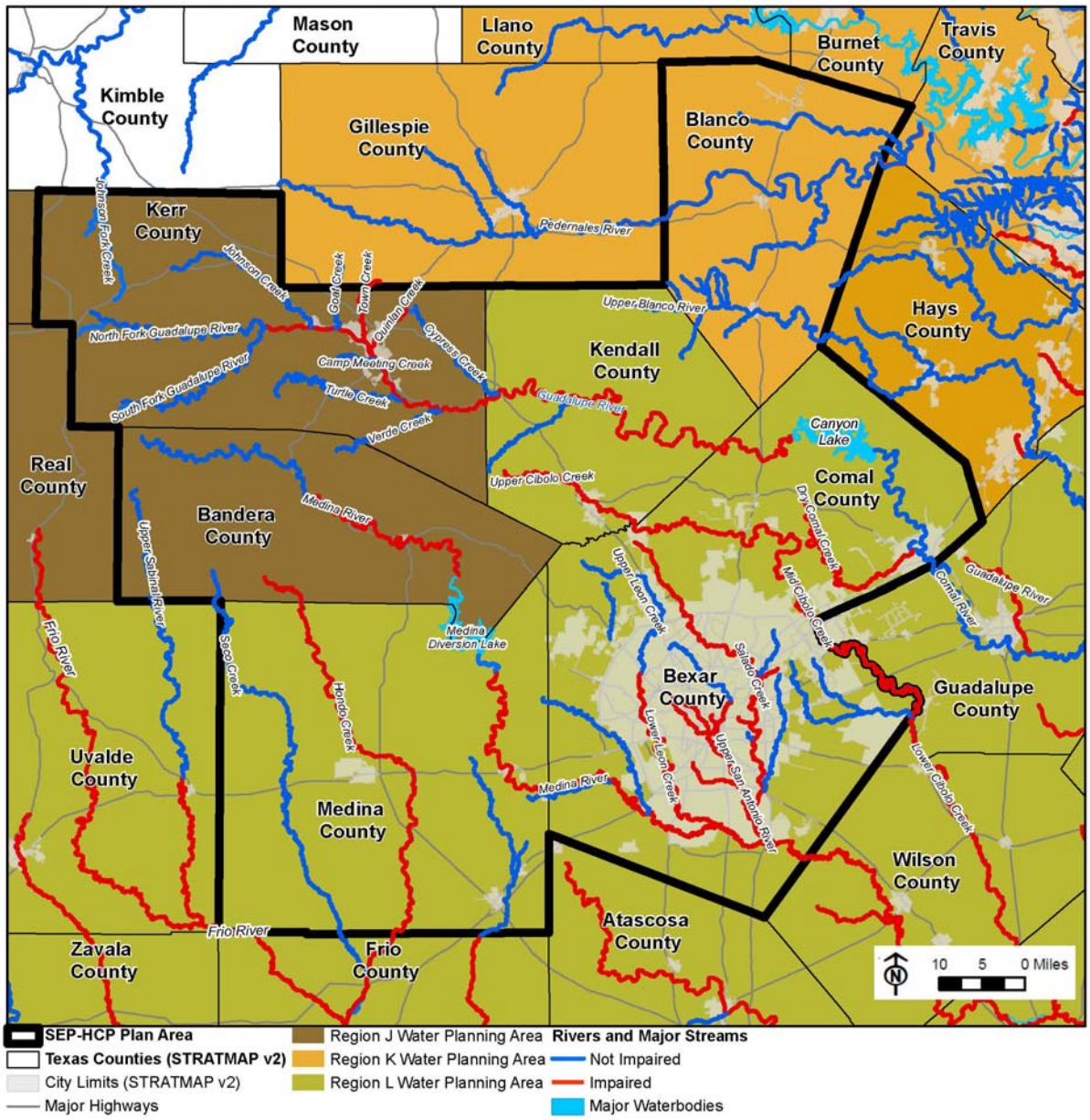
impaired waters in the Plan Area from the 2012 Texas Water Quality Inventory and 303(d) List (**Table 4-1**) and **Figure 4-5** illustrates the location of these impaired waters.

Table 4-1: 2012 impaired waters in the Plan Area and their associated impairment category

Water Bodies by County	Bacteria	Impaired Fish Community	Depressed Dissolved Oxygen	Impaired Macrobenthic Community	Mercury or PCBs In Edible Tissue	Chloride
Bandera						
Medina River above Media Lake		X				
Hondo Creek						X
Bexar						
Lower Cibolo Creek	X	X				
Alazan Creek	X					
Lower Leon Creek			X		X	
Upper San Antonio River		X				
Medina River below Medina Diversion Lake	X					
Blanco						
none listed						
Comal						
Upper Cibolo Creek	X					X
Canyon Lake					X	
Dry Comal Creek	X					
Guadalupe River above Canyon Lake	X					
Kendall						
Upper Cibolo Creek	X					X
Kerr						
Guadalupe River above Canyon Lake	X					
Quinian Creek	X					
Town Creek	X					
Medina						
Medina River below Medina Diversion Lake	X					

Source: TCEQ 2013.

Figure 4-5: Impaired Waters in the Plan Area



Source: TCEQ 2013.

Water Use

Communities within the Plan Area, including but not limited to San Antonio, New Braunfels, Boerne, Bandera, Hondo, Johnson City, and Kerrville, use surface water from area reservoirs for municipal, industrial, agricultural, and other non-consumptive uses. The San Antonio River Authority, Nueces River Authority, Guadalupe-Blanco River Authority, Upper Guadalupe River Authority, and Lower Colorado River Authority are the primary wholesale water providers in the Plan Area. River Authorities were established by the Texas Legislature, section 59, Article 16 of the Constitution of Texas, as water conservation and reclamation districts and public corporations. They were given powers to conserve, store, control, preserve, utilize, and distribute the waters of a designated geographic region for the benefit of the public (TSHA 2010).

Surface water use is publicly owned and governed by the State of Texas, and permits are required from the TCEQ to use surface water with the exception of use for domestic and livestock purposes (TGPC 2008). To facilitate water resources planning, the Texas Water Development Board (TWDB) conducts an annual survey of ground and surface water use by municipal and industrial entities (TWDB 2012).

According to studies conducted between 1998 and 2008 by the TWDB there has been an increase in surface water use by all the counties within the Plan Area with the exception of Bandera County. Blanco, Kendall, and Medina counties are decreasing groundwater use, and Blanco and Medina counties are decreasing water use overall regardless of source. For 2008, surface water use for municipal purposes in Comal County exceeded groundwater use, and Medina County exclusively used groundwater for municipal purposes (TWDB 2012).

4.3.2 Environmental Consequences

Methodology

For the purposes of analyzing the impacts to water resources, surface water impacts are considered in terms of their effect on the continuation of designated uses, as defined in the Texas Surface Water Quality Standards. Groundwater impacts are analyzed in terms of impacts that could affect the water's ability to meet the state's policy established in section 26.401 of the Texas Water Code, which calls for the protection of groundwater quality for present and potential uses, or affect measurable changes in groundwater availability.

The intensity of impacts to water resources is measured utilizing the following terms and definitions:

Negligible: Impacts to water quality and water availability that are either not detectable or well below the thresholds of water quality standards for designated uses. Water quality, water availability, and groundwater recharge will remain within historical baselines and normal variability.

Minor: Detectable impacts to water quality and availability that vary from historical baselines but remain well within the thresholds of water quality standards for designated uses and which will not threaten future uses of surface and groundwater resources.

Moderate: Impacts will be readily apparent with measurable change from historical norms. Water quality, the condition of recharge features, and water availability will not consistently meet the standards for designated uses but will not be permanently impaired for future use such as a permanent degradation of water quality or the complete loss of groundwater recharge or surface water features. Moderate impacts will likely require mitigation measures that will have a reasonable likelihood of successfully offsetting the adverse impacts.

Major: Like moderate impacts, major impacts are also readily apparent impacts with measurable change from historical baseline conditions. However, for impacts to be considered major, water quality, the condition of recharge features, and water availability will frequently or permanently exceed the standards for designated uses and could result in permanent impairment. Major impacts will require extensive mitigation measures, although they may not have a reasonable likelihood of successfully offsetting the adverse impacts.

No Action Alternative

Under the No Action Alternative the Service will not issue an ITP, Bexar County and the City of San Antonio will not implement the SEP-HCP, and land development projects in the Plan Area will follow the standard procedures for complying with the ESA. The No Action Alternative represents the status quo whereby land development projects will also be subject to the existing federal and state regulations that protect ground and surface water quality and manage the availability of the state's water resources.

Impacts to water resources resulting from the No Action Alternative are projected based on the historic and forecasted population growth within the Plan Area. In 2010 the Plan Area was home to almost 2 million people and is projected to increase to a forecasted 2.8 to 3.2 million people by 2040 (WDA 2010a, TSDC 2009). Based on the demographic trends noted between 2000 and 2010, the more rural counties in the Plan Area, particularly Comal and Kendall counties, have seen the greatest percentage of growth (USCB 2000 and 2010a). As the Plan Area grows, forest, shrublands, and grasslands will continue to be converted to developed land uses to support the increasing need for residences, places of work, and infrastructure and utilities. Between 1992 and 2001 the Plan Area has witnessed a conversion of over 40,000 acres of land to urban uses, primarily from forest and grassland or shrub cover (USGS 2003). And, between 2010 and 2040 it is anticipated that almost 7,800 acres of land will be converted to urban uses each year (WDA 2010b). Construction activities associated with land development also include grading soil, soil compaction, altering the existing topography, paving surfaces, and constructing buildings and other structures. A total of 241,152 acres between 2010 and 2040 will experience construction activities with or without the SEP-HCP.

Vegetation anchors soil and filters the runoff that flows across it, allowing sediment to settle out and removing some contaminants. The removal of vegetation can increase the velocity of the overland flow of water and can increase the probability of erosion and therefore the amount of sediment likely to be found in stormwater runoff. Removal of vegetation also eliminates the natural water filtration that plants provide; vegetation removes some of the contaminant from stormwater before it enters water bodies or recharge features. Stormwater runoff from urbanized areas generally has higher concentrations of pesticides, volatile organic compounds, nitrates, trace elements, and sediment when compared to undeveloped rangeland. The higher concentrations are partially a result of more contaminants in an urban environment and in part due to the conversion of vegetation and water resources to impervious cover (Ging 1999, Bush *et al.* 2000).

Construction activities and the associated impervious cover could also result in the closure of recharge features, which would reduce the quantity of infiltration of precipitation into the soil and groundwater recharge. While TCEQ guidelines have provisions for protecting recharge features, a project-specific review could result in the closure of karst features in an effort to protect groundwater quality because the Edwards Aquifer is particularly susceptible to contamination.

Runoff from urban areas is discharged into local springs and approximately 80 percent of the recharge in the Edwards Aquifer occurs from losing streams (Sharp and Banner 1997). Bush *et al.* (2000) found a correlation between the quality of recently recharged groundwater in the urbanized areas of the Edwards and the quality of surface water in the same areas.

With respect to regulating impacts to water resources, future land development projects in the Plan Area will be required to comply with applicable existing local, state, and federal regulations protecting water quality on a project-by-project basis. For example, some municipalities within the Plan Area have

impervious cover limits, erosion control standards, and requirements for water protection plans that apply to development projects within their jurisdictions. Under the Edwards Aquifer Protection Program, the TCEQ requires preparation of a Water Pollution Abatement Plan for any development on the Edwards Aquifer recharge zone and enforces minimum setbacks for development near recharge features. The Corps regulates dredge and fill into waters of the U.S. under section 404 of the *Clean Water Act*. These measures, and other programs, standards, and regulations that manage and oversee impacts to water quality and quantity, help to minimize the negative impacts of land development on surface waters and groundwater resources. Even with these programs, an overall increase in land development and urbanization could be expected to cause direct and indirect adverse impacts on water resources, including: 1) increased contamination of both surface water and groundwater, 2) reduced aquifer recharge, and 3) an overall decrease in water availability as current water resources become fully allocated. The intensity of these potentially adverse impacts over 30 years, considering the existing regulatory environment, will likely be minor to moderate under the No Action Alternative because they would be detectable but still within the thresholds of water quality standards for designated uses and not threatening to future uses of surface water and groundwater resources.

Proposed SEP-HCP Alternative

The SEP-HCP will not substantially affect the amount, timing, or location of land development over the next 30 years, with the exception of preventing future development from occurring in areas that are designated as preserve. Therefore, the adverse impacts to water resources that will be expected under the Proposed SEP-HCP Alternative will be similar to those described for the No Action Alternative. Future land development projects under this alternative, as with the No Action Alternative, will be expected to comply, on a case-by-case basis, with existing local, state, and federal water quality regulations, standards, and programs.

The Proposed SEP-HCP Alternative is expected to result in greater beneficial impacts to water resources than the No Action Alternative because a greater level of land conservation would occur. It is anticipated that approximately 30,130 acres of undeveloped land containing habitat for the Covered Species will be permanently protected under the Proposed SEP-HCP Alternative. Protection of natural/native vegetation will protect surface and groundwater resources by conserving the natural process whereby stormwater runoff is filtered and flood waters are absorbed for aquifer recharge. Conservation of consolidated, large tracts of open space in the Plan Area is likely to beneficially impact natural streams and their riparian corridor as well as groundwater recharge features, assuming that the selected preserve land contains water resources.

As described above, natural buffers along creeks and streams filter pollutants and absorb flood waters. These vegetated areas will slow down water and allow some pollutants to settle out of the stormwater before they reach surface waters and groundwater. The protection of thousands of acres of natural vegetation in the Plan Area under the Proposed SEP-HCP Alternative will protect surface and groundwater resources by conserving the natural ecological processes that filter stormwater runoff and absorb flood waters for aquifer recharge. Therefore, the protection of natural vegetation in the SEP-HCP preserve system will likely yield some indirect beneficial impacts to water resources, compared to the No Action Alternative.

Overall, implementation of the SEP-HCP will result in more assured long-term protection of the water resources contained within the 30,130 acre preserve system. Despite the conservation achieved with the Proposed SEP-HCP Alternative, it is anticipated that almost 7,800 acres of land will be converted in the

Plan Area to urban uses each year between 2010 and 2040 (WDA 2010b). As such, the Proposed SEP-HCP Alternative would result in only negligible to minor beneficial effects to the water resources in the Plan Area compared to the No Action Alternative because these impacts would be either undetectable or well below the thresholds of water quality standards for designated uses or would be detectable but still within the thresholds of water quality standards for designated uses and not threatening to future uses of surface and groundwater resources.

10% Participation Alternative

Like the No Action Alternative, the 10% Participation Alternative will not have a significant influence on the amount, timing, or location of land development anticipated over the next 30 years. Therefore, the potentially adverse impacts to water resources resulting from anticipated land development will be similar to the impacts described for the No Action Alternative. Future land development projects under this alternative will be expected to comply, on a case-by-case basis, with existing local, state, and federal water quality regulations, standards, and programs.

The 10% Participation Alternative would create a 7,390-acre preserve system which is one-quarter of the conserved size of the Proposed SEP-HCP Alternative. As mentioned above, the conservation of natural landscapes and vegetation along creeks and streams would help improve water quality by filtering pollutants from stormwater and absorbing flood waters. While some habitat conservation will occur under the No Action Alternative as the result of individual ESA compliance actions, the distribution and size of the preserve under the 10% Participation Alternative will likely create a more effective buffers for streams than will be achieved with fewer, smaller, and more scattered protected areas under the No Action Alternative. The difference will be small however, as the total area that will be conserved under this alternative will be small compared to the total size of the area of potential effect. Therefore, the beneficial impacts of the 10% Participation Alternative on water resources will likely be negligible compared to the No Action Alternative because they would not be detectable or they would be well below the thresholds of water quality standards for designated uses.

Single-County Alternative

The Single-County Alternative will not have a significant influence on the amount, timing, or location of land development anticipated over the next 30 years. Therefore, the potentially adverse impacts to water resources resulting from anticipated land development will be similar to the impacts described for the No Action Alternative. Future land development projects under this alternative will be expected to comply, on a case-by-case basis, with existing local, state, and federal water quality regulations, standards, and programs.

The primary difference between the Single-County Alternative and the No Action Alternative is the establishment and long-term management of a 16,014-acre preserve system. Of the Action Alternatives, the Single-County Alternative is unique in that all of the preserve system will be located within Bexar County and up to 10 miles outside of Bexar County; whereas all other alternatives could preserve land throughout the seven-county Plan Area. Like the other Action Alternatives, the water resources that are located within the preserve system of the Single-County Alternative would benefit from the conservation of preserves of natural landscapes and vegetation along creeks and streams greater than the No Action Alternative. Unlike the other Action Alternative, these benefits will be primarily focused within Bexar County. While some habitat conservation will occur under the No Action Alternative as the result of individual ESA compliance actions, the extent of these individual preserves will likely be less than the assured protection of 16,014 acres under the Single-County Alternative. The beneficial

impacts of the Single County Alternative on water resources will likely be negligible to minor compared to the No Action Alternative because impacts would be within the thresholds of water quality standards for designated uses and not threatening to future uses of surface and groundwater resources.

Increased Mitigation Alternative

The Increased Mitigation Alternative will not have a significant influence on the amount, timing, or location of land development anticipated over the next 30 years. Therefore, the potentially adverse impacts to water resources resulting from anticipated land development will be similar to the impacts described for the No Action Alternative. Future land development projects under this alternative will be expected to comply, on a case-by-case basis, with existing local, state, and federal water quality regulations, standards, and programs.

The establishment and long-term management of a 43,741-acre preserve system, as proposed under this alternative, will yield beneficial impacts to water resources in the Plan Area similar to those described for the other Action Alternatives. Of the Action Alternatives, the Increased Mitigation Alternative would protect the most amount of land in its preserve system; and therefore, it has the potential to have the greatest benefits to water resources (provided that water resources are located within the preserve system). Therefore, the Increased Mitigation Alternative could have a minor to moderate benefit to water resources in the Plan Area, compared to the No Action Alternative, due to the increased size of the expected preserve system.

4.4 VEGETATION

4.4.1 Affected Environment

4.4.1.1 Environmental Protection Agency Ecoregions

The EPA has delineated ecoregions within the United States to serve as a framework for the management of environmental resources. The boundaries of the ecoregions are based on common ecosystem characteristics, including the type, quality and quantity of environmental resources. Additionally, there are subregions within each ecoregion. The Plan Area includes parts of four ecoregions (Edwards Plateau, South Texas Plains, East Central Texas Plains and Texas Blackland Prairie) and six subregions (

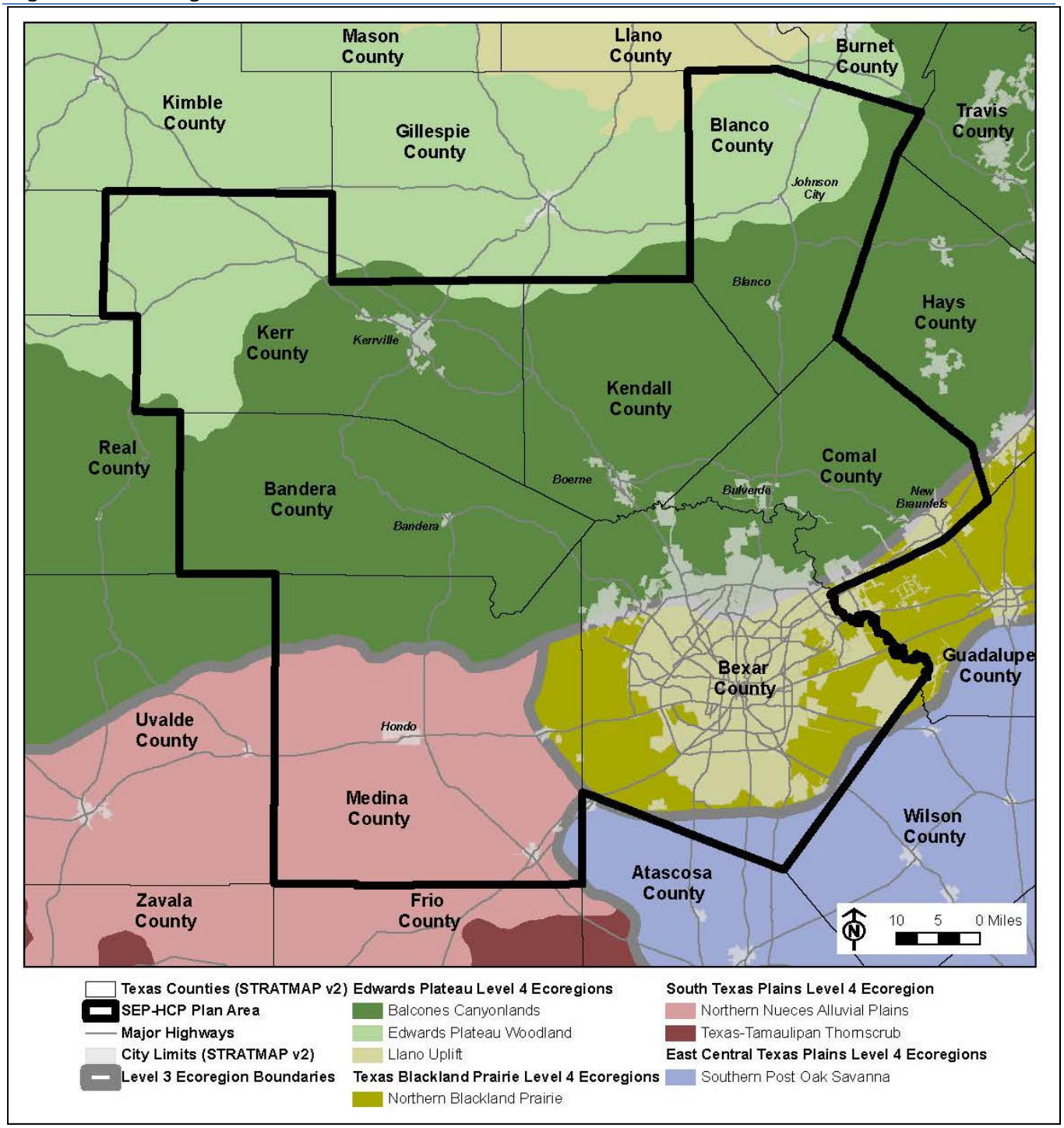
Table *4-2* and **Figure 4-6**).

Table 4-2: Ecoregions within the Plan Area

Subregion	Acres within the Plan Area	% of Plan Area
Balcones Canyonlands	2,226,318	54.0%
Northern Blackland Prairie	641,541	16.0%
Northern Nueces Alluvial Plains	598,310	14.0%
Edwards Plateau Woodlands	580,093	14.0%
Southern Post Oak Savanna	74,334	2.0%
Llano Uplift	7,373	0.2%

Source: Griffith *et al.* 2004.

Figure 4-6: Ecoregions in the SEP-HCP Plan Area



Source: Griffith *et al.* 2004.

The Llano Uplift subregion is a basin that is up to 1,000 feet below the surrounding limestone escarpment and is distinguished from other parts of the Edwards Plateau by areas of exposed granite. Soils in this subregion tend to be acidic, unlike the alkaline soils of the Edwards Plateau Woodland subregion. Typical woodland vegetation on the Llano Uplift includes plateau live oak (*Quercus virginiana*), honey mesquite (*Prosopis glandulosa*), post oak (*Quercus stellata*), blackjack oak (*Quercus marilandica*), cedar elm (*Ulmus crassifolia*), and (occasionally) black hickory (*Carya texana*). Common grasses of this region include little bluestem (*Schizachyrium scoparium*), yellow indiangrass (*Sorghastrum nutans*), silver bluestem (*Bothriochloa saccharoides*), and switchgrass (*Panicum virgatum*). Drier areas of the Llano Uplift may include species more characteristics of west Texas, such as catclaw mimosa (*Acacia greggii*) and soaptree yucca (*Yucca elata*). The Llano Uplift typically lacks Ashe juniper (*Juniperus ashei*) and Spanish oak (*Quercus falcate*), except within areas where limestone outcrops (Griffith *et al.* 2004). There are 7,373 acres of Llano Uplift in the Plan Area.

The Northern Blackland Prairie subregion of the Texas Blackland Prairie ecoregion accounts for 641,541 acres of the Plan Area. This subregion is characterized by rolling to nearly level, deep and productive soils. Historically, this subregion was dominated by large expanses of grasses; however, most of the native prairie habitat has been converted to cropland, non-native pasture, and developed land uses. Common grasses include little bluestem, big bluestem (*Andropogon gerardii*), yellow indiangrass, and tall dropseed (*Sporobolus compositus*), with lowland sites represented by eastern gamagrass (*Tripsacum dactyloides*) and switchgrass. Common forbs species include asters, prairie bluet, prairie clovers, and blackeyed susan. Occasional woodland species are found along riparian corridors, such as Shumard oak (*Quercus shumardii*), sugar hackberry (*Celtis laevigata*), elm (*Ulmus* spp.), ash (*Fraxinus* spp.), eastern cottonwood (*Populus deltoides*), and pecan (*Carya illinoinensis*) (Griffith *et al.* 2004).

The Northern Nueces Alluvial Plains, a subregion of the Southern Texas Plains ecoregion, covers 598,310 acres of the Plan Area. The characteristics of the Northern Nueces Alluvial Plains are influenced by streams draining from the Balcones Canyonlands subregion. Alluvial fans and alluvial plains deposits are common features of the landscape and soils in this subregion are generally very deep. Typical vegetation in the Northern Nueces Alluvial Plains includes mesquite-live oak-bluewood parks within the northern part of the subregion and mesquite-granjeno parks in the southern part. These parks are interspersed with grasslands and scattered honey mesquite, plateau live oak, and other trees in areas with deep soils and short brush, and guajillo (*Acacia berlandieri*), blackbrush (*Acacia rigidula*), elbowbush (*Forestiera pubescens*), and kidneywood (*Eysenhardtia texana*), in areas with shallower soils. Some floodplain forests may include hackberry, plateau live oak, pecan, cedar elm, black willow (*Salix nigra*), and eastern cottonwood along the banks. Common grasses in this subregion include little bluestem, sideoats grama (*Bouteloua curtipendula*), lovegrass tridens (*Tridens eragrostoides*), multiflowered false rhodesgrass (*Trichloris pluriflora*), Arizona cottontop (*Digitaria californica*), plains bristlegrass (*Setaria vulpiseta*), and green sprangletop (*Leptochloa dubia*). Many areas in the Northern Nueces Alluvial Plains are used to grow crops, which are frequently irrigated (Griffith *et al.* 2004).

The southeastern corner of the Plan Area is represented by the Southern Post Oak Savanna subregion of the East Central Texas Plains ecoregion. There are approximately 74,334 acres of Southern Post Oak Savanna in the Plan Area. This area is a mosaic of post oak savanna, improved pasture, and rangeland. Some areas in the southern portion of this subregion are being invaded by mesquite, while other areas have a thick understory of yaupon (*Ilex vomitoria*) and eastern red cedar (*Juniperus virginiana*) (Griffith *et al.* 2004).

Texas Parks and Wildlife Department Vegetation Map

In 1984, TPWD mapped vegetation communities within Texas (McMahan *et al.* 1984). While somewhat outdated, *The Vegetation Types of Texas* still provides a useful summary of the general vegetation communities across the state. McMahan *et al.* (1984) identified 13 vegetation types in the Plan Area including forests, woods, parks, brush, grasslands, crops, lakes, and urban lands (**Table 4-3**).

Over the last 10 years, conversion to grassland or shrubland vegetation was the most common fate of lost forest cover across the Plan Area, particularly outside of Bexar County. Conversion of forest cover to other, non-urban, land cover types accounted for approximately 87 percent of the forest cover loss across the Plan Area, and as much as 97 percent of the loss occurred in Blanco, Bandera, Kerr, Kendall and Medina counties (USGS 2003).

Table 4-3: Vegetation Types within the Plan Area

Vegetation Type	Acres within the Plan Area	% of Plan Area
Live Oak - Ashe Juniper Parks	1,256,474	30.4%
Live Oak - Ashe Juniper Woods	796,302	19.3%
Live Oak - Mesquite - Ashe Juniper Parks	791,526	19.2%
Crops	565,781	13.7%
Mesquite - Live Oak - Bluewood Parks	190,004	4.6%
Mesquite - Granjeno Woods	163,271	4.0%
Urban	159,376	3.9%
Post Oak Woods, Forest, and Grassland	76,918	1.9%
Mesquite - Blackbrush Brush	41,105	1.0%
Live Oak - Mesquite Parks	34,646	0.8%
Post Oak Woods and Forest	23,969	0.6%
Lake	17,296	0.4%
Pecan - Elm Forest	11,300	0.3%

Source: McMahan *et al.* 1984.

4.4.2 Environmental Consequences

Methodology

The implementation of any of the Action Alternatives will have an effect on vegetation such that potentially suitable habitat for the Covered Species could be lost or modified by authorizing incidental take while other suitable habitat for the Covered Species could be conserved and managed in perpetuity through conservation.

The intensity of impacts to vegetation are measured based on the definition of the following terms:

Negligible: Individual native plants may be affected however measureable changes to plant community size, integrity or continuity will not occur.

Minor: Measurable impacts to native plants will occur however will be localized to a small percentage of the native plant community. The integrity and continuity of the native plant community will not be adversely affected.

Moderate: A relatively large percentage of the native plant community will experience measureable change in terms of species composition, vegetation structure, or habitat quality for native wildlife. Moderate impacts will likely require mitigation

measures and will have a reasonable likelihood of successfully offsetting the adverse impacts.

Major: Substantial changes to large portions of native vegetation communities will be apparent. Major impacts will require extensive mitigation measures that may not have a reasonable likelihood of successfully offsetting the adverse impacts.

No Action Alternative

As previously described, approximately 241,152 acres in the Plan Area will be developed with or without the SEP-HCP over the next 30 years. While the location, magnitude, and nature of specific activities associated with future commercial, residential, and other types of development cannot be predicted, most of the construction is expected to occur in northern Bexar County, southwestern Comal County and eastern Medina County. It can be assumed that the new development will require clearing of vegetation prior to construction and alteration of vegetation types, via landscaping, after construction is complete. Soil structure is important because it determines the ability of a soil to hold and conduct water, nutrients, and air necessary for plant root activity. Increased urbanization results in soil compaction which reduces its efficiency of the soil to provide a healthy environment for plants. In dry years, soil compaction can lead to stunted, drought-stressed plants due to decreased root growth. Soil compaction in the surface layer can increase runoff, thus increasing soil and water losses (DeJong-Hughes *et al.* 2001).

The fragmentation of native vegetation communities by land development will facilitate the invasion and establishment of non-native plants. Areas of native vegetation will be replaced with impervious cover and landscaping that is frequently composed of non-native vegetation, such as turfgrass and ornamental plants. Also, the introduction of non-native species (competitors, diseases) in the Plan Area will degrade the surrounding native vegetation communities. Additionally, under the No Action Alternative the conversion of forest cover to grassland or shrubland vegetation would be expected to continue at its current rate over the next 30 years, resulting in the reduction in wildlife habitat.
With the exception of certain vegetation communities that afford habitat for species listed under the ESA, impacts to vegetation communities are generally not regulated under federal or state law. Under the No Action Alternative, the impacts of development to vegetation that provides habitat for endangered species will be mitigated on a case-by case basis when landowners individually comply with the ESA. Other natural vegetation communities, such as riparian plant communities along water ways, could also be protected through compliance with other local, state, and federal regulations. As a result, some parcels containing natural vegetation communities will be conserved on a case-by-case basis and result in negligible beneficial impacts to vegetation in the Plan Area. Overall, however, moderate adverse impacts to vegetation will result from the No Action Alternative because of soil compaction and a relatively large percentage of the native plant community would be anticipated to experience measureable change in terms of species composition, vegetation structure, or habitat quality for native wildlife.

Proposed SEP-HCP Alternative

The Proposed SEP-HCP Alternative will not substantially affect the amount, timing, or location of land development over the next 30 years, with the exception of preventing future development from occurring in areas that are designated as preserve. Therefore, the adverse impacts to vegetation associated with land development under the Proposed SEP-HCP Alternative will be similar to those described for the No Action Alternative.

Compared to the No Action Alternative, the Proposed SEP-HCP Alternative will be expected to result in a greater level of habitat conservation due to the 31,031 acres of undeveloped land containing habitat for the Covered Species that will be permanently protected under this alternative. Preserve land will be primarily forest and shrubland vegetation communities used by the GCWA and BCVI. It is likely that this level of open space conservation will not occur under the No Action Alternative. As a result, the Proposed SEP-HCP Alternative could have a moderate benefit to vegetation resources in the Plan Area, compared to the No Action Alternative, because a larger percentage of the native plant community will be preserved and maintained.

10% Participation Alternative

The 10% Participation Alternative will not have a significant influence on the amount, timing, or location of land development anticipated over the next 30 years, with the exception of preventing future development from occurring in areas that are designated as preserve. Therefore, the potentially adverse impacts to vegetation resulting from anticipated land development will be similar to the impacts described for the No Action Alternative.

The primary difference between the 10% Participation Alternative and the No Action Alternative is the establishment and long-term management of a 7,390-acre preserve system, which will include approximately 5,250 acres of GCWA habitat, 1,390 acres of BCVI habitat, and 750 acres of karst lands. While some habitat conservation will occur under the No Action Alternative as the result of individual ESA compliance actions, the extent of these individual preserves will likely be less than the assured protection of 7,390 acres under the 10% Participation Alternative. The concentration of preserve land with more assured protection and guided management is likely to create a more effective protection for vegetation contained within the 7,390-acre preserve system than will likely be achieved with fewer, smaller, and more scattered protected areas under the No Action Alternative. Thus, these larger blocks of conserved native vegetation protected from development by the SEP-HCP will be more likely to yield benefits to vegetation than the mitigation measures that will result from project-by-project incidental take authorizations with the Service. The difference will be small, however, as the total area that will be conserved under this alternative will be small compared to the total size of the area of potential effect. Therefore, the beneficial impacts of the 10% Participation Alternative on vegetation will likely be only minor because they are likely to be localized to a small percentage of the native plant community.

Single-County Alternative

The Single-County Alternative will not have a significant influence on the amount, timing, or location of land development anticipated over the next 30 years, with the exception of preventing future development from occurring in areas that are designated as preserve. The potentially adverse impacts to vegetation resources resulting from anticipated land development will be similar to the impacts described for the No Action Alternative.

The primary difference between the Single-County Alternative and the No Action Alternative is the establishment and long-term management of a preserve system of up to 16,014 acres. While some habitat conservation will occur under the No Action Alternative as the result of individual ESA compliance actions, the extent of these individual preserves will likely be less than the assured protection of 16,014 acres under the Single County Alternative. Larger blocks of conserved native vegetation protected from development by the Single-County Alternative will be more likely to yield benefits to the ecosystem than the mitigation measures that likely will result from project-by-project incidental take authorizations with the Service under the No Action Alternative. Compared to the other

Action Alternatives, all of the preserve lands proposed for the Single-County Alternative will be concentrated closer to the urbanized areas within Bexar County and, therefore, the threat of invasion and establishment of non-native plants as a result of exposure to adjacent land uses could be higher. Overall, the beneficial impacts of the Single County Alternative on vegetation will likely be minor to moderate compared to the No Action Alternative because they could range from being localized to a small percentage of the native plant community in smaller preserves to a larger preserve that would protect native vegetation and more readily buffer it against change.

Increased Mitigation Alternative

The Increased Mitigation Alternative will not have a significant influence on the amount, timing, or location of land development anticipated over the next 30 years, with the exception of preventing future development from occurring in areas that are designated as preserve. The potentially adverse impacts to vegetation resources resulting from anticipated land development will be similar to the impacts described for the No Action Alternative.

The establishment and long-term management of up to 43,741-acre preserve system, as proposed under this alternative, will yield beneficial impacts to vegetation in the Plan Area. There will be less fragmentation of native vegetation communities by land developments which facilitate the invasion and establishment of non-native plants. Therefore, the potential beneficial impacts of the Increased Mitigation Alternative will be greater than those expected under the No Action Alternative. Like the Single-County Alternative, the Increased Mitigation Alternative includes a requirement that some of the preserve land be located within or adjacent to Bexar County. For the Increased Mitigation Alternative, the preserves for the BCVI will be mostly located in rural areas of the Plan Area; whereas, the majority (60 percent) of the GCWA habitat preserve will be contained within five miles of Bexar County. The more urbanized land uses found in Bexar County elevate the risk of invasion and establishment of invasive plant species within these preserve lands. However, this alternative will likely contain larger areas of contiguous, undeveloped land throughout the Plan Area than the No Action Alternative. The Increased Mitigation Alternative would have a moderate benefit to vegetation resources in the Plan Area compared to the No Action Alternative because it would protect large, contiguous areas that would maintain habitat characteristics and discourage invasive species through buffering.

4.5 GENERAL WILDLIFE

4.5.1 Affected Environment

The Plan Area crosses parts of six different ecological subregions, as described by the EPA (Griffith *et al.* 2004). These six distinct ecological subregions include the following communities: Balcones Canyonlands, Edwards Plateau Woodland, Northern Blackland Prairie, Llano Uplift, Northern Nueces Alluvial Plains, and Southern Post Oak Savanna.

Wildlife communities associated with these ecological subregions are as diverse as the ecological subregions themselves. A total of approximately 520 species of amphibians, reptiles, mammals, and birds make up the various vertebrate wildlife communities within the Plan Area (Dixon 2000, Schmidly 1994, Lockwood and Freeman 2004). Wildlife communities within the Balcones Canyonlands subregion are the most diverse, with approximately 95 percent of the total wildlife species within the Plan Area occurring within this region. However, over the past decade, conversion of forested land cover to other non-urban land cover types, such as grassland or shrubland, accounted for approximately 87 percent of the forest cover loss across the Plan Area, and most of this loss occurred in Blanco, Bandera, Kerr, Kendall and Medina counties (USGS 2003).

The 2005 Texas Wildlife Action Plan prepared by TPWD identified 301 native wildlife species of conservation concern that may occur in the Edwards Plateau ecoregion (TPWD 2005). These lists identify species with low or declining populations that are important to the health and diversity of the State's wildlife resources (**Table 4-4**).

Table 4-4: Native Vertebrate Wildlife Communities by Taxon and Ecological Region within the Plan Area (Species Diversity)

Taxon	Plan Area	Balcones Canyonlands	Edwards Plateau Woodlands	Llano Uplift	Northern Blackland Prairies	Northern Nueces Alluvial Plains	Southern Post Oak Savanna
Amphibians	33	33	25	22	30	21	28
Reptiles	79	77	65	63	76	72	74
Mammals	76	72	71	56	65	60	63
Birds	332	311	289	276	303	263	298
Total	520	493	450	417	474	416	463

Source: SEP-HCP 2015.

In addition to the Covered Species, other special status species occur in the Plan Area. Seventeen Voluntarily Conserved Species are addressed in the SEP-HCP including one mammal, six reptiles, one amphibian, three mollusks, and six plants (**Table 4-5**). The Voluntarily Conserved Species occur in habitats that are generally associated with areas used by the Covered Species. Habitats for the Voluntarily Conserved Species may be incidentally taken by the Covered Activities in the Enrollment Area or protected by preserve acquisitions for the Covered Species. None of Voluntarily Conserved Species are proposed to be covered for incidental take in the SEP-HCP, but some may benefit from the conservation measures described in the SEP-HCP. The SEP-HCP conservation program will consider the protection and management of habitats for these species as secondary priorities during the evaluation of potential preserve acquisitions and in preserve management plans. However, the conservation needs of the Covered Species will take precedence over the needs of the Voluntarily Conserved Species.

Table 4-5: Voluntarily Conserved Species

Common Name	Scientific Name	Taxa	Status	Basic Habitat Type
Cave myotis bat	*Myotis velifer*	Mammal	Non-listed	Roosts in clusters of up to thousands of individuals in a variety of natural and man-made structures; winters in limestone caves.
Cagle's map turtle	*Graptemys caglei*	Reptile	State Threatened	Guadalupe River system; short stretches of shallow water with swift to moderate flow and gravel or cobble bottom, connected by deeper pools with a slower flow rate and a silt or mud bottom.
Texas tortoise	*Gopherus berlandieri*	Reptile	State Threatened	Open brush with a grass understory; when inactive occupies shallow depressions at base of bush or cactus.
Indigo snake	*Drymarchon corais*	Reptile	State Threatened	Thornbush-chaparral woodlands of south Texas, in particular dense riparian corridors; requires moist microhabitats, such as rodent burrows, for shelter.

Common Name	Scientific Name	Taxa	Status	Basic Habitat Type
Spot-tailed earless lizard	*Holbrookia lacerata*	Reptile	Non-listed	Moderately open prairie brushland; fairly flat areas free of vegetation or other obstructions, including disturbed areas.
Texas horned lizard	*Phrynosoma cornutum*	Reptile	State Threatened	Open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees.
Texas garter snake	*Thamnophis sirtalis annectens*	Reptile	Non-listed	Wet or moist microhabitats are conducive to the species occurrence, but are not necessarily restricted to them.
Eurycea Salamanders	*Various species*	Amphibian	State & Federally Threatened	Karst-dependent; associated with aquifers, spring outfalls and spring runs.
Golden orb	*Quadrula aurea*	Mollusk	State Threatened & Petitioned for Federal Listing	Flowing waters of moderate-sized streams and rivers of the San Antonio, Guadalupe, Colorado, Brazos, Nueces, and Frio River systems.
Texas pimpleback	*Quadrula petrina*	Mollusk	State Threatened & Petitioned for Federal Listing	Flowing water of moderate-sized streams and small rivers; historically known from the San Antonio and Guadalupe River systems; not currently known to occur in the Plan Area.
Texas fatmucket	*Lampsilis bracteata*	Mollusk	State Threatened & Petitioned for Federal Listing	Flowing water of moderate-sized streams and small rivers in the San Antonio, Guadalupe, and Colorado River systems.
Tobusch fishhook cactus	*Sclerocactus brevihamatus ssp tobuschii*	Plant	Federally Endangered & State Endangered	Open areas within a mosaic of oak-juniper woodlands; sites are usually open with only herbaceous cover.
Big red sage	*Salvia penstemonoides*	Plant	Petitioned for Federally Endangered	Associated with seeps and creeks within steep limestone canyons; occasionally on clayey to silty soils of creek banks and terraces.
Bracted twistflower	*Streptanthus bracteatus*	Plant	Non-listed	Oak juniper woodlands over limestone and associated openings; on steep to moderate slopes and in canyon bottoms.
Longstalk heimia	*Nesaea longipes*	Plant	Non-listed	Moist alkaline or gypsiferous clayey soils along non-shaded margins of wetlands; moderately alkaline clay soils along perennial streams and in sub-irrigated wetlands; sparingly found on terraces of spring-fed streams in grassland.
Correll's false dragon-head	*Physostegia correllii*	Plant	Non-listed	Wet, silty clay loams on streamsides, in creek beds, irrigation channels and roadside drainage ditches.

Common Name	Scientific Name	Taxa	Status	Basic Habitat Type
Canyon rattlesnake-root	*Prenanthes carrii*	Plant	Non-listed	Rich humus soils over limestone in upper woodland canyon drainages; typically near springs in deep soils around the springs and on limestone shelves or honeycomb rock.

Source: SEP-HCP EIS Team 2011.

Texas Wildlife Action Plan

The 2005 Texas Wildlife Action Plan developed by TPWD identifies threats to the State's wildlife resources associated with changing demands on land resources (such as land development and fragmentation that threaten the viability of natural habitats and the sustainability of wildlife populations), introduced species (non-native plants and animals that displace native species and threaten habitat integrity for native wildlife), noxious brush and invasive plants (excessive quantities of even native plants can reduce the quality of wildlife habitat), overgrazing and fire suppression (improper application of these management tools or uses have contributed to a drastic alteration of the historic landscape), and limited understanding of complex natural systems (lack of reliable knowledge about the function of natural systems can lead to inappropriate conservation or management decisions) (TPWD 2005). The Action Plan identifies a list of species with low or declining populations that are important to the health and diversity of the State's wildlife resources; there are 514 native wildlife species of conservation concern that may occur in the SEP-HCP Plan Area. This Action is used by the TPWD to prioritize and plan wildlife management and conservation efforts.

Potential Impacts to Wildlife from Land Development Activities

Impacts to wildlife may depend on whether a particular wildlife species thrives or deteriorates as a result of human encroachment. Urban-adapted or tolerant wildlife species (such as raccoons, squirrels, grackles, and blue jays) could benefit from an increase in human activity, while other species (such as cave-dependent bats, bobcats, forest dwelling birds, and many reptiles) would decrease as humans convert or encroach upon natural landscapes.

Impacts to the over 520 species listed in the Plan Area will vary based on the type of habitat impacted by development activities and the sensitivity of each species to human-induced changes to native habitats or wildlife communities. Land development impacts natural environments in several ways, such as replacing native vegetation with buildings, pavement, and other man-made structures; decreasing the amount of continuous open-space (e.g., fragmentation); and increasing vegetational disturbance, erosion, and soil compaction (Bradley 1995). Development often results in the introduction of non-native vegetation through invasion or landscaping with non-native, ornamental plants (Whitney and Adams 1980; Mills *et al.* 1989; Bolger *et al.* 1997). Physical changes to the natural landscape, and possible alteration in predator or competitor interactions, will result from increased urbanization. Most animals in urban areas are not seasonally hunted or treated as game, while the hunting of game animals such as white-tailed deer are restricted to specific seasons and heavily regulated. Some avian species are protected by both the provisions of the *Texas Parks and Wildlife Code*, and the *Migratory Bird Treaty Act*, which prohibits the taking, killing, or possession of all migratory birds (with the exception of several non-native species). While these regulations protect birds to some degree, they provide no protection to the habitat required for their survival. In general, the natural composition and stability of native wildlife communities will decline concurrently with the expansion of the human population into their habitats. Should this projected future development incorporate areas of natural green space, this

anticipated decline could be minimized. Title 5 of the Texas Parks and Wildlife Code describes laws and matters regarding forests, water district and river authority parks, Texas trails systems, wildlife and plant conservation, hunting and fishing licenses, commercial and fish farmer's licenses, the Uniform Wildlife Regulatory Act, hunting, endangered species, crustaceans and mollusks, wildlife management areas, sanctuaries, and preserves, including federal-state agreements. The code also establishes special standards for non-game species, such as bats (Parks and Wildlife Code, Section 63.101). While certain species may benefit from human activities, land development typically alters the processes that maintain balance in native wildlife communities, resulting in adverse effects to self-sustaining native wildlife communities. Therefore, projected future land development activities have the potential to adversely impact wildlife populations through habitat changes, introduction of non-native species, and other alterations to the natural balance of native wildlife species within the SEP-HCP Plan Area.

4.5.2 Environmental Consequences

Methodology

In addition to the Covered Species, other wildlife species can be found to occupy the same habitat in the Plan Area. Loss or modification of habitat as a result of an ITP will also adversely affect wildlife while conservation of other areas of habitat for the Covered Species will beneficially affect wildlife.
The intensity of potential impacts to wildlife is described using the following definitions:

Negligible: No measureable impacts to self-sustaining wildlife communities will be detected.

Minor: Some measureable changes such as slight shifts in species composition or population numbers will occur but will be localized within a small area. The integrity and continuity of the wildlife community will not be adversely affected.

Moderate: Measureable changes in species composition, individual species abundance, or distribution of a particular self-sustaining native wildlife community will occur over a relatively large area. Moderate impacts likely will require mitigation measures and will have a reasonable likelihood of successfully offsetting the adverse impacts.

Major: Substantial changes of species composition, individual species abundance, or distribution of a particular self-sustaining native wildlife community will be apparent over a large area. Major impacts will require extensive mitigation measures that may not have a reasonable likelihood of successfully offsetting the adverse impacts.

No Action Alternative

As previously described, a total of 241,152 acres in the Plan Area will experience construction activities with or without the SEP-HCP over the next 30 years. The precise location, magnitude, and nature of specific activities associated with future commercial, residential, and other types of development cannot be predicted; however, most of the new development (55 percent) is predicted occur in Bexar County followed by Comal County (24.1 percent), and Medina County (10.4 percent). The areas anticipated for the greatest amount of development generally correspond to the SEP-HCP Enrollment Area. New development will include clearing vegetation prior to construction which will alter the processes that maintain the balance in native wildlife communities, resulting in adverse impacts to self-sustaining native wildlife communities. The No Action Alternative will not increase these impacts, but this condition will continue to degrade and have the potential to cause moderate, direct, and indirect adverse impacts to wildlife populations through habitat changes, introduction of non-native species, and other alterations to the natural balance of native wildlife species.

Under the No Action Alternative, development on land that provides habitat for endangered species may be mitigated on a case-by-case basis, but most land development that occurs outside of endangered species habitat will likely commence without conservation of open spaces. As ESA-related mitigation will be specific to the affected listed species, these lands will likely not be suitable for all wildlife species. Thus, any mitigation under the No Action Alternative will generally result in negligible beneficial impacts to native self-sustaining wildlife communities because they will likely not be measureable.

Proposed SEP-HCP Alternative

The Proposed SEP-HCP Alternative will not be expected to substantially affect the amount, timing, or location of land development over the next 30 years, so impacts to wildlife communities will also be similar to the No Action Alternative, with the exception of preventing future development from occurring in areas that are designated as preserve. Although many wildlife species thrive in urbanized environments, future development pressure will cause most wildlife communities currently present in the Plan Area to experience a decrease in habitat and likely decline in population sizes. Therefore, consolidation of mitigation lands in the Proposed SEP-HCP Alternative will likely result in moderately beneficial impacts on many wildlife species, although the true impacts of the proposed SEP-HCP on wildlife communities will be tied to the size and location of proposed preserve lands.

Many wildlife species depend on numerous habitats throughout their lives, so protecting contiguous open space is crucial. In addition, contiguous forest habitat supports native wildlife species that require large open space to survive. Such habitat supports natural ecological processes, such as predator/prey interactions and natural disturbance. The Proposed SEP-HCP Alternative will conserve up to 31,030 acres and it is likely that this level of open space conservation will not occur under the No Action Alternative. The preserve lands may also serve to buffer species against the negative consequences of habitat fragmentation. When habitat is fragmented, many birds are affected by increased rates of nest predation from raccoons, skunks, and squirrels, as well as nest parasitism from brown-headed cowbirds. Many of the native migratory songbird populations are now in decline due, in part, to the loss of contiguous forest habitat (Terborgh 1989).

The Proposed SEP-HCP Alternative will be expected to result in a greater level of land preservation over the No Action Alternative. The preserve system will be primarily forest and shrubland vegetation communities used by the GCWA and BCVI; however, it is likely that the preserve system will also contain substantial native vegetation communities that will support the sheltering, breeding, and foraging requirements for many other Voluntarily Conserved and wildlife species. Ongoing management of the preserve system will reduce the risk of adverse impacts from adjacent land uses.

The protection of thousands of acres of natural vegetation in the Plan Area under the Proposed SEP-HCP Alternative will conserve natural ecological processes. Although the preserve system is managed for listed species habitat, tracts that provide benefits to multiple species will rank higher during the SEP-HCP's evaluation of potential preserve lands. Therefore, the protection of natural habitat in the SEP-HCP preserve system will likely yield some moderate direct beneficial impacts to general wildlife communities, compared to the No Action Alternative, because the current species composition, individual species abundance, and distribution of a self-sustaining native wildlife community will maintained through these larger, more contiguous preserves.

10% Participation Alternative

As previously stated, the 10% Participation Alternative will not have a significant influence on the amount, timing, or location of land development anticipated over the next 30 years. Therefore, the potentially adverse impacts to wildlife resulting from anticipated land development will be similar to the impacts described for the No Action Alternative.

The primary difference between the 10% Participation Alternative and the No Action Alternative is the establishment and long-term management of a 7,390-acre preserve system which will include approximately 5,250 acres of GCWA habitat, 1,390 acres of BCVI habitat, and 750 acres of karst lands. Creating these large preserves and restricting public access will protect riparian habitat along creeks and streams. While some habitat conservation will occur under the No Action Alternative as the result of individual ESA compliance actions, the extent of these individual preserves will likely be less than the assured protection of 7,390 acres under the 10% Participation Alternative and the distribution of preserve lands under the No Action Alternative will likely be more scattered. The concentration of preserve land with more assured protection and guided management is likely to create a more effective habitat protection and biodiversity within the 7,390-acre preserve system than will be achieved with fewer, smaller, and more scattered protected areas under the No Action Alternative. Thus, these larger blocks of conserved habitat protected from development by the SEP-HCP will be more likely to yield benefits to general wildlife than the mitigation measures that will result from project-by-project incidental take authorizations with the Service. The difference will be small, however, as the total area that will be conserved under this alternative will be small compared to the total size of the area of potential effect. Therefore, the beneficial impacts of the 10% Participation Alternative on general wildlife communities will likely be only minor, compared to the No Action Alternative, because while the preserve size is likely more contiguous, it is still a relatively small area compared to the impacts expected from development.

Single-County Alternative

The Single-County Alternative will not significantly influence the amount, timing, or location of land development anticipated over the next 30 years. It will restrict the location of mitigation lands to Bexar County, plus 10-miles around Bexar County. The potentially adverse impacts to general wildlife resulting from anticipated land development will be similar to the impacts described for the No Action Alternative.

The primary difference between the Single-County Alternative and the No Action Alternative is the establishment and long-term management of a preserve system of up to 16,014 acres. Although the preserve locations have not been identified, it is assumed that habitat acquisition will be in large, more contiguous parcels. Creating these large preserves and restricting public access will protect habitat, and serve as a buffer from the negative consequences of habitat fragmentation and other disturbances. In the absence of contiguous habitat, many birds are affected by increased rates of nest predation from raccoons, skunks, and squirrels, as well as nest parasitism from brown-headed cowbirds. Many of the native migratory songbird populations are now in decline due, in part, to the loss of contiguous forest habitat (Terborgh 1989).

While some habitat conservation will occur under the No Action Alternative as the result of individual ESA compliance actions, the extent of these individual preserves will likely be less than the protection of up to 16,014 acres under the Single County Alternative and the distribution of preserve lands under the No Action Alternative will likely be more scattered. The preserve lands proposed for the Single-

County Alternative will be concentrated closer to San Antonio and could result in greater risk of invasion and establishment of non-native plants and wildlife predation as a result of exposure to adjacent urbanized land uses. Ongoing management of the preserve system, as described in **Chapter 1**, which will include public education, will reduce the chance of adverse edge effects of adjacent land uses such as ways to manage household pets, using native plants in landscaping, and appropriate ways to feed backyard wildlife. The larger preserves contained in this alternative will also reduce exposure to adjacent land uses. Therefore, the Single-County Alternative will yield moderate beneficial impacts to native wildlife populations, compared to the No Action Alternative, because of the establishment and long-term management of such a large preserve system that will contain numerous sizable areas of contiguous, undeveloped land throughout Bexar County, plus 10-miles .

Increased Mitigation Alternative

The Increased Mitigation Alternative, like the other alternatives, is not anticipated to influence land development trends in the Plan Area over the next 30 years. The potential adverse impacts on general wildlife species as a result of anticipated land development over the next 30 years will be the same as the No Action Alternative.

The Increased Mitigation Alternative proposes to establish up to 43,741 acres in a preserve. This much larger preserve, compared to the other Action Alternatives, will result in less fragmentation of native vegetation communities by land developments, invasion and establishment of non-native vegetation, and disruption of wildlife communities. The BCVI habitat mitigation will be mostly located in rural areas of the Plan Area, whereas, the majority (60 percent) of the GCWA habitat mitigation area in this system will be contained within five miles of Bexar County. When compared to the No Action Alternative, the GCWA habitat mitigation area contemplated for the Increased Mitigation Alternative is likely to contain larger areas of contiguous, undeveloped land in and within five miles of Bexar County. Some adverse edge effects from the rapidly urbanizing area could occur, but could be reduced through ongoing management, as described in Chapter 1, which includes public education on topics such as ways to manage household pets, using native plants in landscaping, and appropriate ways to feed backyard wildlife. Protecting potentially large, contiguous areas, tightly controlling public access and managing vegetation to maintain habitat characteristics will discourage invasive species and encourage native vegetation. In addition, contiguous forest habitat supports native wildlife species that require large areas to survive. Such habitat supports natural ecological processes, such as predator/prey interactions and natural disturbance. Many of the native migratory songbird populations are now in decline due, in part, to the loss of contiguous forest habitat (Terborgh 1989). As a result, the Increased Mitigation Alternative could have a moderate beneficial effect to wildlife resources in the Plan Area, compared to the No Action Alternative, due to the larger preserve parcels, which will buffer against negative edge effects.

4.6 THREATENED AND ENDANGERED SPECIES

4.6.1 Golden-cheeked Warbler – Affected Environment

The GCWA is a songbird that migrates annually between its wintering grounds in southern Mexico and Central America and its breeding grounds in central Texas. The Service published the final rule listing the GCWA as federally endangered on December 27, 1990 (55 FR 53153). The GCWA was listed as endangered by the State of Texas on February 19, 1991 (Executive Order No. 91-001). No critical habitat is designated for the GCWA.

See the SEP-HCP's **Appendix C – Biology of the Covered Species or** the Service's GCWA Recovery Plan (1992) for a detailed species description.

4.6.2 Golden-cheeked Warbler - Environmental Consequences

Methodology

The GCWA will be covered by the ITP requested for the proposed SEP-HCP. The definition of terms used to describe the intensity of impacts is the same for all Covered Species, as follows:

Negligible: The Covered Species will not be affected or there will be no measureable change to the population in the area of potential impacts.

Minor: Measureable changes to the Covered Species or their habitat will be relatively localized within the area of potential impacts.

Moderate: Noticeable adverse or beneficial impacts to the population or habitat of the Covered Species within the area of potential impacts.

Major: Obvious impacts to the population or habitat of the Covered Species within the area of potential impacts and severe consequences or exceptional benefits.

Impacts to the GCWA would be considered significant if they result in one or more of the following:

- The primary threats to health of mature juniper-oak woodland habitat used by the species would decrease resulting in beneficial impacts.
- The primary threats to the health of mature juniper-oak woodland habitat used by the species would increase resulting in adverse impacts.
- The size of the local GCWA population within the Plan Area would substantially increase resulting in beneficial impacts.
- The size of the local GCWA population within the Plan Area would substantially decrease resulting in adverse impacts.
- The goals and objectives of the GCWA recovery plan are advanced or met resulting in beneficial impacts.
- The goals and objectives of the GCWA recovery plan are hindered or precluded from being met resulting in adverse impacts.

No Action Alternative

Under the No Action Alternative, the recent trends in population growth, land development, and forest cover loss are likely to continue as projected. It is likely that the construction activities required to support future population growth within the Plan Area will impact GCWA habitat over the next 30 years. According to Groce *et al.* (2010) there is no evidence to indicate that the amount of GCWA breeding habitat is increasing or stable due to continued habitat loss and fragmentation from human development, shifts in land use, and construction of roads and utility transmission corridors. These threats are likely to be intensified by projected increases in human populations within the breeding range of the species.

Based on trends analyzed between 1992 and 2010 it is estimated that between 0.5 and 0.7 percent of GCWA habitat is lost each year in the Plan Area (Diamond *et.al.* 2010, Groce *et al.* 2010). If no action is taken, 51,150 acres, or 7.8 percent of the currently available GCWA habitat in the Plan Area is projected to be lost in the next 30 years. In Bexar County alone, excluding Camp Bullis, 14,883 acres, or approximately 25.2 percent, could be lost in the next 30 years directly to developed land uses (Diamond *et.al.* 2010). Under the No Action Alternative, individual projects within occupied GCWA habitat may pursue incidental take authorization from the Service in order to obtain an ITP and comply with the ESA. This ESA authorization will include the requirement that the impacts of any incidental

take of the GCWA be mitigated to the maximum extent practicable; therefore, the overall benefit to the species from habitat protection resulting from individual ESA incidental take authorizations is likely to be minor.

There are between approximately 1,110,000 and 989,000 acres of potential GCWA habitat in the Plan Area. Some of which is located on properties under public and private ownership (not including military installations such as Camp Bullis) that currently offer some protection from future land development activities. These properties contain between 50,000 and 60,000 acres of potential GCWA habitat (Morrison *et. al.* 2010, Diamond *et.al.* 2010). As stated above, approximately 51,150 acres of potential GCWA habitat could be lost under the No Action Alternative between 2010 and 2040 years (Diamond *et.al.* 2010). Therefore, this relatively small amount of loss indicates that the No Action Alternative will not be likely to preclude the attainment of recovery for the GCWA, but will also not be likely to substantially contribute to meeting these goals, due to the likely small mitigation parcels. The No Action Alternative assumes that the status quo will continue in the future in terms of the current level of compliance with the ESA. Additionally, the recent trends affecting the GCWA in the Plan Area, particularly related to the loss of potential habitat will be expected to continue through the next 30 years and result in a moderate adverse impact to the species under the No-Action Alternative because there would be measureable decreases in species distribution and abundance and increased fragmentation, which reduces reproductive success.

Proposed SEP-HCP Alternative

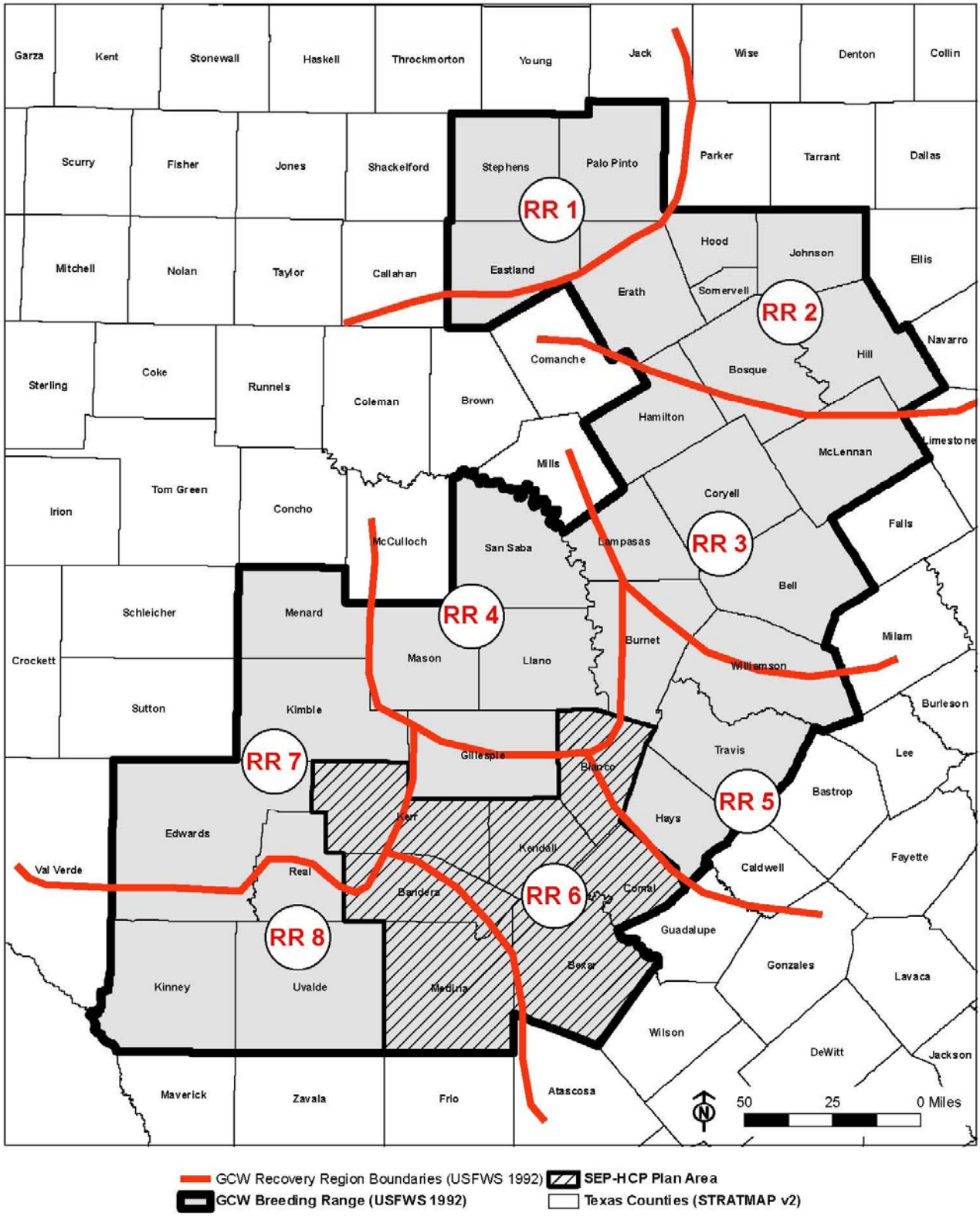
Under the Proposed SEP-HCP, the Applicants will be authorized to incidentally take the GCWA related to the loss or degradation of up to 9,371 acres of potential GCWA habitat in the Enrollment Area. It is expected that land development will be implemented in much the same manner as the No Action Alternative and will experience similar levels and patterns. Accordingly, anticipated land development activities in the Plan Area will be expected to have similar potentially adverse impacts to the species as described for the No Action Alternative. Since implementation of the Proposed SEP-HCP Alternative will not be expected to substantially influence the total amount of anticipated habitat loss in the Plan Area during the permit term, the impacts of the Proposed SEP-HCP Alternative on the GCWA will be primarily associated with the mitigation provided by the SEP-HCP.

To mitigate for impacts to GCWAs, the SEP-HCP will create a 23,430 acre GCWA preserve. Preservation Credits will be assembled on a phased basis, as needed over the next 30 years to provide sufficient credits to offset impacts from participating public and private projects. Under the phased mitigation approach, habitat protection will always occur in advance of authorized impacts through the SEP-HCP; however, no pre-determined preserve system will be designated under the SEP-HCP. The Service will award Preservation Credits to the SEP-HCP in proportion to the acreage of potential GCWA habitat contained within the preserve system. Credits can be accrued by acquiring parcels of habitat or purchasing them from an existing Service-approved conservation bank. It is anticipated that most preserves will generate at least one Preservation Credit for each acre of potential habitat included within it. However, the Service may alter this ratio if conditions (such as habitat quality, parcel size, or adjacent or interior land uses) warrant such action. Therefore, the actual mitigation value of each acre in the mitigation parcel will be based on the specific conditions of each site. In a similar fashion, the SEP-HCP will determine the mitigation needs for potential SEP-HCP Participants based on the specific conditions on each project site by conducting an on-site habitat assessment.

The direct and indirect impacts to potential habitat will be evaluated by reviewing site plans for SEP-HCP Participants. Direct impacts are assumed to apply to all areas of habitat within the boundaries of an Enrolled Property and are proposed to be assessed as two acres of mitigation for each acre of impact (a 2:1 mitigation ratio). Indirect impacts are assumed to apply to all areas of habitat within 300 feet of GCWA habitat, including outside of the boundaries of an Enrolled Property, and are proposed to be assessed as one-half acre of mitigation for each acre of impact (a 0.5-to-1 mitigation ratio). Mitigation needs for SEP-HCP Participants will be assessed in terms of Preservation Credits where one credit is equal to one acre of protected habitat. Therefore, it is anticipated that impacts to habitat authorized through the SEP-HCP will adequately be balanced by protected habitat in the preserve. The Proposed SEP-HCP Alternative may increase the amount of ESA compliance in the Plan Area, compared with the No Action Alternative, since compliance will be more efficient than obtaining incidental take authorization directly from the Service. Further, the Applicants propose to increase awareness of endangered species issues in the Plan Area (see Section 10 Education and Outreach of the SEP HCP), which may also lead to increased ESA compliance. Increased ESA compliance will benefit the species by ensuring that a larger portion of the anticipated habitat loss over the next 30 years will be balanced with conservation actions, such as habitat protection.

The GCWA Recovery Plan (Service 1992) identifies the criteria to be met for the GCWA to be considered for downlisting from endangered to threatened status. These recovery criteria include the protection of sufficient breeding habitat to ensure the continued existence of at least one viable, self-sustaining GCWA population in each of the eight recovery regions (**Figure 4-7**), where the potential for gene flow exists across regions to ensure long-term viability of the protected populations (Service 1992). Attaining the recovery goals for the GCWA includes the identification of focal areas for protection that include a single, viable GCWA population, or one or more smaller populations that are interconnected (Service 1992). While the ultimate size of the preserve system will be proportional to the amount of impact authorized through participation in the SEP-HCP, at full implementation at least 23,430 acres of GCWA habitat would be permanently protected and managed for the benefit of the GCWA. With regard to GCWA recovery goals (Service 1992), the Proposed SEP-HCP Alternative will likely protect a focal area for GCWA conservation. In Recovery Unit 6, this goal is being partially met in Bexar County by existing conservation actions. Approximately 6,400 to 7,400 acres are currently being protected and managed explicitly for the GCWA in Bexar County (SEP-HCP 2015). And, while not specifically protected and managed for the GCWA, the Edwards Aquifer Protection Program has protected tens of thousands of acres in the Plan Area from future development. The Proposed SEP-HCP Alternative is likely to result in a moderate beneficial impact to the GCWA, compared to the No Action Alternative, due to the protection and management of high quality habitats and reduced fragmentation, which maintains reproductive success rates.

Figure 4-7: 1992 GCWA Recovery Region Boundaries



Source: Service 1992.

10% Participation Alternative

The 10% Participation Alternative will authorize take of approximately 2,100 acres of potential GCWA habitat within the Enrollment Area associated with Covered Activities. As mitigation, the SEP-HCP will acquire approximately 5,250 acres of GCWA habitat, which is expected to occur within the first several years.

It is expected that land development will be implemented in much the same manner as the No Action Alternative and will experience similar levels and patterns. It is possible that the 10% Participation Alternative will increase the amount of ESA compliance in the Plan Area, compared with the No Action Alternative, since compliance may be easier than obtaining incidental take authorization directly from the Service. However, the potential benefits of increased ESA compliance will be limited by the modest level of incidental take authorization available under this alternative. Therefore, the potentially adverse impacts of this alternative will be similar to those described for the No Action Alternative (i.e., the alternative will provide ESA incidental take authorization for a portion of the total amount of anticipated habitat loss in the Plan Area over the next 30 years, but will not be expected to substantially increase or decrease the total amount of anticipated habitat loss during that time). The remaining impacts of this alternative on the GCWA will be primarily associated with the mitigation provided by the 5,250-acre preserve system.

The direct and indirect impacts will be assessed like those under the Proposed SEP-HCP Alternative. Additionally, preserves would be purchased, preserved, and managed like those under the Proposed SEP-HCP Alternative, protecting key areas of potential habitat in Bexar County and City of San Antonio jurisdictions from future land development, thereby decreasing the threat of habitat loss for GCWAs. Therefore, the mitigation provided under the 10% Participation Alternative will likely result in a preserve system with greater conservation value than will be achieved under the No Action Alternative. However, the overall size of the GCWA preserve system under the 10% Participation Alternative will be modest in comparison to the other Action Alternatives. Therefore, the preserve system will be likely to only have a minor beneficial impact on GCWAs. With regard to recovery goals, the likely benefits of the preserve system will be limited by the relative size of the preserve system when compared to the other Action Alternatives. Therefore, this alternative is not likely to have substantial influence on the ability of recovery goals to be met. Overall, the 10% Participation Alternative is likely to result in only minor beneficial impacts to the GCWA, due to the limited size of GCWA preserves.

Single-County Alternative

The Single-County Participation Alternative is designed to offset the impacts associated with up 9,371 acres of development activity on potential GCWA habitat in the Enrollment Area. At full implementation, the Single-County Alternative preserve system will include approximately 11,714 acres of GCWA habitat. It will restrict purchase of conservation lands to Bexar County and up to10 miles outside of Bexar County. The Single-County Alternative will not significantly influence the amount or timing of land development anticipated over the next 30 years. Therefore, potentially adverse impacts to the GCWA resulting from anticipated land development under the Single-County Alternative will be similar to the impacts described for the No Action Alternative.

The most significant difference between the Single-County Alternative and the other Action Alternatives is that direct impacts are proposed to be off-set at a 1-to-1 ratio (that is one acre of mitigation for one acre of directly impacted habitat). All other Action Alternatives include a higher proposed mitigation ratio. The mitigation provided under the Single-County Alternative will likely result in a preserve

system with greater conservation value than will likely be achieved under the No Action Alternative, due to the protection of larger blocks of potential habitat than will likely be achieved for smaller, individual mitigation actions. Overall, the Single-County Alternative will protect large areas of potential habitat in and around Bexar County from future land development, thereby decreasing the threat of habitat loss for many important areas of potential GCWA habitat and resulting in some beneficial effects to the species. It is possible that the habitat protection afforded by the Single-County Alternative, in combination with other conservation lands, would generate a focal area for GCWA conservation. Therefore, it is possible that this preserve system will have a minor beneficial impact on the GCWA population because the 11,714-acre preserve in Bexar County will no longer be developable and will be conserved in perpetuity. With regard to recovery goals, the Single-County Alternative may protect or create a new focal area for GCWA conservation, but only if contiguous within itself and established adjacent to or near other conservation lands supporting the GCWA. Therefore, this alternative will likely have a positive effect on the ability of recovery goals being met. The Single County Alternative is likely to result in minor to moderate beneficial impact to the GCWA, compared to the No Action Alternative, due to the size of the preserve and the permanent protections it will afford the GCWA.

Increased Mitigation Alternative

The Increased Mitigation Alternative will include approximately 35,141 acres of GCWA habitat preserve. In return for the commitment to acquire a very large-scale, well-designed, and managed preserve system, the Permittees will be authorized to incidentally take 9,371 acres of GCWA habitat within Bexar County and City of San Antonio jurisdictions.

It is expected that land development will be implemented in much the same manner as the No Action Alternative and will experience similar levels and patterns. The Increased Mitigation Alternative proposes a 3:1 direct impact-to-mitigation ratio. The Increased Mitigation Alternative will have the potential to protect more of the local population of GCWAs within and near Bexar County, since 60 percent of the GCWA preserves must be within Bexar County or within 5 miles of its border. When compared to the other Action Alternatives, the Preservation Credit fee for direct impacts to GCWA would be greater to account for the higher mitigation ratio and preserve location requirements; it is possible that the higher fee could result in lower participation. Additionally, this preserve system will also likely help achieve recovery goals for the GCWA by conserving and enhancing habitat connectivity across the landscape. The overall impact of the Increased Mitigation Alternative will likely be moderately beneficial for the GCWA, due to the larger size of permanently protected GCWA habitat.

4.6.3 Black-capped Vireo - Affected Environment

The BCVI is a migratory bird present in Texas during its breeding season (March to September). The species was given endangered status by the Service on October 6, 1987 and the rule became effective on November 5, 1987 (52 FR 37420). The Service has not designated critical habitat for the BCVI. The BCVI was state-listed as threatened on March 1, 1987 and endangered on December 28, 1987.

See the SEP-HCP's **Appendix C – Biology of the Covered Species** or the Service's BCVI Recovery Plan (1991) for a detailed species description.

4.6.4 Black-capped Vireo - Environmental Consequences

Methodology

The BCVI will be covered by the ITP requested for the SEP-HCP. Definitions of terms used to measure intensity of impacts are as follows:

Negligible: The Covered Species will not be affected or there will be no measureable change to the population in the area of potential impacts.

Minor: Measureable changes to the Covered Species or their habitat however relatively localized within the area of potential impacts.

Moderate: Noticeable adverse or beneficial impacts to the population or habitat of the Covered Species within the area of potential impacts.

Major: Obvious impacts to the population or habitat of the Covered Species within the area of potential impacts and severe consequences or exceptional benefits.

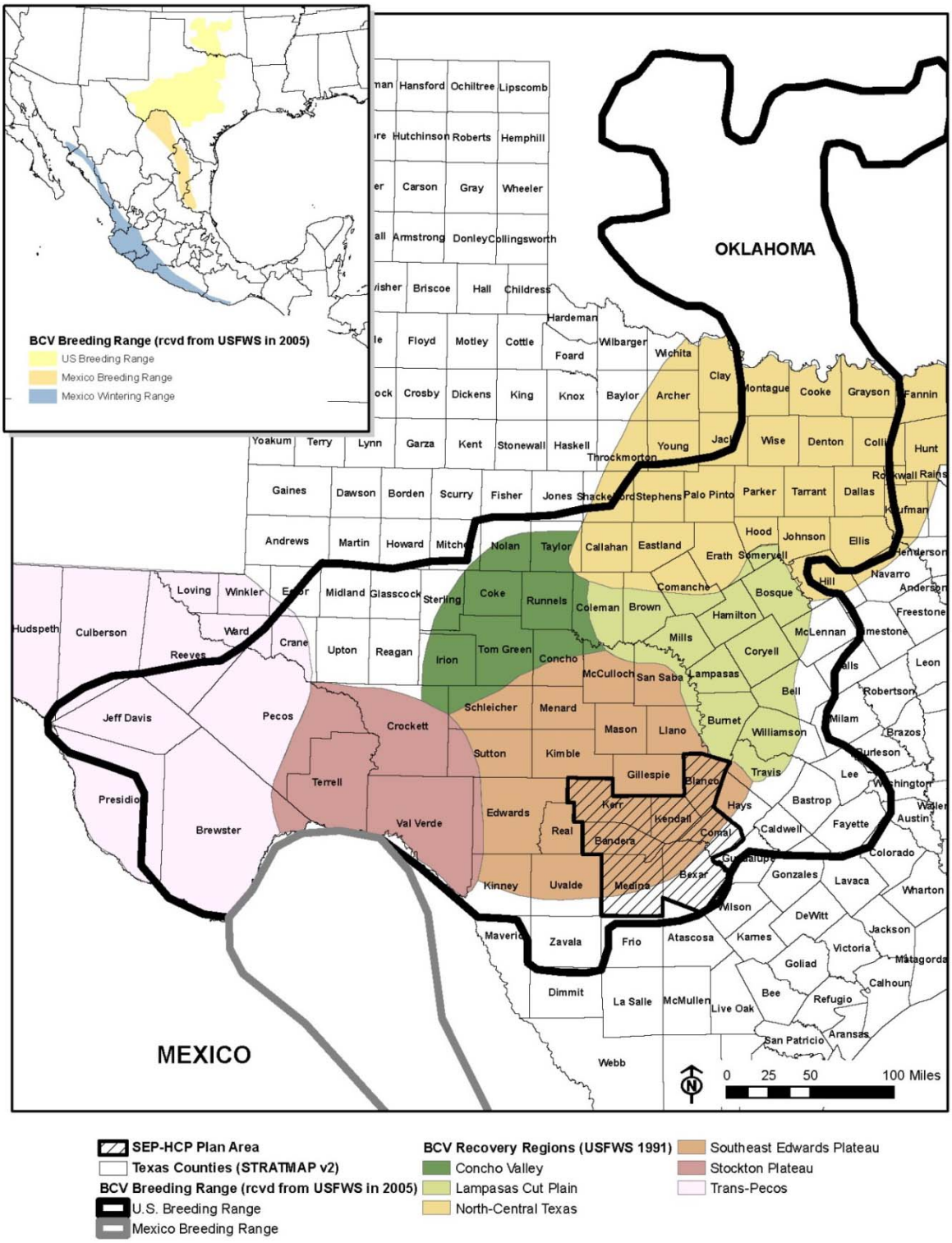
No Action Alternative

Under the No Action Alternative, the recent trends affecting the BCVI will be expected to continue through the next 30 years. In the Plan Area, developed land uses are increasing across the landscape, which is likely resulting in some loss of habitat for the BCVI. Under the No Action Alternative it is anticipated that 10,084 acres of BCVI habitat could be lost in the Plan Area between 2010 and 2040 with half of this loss occurring in Bexar County (Wilkins *et.al.* 2006). However, land cover changes tracked by the USGS (2003) suggest that large areas of forest cover are also being converted to more open grassland or shrubland habitats, which over time could create more habitat for the species. Therefore, given the lack of specific information regarding the status of the BCVI in the Plan Area, it is uncertain the extent to which land use changes and other regional trends will be expected to adversely or beneficially affect the species (both in terms of habitat availability and population size) under the No Action Alternative.

The recovery criteria in the BCVI Recovery Plan (Service 1991) calls for the protection of at least one viable BCVI population composed of at least 500 to 1,000 breeding pairs in four of six recovery regions in Texas, plus one each in Oklahoma and Mexico (see **Figure 4-8**). A status review by Wilkins *et al.* (2006) identified 1,018 BCVI observations in the Edwards Plateau recovery region. Most of these records were from protected lands, such as state parks and wildlife management areas, since most of the BCVI's breeding range occurs on private lands and was not accessible (Wilkens *et al.* 2006). The BCVI 5-year status review recommended the possible downlisting from endangered to threatened because the known BCVI population is currently much larger than known at the time of listing (Service 2007). Additionally, the primary threats to the species (habitat loss, grazing and browsing, brood parasitism, and vegetational succession) are not as great as they were at the time of listing (Service 2007).

While anticipated land development will result in the loss of BCVI habitat within the SEP-HCP Plan Area, historic land cover change suggests that BCVI habitat will also be created. . Regardless of the overall impacts of land use changes in the Plan Area, individual projects within occupied BCVI habitat may seek incidental take authorization from the Service for an ITP to comply with the ESA. While the impacts and mitigation likely to occur under the No Action Alternative are difficult to predict due to the lack of information regarding the precise location and nature of future land development in the Plan Area, the lack of reliable information regarding the status of the species in the Plan Area, and the inability to predict the level of compliance with the ESA, it is likely that some conservation efforts for the species will continue to take place, as they have in the past. Therefore, the overall benefit to the

Figure 4-8: 1991 BCVI Recovery Region Boundaries



Source: Service 1991.

species resulting from individual ESA incidental take authorizations under the No Action Alternative is likely to be minor, due to negligible adverse and beneficial impacts.

Proposed SEP-HCP Alternative

Land development is expected to be implemented in the same manner as the No Action Alternative and will experience similar levels and patterns. Accordingly, anticipated land development activities in the county are expected to have similar potentially adverse impacts to the species as described in the No Action Alternative.

Under the Proposed SEP-HCP Alternative, incidental take authorization will be given to incidentally take BCVI related to the loss or degradation of up to 2,640 acres of potential BCVI habitat in Bexar County and City of San Antonio jurisdictions over 30 years. To mitigate for those impacts, the SEP-HCP will create a preserve system with a target size of approximately 6,600 acres of BCVI habitat that will be managed in perpetuity. The preserve system will be developed on a phased basis as needed over the next 30 years to provide sufficient Preservation Credits to offset impacts from participating public and private projects. Under the phased mitigation approach, habitat protection will always occur in advance of authorized impacts through the SEP-HCP; however, no pre-determined preserve system will be designated under the SEP-HCP.

The direct and indirect impacts to potential habitat will be evaluated by reviewing site plans for SEP-HCP Participants. Direct impacts are assumed to apply to all areas of habitat within the boundaries of an Enrolled Property and are proposed to be assessed as two acres of mitigation for each acre of impact (a 2-to-1 mitigation ratio). Indirect Impacts are assumed to apply to all areas of habitat within 300 feet of BCVI habitat, including outside of the boundaries of an Enrolled Property, and are proposed to be assessed as one-half acre of mitigation for each acre of impact (a 0.5-to-1 mitigation ratio). Mitigation needs for SEP-HCP Participants will be assessed in terms of Preservation Credits where one credit is equal to one acre of protected habitat. Therefore, it is anticipated that impacts to habitat authorized through the SEP-HCP will adequately be balanced by protected habitat in the preserve. BCVI Preservation Credits under the Proposed SEP-HCP Alternative will be awarded to the SEP-HCP by the Service based on the number of acres of BCVI habitat within the preserve system. Areas protected and managed for the benefit of the BCVI under the Proposed SEP-HCP Alternative will likely be larger than the mitigation typically needed to offset impacts associated with individual projects. These areas will be regularly managed and monitored in accordance with a Service-approved plan that addresses the maintenance of appropriate vegetative structure for the BCVI and reduces threats from nest parasites and browsing wildlife, and the BCVI management areas will be buffered from the impacts of adjacent land uses by being located within a larger system of preserve lands.

It is possible that the Proposed SEP-HCP Alternative will increase the amount of ESA compliance in the Plan Area, compared with the No Action Alternative, since compliance may be more efficient than obtaining incidental take authorization directly from the Service. This may be particularly true with regard to BCVI mitigation, which requires long-term obligations for regular BCVI habitat management activities. The Proposed SEP-HCP Alternative will provide a moderate benefit to BCVIs in the Plan Area, compared to the No Action Alternative, because permanent protection and management of 6,600 acres of BCVI habitat will alleviate some of the major threats to the BCVI in the Plan Area and will significantly contribute to meeting recovery goals in this recovery unit.

10% Participation Alternative

Land development under the 10% Participation Alternative is expected to be implemented in the same manner as the No Action Alternative and will experience similar levels and patterns. Accordingly, anticipated land development activities in the county are expected to have similar potentially adverse impacts to the species as described in the No Action Alternative.

The 10% Participation Alternative will authorize the loss or degradation of approximately 566 acres of potential habitat for the BCVI within Bexar County's and the City of San Antonio's jurisdictions. As mitigation, at least 1,390 acres of BCVI habitat will be acquired and managed in perpetuity in the Plan Area. Like the Proposed SEP-HCP Alternative, the 10% Participation Alternative could increase the amount of ESA compliance in the Plan Area, compared with the No Action Alternative, since compliance may be more efficient than obtaining incidental take authorization directly from the Service. However, the potential benefits of increased ESA compliance will be limited by the modest level of incidental take authorization available under this alternative.

The remaining impacts of this alternative on the BCVI will be primarily associated with the 1,390 acres of BCVI habitat within the preserve system. The 10% Participation Alternative has the same direct and indirect impact ratios to Preservation Credits as the Proposed SEP-HCP Alternative. Therefore, it is anticipated that impacts to habitat authorized through this alternative will be adequately balanced by perpetually managed BCVI habitat within the preserve system. The mitigation provided under the 10% Participation Alternative will be provided in relatively large blocks within portions of the preserve system that are not managed as GCWA habitat. This alternative will create BCVI management areas that will be larger than the mitigation typically needed to offset impacts associated with individual projects. BCVI habitat within the preserve system will also be regularly managed and monitored in accordance with a Service-approved management plan that addresses the maintenance of appropriate vegetative structure for the BCVI and reduces threats from nest parasites and browsing wildlife. Further, the BCVI management areas under this alternative will be buffered from the impacts of adjacent land uses by being located within a larger system of preserve lands.

Therefore, the 10% Participation Alternative will be expected to alleviate some of the major threats to the species for a moderately sized area of BCVI habitat and will somewhat contribute to the recovery of the BCVI, thereby providing a minor benefit to the species in the Plan Area, compared to the No Action Alternative.

Single-County Alternative

The Single-County Alternative will not significantly influence the amount, timing, or location of land development anticipated over the next 30 years. It will restrict purchase of preserve lands to Bexar County, plus 10-miles around Bexar County. The potentially adverse impacts to the BCVI resulting from anticipated land development (whether authorized through the SEP-HCP or an individual ESA incidental take authorization) will be similar to the impacts described for the No Action Alternative. The Single-County Alternative is designed to offset the impacts associated with 2,640 acres of BCVI habitat in the Enrollment Area. At full implementation, the Single-County Alternative proposes a preserve system that will include approximately 3,300 acres of BCVI habitat. Because preserves will be located within and adjacent to an urban/suburban environment, BCVI may be more susceptible to adverse effects associated with proximity to human activities, such as noise, predation from pets or other animals such cowbirds and raccoons. The most significant difference in the Single-County Alternative and the other Action Alternatives is that the Single-County Alternative will have a 1-to-1 ratio of direct

take to mitigation while the others have a 2-to-1 ratio. The preserve size for the Single County Alternative will likely be greater than the No Action Alternative, double the size of the 10% Alternative, but much smaller than the Proposed SEP-HCP Alternative and Increased Mitigation Alternative.

The mitigation provided under the Single-County Alterative will likely result in a preserve system with greater conservation value than will likely be achieved under the No Action Alternative, even if similar acreage was protected and managed through individual ESA section 10(a)(1)(B) permits or section 7 authorizations. The enhanced conservation value of the Single-County Alternative's preserve system will result from the protection of larger blocks of habitat than will likely be achieved for smaller, individual mitigation actions under the No Action Alternative. Overall, the Single-County Alternative will protect large areas of potential habitat in and around Bexar County from future land development, thereby decreasing the threat of habitat loss for many important areas of potential BCVI habitat and resulting in a beneficial impact to the species. The ultimate size of the preserve system will be proportional to the amount of impact authorized through participation, and may ultimately include approximately 3,300 acres permanently protected and managed for the benefit of the BCVI. A preserve system of this size will be likely to have a moderate beneficial impact on the BCVI population in the Plan Area. It is difficult to predict precisely how BCVI populations will be affected by the protection of several thousand acres of potential habitat in the Plan Area. According to the SEP-HCP, the protection and management of approximately 6,600 acres of BCVI habitat would maintain a viable population for recovery purposes; the Single-County Alternative would conserve half of this amount.

It is likely that the Single-County Alternative will increase the amount of ESA compliance in the Plan Area, compared with the No Action Alternative, since compliance may be more efficient than obtaining incidental take authorization directly from the Service. This may be particularly true because ESA permittees could be required to engage in long-term obligations for regular BCVI habitat management activities with an individual ESA permit. Whereas habitat maintenance and monitoring will be the responsibility of the Applicants with an HCP and the SEP-HCP Participant would only be responsible for a one-time payment of the Preservation Credit fee, which could be an attractive alternative to obtaining an individual permit.

The mitigation provided under the Single-County Alternative will be provided in blocks that will support a moderate-sized, managed BCVI population or contribute to a cluster of adjacent properties that at a minimum support a moderate-sized managed population within portions of the preserve system that are not managed as GCWA habitat. This alternative will create BCVI management areas that will be larger than the mitigation typically needed to offset impacts associated with individual projects. BCVI habitat within the preserve system will also be regularly managed and monitored in accordance with a Service-approved management plan that addresses the maintenance of appropriate vegetative structure for the BCVI and reduces threats from nest parasites and browsing wildlife. Further, the BCVI management areas under this alternative will be buffered from the impacts of adjacent land uses by being located within a larger system of preserve lands than the 10% Participation Alternative or the No Action Alternative. This advantage is minimal because of the small size of the preserve system compared to the Proposed SEP-HCP Alternative or the Increased Mitigation Alternative. The mitigation provided under the Single-County Alternative will likely have a positive effect on the ability to meet recovery goals in this unit. The Single County Alternative is likely to result in a minor beneficial impact to the BCVI, compared to the No Action Alternative, due to the limited size of the preserves.

Increased Mitigation Alternative
The Increased Mitigation Alternative requests the same amount of take and would provide the same amount of preserve for the BCVI as the Proposed SEP-HCP Alternative. The sole difference between the two alternatives is the cost Participants would pay per credit for direct impacts. The Proposed SEP-HCP Alternative would cost $4,000 per credit whereas the Increased Mitigation Alternative would cost $5,500 per credit. These differences are not significant enough to result in different effects to the BCVI. As such, the effects of the Increased Mitigation Alternative to the BCVI would be the same as the Proposed SEP-HCP Alternative resulting in moderate beneficial impacts because permanent protection and management of 6,600 acres of BCVI habitat will alleviate some of the major threats to the BCVI in the Plan Area and will significantly contribute to meeting recovery goals in this recovery unit.

4.6.5 Covered Karst Invertebrates - Affected Environment
Seven federally listed species of karst invertebrates will be covered by the ITP requested under the Proposed Action: Government Canyon Bat Cave Spider, Madla Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, *Rhadine exilis* (a beetle with no common name), *Rhadine infernalis* (a beetle with no common name), and Helotes Mold Beetle (collectively the Covered Karst Invertebrates). These species are known as troglobites and spend their entire life cycle underground and are characterized by reduced or absent eyes, lack of pigmentation, elongation of sensory appendages, and low metabolic rates. All species were listed by the Service as endangered on December 26, 2000 (65 FR 81419). Except Government Canyon Bat Cave spider and Government Canyon Bat Cave meshweaver, critical habitat was designated on April 8, 2003 (68 FR 17156). On February 14, 2012, the Service revised critical habitat designations, which included designating critical habitat for both Government Canyon Bat Cave spider and meshweaver (77 FR 8450). None of these species or their habitats receives direct protection under Texas state law, since invertebrates are not included on the TPWD's list of threatened and endangered species.

Based on the geologic restrictions on the distribution of cave fauna and the location of known caves, Veni (1994) delineated five karst zones that reflect the relative likelihood of finding any of the Bexar County listed troglobites (and other rare or endemic karst species). These five zones are defined as:

Zone 1: Areas known to contain one or more of the listed karst invertebrates
Zone 2: Areas having high probability of suitable habitat for the listed karst invertebrates
Zone 3: Areas that probably do not contain listed karst invertebrates
Zone 4: Areas that require further research, but are generally equivalent to Zone 3, although they may include sections that could be classified as Zone 2 or Zone 5
Zone 5: Areas that do not contain listed karst invertebrates

Under contract with the Service, Veni (2002) re-evaluated and, where applicable, redrew the boundaries of each karst zone originally delineated in Veni (1994). Revisions were based on current geologic mapping, further studies of cave and karst development, and the most current information available on the distribution of listed and non-listed troglobites (Veni 2002).

Additionally, Veni (1994) established six geographic areas called Karst Faunal Regions (KFRs) within the Bexar County Karst Zones. These divisions were defined by hydrogeologic barriers and/or other restrictions to the migration of troglobitic species over evolutionary time (Veni 2009).

These six KFRs were used in the Service's final rule designating critical habitat to define the ranges of the listed species and are as follows:

1. Stone Oak
2. UTSA
3. Helotes
4. Government Canyon
5. Culebra Anticline
6. Alamo Heights

Table 4-6 describes the currently known distribution of the Covered Karst Invertebrates in the Plan Area.

Table 4-6: Distribution of the Covered Karst Invertebrates in the Plan Area

Species	KFR	Number of known (possible) localities
Rhadine exilis	Government Canyon	6
	Helotes	5
	Stone Oak	31
	UTSA	9 (2 possible)
Rhadine infernalis	Culebra Anticline	8
	Government Canyon	14
	Helotes	6
	Stone Oak	4
	UTSA	7
Batrisodes venyivi	Government Canyon	3
	Helotes	4
	UTSA	1
Neoleptoneta microps	Government Canyon	1
Cicurina madla	Government Canyon	7
	Helotes	6 (1 possible)
	Stone Oak	1 (1 possible)
	UTSA	8
Cicurina venii	Culebra Anticline	1
Cicurina vespera	Government Canyon	1

Source: Service 2011a.

See **Appendix C – Biology of the Covered Species** of the SEP-HCP and the Service's *Bexar County Karst Invertebrate Recovery Plan* and *Bexar County Karst Invertebrate Distribution* (2011b) for more details about the species, their habitat and distribution, karst zones, and KFRs.

4.6.6 Covered Karst Invertebrates - Environmental Consequences

The Covered Karst Invertebrates will be covered by the ITP requested under the Proposed Action. Indicators of impact significance vary by species and are provided in the appropriate subsection. Definitions of impact intensity, however, are similar for all Covered Karst Invertebrates and are as follows:

Negligible: The Covered Species will not be affected or there will be no measurable change to the population in the area of potential impacts.

Minor: Measurable changes to the Covered Species or their habitat however relatively localized within the area of potential impacts.

Moderate: Noticeable adverse or beneficial impacts to the population or habitat of the Covered Species within the area of potential impacts.

Major: Obvious impacts to the population or habitat of the Covered Species within the area of potential impacts and severe consequences or exceptional benefits.

No Action Alternative

Land development activities over the karst could potentially cause a decline in the numbers and range of one or more of these Covered Karst Invertebrates. However, due to the general sensitivity of karst habitats and the limited known distribution of many of these species, it is unknown how many acres of karst habitat actually support listed species and how many species would actually be impacted by land development activities. Overall, generally there is a lack of sufficient information on the distribution, abundance, life history, and specific habitat requirements of karst species. This factor in combination with the lack of information regarding the precise location of future land development in the Plan Area, and the inability to predict the level of compliance with the ESA, make it difficult to predict the impacts and mitigation likely to occur under the No Action Alternative. Regardless of the overall impacts of land use changes in the Plan Area, individual projects within occupied karst habitat may require incidental take authorization from the Service in order to obtain an ITP and comply with the ESA. Some conservation efforts for the species will take place as individual ESA incidental take authorization will require that any known occupied karst feature that is impacted will be mitigated for by some form of permanent protection per the Service's preserve design guidance. Therefore, the overall benefit to the species resulting from individual ESA incidental take authorizations under the No Action Alternative is likely to be minor.

Proposed SEP-HCP Alternative

As with the No Action Alternative Covered Karst Invertebrates in the Plan Area will likely suffer adverse impacts from habitat loss or degradation resulting from expected increases in developed land uses over the next 30 years; however, the extent or significance of these potential adverse impacts is uncertain due to the scarcity of information pertaining to these species. The SEP-HCP is designed to offset the impacts associated with development activities over Karst Zones 1 through 4. Take of 21,086 acres over these karst zones would only be authorized outside known occupied features, unless and until conservation baselines are met and only after extensive karst feature surface surveys. At full implementation, the Proposed SEP-HCP Alternative preserve system will include at least 1,000 acres of new, high quality, karst preserves with confirmed occupation by one or more of the Covered Karst Invertebrates.

Mitigation measures included in the Proposed SEP-HCP Alternative include avoidance of occupied karst features by establishing a 750-foot no-disturbance radius (Occupied Cave Zone) from feature entrances until the conservation baselines are achieved. The conservation baselines are based on the Service's recovery standards for downlisting each of the Covered Karst Invertebrates (Service 2011b). After conservation baselines are achieved and access to an Occupied Cave Zone is allowed, Plan Participants will be assessed a flat fee for conducting activities within this area. Plan Participants could also provide acceptable preserve land in lieu of fees. For the remainder of the parcel outside of Occupied Cave Zones, Participants will be required to immediately notify the SEP-HCP and stop work within 50 feet of

any discovered features for no more than seven days to allow for SEP-HCP-sponsored investigations of the feature. Participants will not be required to provide any additional mitigation or engage in any additional consultation with the SEP-HCP or the Service if a Covered Karst Invertebrate is found in a previously unknown feature that had no surface expression.

The level of incidental take authorization in the Proposed SEP-HCP Alternative represents 20 percent of the projected impacts to potential habitat for the Covered Karst Invertebrates within Bexar County or the City of San Antonio for the next 30 years. While the proposed SEP-HCP will cover seven listed karst species for incidental take under the ESA, the SEP-HCP's conservation program is likely to incidentally protect habitats for other species within the preserve system. The Proposed SEP-HCP Alternative will also promote the conservation of listed karst species through education and outreach programs and will fund research to increase the body of knowledge regarding their biology and conservation. The Proposed SEP-HCP Alternative is likely to result in a minor to moderate beneficial impact to the Covered Karst Invertebrates, compared to the No Action Alternative, due to the larger and likely more numerous karst preserves.

10% Participation Alternative

As previously stated, the 10% Participation Alternative will not have a significant influence on the amount, timing, or location of land development anticipated over the next 30 years. Therefore, the potentially adverse impacts to karst species resulting from anticipated land development will be similar to the impacts described for the No Action Alternative.

The primary difference between the 10% Participation Alternative and the No Action Alternative is the perpetual protection and management of 750 acres of karst preserves distributed across Bexar County. This alternative contemplates an incidental take request of 10,543 acres of potential Covered Karst Invertebrate habitat (i.e., the level of requested incidental take authorization). While some habitat conservation will occur under the No Action Alternative as the result of individual ESA compliance actions, the extent of these individual preserves will likely be less than the assured protection of 750 acres under the 10% Participation Alternative. The likelihood of participation under the SEP-HCP will likely be higher than under the No Action Alternative and, therefore, will provide more preserves for the listed karst invertebrates than without. However, the beneficial impacts of the 10% Participation Alternative on Covered Karst Invertebrates will likely be only minor, since the total area that will be conserved under this alternative will be small compared to the total size of the area of potential effect.

Single-County Alternative

The Single-County Alternative will not significantly influence the amount timing, or location of land development anticipated over the next 30 years. It will restrict purchase of conservation lands to Bexar County, plus a 10-mile radius around Bexar County. The potentially adverse impacts to Covered Karst Invertebrates resulting from anticipated land development will be similar to the impacts described for the No Action Alternative. The Single County Alternative is identical to the Proposed SEP-HCP Alternative for Covered Karst Invertebrates. Therefore, this alternative will also likely result in a minor to moderate beneficial impact to the Covered Karst Invertebrates, compared to the No Action Alternative, due to the likely more numerous karst preserves.

Increased Mitigation Alternative

The Increased Mitigation Alternative, like the other alternatives, is not anticipated to influence land development trends in the Plan Area over the next 30 years. The Increased Mitigation Alternative

would authorize the same amount of incidental take of Covered Karst Invertebrates habitat as the Proposed SEP-HCP and Single-County alternatives and will have similar adverse impacts on Covered Karst Invertebrates.

The Increased Mitigation Alternative proposes preservation of 2,000-acres of new karst preserves for the Covered Karst Invertebrates, which is based generally on the acquisition of six new karst preserves in each of the five KFRs in the Plan Area. This preserve size is double that proposed for the Proposed SEP-HCP and Single-County alternatives and more than double that of the 10% Participation Alternative. As a result, the Increased Mitigation Alternative could have a moderate benefit to the Covered Karst Invertebrates in the Plan Area, compared to the No Action Alternative because protecting this many occupied caves would contribute significantly to meeting the Service's downlisting criteria for the Covered Karst Invertebrates.

4.6.7 Other Threatened and Endangered and Candidate Species - Affected Environment

There are several other federally threatened, endangered, and candidate species that are not addressed as Covered Species or Voluntarily Conserved Species. Concurrent with the preparation of the SEP-HCP the Edwards Aquifer Authority, San Antonio Water Systems, the cities of New Braunfels and San Marcos, and Texas State University prepared and submitted an application for an incidental take permit for several federallylisted species dependent on the springs and river systems associated with the Edwards Aquifer. The notice of availability of the final Environmental Impact Statement and the incidental take permit for the Edwards Aquifer Recovery Implementation Program (EARIP), including the HCP, was published in the February 15 2013, *Federal Register*. The EARIP HCP describes measures to minimize and mitigate the effects of incidental take of the following: the fountain darter (*Etheostoma fonticola*), San Marcos salamander (*Eurycea nana*), Texas wild rice (*Zizania texana*), Texas blind salamander (*Eurycea rathbuni*), Peck's cave amphipod (*Stygobromus pecki*), San Marcos gambusia (*Gambusia georgei*), Comal Springs dryopid beetle (*Stygoparnus comalensis*) and the Comal Springs riffle beetle (*Heterelmis comalensis*). Since the EARIP and its supporting documents address these eight aquatic species they are not addressed in this EIS.

Other threatened, endangered and candidate species include: the whooping crane (*Grus Americana*), piping plover (*Charadrius melodus*), Robber Cave meshweaver (*Cicurina baronia*), Cokendolpher Cave harvestman (*Texella cokendolpheri*), American black bear (*Ursus americanus*), jaguarundi (*Herpailurus yaguarondi*), gray wolf (*Canis lupus*), red wolf (*Canis rufus*), false spike (*Quadrula mitchelli*) and smooth pimpleback (*Quadrula houstonensis*). **Table 4-7** provides a description of these species and their status.

Table 4-7: Other Threatened, Endangered and Candidate Species

Species	Federal/ State Status*	Distribution in Plan Area	Description
whooping crane (*Grus Americana*)	LE/E	7-county Plan Area	Potential migrant via plains throughout most of Texas (including the Plan Area) to the Gulf Coast; winters in coastal marshes. Habitat during migration and winter includes marshes, shallow lakes, lagoons, salt flats, grain and stubble fields and barrier islands (NatureServe 2010, TPWD 2015).

Species	Federal/ State Status*	Distribution in Plan Area	Description
piping plover (*Charadrius melodus*)	LT/T	7-county Plan Area	Occurs as a transient passing through the state (including the Plan Area); wintering migrant along the Texas Gulf Coast. Habitat includes sandy upper beaches, especially where scattered grass tufts are present, and sparsely vegetated shores and islands of shallow lakes, ponds, rivers and impoundments (NatureServe 2010, TPWD 2015).
Robber Cave meshweaver (*Cicurina baronia*)	LE/NL	Bexar County	Habitat includes karst limestone caves and mesocaverns, including suitable substrates, for example, spaces between and underneath rocks and un-compacted soil. Found in karst features in north and northwest Bexar County. The likelihood of recovery is low considering that they are known from so few locations and they occur in an area that is highly urbanized (USFWS 2011, TPWD 2015).
Cokendolpher Cave harvestman (*Texella cokendolpheri*)	LE/NL	Bexar County	Habitat includes karst limestone caves and mesocaverns, including suitable substrates, for example, spaces between and underneath rocks and un-compacted soil. Found in karst features in north and northwest Bexar County. The likelihood of recovery is low considering that they are known from so few locations and they occur in an area that is highly urbanized (USFWS 2011, TPWD 2015).
black bear (*Ursus americanus*)	T/T	7-county Plan Area	Habitat includes bottomland hardwoods and large tracts of inaccessible forested areas (TPWD 2015). According to TPWD (2009), the chance of an established population of black bear in the Hill Country, which includes the Plan Area, is remote.
jaguarundi (*Herpailurus yaguarondi*)	LE/E	Comal County	This species is limited to the lower Rio Grande Valley in dense thorny shrublands and is highly unlikely to regularly occur within the Plan Area (TPWD 2010, 2015).While a natural heritage record exists in Comal County, the species is highly unlikely to regularly occur within the Plan Area.
gray wolf (*Canis lupus*)	LE/E	Extirpated	Formerly known throughout the western two-thirds of the state in forests, brushlands, or grasslands (TPWD 2015).
red wolf (*Canis rufus*)	LE/E	Extirpated	Formerly known throughout eastern half of Texas in brushy and forested areas, as well as coastal prairies (TPWD 2015).
false spike (*Quadrula mitchelli*)	NL/T	Possibly Extirpated	Found in medium to large rivers; substrates varying from mud through mixtures of sand, gravel and cobble; one study indicated water lilies were present at the site; Rio Grande, Brazos, Colorado, and Guadalupe (historic) river basins (TPWD 2015).
smooth pimpleback (*Quadrula houstonensis*)	C/T	Blanco, Kerr, Kendall	Small to moderate streams and rivers as well as moderate size reservoirs; mixed mud, sand, and fine gravel, tolerates very slow to moderate flow rates, appears not to tolerate dramatic water level fluctuations, scoured bedrock substrates, or shifting sand bottoms, lower Trinity (questionable), Brazos, and Colorado River basins (TPWD 2015).

Source: TPWD 2009, 2010 and 2015; NatureServe 2010; Service 2011b.

* C= candidate for federal listing, E = endangered, LE= listed endangered, LT = listed threatened, NL = not listed, T = threatened

4.6.8 Other Threatened and Endangered and Candidate Species – Environmental Consequences

No Action Alternative

Anticipated land development over the next 30 years would convert currently undeveloped open space used by a wide variety of wildlife species to developed land uses. While some wildlife species thrive in urbanized environments, most wildlife communities currently present in the Plan Area would experience a decrease in habitat and likely declines in population sizes.

Action Alternatives

The proposed conservation measures of the Action Alternatives would help to reduce the potential negative impacts to wildlife communities. The primary conservation measure of the Action Alternatives is the acquisition and perpetual management of endangered species habitats within the Plan Area. Protecting contiguous open space is crucial for many wildlife species as they depend on numerous habitats throughout their lives. In addition, contiguous forest habitat supports native wildlife species that require large areas to survive. Such habitat supports natural ecological processes, such as predator/prey interactions and natural disturbance. It also serves to buffer species against the negative consequences of fragmentation.

The preserve system of the Action Alternatives would incidentally benefit a variety of native wildlife species in the Plan Area, particularly those that utilize forest habitats, shrubland habitats, and karst habitats. However, given the mosaic of habitat types across the landscape of the Plan Area, it is likely that the preserve system (while targeting areas of potential habitat for the covered species) would also contain substantial native vegetation communities that would support the sheltering, nesting, and foraging requirements for many other wildlife species.

Incidental take for the Covered Species authorized through the Action Alternatives would not be expected to result in the incidental taking of these unaddressed species. As described above, many of these unaddressed species occur in habitats or portions of the Plan Area that do not generally overlap with the habitats used by the Covered Species. Others are only known to occur in the Plan Area on an accidental or very rare basis and would not typically be encountered by users of the Plan. The ITP will only provide regulatory assurances under the Service's No Surprises Rule for the Covered Species. Participants conducting otherwise lawful activities that might incidentally take a listed species other than the Covered Species must seek incidental take authorization directly from the Service.

4.7 SOCIOECONOMIC RESOURCES

4.7.1 Socioeconomic Resources - Affected Environment

Socioeconomic resources are those social and economic factors that affect the human environment. They include historic and forecasted population, housing and employment growth, changes in land use and development patterns and the effects of these changes on the economic conditions of the communities experiencing these changes including identifying disproportionate negative impacts to minority and low-income populations, as described in Chapter 4.1.1.

Population Trends

The Plan Area is a growing region. From 2000 to 2010 the population has increased 24 percent, which represents a growth rate that outpaced the overall population growth in state of Texas (USCB 2000 and 2010a) (**Table 4-8**).

Table 4-8: Population Growth 2000 to 2010

Area	Census 2000 Population	Census 2010 Population	Percent Change
State of Texas	20,851,820	25,145,561	21%
Plan Area	1,603,715	1,983,268	24%
Bandera	17,645	20,485	16%
Bexar	1,392,931	1,714,773	23%
Blanco	8,418	10,497	24%
Comal	78,021	108,472	39%
Kendall	23,743	33,410	41%
Kerr	43,653	49,625	14%
Medina	39,304	46,006	17%

Source: USCB 2000 and 2010ba.

Comal and Kendall counties exhibited the fastest growth rates of the seven counties in the Plan Area, with estimated growth rates of approximately 39 percent and 41 percent between 2000 and 2010, respectively. However, the estimated population growth in these two counties represented only 11 percent of the total population increase in the Plan Area. Bexar County added the most people to the Plan Area (approximately 322,000 people) during that period. Kerr County had the lowest estimated growth rate of the counties in the Plan Area, with only an estimated 14 percent population increase between 2000 and 2010.

The SEP-HCP has a planning horizon of 30 years, extending from 2010 until 2040; although these years were used for planning, the permit would not be issued until at least 2015. Based on available state and county-level data, population projections through 2040 were produced using a least squares formula; a statistical method used to forecast trends while minimizing error. The 2010 population numbers are from the 2010 Census data while the forecasts are based on projections. The numbers have been adjusted and only represent population growth where Covered Activities will occur and where habitat for the Covered Species is generally located. **Table 4-9** shows that the Plan Area is projected to grow 61.6 percent between 2010 and 2040.

Table 4-9: Projected Population Growth 2010 to 2040

Area	2010	2020	2030	2040	2010 to 2040 Percent Change
Plan Area	1,983,268	2,318,780	1,722,881	3,205,229	61.6%
Bandera	20,485	26,406	30,205	34,004	66.0%
Bexar *	1,714,773	1,955,272	2,242,923	2,530,872	47.6%
Blanco	10,497	11,423	12,700	14,028	33.6%
Comal	108,472	168,408	237,164	331,520	205.6%
Kendall	33,410	47,516	60,099	71,442	113.8%
Kerr	49,625	56,374	61,447	80,059	61.3%
Medina	46,006	53,381	78,343	143,303	211.5%

Source: USCB 2010a; ESRI BIS 2009; WDA 2010a.
* The Bexar County numbers have been adjusted and represent the population projections for only the northwest portion of the county. This portion of Bexar County is where Covered Activities are likely to occur and where habitat for the Covered Species is generally located.

Employment and Economic Trends

The Plan Area boasts a diverse economy dominated by the educational and healthcare sectors as well as retail trade, professional, scientific, management, administration, and waste management industries (**Table 4-10**). Bexar County is the major employment center in the Plan Area accounting for 86.8 percent of all jobs in the region. Bexar County is also home to several military installations which employ almost 23,000 people.

The health of the regional economy can also be measured by household income. The median household income in the Plan Area was $47,048 in 2010. Kendall and Comal County households were generally wealthier with a median household income of $66,655 and $64,752 respectively. And, Kerr and Bandera County households earned a lower median household income when compared to the other counties in the Plan Area ($43,072 and $44,352, respectively) (**Table 4-11**). In comparison, the median household income in the state of Texas was $49,646 in 2010 and was $51,914 in the United States overall (USCB 2010c).

The TWC provides employment projections for the state of Texas in regions known as Workforce Development Areas. Statistics for the Alamo Workforce Development Areas cover Atascosa, Bandera, Bexar, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Medina and Wilson counties. For this analysis it is assumed that the trends forecasted for the Alamo Workforce Development Areas represent the likely trends in employment growth within the Plan Area. Between 2008 and 2018 employment in the Alamo Workforce Development Areas is forecast to grow 20 percent overall, adding over 620,000 new jobs. The industries currently driving the economy within the Plan Area, particularly education and healthcare, are forecasted to lead the regional economy, in terms of employment growth, into the future. Assuming that these trends continue more than 1.4 million employees could be working in the Plan Area by 2040. The TWC projections also provide forecasted 10-year growth rates (2008 to 2018) by industry. The data provided in **Table 4-12** assume that the industry trends forecasted by TWC between 2008 and 2018 will continue to 2040.

Table 4-10: Employment by Industry - 2010

County	Total Labor Force	Agriculture, Forestry, Fishing, Hunting and Mining	Construction	Manufacturing	Wholesale Trade	Retail Trade	Transportation & Warehousing, and Utilities	Information	Finance, Insurance, and Real Estate, Rental & Leasing	Professional, Scientific, & Management, and Administrative & Waste Management	Educational Services and Healthcare & Social Assistance	Arts, Entertainment & Recreation And Accommodation & Food Services	Other Services (Except Public Administration)	Public Administration	Armed Forces	Unemployed
SEP-HCP Plan Area	940,468	8,484	73,233	52,334	24,886	102,162	40,542	20,310	80,552	91,386	188,689	82,527	43,286	46,495	23,391	62,191
Bandera	9,334	435	1,151	442	133	1,019	434	40	639	886	1,649	793	633	624	0	456
Bexar*	816,333	4,864	60,387	44,307	21,801	87,948	35,297	18,424	71,493	79,856	163,102	73,044	37,264	40,777	22,975	54,794
Blanco	5,147	180	881	120	68	651	216	54	343	581	775	468	224	293	0	293
Comal	51,633	663	5,387	3,833	1,684	6,441	2,353	1,013	3,574	5,281	9,816	4,059	2,274	2,061	287	2,907
Kendall	15,800	678	1,706	1,145	312	1,400	495	202	1,611	1,743	3,079	1,096	861	706	78	688
Kerr	22,031	657	1,803	1,095	369	2,839	673	339	1,374	1,732	5,843	1,898	1,264	819	6	1,320
Medina	20,190	1,007	1,918	1,392	519	1,864	1,074	238	1,518	1,307	4,425	1,169	766	1,215	45	1,733

Source: USCB 2010d.

* Includes all of Bexar County. In 2010, 6.6 percent of the labor force in the Plan Area was unemployed. While more than 62,000 people were without work in 2010 in the Plan Area, the economy of the Plan Area outperformed the state of Texas (8.2 percent unemployed) and the Nation (9.9 percent unemployed) (US Bureau of Labor Statistics, January 2010).

Table 4-11: Household Income - 2010

County	Total Households	Less than $24,999		$25,000 to $49,999		$50,000 to $74,999		$75,000 to $99,999		$100,000 or More		Median HH Income ($)
		Households	Percentage of Total	Households	Percentage of Total	Households	Percentage of Total	Households	Percentage of Total	Households	Percentage of Total	
Plan Area	679,008	172,682	25.4%	178,089	26.2%	125,299	18.5%	80,940	11.9%	121,998	18.0%	47,048
Bandera	8,419	2,480	29.5%	2,297	27.3%	1,454	17.3%	1,028	12.2%	1,160	13.8%	44,352
Bexar*	580,224	151,691	26.1%	153,572	26.5%	107,781	18.6%	67,656	11.7%	99,524	17.2%	47,048
Blanco	3,935	866	22.0%	1,247	31.7%	471	12.0%	536	13.6%	815	20.7%	46,128
Comal	38,984	6,322	16.2%	8,508	21.8%	7,175	18.4%	6,116	15.7%	10,863	27.9%	64,752
Kendall	12,055	2,076	17.2%	2,540	21.1%	1,878	15.6%	1,556	12.9%	4,005	33.2%	66,655
Kerr	20,285	5,492	27.1%	6,026	29.7%	3,614	17.8%	2,025	10.0%	3,128	15.4%	43,072
Medina	15,106	3,755	24.9%	3,899	25.8%	2,926	19.4%	2,023	13.4%	2,503	16.6%	49,138

Source: USCB 2010b and 2010c.

Notes: * Includes all of Bexar County, total households may differ from other tables in this chapter.

Table 4-12: Projected Employment by Industry in the Plan Area – 2010 to 2040

Year	Agriculture, Forestry, Fishing, Hunting and Mining	Construction	Manufacturing	Wholesale Trade	Retail Trade	Transportation & Warehousing, and Utilities	Information	Finance, Insurance, and Real Estate, Rental & Leasing	Professional, Scientific, & Management, and Administrative & Waste Management	Educational Services and Health Care & Social Assistance	Arts, Entertainment & Recreation And Accommodation & Food Services	Other Services (Except Public Administration)	Public Administration	Total
10-Year Growth Rate*	9.8%	24.8%	0.1%	13.6%	17.4%	14.6%	15.5%	16.2%	20.0%	32.2%	20.8%	16.4%	16.3%	N/A
2010	7,476	71,024	50,718	26,498	96,853	38,454	20,131	77,104	85,682	178,191	79,422	41,782	41,743	815,078
2020	8,209	88,638	50,769	30,102	113,705	44,068	23,251	89,595	102,818	235,569	95,942	48,634	48,547	979,847
2030	9,013	110,620	50,819	34,196	133,490	50,502	26,855	104,109	123,382	311,422	115,898	56,610	56,460	1,183,377
2040	9,896	138,054	50,870	38,846	156,717	57,876	31,018	120,975	148,058	411,699	140,004	65,894	65,663	1,435,572
2010 to 2040 Change	2,420	67,030	152	12,348	59,864	19,422	10,887	43,871	62,376	233,508	60,582	24,112	23,920	620,494

Source: TWC 2008; USCB 2010d.

* Assumes that the 10-year growth rates forecasted for 2008 to 2018 by TWC will continue until 2040.

Housing Trends

In 2009 there were approximately 440,000 housing units in the Plan Area of which 67.4 percent were single-family homes (**Table 4-13**). This general housing pattern is similar throughout the counties in the Plan Area.

Table 4-13: Estimated Households and Housing Units (2009)

County	Number of Housing Units	Single-Family Housing Units	% Single-Family Housing Units	Non-Single-Family Housing Units	% Non-Single Family Housing Units
Plan Area	439,565	296,361	67.4%	143,204	32.6%
Bandera	11,500	7,753	67.4%	3,747	32.6%
Bexar*	320,404	212,013	66.2%	108,391	33.8%
Blanco	4,617	3,488	75.5%	1,129	24.5%
Comal	49,007	37,139	75.8%	11,868	24.2%
Kendall	14,173	9,310	65.7%	4,863	34.3%
Kerr	22,758	15,794	69.4%	6,964	30.6%
Medina	17,106	10,864	63.5%	6,242	36.5%

Source: ESRI BIS 2009 and WDA 2010a.

* Only includes the portions of Bexar County where habitat for the Covered Species occurs, excluding Camp Bullis.

Household characteristics, county appraisal district land use data, and the projected population growth were used to establish the overall demand for new housing in the Plan Area between 2010 and 2040 (**Table 4-14**).

Table 4-14: Projected Housing Units (2010, 2020, 2030 & 2040)

County	Projected Total Housing Units					Projected Single-Family Housing Units				
	2010	2020	2030	2040	2010-2040 % Change	2010	2020	2030	2040	2010-2040 Percent Change
Plan Area	437,595	558,890	690,406	779,150	78%	303,460	392,244	492,708	562,350	85%
Bandera	11,722	13,668	15,639	17,610	50%	7,902	9,393	10,884	12,375	57%
Bexar*	315,201	405,841	490,917	502,891	60%	216,738	281,781	344,991	353,654	63%
Blanco	4,682	5,290	5,890	6,514	39%	3,537	4,029	4,511	5,012	42%
Comal	50,931	69,772	96,751	133,413	162%	38,665	53,920	76,795	107,896	179%
Kendall	14,680	18,987	24,129	28,662	95%	9,649	13,044	16,917	20,410	112%
Kerr	23,019	25,825	28,314	36,946	61%	15,946	17,462	19,239	25,949	63%
Medina	17,359	19,507	28,766	53,113	206%	11,023	12,615	19,370	37,053	236%

Source: WDA 2010a.

* Only includes the portions of Bexar County where habitat for the Covered Species occurs, excluding Camp Bullis.

Based on these projects there could be almost 880,000 new housing units built in the Plan Area by 2040 of which 72.2 percent are likely to be single-family homes. Based on these calculations, Medina County is anticipated to see the largest percent change in housing units overall with a 206 percent growth in housing units overall and a 236 percent increase in the number of single-family homes built in the county; however, Bexar County will experience the most development with 187,690 new housing units being built in the northern portion of the county.

Land Use

The Plan Area covered approximately 4.1 million acres with land uses that vary from densely urban to remote and rural. Within the Plan Area there are 42 cities including San Antonio, New Braunfels, Schertz, Leon Valley, Live Oak, Hondo, Boerne, Helotes, Kerrville, Bandera, and Blanco. The population of these 42 cities ranges from just over 100 to over 1 million people (USCB 2010a). Approximately 470,600 acres or 11 percent of the Plan Area are within a city limit (SAM, Inc. 2006). The remainder of the Plan Area is relatively rural and is either unincorporated or included in the ETJ of a city.

Land Use Distribution

Land use information was collected for parcels within the Plan Area from county appraisal districts in 2009 (**Table 4-15**).

Table 4-15: Land Use Categories and Descriptions

General Land Use Category	Description
Single-family Residential	Includes properties developed with stand-alone single-family residences or manufactured homes on single-family lots.
Non-single-family Residential	Includes properties developed with apartment buildings, mobile home parks, multiplex structures, and similar public and private dwelling units.
Commercial and Industrial	Includes properties developed as retail and other shopping center uses, office, wholesale, industrial, and other commercial uses.
Exempt	Includes exempt properties such as public-owned lands, lands owned by non-profit or religious and charitable organizations, schools, railroad property, and others. Also known to include some park or preserve land.
Transportation and Utility Rights-of-way	Estimation was necessary for this land use class because county appraisal districts do not typically track lands used as rights-of-way for transportation networks or utilities. It is assumed that 15 percent of the total developed acres are used for transportation and utilities rights-of-way in the rural areas of the Plan Area and that 30 percent of the total developed acres in more urban areas are used for transportation and utilities.
Available Lands	Includes vacant platted lots, unoccupied residential lots in builder inventory, agricultural lands, and lands with farm and ranch-related improvements. These lands are assumed to be available for future development or occupancy.
Other and Unclassified	Includes lands with other miscellaneous that are not classified in county appraisal district records (including public lands that are not recorded on county tax rolls). Known to include some areas of parkland or preserves (such as Government Canyon State Natural Area) and large water bodies (such as Canyon Lake). The acres assigned to this category were also adjusted to account for the remaining geographic area not included in other land use categories due to incomplete appraisal district parcel records. Land in this category is generally assumed to be unavailable for future development.

Source: Bandera, Bexar, Blanco, Comal, Kendall, Kerr and Medina County Appraisal Districts 2009.

Table 4-16 includes a summary of general 2009 land uses estimated for each county in the Plan Area. Some portions of Bexar County were not included if they did not contain habitat for the species covered by the SEP-HCP (i.e., parts of central and southeastern Bexar County) or were primarily federal lands (i.e., Camp Bullis) which will not be eligible to participate in the SEP-HCP.

Table 4-16: General Land Uses within the Plan Area in 2009 (acres)

County	Single-Family Residential	Non-Single-Family Residential	Commercial & Industrial	Exempt	Transportation & Utility ROW	Available Lands	Other Unclassified Land Uses
Plan Area	252,802	29,483	49,996	35,169	62,046	2,253,782	955,439
Bandera	20,546	3,436	3,377	5,479	4,473	266,750	206,254
Bexar*	74,740	5,937	28,050	1,329	23,936	108,933	57,174
Blanco	3,231	266	335	732	579	303,880	57,174
Comal	50,318	6,451	12,553	11,570	13,188	142,192	148,435
Kendall	20,910	5,246	2,160	2,894	4,284	353,760	35,034
Kerr	14,742	3,353	2,087	10,883	4,441	499,289	174,042
Medina	68,314	4,794	1,434	2,281	11,146	578,979	186,936

Source: WDA 2010b.
* Only includes the portions of Bexar County where habitat for the Covered Species occurs, excluding Camp Bullis.

Land Use Projections

Projected land use and development changes within the Plan Area through 2040 are based on population projections, housing characteristics and trends, land use data, and other market factors (**Table 4-17**) (WDA 2010b). Changes in single-family residential development were projected using population projections, household sizes, and target densities and historic trends to predict the extent of new single-family development. As the dominant developed land use, single-family residential uses were also used as a benchmark for projecting new development for multi-family residential, commercial/industrial, and exempt uses.

Revenue Analysis

An analysis was conducted to evaluate the potential impact of preserving habitat within the Plan Area on property tax revenues. Taxing jurisdictions in the Plan Area establish tax values based on the current and best use of the land, including the value of land, improvements on the land, and the economic use of the property including tax exemptions. Preserving habitat in the Plan Area in perpetuity will have the effect of fixing the current and best use of the land as conservation. Land preserved for the purposes of conservation are taxed in the Plan Area at a similar rate as undeveloped land or land taxed with an agricultural exemption. In general, conservation and agricultural land generates less tax revenue for a taxing jurisdiction than developed properties; however, since conservation land is in an undeveloped state, there would be no net loss of tax revenue.

Table 4-17: Projected Distribution of Land Uses in the Plan Area in 2040 (acres)

County	Single-Family Residential	2009-2040 Percent Change	Non-Single-Family Residential	2009-2040 Percent Change	Commercial & Industrial	2009-2040 Percent Change	Exempt	2009-2040 Percent Change	Transportation & Utility ROW	2009-2040 Percent Change	Available Lands	2009-2040 Percent Change	Other Unclassified Land Uses	2009-2040 Percent Change
Plan Area	387,824	53.4%	40,049	35.8%	78,009	56.0%	55,571	58.0%	131,445	111.9%	2,012,629	-10.7%	933,190	-2.3%
Bandera	24,836	20.9%	4,276	24.4%	4,168	23.4%	7,371	34.5%	5,687	27.1%	257,795	-3.4%	206,184	0.0%
Bexar*	124,014	65.9%	7,873	3.26%	40,646	44.9%	2,124	59.8%	54,219	126.5%	23,672	-78.3%	47,551	-16.8%
Blanco	4,173	29.2%	313	17.7%	481	43.6%	742	1.4%	1,080	86.5%	302,486	-0.5%	147,312	157.7%
Comal	94,469	87.7%	7,521	16.6%	20,641	64.4%	18,604	60.8%	35,846	171.8%	68,945	-51.5%	138,681	-6.6%
Kendall	30,827	47.4%	6,127	16.8%	4,236	96.1%	6,202	114.3%	6,787	58.4%	335,180	-5.3%	34,929	-0.3%
Kerr	20,781	41.0%	3,968	18.3%	2,947	41.2%	12,747	17.1%	8,778	97.7%	487,215	-2.4%	172,401	-0.9%
Medina	88,725	29.2%	9,970	108.0%	4,891	241.1%	7,781	241.1%	19,049	70.9%	537,337	-7.2%	186,131	-0.4%

Source: WDA 2010b.
* Only includes the portions of Bexar County where habitat for the Covered Species occurs, excluding Camp Bullis.

Table 4-18 summarizes the projected level of new development for the Plan Area by 2040, based on the Alamo WDA land use analysis.

Table 4-18: Acres of New Development Projected in the Plan Area (2009-2040)

County	Acres of New Development (2009-2040)	Average Annual Increase in New Development (2009–2040)
Plan Area	241,152	7,779
Bandera	8,955	289
Bexar*	85,260	2,750
Blanco	1,395	45
Comal	73,247	2,363
Kendall	18,580	599
Kerr	12,074	389
Medina	41,642	1,343

Source: WDA 2010b.
* Only includes the portions of Bexar County where habitat for the Covered Species occurs, excluding Camp Bullis.

4.7.2 Socioeconomic Resources - Environmental Consequences

Methodology

The intensity of potential impacts to the socioeconomic environment is defined as follows:

Negligible: No change in economic activities will occur or the magnitude of the change will not be measurable.

Minor: Changes in economic activities will be measurable but will be localized, will not influence the structure, composition, or function of the socioeconomic environment in the Plan Area and will be limited in context.

Moderate: Changes in economic activities will be noticeable, although localized, and may somewhat influence the structure, composition, or function of the socioeconomic environment of localities in the Plan Area, but will be limited in context.

Major: Changes in the economic activities will be measurable, will alter the structure, composition, or function of the socioeconomic environment in the Plan Area and may be extensive in context.

No Action Alternative

Under the No Action Alternative the Service will not issue an ESA section 10(a)(1)(B) permit, and the Applicants will not implement the SEP-HCP. Land development projects in the Plan Area will follow the standard procedures for complying with the ESA on a project-by-project basis. The No Action Alternative represents the status quo whereby land development projects will also be subject to the existing federal and state regulations concerning impacts to the natural and human environment.

As described above, more than 240,000 acres of land in the Plan Area are anticipated to be developed through 2040. This development could potentially contribute to the overall tax base throughout all Plan Area counties by increasing the value of land. Development would also serve the housing and employment needs of the future; however, the type, timing and location of development are influenced most by market conditions. Therefore, it is unknown what type, when or where future development will occur and what the impact of development will be. The socioeconomic conditions of the Plan Area are linked to its place within the local, national, and global economy and the demands of growth. The No Action Alternative is expected to have only negligible adverse impacts on the socioeconomic conditions of the Plan Area because there will be no measurable change in economic activities resulting from not issuing the permit.

Proposed SEP-HCP Alternative

The Proposed SEP-HCP Alternative contemplates an alternate means to comply with the ESA by applying for an ITP for the duration of 30 years and developing a preserve system to serve as mitigation, all of which will be administered by Bexar County and the City of San Antonio. By implementing the Proposed SEP-HCP Alternative, the time needed for ESA compliance could be significantly reduced when compared to the No Action Alternative (months compared to years). The ESA compliance process under the Proposed SEP-HCP Alternative will not require an enrolled project to draft a HCP, draft a NEPA document, identify mitigation lands, or coordinate with the Service. Because there are fewer steps involved in the process, the costs of ESA compliance could be significantly less for enrolled projects—both in terms of time savings and decreased costs associated with hiring consultant staff—and could also be less for Service staff as they will not be required to review and process each application.

Despite these time and costs savings, the Proposed SEP-HCP Alternative is not expected to substantially affect the amount, timing, or location of land development over the next 30 years. Some projects may be able to accelerate their timeline; however, the overall economic effect will be negligible. Developed property in the Enrollment Area could generate a higher tax base when compared to vacant land and could be added to the tax roll sooner if a project is completed at an accelerated pace; however, the beneficial effect to the tax base of San Antonio and Bexar County (the Enrollment Area) will be negligible (if any) as other aspects of land development play a larger role in the timing of projects.

The Proposed SEP-HCP Alternative assumes the conservation of 31,030 acres of habitat, the majority of which would occur in the rural counties of the Plan Area for GCWA and BCVI and in Bexar County for the Covered Karst Invertebrates. Preservation of these acres in perpetuity would fix the current and best use of these acres as conservation; this means that the potential tax revenue generated from the preserves would only change if the appraisal districts adjusted the tax rate for conservation land. It is overly speculative to predict if potential preserve land would develop in the future, the type of development that would occur and the tax value generated by that future development.

Studies have suggested that the conservation of open space could have the effect of increasing property values of the surrounding land (McConnell and Walls 2005). These increases could result in beneficial impacts to the tax base, however, “the appreciated land value induced by open space conservation bears a spatial pattern,” which “is attributed to the spatial characteristics of conserved open space, such as size, shape, and spatial location” (Jiang and Swallow 2007). As the size, location and shape of the preserve land has not been identified, the potential increase in property values around the proposed preserve lands is not known. Overall, adverse impacts to employment, income, and tax base as a result of the Proposed SEP-HCP Alternative will be negligible because there will be no measurable economic change resulting from this alternative.

10% Participation Alternative

The 10% Participation Alternative is comparable to the Proposed SEP-HCP Alternative in terms of establishing the proposed means for expediting the ESA compliance process. The potential beneficial and adverse impacts discussed for the Proposed SEP-HCP Alternative will be the same for the 10% Participation Alternative. The major differences between the Proposed SEP-HCP Alternative and the 10% Participation Alternative are the requested acres included in the incidental take of endangered species and the proposed acreage of preserve lands. The 10% Participation Alternative calls for less take and less conservation than the Proposed SEP-HCP Alternative. This means that less land would be subject to expedited development in the Enrollment Area and less land would be preserved in the Plan Area which would remain taxed as conservation use. As with the Proposed SEP-HCP Alternative, predicting if and when development would occur, as well as the type and the value of future development are overly speculative; therefore, implications to the tax base in the Enrollment Area and the Plan Area cannot be determined.

It is likely that projects enrolled in the SEP-HCP under the 10% Participation Alternative could be completed faster than will be possible under the No Action Alternative; however, as with the Proposed SEP-HCP Alternative, the overall economic impacts will likely be negligible. The 10% Participation Alternative contemplates covering only 10 percent of the projected loss of habitat in the Enrollment Area and it is possible that the amount of incidental take allocated to this alternative could be exhausted before the 30-year expiration of the requested permit. If the permit were to be exhausted prior to the 30-

year expiration, projects that impact listed species will be required to comply with the ESA using the existing process. The 10% Participation Alternative will result in negligible impacts to employment, income, and tax base because there will be no measurable change in economic activities.

Single-County Alternative

The Single-County Alternative, like the other Action Alternatives, will establish an expedited process for complying with the ESA and will establish a system of preserve land to serve as mitigation for impacts to Covered Species. The potential beneficial and adverse impacts discussed for the Proposed SEP-HCP Alternative will be the same for the Single-County Alternative. Projects enrolled in the SEP-HCP under the Single-County Alternative could be completed faster than will be possible under the No Action Alternative. Although the average appraisal value of property in Bexar County is greater than property in the rural counties in the Plan Area. the amount, timing, or location of land development over the next 30 years is unknown so estimating the potential beneficial and adverse impacts to the tax base is overly speculative.

The major difference between the Single-County Alternative and the Proposed SEP-HCP Alternative is the size and location of conservation actions. The Single-County Alternative proposes the same amount of take in the Enrollment Area as the Proposed SEP-HCP Alternative for all of the Covered Species; however, it offers one-half of the preserve size and higher Preservation Credit costs for GCWA and BCVI. The other main difference is that all activities associated with the Single-County Alternative would be limited to Bexar County or within 10 miles of the Bexar County line, as opposed to throughout the 7-county Plan Area. It is possible that the land available to serve a preserve in and around Bexar County might not meet the anticipated need for incidental take authorization before the 30-year expiration of the requested permit. If the permit were to be exhausted prior to the 30-year expiration, projects that impact listed species will be required to comply with the ESA using the existing process. The Single-County Alternative will not substantially affect the amount, timing, or location of land development and does not replace the existing means to comply with the ESA, so despite the limited preserve lands and higher costs associated with this alternative, it will only result in negligible adverse impacts to employment, income, and tax base because there will be no measurable change in economic activities.

Increased Mitigation Alternative

The Increased Mitigation Alternative, like the other Action Alternatives will establish an expedited process for complying with the ESA and will establish a system of preserve land to serve as mitigation for impacts to Covered Species. The potential beneficial and adverse impacts of the Proposed SEP-HCP Alternative will be the same for the Increased Mitigation Alternative. Like the other Action Alternatives, it is likely that projects enrolled in the SEP-HCP under the Increased Mitigation Alternative could be completed faster than will be possible under the No Action Alternative.

The major difference between the Increased Mitigation Alternative and the Proposed SEP-HCP Alternative is larger preserve requirements for GCWA and the Covered Karst Invertebrates. This alternative also requires that 60 percent of the conservation land for GCWA be located in Bexar County or within 5 miles. Because of these stipulations, the cost per acre of direct effect to GCWA and BCVI is higher than the other Action Alternatives; greater costs could discourage participation in the Plan.

As with the other Action Alternatives, there is a potential loss in tax base because conservation land will no longer be available for development. Because the mitigation requirements are greater in terms of acreage and because there is a requirement for most GCWA to occur in an area with greater land values, it is possible that the potential loss in tax revenues could be greater than the other Action Alternatives. And, the beneficial effect to the tax base could be more significant for this alternative since the size of the preserve system will be greater and will lead to more opportunities for adjacent properties to experience value increases due to the proximate principle. However, as with the other Action Alternatives, the Increased Mitigation Alternative is not expected to substantially affect the amount, timing, or location of land development over the next 30 years so speculating the adverse and beneficial effects is not possible; the overall economic impacts will likely be negligible.

Overall, the Increased Mitigation Alternative has the potential to result in minor adverse impacts to the socioeconomic environment because changes in economic activities could be measurable but localized; would not influence the structure, composition, or function of the socioeconomic environment in the Plan Area; and would be limited in context.

4.8 CLIMATE CHANGE

4.8.1 Affected Environment

The term climate refers to a “complex, interactive system consisting of the atmosphere, land surface, snow and ice, oceans and other bodies of water, and living things” (Le Treut *et al*. 2007). Different factors can act to change the climate. There are natural factors, such as volcanic eruptions and solar variations, as well as human factors, such as changes in atmospheric composition (Le Treut *et al.*2007). Climate change refers to a major shift in weather patterns over a number of years due to these factors. Recently, climate change has erroneously become synonymous with global warming, which is merely a subset of climate change. Global warming is defined as a temperature increase near the surface of the earth due to greenhouse gasses. Climate change is the incremental impact of past and present factors that when added together have the capacity to make major long-term changes in global weather patterns. Greenhouse gasses, such as carbon dioxide and water vapor, create a protective layer around Earth’s surface, trapping heat inside. This trapping of heat is referred to as the natural greenhouse effect. “Without the natural greenhouse effect, the average temperature at Earth’s surface will be below the freezing point of water” (Le Treut *et al.* 2007). However in recent years, excess carbon dioxide in the atmosphere has led to a spike in global temperatures. Atmospheric carbon dioxide levels have increased by about 35 percent since 1830 and grew by 80 percent between 1970 and 2004. Ice cores taken from polar ice caps show that pre-industrial levels of carbon dioxide were around 280 parts per million (ppm) whereas in 2005, they were measured at 379 ppm. "This exceeds by far the natural range over the last 650,000 years (180 to 300 ppm)" (Schmandt *et al.* 2009). Carbon dioxide is emitted whenever fossil fuels, including oil and coal, are burned. Texas ranks the highest among the states in carbon dioxide emissions, largely due to coal consumption (Schmandt *et al.* 2009). Additionally, "Texas leads the nation in energy consumption, accounting for more than one tenth of total U.S. energy use" (Schmandt *et al.* 2009).

A warming trend in both the atmosphere and the oceans has been observed at a time when historical models predict a cooling period. “It is extremely unlikely (<5 percent) that the global pattern of warming during the past half century can be explained without [human involvement]” (Hegerl *et al.* 2007). This temperature increase is therefore attributed to human activities, “primarily the combustion of fossil fuels and removal of forests” (Le Treut *et al.* 2007).

Many people incorrectly cite a cold winter or a cooling spot on the globe as evidence against global warming when in fact these cool patches are part of a natural cycle. Indeed, there are always extremes, but as the climate begins to change, the frequency and intensity of these extremes will begin to increase. In fact, these extremes are indicative of climate change, of which global warming is merely one aspect. Despite the extreme winter weather events that have occurred around the globe in recent memory, “the fact that the globe is warming emerges clearly” from average weather temperatures (Le Treut *et al.* 2007). In this century, the 9 warmest years have all occurred in the past 14 years (EPA 1997). An increase in global surface temperature will lead to significant negative impacts on economies, wildlife, and overall quality of life (Claxton 2009).

The southwestern United States, including Texas, can expect hotter summers and less annual precipitation if the lifestyle and growth trends continue without significant changes. The Intergovernmental Panel on Climate Change predicted that by 2100, temperatures in Texas will increase by “about 3°F in the spring (with a range of 1 to 6°F) and about 4°F in other seasons (with a range of 1 to 9°F)” (EPA 1997). On the southern Edwards Plateau, rainfall is predicted to drop by twenty percent and droughts to become commonplace (Claxton 2009). This will cause a downward spiral: an increase in temperatures will lead more people using their air conditioning, which will lead to higher energy consumption, resulting in more air pollution, which will lead to an increase in emissions, which in turn will further heat up the atmosphere. Additionally, the mean annual temperature in cities worldwide can be 1.8 to 5.4°F warmer than surrounding rural areas leading to a further need for cooling. This is due to the urban heat island effect. The heat island effect is caused by the sun warming dry, exposed, urban surfaces, such as roofs and pavement. This effect is important to consider as it places many of the same demands on the local environment that climate change does on the global scale: increased energy consumption, elevated emissions of air pollutants and greenhouse gases resulting in compromised human health and comfort (EPA 2009).

This cumulative temperature increase will be detrimental to humans, plants, and animals. One study projects, that by 2050, instances of human heat-related deaths will triple to over 100 deaths per summer (EPA 1997). Warming may expand the habitat of insects known to carry diseases thus increasing the possibility of outbreaks of diseases such as malaria (EPA 1997). As hotter weather could increase the frequency of wildfires, we can also expect forests to recede and be replaced by grasslands (EPA 1997). The destruction of forests, as well as the increase in temperature and decrease in rain, will adversely affect Texas ecosystems. As a direct result of current elevated temperatures, the migration patterns and the growing season of birds and butterflies have changed. Trees that are already stressed by drought may be too weak to resist the increase in pests and fires (Schmant *et al.* 2009). Trees absorb carbon dioxide in the atmosphere, absorb and defuse sunlight, and provide shade, so fewer trees means higher concentrations of carbon dioxide and more sunlight reaches the ground.

Studies suggest that a reduction in spring-flow, combined with an increase in temperature, could be devastating to endangered species in outflow locations. "Genetic aspects of biodiversity are illustrated by the global hotspot of endemism found in the isolated springs and cave systems of the Edward Plateau, a natural legacy unique to Texas" (Schmant *et al.* 2009). To protect the diversity of species in the region, flow restrictions may be placed on pumping, a cost of 0.5-2 million dollars per year (Chen *et al.* 2001). Many cities, including San Antonio, use aquifers as their primary water source, and the aquifers depend on rainfall for recharge. Most climate change studies indicate a decrease in rainfall in the coming

century. Even if rainfall remains constant, the increase in temperature will accelerate evaporation and enhance dryness in the region (Schmandt *et al.* 2009). This warmer climate will result in “as much as a 35 percent decrease in stream flow, and less water for recharging groundwater aquifers (EPA 1997).” Considering only population growth in Texas and the resulting water demand, Texas water flows will decrease by 25 percent by 2050 under normal conditions and by 42 percent under drought conditions.

When climate change (estimated by a 3.5 degree Fahrenheit increase and a 5 percent precipitation decrease) is factored into the water balance, "2050 projected flows to the coast are 70 percent of the 2000 values under normal conditions and 15 percent under drought conditions" (Schmandt et al 2009). According to Mace and Wade (2008), “the Edwards Aquifer is one of the area’s most vulnerable to climate change impacts in the United States.” Other studies show that by 2090, climate change will increase municipal water demand by 1.5 to 3.5 percent and that, although crop yield will decrease, irrigation water demand will increase by over 30 percent (Chen *et al.* 2001). Mace and Wade (2008) also predict that as a result, Comal Springs will go dry as recharge falls.

There will also be a significant economic burden associated with climate change around the Edwards Aquifer. Agriculture in Texas is a $12.6 billion annual industry, two-thirds of which is livestock (EPA 1997). A decrease in rainfall will lead to an increase in livestock, crop, and municipal water demand, which in turn will lower the profitability of farming (Chen *et al.* 2001). Chen *et al.* (2001) also predict a regional economic loss of 2.2 to 6.8 million dollars per year and a 30-45 percent reduction in farm income by 2090 (Chen *et al.* 2001). However, if the state took initiative to reduce the impacts that currently affect Texas, such as sea level rise, coastal erosion, air and water quality, and over-reliance on fossil fuels, they would "go a long way towards mitigating the impact of climate change on the State" (Schmandt *et al.* 2009). There is no formal policy in Texas to address climate change; however, indirect means to mitigate climate change are occurring at the municipal level in communities throughout the state. Programs that incentivize energy efficiency, conservation of water and natural resources, and changes in land use and transportation/transit use patterns result in reduced resource consumption and emissions.

Efforts to mitigate climate change are also being made on the national scale. The federal Clean Air Act dictates that the EPA will set air quality standards for six pollutants determined to be detrimental to the humans or wildlife, the most well-known of which is ozone (Claxton 2009). Children and seniors are particularly susceptible to ozone; high levels of ozone can cause irritation to the throat and lungs. High ozone levels can also adversely affect trees and vegetation (Claxton 2009). For each of the pollutants, the Clean Air Act mandates that the EPA set standards at a level at which they will have no known or anticipated impacts on the environment (Claxton 2009).

San Antonio and the surrounding counties had previously met these standard, but when the standard was updated, this area was in danger of being declared in nonattainment, or having ozone emissions above the standard. The area committed to take action to cut back on ozone emissions by signing an Early Action Compact (EAC). The standards are currently being re-examined (San Antonio-Bexar County Metropolitan Planning Organization 2010).

Global climate change has the potential to alter the regional distribution of plant and animal communities by large-scale changes in average temperature, level and frequency of precipitation, groundwater regimes, and fire regimes. Climate change could cause areas currently containing suitable

habitat for the Covered Species to increase or decrease in extent and quality. For the GCWA and the BCVI climate change could also cause areas not currently considered to be suitable habitat, including areas currently outside of the known range of the species, to become suitable habitat and it is possible that the species could adapt to use such habitat.

While it is generally agreed that insufficient knowledge currently exists to generate a reliable projection of the potential impacts of global climate change on GCWA species, the US Committee on the North American Bird Conservation Initiative has begun to assess the sensitivity of birds to climate change. In its report, *2010 State of the Birds*, the GCWA was noted as a conservation species of concern with a medium climate change vulnerability risk (North American Bird Conservation Initiative 2010). Natural disasters, such as wildfire, prolonged and severe droughts, and floods are normal events that occur in Central Texas. However, climate change has been linked to an increase in frequency and intensity of these events (Natural Resources Defense Council 2013). Natural disasters have the potential to destroy or damage large expanses of suitable habitat – including preserve lands.

4.8.2 Environmental Consequences

Methodology

The implementation of any of the Action Alternatives will have very little effect on overall weather patterns over a number of years, and since climate change is due to incremental effects of natural and man-influenced events no one program is likely to significantly impact climate change. However, land use changes that reduce the extent or composition of carbon absorbing native communities within the Plan Area while increasing the urban heat island effect over time will be less beneficial or more adverse, and alternatives that have the potential to positively influence air quality by creating more vegetated open space will be considered to be beneficial. Therefore, qualitative differences in the alternatives are determined based on which alternative will be more likely to contribute to climate change.

The intensity of impacts to climate change are measured based on the definition of the following terms:

Negligible: Changes to land use, plant community size, integrity or continuity or urban development will not be likely to occur.

Minor: Relative impacts to natural habitat will occur, and land development will be concentrated into urban islands; also, development will be localized to a small percentage land use.

Moderate: A relatively large percentage of land use will experience measureable change in terms of an increase or reduction in open space, vegetation communities and heat islands.

Major: Substantial changes to large portions of open space, vegetation communities and large heat islands will be apparent.

No Action Alternative

As previously described, a total of 241,152 acres in the Plan Area will experience construction activities concentrated in northern Bexar County, southwestern Comal County and eastern Medina County with or without the SEP-HCP over the next 30 years. New development will include clearing and altering of vegetation prior to construction. Increased urbanization will result soil compaction, and a reduction of the soil's ability to hold and conduct water, nutrients, and air necessary for plant root activity, and increased runoff. Devegetation and fragmentation of open space along with an increase in development

and urbanization will result in production and concentration of greenhouse gasses and result in relatively minor adverse impacts on climate change.

Under the No Action Alternative, the impacts on climate via changes in land use or the creation of urban heat islands will not be mitigated, unless regional and national policies are changed to address the issue. Any necessary ESA incidental take authorizations related to land development projects will also occur under the No Action Alternative (i.e. individual ESA section 10(a)(1)(B) permits or section 7 consultations), and other open space could also be protected through compliance with other local, state, and federal regulations. As a result, some parcels containing natural vegetation communities will be conserved on a case-by-case basis and result in negligible beneficial impacts that could influence climate change in the Plan Area. Overall, however, minor adverse impacts to climate change will result from the No Action Alternative because relative impacts to natural habitat could occur, land development could be concentrated into urban islands, and ESA compliance for land development could be localized to a small percentage land use.

Proposed SEP-HCP Alternative

The Proposed SEP-HCP Alternative will not be expected to substantially affect the amount, timing, or location of land development over the next 30 years, with the exception of preventing future development from occurring in areas that are designated as preserve. Therefore, the adverse impacts to climate change associated with urban development and deforestation under the Proposed SEP-HCP Alternative will be similar to those described for the No Action Alternative.

Compared to the No Action Alternative, the Proposed SEP-HCP Alternative will be expected to result in a greater level of land conservation due to increased compliance with the ESA. It is anticipated that as much as approximately 31,000 acres of undeveloped land containing habitat for the Covered Species will be permanently protected under this alternative. Preserve land will be primarily forest and shrubland vegetation communities used by the GCWA and BCVI. It is likely that this level of open space conservation will not occur under the No Action Alternative. Moreover, preserve size balances open space with urban and residential development, minimizing adverse effects. The Proposed SEP-HCP Alternative would have a minor beneficial impact on climate change because of the larger preserves, which would be expected to buffer against localized climate change impacts.

10% Participation Alternative

The 10% Participation Alternative will not have a significant influence on the amount, timing, or location of land development anticipated over the next 30 years. Therefore, the potentially adverse impacts to climate change resulting from anticipated land development will be similar to the impacts described for the No Action Alternative.

The primary difference between the 10% Participation Alternative and the No Action Alternative is the establishment and long-term management of a 7,390-acre preserve system. While some habitat conservation will occur under the No Action Alternative as the result of individual ESA compliance actions, the extent of these individual preserves will likely be less than the assured protection of 7,390 acres under the 10% Participation Alternative and the distribution of preserve lands under the No Action Alternative will likely be more scattered. The concentration of preserve land with more assured protection and guided management is likely to create a more effective protection for open space containing natural vegetation communities contained within the 7,390-acre preserve system than will be

achieved with fewer, smaller, and more scattered protected areas under the No Action Alternative. Thus, these larger blocks of conserved open space protected from development by the SEP-HCP will be more likely to yield benefits to regional air quality than the mitigation measures that will result from project-by-project incidental take authorizations with the Service. However, the beneficial impacts of the 10% Participation Alternative on climate would likely be only negligible as the total area that will be conserved under this alternative will be small compared to the total size of the area of potential effect.

Single-County Alternative

The Single-County Alternative will not have a significant influence on the amount, timing or location of land development anticipated over the next 30 years. It will restrict purchase of preserve lands to Bexar County, plus 10-miles around the county. The potentially adverse impacts to native vegetation resulting from anticipated land development will be similar to the impacts described for the No Action Alternative.

The primary difference between the Single-County Alternative and the No Action Alternative is the establishment and long-term management of a preserve system of up to 16,014 acres. While some habitat conservation will occur under the No Action Alternative as the result of individual ESA compliance actions and other park and open space initiatives, the extent of these individual preserves will likely be less than the assured protection of 16,014 acres under the Single County Alternative, furthermore the distribution of preserve lands will likely be more scattered. Larger blocks of conserved native vegetation protected from development by the SEP-HCP will be more likely to yield benefits to the ecosystem than the mitigation measures that will result from project-by-project incidental take authorizations with the Service under the No Action Alternative. Overall, the beneficial impacts of the Single County Alternative on climate will likely be minor, compared to the No Action Alternative, because all of the preserve lands proposed for the Single-County Alternative will be concentrated closer to the urbanized City of San Antonio and therefore may ameliorate the effects of the urban heat-island.

Increased Mitigation Alternative

The Increased Mitigation Alternative will not have a large influence on the amount, timing of land development anticipated over the next 30 years. Land development under the Increased Mitigation Alternative will have similar adverse effect as the No Action Alternative. The protection and management of relatively large blocks of native vegetation will help moderate temperatures, since large preserve blocks would have a greater effect on temperature than smaller parcels.

The establishment and long-term management of up to 43,741-acre preserve system, as proposed under this alternative, will reduce fragmentation of native vegetation communities by land developments which would moderate temperatures, and promote carbon absorption. Like the Single-County Alternative, the Increased Mitigation Alternative includes a requirement that some of the preserve land be located within or adjacent to Bexar County. The more urbanized land uses found in Bexar County increases the heat island phenomenon. However, this alternative will likely contain larger areas of contiguous, undeveloped land throughout the Plan Area than the No Action Alternative. Therefore, the potential beneficial impacts of the Increased Mitigation Alternative will be greater than those expected under the No Action Alternative, due to the protection of large, contiguous areas; and management of vegetation to maintain habitat characteristics and encourage native vegetation.

4.9 CUMULATIVE IMPACTS

Cumulative impacts are defined in CEQ regulations (40 CFR § 1508.7) as:

> "…the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time."

According to the Service's consultations tracking database, 63 formal section 7 consultations on the GCWA authorized impacts to almost 98,000 acres of GCWA habitat Several large consultations make up the majority of this acreage: 1) over 37,900 acres were associated with Fort Hood activities; 2) over 52,000 acres were associated with brush control projects throughout the GCWAs 35 county range; and 3) 5,000 acres were for activities on Camp Bullis, less than 15 percent of which was considered occupied. The conservation resulting from these consultations is over 61,300 acres of GCWA habitat maintained on Department of Defense (DOD) land and over 22,000 acres of private land preserved and/or maintained for the benefit of the GCWA. Additionally, the Service has issued a total of 134 individual 10(a)(1)(B) incidental take permits, which have their own formal intra-Service section 7 consultations. Over 48,000 acres of GCWA habitat were authorized to be impacted. Of this total over 21,000 were authorized as part of the Travis County and City of Austin HCP, 6,000 of which were authorized under Williamson County's Regional HCP, 3,000 of which were authorized as part of Oncor's programmatic HCP, 9,000 of which were authorized as part of Hays County's Regional HCP, 1,100 of which were part of LCRA's CREZ HCP, and 5,200 of which were authorized as part of Comal County's Regional HCP. The conservation result of all HCPs if fully implemented would be over 59,000 acres and almost $1.3 million for the preservation and/or maintenance of land for the benefit of the GCWAs.

According to the Service's consultations tracking database, there have been at least 31 formal section 7 consultations on BCVIs authorizing impacts to over 272,000 acres of BCVI habitat. Of this acreage 256,196 acres were associated with brush management and prescribed fire consultations. An additional 15,612 acres were associated with activities on Fort Hood. In total these consultations resulted in over 27,000 acres of habitat managed and maintained specifically for the BCVI with an expectation of an additional net benefit in BCVI habitat creation from the brush management and prescribed fire consultations. Additionally, the Service has issued 9 individual 10(a)(1)(B) incidental take permits with their associated formal intra-Service section 7 consultations. These 9 permits authorized over 16,700 acres of effects to BCVI habitat and if all take occurs, would result in over 11,600 acres of habitat preserved and over $1,500,000 given to the Texas Parks and Wildlife Foundation to perpetually manage BCVI habitat on the 4,500 acre Pairrie Haynes Ranch.

Potential karst habitat, which is mapped within Bexar County and a small portion of Medina and Bandera counties, covers 285,966 acres of Karst Zones 1 through 4 (Bexar County 2015). According to the Service's consultations database there has been one formal section 7 consultation on an endangered Bexar County karst invertebrate, *C. venii*. This consultation was with the U.S. Federal Highway Administration on the discovery of *C. venii* during the construction of State Highway 151 in San Antonio. This project resulted in the filling in of one cave, 121 acres of direct surface impacts, and the funding of biota and genetics studies of *Cicurina* species. Additionally, the Service has issued one section 10(a)(1)(B) incidental take permit including the associated intra-Service section 7 consultation. This permit covered impacts to three caves containing three listed species (*R. infernalis, R. exilis*, and *C.*

madla) and the additional potential incidental take of the species on 1,000 impacted acres in the event a feature with a listed species was discovered during construction. Two of the impacted caves are contained in one-acre setbacks and one cave was filled. Mitigation for the take authorized in this permit consisted of the purchase of se ven karst preserves totaling 181 acres. Any unknown features destroyed during construction were covered under the incidental take authorization and required no additional mitigation.

The Proposed Action is issuance of an incidental take permit under section 10(a) of the ESA that will authorize take associated with the clearing of up to up to 9,371 acres of GCW habitat, 2,440 acres of BCV habitat and 10,234 acres of Karst Zones 1 and 2 and 10,825 acres of karst zones 3 and 4 within the Plan Area over a period of 30 years. The Proposed Action would mitigate the loss with up to 23,430 acres of GCW habitat, 6,600 acres of BCV habitat and 1,000 acres of karst invertebrate habitat depending on the alternative (see Table 3-6 for a comparison of mitigation by alternatives). As discussed in Chapter 1.2, between 2010 and 2040, 341,551 new residential buildings (multi-family and single family) are projected to be built in the Plan Area, mostly in Bexar County (WDA 2010b) covering approximately 241,152 acres within the Plan Area. Table 4-19 provides a list of proposed development projects within the Plan Area. Also, within the Plan Area, anticipated GCWA habitat loss is 51,150 acres, with 10,084 acres of anticipated BCV habitat loss, and 51.171 acres of Karst Zones 1 and 2, and 54.259 acres of Karst Zones 3 and 4 lost.

Table 4-9: Ongoing and Future Projects in the Plan Area

Project Name	Planning Entity	Project Description	Timeframe	Location
Land Development Projects				
Private Sector Land Development Projects				
Bulverde Oaks	Various	Master Plan with > 19,000 SF lots total	Ongoing	Bulverde Road, Northern Bexar County
Coronado	Robert Tips	111 acre Master Plan	2014+	West of US 281, north of St. Croix, San Antonio
Four S Ranch	Various	780 acre Master Plan with 1,800 platted lots	2010+	Smithson Valley Road, Comal County
James Avery Expansion	James Avery Craftsman Inc. (Jewelry-maker)	New 47,000 square-foot factory	2015+	Texas 27, Kerrville
Johnson Ranch	Various	Master Plan, approx. 500 acres with 1,025 platted lots with retail center	2010+	East of US 281, north of FM 1863, Comal County
Highland Estates	Borgfeld Partners	182 acres residential subdivision	2010+	South of Borgfeld Drive, west of Bulverde Road
Kinder Ranch	SA Kinder Ranch	Master Plan, approx. 1,000 acres	2012+	North of Borgfeld Drive, west of Bulverde Road, south of Bexar/Comal County line
McCarty Ranch	Various	Approx. 400 acres	TBD	West of US 281, north of FM 1863, Comal County
Mooney Aviation Company Expansion	Mooney International (Aircraft Manufacturer)	Expand manufacturing facility	2015+	Al Mooney Rd, Kerrville
Moretti Subdivision	Michael Moretti	13.7 acre commercial development	2008+	US 281 north of Wilderness Oaks

Project Name	Planning Entity	Project Description	Timeframe	Location
Unnamed Subdivision	Various	Approx. 3,000 acres	Partially Built/ Ongoing	Northwest of Ammann Road at FM 1863
River Crossing	Various	Major Commercial	Partially Built/ Ongoing	Spring Branch
The Crossing at 46	Various	Commercial	Partially Built/ Ongoing	SH 46 at US 281
Public Sector Land Development Projects				
Smithson Valley High School	Comal ISD	Extensive renovation and expansion; capacity 2,575 students	2009 – 2011+	SH 46, west of FM 3159
Smithson Valley Middle School	Comal ISD	Expansion; capacity 1,150 students	2010	FM 311, north of SH 46
Spring Branch Middle School	Comal ISD	Expansion; capacity 1,150 students	2010	SH 46, west of US 281
Rahe Bulverde Elementary	Comal ISD	New school facilities for additional space and to combine 2 existing schools; capacity 824 students	2010	East Ammann Road
New Elementary at Indian Springs	Comal ISD	New school; capacity 824 students	2011	Southeast of Smithson Valley Road at Bulverde Road
New High School, new Middle School & new Elementary School at Kinder Tract	Comal ISD	Up to 3 new schools	2011+	Borgfeld Drive at Bulverde Road
Possible New Elementary	Northeast ISD	New school to be developed on 21-acre tract in Bulverde Oaks; (Per Feb 2009 article in SA Bus Journal NEISD purchased 21-acre tract for new school);	2010+	Near Bulverde Road
Boerne Schools: Samuel V. Champion High, New Elementary, Land Acquisition	Boerne ISD	No current expansion projects; New schools developed 2008-2009; Last bond measure including $2 million to acquire land for future campuses	TBD	Various
Republic Services Tessman Road Landfill	Republic Services	Expansion in capacity for 50 years	2002-2022	East IH-10, San Antonio
Covel Gardens Landfill	Waste Management	Expansion in capacity for 10 years	2002-2022	8611 Covel Road, San Antonio
Kerrville Landfill	Republic Services	Expansion in capacity for 10 years	2002-2022	TX-534 Loop, Kerrville
Castroville Wastewater Treatment Plant	City of Castroville	Expansion of wastewater treatment plant	2015+	City of Castroville
Kerrville Municipal/Louis Schreiner Airport	City of Kerrville	Taxi ways, taxi lanes, water line new hangars and taxiways, runway rehab, site prep for future hangar development	2010-2014	City of Kerrville
Butt-Holdsworth Memorial Library	City of Kerrville	Renovation and expansion	2012	City of Kerrville

Project Name	Planning Entity	Project Description	Timeframe	Location
Natural Resources Management Programs				
Hays County Regional HCP	Hays County	Protection of habitat for BCVI and GCWA	Ongoing	Hays County
Comal County Regional HCP	Comal County	Protection of habitat for BCVI and GCWA	Ongoing	Comal County
Edwards Aquifer Recovery Implementation Plan	EAA, SAWS, City of New Braunfels, City of San Marcos, Texas State University	Protection of habitat for fountain darter, San Marcos gambusia, Comal Springs riffle beetle, Comal Springs dryopid beetle, Peck's Cave amphipod, Texas blind salamander, Texas wild-rice, San Marcos salamander, Comal Springs salamander, Edwards Aquifer diving beetle and Texas troglobitic water slater	Ongoing	EAA's jurisdiction boundary
Project-specific HCPs, Management and Recovery Plans (Camp Bullis Karst Species Recovery Plan; GCSNA Karst Management and Recovery Plan)	Various entities	Conservation and management of sensitive species and habitats including habitat for threatened and endangered species	Ongoing	Plan Area
Species-specific Recovery Plans	USFWS	Recovery goals established in GCWA, BCVI and Karst Invertebrate Recovery Plans	Ongoing	
Biological Opinion for Bexar County Military Installations	US Department of Defense	Protection of endangered species	Ongoing	Bexar County
Edwards Aquifer Rules and Protect Program	TCEQ	Includes permitting and requires BMPs; Rules apply to Edwards Aquifer Contributing, Recharge and Transition Zones	Ongoing	Edwards Aquifer
Edwards Aquifer Protection	City of San Antonio	An initiative currently implemented by the City of San Antonio to protect the Aquifer by acquiring sensitive and irreplaceable land located over its recharge and contributing zones. Funding is provided by Proposition 3 (2000) and Proposition 1 (2005). Over 54,000 acres (21,853 hectares) have been acquired and protected.	Ongoing	San Antonio
Edwards Aquifer Protection	SAWS	Development review and regulation over the Edwards Aquifer Recharge and Contributing Zones; well head protection program, abandoned well program	Ongoing	SAWS jurisdiction
Recreation Management on Comal River	WORD	Organization to protect river and promote more environmentally sensitive behavior among	Ongoing	Comal River

Project Name	Planning Entity	Project Description	Timeframe	Location
		recreational users		
Sensitive Land Acquisition	SAWS in partnership with Nature Conservancy, Trust for Public Land, Bexar Land Trust, Texas Cave Management Association	Water supply fee-funded program for protection of geologically sensitive areas, point recharge features, using Conservation Easements and Fee Simple land acquisitions; 9,140 acres (3,699 hectares) preserved at GCSNA, Davis Ranch, Stone Oak Park, Annandale Ranch	Ongoing	Bexar County
Programs to Acquire Sensitive or Threatened Landscapes	Conservancy, Trust for Public Lands, Bexar Land Trust, Green Spaces Alliance of South Texas, Other NGO and Private Land Trusts	Program based on use of inheritance tax rules or other financial incentives	Ongoing	Plan Area
Landscape Conservation Cooperatives	USDI	LCCs are conservation efforts at the landscape level to use management-science partnerships to address climate change and other stressors within and across landscapes	To be determined	Plan Area
Property Tax Incentives (Ag and Wildlife Exemptions)	County Appraisal Districts – often in Conjunction with TPWD Biologists	Programs which lower taxes on lands managed for agriculture or wildlife production	Ongoing	Plan Area
Landowner Conservation Assistance and Safe Harbor Programs	Environmental Defense Fund	GCWA habitat protection based in counties primarily in Edwards Plateau; program addresses private land, seeks to steadily improve relationships with landowners. Has enrolled 80 Central Texas landowners (120,000 acres of ranch)	Ongoing	Edwards Plateau
Transportation Infrastructure Projects				
IH-10 W, Loop 1604 to S of Huebner Rd	TxDOT FY 2011-2014 STIP	Expand six to eight lane Expressway and operational improvements	2011	IH-10, south of Huebner Road to Loop 410
US 281, 0.2 mi N of Loop 1604 to Bexar / Comal Co. Line	Alamo RMA FY 2011-2014 STIP	Expand to six lane Expressway, with six new main lanes, outer lanes	2013	US 281, 0.2 mi north of Loop 1604 to Bexar / Comal County Line
Loop 1604, NW Military Hwy to Redland Road	Alamo RMA FY 2011-2014 STIP	Expand from four to eight lane Expressway, with four new main lanes and outer lanes	2014	Loop 1604, NW Military Hwy to Redland Road
Loop 1604, SH 16 to NW Military Hwy	Alamo RMA FY 2011-2014 STIP	Expand from four to eight lane Expressway, with four new main lanes and outer lanes, including connectors at IH-10	2013	Loop 1604, SH 16 to NW Military Hwy
Wurzbach Parkway	TxDOT	New location four lane divided	2011	Wurzbach Parkway,

Project Name	Planning Entity	Project Description	Timeframe	Location
Extension	FY 2011-2014 STIP	roadway construction.		segments from FM 2696 to Wetmore; inside Loop 1604
Austin-San Antonio Passenger Rail	Lone Star Rail District FY 2011-2014 STIP	Passenger rail service between Austin and San Antonio metropolitan areas.	Ongoing	Austin-San Antonio Rail Corridor
Salado Creek Bike Path	City of San Antonio FY 2011-2014 STIP	Construct bike path	2013	Salado Creek, Blanco Road to Wetmore Road
US 281 Transit Facility (Park-n-Ride)	VIA Metro Transit FY 2011-2014 STIP	Site Acquisition & Construction of Park & Ride Facility	2014	Stone Oak Parkway
Northeast Transfer Center –Naco Pass	VIA Metro Transit FY 2011-2014 STIP	Site Acquisition (Future Construction of Transit Center)	2011	Naco Pass
Loop 1604 at US 281 Interchange	Alamo RMA	Construct interchange with non-toll direct connectors	Constructed 2013	Bexar County Loop 1604 at US 281
US 281 Superstreet Project	Alamo RMA	Superstreet Concept Operational improvements	Constructed 2010	Various
Bulverde Road Added Capacity	Mobility 2035	Widened and added lanes	2015 (expected operational)	Bulverde Road from Evans to Marshall
Bulverde Road Bicycle Lanes	Mobility 2035	Addition of bike lanes		Along Bulverde from Evans to Marshall
US 281	Comal County Major Thoroughfare Plan	Controlled Access Freeway		Bexar County line to Guadalupe River
SH 46, from FM 2722 to Comal/Kendall Co. Line	Comal County Major Thoroughfare Plan	Upgrade to Secondary and Primary Arterial		SH 46, from FM 2722 to Comal/Kendall Co. line except in incorporated areas
FM 306, FM 2793, FM 2722, FM 3159, FM 1863 (East of US 281), and FM 3351	Comal County Major Thoroughfare Plan	Upgrades to Primary Arterials		Various locations
FM 32, FM 311, and FM 484	Comal County Major Thoroughfare Plan	Upgrades to Secondary Arterials		Various locations
FM 1863 (West of US 281), FM 2696, Ammann Road, Smithson Valley Road, Rebecca Creek Road, Demi John Bend, and N Cranes Mill Road	Comal County Major Thoroughfare Plan	Upgrades to Collector Roads		Various locations
The Medina Line	Southwest Gulf Railroad	Construct 9-mile common carrier railroad to connect to Vulcan Materials Company limestone quarry/other econ development	2015+	Hondo Medina County
IH 10 West Kendall County	Mobility 2040	Replace IH 10 bridges and reconstruction and widen Scenic Loop to 4 lanes between frontage roads; intersection improvements	2015	Kendall County IH 10 West at Scenic Loop Road

Project Name	Planning Entity	Project Description	Timeframe	Location
		and bike & pedestrian accommodations.		
IH 10 West Bexar County	Mobility 2040	Construct grade separation at Old Fredericksburg, reconfigure ramps and widen frontage road to convert to one way operation.	2015	From FM 3351 to Fair Oaks
IH 410 Bexar County	Mobility 2040	Expand from 6 to 8 lanes to Ingram Road and construct prior direct connectors at SH 151	2015	From SH 151 to Ingram Road
UTSA Boulevard San Antonio	Mobility 2040	Expand 2 to 4 lanes with median, left turn lanes, sidewalks, bike lanes and drainage.	2015	From Babcock Road to Edwards Ximenes Drive
Water Infrastructure Projects				
Bulverde Regional Water Master Plan	Canyon Lake Water Service Company	Plan to provide domestic water service to numerous parcels in southern Comal County.	On-going	Bexar County line in south; Kendall County line in west; FM 3009 in east; and areas north of SH 46.
Storage above Canyon Reservoir	Guadalupe-Blanco River Authority	An aquifer storage and recovery system or off-channel reservoir.	Prior to 2020	Canyon Reservoir
Western Canyon Water Treatment Plant Expansion	Guadalupe-Blanco River Authority	Future expansion of the Western Canyon Water Treatment Plant.	Prior to 2050	Western Canyon Water Treatment Plant
Lower Guadalupe Water Supply Project for Upstream GBRA Needs	Guadalupe-Blanco River Authority	Water management strategy to supply Water Treatment Plans by diversion of underutilized water supply from the Lower Guadalupe Basin	2011 SCTRW Plan	Lower Guadalupe Basin
Edwards Aquifer – Carrizo/Wilcox Aquifer Transfers (Twin Oaks ASR)	SAWS	An operational Aquifer Storage and Recovery (ASR) program involving transfers between the two aquifers	Operational ongoing	SAWS Service Area
Edwards Aquifer Recharge Initiative -Type 1 and Type 2 Projects	SAWS, with GBRA, SARA, EAA, USACE	Edwards Aquifer recharge enhancement from upstream runoff detention (Type 1) and temporary channel impoundments (Type 2)	Cibolo: 2010+	Cibolo Watershed
	Nueces RA, City of Corpus Christi also for Nueces Basin		Nueces: 2012+	Nueces River Basin
Western Canyon WS for SAWS	SAWS, GBRA, Cities of Boerne, Fair Oaks, Bulverde, and Johnson Ranch, Cordillera Ranch, Tapatio Springs/ Kendall County Utility Co., and Comal Trace Subdiv.	Utilization of water supply from Canyon Lake; includes Winwood Tank and Oliver Ranch water storage facilities	Ongoing	Participating cities and developments in Bexar, Comal, and Kendall Counties
Trinity Aquifer WS for SAWS	SAWS, Oliver Ranch, Bulverde Sneckner Ranch	Provides water supply to SAWS from Trinity Aquifer withdrawals; augments water supply	Contract terms through 2024	Serves large area north of Loop 1604 and west of US 281

Project Name	Planning Entity	Project Description	Timeframe	Location
Brackish Ground Water Desalination	SAWS	Treatment of water from the brackish zone of the Wilcox Aquifer	Potential operations 2011+	SAWS Service Area
Regional Carrizo Water Supply	SAWS	Development of a pipeline to transfer water supply from Gonzales and Wilson counties	2015	SAWS Service Area
Ocean Desalination	SAWS	Long term strategy is under study	2035 – 2060	SAWS Service Area

Source: Planning Entity Web Sites accessed November 2015.

The following analysis considers the magnitude of the cumulative impact on the resource health. Health refers to the general overall condition, stability, or vitality of the resource and the trend of that condition. Therefore, the resource health and trend are key components of the cumulative impacts analysis. Laws, regulations, policies, or other factors that may change or sustain the resource trend will be considered to determine if more or less stress on the resource is likely in the foreseeable future. Opportunities to mitigate adverse cumulative impacts will be described in each resource area for water resources; vegetation, general wildlife; threatened and endangered species; and socio-economic resources. This is followed by a discussion of the potential impacts on climate change.

Water Resources

Chapter 307.1 of the Texas Administrative Code addresses surface water quality standards for the State and states that it is the policy of the State "to maintain the quality of water in the state consistent with public health and enjoyment, propagation and protection of terrestrial and aquatic life, operation of existing industries, and economic development of the state." The TCEQ monitors and assesses the extent to which the State's waters provide for healthy aquatic communities, water-based recreation, and safe public water supplies as part of its Texas Water Quality Inventory. The State's surface water quality standards define the goals for a body of water with respect to five general use categories for which the water body should be suitable. The TCEQ reports that its pace and progress in addressing water quality impairments documented on the State's 303(d) list has risen sharply since 2000 (TCEQ 2013).

Section 26.401 of the Texas Water Code establishes the State's groundwater protection policy, which sets a goal of non-degradation of groundwater resources for all State groundwater quality programs. This policy provides that groundwater quality should be restored if feasible. Overall, the approach strives to protect groundwater resources for their highest quality use related to human health and the environment. Several state agencies are responsible for regulating groundwater, including the TCEQ and the Texas Water Development Board, among others.

Cumulative impacts on water resources within the Plan Area will result from the rapidly increasing human population, increased development, and changes in land use over the next 30 years. New development will likely encroach onto aquifer recharge zones and could increase the potential for contamination of water. In addition, development activities in other Texas counties outside of the Plan Area could also impact water resources within the Plan Area. For the No Action Alternative, the continuation of land development trends has the potential of reducing or degrading available water supplies in the Plan Area and contributing to adverse cumulative impacts on the available water supply for humans, wildlife, and vegetation.

The implementation of the SEP-HCP will have the potential to create an overall cumulative, beneficial effect on water quality and quantity in the Plan Area and elsewhere across the region. The implementation of the SEP-HCP is expected to increase compliance with the ESA and result in more conservation actions for the Covered Species, primarily via the protection of large patches of native vegetation. In addition, these conservation actions will be more systematic than will individual, project-specific mitigation efforts for the Covered Species under the No Action Alternative. Water quality and aquifer recharge can be adversely affected by pavement and impervious cover associated with development. The systematic conservation of large patches of habitat for the Covered Species will better protect recharge features and vegetation that provide water filtration (such as riparian vegetation) when compared to smaller and more fragmented preserves associated with individual permits. The scale of these beneficial cumulative impacts will vary between negligible (10% Alternative) to minor (for the Proposed Alternative, Single County Alternative, or Increased Mitigation Alternative).

Vegetation

Over the last 10 years, conversion to grassland or shrubland vegetation was the most common fate of lost forest cover across the Plan Area, particularly outside of Bexar County. Conversion of forest cover to other, non-urban, land cover types accounted for approximately 87 percent of the forest cover loss across the Plan Area, and as much as 97 percent of the loss occurred in Blanco, Bandera, Kerr, Kendall and Medina counties. In the next 30 years a total of 241,152 acres in the Plan Area are projected to undergo construction activities with or without the SEP-HCP. Most of this land will be impacted by construction associated with ongoing residential construction in currently platted subdivisions, new projects that are currently undergoing the subdivision approval process, and a number of road improvement projects are reasonably certain to occur in the coming years. This development will be expected to increase the amount of urban land cover in the Plan Area and decrease the amount of vegetation communities (particularly forest cover and grassland or shrub cover); however, a detailed projection of any such land cover change is not possible.

Cumulative impacts to vegetation communities within the area of potential effect will result from the rapidly increasing human population, increased development, and changes in land use. The current composition, distribution, and extent of the various vegetation communities in the Plan Area are the result of past and present land development patterns, recreational and agricultural land uses, water availability, and climatic events (such as droughts and floods). As described in previous sections, all four Action Alternatives evaluated in this EIS will result in moderate adverse impacts on vegetation (compared to current conditions) as land development trends will continue as described for the No Action Alternative. However, compared to the No Action Alternative, each of the Action Alternatives will have a somewhat positive impact on regional vegetation patterns as large blocks of mitigation lands within the Plan Area will be acquired and managed in perpetuity as habitat for the Covered Species. Thus, the incremental impacts of each of these Action Alternatives will slightly offset the adverse cumulative impacts on vegetation from other regional impacts.

General Wildlife

Wildlife populations in the Plan Area are anticipated to be moderately adversely impacted as a result of the loss of vegetation communities. The 2005 *Texas Wildlife Action Plan* (formerly known as the Texas Comprehensive Wildlife Conservation Strategy) developed by TPWD identifies threats to the State's wildlife resources associated with changing demands on land resources (such as land development and fragmentation that threaten the viability of natural habitats and the sustainability of wildlife populations),

introduced species (non-native plants and animals that displace native species and threaten habitat integrity for native wildlife), noxious brush and invasive plants (excessive quantities of even native plants can reduce the quality of wildlife habitat), overgrazing and fire suppression (improper application of these management tools or uses have contributed to a drastic alteration of the historic landscape), and limited understanding of complex natural systems (lack of reliable knowledge about the function of natural systems can lead to inappropriate conservation or management decisions) (TPWD 2005). The 2005 Texas Wildlife Action Plan considers the ecoregions occurring in Bexar County to be relatively high priorities for management and conservation efforts and identified species with low or declining populations that are important to the health and diversity of the State's wildlife resources.

Cumulative impacts to wildlife depend on whether a particular wildlife species thrives or deteriorates as a result of human encroachment. Urban-adapted or tolerant wildlife species (such as raccoons, squirrels, grackles, and blue jays) could benefit from an increase in human activity, while other species (such as cave-dependent bats, bobcats, forest dwelling birds, and many reptiles) will decrease as humans convert or encroach upon natural landscapes. As discussed above for vegetation, the Action Alternatives will have a slight benefit to general wildlife populations compared to the cumulative impacts of the No Action Alternative as consolidated tracts of mitigation lands will be acquired and managed in perpetuity. These consolidated tracts of land will provide wildlife populations with the necessities required for species survival. Thus, the incremental impacts of each of the SEP-HCP Action Alternatives will slightly offset adverse cumulative impacts on general wildlife populations from other regional impacts.

Threatened and Endangered Species

Human activities within Enrolled Properties could cause a change in the local population of predator (cats, dogs, raccoons, etc.) species or competitor species (changes in vegetation/habitat) and thereby degrade the adjacent habitat and harm adjacent threatened and endangered species individuals. As previously described, a total of 241,152 acres in the Plan Area is projected to experience construction activities with or without the SEP-HCP over the next 30 years. Interrelated or interdependent construction or other land use activities that occur within Enrolled Properties after the authorized take has occurred could cause noise or other disturbances that could harass neighboring threatened and endangered species.

Migratory species, such as the GCWA and BCVI, could return to an Enrolled Property that had previously been habitat but has since been removed or degraded. Species may be harmed by having to move to alternative habitat areas for breeding, feeding or sheltering. The authorized habitat loss will be a reasonably certain cause of this effect on returning individuals, but will typically occur after the habitat removal was complete.

Indirect impacts to karst invertebrate species may occur as a result of changes to the surface plant and animal communities outside of Occupied Cave Zones. Land use changes that reduce the extent or composition of native communities within a preserve could diminish the long-term viability of such communities over time, and could affect the quality and quantity of water and nutrients feeding subterranean karst environments.

All of the Action Alternatives will have the same cumulative impact on threatened and endangered species. The SEP-HCP is not an essential cause of habitat loss because habitat loss will occur with or

without the SEP-HCP, and does not constitute a new federal program authorizing new activities within potential impacts to the human environment because participation is voluntary.

Socioeconomic Resources

Recent socioeconomic trends in the Plan Area are a reflection of the social and economic impacts of population growth and land development in recent years. Generally these socioeconomic indicators (population growth, employment trends, and housing trends) are increasing or improving, resulting in a larger tax base for the Plan Area. None of the Action Alternatives will be expected to have long-term cumulative socioeconomic impacts on the local or regional population, economic trends, employment rates, per capita income, or real estate transactions. Participants in the SEP-HCP will enjoy cost and time savings as a result of simplified ESA compliance, but these savings will not be expected to rise to a level that will significantly impact local or regional economies. The Service will experience a long-term beneficial impact under the Action Alternatives, since each of the SEP-HCP alternatives will reduce the amount of time and effort the Service will spend on individual ESA consultations. The time savings for individually permitting incidental take through the permitting process will likely result in a portion of the anticipated land development occurring one to two years sooner than will be expected with an individual ESA consultation, and could accelerate the growth of Bexar County's and any other participant's tax base. In addition, creation of large preserves under the Action Alternatives will likely increase the value of adjacent property, further increasing the local tax base by an undetermined amount. Each of the Action Alternatives require the dedication of revenues from the Bexar County's general maintenance and operations fund, which could negatively affect the County's ability to support services currently funded with these revenues; however, this effect will be mitigated by participation fees. For the Action Alternatives, the amount of general fund revenues that could be dedicated to the implementation of the SEP-HCP will be approximately $1.31 million to over $1.12 billion over 30 years.

Climate Change

Regional climate results from processes that can be regional, continental, and even global in scale. Therefore, it is not appropriate to limit the examination of cumulative impacts to the specific geographic Plan Area as was done in the section above. The EPA (1997) predicts that over the next century, climate in Texas is likely to become warmer, with wider extremes in both temperature and precipitation. Weather in Texas is already highly variable and it is expected to become more so.

Over the next 30 years, the U.S. and world populations are each expected to increase by roughly 30 percent, with the U.S. population expected to increase by nearly 100 million people and the world population expected to increase by about 2 billion people (USCB 2010a). As the human population increases, so will demand for fossil fuels, renewable forms of energy, and other natural resources. Also expected to increase are the number of vehicles on roads; the number of motorized boats on the water; the number of planes in the air; the number of homes, businesses, and industries whose operations result in the emission of greenhouse gases; the number of people burning firewood for cooking and heating; and all other activities associated with an expanding human population.

As discussed in Section 4.8, implementation of all five alternatives is expected to result in minor negative or beneficial impacts. The potential contributions, however, would be imperceptible when compared against regional, national, and global outputs of greenhouse gases.

4.10 UNAVOIDABLE IMPACTS

Unavoidable impacts are defined as those that meet the following two criteria: 1) there are no reasonably practicable mitigation measures to eliminate the impacts and 2) there are no reasonable alternatives to the proposed project that will meet the purpose and need of the action, eliminate the impact, and not cause other or similar significant impacts (40 CFR 1500.2(e)).

It is expected that development in the Plan Area will continue as trends predict under the No Action Alternative, regardless of whether the SEP-HCP is implemented or not (see **Section 4.1**). Since impacts associated with anticipated land development will be the same for the No Action Alternative and each of the Proposed Action Alternatives, the differences in the impacts of the Proposed Action Alternatives will be limited to the impacts associated with the implementation of their conservation programs. Therefore, all alternatives discussed in this EIS will result in unavoidable impacts that will include loss of vegetation, native wildlife, and endangered species habitat, as well as some impacts to water resources.

4.11 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Under 40 CFR 1502.16, an irreversible commitment of resources is defined as the loss of future options and primarily applies to non-renewable resources, such as minerals or cultural resources, and to those resources that are renewable only over long time spans, such as soil productivity. Irretrievable commitments represent the loss of production, harvest, or use of renewable resources. These opportunities are foregone for the period of the proposed action, during which other allocations of these resources cannot be realized. These decisions are reversible, but the utilization opportunities foregone are irretrievable.

Under all of the Action Alternatives, the loss of habitat for the threatened and endangered species in the Enrollment Area will result in irreversible habitat loss. However, the proposed preserves described for each Proposed Action Alternative will help ensure that habitat for these species will be protected and managed in perpetuity. Under all Proposed Action Alternatives, the commitment and funding by Bexar County and the City of San Antonio for acquisition and permanent management of mitigation properties will be irreversible. The commitment and funding of mitigation and monitoring activities for the duration of the Permit will also be irretrievable.

4.12 SHORT-TERM USE OF THE ENVIRONMENT VS. LONG-TERM PRODUCTIVITY

Pursuant to NEPA regulations (CFR 1502.16), an EIS must consider the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity. Short-term uses are those that determine the present quality of life for the public. The quality of life for future generations depends on long-term productivity; the capability of the environment to provide on a sustainable basis.

All Alternatives, including the No Action Alternative will result in a short-term loss of habitat for the Covered Species in the Plan Area due to human population growth and the associated increase in land development. However, all Proposed Action Alternatives will be expected to protect more suitable habitat for these species in the long term through the acquisition and management of their preferred habitat in perpetuity.

CHAPTER 5

LIST OF PREPARERS

Name	Role	Contribution to EIS Preparation	Education	Years of Experience
US Fish and Wildlife Service – Lead Federal Agency				
Christina Williams	Fish and Wildlife Biologist	Federal Lead Agency	B.S. Biology	17
Tanya Sommer	Supervisory Fish and Wildlife Biologist	Federal Lead Agency	B.S. Biology, M.S. Biology	15
Jacobs Engineering Group – NEPA EIS Lead				
Leonard Voellinger	NEPA Project Manager	Preparation of EIS, Public Scoping	B.A. Anthropology, M.A. Geography	37
Tricia Bruck	NEPA Assistant Project Manager	Preparation of EIS, Public Scoping	B.S. Biology, M.S. Environmental Science	13
Jennifer Zankowski	NEPA Assistant Project Manager	Preparation of EIS Public Meeting	B.A. Human Ecology, M.S. Community and Regional Planning	8
Bowman Consulting, Inc. (previously Loomis Partners, Inc.) – SEP-HCP Lead				
Jennifer Blair	HCP Project Manager & Chief Scientist	Coordination Between EIS and HCP	B.S. Wildlife Biology	8
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Name	Role	Contribution to EIS Preparation	Education	Years of Experience
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Ximenes & Associates – Public Involvement				
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Sonia Jimenez	Public Involvement Specialist, Facilitator	Public Scoping	B.A. Psychology, J.D. Law	13
Zara Environmental, LLC – Biological Studies				
Jean Krejca	Chief Scientist & Karst Specialist	Resource Assessments	B.S. Zoology, Ph.D. Ecology, Evolution and Behavior	20
Rachel Barlow	Karst Biologist	Resource Assessments	B.S. Biology, M.S. Wildlife Ecology	9
Kristen McDermid	Karst Biologist	Resource Assessments	B.S. Ecology, Evolution and Behavior, M.S. Wildlife Ecology	6

CHAPTER 6

GLOSSARY OF TERMS AND ABBREVIATIONS

6.1 GLOSSARY OF TERMS

Agency Oversight Group (AOG)	SEP-HCP advisory committee composed of representatives from Bexar County, the City of San Antonio, Texas Parks and Wildlife Department, and the U.S. Fish and Wildlife Service. The AOG was created to facilitate coordination among the Applicants and the regulatory agencies.
Alternatives	Under NEPA, the Service must, "objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." Reasonable alternatives are those that substantially meet the purpose and need. A "no action alternative" must also be described and analyzed. This alternative is simply what will happen if the action was not taken.
Applicants	The County of Bexar, Texas and the City of San Antonio are jointly applying to the Service for an Incidental Take Permit under section 10(a)(1)(B) of the ESA. As the Applicants of the Incidental Take Permit, Bexar County and the City of San Antonio will be responsible to the Service for complying with the terms and conditions of the Incidental Take Permit and overseeing the implementation of the SEP-HCP. The specific responsibilities and duties of each Applicant will be specified in an Interlocal Agreement, which will require Service approval.
Aquifer	Rocks or sediments, such as cavernous limestone and unconsolidated sand, that store, conduct, and yield water in significant quantities.
Biological Advisory Team (BAT)	SEP-HCP advisory committee appointed by Bexar County and the Texas Parks and Wildlife Department to advise the Applicants on technical matters relating to the biology and conservation of the species and habitats addressed in the SEP-HCP, including calculating the degree of harm to the species covered by the plan and calculating the size and configuration of the needed habitat preserves. The BAT included eight members and met the requirements of Chapter 83 of the Texas Parks and Wildlife Code.
CFR	Code of Federal Regulations (the codification of the general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the federal government).
Citizens' Advisory Committee (CAC)	SEP-HCP advisory committee appointed by Bexar County to assist with development of the SEP-HCP, including reviewing the work of the Biological Advisory Team and the form and level of mitigation proposed in the plan, identifying appropriate funding mechanisms to implement the plan, and determining the method of participation in the plan. The CAC included 21 members representing a variety of community stakeholder interests and met the requirements of Chapter 83 of the Texas Parks and Wildlife Code.

Covered Activities	Otherwise lawful activities that may cause the permanent or temporary loss or degradation of habitat for one or more of the Covered Species. Temporary losses are only expected from management activities on preserves.
Covered Karst Invertebrates	A group of seven invertebrates, including four spiders and three beetles, that was federally listed as endangered on December 26, 2000 (*Neoleptoneta microps, Cicurina madla, Cicurina venii, Cicurina vespera, Rhadine exilis, Rhadine infernalis, and Batrisodes venyivi*). These species live entirely underground in the limestone caves and passages of the karst geologic formations that underlie the northern portion of Bexar County and adjacent areas. These karst invertebrates are Covered Species.
Covered Species	The species for which incidental take will be authorized and which are the focus of the SEP-HCP conservation program. Includes the GCWA, BCVI, and the Covered Karst Invertebrates (*Neoleptoneta microps, Cicurina madla, Cicurina venii, Cicurina vespera, Rhadine exilis, Rhadine infernalis, and Batrisodes venyivi*).
Designated Critical Habitat	A specific geographic area(s) that is essential for the conservation of a threatened or endangered species and that may require special management and protection. Designated critical habitat may include an area that is not currently occupied by the species but that will be needed for its recovery. An area is designated as critical habitat after the Service publishes a proposed federal regulation in the Federal Register, receives and addresses public comments on the proposal, and publishes a final rule in the Federal Registers announcing the final boundaries of the designated critical habitat areas.
Cumulative Impact	An impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions.
Direct Impacts	The immediate impacts of an action that is not dependent on the occurrence of any additional intervening actions for the impacts to species or effects to designated critical habitat to occur.
Endangered Species Act (ESA)	Endangered Species Act of 1973, as amended (16 USC §1531 et seq.) is federal legislation intended to provide a means to conserve the ecosystems upon which endangered and threatened species depend and provide programs for the conservation of those species, thus preventing extinction of plants and animals.
Environmental Impact Statement (EIS)	A document required by the National Environmental Policy Act for certain actions “significantly affecting the quality of the human environment.” An EIS is a tool for decision making that describes the positive and negative environmental impacts of a proposed action.
Geographic Information System (GIS)	Computer software that processes geographic data and is commonly used to map and analyze landscape features.

Habitat Conservation Plan (HCP)	A plan prepared under the ESA by non- federal parties wishing a obtain permit for the incidental taking of threatened and endangered species. A Habitat Conservation Plan is required to obtain an Incidental Take Permit under section 10(a)(1)(B) of the ESA.
Harass	An intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering (50 CFR § 17.3).
Harm	An act which actually kills or injures wildlife and may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding or sheltering (50 CFR § 17.3).
Incidental Take	Taking of a threatened or endangered species that result from carrying out an otherwise lawful activity. See “take” below.
Incidental Take Permit	A permit issued by the Service under section 10(a)(1)(B) of the ESA to non- federal entities authorizing the incidental taking of a threatened or endangered species.
Indirect Impacts	Impacts that are caused by the action but occur later in time or farther in distance, but still are reasonably certain to occur.
Interlocal Agreement	An interlocal agreement is a contract between government agencies.
Jeopardize	Defined by the ESA as “to engage in an action that reasonably will be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, number, or distribution of that species” (50 CFR § 402.02).
JLUS	Camp Bullis “Joint Land Use Study” prepared by the City of San Antonio and the U.S. Army with the input of local stakeholders to help ensure that economic growth is managed in a manner that allows the installation to achieve its mission and remain a vital contributor to the region’s economy.
Karst	A terrain characterized by landforms and subsurface features, such as sinkholes and caves, which are produced by solution of bedrock. Karst areas commonly have few surface streams and most water moves through cavities underground.
Karst Fauna Region (KFR)	KFRs are geographic areas delineated based on discontinuity of karst habitat that may reduce or limit interaction between populations of karst species.
Karst Zones	Geographic areas delineated based on geologic and topographic features that facilitate assessment of the probability of the presence of rare or endemic karst species. Potential karst habitat occurs in Karst Zones 1 through 4.
KFR Groups	Groups of SEP-HCP sectors that generally correspond to the region of one or more of the KFRs described in the Bexar County Listed Karst Invertebrates Recovery Plan.
Mitigation	Actions that compensate for the impacts of incidental take on a species.

National Environmental Policy Act (NEPA)	A United States environmental law that established a national policy promoting the enhancement of the environment. Establishes procedural requirements for all federal government agencies to prepare documentation evaluating the environmental impacts of proposed federal agency actions.
Occupied Cave Zone A	Includes the area within 345 feet of the entrance to a karst feature that is occupied by one or more of the Covered Karst Invertebrates. The extent of this zone encompasses approximately 8.5 acres around a feature.
Occupied Cave Zone B	Includes the area between 345 feet and 750 feet of the entrance to a karst feature occupied by one or more of the Covered Karst Invertebrates. This zone (in combination with Zone A) is intended to encompass all or most of the surface and subsurface resources needed to maintain the environmental integrity of an occupied karst feature.
Participant	Any non-federal entity, including private citizens, businesses, organizations, or state or local governments or agencies, that voluntarily obtains incidental take authorization for the Covered Species through the SEP-HCP.
Plan Area	The geographic extent of the SEP-HCP's operational conservation program. Includes 7 Texas counties: Bexar County, Bandera County, Blanco County, Comal County, Kendall County, Kerr County, and Medina County.
Preservation Credits	A Preservation Credit is generally equivalent to an acre of GCWA or BCVI habitat that is permanently protected and managed for the benefit of the respective species.
Preserve	Tracts of land used as mitigation for the taking of the Covered Species. Together the preserves form the "preserve system" or "preserve lands."
Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP)	An effort by Bexar County, Texas and the City of San Antonio (the Applicants) to address endangered species issues that are threatening the economic growth of the region and promote the conservation of these species and related natural resources. The SEP-HCP supports an Endangered Species Act section 10(a)(1)(B) Incidental Take Permit from the U.S. Fish and Wildlife Service.
SEP-HCP Participants	Any non- federal entity, including private citizens, businesses, organizations, or state or local governments or agencies, that voluntarily participates in the SEP-HCP.
Take	As defined by the Endangered Species Act, "take" means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 USC § 1532(19)).
Voluntarily Conserved Species	Species for which incidental take coverage will not be authorized, but for which targeted conservation measures will be voluntarily implemented as part of the SEP-HCP.

6.2 LIST OF ABBREVIATIONS

-A-	
ACHP	Adivsory Council on Historic Resources
AOG	Agency Oversight Group
-B-	
BAT	Biological Advisory Team
BCVI	Black-capped vireo (*Vireo atricapilla*); a Covered Species
BFZ	Balcones Fault Zone
-C-	
CAA	Clean Air Act of 1970
CAC	Citizens Advisory Committee
CAMPO	Capital Area Council of Governments
CEMP	Construction Emissions Mitigation Plan
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	carbon monoxide
Corps	U.S. Army Corps of Engineers
-D-	
dB	decibels
dBA	A-weighted decibels
-E-	
EAA	Edwards Aquifer Authority
EAC	Early Action Compact
EIS	Environmental Impact Statement
EPA	US Environmental Protection Agency
ESA	Endangered Species Act of 1973
ESRI BIZ	ESRI Business Solutions
ETJ	extraterritorial jurisdiction
-F-	
FEMA	Federal Emergency Management Agency
FPPA	Farmland Protection Policy Act
FR	Federal Regulation
-G-	
GCWA	Golden-cheeked warbler (*Dendroica chrysoparia*); a Covered Species
-H-	
HCP	Habitat Conservation Plan
-I-	
ITP	incidental take permit
-J-	
JLUS	Camp Bullis Joint Land Use Study
-K-	
KFR	Karst Faunal Region
-L-	
-M-	
MSATs	mobile source air toxics

-N-	
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act (42 USC § 4321 et seq.)
NFIP	National Flood Insurance Program
NHD	National Hydrography Dataset
NHPA	1966 National Historic Preservation Act
NMFS	National Marine Fisheries Service
NO_2	nitrogen dioxide
NOA	Notice of Availability
NOI	Notice of Intent
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NRI	National Rivers Inventory
-O-	
O_3	ozone
-P-	
Pb	lead
PM_{10} and $PM_{2.5}$	particulate matter 10 microns and particulate matter 2.5 microns
ppm	parts per million
-Q-	
-R-	
ROD	Record of Decision
-S-	
SAL	State Antiquities Landmark
SEP-HCP	Southern Edwards Plateau Habitat Conservation Plan
Service	United States Fish and Wildlife Service
SFHA	special flood hazard areas
SH	State Highway
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SO_2	sulfur dioxide
-T-	
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TGPC	Texas Groundwater Protection Committee
THC	Texas Historical Commission
THPO	Tribal Historic Preservation Officers
TIFs	tax increment finance zones
TNRIS	Texas Natural Resources Information Service
TPWD	Texas Parks and Wildlife Department
TSHA	Texas State Historical Association
TWC	Texas Workforce Commission
TWDB	Texas Water Development Board
-U-	
USC	United Stated Code

USDA	United States Department of Agriculture
-V-	
VOCs	volatile organic compounds
-W-	
WDA	Wendell Davis & Associates

CHAPTER 7

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Appendix A

Notice of Intent

of our refuges. Depending on the activity requested and the differing management needs of refuges, there may be instances where an applicant has to submit more or less information for the same activity. These instances should be minimal, and, in no case, can a refuge manager ask for information that is not on the application. Rather than following a "one form fits all approach," we believe that allowing refuge managers the discretion to determine the level of information necessary to issue the permit will result in reducing the burden for applicants. If OMB approves the three proposed forms, we will issue guidance to Regional Offices and refuge managers that: (1) they must collect only the minimum information necessary to determine whether or not to issue a permit, and (2) they cannot collect any information that is not on the approved forms.

Comment 11: Grazing is never beneficial to wildlife, and no agricultural activity should be allowed on national wildlife refuges. Guides should not be allowed on national wildlife refuges. Taking people out to kill wildlife should not happen.

Response: The Administration Act authorizes us to permit public accommodations, including commercial visitor services, on lands of the System when we find that the activity is compatible and appropriate with the purpose for which the refuge was established. While we appreciate the views of the respondent, the comment did not address the information collection requirements. We did not make any changes to our information collection request based on this comment.

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: April 21, 2011.

Tina A. Campbell,

Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service.

[FR Doc. 2011–10167 Filed 4–26–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2010–N282; 20124–1112–0000–F2]

Intent To Prepare a Draft Environmental Impact Statement and Associated Documents for Development in Bexar County and the City of San Antonio, TX

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent; announcement of public scoping meetings; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), advise the public that we intend to prepare a draft Environmental Impact Statement (EIS) to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit (ITP)under the Endangered Species Act of 1973, as amended (Act), to Bexar County, Texas, and the City of San Antonio, Texas (applicants). The ITP would authorize incidental take of five Federally listed species resulting from residential, commercial, and other development activities associated with the proposed Southern Edwards Plateau (SEP) Regional Habitat Conservation Plan (RHCP), which includes Bexar and surrounding counties. We also announce plans for a series of public scoping meetings throughout the proposed plan area and the opening of a public comment period.

DATES: Written comments on alternatives and issues to be addressed in the draft EIS must be received by July 26, 2011. Public scoping meetings will be held at various locations throughout the proposed seven-county plan area. Public scoping meetings will be held between May1, 2011 and June 15, 2011. Exact meeting locations and times will be announced in local newspapers and on the Service's Austin Ecological Services Office Web site, *http://www.fws.gov/southwest/es/AustinTexas/,* at least 2 weeks prior to each meeting.

ADDRESSES: To request further information or submit written comments, use one of the following methods, and note that your information request or comment is in reference to the SEP RHCP/EIS:

- *E-mail: Allison Arnold@fws.gov;*
- *U.S. Mail:* Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758–4460;
- *Telephone:* 512/490–0057; or
- *Fax:* 512/490–0974.

SUPPLEMENTARY INFORMATION: This notice is published in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), and its implementing regulations (40 CFR 1506.6), and section 10(c) of the Act (16 U.S.C. 1531 *et seq.*). The Service intends to gather the information necessary to determine impacts and alternatives to support a decision regarding the potential issuance of an ITPto the applicants under section 10(a)(1)(B) of the Act, and the implementation of the supporting draft RHCP.

The applicants propose to develop an RHCP as part of their application for an ITP. The proposed RHCP will include measures necessary to minimize and mitigate the impacts, to the maximum extent practicable, of potential proposed taking of Federally listed species and the habitats upon which they depend, resulting from residential, commercial, and other development activities within the proposed plan area, to include Bexar and surrounding counties.

Background

Section 9 of the Act prohibits taking of fish and wildlife species listed as endangered or threatened under section 4 of the Act. Under the Act, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The term "harm" is defined in the regulations as significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term "harass" is defined in the regulations as to carry out actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). However, the Service may, under specified circumstances, issue permits that allow the take of Federally listed species, provided that the take that occurs is incidental to, but not as the purpose of,

an otherwise lawful activity. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively.

Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met: (1) The taking will be incidental; (2) the applicants will, to the maximum extent practicable, minimize and mitigate the impact of such taking; (3) the applicants will develop a draft RHCP and ensure that adequate funding for the plan will be provided; (4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) the applicants will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the RHCP.

Thus, the purpose of issuing a programmatic ITP is to allow the applicants, under their respective City or County authority, to authorize development while conserving the covered species and their habitats. Implementation of a programmatic multispecies habitat conservation plan, rather than a species-by-species/project-by-project approach, will maximize the benefits of conservation measures for covered species and eliminate expensive and time-consuming efforts associated with processing individual ITPs for each project within the applicants' proposed seven-county plan area. The Service expects that the applicants will request ITP coverage for a period of 30 years.

Scoping Meetings

The purpose of scoping meetings is to provide the public with a general understanding of the background of the proposed RHCP and activities that would be covered by the draft RHCP, alternative proposals under consideration for the draft EIS, and the Service's role and steps to be taken to develop the draft EIS for the draft RHCP.

The meeting format will consist of a 1-hour open house prior to the formal scoping meeting. The open house format will provide an opportunity to learn about the proposed action, permit area, and species covered. The open house will be followed by a formal presentation of the proposed action, summary of the NEPA process, and presentation of oral comments from the public. A court reporter will be present at each meeting, and an interpreter will be present when deemed necessary. The primary purpose of these meetings and public comment period is to solicit suggestions and information on the scope of issues and alternatives for the Service to consider when drafting the EIS. Oral and written comments will be accepted at the meetings. Comments can also be submitted to persons listed in the **ADDRESSES** section. Once the draft EIS and draft RHCP are completed and made available for review, there will be additional opportunity for public comment on the content of these documents through an additional public hearing and comment period.

Alternatives

The proposed action presented in the draft EIS will be compared to the No-Action alternative. The No-Action alternative represents estimated future conditions to which the proposed action's estimated future conditions can be compared. Other alternatives considered, including impacts associated with each alternative evaluated, will also be addressed in the draft EIS.

No-Action Alternative

Because the proposed covered activities (development activities) are vital in providing services to accommodate future population growth, energy, and infrastructure demand, these activities would continue regardless of whether a 10(a)(1)(B) permit is requested or issued. The applicants would continue to avoid and minimize impacts to protected species' habitat. Where potential impacts to Federally protected species within the proposed permit area could not be avoided, they would be minimized and mitigated through individual formal or informal consultation with the Service, when applicable, or applicants would potentially seek an individual section 10(a)(1)(B) ITP on a project-by-project basis. Although future activities by the applicants would be similar to those covered by the RHCP, not all activities would necessitate an incidental take permit or consultation with the Service. Thus, under this alternative, numerous individual section 10(a)(1)(B) permit applications would likely be filed over the 30-year project period. This project-by-project approach would be more time-consuming and less efficient; and could result in an isolated independent mitigation approach.

Proposed Alternative

The proposed action is the issuance of an ITP for the covered species for development activities within the proposed permit area for a period of 30 years. The proposed RHCP, which must meet the requirements of section 10(a)(2)(A) of the Act by providing measures to minimize and mitigate the effects of the potential incidental take of covered species to the maximum extent practicable, would be developed and implemented by the applicants. This alternative could allow for a comprehensive mitigation approach for unavoidable impacts and reduce the permit processing effort for the Service.

Activities proposed for coverage under the proposed permit will be otherwise lawful activities that would occur consistent with the RHCP and include, but are not limited to: (1) Construction, use, and/or maintenance of public or private land development projects, (*e.g.,* single- and multi-family homes, residential subdivisions, farm and ranch improvements, commercial or industrial projects, government offices, and park infrastructure); (2) construction, maintenance, and/or improvement of roads, bridges, and other transportation infrastructure; (3) installation and/or maintenance of utility infrastructure (*e.g.* transmission or distribution lines and facilities related to electric, telecommunication, water, wastewater, petroleum or natural gas, and other utility products or services); (4) the construction, use, maintenance, and/or expansion of schools, hospitals, corrections or justice facilities, and community service development or improvement projects; (5) construction, use, or maintenance of other public infrastructure and improvement projects (*e.g.,* projects by municipalities, counties, school districts); (6) any management activities that are necessary to manage potential habitat for the covered species within the RHCP system that could temporarily result in incidental take; and (7) the construction, use, maintenance and/or expansion of quarries, gravel mining, or other similar extraction projects.

It is anticipated that the following species will be included as covered species in the RHCP: The golden-cheeked warbler (*Dendroica chrysoparia*), black-capped vireo (*Vireo atricapilla*), Madla Cave meshweaver (*Cicurina madla*), and two ground beetle species, each of which has no common name (*Rhadine exilis* and *Rhadine infernalis*). For these covered species, the applicants would seek incidental take authorization. Six Federally listed endangered species have been recommended for inclusion as covered species: Robber Baron Cave meshweaver (*Cicurina baronia*), Bracken Bat Cave meshweaver (*Cicurina venii*), Government Canyon Bat Cavemeshweaver (*Cicurina vespera*), Government Canyon Bat Cave spider (*Neoleptoneta microps*), Cokendolpher Cave harvestman (*Texella*

cokendolpheri), and Helotes mold beetle (*Batrisodes venyivi*). Seven additional species have been identified as potentially affected by the proposed covered activities and maybe considered for inclusion in the RHCP: Whooping crane (*Grus americana*), big red sage (*Salvia penstemonoides*), to busch fishhook cactus (*Sclerocactus brevihamatus* ssp *tobuschii*), bracted twistflower (*Streptanthus bracteatus*), golden orb (*Quadrula aurea*), Texas pimpleback (*Quadrula petrina*), and Texas fatmucket (*Lampsilis bracteata*). Incidental take authorization for these additional species may be necessary during the term of the ITP. Inclusion of these species will be determined during the RHCP planning and development process. The RHCP may include conservation measures to benefit these species, where practicable, and support research to help fill data gaps regarding the biology, habitat, distribution, and/or management of these species, even if incidental take coverage is not requested under the ITP.

Candidate and Federally listed species not likely to be taken by the covered activities, and therefore not covered by the proposed ITP, may also be addressed in the draft RHCP to explain why the applicants believe these species will not be taken.

Counties included in the proposed permit area are Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal Counties.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that the entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Environmental Review

The Service will conduct an environmental review to analyze the proposed action, as well as other alternatives evaluated and the associated impacts of each. The draft EIS will be the basis for the impact evaluation for each species covered and the range of alternatives to be addressed. The draft EIS is expected to provide biological descriptions of the affected species and habitats, as well as the effects of the alternatives on other resources, such as vegetation, wetlands, wildlife, geology and soils, air quality, water resources, water quality, cultural resources, land use, recreation, water use, local economy, and environmental justice.

Following completion of the environmental review, the Service will publish a notice of availability and a request for comment on the draft EIS and the applicants' permit application, which will include the draft RHCP. The draft EIS and draft RHCP are expected to be completed and available to the public in late 2011.

Joy E. Nicholopoulos,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 2011–10143 Filed 4–26–11; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–FHC–2011–N083; 81331–1334–8TWG–W4]

Trinity Adaptive Management Working Group

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Trinity Adaptive Management Working Group (TAMWG) affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River (California) restoration efforts to the Trinity Management Council (TMC). The TMC interprets and recommends policy, coordinates and reviews management actions, and provides organizational budget oversight. This notice announces a TAMWG meeting, which is open to the public.

DATES: TAMWG will meet from 9 a.m. to 5 p.m. on Tuesday, May 17, 2011.

ADDRESSES: The meeting will be held at the Weaverville Victorian Inn, 1709 Main Street, Weaverville, CA 96093.

FOR FURTHER INFORMATION CONTACT: *Meeting Information:* Randy A. Brown, TAMWG Designated Federal Officer, U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, CA 95521; telephone: (707) 822–7201. *Trinity River Restoration Program (TRRP)Information:* Jennifer Faler, Acting Executive Director, Trinity River Restoration Program, P.O. Box 1300, 1313 South Main Street, Weaverville, CA 96093; telephone: (530) 623–1800; e-mail: *jfaler@usbr.gov.*

SUPPLEMENTARY INFORMATION: Under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), this notice announces a meeting of the TAMWG.The meeting will include discussion of the following topics:

- TRRP FY 2012 budget and work plan,
- Temperature and reservoir management and recent CVO letter,
- Acting Executive Director's Report,
- Policies for work in tributary watersheds,
- Initial report on peak releases,
- Channel rehabilitation phase II planning update,
- TMC chair report,
- TAMWG bylaws, and
- Designated Federal Officer topics.

Completion of the agenda is dependent on the amount of time each item takes. The meeting could end early if the agenda has been completed.

Dated: April 21, 2011.

Joseph Polos,

Supervisory Fishery Biologist, Arcata Fish and Wildlife Office, Arcata, CA.

[FR Doc. 2011–10141 Filed 4–26–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination Against Federal Acknowledgment of the Choctaw Nation of Florida

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Final Determination.

SUMMARY: Notice is hereby given that the Department of the Interior (Department) declines to acknowledge that the group known as the "Choctaw Nation of Florida" (CNF, formerly known as the Hunter Tsalagi-Choctaw Tribe), Petitioner #288, c/o Mr. Alfonso James, Jr., Post Office Box 6322, Marianna, Florida 32447, is an American Indian group that exists as an Indian tribe under Department procedures. This notice is based on a determination that the petitioner does not meet one of the seven mandatory criteria set forth in 25 CFR 83.7, specifically criterion 83.7(e), descent from a historical Indian tribe, and therefore, the Department may not acknowledge the petitioner under 25 CFR part 83. Based on the limited nature and extent of comment and consistent with previous practices, the Department did not produce a detailed report or other summary under the criteria pertaining to this FD. This notice is the Final Determination (FD).

DATES: This determination is final and will become effective 90 days from

Appendix B

Scoping Meeting Materials

LEGAL NOTICES

Legal Notices

Legal notices were published 14 days prior to the public scoping meetings in eight print publications serving the SEP-HCP Plan Area including one Spanish language publication. The table below lists the publications and the dates the notices ran. Please us the reference number to find a copy of each notice on the subsequent pages.

Table 1 – Legal Notices Published

Reference #	Publication	Date Published	Page Published
1	Blanco County News	May 18, 2011	Page B4
2	The Helotes Echo	May 18, 2011	Page 8
3	Kerrville Daily Times	May 22, 2011	Page 6C
4	The Bandera Bulletin	May 18, 2011	Page B6
5	San Antonio Express News	May 22, 2011	Page 5G
6	La Prensa	May 22, 2011	Page 6B
7	Hondo Anvil Herald	May 19, 2011	Legal Notices
8	The Boerne Star	May 20, 2011	Pages 4C and 5C

Display Ads

In addition to the legal notices, display ads were placed in seven print publications serving the SEP-HCP Plan Area including one Spanish language publication. Display ads were utilized because they can be placed in more commonly read sections of the newspaper. The table below lists the publications and the dates the ads ran. Please us the reference number to find a copy of each ad on the subsequent pages.

Table 2 – Display Ads Published

Reference #	Publication	Date Published	Page Published
9	Blanco County News	June 1, 2011	Page A7
10	Blanco County News	June 8, 2011	Page B7
11	The Helotes Echo	June 8, 2011	Page 2
12	The Boerne Star	June 3, 2011	Page 9A
13	The Boerne Star	June 10, 2011	Page11A
14	San Antonio Express News	June 5, 2011	Page 10A
15	La Prensa de San Antonio	June 8, 2011	Page 5
16	Kerrville Daily Times	June 5, 2011	Page 12A
17	Hondo Anvil Herald	June 9, 2011	Page 7A

Reference #1

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF Blanco

Before me, the undersigned authority, on this day personally appeared

Jennifer Paradis (name) who being by me duly sworn, deposes and says that (s)he is a bona fide representative of the Blanco County News (name of newspaper); that said newspaper is regularly published in Blanco County(ies) and generally circulated in Blanco County(ies), Texas, and that the attached public notice was published in said newspaper on the following date(s), to wit: May 18, 2011, and that the attached is a true copy of said notice.

Jennifer Paradis

Newspaper Representative's Signature

Subscribed and sworn to before me this 18 day of May, 2011, to certify which witness my hand and seal of office.

NOTARY PUBLIC STATE OF TEXAS
BOBBIE MOWERY
My Commission Expires
July 01, 2013

Bobbie Mowery

Notary Public in and for the Sate of Texas

BOBBIE MOWERY

Print or Type Name of Notary Public

My Commission Expires: 7-1-13

Reference #1, Continued

May 18, 2011 • Blanco County News

Page B4

PUBLIC NOTICES

Public Scoping Meetings for the Proposed Southern Edwards Plateau Regional Habitat Conservation Plan Draft Environmental Impact Statement. The U.S. Fish and Wildlife Service (Service) advise the public of their intention to prepare a draft Environmental Impact Statement (EIS) to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (Act), to Bexar County, Texas, and the City of San Antonio, Texas (applicants). The ITP would authorize incidental take of five federally listed species resulting from residential, commercial, and other development activities associated with the proposed Southern Edwards Plateau (SEP) Regional Habitat Conservation Plan (RHCP), which includes Bexar and surrounding counties. The public comment period is now open and a series of five public scoping meetings will be held throughout the proposed plan area. Public Scoping Meetings – 5:30pm Open House, 6:00pm Presentation, 7:00pm Question/Answer; June 6, 2011, Silver Sage Corral Great Room, 803 Buck Creek Drive, Bandera, TX 78003; June 7, 2011, Boerne Convention Center, 820 Adler Road, Boerne, TX 78006; June 13, 2011, YO Ranch Conference Center, 2033 Sidney Baker, Kerrville, TX 78028; June 14, 2011, Helotes Ag Activity Center, 12132 Leslie Road, Helotes, TX 78023; June 9, 2011, Old Blanco County Courthouse, 300 Main Street, Blanco, TX 78606. Purpose and Format of Public Scoping Meetings – The purpose of scoping meetings is to provide the public with a general understanding of the proposed RHCP and activities that would be covered by the draft RHCP, alternative proposals under consideration for the draft EIS, and the Service's role and steps to be taken to develop the draft EIS for the draft RHCP. The meeting format will consist of an open house, a formal presentation and a panel of agency and applicant representatives. Public comments and questions will be posed to panel members by a moderator. A court reporter will be present at each meeting. The primary purpose of these meetings and public comment period is to solicit suggestions and information on the scope of issues and alternatives for the Service to consider when drafting the EIS. If you are interested in attending these meetings **and** have special communication or accommodation needs, contact Christina Williams at (512) 490-0057 by Friday, May 27, 2011. Comment Period – Oral and written comments will be accepted at the meetings. In addition, all comments postmarked on or before **July 26, 2011** will become part of the public record and considered in the Draft EIS. To request further information on the SEP RHCP or EIS or submit written comments or questions use one of the following methods, and note that your information request or comment is in reference to the **SEP RHCP/EIS**: E-mail: fw2_aues_consult@fws.gov; U.S. Mail: Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758-4460; Telephone: (512) 490-0057; Fax: (512) 490-0974. **Public Availability of Comments** – Written comments will become part of the public record associated with this action. You may request to withhold your personal identifying information (name, contact information, etc.) from public review, however, there is no guarantee that the Service will be able to do so. Additional information is also available in the Notice of Intent published in the Federal Register available at http://edocket.access.gpo.gov/2011/2011-10143.htm.

Reference #2

The Helotes

Echo

THE AREA'S LEADING COMMUNITY NEWSPAPER SINCE 1961

14743 Old Bandera Rd, Helotes, TX 78023

Phone # (210) 695-3613 fax# (210) 695-9151

PUBLISHER'S AFFIDAVIT

State of Texas

County of Bexar

I solemnly swear the enclosed notice was published 1 time(s) in The Helotes Echo, a newspaper published in Helotes, County of Bexar, Texas and of general circulation in said county, as provided in the Texas Probate Code for the service of citation or notice by publication.

The date of said notice was published on May 18, 2011. A copy of the notice published, clipped from the newspaper, is enclosed hereto.

Patsy Palacios

Patsy Palacios, Publisher

Subscribed and sworn before me by Diane L. Wootton this 18th day of May, 2011. To certify which witness my hand and seal of office.

Diane L. Wootton

Diane L Wootton

Notary Public, State of Texas

DIANE L WOOTTON NOTARY PUBLIC STATE OF TEXAS EXPIRES 07-20-2012

LEGAL NOTICES

Public Scoping Meetings for the
Proposed Southern Edwards Plateau Regional Habitat Conservation Plan
Draft Environmental Impact Statement

The U.S. Fish and Wildlife Service (Service) advise the public of their intention to prepare a draft Environmental Impact Statement (EIS) to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (Act), to Bexar County, Texas, and the City of San Antonio, Texas (applicants). The ITP would authorize incidental take of five federally listed species resulting from residential, commercial, and other development activities associated with the proposed Southern Edwards Plateau (SEP) Regional Habitat Conservation Plan (RHCP), which includes Bexar and surrounding counties. The public comment period is now open and a series of five public scoping meetings will be held throughout the proposed plan area.

Public Scoping Meetings
5:30pm Open House
6:00pm Presentation
7:00pm Question/Answer

June 6, 2011
Silver Sage Corral Great Room
803 Buck Creek Drive
Bandera, TX 78003

June 7, 2011
Boerne Conference Center
820 Adler Road
Boerne, TX 78006

June 9, 2011
Old Blanco County Courthouse
300 Main Street
Blanco, TX 78606

June 13, 2011
YO Ranch Convention Center
2033 Sidney Baker
Kerrville, TX 78028

June 14, 2011
Helotes Ag Activity Center
12132 Leslie Road
Helotes, TX 78023

Purpose and Format of Public Scoping Meetings
The purpose of scoping meetings is to provide the public with a general understanding of the proposed RHCP and activities that would be covered by the draft RHCP, alternative proposals under consideration for the draft EIS, and the Service's role and steps to be taken to develop the draft EIS for the draft RHCP.

The meeting format will consist of an open house, a formal presentation and a panel of agency and applicant representatives. Public comments and questions will be posed to panel members by a moderator. A court reporter will be present at each meeting. The primary purpose of these meetings and public comment period is to solicit suggestions and information on the scope of issues and alternatives for the Service to consider when drafting the EIS.

Reference #2, Continued

Helotes Echo
5/18/2011
2 of 2

If you are interested in attending these meetings and have special communication or accommodation needs, contact Christina Williams at (512) 490-0057 by Friday, May 27, 2011.

Comment Period
Oral and written comments will be accepted at the meetings. In addition, all comments postmarked on or before July 26, 2011 will become part of the public record and considered in the Draft EIS.

To request further information on the SEP RHCP or EIS or submit written comments or questions, use one of the following methods, and note that your information request or comment is in reference to the **SEP RHCP/EIS:**

E-mail: fw2_aues_consult@fws.gov

U.S. Mail: Field Supervisor
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, TX 78758-4460

Telephone: (512) 490-0057

Fax: (512) 490-0974

Public Availability of Comments
Written comments will become part of the public record associated with this action. You may request to withhold your personal identifying information (name, contact information, etc.) from public review, however, there is no guarantee that the Service will be able to do so.

Additional information is also available in the Notice of Intent published in the Federal Register available at http://edocket.access.gpo.gov/2011/2011-10143.htm.

Reference #3

AFFIDAVIT OF PUBLICATION

The State of Texas:
The County of Kerr

I, Mike Graxiola, publisher of the Kerrville Daily Times, a newspaper published in the County of Kerr, State of Texas, do swear that the foregoing and attached citation was Published in Kerrville, Kerr County, Texas, a newspaper of general circulation published regularly in said Kerr County, Texas for more than one year before this date on the following dates wit:

May 22, 2011

_____, 2011

_____, 2011

_____, 2011

A printed copy of said writ as it was published is attached hereto as a part hereof.

Mike Graxiola
Publisher of THE KERRVILLE DAILY TIMES
Kerrville, Kerr County, TX

Sworn to and subscribed before me by the said Mike Graxiola, Publisher of the Kerrville Daily Times, on this the 25th day of May A.D. 2011, to certify which witness my hand and seal of office.

Christina M. McDonald
Notary Public,
Kerr County, Texas

CHRISTINA M. McDONALD
NOTARY PUBLIC
STATE OF TEXAS
09-20-2014

PRINTER'S FEE

_____

Reference #3, Continued

Public Scoping Meetings for the Proposed Southern Edwards Plateau Regional Habitat Conservation Plan Draft Environmental Impact Statement

The U.S. Fish and Wildlife Service (Service) advise the public of their intention to prepare a draft Environmental Impact Statement (EIS) to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (Act), to Bexar County, Texas, and the City of San Antonio, Texas (applicants). The ITP would authorize incidental take of five federally listed species resulting from residential, commercial, and other development activities associated with the proposed Southern Edwards Plateau (SEP) Regional Habitat Conservation Plan (RHCP), which includes Bexar and surrounding counties. The public comment period is now open and a series of five public scoping meetings will be held throughout the proposed plan area.

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YO Ranch Conference Center
2033 Sidney Baker
Kerrville, TX 78028

June 14, 2011
Helotes Ag Activity Center
12132 Leslie Road
Helotes, TX 78023

June 9, 2011
Old Blanco County Courthouse
300 Main Street
Blanco, TX 78606

Purpose and Format of Public Scoping Meetings

The purpose of scoping meetings is to provide the public with a general understanding of the proposed RHCP and activities that would be covered by the draft RHCP, alternative proposals under consideration for the draft EIS, and the Service's role and steps to be taken to develop the draft EIS for the draft RHCP.

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If you are interested in attending these meetings **and** have special communication or accommodation needs, contact Christina Williams at (512) 490-0057 by Friday, May 27, 2011.

Comment Period

Oral and written comments will be accepted at the meetings. In addition, all comments postmarked on or before **July 26, 2011** will become part of the public record and considered in the Draft EIS.

To request further information on the SEP RHCP or EIS or submit written comments or questions, use one of the following methods, and note that your information request or comment is in reference to the **SEP RHCP/EIS**:

E-mail:
fw2_aues_consult@fws.gov

U.S. Mail:
Field Supervisor
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, TX 78758-4460

Telephone:
(512) 490-0057

Fax:
(512) 490-0974

Public Availability of Comments

Written comments will become part of the public record associated with this action. You may request to withhold your personal identifying information (name, contact information, etc.) from public review, however, there is no guarantee that the Service will be able to do so.

Additional information is also available in the Notice of Intent published in the Federal Register available at http://edocket.access.gpo.gov/2011/2011-10143.htm.

6C
The Kerrville Daily Times ✪ Weekend, May 21-22, 2011

Reference #4

THE
BANDERA BULLETIN
SERVING THE CITIZENS OF BANDERA COUNTY AND THE HILL COUNTRY
SINCE 1945

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF BANDERA

Before me, this day, personally appeared JT Maroney, the *Advertising Manager* of *THE BANDERA BULLETIN* newspaper published in Bandera County, Texas, and having a general circulation in that county, who being by me, duly sworn deposes and says:

The foregoing notice was published in above said newspaper on May 18, 2011.

JT Maroney/Bandera
Advertising Manager

Subscribed and sworn to before me this the 18 day of May 2011.

Notary Public In and For
Bandera County, Texas

NOTARY PUBLIC STATE OF TEXAS
NICOLE A. LAWLIS
My Commission Expires
February 24, 2013

1110 Main Street, Bandera, TX 78003 Ph: 830.796.3718 Fax: 830.796.4885

Reference #4, Continued

Bandera County CLASSIFIED MARKETPLACE

CLASSIFICATION INDEX

0000 Public Notices
10 Real Estate
15 Commercial Property
20 For Rent
25 For Lease
26 Commercial Lease
30 Wanted to Rent
40 Mnf. Homes
50 Hunt Lease
60 Hunting & fishing
65 Fishing/Hunting Guides
70 Employment
80 Business Opportunities
90 Autos
92 Trailers
95 Motorcycles
100 Recreational Vehicles
110 Boats
120 Services Offered
125 Child Care
150 Wanted
140 Garage Sales
145 Estate Sales
150 Auctions
155 Property Management
160 Misc. For Sale
165 Furniture
170 Farm & Ranch
180 Lost & Found
190 Animals

DEADLINE: *Monday by 12 p.m.* •**PHONE:** *(830) 796-3718* • **FAX:** *(830) 796-4885* • **E-MAIL:** *nicole@banderabulletin.com* • **WEB:** *www.banderabulletin.com*

0000 PUBLIC NOTICES

Public Scoping Meetings for the Proposed Southern Edwards Plateau Regional Habitat Conservation Plan Draft Environmental Impact Statement

The U.S. Fish and Wildlife Service (Service) advise the public of their intention to prepare a draft Environmental Impact Statement (EIS) to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (Act), to Bexar County, Texas, and the City of San Antonio, Texas (applicants). The ITP would authorize incidental take of five federally listed species resulting from residential, commercial, and other development activities associated with the proposed Southern Edwards Plateau (SEP) Regional Habitat Conservation Plan (RHCP), which includes Bexar and surrounding counties. The public comment period is now open and a series of five public scoping meetings will be held throughout the proposed plan area.

Public Scoping Meetings
5:30pm Open House
6:00pm Presentation
7:00pm Question/Answer

June 6, 2011
Silver Sage Corral Great Room
803 Buck Creek Drive
Bandera, TX 78003

June 7, 2011
Boerne Convention Center
820 Adler Road
Boerne, TX 78006

June 9, 2011
Old Blanco County Courthouse
300 Main Street
Blanco, TX 78606

June 13, 2011
YO Ranch Conference Center
2033 Sidney Baker
Kerrville, TX 78028

June 14, 2011
Helotes Ag Activity Center
12132 Leslie Road
Helotes, TX 78023

Purpose and Format of Public Scoping Meetings

The purpose of scoping meetings is to provide the public with a general understanding of the proposed RHCP and activities that would be covered by the draft RHCP, alternative proposals under consideration for the draft EIS, and the Service's role and steps to be taken to develop the draft EIS for the draft RHCP.

The meeting format will consist of an open house, a formal presentation and a panel of agency and applicant representatives. Public comments and questions will be posed to panel members by a moderator. A court reporter will be present at each meeting. The primary purpose of these meetings and public comment period is to solicit suggestions and information on the scope of issues and alternatives for the Service to consider when drafting the EIS.

If you are interested in attending these meetings and have special communication or accommodation needs, contact Christina Williams at (512) 490-0057 by Friday, May 27, 2011.

Comment Period
Oral and written comments will be accepted at the meetings. In addition, all comments postmarked on or before July 26, 2011 will become part of the public record and considered in the Draft EIS.

To request further information on the SEP RHCP or EIS or submit written comments or questions, use one of the following methods, and note that your information request or comment is in reference to the SEP RHCP/EIS:

E-mail:
fw2_aues_consult@fws.gov

U.S. Mail:
Field Supervisor
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, TX 78758-4460

Telephone:
(512) 490-0057

Fax:
(512) 490-0974

Public Availability of Comments
Written comments will become part of the public record associated with this action. You may request to withhold your personal identifying information (name, contact information, etc.) from public review, however, there is no guarantee that the Service will be able to do so.

Additional information is also available in the Notice of Intent published in the Federal Register available at http://edocket.access.gpo.gov/2011/2011-10143.htm.

NOTICE TO CREDITORS

Cause No. 11-0015

Notice is hereby given that Letters of Administration for the Estate of Gwendoline Mary Terrell York, Deceased, were issued on March 25, 2011 in Cause No. 11-0015, pending in the Probate Court of Bandera County, Texas, to Christopher Maurice York, as independent administrator without bond. Claims may be mailed to: Chris York, c/o Paul Byron Starr, Germer Gertz Beaman & Brown, LLP, 301 Congress Ave., Ste. 1700, Austin Texas 78701. All persons having claims against this estate are required to present them within the time and in the manner prescribed by law.

Paul Byron Starr
Germer Gertz Beaman & Brown, LLP
301 Congress Ave., Ste 1700
Austin, TX 78701
(512) 472-0288

PUBLIC NOTICE

Notice is hereby given that on May 26, 2011 at 10:00 a.m., the Commissioners' Court of Bandera County will hold a Public Hearing and consider for action a request of replat Lot 383 and Lot 384 in Bridlegate Unit 2 Subdivision as recorded in Volume 6, Pages 369-383 of the Plat Records of Bandera County, Texas to establish one residential lot.

Rockin' M MINI STORAGE
7168 Park Rd. 37
Lakehills TX
210-416-1581/1584
SALE
8 am May 21
to satisfy liens on units
14 - John Turner
20 - Ollis Oliver
22 - Chris Watson
Sale will be as planned unless owners satisfy liens

NOTICE TO CONTRACTORS OF PROPOSED TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) CONTRACTS

Sealed proposals for contracts listed below will be received by TxDOT until the date(s) shown below, and then publicly read.

CONSTRUCTION/MAINTENANCE/BUILDING FACILITIES CONTRACT(S)

Dist/Div: San Antonio
Contract 6225-63-001 for REMOVE AND REPLACE SIGNS in BEXAR County, etc will be opened on June 08, 2011 at 1:00 pm at the State Office for an estimate of $1,064,206.00.
Contract 6225-64-001 for REMOVE AND REPLACE SIGNS in BEXAR County, etc will be opened on June 08, 2011 at 1:00 pm at the State Office for an estimate of $1,064,206.00.

Plans and specifications are available for inspection, along with bidding proposals, and applications for the TxDOT Prequalified Contractor's list, at the applicable State and/or Dist/Div Offices listed below. If applicable, bidders must submit prequalification information to TxDOT at least 10 days prior to the bid date to be eligible to bid on a project. Prequalification materials may be requested from the State Office listed below. Plans for the above contract(s) are available from TxDOT's website at www.txdot.gov and from reproduction companies at the expense of the contractor.
NPO: 36559

State Office

Constr./Maint. Division
200 E. Riverside Dr.
Austin, Texas 78704
Phone: 512-416-2540

Dist/Div Office(s)

San Antonio District
District Engineer
4615 NW Loop 410
San Antonio, TX 78229-0928
Phone: 210-615-1110

Minimum wage rates are set out in bidding documents and the rates will be part of the contract. TXDOT ensures that bidders will not be discriminated against on the grounds of race, color, sex, or national origin.

NOTICE TO ALL PERSONS HAVING CLAIMS AGAINST THE ESTATE OF STEPHANIE DEAN GERNENTZ

Notice is hereby given that original letters Testamentary were issued on the Estate of **STEPHANIE DEAN GERNENTZ** were issued on the 9th day of May, 2011, in Cause No. 11-0052 pending in the County Court of Bandera County, Texas, to **THOMAS CHRISTOPHER GERNENTA and RYAN SCOTT GERNENTZ**.

The residence of **THOMAS CHRISTOPHER GERNENTA**, Co-Executor is Bandera Texas.
The residence of **RYAN SCOTT GERNENTA**, Co-Executor is Midland Texas.

The mailing address is:
c/o Susan Snood Sims
Attorney at Law
P.O. Box 601
Bandera, Texas 78003

All persons having claims against said estate being administered are requested to present them within the time and in the manner prescribed by law.

DATED the 9th day of May, 2011.

NOTICE TO CREDITORS

Cause No. 11-0016

Notice is hereby given that Letters of Administration for the Estate of Maurice Clement York, Deceased, were issued on March 25, 2011 in Cause No. 11-0016, pending in the Probate Court of Bandera County, Texas, to Christopher Maurice York, as independent administrator without bond. Claims may be mailed to: Chris York, c/o Paul Byron Starr, Germer Gertz Beaman & Brown, LLP, 301 Congress Ave., Ste 1700, Austin, Texas 78701. All persons having claims against this estate are required to present them within the time and in the manner prescribed by law.

Paul Byron Starr
Germer Gertz Beaman & Brown, LLP
301 Congress Ave., Ste 1700
Austin, TX 78701
(512) 472-0288

NOTICE TO CONTRACTORS OF PROPOSED TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) CONTRACTS

Dist/Div: San Antonio
Contract 0253-04-142 for INSTALL TRAF SIGNAL SIGNS & PAV MRK in BEXAR County, etc will be opened on June 08, 2011 at 1:00 pm at the State Office.

Plans and specifications are available for inspection, along with bidding proposals, and applications for the TxDOT Prequalified Contractor's list, at the applicable State and/or Dist/Div Offices listed below. If applicable, bidders must submit prequalification information to TxDOT at least 10 days prior to the bid date to be eligible to bid on a project. Prequalification materials may be requested from the State Office listed below. Plans for the above contract(s) are available from TxDOT's website at www.txdot.gov and from reproduction companies at the expense of the contractor.
NPO: 36477

State Office

Constr./Maint. Division
200 E. Riverside Dr.
Austin, Texas 78704
Phone: 512-416-2540

Dist/Div Office(s)

San Antonio District
District Engineer
4615 NW Loop 410
San Antonio, Texas 78229-0928
Phone: 210-615-1110

Minimum wage rates are set out in bidding documents and the rates will be part of the contract. TXDOT ensures that bidders will not be discriminated against on the grounds of race, color, sex, or national origin.

NOTICE TO CONTRACTORS OF PROPOSED TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) CONTRACTS

Dist/Div: San Antonio
Contract 6227-05-001 for STRIPING in ERIO County, etc will be opened on June 08, 2011 at 1:00 pm at the State Office for an estimate of $1,563,266.00.

Plans and specifications are available for inspection, along with bidding proposals, and applications for the TxDOT Prequalified Contractor's list, at the applicable State and/or Dist/Div Offices listed below. If applicable, bidders must submit prequalification information to TxDOT at least 10 days prior to the bid date to be eligible to bid on a project. Prequalification materials may be requested from the State Office listed below. Plans for the above contract(s) are available from TxDOT's website at www.txdot.gov and from reproduction companies at the expense of the contractor.
NPO: 36548

State Office

Constr./Maint. Division
200 E. Riverside Dr.
Austin, Texas 78704
Phone: 512-416-2540

Dist/Div Office(s)

San Antonio District
District Engineer
4615 NWLoop 410
San Antonio, Texas 78229-0928
Phone: 210-615-1110

Minimum wage rates are set out in bidding documents and the rates will be part of the contract. TXDOT ensures that bidders will not be discriminated against on the grounds of race, color, sex, or national origin.

10 REAL ESTATE

REPO, MUST sell! $106/month buys deeded land in gated community. 100x120 on beautiful Medina Lake, Bandera. 830-796-3143. OWNER

Lake front on Medina Lake, Repo must Sell 830-796-3594

Home Sites, Mobile Home Sites, RV Sites, No Credit OK, $205 a month buys deeded property at Medina Lake, Bandera TX 830-796-3038

Confused?

Call today to place your ad!
BANDERA BULLETIN

B	A	T	T		S	A	M	B	A		D	E	B	T
E	M	I	R		K	R	A	A	L		A	D	A	R
D	E	L	I		R	O	R	E	M		D	O	D	O
E	B					M	I	L					G	A
W	A	T	E	R	M	A	N		P	A	S	S	E	S
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U	N	D	O		B	E	S	E	T		L	A	B	S
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A	N	O	A		A	N	G	E	L		B	R	A	E
T	S	A	R		B	A	S	R	A		C	A	N	S

10 REAL ESTATE

*1.01 ac 3/2 office, huge island kit. 2007 $142K ask $123,900 210.392.1151

Commercial/industrial property for sale in Round Mountain, TX. <Hwy 281 @ FM 962>. Approximately 13,750 square feet of warehouse/industrial space. 5,000 square feet air-conditioned. Four loading docks, located on approximately 4 acres. $310,000. Owner financing is available for qualified buyer.

MEDINA LAKE WATERFRONT
LOTS CABINS HOUSES
KarenRipleyRealEstate.com
830-688-1131

BANDERA RIVER RANCH

BOERNE I.S.D.

Willene Leeder
RE/MAX Associates-Boerne

PLEASE JOIN THE HORN COMPANY REAL ESTATE GROUP AND CLAYTON HOMES
Sunday, May 22nd, 1-4pm
At Rolling Hills Ranch Estates
(12 miles South of Bandera on Hwy 173)
This beautiful restricted acreage community offers 2-5 acre lots with water & electric already on-site.
GRAND OPENING SPECIALS
(Available ONLY on Sunday, May 22nd)
* 2 acre lots starting: $15,000 | * 3 acre lots starting: $25,000
Take the short drive out to Rolling Hills Ranch Estates and enjoy hotdogs, refreshments and a bounce house for the kids while you find the lot and home of your dreams.
Contact Tara Lewis, Realtor, for more information!
210-607-9807, tara@thehornco.com

Bandera Bulletin
PHOTOS
order any photo in this issue
(or any back issue)
1110 Main Street, Bandera

Reference #5

San Antonio Express-News

PRIME TIME Newspapers, LLC

mySA.com

SAN ANTONIO EXPRESS NEWS AFFIDAVIT OF PUBLICATION

STATE OF TEXAS: COUNTY OF BEXAR

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared: Lynette Nelson, who after being duly sworn, says that she is the BOOKKEEPER of THE HEARST CORPORATON (SAN ANTONIO EXPRESS-NEWS DIVISION), a daily newspaper published in Bexar County, Texas and that the publication, of which the annexed is a true copy, was published to wit:

Customer ID: 707428
Customer Name: Ximenes & Associates
Order ID: 2040421

Publication	Pub Date
EN Classified	22-MAY-11

Lynette Nelson

Lynette Nelson
Bookkeeper

Sworn and subscribed to before me, this 23rd day of May A.D. 2011

Notary public in and for the State of Texas

Olivia D. Chaverria

OLIVIA D. CHAVERRIA
MY COMMISSION EXPIRES
July 17, 2014

FOR THE PROPOSED SOUTHERN EDWARDS PLATEAU REGIONAL HABITAT CONSERVATION PLAN DRAFT ENVIRONMENTAL IMPACT STATEMENT

The U.S. Fish and Wildlife Service (Service) advise the public of their intention to prepare a draft Environmental Impact Statement (EIS) to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (Act), to Bexar County, Texas, and the City of San Antonio, Texas (applicants). The ITP would authorize incidental take of five federally listed species resulting from residential, commercial, and other development activities associated with the proposed Southern Edwards Plateau (SEP) Regional Habitat Conservation Plan (RHCP), which includes Bexar and surrounding counties. The public comment period is now open and a series of five public scoping meetings will be held throughout the proposed plan area.

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5:30pm Open House
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820 Adler Road
Boerne, TX 78006

June 13, 2011
YO Ranch Conference Center
2033 Sidney Baker
Kerrville, TX 78028

June 14, 2011
Helotes Ag Activity Center
12132 Leslie Road
Helotes, TX 78023

June 9, 2011
Old Blanco County Courthouse
300 Main Street
Blanco, TX 78606

Purpose and Format of Public Scoping Meetings

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The meeting format will consist of an open house, a formal presentation and a panel of agency and applicant representatives. Public comments and questions will be posed to panel members by a moderator. A court reporter will be present at each meeting. The primary purpose of these meetings and public comment period is to solicit suggestions and information on the scope of issues and alternatives for the Service to consider when drafting the EIS.

If you are interested in attending these meetings and have special communication or accommodation needs, contact Christina Williams at (512) 490-0057 by Friday, May 27, 2011.

Comment Period

Oral and written comments will be accepted at the meetings. In addition, all comments postmarked on or before July 26, 2011 will become part of the public record and considered in the Draft EIS.

To request further information on the SEP RHCP or EIS or submit written comments or questions, use one of the following methods, and note that your information request or comment is in reference to the SEP RHCP/EIS:

E-mail: fw2_aues_consult@fws.gov

U.S. Mail: Field Supervisor
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, TX 78758-4460

Telephone: (512) 490-0057

Fax: (512) 490-0974

Public Availability of Comments

Written comments will become part of the public record associated with this action. You may request to withhold your personal identifying information (name, contact information, etc.) from public review, however, there is no guarantee that the Service will be able to do so.

Additional information is also available in the Notice of Intent published in the Federal Register available at http://edocket.access.gpo.gov/2011/2011-10143.htm

Reference #6

STATE OF TEXAS

COUNTY OF BEXAR

Before me, a Notary Public in and for Bexar County, this day personally appeared Tino Duran, Publisher of La Prensa De San Antonio who being duly sworn by oath, stated that Ximenes & Associates, Inc. requested a publication for Bid: Reuniones Publicas para Explorar y Detectar las Necesidades para El Plan Propuesto para la Conservacion del Habitat Regional del Altiplano Southern Edwards Declaracion Preliminar de Impactos Ambientales. In the Spanish version where it was published in La Prensa Bilingual Newspaper on May 22, 2011.

Tino Duran

Signature

SWORN AND SUBSCRIBED BEFORE ME THE 23rd DAY OF MAY 2011.

Notary Public

My Commission expires:

ALEJANDRA G. GOMEZ
Notary Public, State of Texas
My Commission Expires
August 31, 2011

La Prensa de San Antonio 22 de mayo de 2011 6-B

El Plan Propuesto para la Conservación del Hábitat Regional del Altiplano Southern Edwards
Declaración Preliminar de Impactos Ambientales

El Servicio para Pesca y Vida Silvestre de los Estados Unidos (Servicio) informa al público de su intención para preparar una Declaración Preliminar de Impactos Ambientales (EIS por su sigla en inglés) para evaluar los impactos de, y alternativas a, la expedición propouesta de un permiso de Captura Incidental (ITP por su sigla en inglés) bajo la Ley de Especies en Peligro de Extinción de 1973, cómo enmendado (Ley), al condado de Bexar, Texas y la Ciudad de San Antonio, Texas (solicitantes). El ITP autorizará la captura de cinco especies de la lista federal resultando de urbanizaciones residenciales o comerciales y otros actividades de urbanización asociados con el plan propuesto para la Conservación del Hábitat Regional (RCHP por su sigla en inglés) del Altiplano Southern Edwards (SEP por su sigla en inglés), que incluye a Bexar y los otros condados a su alrededor. El plazo para comentarios públicos ya está en vigor y una serie de cinco reuniones públicas para explorar y detectar las necesidades será conducidas en el área del plan propuesto.

Reuniones Públicas para Explorar y Detectar las Necesidades

5:30pm Exhibición Abierta al Público
6:00pm Presentación
7:00pm Preguntas y Respuestas

6 de junio de 2011
Salón Grande del Silver Sage Corral
803 Buck Creek Drive
Bandera, TX 78003

7 de junio de 2011
Centro para Convenciones de Boerne
820 Adler Road
Boerne, TX 78006

9 de junio de 2011
Viejo Corte del Condado de Blanco
300 Main Street
Blanco, TX 78606

13 de junio de 2011
Centro de Conferencias del YO Ranch
2033 Sidney Baker
Kerrville, TX 78028

14 de junio de 2011
Centro de Actividades Agrícolas de Helotes
12132 Leslie Road
Helotes, TX 78023

Propósito y Formato de las Reuniones para Explorar y Detectar las Necesidades

El propósito de las reuniones para explorar y detectar las necesidades es de proveer al público un entendimiento general del RHCP propuesto y las actividades incluidas en el RCHP preliminar, propuestas alternativas bajo consideración en el EIS preliminar, y el rol del Servicio y los pasos a tomar para crear el EIS preliminar para el RCHP preliminar.

El formato de la reunión consistirá en una exhibición abierta al público, una presentación formal, y un panel de representantes de agencias y solicitantes. Comentarios del público y preguntas serán propuestos al panel por un moderador. Un reportero judicial estará presente en cada reunión. El propósito principal de estas reuniones y el periodo de comentario público es de solicitar sugerencias e información respecto al rango de cuestiones y alternativas que serán considerados por el Servicio cuando están redactando la EIS. Si le interese asistir a estas reuniones y tiene necesidades especiales de comunicación o de acomodo, comuníquese con Christina Williams al (512) 490-0057 para el viernes, 27 de mayo de 2011.

El Plazo para Comentar

Comentarios orales y escritos serán aceptados en las reuniones. Además, los comentarios matasellados el 26 de julio de 2011 o antes serán parte del registro público y considerado en el EIS preliminar.

Para pedir información adicional del SEP RHCP o EIS o para entregar comentarios por escrito o preguntas, use uno de los métodos a continuación, y indique que su petición para información o su comentario es para el **SEP RHCP/EIS:**

Correo electrónico: fw2_aues_consult@fws.gov
Correo: Field Supervisor
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, TX 78758-4460

Teléfono: (512) 490-0057
Fax: (512) 490-0974

Disponibilidad al Público de los Comentarios

Comentarios por escrito serán parte del registro público asociado con esta acción. Usted puede pedir que no se revele la información para la revisión pública que identifica a usted como la persona que lo sometió (nombre, como comunicarse con usted, etc.), pero no hay garantía de que el Servicio lo pueda lograr.

Información adicional también está disponible en la Notificación de Intención en el Registro Federal que se encuentra en el http://edocket.access.gpo.gov/2011/2011-10143.htm

Reference #7

Hondo Anvil Herald

PO. Box 400, Hondo, Texas 78861

PUBLISHER'S AFFIDAVIT

The State of Texas)
County of Medina)

Before me, the undersigned authority, on this day did personally appear Diane Cosgrove, a person known to me, who on her oath stated:

That she is the Manager of the Hondo Anvil Herald, a newspaper published in Medina County, Texas, and which newspaper is of general circulation and has been published for more than twelve (12) months prior to the insertion of the attached notice, and

That she knows the facts stated in this affidavit.

That the attached printed matter is a true and correct copy of the publication of the notice of which it purposes to be a true copy, as the same appeared in such newspaper in the respective issues of:

May 19, 11

and that the charge of such newspaper being $ 108.40

Diane Cosgrove

Diane Cosgrove, Manager

Subscribed and sworn to before me on this the 30 day of May 20 11

Cathy A Walton

Notary Public
Medina County, Texas

CATHY A. WALTON
MY COMMISSION EXPIRES
May 9, 2013

Public Scoping Meetings for the Proposed Southern Edwards Plateau Regional Habitat Conservation Plan Draft Environmental Impact Statement

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June 9, 2011
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E-mail: fw2_aues_consult@fws.gov
U.S. Mail: Field Supervisor
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, TX 78758-4460
Telephone: (512) 490-0057
Fax: (512) 490-0974

Public Availability of Comments

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Pub.: May 19, 2011

FULL TIME

SECURITY SERVICE FEDERAL CREDIT UNION

Part Time and Full Time Teller Opportunities in Boerne

Provide service to members through a variety of fast-paced financial transactions. Requires minimum of 1 year cash handling experience.

To be considered, candidates must complete an on-line application by visiting our website at www.ssfcu.org (select "Careers").

We are proud to be an EEO/AA/M/F/D/V employer. We maintain a drug-free and safe workplace by performing post offer, pre-employment substance abuse testing and criminal background checks. Consumer credit history checks are also performed.

Mission® PHARMACAL

CUSTODIAN

Mission Pharmacal Company, a privately held pharmaceutical manufacturing company is seeking a motivated team player to join us. Sweeps and mops floors, vacuums hallways, stairs, and offices. Gathers trash from offices, bathrooms and kitchens. Cleans bathrooms, glass windows and glass doors. Sweeps debris from porches.

WORK SCHEDULE: Days Monday - Friday

EDUCATION, EXPERIENCE AND SKILLS: High school diploma, general edcuation degree (GED), or equivalent combination of education and experience.

Mission Pharmacal offers an excellent benefit package and competitive wages. Applications are available at our Mission Pharmacal Production facility in Boerne, TX.

Equal Opportunity Employer
Drug Free Workplace

PART TIME

Part-time volunteers needed in Boerne and Comfort at local charity clinic. Looking for healthcare personnel, Spanish translators, office support, and lab techs. Call 830-249-0130 for more information.

EMPLOYMENT WANTED

Experienced reliable lady looking for a Nanny/Elderly Care position. 4 ½ years experience and great references. Full-time or part-time. 210-325-9668.

FOR SALE

See Oma's German Dresses. Will sew to your choice. 210-710-9056.

Sigma 70-300 mm f/4-5.6 telephoto lens for Canon SLR camera. $90. 830-688-1622.

CCPAL RESALE STORE. Thursday through Saturday, 10am-3pm. Check out our bargains! Approximately 8 miles from Bandera on Hwy 16 South.

AUTOS

2009 Ford F-150 XLT Pick-up. $20,000 OBO. Call 210-445-6541 for more details.

BUSINESS OPPORTUNITY

Please consider carefully the value or benefits before you purchase a product or service. Publication of products or services does not indicate endorsement by the Boerne Star. If you feel you have been the victim of fraud, please contact the Attorney General's Office and/or the Better Business Bureau.

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FULL TIME

Mission® PHARMACAL

EQUIPMENT CLEANER

Mission Pharmacal Company, a privately held pharmaceutical manufacturing company is seeking a motivated team player to join us. Cleans and sterilizes machinery, machine parts and equipment. Sprays equipment with water to loosen and remove dirt or other foreign matter. Rinses equipment with water, and dries with compressed air. High school diploma, gerneral education degree (GED), or equivalent combination of education and experience. Mission Pharmacal offers an excellent benefit package and competitive wages. Applications are available at our Mission Pharmacal Production facility in Boerne, TX.

Equal Opportunity Employer
Drug Free Workplace

CHILD CARE

Stay at home Mom looking to care for your child of any age in her home. Monday-Friday. Hours and fees to be discussed. Chelsea 210-861-8432.

ELDERLY CARE

IN-HOME CAREGIVERS NEEDED. CALL 830-431-1509.

HOME INSTEAD SENIOR CARE. 830-248-1388.

FURNITURE

Broyhill Couch & Loveseat, country style. 830-537-3787.

ESTATE SALES

Multi-home Estate Sale, 36 Herff Rd, May 20-22, 8am-5pm. Furniture, teacher supply, professional tools, florals, saddles, designer décor, washer/dryer.

GARAGE SALES

209 & 221 Frey St, Saturday, May 21. Lots of items from knic-knacs, clothes, infant furniture to a double sink/counter.

501 Oak Park, Saturday, 8am-12pm. Furniture, TV's antique snowcone machine, baby & junior clothes, home décor.

Yard Sale, 11 Sisterdale Rd, Iglesia Vida Nueva Church, Saturday, 8am-3pm.

Garage Sale, 224 Latigo Ln, May 21, 8am-12pm. Furniture, bed, sofas, computer desks, TV, exercise bike, men/women's clothing, misc. household and decorative items.

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GARAGE SALES

Moving Sale, 30904 Wood Bine Way (Deer Meadow Estates), Saturday, May 21, 7am-11am. Décor, household, misc.

Huge Multi-family Garage Sale, 138 Cibolo Branch, Saturday, 8am.

39 Sisterdale Rd, Saturday, 8am-2pm. Little Miss BergesFest dresses, household items, horse tack and more!

Multi-family Yard Sale, 910 River Rd, Friday & Saturday, 8am-2pm. Household, electric, tools, clothes, books, purses, décor items and much more!

HUGE Multi-family Sale!! Something for everyone! Men: sporting items & knives, collectibles, tools, lots of stuff! Women: clothes, housewares, décor, linens, some furniture, jewelry, etc. Too much to list for 1day only, Saturday, 5-21, 8am-?, Ranger Creek Sub, 102 Arrowhead Ln. 210-687-7070, 210-370-9200. Watch for rain date!

124 Water St, Friday & Saturday, 8am-4pm. Yard art, old iron beds & many more bargains.

Big Garage Sale! 122 Viewpoint Dr East (Ranger Creek), Saturday, 5-21, 7am-3pm. No early birds please! Lots of kids and women's clothing, toys, furniture, copier/fax/scanner, table saw and more!

24 High St Rd, Comfort, Saturday, May 21 only, 7am-5pm. Everything must go! Tools, furniture, clothes and kitchen items.

LOST/FOUND

LOST: Silver wrist bracelet with 3 gold bars. $100 REWARD! Call 210-274-1463.

LOST – REWARD for return, no questions asked, Male Apricot Pug, 6 years old, I-10 & Jennifer Rd – Welfare exit area. Owner in Afghanistan, Please Return! 830-537-3825.

PETS

AKC Yellow Lab Puppies.nab1957@gmai.com , 830-928-3287.

Miniature Dachshunds for sale. 830-634-2299.

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MUSICAL INSTRUMENTS

ATTENTION FORMER BAND STUDENTS AND PARENTS! Did you know that you can donate used band instruments to SAM'S Kids and count it as a tax deduction? SAM'S Kids is in need of used band instruments for BISD students. For more information, please contact Janet D'Spain at BISD, 830-357-2006 or Lori at 830-981-4536.

RECREATIONAL VEHICLES

AVAILABLE: Private individual seeking permanent RV family, shady spot, large wooden deck, security gate, private parking, swimming pool, storage shed. 210-240-7376.

Wanted: Travel Trailer, Motorhome. Must be reasonable. 830-612-3625.

SERVICES

GOT IT MAID insured house cleaning service. 830-446-1083.

AT A LANDSCAPING LAWN SERVICE. Get ready for spring clean-up. Tree trimming, lot clearing, lawn care & treatment available. Free estimates. 830-377-2505.

Experienced ADULT CAREGIVER. References available. Rates negotiable. Robbin 210-834-0992.

Big Dog – Concrete Water Storage Tank Repair. 210-834-2929.

Power Washing – driveways, houses, patios, etc. Call Reid 210-818-0556.

FREE HAULING SERVICE. Scrap metal & unwanted cars. Call 210-643-6599.

RELIABLE LAWN SERVICE. Seasonal cleanups, landscaping, sod installation, lawndressing, mulch, mowing. Call Mark at 210-710-5010.

Tree & Landscaping Services. Clearing fences, low water crossings, draining problems, concrete, rock work & hauling. Carlos, cell 830-446-9079, home 830-995-4286.

WANTED

WANTED: Rototiller for 50 H Tractor. 830-796-8193.

ESTATE SALES

HUGE ESTATE SALE

MAY 20 - 22
FRIDAY - SUNDAY

FREDRICKSBURG TRADE DAYS BOOTHS: ROW D

GLASSWARE- OLD/ RARE FURNITURE, BOOKS, & SOOO MUCH MORE
(281) 382-6009

WANTED

I BUY OLD Clothes, Sewing Patterns and Pattern Books, 1970s and older. 830-388-0228.

PUBLIC NOTICES

Public Scoping Meetings for the Proposed Southern Edwards Plateau Regional Habitat Conservation Plan Draft Environmental Impact Statement

The U.S. Fish and Wildlife Service (Service) advise the public of their intention to prepare a draft Environmental Impact Statement (EIS) to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (Act), to Bexar County, Texas, and the City of San Antonio, Texas (applicants). The ITP would authorize incidental take of five federally listed species resulting from residential, commercial, and other development activities associated with the proposed Southern Edwards Plateau (SEP) Regional Habitat Conservation Plan (RHCP), which includes Bexar and surrounding counties. The public comment period is now open and a series of five public scoping meetings will be held throughout the proposed plan area.

Public Scoping Meetings
5:30pm Open House
6:00pm Presentation
7:00pm Question/Answer

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning and Zoning Commission of the City of Boerne, Texas will hold a Public Hearing on **Monday, June 6, 2011** at **6:00** PM, in the City Council Chambers, located at the Boerne Police/Municipal Court Complex, 124 Old San Antonio, Boerne, Texas, to discuss the following:

Public hearing:

A. To consider the proposed use of a kennel in an R-A, Rural Residential Agricultural District located on 11.9 acres, at 16 Staudt Street. (Kendall County Women's Shelter).

B. To consider the proposed rezoning of 110 Old San Antonio from R-E, Single Family Residential Estate District to B-2, Highway Commercial District.

C. To consider the application of the Entrance Corridor Overlay District to 110 Old San Antonio.

D. To consider the proposed use of a contractor in a B-2, Highway Commercial District located on +/- 5 acres, at 110 Old San Antonio.

All interested parties are encouraged to attend.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS
The Police / Municipal Court Complex is wheelchair accessible. Access to the building and special parking are available at the front entrance of the building. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the Planning Department at 830-249-9511.

CAUSE NO. 11-001-PR

THE ESTATE OF	IN THE COUNTY COURT
NADINE L. WATTS	OF
DECEASED	KENDALL COUNTY TEXAS

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of NADINE L. WATTS, Deceased, were issued on May 17, 2011, in Docket No. 11-001-PR, pending in the County Court of Kendall County, Texas, to EUGENE PARRISH.

The mailing address of the Independent Executor in Kendall County, Texas is:

EUGENE PARRISH
c/o ANDREW J. HIX
P.O. Box 1106
Boerne, Texas 78006

All persons having claims against this Estate, which is currently being administered, are required to present them within the time and in the manner prescribed by law.

DATED this 17th day of May, 2011.

ANDREW J. HIX
Texas Bar No. 09729100
P.O. Box 1106
Boerne, Texas 78006
Tel: 830/249-9595
Fax: 830/249-2999

ATTORNEY FOR
EUGENE PARRISH
Independent Executor for the Estate
of NADINE L. WATTS, Deceased

CAUSE NO. 11-038-PR

THE ESTATE OF	IN THE COUNTY COURT
MARY C. STREB	AT LAW
DECEASED	KENDALL COUNTY TEXAS

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of MARY C. STREB, Deceased, were issued on May 17, 2011, in Docket No. 11-038-PR, pending in the County Court of Kendall County, Texas, to JOSEPH M. STREB.

The mailing address of the Executor in Kendall County, Texas is:

JOSEPH M. STREB
c/o ANDREW J. HIX
P.O. Box 1106
Boerne, Texas 78006

All persons having claims against this Estate, which is currently being administered, are required to present them within the time and in the manner prescribed by law.

DATED this 17th day of May, 2011.

ANDREW J. HIX
Texas Bar No. 09729100
P.O. Box 1106
Boerne, Texas 78006
Tel: 830/249-9595
Fax: 830/249-2999

ATTORNEY FOR
JOSEPH M. STREB
Executor for the Estate
of MARY C. STREB, Deceased

PUBLIC NOTICES

June 6, 2011 Silver Sage Corral Great Room 803 Buck Creek Drive Bandera, TX 78003 June 7, 2011 Boerne Convention Center 820 Adler Road Boerne, TX 78006 June 9, 2011 Old Blanco County Courthouse 300 Main Street Blanco, TX 78606 June 13, 2011 YO Ranch Conference Center 2033 Sidney Baker Kerrville, TX 78028 June 14, 2011 Helotes Ag Activity Center 12132 Leslie Road Helotes, TX 78023

Purpose and Format of Public Scoping Meetings

The purpose of scoping meetings is to provide the public with a general understanding of the proposed RHCP and activities that would be covered by the draft RHCP, alternative proposals under consideration for the draft EIS, and the Service's role and steps to be taken to develop the draft EIS for the draft RHCP. The meeting format will consist of an open house, a formal presentation and a panel of agency and applicant representatives. Public comments and questions will be posed to panel members by a moderator. A court reporter will be present at each meeting. The primary purpose of these meetings and public comment period is to solicit suggestions and

PUBLIC NOTICES PUBLIC NOTICES PUBLIC NOTICES PUBLIC NOTICES PUBLIC NOTICES PUBLIC NOTICES PUBLIC NOTICES PUBLIC NOTICES PUBLIC NOTICES

information on the scope of issues and alternatives for the Service to consider when drafting the EIS. If you are interested in attending these meetings and have special communication or accommodation needs, contact Christina Williams at (512) 490-0057 by Friday, May 27, 2011. **Comment Period** Oral and written comments will be accepted at the meetings. In addition, all comments postmarked on or before July 26, 2011 will become part of the public record and considered in the Draft EIS. To request further information on the SEP RHCP or EIS or submit written comments or questions, use one of the following methods, and note that your information request or comment is in reference to the SEP RHCP/EIS: E-mail: fw2_aues_consult@fws.gov U.S. Mail: Field Supervisor Austin Ecological Services Field Office 10711 Burnet Road, Suite 200 Austin, TX 78758-4460 Telephone: (512) 490-0057 Fax: (512) 90-0974 **Public Availability of Comments** Written comments will become part of the public record associated with this action. You may request to withhold your personal identifying information (name, contact information, etc.) from public review, however, there is no guarantee that the Service will be able to do so. Additional information is also available in the Notice of Intent published in the Federal Register available at http://edocket.access.gpo.gov/2011/2011-10143.htm.

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PUBLIC NOTICE
KENDALL COUNTY, TEXAS
INVITATION FOR BIDS

Kendall County invites the submission of sealed Bids for:

Joshua Springs Park & Preserve

Kendall County, Texas is accepting sealed bids for improvements at Joshua Springs Park and Preserve. All bids shall be in an sealed envelope which must clearly be marked on the outside with the words "Sealed Bid-Joshua Springs Park and Preserve" and delivered to the Kendall County Auditor's office. Sealed bids will be accepted by the Auditor's office until 3:00 p.m. Thursday June 16, 2011. Bids will be opened at that time in the

Kendall County Auditor's Office
201 E. San Antonio Ave., Suite 113
Boerne, Texas 78006
830-249-9343

Any bid received after closing time will be returned unopened.

The project generally includes construction of: pavilions, restrooms, picnic areas, walking trails, fishing piers, playground, interpretive areas, bird watching areas, parking, drainage and utility improvements.

Plans, Specifications, and Bidding Documents may be viewed and obtained by visiting the CivCastUSA Website (www.CivCastUSA.com).

Questions by potential bidders may be directed to Mr. Philip Wanke, RLA (BWM Group, Inc.) at pwanke@bwmgrp.com or (512) 238-8912. Questions by potential bidders will be accepted until midnight June 10, 2011.

A non-mandatory pre-bid conference will be held on Thursday June 2, 2011 at 10:00 am at Joshua Springs Park & Preserve, 716 FM 289, Comfort, TX 78013.

A Cashier's Check, Certified Check, or acceptable Bidder's Bond in the amount of five percent (5%) of the Bid must accompany each bid. Performance, Payment and Maintenance Bonds will be required as stated in the bidding documents.

REQUIRED WORKERS' COMPENSATION COVERAGE: "The law requires that each person working on this site or providing services related to this construction project must be covered by workers' compensation insurance. This includes persons providing hauling, or delivering equipment or materials, or providing labor or transportation or other service related to the project, regardless of the identity of their employer or status as an employee."

Kendall County reserves the right to accept the lowest and best Bid as deemed by the Commissioners Court, or reject any and/or all Bids.

A portion of this project is part of a Texas Parks and Wildlife Department Funded Grant Project.

SECTION 00 100

ADVERTISEMENT FOR PROPOSALS

1.01 The Owner (hereinafter referred to as Owner):
City of Boerne, Texas
402 East Blanco
Boerne, TX 78006

1.02 And the Engineer (hereinafter referred to as Engineer):
Moy Tarin Ramirez Engineers, LLC
12770 Cimarron Path, Suite 100
San Antonio, Texas 78249
Voice 210-698-5051, Fax 210-698-5085
E-mail: cdumas@mtrengineers.com

1.03 TO: POTENTIAL BIDDERS

A. Your firm is invited to submit a Competitive Sealed Proposal to the Owner for construction of site work and utilities associated with the Bentwood Drive Reconstruction Project, Boerne, TX 78006.

Hand-delivered sealed proposals must be submitted to the Court Clerk located in the Police/Municipal Court Complex at 124 Old San Antonio Rd. before 2:00 PM local standard time on Tuesday, May 31, 2011 and will be opened shortly thereafter.

Sealed proposals sent thru the US Postal Service or another mail delivery provider must be mailed to City of Boerne, Assistant to the Public Works Director, 402 E. Blanco, Boerne, Texas 78006. Proposals must be enclosed in a sealed envelope and marked on the outside "Sealed Proposal for the Bentwood Drive Reconstruction Project to Be Opened May 31, 2011 at 2:00 PM". Any proposals received after 2:00 PM will not be accepted and will be returned to the bidder unopened.

Sealed proposals will be opened Tuesday, May 31, 2011 at 2:00 PM in the City Council Chambers at the Police/Municipal Court Complex, located at 124 Old San Antonio Rd. in Boerne, Texas.

B. The Competitive Sealed Proposal method of procurement requires multiple submittals of Proposal sections as set forth in the Selection Criteria of the Instructions to Offerors. After receiving all parts of the Proposal, the said parties will evaluate and rank each Proposal submitted in relation to the published evaluation criteria and select that Proposal that offers the best criteria/value to the City of Boerne. The Owner reserves the right to waive any information and/or reject any and all proposals. It is the intent of (Owner) that Historically Underutilized Businesses (HUB) shall be afforded every opportunity to participate in this construction project as prime contractors, subcontractors and/or suppliers.

C. Scope of Work: The Bentwood Drive Reconstruction contract includes the following construction items and all other work incidental to those items of construction as indicated on the contract documents:

1. The demolition of existing Bentwood Drive, Boerne Independent School District (B.I.S.D.) driveways, and associated facilities.

2. The complete reconstruction of Bentwood Drive including asphalt pavement, curbs, sidewalks, driveways, signage, traffic markings, etc.

3. The complete installation of the underground and open concrete channel storm drainage system including rock rubble riprap outfalls.

4. The complete reconstruction of the B.I.S.D. driveway.

5. Grading of the site as indicated on the construction drawings.

6. Installation and maintenance of temporary storm water pollution prevention devices and construction fencing including construction exit, silt fence, etc.

7. It is the intent of the Owner that the project be complete by August 22, 2011.

D. Bid document availability: Bid documents are available from the following sources described below.

1. Bid Documents may be purchased with a $60.00 non-refundable deposit from Moy Tarin Ramirez Engineers, 12770 Cimarron Path Ste. 100, San Antonio, TX 78249, (210) 698-5051.

2. Builders Exchange of Texas, 4047 Naco-Perrin, San Antonio, TX 78217, (210) 564-6900.

3. Association of General Contractors of San Antonio, 10806 Gulfdale, San Antonio, TX 78216, (210) 349-4921.

4. McGraw Hill Construction Dodge, 1223 Arion Pkwy. #108, San Antonio, TX 78216, (210) 495-0084.

E. Bidders will be required to provide Bid Security in the form of a Certified Cashiers Check or Bid Bond of a sum no less than 5 percent of the Bid Amount. The Bid Bond and surety's power of attorney must both reflect the proposal opening date.

F. Submit your offer on the Bid Form provided. Bidders may supplement this form as appropriate.

G. Your offer will be required to be submitted under a condition of irrevocability for a period of 60 days after submission.

H. Offerors shall pay particular attention to the required employment conditions that must be observed and the minimum wage rates to be paid under the contract. The Labor Rates for Prevailing Wage Rates will apply on this project.

I. Pre-Proposal Meeting: A voluntary meeting for this project will be held at 10:00 AM on Tuesday, May 24, 2011 in the City Council Chambers at the Police/Municipal Court Complex, located at 124 Old San Antonio Rd. in Boerne, Texas. On site tour will be available after the meeting if requested.

May 13, 2011

Ronald C. Bowman
City Manager

EMPTY YOUR GARAGE AND
FILL YOUR TANK
CLEAN UP WITH THE CLASSIFIEDS.

You'll find yourself with
extra space
and
relief at the pump
when you
sell your stuff
in the Boerne Star.
Call to place your ad today!
830-249-2441

THE BOERNE STAR

NOTICE TO CREDITORS

Notice is hereby given that original Letters Testamentary for the Estate of Henry Frederick Stearns, Deceased, were issued on April 26, 2011, in Cause No. 11-043-PR, pending in the County Court at Law of Kendall County, Texas, to: Katherine Wilson Singleton.

All persons having claims against this Estate, which is currently being administered, are required to present them within the time and in the manner prescribed by law.

All claims should be addressed to Ms. Singleton as Independent Executrix and mailed to:

Frank Y. Hill, Jr.
Attorney for the Estate of Henry F. Stearns
P.O. Box 387
Boerne, Texas 78006

DATED the 26th day of April, 2011.

Frank Y. Hill, Jr.
P.O. Box 387
Boerne, Texas 78006
Telephone: (830) 816-2569
Facsimile: (830) 248-1345

AREA BUSINESS GUIDE

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Carrier turn to the experts

FINANCING AVAILABLE TACLB13133E
* Rebate savings range from $50 to $1,200 depending on equipment purchased. Expires 6/30/2011. Federal tax credits of up to $500 on qualifying Energy Star equipment. See your tax advisor for qualifications. Must be placed in service prior to 12/31/2011. WAC.

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Family Owned & Operated Since 1980
ALL BRANDS
Repair, Installation & Replacement
Insured & Bonded
Recognized Local Rheem Team TOP CONTRACTOR
"We stand by our work"
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www.boernestar.com

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HEATING & COOLING
1-800-AIR-REPAIR
Voted Best of the Best 12 years in a row
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Steve and Jimi Driskill • TACLA26171E

THE BOERNE STAR
Your hometown news source since 1906!

DISPLAY ADS

Reference #9

The U.S. Fish and Wildlife Service will conduct a series of public scoping meetings related to the development of an Environmental Impact Statement (EIS) for the Southern Edwards Plateau Regional Habitat Conservation Plan. The EIS is required as part of the process to evaluate impacts of, and alternatives to, the proposed issuance of an incidental take permit to the applicants, Bexar County and the City of San Antonio. The proposed permit area includes Bexar, Medina, Bandera, Kerr, Kendall, and Comal Counties.

DATE	CITY	LOCATION
Monday, June 6,2011	Bandera	Silver Sage Corral Great Room 803 Buck Creek Drive, Bandera
Tuesday, June 7, 2011	Boerne	Boerne Convention Center 820 Adler Road, Boerne
Thursday, June 9, 2011	Blanco	Old Blanco County Courthouse 300 Main Street, Blanco
Monday, June 13, 2011	Kerrville	YO Ranch Conference Center 2033 Sidney Baker, Kerrville
Tuesday, June 14, 2011	Helotes	Helotes Ag Activity Center 12132 Leslie Road, Helotes

All meetings will include an open house at 5:30pm with a formal presentation at 6:00 pm, followed by a continuation of the open house until 7:00pm, when a Q&A session will convene until 8:00 pm. The public is invited to provide comments and input. Similar information will be available at all meetings. *If you have special communication needs, please call Christina Williams (512) 490-0057 Ext. 235 by June 3, 2011.*

All comments received on or before July 26, 2011 will become part of the public record and considered in the Draft EIS. Comments can be submitted by US Mail to Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758-4460, by e-mail to fw2_aues_consult@fws.gov, or faxed to (512) 490-0974. For more information, visit http://edocket.access.gpo.gov/2011/2011-10143.htm

Reference #10

The U.S. Fish and Wildlife Service will conduct a series of public scoping meetings related to the development of an Environmental Impact Statement (EIS) for the Southern Edwards Plateau Regional Habitat Conservation Plan. The EIS is required as part of the process to evaluate impacts of, and alternatives to, the proposed issuance of an incidental take permit to the applicants, Bexar County and the City of San Antonio. The proposed permit area includes Bexar, Blanco, Medina, Bandera, Kerr, Kendall, and Comal Counties.

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All meetings will include an open house at 5:30pm with a formal presentation at 6:00 pm, followed by a continuation of the open house until 7:00pm, when a Q&A session will convene until 8:00 pm. The public is invited to provide comments and input. Similar information will be available at all meetings. *If you have special communication needs, please call Christina Williams (512) 490-0057 Ext. 235by June 8, 2011.*

All comments received on or before July 26, 2011 will become part of the public record and considered in the Draft EIS. Comments can be submitted by US Mail to Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758-4460, by e-mail to fw2_aues_consult@fws.gov, or faxed to (512) 490-0974. For more information, visit http://edocket.access.gpo.gov/2011/2011-10143.htm

Reference #11

NOTICE OF PUBLIC MEETINGS

The U.S. Fish and Wildlife Service will conduct a series of public scoping meetings related to the development of an Environmental Impact Statement (EIS) for the Southern Edwards Plateau Regional Habitat Conservation Plan. The EIS is required as part of the process to evaluate impacts of, and alternatives to, the proposed issuance of an incidental take permit to the applicants, Bexar County and the City of San Antonio. The proposed permit area includes Bexar, Medina, Bandera, Kerr, Kendall, and Comal Counties.

DATE	CITY	LOCATION
Monday, June 13, 2011	Kerrville	YO Ranch Conference Center 2033 Sidney Baker, Kerrville
Tuesday, June 14, 2011	Helotes	Helotes Ag Activity Center 12132 Leslie Road, Helotes

All meetings will include an open house at 5:30 pm with a formal presentation at 6:00 pm, followed by a continuation of the open house until 7:00 pm, when a Q&A session will convene until 8:00 pm. The public is invited to provide comments and input. Similar information will be available at all meetings. *If you have special communication needs, please call Christina Williams (512) 490-0057 Ext. 235 by June 10, 2011.*

All comments received on or before July 26, 2011 will become part of the public record and considered in the Draft EIS. Comments can be submitted by US Mail to Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758-4460, by e-mail to fw2_aues_consult@fws.gov; or faxed to (512) 490-0974. For more information, visit http://edocket.access.gpo.gov/2011/2011-10143.htm

Reference #12

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF KENDALL

Before me this day personally appeared Candace Velvin, the Managing Editor of "The Boerne Star" newspaper published in Kendall County, Texas, and having a general circulation in that county, who being by me duly sworn deposes and says:

That the foregoing notice was published in said newspaper on June 03, 2011.

Candace Velvin

Candace Velvin

Subscribed and sworn to before me June 13, 2011.

Sandra K. Pfeiffer

Notary Public In and For

Kendall County, Texas

NOTARY PUBLIC STATE OF TEXAS

SANDRA K. PFEIFFER
MY COMMISSION EXPIRES
February 18, 2013

Reference #12, Continued

The U.S. Fish and Wildlife Service will conduct a series of public scoping meetings related to the development of an Environmental Impact Statement (EIS) for the Southern Edwards Plateau Regional Habitat Conservation Plan. The EIS is required as part of the process to evaluate impacts of, and alternatives to, the proposed issuance of an incidental take permit to the applicants, Bexar County and the City of San Antonio. The proposed permit area includes Bexar, Medina, Bandera, Kerr, Kendall, and Comal Counties.

DATE	CITY	LOCATION
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Tuesday, June 14, 2011	Helotes	Helotes Ag Activity Center 12132 Leslie Road, Helotes

All meetings will include an open house at 5:30 pm with a formal presentation at 6:00 pm, followed by a continuation of the open house until 7:00 pm, when a Q&A session will convene until 8:00 pm. The public is invited to provide comments and input. Similar information will be available at all meetings. *If you have special communication needs, please call Christina Williams (512) 490-0057 Ext. 235 by June 6, 2011.*

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Reference #13

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF KENDALL

Before me this day personally appeared Candace Velvin, the Managing Editor of "The Boerne Star" newspaper published in Kendall County, Texas, and having a general circulation in that county, who being by me duly sworn deposes and says:

That the foregoing notice was published in said newspaper on June 10, 2011.

Candace Velvin

Candace Velvin

Subscribed and sworn to before me June 13, 2011.

Sandra K. Pfeiffer

Notary Public In and For
Kendall County, Texas

SANDRA K. PFEIFFER
MY COMMISSION EXPIRES
February 18, 2013

Reference #13, Continued

THE BOERNE STAR

PAGE 11A

FRIDAY, JUNE 10, 2011

The U.S. Fish and Wildlife Service will conduct a series of public scoping meetings related to the development of an Environmental Impact Statement (EIS) for the Southern Edwards Plateau Regional Habitat Conservation Plan. The EIS is required as part of the process to evaluate impacts of, and alternatives to, the proposed issuance of an incidental take permit to the applicants, Bexar County and the City of San Antonio. The proposed permit area includes Bexar, Medina, Bandera, Kerr, Kendall, and Comal Counties.

DATE	CITY	LOCATION
Monday, June 6, 2011	Bandera	Silver Sage Corral Geat Room 803 Buck Creek Drive,, Bandera
Tuesday, June 7, 2011	Boerne	Boerne Convention Center 820 Adler Road, Boerne
Thursday, June 9, 2011	Blanco	Old Blanco County Courthouse 300 Main Street, Blanco
Monday, June 13, 2011	Kerrville	YO Ranch Conference Center 2033 Sidney Baker, Kerrville
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Reference #14

San Antonio Express-News | PRIME TIME Newspapers, LLC | mySA.com

SAN ANTONIO EXPRESS NEWS
AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:
COUNTY OF BEXAR

Before me, the undersigned authority, a Notary Public in and for the State
day personally appeared: Lynette Nelson, who after being duly sworn, say
BOOKKEEPER of THE HEARST CORPORATON (SAN ANTONIO EXPR
DIVISION), a daily newspaper published in Bexar County, Texas and that
of which the annexed is a true copy, was published to wit:

Customer ID: 707428
Customer Name: Ximenes & Associates
Order ID: 2047931

Publication
EN ROP

Lynette Nelson
Lynette Nelson
Bookkeeper

Sworn and subscribed to before me, this 7th day of June A.

Notary public in and for the State of Texas

Olivia D. Chaverria

OLIVIA D. CHAVERRIA
MY COMMISSION EXPIRES
July 17, 2014

The U.S. Fish and Wildlife Service will conduct a series of public scoping meetings related to the development of an Environmental Impact Statement (EIS) for the Southern Edwards Plateau Regional Habitat Conservation Plan. The EIS is required as part of the process to evaluate impacts of, and alternatives to, the proposed issuance of an incidental take permit to the applicants, Bexar County, and the City of San Antonio. The proposed permit area includes Bexar, Medina, Bandera, Kerr, Kendall, and Comal Counties.

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Reference #15

AVISO DE REUNIONES PUBLICAS

El Servicio de Pesca y Vida Silvestre de los Estados Unidos convocará una serie de reuniones para explorar y detectar las necesidades relacionadas al desarrollo de la Declaración de Impactos Ambientales (EIS por sus siglas en ingles) para el plan para la Conservación del Hábitat Regional del Altiplano Southern Edwards. La EIS es requisito como parte del proceso para evaluar los impactos de, y las alternativas a, la expedición propuesta de un permiso de Captura Incidental (ITP por sus siglas en inglés) para los solicitantes, el Condado de Bexar y el Municipio de San Antonio. El área propuesta para el permiso incluye los condados de Bexar, Medina, Bandera, Kerr, Kendall y Comal.

FECHA	CIUDAD	LOCAL
Lunes 13 de junio, 2011	Kerrville	Centro para Conferencias del YO Ranch 2033 Sidney Baker, Kerrville
Martes 14 de junio, 2011	Helotes	Centro de Actividades Agrícolas 12132 Leslie Road, Helotes

Todas las reuniones incluirán una exhibición abierta al público a las 5:30 p.m. con una presentación formal a las 6:00 p.m., y después continúa la exhibición abierta al público hasta las 7:00 p.m., cuando se convocará una sesión de preguntas y respuestas hasta las 8:00 p.m. El público está invitado a proveer comentarios y opiniones. Información similar será disponible en todas las reuniones. *Si Ud. tiene necesidades especiales de comunicación, favor de comunicarse con Christina Williams (512) 490-0057, Ext. 235 no más tarde que el 10 de junio de 2011.*

Todos los comentarios recibidos el 26 de julio de 2011 o antes, serán parte del registro público y considerados en la EIS Preliminar. Se puede entregar los comentarios por correo al Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758-4460, o por correo electrónico al fw2_aues_consult@fws.gov, o por fax al (512) 490-0974. Para más información, visite http://edocket.access.gpo.gov/2011/2011-10143.htm.

Reference #16

AFFIDAVIT OF PUBLICATION

The State of Texas:
The County of Kerr

I, Mike Graxiola, publisher of the Kerrville Daily Times, a newspaper published in the County of Kerr, State of Texas, do swear that the foregoing and attached citation was Published in Kerrville, Kerr County, Texas, a newspaper of general circulation published regularly in said Kerr County, Texas for more than one year before this date on the following dates wit:

June 5, 2011

_____, 2011

_____, 2011

_____, 2011

A printed copy of said writ as it was published is attached hereto as a part hereof.

Mike Graxiola
Publisher of THE KERRVILLE DAILY TIMES
Kerrville, Kerr County, TX

Sworn to and subscribed before me by the said Mike Graxiola, Publisher of the Kerrville Daily Times, on this the 6th day of June A.D. 2011, to certify which witness my hand and seal of office.

Christina M. McDonald
Notary Public,
Kerr County, Texas

PRINTER'S FEE

_____

CHRISTINA M. McDONALD
NOTARY PUBLIC
STATE OF TEXAS
09-20-2014

Reference #16, Continued

NOTICE OF PUBLIC MEETINGS

The U.S. Fish and Wildlife Service will conduct a series of public scoping meetings related to the development of an Environmental Impact Statement (EIS) for the Southern Edwards Plateau Regional Habitat Conservation Plan. The EIS is required as part of the process to evaluate impacts of, and alternatives to, the proposed issuance of an incidental take permit to the applicants, Bexar County and the City of San Antonio. The proposed permit area includes Bexar, Medina, Bandera, Kerr, Kendall, and Comal Counties.

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Reference #17

Obituaries continued...

Phyllis E. "Grandma" Laurel

Phyllis E. "Grandma" Laurel, age 69 of LaCoste, passed away Wednesday, June 01, 2011 in San Antonio.

She is preceded in death by her parents, Wilton W. and Laura Emma Mann Pitts.

She is survived by her son, Kelly Kinsel of Bandera; daughters, L. Gayle Nelson of Corpus Christi, Leona English and husband, Daryl of Castroville and Stacey Clark of LaCoste; sister, Shirley Pitts of Castroville; grandchildren, Robert and Jessica Nelson, Madelynn, Landry and Kristynn Kinsel, Aubrey Davis and Amanda Farias, Joshua and Matthew Clark, Walker English; six great-grandchildren.

The Rosary was recited June 3 in the Hurley Funeral Home Chapel. Mass was celebrated June 04 at the Our Lady of Grace Catholic Church In LaCoste. Interment was in the St. Joseph's Catholic Cemetery.

Hurley Funeral Home, Devine
Hondo Anvil Herald, June 9, 2011

Pete Riddle Jr.

Pete Riddle Jr., age 73 of Devine, passed away June 2, 2011, in San Antonio.

He was preceded in death by his parents, Lester Pete and Josephine Cogdal Riddle; brother, James L. Riddle; and sister, Helen Lamon.

He is survived by his wife, Myrtle Annie Riddle; sons, Lester Gene, Donald Wayne and Timothy DeWayne Riddle; daughters, Barbara Gale, Carolyn Sue Stricker, Tammy Kay Klump, Sandra Renee Riddle and Gala Denice Jay; brothers, Roy Lee Riddle and Terry W. Riddle; sisters, Laverne Lancaster and Dorothy Eaton; 19 grandchildren; and 10 great-grandchildren.

Funeral services were June 7 in the Hurley Funeral Home Chapel. Interment was in the Moore Memorial Cemetery.

Hurley Funeral Home, Hondo
Hondo Anvil Herald, June 9, 2011

Retiring HHS Band Director Bob Howard is ths year's recipient of the Wayne F. Stein Leadership Award, pictured here with his wife, Trish, who is the HISD Elementary Academic Coordinator, and school board member Wayne Stein, for whom the award is named.

Sterling Martin presented the Jimmie Ruth Martin Annual Volunteer of the Year Award, named in his late wife's honor, to Anna Reyes, known for her many hours of service to HISD.

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Cypress Day Celebration

JUNE 18

SABINAL CITY PARK

10am - Parade on Center St.

11am - Little Mr. & Mrs. Sabinal Pageant
(Ages 3-5 • Register just prior to event)

12 noon - SVFD BBQ Plate Sale

1:30pm - Live Auction

Other events:

A & J Snake Handlers • Volleyball, Tennis, Horseshoe Tournaments • Chili Cook-Off

Call 830-426-1066 for more info

Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Scoping Meetings
June 6, 7, 9, 13 and 14, 2011
5:30 p.m. – 8:00 p.m.

Purpose of Tonight's Meeting:

- To introduce and discuss the National Environmental Policy Act (NEPA)
- Explain the proposed Federal action to issue an Incidental Take Permit
- Receive input from the public on issues, alternatives, and any other items related to proposed issuance of the permit.

AGENDA

5:30 p.m. - Registration/Sign-In/Open House

6:00 - Presentation: What is an EIS and a HCP?

6:30 - Open House/Post Questions to Comments Wall for Question and Answer Session

7:00 - Question and Answer Session

8:00 - Adjourn

To submit comments tonight:

- Visit the court reporter and give a verbal comment.
- Submit a written comment card in the comments box or post it to the comments wall so others can read it.

Public Scoping Meetings

Monday - June 6
Silver Sage Corral Great Room
803 Buck Creek Drive
Bandera, TX

Tuesday - June 7
Boerne Convention Center
820 Adler Road
Boerne, TX

Thursday - June 9
Old Blanco County Courthouse
300 Main Street
Blanco, TX

Monday - June 13
YO Ranch Conference Center
2033 Sidney Baker
Kerrville, TX

Tuesday - June 14
Helotes Ag Activity Center
12132 Leslie Road
Helotes, TX

After tonight's meeting, all comments post dated **on or before July 26, 2011** will become part of the public record and considered in the Draft EIS. Comments can be submitted by:

- US Mail: Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758-4460
- E-mail: fw2_aues_consult@fws.gov
- Fax: (512) 490-0974.

See back of this agenda for more information.

The presentation and exhibits from tonight's meeting are available for download at: www.sephcp.com.

For more information, visit the following websites:

1-U.S. Fish and Wildlife Service – Endangered Species Program – An Overview of Habitat Conservation Plans
http://www.fws.gov/endangered/what-we-do/hcp-overview.html

2-Texas Parks and Wildlife Department – Endangered and Threatened Species – Background Information on the Covered Species being considered in the HCP
http://www.tpwd.state.tx.us/huntwild/wild/species/endang/index.phtml

3-Bexar County sponsored website on the Southern Edwards Plateau Habitat Conservation Plan
http://www.sephcp.com

4-Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes
http://www.tpwd.state.tx.us/publications/pwdpubs/media/pwd_bk_w7000_0013_golden_cheeked_warbler_mgmt.pdf

5-Management Guidelines for Black-capped Vireo
http://www.tpwd.state.tx.us/publications/pwdpubs/media/pwd_bk_w7000_0013_black_capped_vireo_mgmt.pdf

Endangered Black-capped Vireo

BEXAR COUNTY INFRASTRUCTURE SERVICES DEPARTMENT

PROGRAM CONTACT—Andrew Winter
Bexar County Environmental Engineer
233 N. Pecos, Suite 420
San Antonio, TX 78207

Phone: 210-335-6487
Fax: 210-335-6713
E-mail: awinter@bexar.org

SEP-HCP Brochure—April 7, 2011

My County Commissioners passed a resolution to "opt out" of the SEP-HCP, so why does the Plan Area include my county?

The SEP-HCP will not create any new regulations or restrictions, nor will it provide Bexar County or the City of San Antonio with any new land use or zoning authority over private landowners or other governmental entities in Bexar County or any other county.

The SEP-HCP is simply a voluntary tool to help people achieve compliance with the ESA and to leverage resources for achieving conservation at a regionally significant scale.

Bexar County and the City of San Antonio believe that the SEP-HCP's Plan Area is needed to achieve the biological goals of the Plan. Taking a regional approach to conservation opens up more opportunities for the Plan to contribute in a meaningful and lasting way to the recovery of the region's endangered species.

Participation in the SEP-HCP will be entirely voluntary for people seeking to comply with the ESA and for people wishing to become a SEP-HCP conservation partner.

Anyone, including private landowners or other local governments, wishing to use the SEP-HCP for ESA compliance must specifically request to enroll in the Plan. Neither Bexar County nor the City of San Antonio will require or otherwise compel any landowner, developer, local governmental entity, or any other person to participate in the SEP-HCP.

Those wishing to not participate in the SEP-HCP may conduct their activities in a way that does not harm endangered species or may seek other options for ESA compliance, such as consulting individually with the Service.

Government Canyon State Natural Area, Bexar County

What is the status of the SEP-HCP?

Development of the SEP-HCP began in mid-2009, and the plan sponsors (Bexar County and the City of San Antonio) have been working extensively with stakeholder and scientific advisory groups to gain input on what to include in the Plan.

A first draft of the SEP-HCP will be available for review in April 2011 and the final version should be completed by September 2012, subject to approval by the Plan sponsors and the U.S. Fish and Wildlife Service.

How can I learn more about the SEP-HCP?

- Explore the SEP-HCP website at www.sephcp.com
- Sign up for email notices of meetings and other events on the SEP-HCP website.
- Attend meetings of the SEP-HCP advisory committees. Meeting notices, agendas, materials, and minutes are posted on the SEP-HCP website.
- Participate in open public meetings—check the website for upcoming opportunities.
- Contact us with questions or comments at info@sephcp.com

SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

INFORMATION & FREQUENTLY ASKED QUESTIONS

Sponsored by Bexar County & City of San Antonio

What is the SEP-HCP?

The Southern Edwards Plateau Habitat Conservation Plan (or "SEP-HCP") is an effort by Bexar County and the City of San Antonio to create a program for local administration of certain aspects of the federal Endangered Species Act (the "ESA") . The SEP-HCP will provide an alternative to dealing directly with the U.S. Fish and Wildlife Service for obtaining compliance with endangered species regulations.

The SEP-HCP is intended to simplify compliance with the ESA. Compliance with this existing federal regulation is needed when people conduct activities, such as land development, that would harm endangered species or their habitats. The ESA requires people to perform conservation actions to help offset the harm that may be caused by their actions.

By electing to participate in the SEP-HCP, people will work with the Plan's administrator to determine the level of harm their actions may have on endangered species. Participants in the SEP-HCP would pay a fee to the Plan in proportion to the level of harm their activities may cause. The SEP-HCP will pool these participation fees and use them to protect and manage habitats for the endangered species.

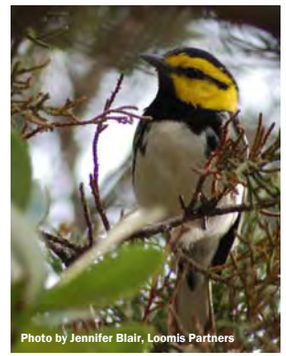
Therefore, by promoting better compliance with the ESA, the SEP-HCP will increase the level of conservation for endangered species and help balance the harmful aspects of habitat loss.

Participation in the SEP-HCP will be entirely voluntary for people seeking to comply with the ESA and for people wishing to become a SEP-HCP conservation partner. In no case will anyone be required to use the SEP-HCP.

What is the reason for the SEP-HCP?

South-central Texas is home to several federally threatened or endangered species, including several birds and cave-dwelling spiders and beetles. The ESA prohibits harm to these species, including actions that could impact endangered species habitat.

The presence of endangered species can conflict with the desirable economic growth of communities that share the same area.



Endangered Golden-cheeked Warbler

In the Greater San Antonio area, such conflicts have received considerable attention in recent years and have been cited as a significant threat to the military's training mission at Camp Bullis. The presence of these military facilities is a key factor contributing to the economic vitality of the region.

Consulting individually with the U.S. Fish and Wildlife Service to achieve compliance with the ESA is often a cumbersome and lengthy process, sometimes taking years to complete. Too often, the burden of compliance leads to a decision to disregard the ESA in favor of risking enforcement action by the Service. Not complying with the ESA means that the corresponding conservation actions for the affected species do not occur.

The SEP-HCP will simplify, streamline, and shorten the process of achieving ESA compliance, thereby reducing regulatory uncertainty for voluntary SEP-HCP participants and increasing the level of conservation for the region's natural resources.

Can I participate in the SEP-HCP?

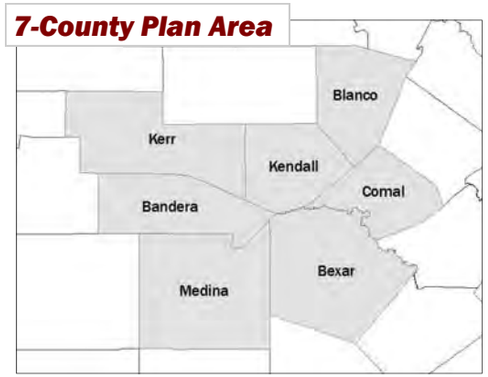
Endangered species conservation and economic development are both issues with regional implications. Therefore, the SEP-HCP has a regional scope that includes a 7-county Plan Area.

Subject to certain limitations, people within the Plan Area may choose to use the SEP-HCP to comply with the ESA when their actions would harm one or more of the Plan's covered species. However, **in no case will anyone be required to use the SEP-HCP.**

Each individual has the responsibility to decide whether or not to seek compliance with the ESA. The SEP-HCP is only one option for achieving compliance and people may choose which option best suits their needs and circumstances. Other options include implementing activities in such a way as to avoid harming an endangered species or by seeking individual authorization from the Service.

The SEP-HCP will also seek partnerships with landowners in the Plan Area to protect endangered species habitat. Again, the SEP-HCP will seek conservation opportunities **only from willing landowners**. The SEP-HCP will not require any landowner to provide lands for conservation.

7-County Plan Area



Endangered Karst Beetle

Which species does the SEP-HCP cover?

Golden-cheeked Warbler – This endangered migratory songbird uses relatively mature and closed-canopy juniper-oak woodlands in central Texas as breeding habitat during the spring and early summer months. The species was listed as federally endangered on May 4, 1990.

Black-capped Vireo – Another endangered migratory bird that utilizes a range of deciduous shrub habitats across central Texas during its breeding season in the spring and summer months. The vireo was listed as federally endangered on November 5, 1987.

9 Karst Invertebrates – A group of nine cave-adapted invertebrates including five spiders, three beetles, and one harvestman. These species live entirely underground in the limestone caves and passages of the karst geologic formations that underlie the northern part of Bexar County. These species were federally listed as endangered on December 26, 2000.

Endangered Karst Spider

How to Record and Submit Your Comments:

At the Meeting

- Fill out a comment card and drop in the comment box or post it on the wall and/or
- Give your comments verbally to the Court Reporter

After the Meeting

(post-dated by Tuesday, July 26, 2011):

Submit comments by fax to:
(512) 490-0974

Email to:
fw2_aues_consult@fws.gov

Mail written comments
(post-dated by Tuesday, July 26, 2011) to:

Field Supervisor
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, TX 78758-4460

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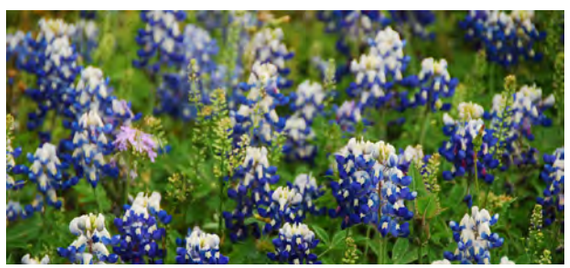


What are Common Misconceptions about Habitat Conservation Plans?

Why do I need a permit from USFWS to build a house or roadway?

Response: You do not need a permit from the USFWS to construct a house or roadway. However, if threatened or endangered species will be adversely affected from the construction, you will need authorization from the USFWS for incidental take or harm to threatened or endangered species. Incidental take authorization is for take or harm resulting from, not the purpose of, the proposed action.

What will happen if I construct my project without getting an incidental take permit?

Response: If your project will cause harm or take of a Federally-listed species, you will need authorization from USFWS. If you choose not to obtain that authorization, you may be in direct violation of the ESA, which is a Federal offense, and can be prosecuted through criminal or civil proceedings.

Habitat Conservation Plan's are a "government land grab".

Response: A Habitat Conservation Plan, such as the Southern Edwards Plateau Habitat Conservation Plan, is strictly a voluntary program. If an incidental take permit is required for activities that will result in harm to threatened or endangered wildlife, developers and other private and public entities within the plan area may forgo the preparation of individual plans for each action and voluntarily participate in the Southern Edwards Plateau Habitat Conservation Plan.

The regional approach is intended to save both time and money by pre-arranging permit conditions and mitigation measures. Landowners may also voluntarily sell conservation easements or lands to the plan administrators for mitigation for development projects. It's all voluntary. The USFWS merely approves such requests to ensure consistency with Federal law.

Photo Credits:

Front Cover
Stream - Jenny Blair

Back Cover
Bluebonnets - Jenny Blair

Interior Insets
Golden-cheeked Warbler - Jenny Blair

Karst Invertebrates - Jean Krejca

Back Insets
Black-capped Vireo - Tom Grey

Karst Cave Exploration - Jean Krejca

Southern Edwards Plateau Habitat Conservation Plan

and

National Environmental Policy Act

What's it all about?

SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN, NATIONAL ENVIRONMENTAL POLICY ACT WHAT'S IT ALL ABOUT?

The U.S. Fish and Wildlife Service (USFWS) prepared this brochure to request your assistance in participating in the National Environmental Policy Act (NEPA) process for the Southern Edwards Plateau Habitat Conservation Plan. NEPA incorporates public views into the Federal decision-making process. This brochure describes the NEPA process, focusing on your role in the preparation of an Environmental Impact Statement (EIS) for the Southern Edwards Plateau Habitat Conservation Plan.

What is a Habitat Conservation Plan and what are its Benefits?

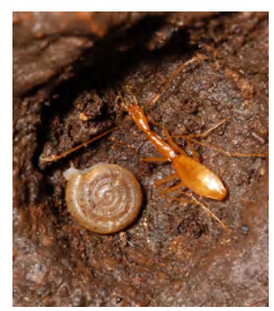
Bexar County is preparing the Southern Edwards Plateau Habitat Conservation Plan. The plan will allow the counties, cities, and private citizens, that choose to participate, to obtain a permit from the USFWS by establishing a locally managed, simplified process for complying with the Endangered Species Act (ESA). The ESA protects threatened or endangered species and their habitats by prohibiting "take" of listed animals. As defined by the ESA, take means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." It permits the incidental take of endangered species for certain activities through prescribed measures to mitigate or minimize harm.

What is NEPA?

NEPA is a Federal law that serves as the Nation's basic charter for making major Federal decisions and how those decisions affect the human environment. It requires that all Federal agencies consider the potential environmental impacts of their proposed actions. NEPA promotes better agency decision-making by ensuring that high quality environmental information is available to agency officials and the public before the agency decides whether and how to undertake a major Federal action. Through the NEPA process, you have an opportunity to learn about USFWS's proposed actions and to provide timely information and comments to USFWS. To implement NEPA, all Federal agencies follow procedures issued by the President's Council on Environmental Quality in the Code of Federal Regulations (40 CFR Parts 1500-1508). The USFWS also follows the Department of the Interior's Manual (516 DM 1-6) and the Draft Fish and Wildlife Service Manual Part 550.

When Does USFWS Prepare an EIS?

An EIS is prepared for all major Federal actions having a significant effect on the environment. The USFWS's action for the Southern Edwards Plateau Habitat Conservation Plan would be the issuance of a permit, under Section 10 of the Endangered Species Act. Early in the planning process the USFWS decides whether its actions are "major" and if the impacts could be "significant". Impacts are measured in terms of intensity and duration, and one important consideration in assessing impacts is public controversy. It is USFWS's experience that often through misinformation and misconception Habitat Conservation Plans can be controversial.



How Does USFWS Prepare an EIS?

EIS preparation consists of several steps, each with opportunities for you to be involved.

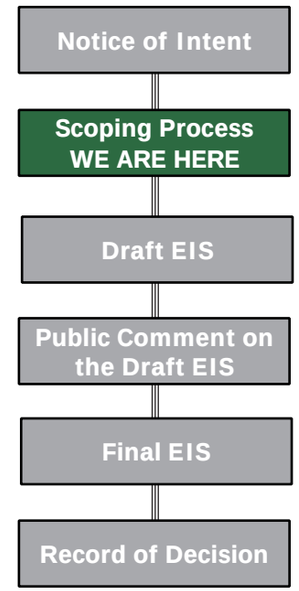
Step 1 - Notice of Intent: First, the USFWS publishes a Notice of Intent to prepare an EIS in the *Federal Register* and makes local announcements. This notice states the need for action and provides preliminary information on the EIS scope, including the alternative actions to be evaluated, the kinds of potential environmental impacts to be analyzed and related issues. The Notice of Intent also serves as the beginning of the next step, the "scoping process."

The Notice of Intent explains how you can participate in the scoping process and provides information about public scoping meetings.

Step 2- Scoping Process: The USFWS requests your comments on the scope of the EIS. What alternatives should be evaluated? What potential environmental impacts should be analyzed? USFWS's scoping process will last at least 30 days, with five local public scoping meetings.

Step 3 - Draft EIS: USFWS considers scoping comments in preparing a Draft EIS. An EIS (Draft or Final) analyzes and compares the potential environmental impacts of the various alternatives, one of which is always a "no action" alternative. The EIS also discusses ways to avoid or reduce adverse impacts. A Draft EIS will identify USFWS's preferred alternative(s) if known at the time.

USFWS Southern Edwards Plateau Habitat Conservation Plan EIS schedule and related NEPA information is available at www.sephcp.com.



Step 4 - Public Comment on the Draft EIS: After USFWS issues a Draft EIS, the U.S. Environmental Protection Agency publishes a Notice of Availability in the Federal Register to begin the public comment period, which will last at least 45 days. USFWS also will announce details regarding how you may comment on the Draft EIS, either orally at a public hearing (at least one must be held) or in writing.

Check your local newspaper or the Southern Edwards Plateau Habitat Conservation Plan Web site (www.sephcp.com) for information about public hearings and ways to submit comments.

Step 5 - Final EIS: USFWS considers all timely public comments on the Draft EIS while preparing the Final EIS, which must respond to such comments. The Final EIS identifies USFWS's preferred alternative. After USFWS issues the Final EIS, U.S. Environmental Protection Agency publishes a Notice of Availability in the Federal Register.

Step 6 - Record of Decision: USFWS must wait at least 30 days after the U.S. Environmental Protection Agency Notice of Availability of the Final EIS before issuing a Record of Decision. A Record of Decision announces and explains USFWS's decision and describes any commitments for mitigating potential environmental impacts.

The Record of Decision will be published in the *Federal Register* and made available on the Southern Edwards Plateau Habitat Conservation Plan website (www.sephcp.com). You may also ask USFWS to send you a copy (contact info on the back cover of this brochure).

WELCOME

to the

Southern Edwards Plateau Habitat Conservation Plan Environmental Impact Statement

Scoping Meetings

June 6, 2011
Bandera, TX

June 7, 2011
Boerne, TX

June 9, 2011
Blanco, TX

June 13, 2011
Kerrville, TX

June 14, 2011
Helotes, TX

Why are we here tonight?

- To discuss the National Environmental Policy Act (NEPA) process
- Explain the proposed action (Incidental Take Permit-Habitat Conservation Plan)

Request your input on:

- Issues that should be considered in the Environmental Impact Statement (EIS)
- Alternatives that should be considered
- Any other items you would like us to be aware of as the NEPA process moves forward

How is the NEPA process related to the HCP process?

NEPA Process

Notice of Intent

Identify Purpose and Need

Scoping

Alternative Analysis

Environmental Documentation

(Draft EIS, Final EIS)

USFWS Decision (ROD)

HCP Process

Biological Advisory Team

Citizens Advisory Committee

HCP Alternatives

1st Draft HCP

2nd Draft HCP

Final HCP

Public and Agency Involvement Throughout Process

USFWS Permit

USFWS Permitting Process
without a Regional Habitat Conservation Plan

Step 1:
Assess
Habitat Impacts

Step 2:
Develop
Habitat Conservation Plan

Step 3:
Draft
NEPA Document
(CE, EA or EIS)

Step 4:
Work with USFWS to find best mitigation option

Step 5:
Find property or mitigation bank that will fulfill mitigation requirements

Step 6:
If a mitigation bank is not available, purchase property or conservation easement

Step 7:
Obtain Incidental Take Permit from USFWS

Step 8:
Begin Construction

18 months to 2 years

Endangered Species Act Section 10a Permit Process (Individual Non-Federal Projects)

USFWS Permitting Process **with** a Regional Habitat Conservation Plan?

- Simplified, **locally** managed and **voluntary** option to comply with the Endangered Species Act
- Permits incidental take of endangered species habitat

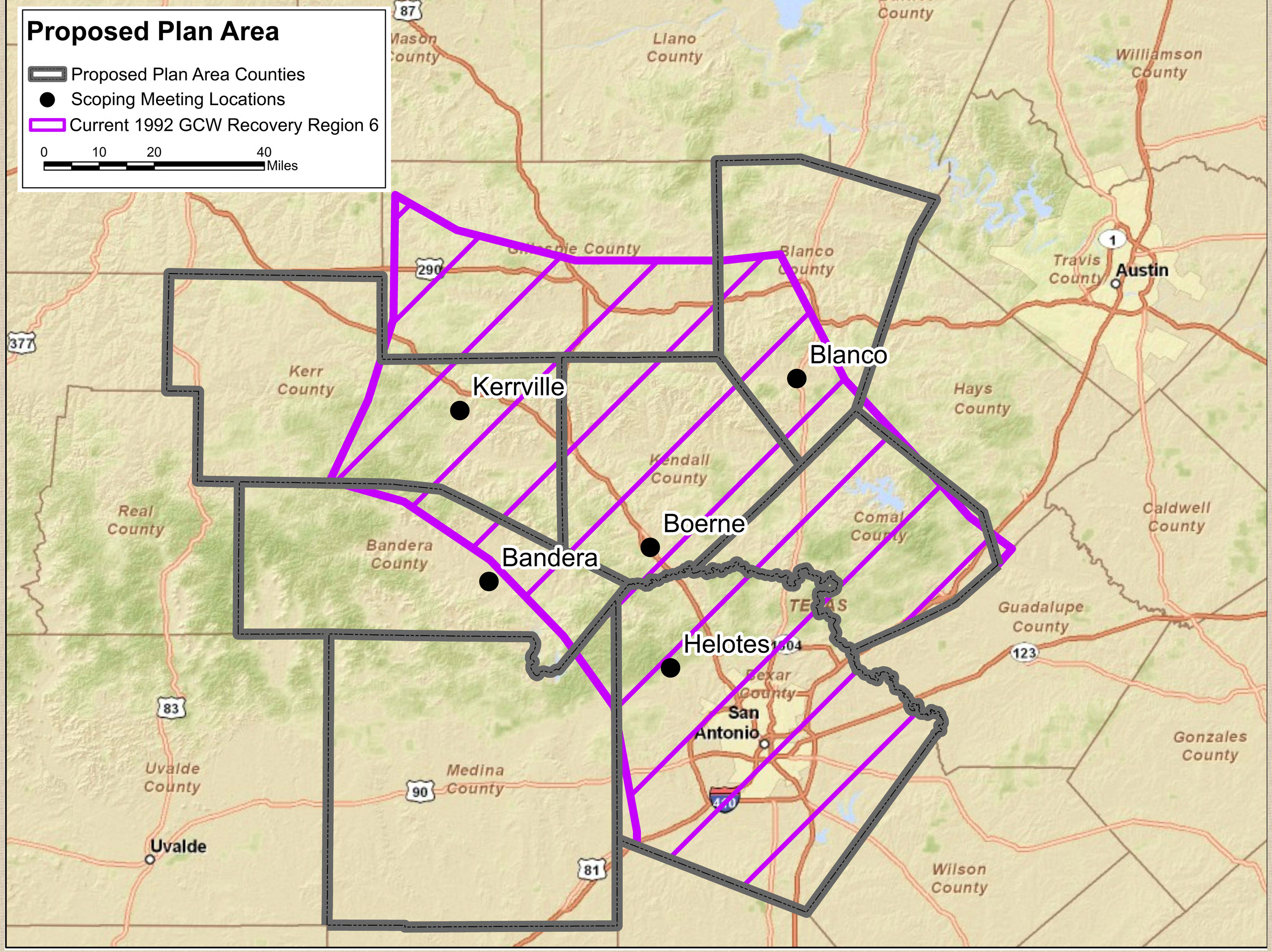
Step 1: Assess Habitat Impacts → **Step 2:** Discuss Impacts with Bexar County → **Step 3:** Pay agreed upon Fee → **Step 4:** Begin Construction

Saves Time and Money

1 month

What items make up an alternative for the Habitat Conservation Plan?

Covered Species
Plan Area
Incidental Take Levels Requested
Mitigation Measures
Funding


Proposed Plan Area
Proposed Plan Area Counties
Scoping Meeting Locations
Current 1992 GCW Recovery Region 6
0
10
20
40
Miles
Mason County
Llano County
Williamson County
Gillespie County
Blanco County
Travis County
Austin
Kerr County
Kerrville
Blanco
Hays County
Kendall County
Real County
Bandera County
Bandera
Boerne
Comal County
Caldwell County
TEXAS
Guadalupe County
Helotes
Bexar County
San Antonio
Gonzales County
Uvalde County
Medina County
Uvalde
Wilson County
87
290
377
1
123
83
90
81

Incidental Take Level Requested

How much habitat loss or degradation should be addressed under this plan?

Mitigation Measures

What should be considered to off-set habitat loss or degradation?

- Mitigation Ratios (Example - 1 acre of habitat impact/2 acres of protected habitat, or 1:2)
- Preserve Size
- Preserve Distribution

:

How to Submit Comments

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After the Meeting (through Tuesday, July 26, 2011):
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E-mail to fw2_aues_consult@fws.gov

Mail written comments (through Tuesday, July 26, 2011) to:

Field Supervisor
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, TX 78758-4460

Your comments are very important to the NEPA process. Please let us know your thoughts, concerns and suggestions about:

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- Alternatives that should be considered
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Please Post Any Questions to the

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Why are we here tonight?

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- Explain the proposed action (Incidental Take Permit-Habitat Conservation Plan)

Request your input on:

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- Alternatives that should be considered
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National Environmental Policy Act Requires an Environmental Impact Statement

"…major federal actions significantly affecting the quality of the human environment…"

What is the Federal Action?

- Incidental Take Permit (ITP) from USFWS

An ITP requires a Habitat Conservation Plan

USFWS Section 10a Permit Issuance Criteria

1. The taking will be incidental
2. Impacts are minimized and mitigated
3. Adequate funding is in place
4. Taking will not reduce the likelihood of survival and recovery
5. USFWS may include other measures, as necessary (such as monitoring).
6. Applicant must ensure that the plan will be implemented

What roles do the USFWS and the permit applicant play in the NEPA process?

- U.S. Fish and Wildlife Service (Lead Agency/Decision Maker/Issues Permit)
- Bexar County (Permit Applicant)

What is the Endangered Species Act?

- Endangered Species Act of 1973 (as amended)
  - Protects Species Listed as “Threatened” or “Endangered”
  - Prohibits “take” of listed species without a permit.
  - Violations are punishable with fines and imprisonment

Similar to the driving within the speed limit, if you choose to drive faster there are consequences.

“Take” means to harass, harm, pursue, hunt……

- The ESA allows “incidental take” of an endangered species **with a permit** from the USFWS
- “Incidental take” is incidental to carrying out otherwise lawful activities, such as an impact resulting from the construction of a roadway.
- The permit application must be accompanied by a **Habitat Conservation Plan (HCP)**

USFWS Permitting Process
without a Regional Habitat Conservation Plan

Step 1:
Assess Habitat Impacts

Step 2:
Develop Habitat Conservation Plan

Step 3:
Draft NEPA Document
(CE, EA or EIS)

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Saves Time & Money

1 month

HCP Covered Activity Examples

- Public or private land development;
- Homes, residential subdivisions, certain farm and ranch improvements;
- Local government offices and park infrastructure;
- Roads, bridges, and other transportation infrastructure;
- Utility infrastructure (pipelines, oil electric transmission lines, water lines, sewerage, etc.);
- Schools, hospitals, prisons, and community service projects;
- Any RHCP activities that could temporarily result in incidental take; and,
- Quarries, gravel mining, etc.

Elements of an HCP

- Assessment of potential impacts to listed species
- Identify measures to monitor, minimize, and mitigate impacts and funding for implementation
- Identify alternative actions to the taking of listed species, including habitat loss

What is the National Environmental Policy Act of 1969?

"…it is the continuing policy of the Federal Government…to create and maintain conditions under which man and nature can exist in productive harmony (for) future generations of Americans."

NEPA Process

Notice of Intent

(April 27, 2011)

↓

Identify Purpose and Need

↓

Scoping ← **We are Here**

↓

Alternative Analysis

↓

Environmental Documentation

(Draft EIS, Final EIS)

↓

USFWS Decision (ROD)

Anticipated in **September 2012**

What is scoping?

-Identifying issues and different options through public and agency involvement

How is the NEPA process related to the HCP process?

NEPA Process

Notice of Intent

Identify Purpose and Need

Scoping

Alternative Analysis

Environmental Documentation

(Draft EIS, Final EIS)

USFWS Decision (ROD)

HCP Process

Biological Advisory Team

Citizens Advisory Committee

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1st Draft HCP

2nd Draft HCP

Final HCP

Public and Agency Involvement Throughout Process

USFWS Permit

What items make up an alternative for the HCP?

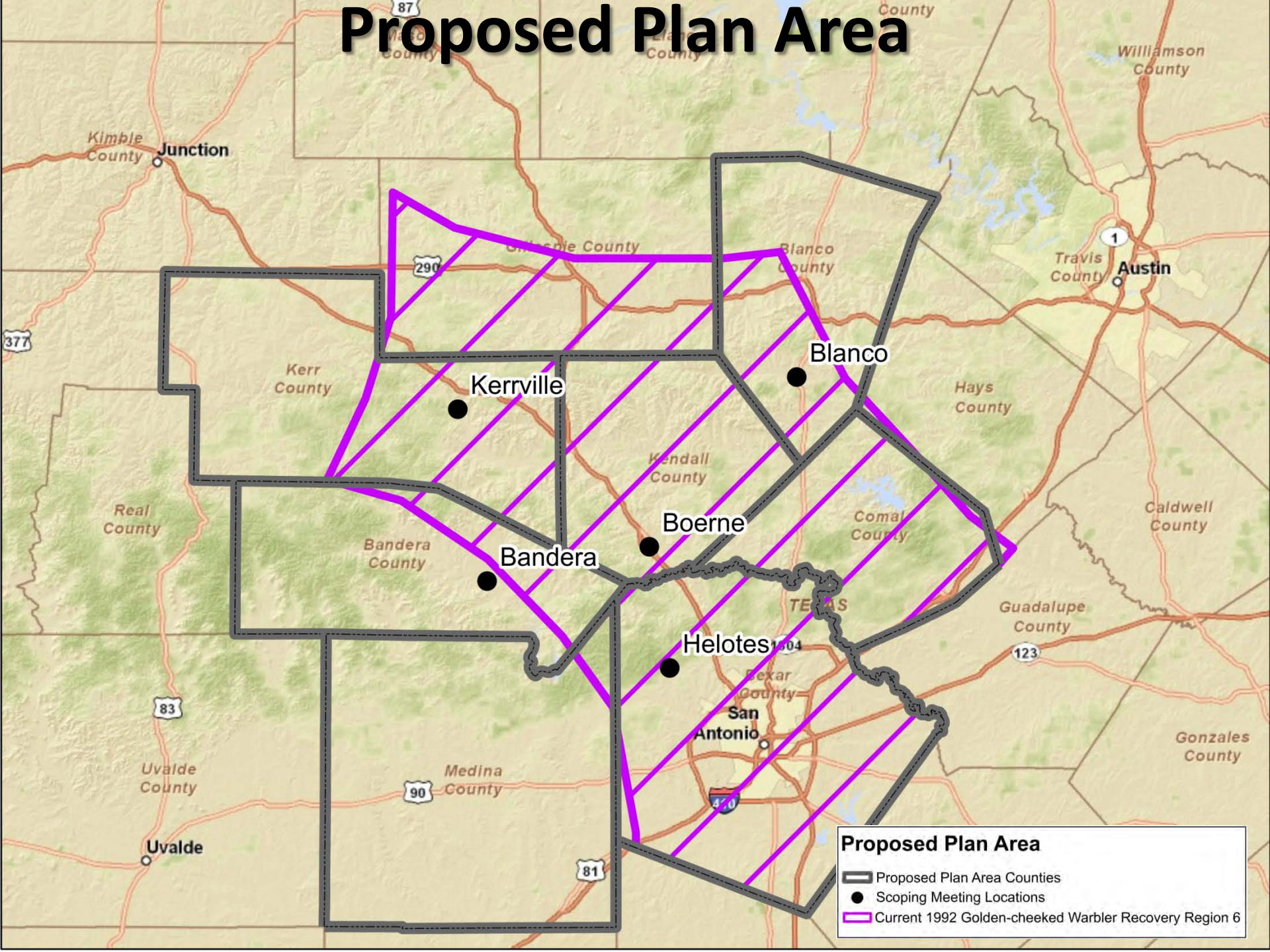
Covered Species
Plan Area
Incidental Take Levels Requested
Mitigation Measures
Funding

Covered Species

Which animals should be covered by this plan?

Golden-cheeked Warbler
Black-capped Vireo
Karst Species

Proposed Plan Area



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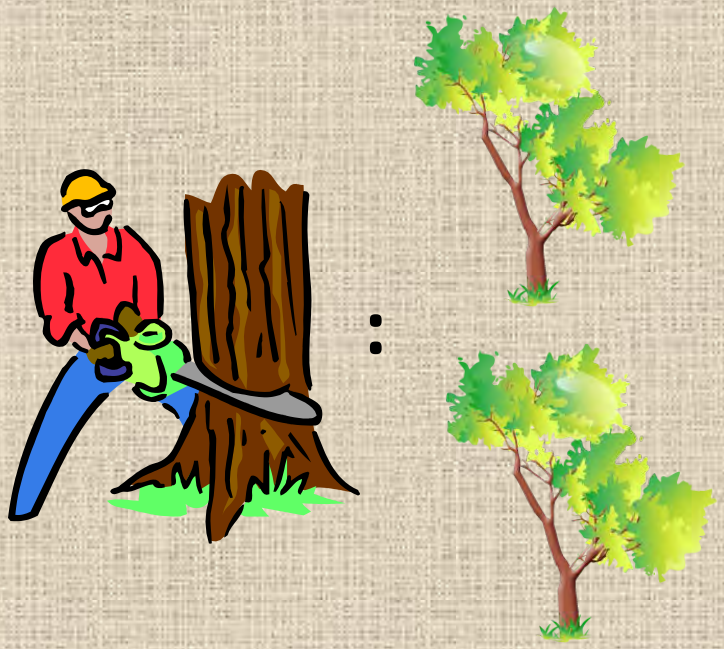
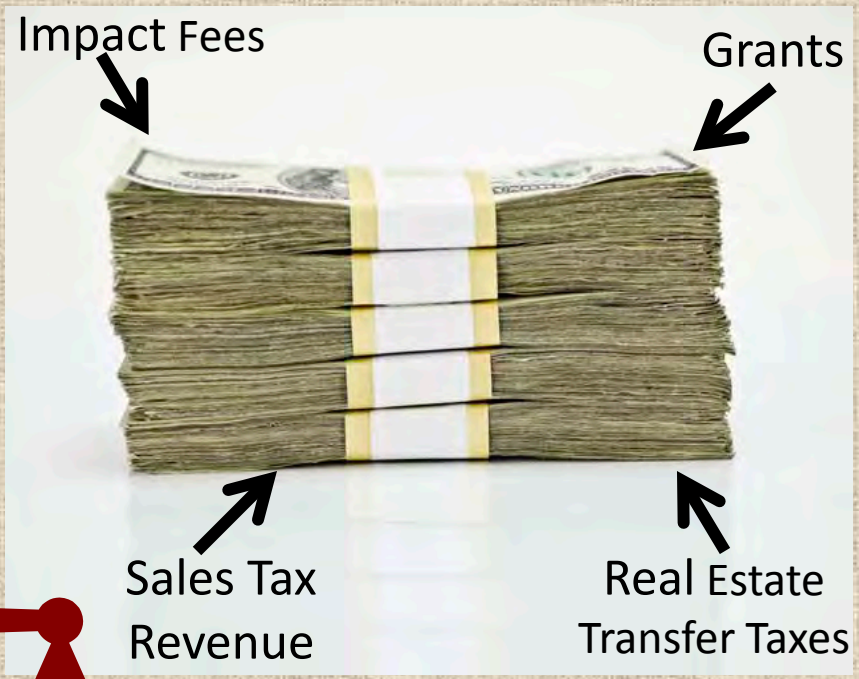


Funding

What are the options?

Participation Fees

Local Funding (Non-Federal)



What's Next in the NEPA process?

- Identification of alternatives
- Preparation of the Draft EIS
- Public and Agency comments on Draft EIS
- Public Hearing
- Preparation of the Final EIS
- USFWS Record of Decision

Your comments are very important to the NEPA process. Please let us know your thoughts, concerns and suggestions about:

- Issues that should be considered in the EIS
- Alternatives that should be considered
- Any other items you would like us to be aware of as the NEPA process moves forward

First Draft Southern Edwards Plateau HCP Available at www.SEPHCP.com

DRAFT DOCUMENT

THIS DOCUMENT IS FOR REVIEW PURPOSES ONLY. THIS DOCUMENT HAS NOT BEEN FULLY REVIEWED OR APPROVED BY BEXAR COUNTY STAFF, LEGAL COUNSEL, OR POLICY MAKERS AND IS SUBJECT TO CHANGE

FIRST DRAFT VERSION

LOOMIS PROJECT NO. 080901

SOUTHERN EDWARDS PLATEAU

HABITAT CONSERVATION PLAN

PREPARED FOR

COUNTY OF BEXAR

INFRASTRUCTURE SERVICES DEPARTMENT

233 N. PECOS, SUITE 420

SAN ANTONIO, TX 78207

PREPARED BY

LOOMIS PARTNERS, INC

3101 BEE CAVE ROAD, SUITE 100

AUSTIN, TX 78746

WITH

ZARA ENVIRONMENTAL, LLC

WENDELL DAVIS AND ASSOCIATES

M.E. ALLISON & ASSOCIATES

How to Submit Comments

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Please Post Any Questions to the

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at 7:00pm

Appendix "

Notice of Availability
Public Meeting Materials

public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Floodway; Secured Area

Tennessee

Wears Valley Quarters/
Ranger Station
3443 Wears Valley Road
Sevierville TN 37862
Landholding Agency: Interior
Property Number: 61201440014
Status: Unutilized
Comments: Documented deficiencies structurally unsound; extensive deterioration; severe mold infestation; represents a clear threat to personal physical safety.
Reasons: Extensive deterioration

Texas

87
Air Force Plant 4
Ft. Worth TX
Landholding Agency: Air Force
Property Number: 18201440026
Status: Underutilized
Comments: Public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

127
Air Force Plant 4
Ft. Worth TX
Landholding Agency: Air Force
Property Number: 18201440027
Status: Unutilized
Comments: Public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

Land

Indiana

Bryant Creek Access Site
State Road 156
Patriot IN 47038
Landholding Agency: GSA
Property Number: 54201440009
Status: Excess
GSA Number: 1–D–IN–608
Directions: Disposal Agency: GSA; Landholding Agency: COE
Comments: Entire property located within floodway which has not been corrected or contained.
Reasons: Floodway

North Carolina

Photovoltaic (PV) Building
Site 45
Marine Corps Base Camp Lejeune
Camp Lejeune NC
Landholding Agency: Navy
Property Number: 77201440024
Status: Unutilized
Comments: Public access denied and no alternative method to gain access w/out compromising Nat'l Security.
Reasons: Secured Area

[FR Doc. 2014–29458 Filed 12–18–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2014–0053; 20124–1112–0000–F2]

Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and announcement of public hearings.

SUMMARY: Bexar County and the City of San Antonio (applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (ITP, TE–48571B–0) under the Endangered Species Act of 1973, as amended (Act). The requested permit would authorize incidental take of nine federally listed species in Bexar County and the City of San Antonio. The applicants have completed a draft Habitat Conservation Plan, referred to as the Southern Edwards Plateau (SEP dHCP), as part of the application package. The Service also announces the availability of a draft Environmental Impact Statement (dEIS), which has been prepared to evaluate the permit application in accordance with the requirements of the National Environmental Policy Act (NEPA). We are making the permit application package, including the SEP dHCP and dEIS, available for public review and comment.

DATES: *Submission of Comments:* We will accept comments received or postmarked on or before March 19, 2015. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section below) must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final decision on these actions.

Public Meetings: The Service will hold public meetings during the public comment period. The dates, times, and locations of these meetings will be noticed in local newspapers at least 2 weeks before each meeting and will also be posted on the Web sites *http://www.fws.gov/southwest/es/AustinTexas/* and *http://www.sephcp.com.*

ADDRESSES: *Obtaining SEP dHCP and dEIS for Review:* You may obtain copies of the dEIS and dHCP by going to the Service's Web site at *http://www.fws.gov/southwest/es/AustinTexas/*, the SEP's Web site at *http://www.sephcp.com*, or at the Federal eRulemaking Portal at *http://www.regulations.gov* (Docket Number FWS–R2–ES–2014–0053). Alternatively, you may obtain compact disks with electronic copies of these documents by writing to Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758; calling (512) 490–0057; or faxing (512) 490–0974. A limited number of printed copies of the SEP dHCP and dEIS are also available, by request, from the Field Supervisor. Copies of the SEP dHCP and dEIS are also available for public inspection and review at the following locations, by appointment only:

- Department of the Interior, Natural Resources Library, 1849 C St. NW., Washington, DC 20240.
- U.S. Fish and Wildlife Service, 500 Gold Avenue SW., Room 4012, Albuquerque, NM 87102.
- U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758.

Obtaining Incidental Take Permit Application for Review

Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4012, Albuquerque, NM 87103.

Submitting Comments

To submit written comments, please use one of the following methods, and note that your comment is in reference to the SEP dHCP and dEIS:

- *Electronically*: Go to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R2–ES–2014–0053.
- *U.S. Mail*: Public Comments Processing, Attn: FWS–R2–ES–2014–0053; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.
- *Public Meetings*: We will also accept written or oral comments at the public meetings (see **DATES**).

We request that you submit comments by only the methods described above. We will post all information received on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Public Availability of Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Adam Zerrener, Field Supervisor, U.S.

Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758; (512) 490–0057 (telephone).

SUPPLEMENTARY INFORMATION: Bexar County and the City of San Antonio (applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (ITP, TE–48571B–0) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; Act). The requested permit, which would be in effect for a period of 30 years, if granted, would authorize incidental take of the following federally listed species: Golden-cheeked warbler (*Setophaga* [=*Dendroica*] *chrysoparia*) (GCWA), black-capped vireo (*Vireo atricapilla*) (BCVI), Government Canyon Bat Cave spider (*Neoleptoneta microps*), Madla Cave meshweaver (*Cicurina madla*), Braken Cave meshweaver (*Cicurina venii*), Government Canyon Bat Cave meshweaver (*Cicurina vespera*), *Rhadine exilis* (no common name), *Rhadine infernalis* (no common name), and Helotes mold beetle (*Batrisodes venyivi*) (collectively, covered species).

Incidental take would be covered in Bexar County and the City of San Antonio, including current and future portions of the City's extra-territorial jurisdiction (ETJ), which currently extends outside of Bexar County into Comal, Medina, and Kendall Counties. However, the City is projected to expand into Bandera County in the future. Therefore, the permit area—*i.e.*, where incidental take will be permitted—includes Bexar County and those portions of the City's ETJ that do/will expand into Medina, Kendall, and Bandera Counties over the life of the permit. While the ETJ currently extends into Comal County, incidental take will not be covered other than on preserves, since Comal County has its own habitat conservation plan (HCP).

Covered activities include construction, use, and/or maintenance of land development projects; farm and ranch improvements; commercial or industrial projects; construction, maintenance, or improvement of public infrastructure; installation and/or maintenance of utility infrastructure; construction, use, maintenance and/or expansion of quarries, gravel mining, or other similar extraction projects; and any activities necessary to manage habitat for the covered species that could temporarily result in incidental take. The applicants have completed a draft Habitat Conservation Plan, referred to as the Southern Edwards Plateau (SEP dHCP), as part of the application package.

The Service also announces the availability of a draft Environmental Impact Statement (dEIS), which has been prepared to evaluate the permit application in accordance with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*; NEPA). We are making the permit application package, including the dHCP and dEA, available for public review and comment.

Background

We initially prepared a notice of intent (NOI) to prepare an EIS, which was published in the **Federal Register** on April 27, 2011 (76 FR 23619). We also held public scoping meetings in connection with the applicants' requested permit. A summary of comments provided during the 2011 scoping period, which included public meetings held June 6, 2011, in Bandera, Texas; June 7, 2011, Boerne, Texas; June 9, 2011, Blanco, Texas; June 13, 2011, Kerrville, Texas; and June 14, 2011, Helotes, Texas, are available on the Service's Web site at *http://www.fws.gov/southwest/es/AustinTexas/* and on the applicants' Web site at *http://www.sephcp.com* (Appendix F of the dEIS).

Proposed Action

The proposed action, involves the issuance of an ITP by the Service for the covered activities in the permit area, pursuant to section 10(a)(1)(B) of the Act. The ITP would cover ''take'' of the covered species associated with public and private projects occurring within the permit area.

The requested term of the ITP is 30 years. To meet the requirements of a section 10(a)(1)(B) ITP, the applicants developed and propose to implement the SEP dHCP, which describes the conservation measures the applicants have agreed to undertake to minimize and mitigate for the impacts of the proposed incidental take of the covered species to the maximum extent practicable, and ensure that incidental take will not appreciably reduce the likelihood of the survival and recovery of these species in the wild.

Section 9 of the Act and its implementing regulations prohibit ''take'' of fish and wildlife species listed as threatened or endangered under section 4 of the Act. However, section 10(a)(1)(B) of the Act authorizes us to issue permits to take listed wildlife species where such take is incidental to, and not the purpose of, otherwise lawful activities and where the applicant meets certain statutory requirements.

Alternatives

Four alternatives to the proposed action we are considering as part of this process are:

1. *No Action Alternative.* Under the No Action Alternative, Bexar County and the City of San Antonio would not seek, and the Service would not issue, an ITP. Under this alternative, compliance with the Act would continue to occur only on an individual basis through project-specific consultations with the Service. Local governments, business entities, private landowners, and others would independently determine whether or not ESA compliance is necessary for a particular project and, if needed, would work with the Service to obtain authorization for incidental take. Each independent consultation would require an analysis of the incidental take and impacts to listed species, the identification and implementation of appropriate and practicable mitigation measures, and the preparation of appropriate documentation to support the permitting action.

Mitigation requirements would be individually negotiated with the Service on the basis of the level of impact to listed species and the conservation value of the mitigation options and opportunities available to the individual applicant. Possible forms of mitigation could include on-site preservation of habitat, acquisition of off-site preserve lands, or purchase of conservation credits from an independent conservation bank. With the exception of conservation bank credit purchases, it is likely that many preserve lands offered as mitigation for individual projects would be relatively small, isolated, and/or widely distributed across the region.

2. *Ten-Percent Participation Alternative.* The 10-Percent Participation Alternative would be a regional HCP that is sized to address only 10 percent of the anticipated future habitat losses for the covered species over the next 30 years within the permit area. Therefore, this alternative would request substantially less incidental take authorization for the covered species and would (at full implementation) result in proportionately less conservation within the plan area. With a smaller plan, the overall estimated costs for implementation would be less than one-half of the estimated cost to implement the proposed SEP dHCP. However, since there would be fewer participants paying fees to use the plan, a larger portion of the revenue needed for implementation of this alternative would require more public funding.

3. *Single-County Alternative.* The Single-County Alternative would essentially be limited to the extent of the permittees' jurisdictions. This would include both incidental take coverage and mitigation. It is assumed that the plan area for the Single-County Alternative would include Bexar County and the area within 10 miles outside of Bexar County (which would be generally sufficient to accommodate the City of San Antonio's current extra-territorial jurisdiction and possible future expansions). As habitat for the covered species within Bexar County only occurs in the northwest half of the county, the plan area for this alternative is still roughly equivalent to the geographic area of a single central Texas county.

Since all mitigation would occur in the vicinity of San Antonio, the price of land is substantially higher compared to more rural parts of the plan area. This alternative assumes that approximately 75 percent of the GCWA and BCVI preserve lands would be acquired in relatively ''suburban'' areas, and approximately 25 percent of the land would be acquired in relatively rural areas. This distribution of preserve lands would have a significant impact on the method of acquisition (fee simple vs. easement), the anticipated cost for acquisition, and the costs to manage suburban preserves compared to rural preserves. This alternative could cost nearly twice as much overall to implement over 30 years compared to the proposed alternative.

4. *Increased Mitigation Alternative.* The Increased Mitigation Alternative would implement recommendations passed by the SEP HCP's Biological Advisory Team (BAT) pertaining to mitigation for the GCWA and the karst invertebrates (BCVI mitigation would be the same as the Proposed Alternative). These recommendations were also strongly favored by many members of the Citizens Advisory Committee (CAC).

The BAT passed a recommendation calling for impacts to GCWA habitat within Bexar County to be mitigated at a 3:1 ratio (*i.e.*, 3 acres of habitat protected for each acre of direct habitat loss) and that at least 60 percent of that mitigation be placed within Bexar County or within 5 miles outside of Bexar County. The BAT also passed a recommendation that the karst preserve system be sized to achieve roughly twice the level of conservation specified by the Service's downlisting criteria for the karst invertebrates. For the purpose of modeling this alternative, it is assumed that all of the incidental take of the GCWA requested by the Permittees would be mitigated at a 3:1 ratio and that 60 percent of the GCWA preserve system would be acquired in relatively suburban parts of the Plan Area, with the remaining preserve lands acquired in rural areas. This recommendation is modeled as a requirement to acquire approximately 2,000 acres of recovery-quality karst preserves over 30 years, with at least two high-quality (100 acres each) and four medium-quality preserves (50 acres each) created in each of the five regions where the karst invertebrates occur.

Similar to the Single-County Alternative, this Increased Mitigation Alternative requires the acquisition of a large portion of the preserve system in relatively high-cost suburban or (for the karst preserves) urban areas, which would disproportionately increase the expected preserve acquisition and management costs. This alternative would achieve a higher level of conservation for the GCWA and karst invertebrates, but at a financial cost that would be approximately 275 percent higher than the proposed SEP HCP.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the Act and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA and its implementing regulations (40 CFR 1506.6).

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 2014–29525 Filed 12–18–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R5–ES–2014–0051; FXES111205000000–156–FF05E00000]

Receipt of an Application for an Incidental Take Permit for Piping Plover, From the Town of Orleans, MA, and Availability of Proposed Habitat Conservation Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service or ''we''), announce the availability of an application for an Incidental Take Permit (ITP) and a proposed Habitat Conservation Plan (HCP) from the Town of Orleans (Town) for public review and comment. We received the permit application from the Town for incidental take of the threatened piping plover (*Charadrius melodus*) resulting from the Town's authorization and management of over-sand vehicle (OSV) activities over the next 3 years. Our preliminary determination is that the proposed HCP qualifies as low-effect under our final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process. To make this determination, we used our Low-Effect HCP Screening Form/Environmental Action Statement (EAS), the preliminary version of which is also available for review.

We provide this notice to (1) seek public comments on the proposed HCP and application; (2) seek public comments on our preliminary determination that the HCP qualifies as low-effect and is therefore eligible for a categorical exclusion under the National Environmental Policy Act (NEPA); and (3) advise other Federal and State agencies, affected Tribes, and the public of our intent to issue an ITP.

DATES: To ensure consideration, we must receive your written comments by January 20, 2015.

ADDRESSES: Written comments may be submitted electronically by any one of the following methods:

Electronically: www.regulations.gov. Follow the instructions for submitting comments on Docket No. FWS–R5–ES–2014–0051.

U.S. mail: Public Comments Processing, Attn: FWS–R5–ES–2014–0051; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, Virginia 22041–3803.

FOR FURTHER INFORMATION CONTACT: Susi vonOettingen, by U.S. mail at U.S. Fish

U.S. Fish and Wildlife Service

News Release

Public Affairs Office
PO Box 1306
Albuquerque, NM 87103
505/248-6911
505/248-6915 (Fax)

Southwest Region (Arizona ● New Mexico ● Oklahoma ●Texas) http://southwest.fws.gov

For Release: January 20, 2015

Contacts: Adam Zerrenner, 512-490-0057, ext. 248, adam_zerrenner@fws.gov
Lesli Gray, 972-569-8588, lesli_gray@fws.gov

Public Meetings Scheduled on the Southern Edwards Plateau draft Habitat Conservation Plan and draft Environmental Impact Statement

The U.S. Fish and Wildlife Service (Service), in cooperation with the City of San Antonio and Bexar County will conduct public meetings in Helotes, Texas and Kerrville, Texas, to obtain comments on the Southern Edwards Plateau draft Habitat Conservation Plan (dHCP), draft Environmental Impact Statement (dEIS) and an incidental take permit application.

The Southern Edwards Plateau dHCP outlines conservation actions designed to ensure that development occurring in one of the most rapidly growing areas of the country will not jeopardize the survival of the golden-cheeked warbler, black-capped vireo, Government Canyon Bat Cave spider, Madla Cave meshweaver, Braken Cave meshweaver, Government Canyon Bat Cave Meshweaver, Helotes mold beetle, and two ground beetle species, each of which has no common name (*Rhadine exilis* and *Rhadine infernalis*).

The dHCP and associated permit would cover lands within Bexar County and the City of San Antonio's extra-territorial jurisdictional boundaries. If the permit is approved, the Service would authorize the incidental take of the nine federally listed species for a period of 30 years.

Public meetings are scheduled for 5:00 p.m. – 7:00 p.m. at each location. The dates and locations for the public meetings are:

Tuesday, February 3rd
Casa Helotes Senior Center
12070 Leslie Road
Helotes, Texas 78023

Wednesday, February 4th
YO Ranch Conference Center
2033 Sidney Baker
Kerrville, Texas 78028

Public meetings will consist of an Open House/Exhibit Review that will provide the public an opportunity to view the dHCP, dEIS, and exhibits and to learn more about the proposed action, permit area, and species covered. A presentation of the proposed action and summary of the National Environmental Policy Act (NEPA) process will be provided beginning at 5:30 p.m. The public is invited to provide written or oral comments in an informal, open-house setting until 7:00 p.m.

The Service encourages the public to review and provide comments on the documents during the 90-day public comment period. Written comments must be received by March 19, 2015.

Information on how to obtain or review copies of these documents, or how to provide comments can be found at http://www.fws.gov/southwest/es/AustinTexas/.

America's fish, wildlife, and plant resources belong to all of us, and ensuring the health of imperiled species is a shared responsibility. We're working to actively engage conservation partners and the public in the search for improved and innovative ways to conserve and recover imperiled species.

The U.S. Fish and Wildlife Service works with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. For more information, visit www.fws.gov, or connect with us through any of these social media channels:

-FWS-
http://www.fws.gov/southwest/

LOST & FOUND

Lost

GREEN PARROT w/Blu Head"Babysan" 9" from head-tail, Peach under tail feathers, Very Shy. Lost Dec 29th @ Dixie Kampground on 1102 Gembler Rd. We are winter Texans. 785-806-0933

REWARD $5
MONEY CLIP Gold, Figure 8 Shape, On front steps of Tobin Center on New Years Eve. Call 210-260-8505 If Found

LOST: DOG 01/7/15 last seen on San Antonio Ave & Woodlawn. Reward of $200. His name is Gordo, color brown, medium size. 857-0144 or 733-8776

REWARD $5
POM/YORKIE mix sml brwn adult M, No Collar, Family Pet! 210-367-8909

LOST OR FOUND A PET? Please call Man & Beast Inc. FREE, 590-PETS.

Found

CAT Long Hair, Blondish, D'Clawed,Vista Subdivn Judson Rd Area 210-649-7460

PETS

The City of San Antonio now has Litter Permit requirement for residents with dogs and cats that plan to sell, trade or give away their pups/kittens. The permit requirement applies to advertisers who reside in the city limits of San Antonio only. The Litter Permit must be prominently displayed in the advertisement. Failure to comply with the ordinance could result in a fine up to $500.

It is in violation of the "City of San Antonio Animal Code of Prohibited Species" to own certain animals with in the city limits. To obtain a litter permit application or if you have any questions about complying with the City Animal codes we suggest going online to www.saacs.net or call Animal Care Services at 210-207-6654.

Dogs

BASSET HOUNDS AKC Reg, tri-color. 830-931-3967 210-215-9259

BICHON FRISE AKC Champ Puppies, Funny, Loving, Hypoallergenic, Portable www.preciousbichonfrise.com 830-683-3383

DACHSHUND 7wks, AKC, S/W, 1M/2F $400ea 830-420-4022/210-788-6064

DOBERMAN AKC Puppies, 5(M)-2(F) Rust/Tan, $500ea. 325-396-2475

DOBERMAN Pups 4M, Ready to Go! 830-569-7809/210-478-2902

ENG. BULLDOG Pups AKC, Cute & Wrinkled, S/W, Vet Chkd. 830-947-9107

ENGLISH BULLDOG AKC, shots, hith guar, Deason Animal Hospital, parents on site. Microchip. 830-279-1512

ENGLISH BULLDOGS Olde, Reg'd, Shots, Chmp Bldline M/F 210-544-3004

ENGLISH BULLDOG "Olde" Puppies, IOEBA Reg, 210-480-6401. U15-003928

ENGLISH BULLDOG Olde IOEBA Pups dob 12/14/14, 4F/3M, Tails dockd, dewclawed, S/W, Ready Feb. 9th. $1000. 210-254-0305. U14-003917

LABRADOODLE Puppy, Black Male 8wks, shots wormed. 210-872-2829

LABS, AKC, labsacrossstexas.com 830-643-4278 830-606-1866

LAB Silver, AKC Reg, 7wks S/W, 2F/4M, w/Papers, $800ea. 210-725-7484

PAPILLON female 9 months, needs a yard & playmate, $400. 210-913-3522

PIT BULL To Good Home, beautiful 4yr tan/white F, Good for single person, very friendly & protective, OK w/older children, should be only dog, shots & spayed. Call 830-429-1469

POODLES CKC, shots, wormed, health guarantee, $250-$300ea. 210-667-1295

RED HEELER puppies 6 wks - males - 1st shots,wormed, parents on site. 830-660-2649

SCHNOODLE Pups, M/F, Shots, Vet Chkd, Ready Now! $700. 512-772-1563

SHIH TZU Cute & Playful Pups, S/W, M/F $450. 830-534-2640

YORKIES AKC 8wks, 4M/2F S/W, $800ea Ready 2/1. 210-386-3356

AGRIBUSINESS

Farm & Ranch Supplies

CUT To Order CPS Service Meter Poles 210-648-0210

HAY BARN FOR SALE 40x100x24 Bulverde, TX $2000 OBO AS IS 210-336-0876

PMI PIPE & STEEL Ranch Fencing, 2"OD Pipe$.95ft;2-3/8$1.37ft 210-223-7473; www.pipemovers.com

POLE, HAY, HORSE BARNS All Sizes. Call Andy: 512-563-5237

Feed & Seed

COASTAL Hay '14, Good Quality, Fertz/Irrg, Horse/Cow, Round/Sq. Floresville 210-843-7297/269-4854

COASTAL Horse Quality $6.50 & $8.50sq 830-789-4147

COASTAL, Jiggs, Gordo Bluestem $40-55, Delivery Avail 713-562-0601

ROUND BALES $60 and Up. Delivery Available. 210-415-7222

Livestock

BRANG & CHAR Cows Bred 5-8 mo, 3-6yrs, $2250ea, 2pairs 830-980-2411

LONGHORN CATTLE 830-780-3151/210-365-8582

REG. CHAROLAIS bull, top quality bloodline (Reality-Cigar), fertility tested, all shots, 14months, gentle, 210-656-9452

Poultry

CHICKENS Great Price to Sell Fast! (90) Buy Four or All $8-9each Call for appt. 281-460-2191

MERCHANDISE

Appliances

APPLIANCE Repair, Washer, Dryer, Stv, Frdge, Free Svc Call w/Repair 924-0594

APPLIANCES Wanted, Buy broken washers & dryers. 210-789-1483.

DRYER $75; Washer $95. Fridge $135. Can Deliver. 210-924-0594

DRYER $85; Washer $135, Good Working Cond, Can Del. 210-438-9228

DRYER, WASHER, Refrigerator. $475 for all. Can deliver. 210-909-7267.

I REPAIR Washers, Dryers, Refrigerators, Stoves, Commercial Coolers, Freezers & Central Air units. Can travel up to 50 miles. I also buy. 210-909-7267

REPAIR Washers & Dryers In Home Service, Buy/Sell 210-438-9228

WASHER $95 Dryer $70 Buy broken washers & dryers. 316-3879 TEXT

Go to mySA.com/Autos

Bargain Basement

BARGAIN BASEMENT Ad Placement Guidelines
1. For sale of used private party household items.
2. One ad per household may run within a 30-day period. Item(s) included must list a price not to exceed $250. Itemized pricing can be listed for multiple items as long as combined pricing is $250 or less.
3. NO weapons, plants, firewood, animals, tickets or food items will be permitted in this category.
4. No phone orders will be accepted, place ads as described below.

Ad placement for newspaper publication in the San Antonio Express-News Classifieds and on mySA.com Classifieds.
1. Maximum of 2 lines, which is an estimated 54-60 characters.
2. Ads will run for 4 days, Thursday-Sunday, at no charge.
3. Ads must be submitted via Fax, USPS Mail, or Online form.
4. Include your Name, Address, Contact Phone Number & Item description.

Fax: 210-250-2365
Mail: Attn: SHARON - BARGAIN BASEMENT c/o Express News Classified Dept. PO Box 2171, San Antonio, TX 78297
Or complete online submission form at: mySA.com/bargainbasement

A/C MOTOR 240V, 1/2 HP fits Bryant, Carrier & more.6mo use.$250.885-4915

BABY ITEMS NB carseat/base $130. Playpen $45 Carseat $45.00 259-3330

BAR STOOLS 2 solid oak w/swivel seat and foot rest. $25 ea. 210 467-8333

BENCH Press 350lb/leg ext. $250 Recumbnt. bike schwinn $250 381-8863

BOOST PLUS 9 unopened vanilla cases Nutritional drink $100/case 326-8044

CANNON 1800 Printer-$25, Shredder-$30, queen quilt-$60, 210-240-9463

CARTERS BABY Swing $50 almost new white crib no mattress $90 349-9455

CASIO CTK-720 Keyboard Piano $150.00 210-535-5377

COMPUTERS Win 7 Quad core: $149, Single Core: $39, 698-8899

DIVAN makes into bed, $200 OBO, like new, Coffee Tbl $40. 210-823-6617

DOLL BEDS Handmade with bedding for Christmas. $35. 653-6311.

EXERCISE Walker/Sears- 6 yrs old $250 obo 210-688-3307

GAS DRYER HEAVY DUTY Frigidaire $100 obo 210 520-7204

GOLF Taylormade SLDR-S Drvr, $125, SLDR-S 3 Wood, $89, 210-239.6730

HEATER Gas, Big-$45, Sml Gas Htr - $25, Bed w/ box spring $35, 271-7214

HOUSEHOLD items and decorations priced to sell --- 210-818-8991

INVERSION TABLE very heavy duty, by Extreme Performance. $100 590-6865

KING RANCH LUGGAGE 2 pc. mens tan vinyl w/leather $225 830-433-1657

MATTRESS/BOX SPRING Queen w/ frame, Huge HdBrd $250, 210-420-7197

MAYTAG Elctr Stove-$199, Whirlpool Frig w/ice mkr,Perf cond! 210-658-6727

PROJECTOR Epson Powerlite Beautiful Picture New Lamp $175 371-4738

REESE 16K 5th wheel hitch complete w/rails & bolts. $250 736-9373

REFRIGERATOR Side by Side, $90, May need repair, 648-4384

ROLLAWAY BED King cond, $50, Anne Klein Watch $65, 479-2258

SINK White Pedestal $50, golf clubs Wilson Driver $100, 210-364-2855

TABLE-$40, 2 luggage $8ea, Lg Flshlght $20. Sml Flshlights $2ea. 342-1749

TABLE Solid Wood Round with 4 wood chairs, $125 210-475-3303

TIRES 4, P225-60-16, As is, used, $80, Table w/ rollers 50x50, $40, 287-6086

TREADMILL Nordic Track C 2300, excellent condition, $250, 732-6640

TV Magnavox 36" $50, Arcade hoops cabinet bsktball system $250 337-8678

TWIN BED MATTRESS box spring and frame. Good condition. $40. 681-6245.

WASHER & DRYER Kenmore, $100 both. New carpet, $150. 830-438-8036.

WESTERN SADDLE with stand. Call 830-742-3920

WICKER HEADBOARD Full Sz, White Round Top Shape $25, 210-3

Building Supplies

CARPET 12'x92' roll, beige base grade 2-1/2 ounce cushion, 4bxs wood flooring $600All. 210-380-5753

Commercial Equipment

COMMERCIAL PIZZA EQUIP FOR SALE CALL 210-274-3002

Firewood

A1 AGED OAK, $190 crd, 1/2 $115. Split/Stacked & Delivered 210-303-8453

Guns

GUNS WANTED: Pay cash or consign. Nagels Gun Shop Mark/Todd 342-5420

SAKO L57-308 CAL $400. Beretta cal 9mm $550. Phone 830-388-1148

Heavy Machinery & Tools

I BUY Construction Equip, Running, Non Running & Salvage 210-415-1935

Home Furnishings

BEAUTIFUL ORNATE OAK dining room table. Seats 12. Immaculate condition, $800 cash. 661-6177 Call after 12 pm

MISSION Style Formal Dining Set 78x40, 6 chairs, $550. 210-932-8193

Jewelry

SPURS FAN Americus Diamond 14kt White Gold Spurs Pendant, unworn condition. 830-612-3362

Medical

HOSPITAL BED, Oxygen Concentrator, Air Mattress (PREVENTS BEDSORES), Gel Mattress, Nebulizer, C-Pap, Bi-Pap, Wheelchair, Overbed Table. 349-3009

SCOOTER & POWER CHAIR REPAIR ★ SALES & SERVICE ★ 210-861-3631

Musical Instruments

PLAYER PIANO 1999 Boston Baby Grand, Beautiful Glossy Black Exc Cond $14,750(incl. discs) 210-585-1414

Portable Buildings

WOOD Storage Bldg 10 x 16 $1850; 12 x 24 $2600. 210-825-0083

ESTATE & GARAGE SALES

Estate Sales

AUTUMN DAWN RD, Converse, TX (follow signs) Sat, Jan 24, 8a-2p. Furn, HsHold Items, Crafts, Clothes etc

7536 AUTUMN PARK 78249
Thurs-Fri-Sat 10-4 ★ **WeBo Estates**
pics & info www.estatesales.net

A WALK IN THE WOODS!
60 year collection on 27acres in Castle Hills
213 Hibiscus 78213
1/22-1/24 9am-5pm
Avalon-Riklin

8146 BABE RUTH ST 78240 Sat Jan 24 only 9-4. A little bit of everthing.

Car shopping made easy.
Go to mySA.com/Autos
Search by make and model and locate a nearby dealer.

Estate Sales

BESS ESTATE LIQUIDATOR
9719 Mid Walk 78230
Full House!!
Thurs-Fri-Sat 8:30-4:00
See: estatesales.net

DOWNSIZING/REMODELING
101 LARIAT 78232
Fixtures, Cabinets, Doors, Appliances
Jan 22,23,24-Thurs-Sat 9am-5pm
#'s Thurs 8:30am
Pics & Detail @
donandmarylouestatesales.com

5214 EL SUEÑO ST 78233. Off El Sendero. Furn., Art, Kit, Fridge, Knick Knacks Galore, Home Decor, Lots Clothes & Purses, Albums, Books, Jewelry, Costume/925-Avery & More Packed Home! CASH Thurs-Sat 9a-5p

HOME OF
DR. GUIDO MERKENS-
CONCORDIA LUTHERAN
330 JEANETTE 78216
Thurs-Fri 9a-4p - Sat 9a-3p
Full House, Pool Table, Jewelry, King Tempurpedic, Scooter.
See Pics:
PROFESSIONALESTATESALES.COM

418 KIMBERLY (Universal City) 78148 Thurs-Sat 9a-4p, Intresting Sale, King/Dble Bds, Washer/Dryer, Older Refridge

4315 RENAULT DR Fri-Sat 9am-3pm Entire Household-Everything Goes!

527 WIMBERLY Sat 9-6 Sun 9-4
3 Estates! Beanie Babies, Porcelain Dolls, Antq, Oak BR Set, Clths & More!

North Central SA-Garage Sales

15314 PEBBLE SOUND Collectibles, Furn, Clothes & More! Sat. Jan 24th 9-4

Northeast SA-Garage Sales

12435 CONSTITUTION ST Sat/Sun 9a-5p Moving Sale, Furn, Clths, and Etc.

Northwest SA-Garage Sales

9303 FALLWORTH 78254. 100gal Fish Tank, Bdr Set, Laptop&More! Sat-Sun9-3

MOVING SALE 1 Day Only Sat Jan 24 8-3pm. 11106 Rivera Cove, 78249 Rivermist Subdivision. Furnt, holiday items, home decor, clothing & more

Southwest SA-Garage Sales

115 RANCH VALLEY, 78227, Friday & Saturday, 9a-?

LEGALS & NOTICES

Adoptions

♥ ADOPTION ♥ At-Home-Mom & Successful Dad, Financial Security, Music, LOVE awaits baby. Expenses Paid. 1-800-557-9529 ♥ Lisa & Kenny ♥

Dating Services/Clubs

Call ME
SEXY Singles Call Free 210-375-1800 Curious? 210-375-1155 Use Code 3180

Legal Bids & Proposals

NOTICE OF BIDS/PROPOSALS

Harmony Public Schools., dba Harmony Science Academy - San Antonio will receive sealed proposals at the Central Office at 9203 W San Houston Pkwy S, 2nd floor Houston, TX 77099 until February 9, 2015 at 2:00 pm for a Construction project in San Antonio, TX. The construction documents, called "Harmony Science Academy-San Antonio- Soccer Field Addition" The work comprises as noted below:

Scope: Includes site preparation, and installation of artificial turf for soccer field as dimensioned on drawings. The area is approximately 17,000 SF of turf area with associated striping and goals stops. Two alternates are included in the work, Alternate A- for installation of lighting for field, and Alternate 2 - For demolition of existing fence and installation of new 18' fence around perimeter.

These documents will be available in printed format from ARC Reprographics at 600 Broadway Street, San Antonio, TX 78215 (210) 227-7181.

Questions about the documents or electronic copies are also available from Duende Design Architects, Inc. 123 Losoya Ste 5, San Antonio Texas 78205 attention:

Eduardo Garcia
email:duende.design@gmail.com
210-326-0158

For further information regarding the project, contact Project Manager: Hasan Unal at (713) 343-3333 Ext: 2511 or hunal@harmonytx.org. *The Owner reserves the right to reject any or all bids, to waive any informality in a bid, and to make awards in the best interest of the Owner. All proposals must be delivered by U.S. Postal mail, courier, or hand delivery to the Harmony Public Schools Central Office Secretary at the above address on or before the date and time set to receive proposals.*

BID NOTICE

The Guadalupe-Blanco River Authority (GBRA) is requesting sealed bids from qualified, responsible bidders to provide preventive maintenance services for generators and transfer switches for facilities in Guadalupe, Comal, Hays and Caldwell counties. All qualified firms including Small, Minority, and Woman-Owned Businesses are encouraged to submit bids in response to this invitation.

Bids may be submitted until 2:00 PM, on Tuesday, February 10, 2015, and shortly thereafter will be opened publicly and read aloud. Specifications and bid forms may be obtained by contacting Yolanda Pierce at (830) 379-5822 or ypierce@gbra.org.

Bids should be sealed and clearly marked: BID - GENERATOR PREVENTIVE MAINTENANCE, ATTN: YOLANDA PIERCE.

The Guadalupe-Blanco River Authority reserves the right to accept or reject any and all bids at its option and to waive any formalities.

NOTICE OF BIDS/PROPOSALS

The San Antonio River Authority (SARA) requests proposals for CONSULTANT ENGINEERING FIRMS TO PROVIDE DRAINAGE CAPITAL PROJECT MASTERPLAN SUPPORT. SARA requests that your firm submit a qualification statement to perform this initiative. The Scope of Services is provided on the SARA web site at www.sara-tx.org, under contracting opportunities. All Proposals must be received at SARA no later than 3:00 PM central time, Thursday February 26th, 2015 at SARA; 600 E. Euclid Ave, San Antonio, TX 78212. Any Proposal received after this time will not be considered. Any inquiries or questions regarding the request should be directed to Jeff Tyler at jtyler@sara-tx.org or at (210) 302-3621.

Legals/Public Notices

NOTICE OF PUBLIC MEETINGS

The U.S. Fish and Wildlife Service will conduct two public meetings regarding the publication of the draft Environmental Impact Statement (EIS) for the Southern Edwards Plateau Regional Habitat Conservation Plan (SEP-HCP) and the final draft of the SEP-HCP. The EIS evaluates the impacts of, and alternatives to, the proposed issuance of an incidental take permit under the Endangered Species Act to the applicants, Bexar County and the City of San Antonio. The proposed plan area allows for potential preserve areas in Bexar, Blanco, Medina, Bandera, Kerr, Kendall, and Comal counties.

DATE: Tuesday, February 3, 2015
CITY: Helotes
LOCATION: Casa Helotes Senior Center 12070 Leslie Road, Helotes, TX 78023

DATE: Wednesday, February 4, 2015
CITY: Kerrville

Legals/Public Notices

LOCATION: YO Ranch Conference Center 2033 Sidney Baker, Kerrville, TX 78028

Both meetings will include an open house at 5:00 pm with a formal presentation at 6:00 pm, followed by a continuation of the open house until 7:00 pm. The public is invited to provide comments and input. Similar information will be available at both meetings.

If you have special communication needs, please contact Christina Williams by telephone at (512) 490-005/ or by email at christina_williams@fws.gov no later than Monday February 2, 2015

All comments received on or before March 20, 2015 will become part of the public record and considered in the EIS. Comments can be submitted at the meeting, by US Mail to Public Comments Processing, Attn: FWS-R2-ES-2014-0053, Division of Policy Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, VA 22203, or online at www.regulations.gov (search for document number FWS-R2-ES-2014-0053 under "Document Type," and click on "Notices" to locate the document and submit a comment. For more information about the draft EIS or the final draft of the SEP-HCP visit the project website: www.sephcp.com.

NOTICE TO PHYSICIANS AND PROVIDERS

The following healthcare organizations are accepting applications for physicians and providers who wish to become contracted physicians and providers during the period of **February 1, 2015 through February 20, 2015.** UnitedHealthcare Community Plan, offered by UnitedHealthcare Community Plan of Texas, L.L.C. is a Health Maintenance Organization (HMO) located at 14141 Southwest Freeway, Suite 800, Sugar Land, TX 77478, offers Medicaid Managed Care (STAR and STAR+PLUS) and Children's Health Insurance Plan (CHIP). UnitedHealthcare of Texas, Inc. and UnitedHealthcare Benefits of Texas, Inc. both located at 5800 Granite Parkway, Ste. 900, Plano, Texas 75024 offer basic health care service Health Maintenance Organization (HMO) plans. United HealthCare Insurance Company and PacifiCare Life and Health Insurance Company offer Preferred Provider Organizations (PPOs) and Exclusive Provider Organizations (EPOs). Applicants must meet practice standards, qualifications and other participatory criteria established by the HMO and/or PPO/EPO's. To initiate the application process, have your tax ID number available and please call 1-877-842-3210. Select the following prompt : 4) Credentialing.

NOTICE TO PROVIDERS

Applications for participation in the Alpha Dental Programs network of General Dentists and Dentists specializing in Endodontics, Periodontics, Oral Surgery, Orthodontics and Pediatric Dentistry will be accepted between January 19, 2015 and February 8, 2015. Applicants must meet all credentialing and other participatory criteria. All applications will be reviewed and responses will be made within 90 days of receipt. To request an application or further information, please write: Alpha Dental Programs, Attention: Professional Relations, 1701 Shoal Creek, Suite 240, Highland Village, Texas 75077.

NOTICE TO PHYSICIANS AND PROVIDERS

We are a vision care HMO that provides well vision eye care services. We are accepting applications beginning January 30, 2015 and ending February 20, 2015 from providers and physicians in this area who wish to be participating providers under the terms and conditions established by our HMO. Send your request for an application to: EyeMed Vision Care HMO of Texas Inc., 2465 Joe Field Road, Dallas, TX 75229, Attn: Provider Applications.

NOTICE TO PHYSICIANS AND PROVIDERS

MOLINA HEALTHCARE OF TEXAS, INC. (MHTT) is located at 5605 N. MacArthur Blvd., Suite 400, Irving TX, 75038 and is a Medicaid HMO covering lives in the STAR, STAR+PLUS, CHIP and Medicare Options Plus programs. During February 1, 2015 through February 20, 2015 MHT will be accepting applications from physicians and providers who would like to participate. Please contact MHT at 1-866-449-6849 for additional details.

NOTICE TO PHYSICIANS AND PROVIDERS

OraQuest Dental Plans, a single service Dental HMO, will accept applications January 1 - December 31, 2015 from providers who wish to join our network. For more information or to request an application call OraQuest at 800-660-6064 or write to 101 Parklane Blvd., Ste 301; Sugar Land, TX 77478.

HOMES FOR SALE

FAIR HOUSING NOTICE
All real estate & rental advertising in this newspaper is subject to the Fair Housing Act which makes it illegal to advertise "any perference limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention, to make any such preference, limitation or discrimination." Familial status includes children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18. This newspaper will not knowingly accept any advertising for real estate, which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. To complain of discrimination call HUD Toll-Free telephone number for the hearing impaired is 1-800-927-9275.

Condos/Duplexes/Townhomes

CHURCHILL 2-2-1 Capistrano 3sty Condo, W/D, Dshwshr, Fridge, Balcony, $95k, Own Fin, 731-9139, 493-0463

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J MALTS/1000 OAKS Legacy Oaks 4/2.5/2, 2517sf, Brick/Wood Floors, Fncd Yard, NEISD, FSBO. 210-320-0818

Legals/Public Notices

Notice of Availability of Electronic Communications

Chief appraisers of county appraisal districts and appraisal review boards (ARBs) may communicate electronically through email or other media with property owners or their designated representatives. Written agreements are required for notices and other documents to be delivered electronically in place of mailing.

How does it work? Certain guidelines must be followed for this local option communication:

- Written agreements with the county appraisal district must be entered first, ensuring what electronic means of delivery are acceptable. If you are interested in receiving communications in electronic format, you should contact your local appraisal district.
- Public notice regarding the availability of agreement forms authorizing electronic communications may be published in a newspaper of general circulation in the district on or before Feb. 1 each year, or agreement forms may be delivered on or before Feb. 1 each year to property owners shown on the certified appraisal roll for the preceding tax year.
- The chief appraiser may determine the medium, format, content and method to be used for electronic communications other than notices required by Tax Code Section 25.19, which are prescribed by rule.
- A decision by the chief appraiser not to enter into agreements may not be the subject of an ARB protest, a lawsuit or a complaint to the Texas Department of Licensing and Regulation.

For more information, contact us at:

Bexar Appraisal District
411 N Frio, P.O. Box 830248
San Antonio, Texas 78283-0248
Telephone: (210) 242-2518

Northeast • Homes • Sale

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CASA SE VENDE dueno a dueno Kingsland Properties 210-771-3935

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8431 BIG CREEK Rent2Own 4/1.5 1250sf, $80k, 5%-10% Down, $590mo 744-9666 www.SADreamHomes.com

POTEET-HOME IN THE COUNTRY 3/2, 24 x 24 garage, 1.1 acres, C/A/H, $169K. 210-688-9773 or 210-556-8084.

Manufactured Homes/Sites • Sale

THE TEXAS MANUFACTURED HOUSING STANDARDS ACT STATES (in part) "It is unlawful for a retailer or broker to fail to comply with the requirements and provisions of the Texas Credit Code or the Truth-In-Lending Act or to advertise any interest rate or finance charge which is not expressed as an annual percentage rate (APR). A violation of this subsection does not create a cause of action nor claim for damages by the consumer. The consumer shall not recover more than the penalties set forth in the Texas Credit Code and federal Truth-In-Lending Act." For information regarding compliance with advertising requirements, contact Federal Trade Commission (214) 979-9350.

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INDIAN HILLS 3/2 MH, Carport, Deck, All Appliances, Fireplace $38,000obo 956-638-1836

Surrounding Areas

HOME SITES, Mobile Home Sites, RV Sites, $168 a month buys deeded property at Medina Lake, Bandera TX 830-460-8354

READY TO GO, 1/4 acre with all utilities installed, FINANCING AVAIL, BANDERA 830-796-3143

REPO, MUST SELL!
$106/month buys deeded land in gated community, Medina Lake Community 830-460-8354. OWNER

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Legals/Public Notices

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LAND

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12 ACRES Mobiles or Site built homes. Owner Finance with only $500 down. No credit check! Floresville area. 210-725-4687

11.34 AC. S. OF GEORGE WEST OFF HWY 281. ELECTRICITY, HEAVY SOUTH TX BRUSH COVER, DEER, HOGS, TURKEY. $2,240 DOWN, $408/MO. 866-286-0199 ranchenterprisesltd.com

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FOR Mobile. 1ac, sep, elec, wtr 20mi N of 1604 out 281, 3mi dn 306. $34,900 10%dn,mo pmt $280.59 830-302-0381

1-4 ACRES 39 miles west of San Antonio between Hondo/Bandera. Oak trees, Hills, Fantastic Views. $495 down. Easy monthly payments. No credit check. Owner financed. 210-654-2476

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This 13.31 acre Tract has it all! Beautiful mature Oaks, Long Range Range Views & Privacy. Located 10min from dntn & is in a New, Gated, Ag Exempt community. Ready to build on. $179,900 Call Tom 512-917-8570

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This 10.05 beautiful, tree covered acres is in a small, gated, Ag Exempt community 10 minutes from downtown Fredericksburg.
$139,900 512-917-8570

5 ACRES TEXAS VETERANS: Beautiful land available for qualified veterans just north of S.A. in Comal County. Have 5 tracts for future homesite or investment. Quality land with good restrictions and no city taxes! Inquiries 210-867-2665

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Dan Gandy, Agent
800-282-1630, 325-659-5100 or **325-656-5708**

304 ACRES Creek Ranch, Val Verde County, $1500/acre. Dan Kinsel Ranches 830-660-0561

45 AC. VAL VERDE COUNTY N. OF COMSTOCK. GOOD BRUSH COVER, DEER, TURKEY, HOGS, JAVELINA, QUAIL. NEAR LAKE AMISTAD. $2,239 DOWN, $408/MO. 800-876-9720 ranchenterprisesltd.com

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2-5+ acres avail in hill country gated community, Blanco City wtr, no credit ck owner fin. avail. Call us at 830-385-7566

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NOTICE OF PUBLIC MEETINGS

Source: San Antonio Express-News

Category: Legal & Public Notices

http://mysa.kaango.com/ads/viewad?adid=23543742

Ad Details:	
Ad ID:	23543742
Created:	Jan 18, 2015
Expires:	Jan 31, 2015

NOTICE OF PUBLIC MEETINGS The U.S. Fish and Wildlife Service will conduct two public meetings regarding the publication of the draft Environmental Impact Statement (EIS) for the Southern Edwards Plateau Regional Habitat Conservation Plan (SEP-HCP) and the final draft of the SEP-HCP. The EIS evaluates the impacts of, and alternatives to, the proposed issuance of an incidental take permit under the Endangered Species Act to the applicants, Bexar County and the City of San Antonio. The proposed plan area allows for potential preserve areas in Bexar, Blanco, Medina, Bandera, Kerr, Kendall, and Comal counties. DATE: Tuesday, February 3, 2015 CITY: Helotes LOCATION: Casa Helotes Senior Center 12070 Leslie Road, Helotes, TX 78023 DATE: Wednesday, February 4, 2015 CITY: Kerrville LOCATION: YO Ranch Conference Center 2033 Sidney Baker, Kerrville, TX 78028 Both meetings will include an open house at 5:00 pm with a formal presentation at 6:00 pm, followed by a continuation of the open house until 7:00 pm. The public is invited to provide comments and input. Similar information will be available at both meetings. If you have special communication needs, please contact Christina Williams by telephone at (512) 490-0057 or by email at christina_williams@fws.gov , no later than Monday February 2, 2015 All comments received on or before March 20, 2015 will become part of the public record and considered in the EIS. Comments can be submitted at the meeting, by US Mail to Public Comments Processing, Attn: FWS-R2-ES-2014-0053, Division of Policy Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, VA 22203, or online at www.regulations.gov (search for document number FWS-RS-ES-2014-0053 under "Document Type," and click on "Notices" to locate the document and submit a comment. For more information about the draft EIS or the final draft of the SEP-HCP, visit the project website: www.sephcp.com.

AFFIDAVIT OF PUBLICATION

The State of Texas:
The County of Kerr

I, Mike Graxiola, publisher of the Kerrville Daily Times, a newspaper published in the County of Kerr, State of Texas, do swear that the foregoing and attached citation was Published in Kerrville, Kerr County, Texas, a newspaper of general circulation published regularly in said Kerr County, Texas for more than one year before this date on the following dates wit:

Jan. 18, 2015

_____, 2015

_____, 2015

_____, 2015

A printed copy of said writ as it was published is attached hereto as a part hereof.

Mike Graxiola
Publisher of THE KERRVILLE DAILY TIMES
Kerrville, Kerr County, TX

Sworn to and subscribed before me by the said Mike Graxiola, Publisher of the Kerrville Daily Times, on this the 20 day of January A.D. 2015, to certify which witness my hand and seal of office.

Christina McDonald

Notary Public,
Kerr County, Texas

PRINTER'S FEE

_____

CHRISTINA MCDONALD
NOTARY PUBLIC
STATE OF TEXAS
09-20-2018

NOTICE OF PUBLIC MEETINGS

The U.S. Fish and Wildlife Service will conduct two public meetings regarding the publication of the draft Environmental Impact Statement (EIS) for the Southern Edwards Plateau Regional Habitat Conservation Plan (SEP-HCP) and the final draft of the SEP-HCP. The EIS evaluates the impacts of, and alternatives to, the proposed issuance of an incidental take permit under the Endangered Species Act to the applicants, Bexar County and the City of San Antonio. The proposed plan area allows for potential preserve areas in Bexar, Blanco, Medina, Bandera, Kerr, Kendall, and Comal counties.

DATE	CITY	LOCATION
Tuesday, February 3, 2015	Helotes	Casa Helotes Senior Center 12070 Leslie Road, Helotes, TX 78023
Wednesday, February 4, 2015	Kerrville	YO Ranch Conference Center 2033 Sidney Baker, Kerrville, TX 78028

Both meetings will include an open house at 5:00 pm with a formal presentation at 6:00 pm, followed by a continuation of the open house until 7:00 pm. The public is invited to provide comments and input. Similar information will be available at both meetings. *If you have special communication needs, please contact Christina Williams by telephone at (512) 490-0057 or by email at christina_williams@fws.gov, no later than Monday February 2, 2015*

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Endangered Black-capped Vireo

BEXAR COUNTY INFRASTRUCTURE SERVICES DEPARTMENT

PROGRAM CONTACT—Andrew Winter
Bexar County Environmental Engineer
233 N. Pecos, Suite 420
San Antonio, TX 78207

Phone: 210-335-6487
Fax: 210-335-6713
E-mail: awinter@bexar.org

SEP-HCP Brochure—April 7, 2011

My County Commissioners passed a resolution to "opt out" of the SEP-HCP, so why does the Plan Area include my county?

The SEP-HCP will not create any new regulations or restrictions, nor will it provide Bexar County or the City of San Antonio with any new land use or zoning authority over private landowners or other governmental entities in Bexar County or any other county.

The SEP-HCP is simply a voluntary tool to help people achieve compliance with the ESA and to leverage resources for achieving conservation at a regionally significant scale.

Bexar County and the City of San Antonio believe that the SEP-HCP's Plan Area is needed to achieve the biological goals of the Plan. Taking a regional approach to conservation opens up more opportunities for the Plan to contribute in a meaningful and lasting way to the recovery of the region's endangered species.

Participation in the SEP-HCP will be entirely voluntary for people seeking to comply with the ESA and for people wishing to become a SEP-HCP conservation partner.

Anyone, including private landowners or other local governments, wishing to use the SEP-HCP for ESA compliance must specifically request to enroll in the Plan. Neither Bexar County nor the City of San Antonio will require or otherwise compel any landowner, developer, local governmental entity, or any other person to participate in the SEP-HCP.

Those wishing to not participate in the SEP-HCP may conduct their activities in a way that does not harm endangered species or may seek other options for ESA compliance, such as consulting individually with the Service.

Government Canyon State Natural Area, Bexar County

What is the status of the SEP-HCP?

Development of the SEP-HCP began in mid-2009, and the plan sponsors (Bexar County and the City of San Antonio) have been working extensively with stakeholder and scientific advisory groups to gain input on what to include in the Plan.

A first draft of the SEP-HCP will be available for review in April 2011 and the final version should be completed by September 2012, subject to approval by the Plan sponsors and the U.S. Fish and Wildlife Service.

How can I learn more about the SEP-HCP?

- Explore the SEP-HCP website at www.sephcp.com
- Sign up for email notices of meetings and other events on the SEP-HCP website.
- Attend meetings of the SEP-HCP advisory committees. Meeting notices, agendas, materials, and minutes are posted on the SEP-HCP website.
- Participate in open public meetings—check the website for upcoming opportunities.
- Contact us with questions or comments at info@sephcp.com

SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

INFORMATION & FREQUENTLY ASKED QUESTIONS

Sponsored by Bexar County & City of San Antonio

What is the SEP-HCP?

The Southern Edwards Plateau Habitat Conservation Plan (or "SEP-HCP") is an effort by Bexar County and the City of San Antonio to create a program for local administration of certain aspects of the federal Endangered Species Act (the "ESA") . The SEP-HCP will provide an alternative to dealing directly with the U.S. Fish and Wildlife Service for obtaining compliance with endangered species regulations.

The SEP-HCP is intended to simplify compliance with the ESA. Compliance with this existing federal regulation is needed when people conduct activities, such as land development, that would harm endangered species or their habitats. The ESA requires people to perform conservation actions to help offset the harm that may be caused by their actions.

By electing to participate in the SEP-HCP, people will work with the Plan's administrator to determine the level of harm their actions may have on endangered species. Participants in the SEP-HCP would pay a fee to the Plan in proportion to the level of harm their activities may cause. The SEP-HCP will pool these participation fees and use them to protect and manage habitats for the endangered species.

Therefore, by promoting better compliance with the ESA, the SEP-HCP will increase the level of conservation for endangered species and help balance the harmful aspects of habitat loss.

Participation in the SEP-HCP will be entirely voluntary for people seeking to comply with the ESA and for people wishing to become a SEP-HCP conservation partner. In no case will anyone be required to use the SEP-HCP.

What is the reason for the SEP-HCP?

South-central Texas is home to several federally listed threatened or endangered species, including several birds and cave-dwelling spiders and beetles. The ESA prohibits harm to these species, including actions that could impact endangered species habitat.

The presence of endangered species can conflict with the desirable economic growth of communities that share the same area.

Endangered Golden-cheeked Warbler

In the Greater San Antonio area, such conflicts have received considerable attention in recent years and have been cited as a significant threat to the military's training mission at Camp Bullis. The presence of these military facilities is a key factor contributing to the economic vitality of the region.

Consulting individually with the U.S. Fish and Wildlife Service to achieve compliance with the ESA is often a cumbersome and lengthy process, sometimes taking years to complete. Too often, the burden of compliance leads to a decision to disregard the ESA in favor of risking enforcement action by the Service. Not complying with the ESA means that the corresponding conservation actions for the affected species do not occur.

The SEP-HCP will simplify, streamline, and shorten the process of achieving ESA compliance, thereby reducing regulatory uncertainty for voluntary SEP-HCP participants and increasing the level of conservation for the region's natural resources.

Can I participate in the SEP-HCP?

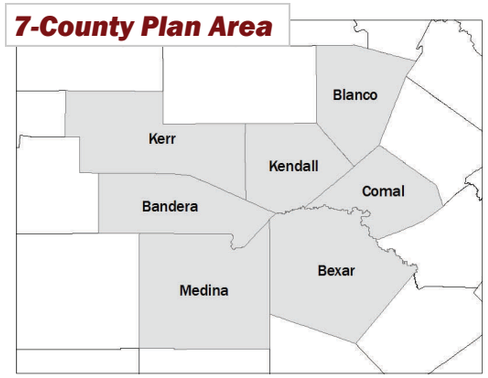
Endangered species conservation and economic development are both issues with regional implications. Therefore, the SEP-HCP has a regional scope that includes a 7-county Plan Area.

Subject to certain limitations, people within the Plan Area may choose to use the SEP-HCP to comply with the ESA when their actions would harm one or more of the Plan's covered species. However, **in no case will anyone be required to use the SEP-HCP.**

Each individual has the responsibility to decide whether or not to seek compliance with the ESA. The SEP-HCP is only one option for achieving compliance and people may choose which option best suits their needs and circumstances. Other options include implementing activities in such a way as to avoid harming an endangered species or by seeking individual authorization from the Service.

The SEP-HCP will also seek partnerships with landowners in the Plan Area to protect endangered species habitat. Again, the SEP-HCP will seek conservation opportunities **only from willing landowners**. The SEP-HCP will not require any landowner to provide lands for conservation.

7-County Plan Area



Endangered Karst Beetle

Which species does the SEP-HCP cover?

Golden-cheeked Warbler – This endangered migratory songbird uses relatively mature and closed-canopy juniper-oak woodlands in central Texas as breeding habitat during the spring and early summer months. The species was listed as federally endangered on May 4, 1990.

Black-capped Vireo – Another endangered migratory bird that utilizes a range of deciduous shrub habitats across central Texas during its breeding season in the spring and summer months. The vireo was listed as federally endangered on November 5, 1987.

9 Karst Invertebrates – A group of nine cave-adapted invertebrates including five spiders, three beetles, and one harvestman. These species live entirely underground in the limestone caves and passages of the karst geologic formations that underlie the northern part of Bexar County. These species were federally listed as endangered on December 26, 2000.

Endangered Karst Spider

Bexar County Environmental Services
233 North Pecos La Trinidad, Suite 420, San Antonio, Texas 78207
(210) 335-6700 Office (210) 335-6713 Fax

- The Southern Edwards Plateau Habitat Conservation Plan (or "SEP-HCP") is an effort by Bexar County and the City of San Antonio to obtain a regional permit allowing the community to more easily comply with the Federal Endangered Species Act

- The SEP-HCP is needed because south-central Texas is home to several federally threatened or endangered species, including some birds, plants, and cave-dwelling spiders and beetles.

- The presence of threatened or endangered species can conflict with or complicate the desirable economic growth of communities that share the same area. For example, in the San Antonio area, endangered species issues in the vicinity of Camp Bullis have affected the military training mission at this installation.

- The SEP-HCP is intended to simplify, streamline, and shorten the process of getting an Endangered Species Act permit from US Fish and Wildlife Service, thereby improving compliance with this existing federal regulation and increasing the level of conservation for the region's threatened and endangered species.

- Preparation of the SEP-HCP involves a public process, whereby citizens are encouraged to attend and participate in open meetings of the advisory committees and other public meetings. Information on the progress of the plan is regularly posted on the SEP-HCP website (www.sephcp.com).

- Participation in the SEP-HCP will be voluntary for those that own land or conduct business within the plan area.

- The SEP-HCP is currently under development and Bexar County anticipates that it will be submitted to US Fish and Wildlife Service by September 2011.

- The SEP-HCP website (www.sephcp.com) is the best place to find information about the plan. The website is regularly updated with meeting announcements, status updates, and the minutes and materials from committee meetings. The website also includes a place to post comments, contains contact information for project managers, and has a form to sign up for email announcements.

BACK-UP INFORMATION

What is the Southern Edwards Plateau Habitat Conservation Plan?
The Southern Edwards Plateau Habitat Conservation Plan (or "SEP-HCP") is an effort by Bexar County and the City of San Antonio to create a program for local administration of certain aspects of the federal Endangered Species Act . The SEP-HCP is intended to make the Endangered Species Act (or "ESA") easier to comply with by simplifying the process for obtaining a permit to harm endangered species during the course of otherwise lawful activities, such as public and private-sector land development. The SEP-HCP also includes a conservation plan that will help protect threatened and endangered species on an ecologically significant, regional scale. Participation in the program will be entirely voluntary, either to comply with the Endangered Species Act or become a conservation partner.

Why is the SEP-HCP needed?
South-central Texas is home to several federally threatened or endangered species, including some birds, plants, and cave-dwelling spiders and beetles. The Endangered Species Act prohibits harm to listed species, including actions that could impact endangered species habitat.

The presence of threatened or endangered species can conflict with or complicate the desirable economic growth of communities that share the same area. For example, in the San Antonio area, endangered species issues in the vicinity of Camp Bullis (in combination with other land use conflicts) have affected the military training mission at this installation. A withdrawal of the military from San Antonio could have wide-spread and potentially devastating effects on the regional economy.

Recognizing the need to allow communities and economies to flourish, the Endangered Species Act includes provisions that allow harm to endangered species at a project site in return for conservation actions that benefit those species elsewhere. The U.S. Fish and Wildlife Service (FWS) administers a permitting program that authorizes "incidental take" of endangered species for applicants that implement an approved Habitat Conservation Plan. The Habitat Conservation Plan describes conservation measures that the applicant will implement to compensate for the harm to threatened or endangered species caused by the applicant's activities.

The process to prepare a Habitat Conservation Plan and obtain an incidental take permit from the FWS can be cumbersome and lengthy, sometimes taking two or more years to complete. For someone seeking to comply with the Endangered Species Act, this process can have a serious impact on their ability to conduct otherwise lawful activities on their property. Too often, the burden of compliance leads to a decision to disregard the Endangered Species Act in favor of risking enforcement action by the Service. Non-compliance with the Endangered Species Act means that corresponding conservation actions for the affected species do not occur.

The SEP-HCP is intended to simplify, streamline, and shorten the process of getting an Endangered Species Act permit, thereby improving compliance with this existing federal regulation and increasing the level of conservation for the region's threatened and endangered species.

Who is involved with preparing the SEP-HCP?
Bexar County and the City of San Antonio combined local funds with a grant from the U.S. Fish and Wildlife Service to prepare a regional Habitat Conservation Plan and develop a process for local administration of an Endangered Species Act incidental take permit. Bexar County is taking the lead role in preparing the SEP-HCP and has assembled two advisory committees to assist with crafting the plan.

The Citizens Advisory Committee (or "CAC") represents a variety of community and stakeholder interests, including rural landowners, developer and business groups, environmental organizations, and local government and utility representatives. Members of the CAC represent stakeholders in each of the counties included in the SEP-HCP plan area. The CAC is charged with providing guidance on the overall goals and objectives of the plan, the preferred alternatives for various components of the plan, and the form and level of conservation that the plan should provide.

The Biological Advisory Team (or "BAT") is composed of species, conservation, and land management experts. The BAT is charged with assisting in the calculation of the amount of harm to endangered species from the activities covered by the plan, the size and configuration of any endangered species preserves, and providing input on other biological aspects of the plan.

Preparation of the SEP-HCP is a public process, whereby citizens are encouraged to attend and participate in open meetings of the advisory committees and other public meetings. Information on the progress of the plan is regularly posted on the SEP-HCP website (www.sephcp.com). The public is encouraged to submit comments on the plan at any time via the project website, email to project managers and committee chairpersons, and comments at open meetings. The public will also be invited to review and comment on drafts of the plan, as they become available.

Bexar County has also obtained the assistance of environmental consultants and independent legal counsel to navigate the permitting process and prepare the plan documents.

Who will be affected by the SEP-HCP?
Based on recommendations from the SEP-HCP advisory committees, the area that will be covered by the plan includes 7 counties: Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal counties. These counties were included in the plan area since they are each affected by the San Antonio economy and include a similar suite of endangered species and habitats.

Participation in the SEP-HCP will be voluntary for those that own land or conduct business within the 7-county SEP-HCP plan area. Landowners, developers, local governments, utility service providers, and other non-federal entities may elect to participate in the plan in one of two ways. Non-federal entities may choose to use the SEP-HCP to achieve compliance with the Endangered Species Act by paying a mitigation fee to the plan that will be pooled with fees collected from other participants and used to implement conservation measures for endangered species within the plan area. Willing landowners who wish to become a conservation partner in the plan would be eligible to negotiate a conservation easement or sale

of land (funded in part by the mitigation fees collected from plan participants) as a habitat preserve for one or more of the endangered species covered by the SEP-HCP.

It is also likely that some amount of public funds will be needed to help implement the plan; however, the availability of any such public funding will be subject to the approval of each local government seeking to be involved as a formal partner in the plan.

What is the status of the SEP-HCP and when will the plan go into effect?
The SEP-HCP is currently under development and must be submitted to FWS by September 2012.

Bexar County and its advisory committees are currently evaluating alternatives for the conservation program. To-date, the advisory committees have provided recommendations to Bexar County on several aspects of the SEP-HCP, including the extent of the plan area, the species covered by the plan, the types of activities that will be covered by the plan, and a set of general goals and objectives for the plan (see file SEPHCP_General_Conservation_Strategy_Proposal_20100727_draft.doc). The committees are currently considering recommendations for the amount of incidental take to authorize through the plan, the mitigation that will be needed to compensate for impacts to endangered species, the processes for evaluating the effects of participating projects, and standards for the acquisition and management of endangered species preserves. Future topics of discussion for the committees will include considering alternatives for how the plan is administered and funded.

A first draft of the plan is expected to be completed next spring (April 2010) and the final draft of the plan is expected to be submitted to the U.S. Fish and Wildlife Service next fall (September 2011). However, this schedule may change as the process unfolds.

How can the public participate in the formation of the SEP-HCP?
The SEP-HCP website (www.sephcp.com) is the best place to find information about the plan. The website is regularly updated with meeting announcements, status updates, minutes and materials from committee meetings, and draft committee recommendations and other planning documents. The website also includes a place to post comments, and contact information for project managers, and a form to sign up for email announcements. Interested parties can also register through the web site for email notification of scheduled meetings and recent developments.

The public is encouraged to attend the open meetings of the CAC and BAT to hear the discussions and provide comments on the planning process and components of the conservation program. Meetings of the advisory committees are posted on the SEP-HCP website and announced through the project's email distribution list. If you can not attend the meetings in person, brief meeting summariesare posted on the SEP-HCP website homepage shortly after each meeting, and detailed meeting minutes are posted on the Committees page once they are approved by the committee.

The pubic will also be invited to participate in formal public meetings and comment periods on the scope and content of the plan. These opportunities will also be announced on the SEP-HCP website, through the email distribution list, and by notices published in local newspapers.

Links to additional information:

- SEP-HCP website homepage: www.sephcp.com
  - Current events and project history: http://www.sephcp.com/news.html
  - Committee meeting agendas, materials, and approved minutes: http://www.sephcp.com/committees.html
  - Draft plan documents, committee recommendations, and other reports: http://www.sephcp.com/documents.html
  - Contact information: http://www.sephcp.com/contact.html
- U.S. Fish and Wildlife Service and the Endangered Species Act: http://www.fws.gov/endangered/
  - Habitat Conservation Planning: http://www.fws.gov/endangered/what-we-do/hcp-overv

Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
February 3 and 4, 2015

Comment Card

Your comments are very important to the decision-making process. Please let us know your thoughts, concerns, and suggestions about issues that should be considered in the final Environmental Impact Statement. Specific comments may be related to covered species, covered activities, the plan area, the enrollment area, mitigation measures, funding, etc. Please place this card in the ***Comment Box***.

Name: _____

Address: _____ City, State Zip:_____

Email:_____

All comments submitted at tonight's meeting will become part of the public record and considered in the final Environmental Impact Statement. See the back side of this comment card for instructions on submitting comments after this meeting.

Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
February 3 and 4, 2015

Instructions for Submitting Comments after the Meeting

After tonight's meeting, comments on the draft Environmental Impact Statement may be submitted via U.S. mail or online. Comments must be post-dated **on or before March 19, 2015** to become part of the public record and considered in the final Environmental Impact Statement.

Comments submitted by U.S. Mail:
Public Comments Processing
Attn: FWS-R2-ES-2014-0053
Division of Policy Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive
MS 2042-PDM
Arlington, VA 22203

Comments submitted Online:

- Go to website: www.regulations.gov
- Search for document number **FWS-RS-ES-2014-0053** under "Document Type"
- Click on "Notices" to locate the draft Environmental Impact Statement and to submit a comment.

For more information about the draft Environmental Impact Statement or the final draft Southern Edwards Plateau Habitat Conservation Plan, please visit the project website: www.sephcp.com.

WELCOME

to the

Southern Edwards Plateau Habitat Conservation Plan Environmental Impact Statement

Public Meetings

February 3, 2015
Helotes, TX

February 4, 2015
Kerrville, TX

Why are we here tonight?

- Provide an overview of the federal:
  - Endangered Species Act
  - Section 10 Permitting Process
  - National Environmental Policy Act (NEPA)
- Provide an overview of the draft Environmental Impact Statement (dEIS)
- Present the Final Draft Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP)
- Explain Next Steps

USFWS Permitting Process*
without a Regional Habitat Conservation Plan

Step 1:
Assess
Habitat Impacts

Step 2:
Develop
Habitat Conservation Plan

Step 3:
Draft
NEPA Document
(CE, EA or EIS)

Step 4:
Work with USFWS to find best mitigation option

Step 5:
Find property or mitigation bank that will fulfill mitigation requirements

Step 6:
If a mitigation bank is not available, purchase property or conservation easement

Step 7:
Obtain Incidental Take Permit from USFWS

Step 8:
Begin Construction

18 months to 2 years

*Endangered Species Act Section 10 Permit Process (Individual Non-Federal Projects)

USFWS Permitting Process **with** a Regional Habitat Conservation Plan

- Simplified, **locally** managed and **voluntary** option to comply with the Endangered Species Act
- Permits incidental take of endangered species habitat

Step 1:
Assess Habitat Impacts

→

Step 2:
Discuss Impacts with Bexar County

→

Step 3:
Pay agreed upon Fee

→

Step 4:
Begin Construction

Saves Time and Money

1 month

How does the NEPA process relate to the HCP process?

NEPA Process

Scoping Meetings
(June 6-14, 2011)

Draft EIS

Public Meeting
(February 2015)

Final EIS

USFWS Decision (ROD)

Public and Agency Involvement Throughout Process

HCP Process

Biological Advisory Team

Citizens Advisory Committee

HCP Alternatives

1st Draft HCP

2nd Draft HCP

Final HCP

USFWS Permit

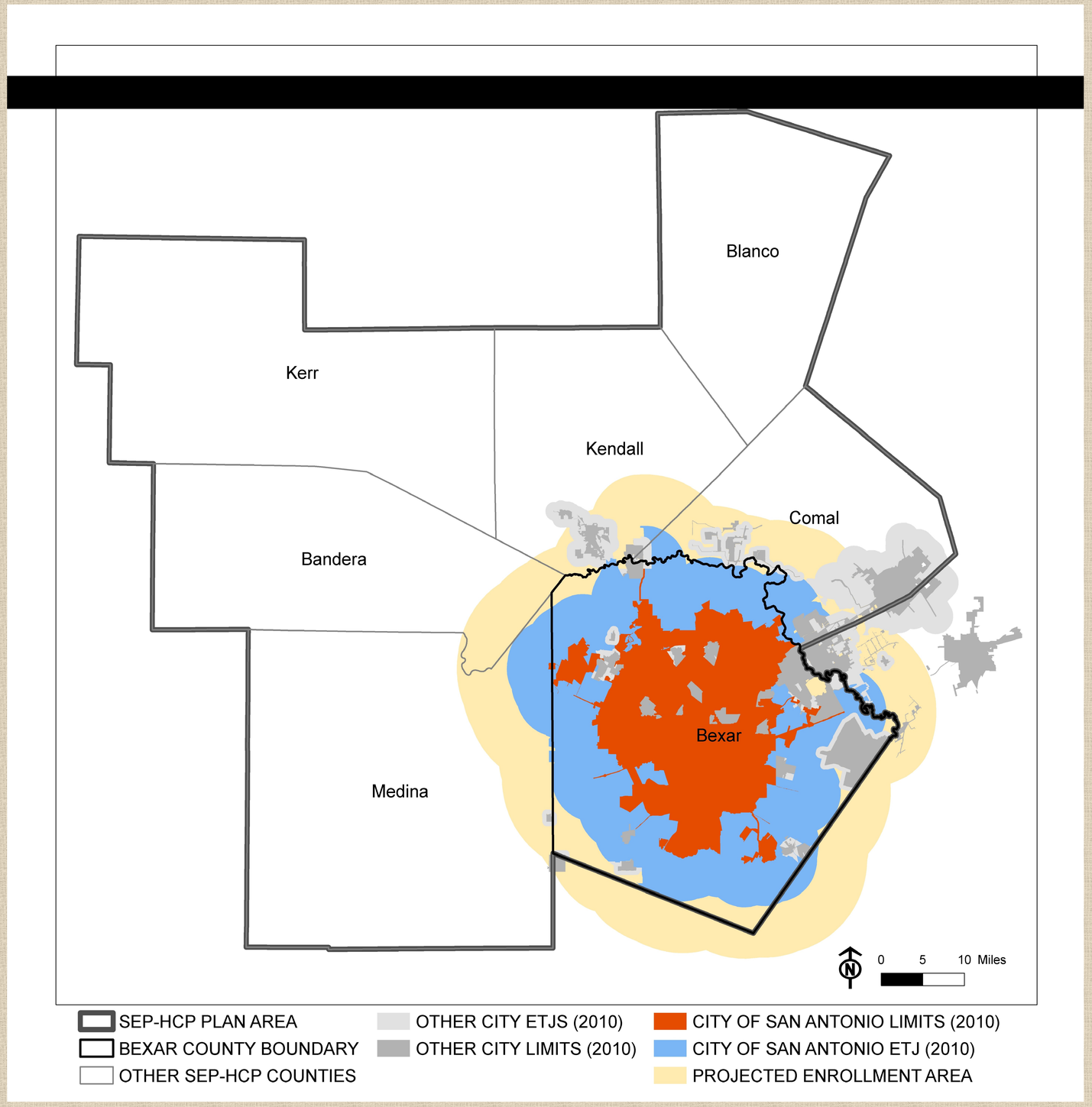
SEP-HCP Plan Area & Enrollment Area

Plan Area:

- 7-County Region

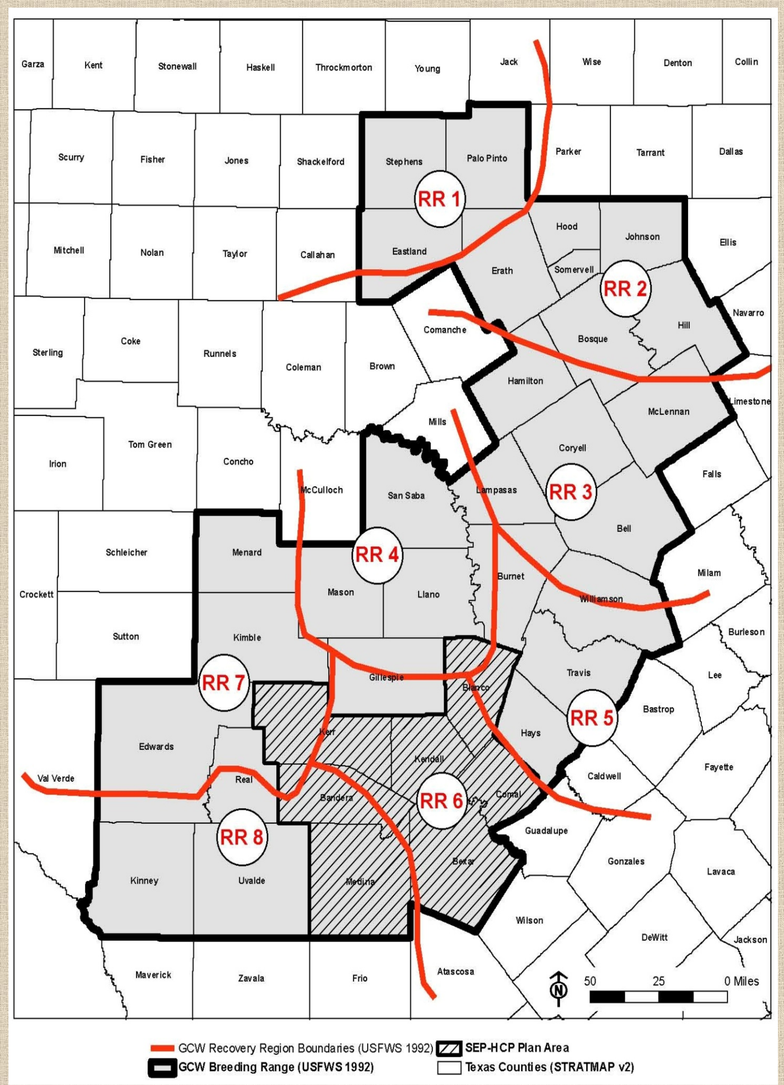
Enrollment Area:

- Bexar County
- City of San Antonio
- San Antonio's 30 year ETJ
- Excludes Comal County and counties outside the Plan Area

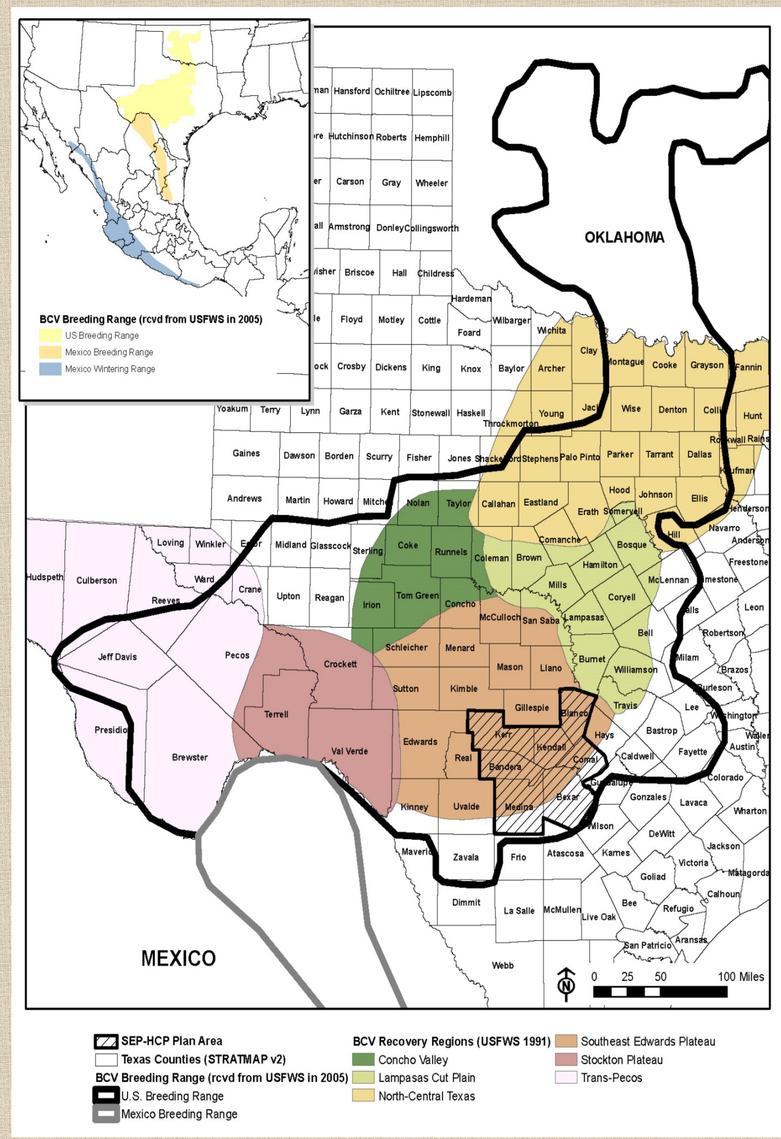


SEP-HCP Covered Species

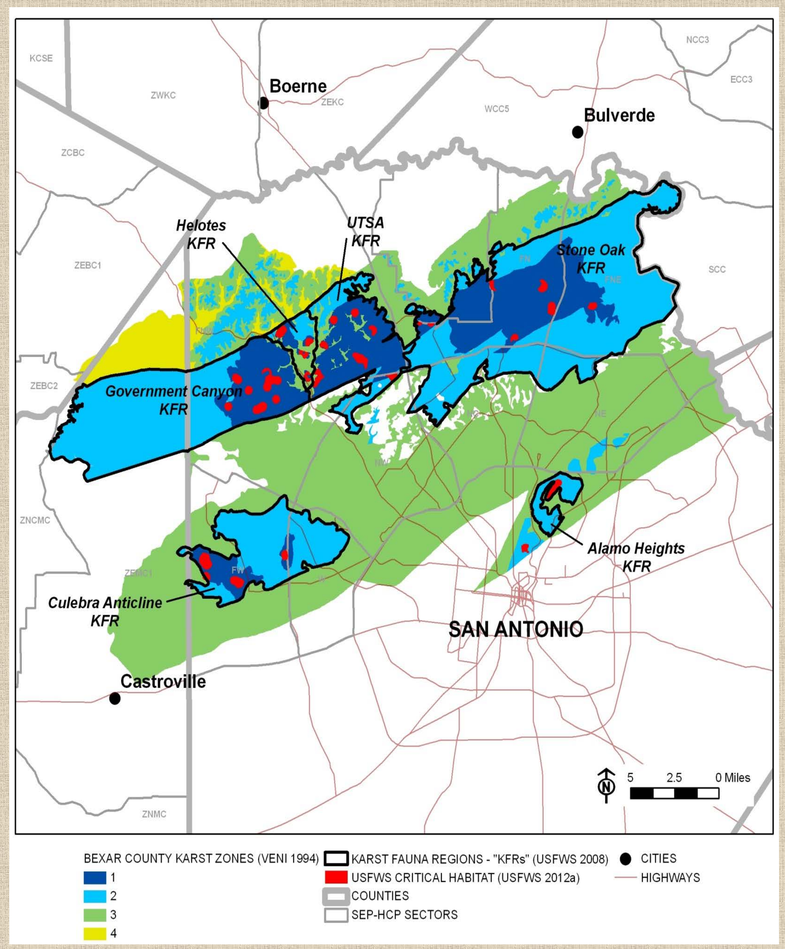
Golden-cheeked Warbler Recovery Zones



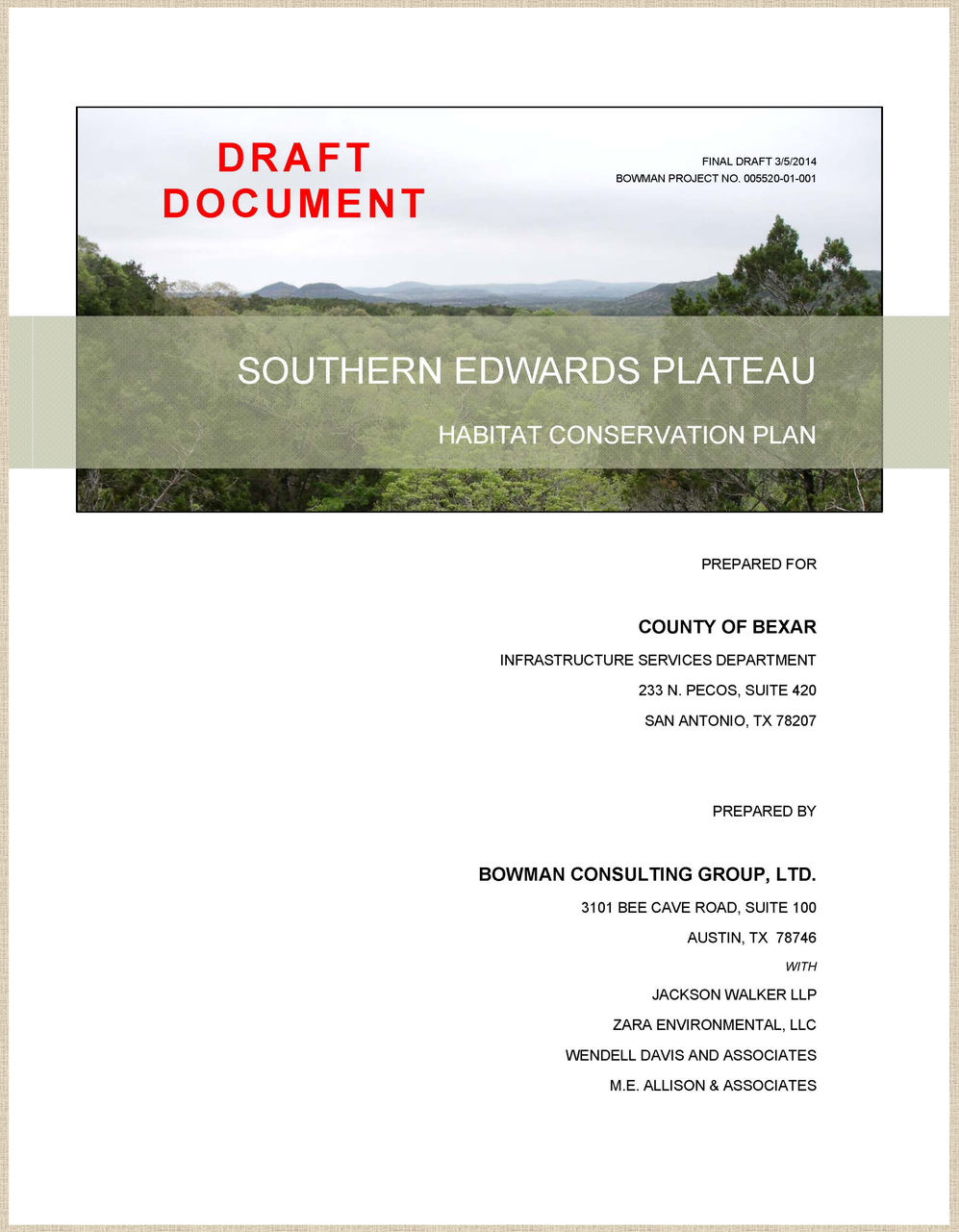
Black-capped Vireo Recovery Zones



Bexar County Karst Zones & Critical Habitat Units



Your Comments are Very Important



Document Availability:

- Copies available for review at public meetings
- Copies are available at the following libraries:
  - Bandera County Library
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At the Meeting:

- Fill out a comment card and drop in the comment box
- Give your comments verbally to the Court Reporter

After the Meeting (post-marked March 19, 2015):

- U.S. Mail
- Website: www.regulations.gov

The Preferred Alternative (Proposed SEP-HCP Alternative)

- **Plan Area** – Bandera, Bexar, Blanco, Comal, Kendall, Kerr and Medina counties
- **Enrollment Area** – Bexar County, San Antonio, San Antonio's 30-year ETJ (except Comal County)
- **Plan & Permit Duration** - 30 years
- **Covered Species** – Golden-cheeked Warbler, Black-capped Vireo, 7 Karst Invertebrates
- **Covered Activities** – Construction Activities and Activities to Manage Covered Species Habitat
- **Incidental Take Authorization**
  - **Golden-cheeked Warbler –** 9,371 acres of habitat loss or degradation in the Enrollment Area
  - **Black-capped Vireo** – 2,640 acres of habitat loss or degradation in the Enrollment Area
  - **Karst Species** – 10,234 acres in Karst Zone 1 & 2; 10,852 acres in Karst Zone 3 & 4; or 49 occupied karst features
- **Mitigation Measures**
  - **Golden-cheeked Warbler** – 23,430 acres of preserved habitat in the Plan Area
  - **Black-capped Vireo** – 6,600 acres of preserved habitat in the Plan Area
  - **Karst Species** – 1,000 acres of occupied cave zone (OCZ)
- **Management, Monitoring & Conservation Actions** – adaptive preserve management, monitoring of species and habitat in the preserves, education and outreach to increase awareness of endangered resources
- **Funding** – $299.5 million 30-year plan cost
  - **Participation Fees:** 56%
  - **Public Funding:** 26%
  - **Investment:** 18%

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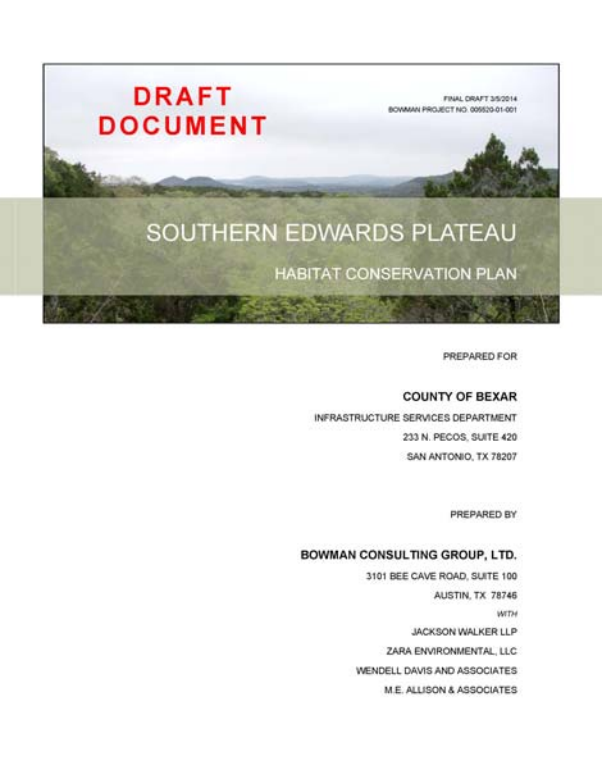
DRAFT DOCUMENT

FINAL DRAFT 3/5/2014
BOWMAN PROJECT NO. 005520-01-001

SOUTHERN EDWARDS PLATEAU

HABITAT CONSERVATION PLAN

PREPARED FOR

COUNTY OF BEXAR
INFRASTRUCTURE SERVICES DEPARTMENT
233 N. PECOS, SUITE 420
SAN ANTONIO, TX 78207

PREPARED BY

BOWMAN CONSULTING GROUP, LTD.
3101 BEE CAVE ROAD, SUITE 100
AUSTIN, TX 78746
WITH
JACKSON WALKER LLP
ZARA ENVIRONMENTAL, LLC
WENDELL DAVIS AND ASSOCIATES
M.E. ALLISON & ASSOCIATES

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WELCOME

to the

Southern Edwards Plateau Habitat Conservation Plan Environmental Impact Statement

Public Meetings

Helotes – February 3, 2015
Kerrville – February 4, 2015

AGENDA

5:00 p.m. - Registration/Sign-In/Open House

5:30 p.m. – Presentation

6:00 p.m. - Open House

7:00 p.m. – Adjourn

Comments may be submitted throughout meeting

Why are we here tonight?

- Provide an overview of the federal:
  - Endangered Species Act
  - Section 10 Permitting Process
  - National Environmental Policy Act (NEPA)
- Provide an overview of the draft Environmental Impact Statement (dEIS)
- Present the Final Draft Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP)
- Explain Next Steps

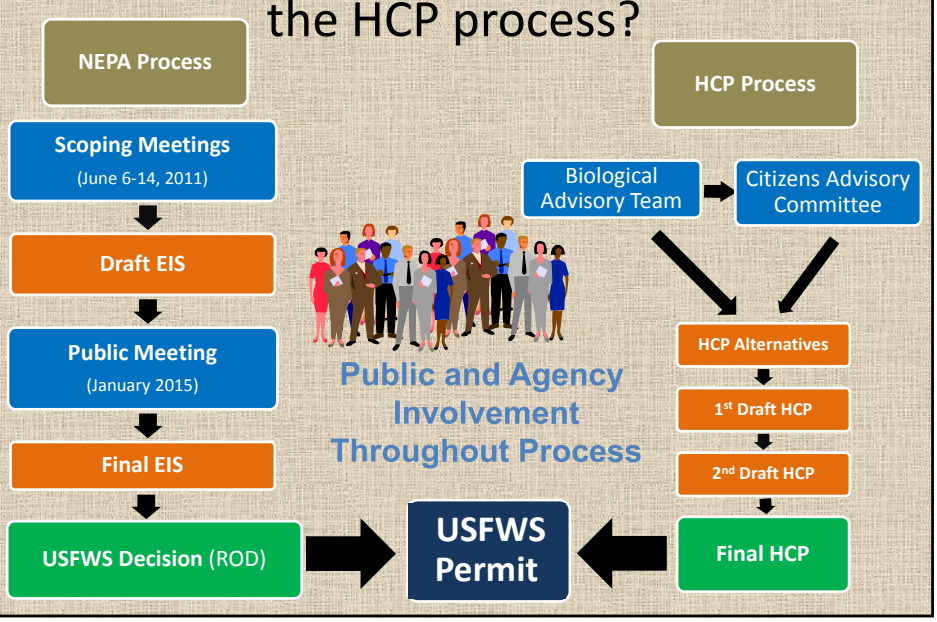
The Endangered Species Act (ESA)

- Provides a means to conserve the ecosystems upon which threatened and endangered species depend
- Provides a program for the conservation of threatened and endangered species
- The ESA prohibits the "taking" of endangered and threatened species <u>without a permit</u>
  - "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.
  - "Incidental take" is take that is incidental to carrying out otherwise lawful activities, such as take resulting from construction of homes and buildings

ESA Section 10 Permits

- A Habitat Conservation Plan (HCP) must accompany an application for an incidental take permit
  - Project-specific HCP
  - Regional HCP (RHCP)
  - Chapter 83 of the Texas Parks & Wildlife Department Code describes the authority and limitations of an RHCP applicant
- National Environmental Policy Act (NEPA) process must be followed
- A Section 10 Permit is issued by the USFWS

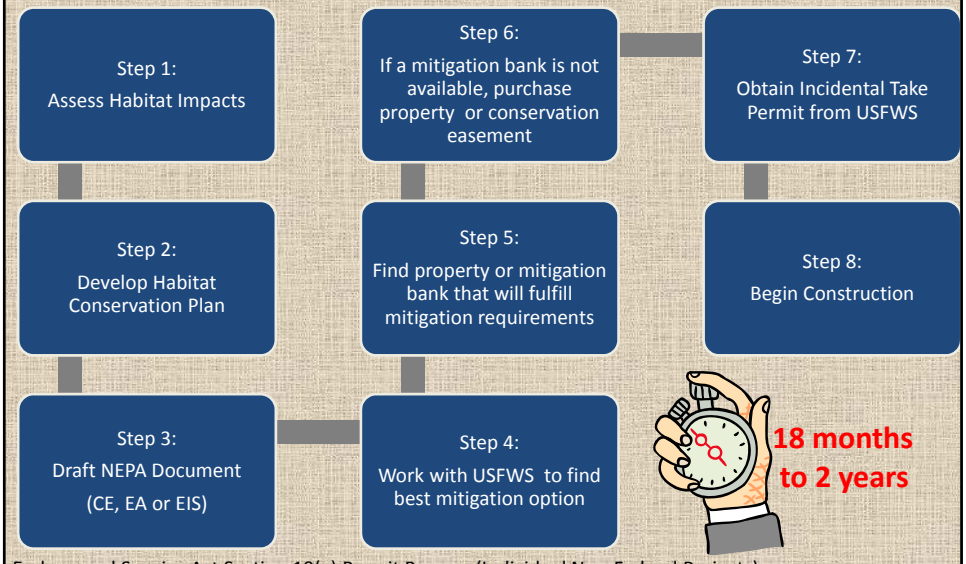
How does the NEPA process relate to the HCP process?



Purpose & Need for the Permit

- **Purpose**
  - The purpose of issuing an ITP is to authorize the Applicants to "take" the Covered Species in the Enrollment Area while conserving their habitat.
- **Need**
  - The need for issuing the permit is to conserve the covered species and the ecosystems upon which they depend and to ensure ESA compliance while allowing economic development to move forward.

USFWS Permitting Process **without** a Regional Habitat Conservation Plan



Endangered Species Act Section 10(a) Permit Process (Individual Non-Federal Projects)

USFWS Permitting Process **with** a Regional Habitat Conservation Plan

- Simplified, **locally** managed and **voluntary** option to comply with the Endangered Species Act
- Permits incidental take of endangered species habitat

Step 1: Assess Habitat Impacts → **Step 2:** Discuss Impacts with Bexar County → **Step 3:** Pay agreed upon Fee → **Step 4:** Begin Construction

Saves Time & Money

1 month

Alternatives Analyzed in the DEIS

- **No Action Alternative**
  - Section 10(a) Permits would be issued by USFWS on a project-by-project basis
- **10% Participation Alternative**
  - 10% of the activities requiring a permit would be covered by the Plan
- **Single-County Alternative**
  - The preserve system limited to Bexar County and within 10 miles
- **Increased Mitigation Alternative**
  - Higher habitat conservation for the Covered Species
- **Proposed SEP-HCP Alternative**
  - 50% of the activities requiring a permit would be covered by the Plan

Comparison of Alternatives

Resource	No Action	Proposed SEP-HCP	10% Participation	Single-County	Increased Mitigation
Land Development	- -	+ + + +	+ +	+ +	+
Water Resources	- - - -	+ +	+	+ +	+ +
Vegetation	- - - - -	+ + + + +	+ + +	+ + + +	+ + + + +
General Wildlife	- - - - -	+ + + + +	+ + +	+ + + + +	+ + + + +
Golden-cheeked Warbler	- - - - -	+ + + + +	+ + +	+ + + +	+ + + + +
Black-capped Vireo	+ / -	+ + + +	+ + +	+ + +	+ + + +
Karst Invertebrates	- - - - -	+ + + +	+ + +	+ + +	+ + + + +
Socioeconomics	-	-	-	-	- - -
Climate Change	- - -	+ + +	+	+ + +	+ + + + +
Funding	N/A	$299 million	$131 million	$564 million	$1.1 billion
+ = Beneficial - = Adverse	+/- = Negligible	+ +/- - = Negligible to Minor	+ + + / - - - = Minor	+ + + + / - - - - = Minor to Moderate	+ + + + + / - - - - - = Moderate

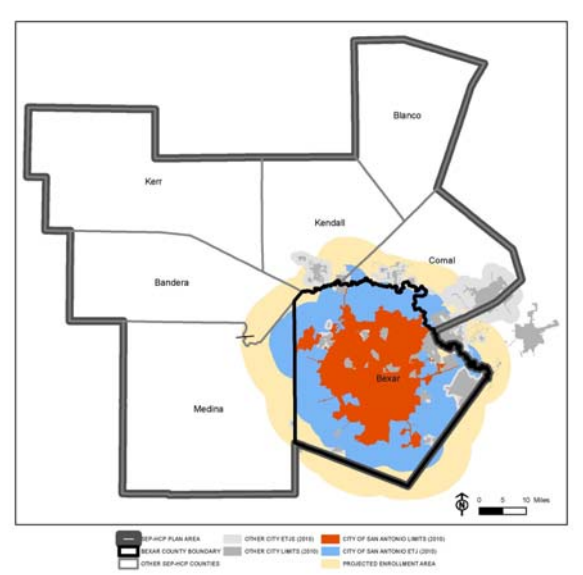
SEP-HCP Plan Area & Enrollment Area

Plan Area:

- 7-County Region

Enrollment Area:

- Bexar County
- City of San Antonio
- San Antonio's 30 year ETJ
- Where jurisdictions overlap covered species' habitat
- Excludes Comal County, other cities and counties outside the Plan Area



Covered Species

Golden-cheeked Warbler
Black-capped Vireo
7 Karst Species

Covered Activities

- Construction, operation, and maintenance of:
  - Public projects (schools, hospitals, etc.)
  - Utility and transportation infrastructure
  - Private residential, farm and ranch, commercial and industrial development
  - Quarries and mines
  - Activities necessary to manage habitat for the Covered Species

Incidental Take Authorization

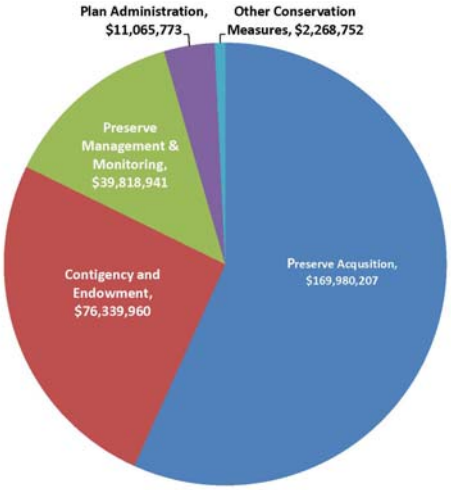
- **Golden-cheeked Warbler** - 9,371 acres of habitat loss or degradation in the Enrollment Area
- **Black-capped Vireo** – 2,640 acres of habitat loss or degradation in the Enrollment Area
- **Karst Species** – 10,234 acres in karst zone 1 & 2, 10,852 acres in karst zone 3 & 4, or 49 occupied features

Mitigation Measures

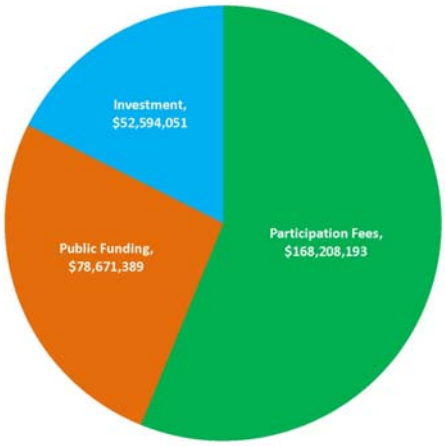
- **Golden-cheeked Warbler** – 23,430 acres of preserved habitat in the Plan Area
  - 2 preserve credits for 1 acre of direct take ($4,000 per credit)
  - 0.5 preserve credit for 1 acre of indirect take ($4,000 per credit)
- **Black-capped Vireo** – 6,600 acres of preserved habitat in the Plan Area
  - 2 preserve credits for 1 acre of direct take ($4,000 per credit)
  - 0.5 preserve credit for 1 acre of indirect take ($4,000 per credit)
- **Karst Species** – 1,000 acres of Occupied Cave Zone (OCZ)
  - Avoid OCZ ($40,000 to $400,000 per acre depending on proximity to an OCZ and only after caves have been protected according to the Karst Invertebrate Recovery Plan)

SEP-HCP Funding

30-year Plan Cost ($299,473,633)



30-year Funding Plan ($299,473,633)



Roles and Responsibilities

- US Fish & Wildlife Service (USFWS)
  - Lead Federal Agency/NEPA Decision-maker
  - Issues Incidental Take Permit
  - Oversees the Permit Compliance
- Bexar County & City of San Antonio (Applicants/Permittees)
  - Plan Administration and Maintenance
  - Adaptive Preserve Management and Monitoring
  - Secures Public Funding
  - Annual Reporting to USFWS
- SEP-HCP Participants
  - Those that voluntarily enroll a property in the SEP-HCP for the purpose of obtaining ESA compliance for the Covered Species and must comply with the permit.

Your Comments are Very Important

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After the Meeting (post-dated March 19, 2015):
- U.S. Mail
- Website: www.regulations.gov.

What's Next?

- Public Comments on the Draft EIS & SEP-HCP
- Preparation of the Final EIS & Final SEP-HCP
- USFWS Record of Decision

Please see a Project Staffer or USFWS personnel for any questions

Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement Public Meeting
Tuesday, February 3, 2015 5:00pm to 7:00pm
Casa Helotes Senior Center, 12070 Leslie Road, Helotes, TX 78023

Name (Please Print)	Organization	Address	Zip Code	Email	Phone
JACK M. FINGER		P.O. Box 12048 S.A. TX	78212		(none)
RICHARD ELKINS	KC Commissioner	Kendall County			830 249 9343
ALAN MONTEMAYOR	—	2186 JACKSON KELLER #132	SA TX 78213		210 342 9721
Mike Luckey		110 Walters Rd. Boerne	78006	stillwaterfarms@gmail.com	210-724-890[illegible]
Fernando H. Garza		727 E. Cesar Chavez	78206	fernando.garza@tx.usda.gov	210-472-5527
ANNALISA PEACE	GEAA	PO Box 15618, SA	78212	annalisa@aquiferalliance.org	
Myfe Moore	HCNC + SGNC	603 River Rd	78212	myfe@mwm.com	210-320-6294
					210-213 8400
Susan Beavin	SLBSA	19807 Scenic Loop Rd	78023	sheba4us@sbcglobal.net	210-695-4627
Charlotte Kahl	Old Spanish Trail		78238	OST100Kahl@aol.com	
Anne-Marie					
Fran Hutchins	BCI	146 Devonshire Dr	78209	fhutchins@batcon.org	512 848 9404
Randy Schroeder	Barton SWCD	6121 Park Rd 37	78063	randyschro120@gmail.com	
Janelle Schroeder		6121 Park Rd 37	78063		830-612-2069
Steve Pearson		113 Tomahawk	78232	spearson@satx.rr.com	210-275 4747
Jonathan Huha	Sen. Carlyn	600 Navarro St.	78205	Jonathan_Huha@carlyn[illegible]	210-224-7485
Juan Sandoval	CPS Energy	145 Navarro, SA TX 78226		JuSandoval@cpsenergy.com	210 353 6510
Erin Lowe	Bexar Co.	233 N. Pecos	78207	Erin.Lowe@bexar.org	210-335-6663
Mary Kennedy	Bexar Audubon	3008 Center Circle Fair Oaks Tx	78015	mbkenned@aol.com	210-698-2864
Judith Dunn	—		78266	judie.dunn@yahoo.com	210-210-4[illegible]
JOHN MACCORMACK	SA EXPRESS-NEWS				
Richard Heilbron	TPWD		78254	— ON FILE	—
KAMALA PLATT	SCETC	5110 W. MARTIN, SA	78207	kamalap@earthlink.net	210 438 8710

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Name (Please Print)	Organization	Address	Zip Code	Email	Phone
GEORGE WISSMANN	TCRCD	6335 CAMP BULLIS	78257	mfc@TRINITYCONNECT.com	219-5555
Karen Schneider		2045 Hwy 473 Kerrville	78027	kds@gvtc.com	
LARRY SITTRE	MEDINA COMMISSIONER			PCT 2 MEDINA COUNTY TEXAS. GRS	
		CASTROVILLE TX			
MATT KITCHEN	ADAMS ENVIRONMENTAL	12000 Vistapoint Dr Ste 120	78233	mkitchen@adam-environmental.com	210-358-6675
Jim Cannizzo	US Army	25800 Ralph Fair Rd Boerne TX	78015	James.W.Cannizzo.civ@mail.mil	295-7082
E.J. & Jeri Thormaehlen		123 Park Place Boerne	78006	jerallyit@yahoo	
Bebe Fenstermaker	MAVERICK RANCH	P.O. Box 1264 Boerne	78006	maverickrx@gmail.com	830 981-4477
Jessica Akerson	TPWD			jessica.akerson@tpwd.tx.gov	210 688-6444
HAROLD GALM	Galm Real Estate	P.O. Box 319 Helotes TX	78023	hgalm@SAtx.RR.com	210 688-3874
T.G. Bey	EGS	13402 Western Oak	78023	tbey@frostgeosciences.com	
Ashley Harris	Congressman Hurd	1714 NW Military	78221	ashley.harris2@mail.house.gov	210 921 3330
Beyal Armstrong	BCCB	9300 N. Spur 230 Lane	78620	barmstrong@bandera-county.com	512 771 5562
Amanda Miller	Pape-Dawson Eng.	2000 NW Loop 410, SA TX	78216	amiller@pape-dawson.com	
Russ Luigs	BCC	1826 Peaceful Valley	78003	mail@flyby-1.com	(830) 796-7822
Valerie Collins	Pape-Dawson	2000 NW Loop 410		vcollins@pape-dawson.com	210 375-9000

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Steven Cramer	Pape-Dawson			scramer@pape-dawson	
JESSE MCLEAN	BCCB			jmclean@bandera.com, yahoo.com	
MICHAEL LUIG	BCCB			mluigs@icloud.com	
Frosty Forster	PEPP	19915 Wittenburg SA, TX	78256	ffforster@forsterengineering.com	
June Kachtik	GSA	3415 Rock Creek Run	78230	junekach@gmail.com	
Philip Beckford	GSA	~~[illegible]~~	78209	philip@greensatx.org	
Doug Young		9410 Camino Verde	78023		
Levy Allen	Alamo Area MPO	8181 TEZEL RD #207	78250		
DAVID J. PLUMY					

Helotes

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Name (Please Print)	Organization	Address	Zip Code	Email	Phone
J Nottingham	City Grey Forest	Box 415 Helotes	78023	—	—
Tomas Dominguez	NRCS	13434 Hesgrad. Corpus Christi	78410	—	361-241-0609
VIKKI & EARL SMITH	CITIZEN	210 LOCKE RANCH	78004		
MARK Moseley	citizen	11011 Bary Rd Helotes	78023	—	210.695.8834
Bob Liesman	PEPP	1035 Central Pkwy N.		bliesmane mkcengineers.com	
Dana Simpson		22050 Nanavita Oak	78266	danasimpson@yahoo.com	
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Harry Tonstermaker	HCPA	P.O. Box 1364 Boerne	78006		830-981-4202
JUSTIN LANDON	SABOR	9110 W. IH 10	78230	justin@sabor.com	210-268-5664
Randy Johnson	SGUA	16342 Pk Rd 32 Helotes	78023	RJohnson@AV.com	830-510-8502

Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement Public Meeting
Wednesday, February 4, 2015 5:00pm to 7:00pm
YO Ranch Conference Center, 2033 Sidney Baker Street, Kerrville, TX 78028

Name (Please Print)	Organization	Address	Zip Code	Email	Phone
ROBERT IMLER	SELF	101 DOVE MEADOW BOERNE	78006	texaslobby@gvtc.com	210 569-2322
GENE RICHARDSON	TEXAS FARM BUREAU	PO Box 2689 WACO, TX	76702	grichardson@txfb.org	254-751-2263
Larry Ciano	Self	425 Summit Tr Boerne	78006		830 249 1541
THEDA SUELTENFUSS	SELF	128 LITTLE JOSHUA CK. RD	78006		830-537-4389
Jane Lyons	Fredericksburg	716 Agave			
	Nature Center	Fbg. 78624	78624		
John Wright	Self	33 Tower Rd. Boerne	78006		830-230-5373
Charly Seale	EWA	105 Henderson Branch Rd W Ingram	78025		830 367 7761
Pat Hoffman					
ROLAND TREES	RECARD	1347 TREES RANCH RD	78058	RolandTrees@yahoo.com	830-459-2167
Greg Smith	Self	P.O. Box 1000, Comfort, TX	78013		830-431-0442
LaVerne Kothman		11451 KCE 370	76859	Mason, Tex	
Aubrey Kothman		" " Bangs		" "	830-755-4418
ARLEY & BETSY SUELTENFUSS		149 Upper Balcones Rd	78006		
Milford Zirkel Jr	Ranch	20279 Hwy 16 N Medina	78055		830-589-2450
Greg Young	Self/Radio	4511 Fm 3240 Bandera	78003		8304463624
DH WILSON	RANCH	100 N. CRESTLINE KV	78028	dhwilson@omnigbal.net	
Jim Foster	Ranch	114 CR 116 Llano	78643	fostjim@gmail.com	325-248-3188
Betty Leifeste	Cattlewoman	1294 Bandera Hwy, Kerrville	78028		830-896-4600
Joel Pigg	RECARD	PO Box 807 Camp Wood	78833	joelpigg@recard.org	830-597-3322
JERRY PIERCE	SELF	3190 Mickey Creek Rd	78055	JPIERCE@HCTC.NET	8305892379
BOB GRIMES	Bandera County	POB 3129	78003		
Fidel C. Ramirez	RLAT	664 P.R. 1502, Bandera	78003	Corrales@fidelcoyote.com	830-796-4376
ROBERT MORAN	SELF	902 JEFFERSON ST Kerrville	78028	moran@ktc.com	830-896-3435
Tommy Pfeffer	Kerr Co. Pct 3 Comm.	201 E. Sandstone ST	78006		830-895-4944 EXT 339
JONATHAN JOHNSON		PO BOX 290283 KERRVILLE, TX.	78029	JUAN-giberto@Hotmail.com	

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Name (Please Print)	Organization	Address	Zip Code	Email	Phone
Tara Kehoe		5 Sky Rose Ranch	78006	kehoe@gvtc.com	830-537-4402
Cleo Marquart		204A Old #9 Rd Comfort	78013		
Jeri Thormahlen	Retired	123 Park Place Boerne	78006	jerallyn7@yahoo.com	
Ann Dietert	Retired	106 Green Meadows	78006	anndietert@aol.com	
Barbara White		1645 Steingtown Rd	78055		
Bruce White	Retired	1645 Stringtown Rd	78055		
Frederick Foster	Cattle Woman	114 CR 116 Llano	78643	—	—
Earl Smith		Kendall County Tx	78004		
Alan Smith	Retired	52 Merbolt Comfort	78013	asmith@hctc.net	
Jeanie Ahrens	HCCW	3551 Zenner-Ahrens Rd	78028	ahrenseh@ctesc.net	—
Dolores Hofman		149A Upper Balcones Boerne	78006		830-755-4492
Cynthia Reinhardt	Appraiser	1204 Main St. Bandera	78003		
Wendy Crouns	Bandera CAD	" "		bancad@indian-creek.net	
Tomas Dominguez	NRCS	13434 Leopard	78410		361-241-0606
Harley D. Belew	Rev. Broadcast	1465 UTC Rd	78028	harley@krvl.com	830 896 1230
Cindy Bachman	self	175 Hidden Hills Ranch Rd	78010		
Jim Talbot		463 Indian Lake Kerrville	78028		
Jesse McLean	BCCB			jmclean@banderacorridor.com	
Richard Evans	Bandera Co	PO Box 877 Bandera Tx 78003			830-796 3781
Lloyd Leifeste	Self	1294 Bandera Hwy Kerrville	78028	leifsenhosp@windstream.net	830-896-4800
Buster Baldwin	Kerr County	700 Main Kerr	"	GBaldwin@co.kerr.tx.us	792-2213
Alec Guerra	Flat mountain Con	1810 Turnwill St.	78248	aguerra@Dirtdoctors.com	
Jack Phillips	Retired	805 Lake Dr	78028	jwp@ktc.com	830-257-5441
Robert Hurt		245 Henry Prior	78058		830-866-3424
Justin Lauden	Sabor	9110 W. IH 10	78230	justin@sabor.com	210-268-5664
Jeannie Zirkel	retired ISD Admin	20279 Hwy 16 N	78055	jzirkel@juno.com	830-589-2450

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Name (Please Print)	Organization	Address	Zip Code	Email	Phone
Gloria Douglass	Landowner	1219 Moffett Rd	78055	gldouglass@yahoo.com	
Bett Fields		117 Sandlewood Ln	78028	rebelyell@hctc.net	367-3578
Scott Kehoe	Landowner	3 Sky Rose Ranch	78028	Boerne Tx	
Matt McCall	"	678 Rosewood	78006	mattmccall@mac.com	
Darrell Lux	Kendall Co.	201 E. San Antonio	78006	judge@co.kendall.tx.us	
Kathleen Cook	Landowner	3505 Hwy 39 Hunt	78024	kegcook@gmail.com	
Stuart Barrow	Landowner	146 Reidel Lane FBG	78624	WTRANCH@Hotmail.com	—

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Name (Please Print)	Organization	Address	Zip Code	Email	Phone
Deborah Wardlaw	HCCW & Kerrville Board of Realtors		78028	dwardlaw@stx.rr.com	281 381 0831
Darren Tay + Laurel Bey	Residents		78006		
Mike Taylor	B&V-FM		78028	mike@kvl.com	636 358-9175

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Name (Please Print)	Organization	Address	Zip Code	Email	Phone
Larry Lester	Real Estate Broker	403 River Oaks Comfort	78013	larry@boerne realestate.com	
Gracie Waggener	Tx Master Naturalist	2703 Bandera Hwy	78028	gwaggener@flow-ops.com	
Becky Westbrook	XE Ranch	PO Box 222 Vanderpool, T	78885	leranch@earthlink.net	8309662256
STEVE LEHMAN	HCP	1428 GLOUCESTER PT.	78028	STEVE@LEHMANS.US	830-738-5990
LUCY GOULD	AA Ranch	430 Indian Creek R	78025	Lucy@C21thehillsocom	830-459-8278
C. Honsaiek		2 Kings Castle	78025	c@gmail.com	972-291-3877
Anne Overby	Kamer Smith	301 Junction Hwy	78028	anne.overby@dwail.house.gov	
Linda Poelma	Citizen	602 Rim Rock Kerrville	78028	lindap88@windstream.net	830-896-7220
SUZE COOK		322 CRESTWOOD	78028	SCOOK@KTC.COM	
Cynthia Rieck	3 Mill Ranch	300 3 Mill Road	78058	csrieck@gmail.com	512-762-7036

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Name (Please Print)	Organization	Address	Zip Code	Email	Phone
Emily Weiner	-	PO Box 691612	78269	emily.a.weiner@gmail	210 259 7009
Bob Reeves	Kerr County	700 Main Kerrville	78028	breeves@co.kerr.tx.us	830 792 2200
Bonnie Arnold	—	303 Earl Garrett	78028	bonnie@ [illegible]	257 3825
Ken Wendland	Wendland Office	114 Water K	78024	Kwendland@ [illegible]	830-928 2418

SOUTHERN EDWARDS PLATEAU

HABITAT CONSERVATION PLAN

ENVIRONMENTAL IMPACT STATEMENT

Casa Helotes Senior Center

12070 Leslie Road

Helotes, Texas

February 3, 2015

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1 MR. ZERRENNER: On behalf of the U.S. Fish
2 and Wildlife Service, Bexar County and the City of San
3 Antonio, I'm want to welcome each of you to the public
4 meeting on the draft Environmental Impact Statement and
5 draft Southern Edwards Plateau Habitat Conservation
6 Plan. Thank you for attending tonight's meeting. My
7 name is Adam Zerrenner. I'm with the U.S. Fish and
8 Wildlife Service.
9 Tonight's meeting is intended to provide
10 you information on the draft Southern Edwards Aquifer
11 Habitat Conservation Plan and the draft Environmental
12 Impact Statement as well as the process that we're
13 using as we move forward.
14 You also have the opportunity to provide
15 verbal comments to the court reporter or submit them in
16 writing. Staff will be available to answer any
17 questions you may have on an individual basis after the
18 presentation.
19 Bexar County and the City of San Antonio
20 have been working on this project for some time. It is
21 not an easy task to draft a plan of this scope and that
22 will benefit so many endangered species and allow for
23 economic growth in the area.
24 I would like to introduce our permit
25 applicant representative, Andy Winter from the Bexar

1 County engineer; the county's consultants, Jenny Blair
2 of Bowman Consulting. Jenny is over there. Jenny
3 prepared the draft Habitat Conservation Plan; Leonard
4 Voellinger with Jacob Engineering, who prepared the
5 draft Environmental Impact Statement for Fish and
6 Wildlife Service. I would also like to welcome Richard
7 Elkins, Kendall County commissioner. Commissioner
8 Elkins. Jonathan Cune of the staff of Senator Cornyn.
9 John, thank you for attending. And Larry Sitter. I
10 hope I'm pronouncing that correct. So Commissioner
11 Sitter is with Medina County, and thank you also for
12 attending. I'd also like to introduce Laura Joseph.
13 Where is Laura? Please stand up, Laura. So Laura is
14 our Spanish translator, and then sitting next to her is
15 Anna-Marie Revenberg and she is our German translator.
16 Our court reporter is available for those who would
17 like to provide -- verbally provide their comments to
18 the meeting. So, Court Reporter, your name, ma'am?
19 THE REPORTER: Stephanie Garrett.
20 MR. ZERRENNER: Stephanie Garrett. Thank
21 you, Stephanie. And we have rest rooms in the far back
22 right-hand corner as well as up front. Emergency
23 exits, of course the doors that you came in and also
24 off here to the left.
25 The presentation will conclude at

1 approximately 6:00 o'clock tonight and the open house
2 will remain open for an additional hour. The meeting
3 will adjourn at approximately 7:00 p.m.
4 Our agenda for the meeting includes an
5 open house and a presentation. The open house exhibits
6 will be available for you to look at throughout the
7 evening. Project staff will be stationed at each
8 exhibit to answer your questions. They are wearing
9 name tags.
10 Your feedback is important to us.
11 Comments may be submitted anytime during the meeting.
12 In addition to the court reporter, Stephanie, we also
13 have a comment box on the other side of the room. If
14 you would like to provide comments to be a part of the
15 official record, be sure to write them down both in the
16 comment box or to our court reporter. After the
17 meeting you may submit questions or comments online or
18 through mail. Instructions for submitting comments
19 after the meeting are on the back of the comment card.
20 Comments must be received by March 19th.
21 Now I'm going to turn the presentation
22 over to Leonard. I ask that you allow him to complete
23 the presentation. After the presentation we'll take a
24 five-minute break, enable staff that are here to go to
25 the back of the room to transition for our open house.

1 Staff will be available throughout the room to answer
2 your questions again until 7:00 p.m. tonight.
3 UNKNOWN SPEAKER: So we won't have any
4 public comments here? Only on writing back there?
5 MR. ZERRENNER: No, there is a court
6 reporter, ma'am. You can also provide comments to that
7 reporter. So, Leonard.
8 MR. VOELLINGER: Thank you very much.
9 Good evening. Why are we here tonight? Because Bexar
10 County and the City of San Antonio are requesting an
11 Endangered Species Act Section 10 permit from the U.S.
12 Fish and Wildlife Service.
13 The issuance of a Section 10 permit is a
14 federal action which triggers compliance with the
15 National Environmental Policy Act, or NEPA, as it's
16 called, and for this project NEPA required the drafting
17 of an Environmental Impact Statement. In addition, a
18 permit application must be accompanied by a Habitat
19 Conservation Plan.
20 So we're here tonight to, one, provide an
21 overview of the draft Environmental Impact Statement,
22 to present the draft Southern Edwards Plateau Habitat
23 Conservation Plan, which spells out the terms of the
24 permit, and to explain the next steps in the permitting
25 process.

1 We're also here tonight to request your
2 comments on the draft EIS and the draft HCP, Southern
3 Edwards Plateau Habitat Conservation Plan.
4 Comments must be received during the
5 comment period, which closes March 19th, to be a part
6 of the official record. You'll probably hear that
7 several times tonight.
8 The Endangered Species Act, or ESA,
9 provides a means to conserve the ecosystems upon which
10 endangered species depend and also provides a program
11 for the conservation of these species. The Endangered
12 Species Act achieves these objectives by prohibiting
13 the take of endangered species without a permit. The
14 U.S. Fish and Wildlife Service may issue a permit for
15 incidental takes of endangered and threatened species
16 provided that the terms of the permit are met. Taking
17 in this instance -- and you will hear that often
18 tonight, also. A taking of endangered and threatened
19 species is anything that harms that species, while
20 incidental take is take that is incidental to carrying
21 out otherwise lawful activities, such as take resulting
22 from the construction of houses and buildings.
23 Endangered Species Act Section 10 permit:
24 A Section 10 permit is the permit that the Service
25 issues to an applicant after they have an approved

1 conservation plan, so the plan must accompany the
2 permit application. Remember, under the permit the
3 applicant can take the species as long as it is
4 incidental to otherwise lawful activities.
5 According to Texas law, the Habitat
6 Conservation Plan must also comply with Chapter 83 of
7 the Texas Parks and Wildlife Code, which applies
8 specifically to regional Habitat Conservation Plans.
9 The National Environmental Policy Act is a
10 law that requires agencies to disclose the impacts of
11 their actions on the human environment and to consider
12 public comments before they decide to take an action
13 that could affect the human environment. In this case
14 the Service will consider the impacts and your comments
15 before it decides whether or not to issue a permit. A
16 Section 10 permit can only be issued by the Service
17 after these steps are complete.
18 There are two parallel processes that are
19 running here. One is the Habitat Conservation Plan
20 process, the other is the NEPA process. The NEPA
21 process began with the scoping meetings to solicit
22 input from agencies and the public. Five scoping
23 meetings were held in June of 2011. I see many faces
24 that I saw at those meetings. Those comments were
25 considered in the development of the draft EIS. The

1 draft EIS is available now and the final EIS will be
2 written after the review and in consideration of the
3 feedback received during this comment period.
4 The NEPA process will conclude with a
5 Record of Decision, which documents U.S. Fish and
6 Wildlife Service's decision whether or not to issue a
7 permit.
8 The Habitat Conservation Plan process
9 began with the formation of a BAT, Biological Advisory
10 Team, made up of qualified biological experts and a
11 Citizens Advisory Committee, a CAC, which included
12 landowners from the plan area, environmental and
13 conservation groups, real estate and business interests
14 and government entities and utility providers.
15 The CAC members were appointed as required
16 by Texas state law. These groups met approximately 20
17 times in 2010 and 2011. The recommendations from the
18 BAT and CAC helped to identify the HCP alternatives,
19 which were then developed further in the draft EIS and
20 analyzed in the draft EIS. The draft Habitat
21 Conservation Plan is also available here for comments.
22 The comments received during the comment period will be
23 considered in the final Habitat Conservation Plan.
24 The U.S. Fish and Wildlife Service will
25 consider both the Record of Decision and the final

1 Habitat Conservation Plan prior to issuing a Section 10
2 permit.
3 The purpose and need for the permit: As
4 previously stated, the federal action here is the
5 issuance of a permit. The purpose of the Section 10
6 permit is to authorize the applicants to take a covered
7 species in an enrollment area while conserving their
8 habitat and provide a tool to protect endangered
9 animals from the encroachment from land development
10 while allowing land development to proceed with minimal
11 delay.
12 The need for issuing the permit is to
13 conserve the covered species and the ecosystems that
14 they depend on and ensure Endangered Species Act
15 compliance while allowing economic development to
16 proceed.
17 The Southern Edwards Plateau is the home
18 of several endangered animals and San Antonio's
19 population is growing and continues to grow. San
20 Antonio's population has grown more than 75 percent
21 since 1980 and is anticipated to grow another 60
22 percent in the next 30 years.
23 If approved, the permit and the Habitat
24 Conservation Plan will provide a long-term
25 comprehensive solution to allow otherwise lawful

1 activities -- again, such as building roads and housing
2 -- that could result in the taking of these species
3 covered in the plan while facilitating Endangered
4 Species Act compliance.
5 This slide outlines the individual
6 permitting process. This is the permitting process
7 that an applicant goes through right now when they want
8 to construct something. It's important to understand
9 that it's against the law to destroy threatened and
10 endangered species habitat without a permit. Projects
11 that impact threatened and endangered species habitat,
12 such as land development projects, are required to
13 acquire a permit to be in compliance with the
14 Endangered Species Act.
15 Without a regional habitat conservation
16 plan in place, each construction project affecting
17 habitat would have to prepare a habitat conservation
18 plan and a NEPA document. They'd have to coordinate
19 with U.S. Fish and Wildlife Service, they'd have to
20 propose mitigation and obtain an incidental take permit
21 before construction, and as many of you know, this can
22 take years to do this. These steps can take years and
23 they're also very expensive.
24 In comparison, the regional Habitat
25 Conservation Plan reduces the time and money needed to

1 complete the permitting process. Regional Habitat
2 Conservation Plans provide a simplified locally-managed
3 voluntary option to comply with the Endangered Species
4 Act. Projects affecting habitats still have the choice
5 of going through the individual permitting process with
6 the Fish and Wildlife Service or utilizing the
7 locally-managed Habitat Conservation Plan.
8 The alternatives analyzed in the draft
9 Environmental Impact Statement: There are five
10 alternatives that were analyzed. These alternatives
11 are described so that anyone can compare the effects
12 and the trade-offs of different alternatives, including
13 what would happen if the Service does not issue the
14 permit.
15 So the first alternative is the No Action
16 Alternative. The No Action Alternative assumes that a
17 permit for a regional Habitat Conservation Plan is not
18 issued and individual Section 10 permits would need to
19 be issued by the Service on a project-by-project basis.
20 The second alternative is a 10 Percent
21 Participation Alternative. This assumes that 10
22 percent of the activities requiring a permit would be
23 covered by the Habitat Conservation Plan.
24 The Single County Alternative then assumes
25 that the preserve system would be limited to Bexar

1 County and within 10 miles of Bexar County.
2 An Increased Mitigation Alternative was
3 analyzed that would require higher habitat conservation
4 for the covered species than the other action
5 alternatives.
6 And then finally Proposed Habitat
7 Conservation Plan Alternative assumes that 50 percent
8 of the activities requiring a permit would be covered
9 by the plan, and this is the preferred alternative of
10 the Service and the applicant both at this time.
11 This slide provides a simplified summary
12 of the information that's provided in the EIS to
13 compare the alternatives. The alternatives were
14 evaluated based on their potential to result in adverse
15 or beneficial impacts on land development, water
16 resources, vegetation, general wildlife; golden-cheeked
17 warbler, black-capped vireo, karst invertebrates,
18 socioeconomics, climate change and funding and costs.
19 The Increased Mitigation Alternative
20 offers the most benefits; however, it comes at a great
21 cost, a cost of $1.1 billion in comparison to the
22 Proposed SEP-HCP Alternative, which offers similar
23 levels of benefits and costs significantly less.
24 After comparing the adverse and beneficial
25 impacts, the indirect and cumulative impacts, the

1 Proposed SEP-HCP Alternative provides -- was determined
2 to provide the most benefits while meeting the purpose
3 and need.
4 The following slides describe the Proposed
5 SEP-HCP Alternative in more detail.
6 The plan area is a seven-county region
7 that includes Bandera, Bexar, Blanco, Comal, Kendall,
8 Kerr and Medina Counties. The plan area is where
9 preservation of habitat for covered species would
10 occur. The enrollment area only includes the
11 jurisdictions of the SEP-HCP applicants; that is, Bexar
12 County and the City of San Antonio. This includes San
13 Antonio's extraterritorial jurisdiction, or ETJ,
14 projected over the next 30 years, or the life of the
15 permit.
16 The enrollment area excludes Comal County
17 because they have their own Habitat Conservation Plan.
18 Other cities and jurisdictions in the plan also
19 excluded and the counties outside the plan area.
20 Land development projects that would
21 impact habitat in the enrollment area may use the
22 SEP-HCP or comply with the Endangered Species Act
23 individually.
24 This figure shows the potential extent of
25 San Antonio's ETJ by 2040, and that's the cream-colored

1 area.

2 Covered species: The Section 10 permit

3 would cover two endangered song birds, the

4 golden-cheeked warbler and black-capped vireo, and

5 seven endangered karst invertebrates that are pictured

6 here that live in underground caves and karst features.

7 The Section 10 permit would authorize a

8 certain amount of take of these species associated with

9 the covered activities provided that the terms of the

10 SEP-HCP are met.

11 The covered activities: The SEP-HCP could

12 be used for a range of non-federal projects in the

13 enrollment area, including public projects, private

14 land development projects, roads, bridges,

15 transportation projects and utility infrastructure.

16 Covered activities also include activities necessary to

17 manage the habitat for the covered species that could

18 result in incidental take but would have long-term

19 benefits for the species.

20 The Incidental Take Authorization: Over

21 the 30-year plan, the incidental take permit would

22 allow for the taking of 9,371 acres of golden-cheeked

23 warbler habitat, and this is the taking of habitat,

24 meaning that construction activities occur in those --

25 this number of acres of habitat, of golden-cheeked

1 warbler habitat. 2,640 acres of black-capped vireo
2 habitat, and karst here is divided into five zones,
3 where Zone 1 is the best quality habitat with the
4 greatest likelihood of containing karst invertebrate
5 species and where Zone 5 does not contain habitat for
6 karst species. The incidental take permit would allow
7 for the taking of 10,234 acres of karst habitat in
8 Zones 1 and 2, 10,852 acres in Zones 3 and 4, and 49
9 occupied karst features. I want to emphasize that this
10 take authorization is in the enrollment area, not in
11 the whole plan area.
12 Now, mitigation. To mitigate for the take
13 allowed from the permit, habitat for the covered
14 species would be conserved in the plan area, including
15 23,430 acres of habitat for the golden-cheeked warbler,
16 6,600 acres of habitat for the black-capped vireo, and
17 1,000 acres of occupied cave zone for karst species.
18 Conservation land would be incorporated
19 into the SEP-HCP voluntarily; that is, through an
20 exchange between willing property owners and the
21 project applicants.
22 In order for a project to enroll in the
23 SEP-HCP a participant would be required to purchase two
24 preserve credits for each acre of direct take of bird
25 habitat and one-half of a preserve credit for each acre

1 of indirect take. The cost per credit would be
2 $4,000.00. The direct take would occur on an enrolled
3 property, whereas indirect take would be within 300
4 feet of that property.
5 The take of karst habitat in an occupied
6 cave zone, or OCZ, would be prohibited until sufficient
7 caves have been protected according to the Karst
8 Invertebrate Recovery Plan. Once this level of
9 conservation has been achieved, a plan participant
10 would be required to pay a fee ranging between 40 and
11 $400,000.00, depending on the proximity of the activity
12 to an occupied cave zone. The closer the activity to
13 the occupied cave zone, the more costly.
14 The funding: The cost of the 30-year plan
15 would be approximately $299.5 million, of which 57
16 percent would be used for preserve acquisition, 25
17 percent would be put towards the contingency and an
18 endowment fund, 13 percent would be used for preserve
19 management and monitoring, 4 percent would be used for
20 plan administration and 1 percent would be used for
21 other conservation measures.
22 The plan would be paid for through a
23 combination of participation fees, public funding and
24 investments. Plan participants would contribute 56
25 percent, public funding would contribute 26 percent and

1 returns on investments would account for the remaining
2 18 percent. Public funding sources could include
3 impact fees, grants, sales tax revenue, tax increment
4 financing revenue or other real estate transfer taxes.
5 Roles and responsibilities: The U.S. Fish
6 and Wildlife Service in this Habitat Conservation Plan
7 is the lead agency in the NEPA process and will issue
8 the permit and oversee its compliance, including
9 monitoring and mitigation.
10 Bexar County and the City of San Antonio
11 are the applicants. They will administer and maintain
12 the plan, manage and monitor preserves, secure funding
13 and provide annual reports to the U.S. Fish and
14 Wildlife Service.
15 Finally, plan participants would be those
16 that select to enroll in the SEP-HCP for the purpose of
17 obtaining Endangered Species Act compliance. By
18 enrolling in the SEP-HCP, participants are responsible
19 for paying the participation fee and complying with the
20 conditions of the permit.
21 Your comments are important to us.
22 They're important to the NEPA process and to the
23 decision-making process. All the comments must be
24 received by March 19th, 2015 to become part of the
25 official project record. Documents are available on

1 the back table, both the NEPA document, the
2 Environmental Impact Statement and the Habitat
3 Conservation Plan and on the libraries that are listed
4 here and they can be downloaded from the websites.
5 There are several ways you could make a
6 comment. At tonight's meeting you can fill out the
7 comment card and drop it into the comment box on the
8 table in the back or provide us a verbal comment to the
9 court reporter. As a reminder, we have here tonight
10 translators for your -- if anybody needs translation
11 services into Spanish or German. After the meeting you
12 may mail your comments to the U.S. Fish and Wildlife
13 Service or provide your comment online at this address.
14 These instructions are found on the back of the comment
15 card and are described on the project website, which is
16 www.sephcp.com.
17 So what's next? The next step in the
18 process is to receive public comment and public input
19 from the draft EIS and the SEP-HCP. After the comment
20 period closes, all comments will be considered and
21 responses will be prepared. Comments and responses
22 will be included in final EIS and the final SEP-HCP.
23 U.S. Fish and Wildlife Service will then issue a Record
24 of Decision, or ROD, which will document the decision
25 to either issue the permit or not issue the permit.

1 The ROD is anticipated during the spring of this year,
2 2015. And, Adam, you want to say a few words of
3 closing for the U.S. Fish and Wildlife Service?
4 MR. ZERRENNER: Thank you, Leonard, for
5 your presentation and thank you everybody for coming
6 out on what is a wet, rainy and cold night and gettin
7 through the traffic to learn about the draft Habitat
8 Conservation Plan and also to provide comments.
9 I'd like to take -- or we would like to
10 take five minutes for staff to go into the back of the
11 room. They're going to be around the various posts and
12 signage and they are there to answer questions for the
13 next hour. And, please, there's a number of ways to
14 provide public comments and the comment period again
15 closes March 19th. So, with that, thank you all very
16 much for coming out.
17 UNKNOWN SPEAKER: What is your name again?
18 MR. ZERRENNER: Adam Zerrenner,
19 Z-e-r-r-e-n-n-e-r. So we'll take a break and we'll
20 look forward to talking with you.
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1 ANONYMOUS COMMENTER: All right. This is
2 for our family in Boerne, Texas, Kendall County. We
3 want No Action Alternative. Leave property -- private
4 property owners alone. Back off. Get your own land to
5 develop in Bexar County and stop looking around at
6 other counties. It's private property we've paid for.
7 Buy your own land. I have no intention of paying a
8 fine to use my own land. Thank you.
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1 ANONYMOUS COMMENTER: I feel that
2 mitigation for Bexar County take property with property
3 outside of Bexar County is unacceptable.
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ANONYMOUS COMMENTER: It seems to me that the proposal is unfair in two ways. One, the proportion of take exceeds fairness in that it's some ratio between 2 and 3 acres per acre of land that's put under development in Bexar County. And, two, going outside of the county that's directly affected by the development, to take land from surrounding counties seems unjust. That's it.

1 MR. DAVID PURDY: To whom it may concern:
2 I find it very disturbing that elements of the San
3 Antonio business community are trying to force the
4 rural areas of Bexar County, Medina County and Kendall
5 County to give up their rights of property and
6 development because San Antonio is maxed out. I find
7 it very disturbing that the link on Texans Against
8 Tollways website link to the federal website is
9 disconnected because I believe to stop me from stating
10 my say online. I find it very disturbing that the
11 rights of the citizens of Boerne, Texas in particular
12 to be heard is being abridged by not having a third
13 meeting in Boerne, Texas regarding this issue. I do
14 not feel that the time being allotted is sufficient for
15 large numbers of average folk to attend this meeting
16 when they work and not getting off work between 5:00
17 and 6:00 p.m. and this meeting ends at 7:00 o'clock. I
18 find also that this action that is being proposed is
19 detrimental to Texas' growth, and particularly the
20 energy industry's growth, to folks being able to use
21 the mineral rights on their properties and potentially
22 dangerous to just -- I think it borders on being
23 somewhat unconstitutional as far as depriving folks of
24 their rights of their property. But no action is my
25 response and a request for my complaints to be publicly

1 reviewed and a meeting in Boerne, Texas to be held is
2 definitely what I'm requesting. David J. Purdy, P, as
3 in Paul, U, as in useful, R, as in ready, D, as in
4 daring, wise and Y, as in young.
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1 STATE OF TEXAS

2 COUNTY OF BEXAR

3

4 COURT REPORTER'S CERTIFICATE

5

6 I, STEPHANIE GARRETT, the undersigned Certified
7 Shorthand Reporter in and for the State of Texas,
8 certify that the foregoing is a true and correct
9 transcription, to the best of my ability, of the
10 proceedings in the above-entitled matter.
11 I further certify that I am neither attorney or
12 counsel for, related to, nor employed by any parties to
13 the action in which this testimony is taken and,
14 further, that I am not a relative or employee of any
15 counsel employed by the parties hereto or financially
16 interested in the action.
17 SUBSCRIBED AND SWORN TO under my hand and seal
18 of office on this the _____ day of _____,
19 2015.
20

21 _____
STEPHANIE GARRETT, CSR
Expires: 12/31/15
22
KOOLE COURT REPORTERS OF TEXAS
23 Firm Registration No. 413
8000 IH-10 West, Suite 600
24 San Antonio, Texas 78230
(210) 558-9484/FAX 558-3129
25

SOUTHERN EDWARDS PLATEAU

HABITAT CONSERVATION PLAN

ENVIRONMENTAL IMPACT STATEMENT

YO Ranch

2033 Sidney Baker

Kerrville, Texas

February 4, 2015

1 COMMENTS TO COURT REPORTER

2 Ms. Cleo Marquart..... Page 3

3

INTRODUCTION BY MR. ADAM ZERRENNER..... Page 7
4

PRESENTATION BY MR. LEONARD VOELLINGER..... Page 12
5

6 CLOSING STATEMENT BY MR. ADAM ZERRENNER..... Page 25

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1 MS. CLEO MARQUART: I think this is an
2 accurate statement when I say every person in this room
3 likes to share their environment with all living
4 things. Most of us have been fortunate to live in a
5 rural area, where we have the best of all worlds near
6 to where most of our needs are met. A way of life that
7 includes making a living from the land and sharing that
8 with an abundance of wildlife. We not only love our
9 environment but we are good stewards of it.
10 Do we like growth and change to this rural
11 setting? Not really, but we understand it. With this
12 growth, the infrastructure has to change. Our local
13 government, county and city, with citizen
14 participation, work to meet this challenge. It is done
15 with transparency and within the law.
16 When I refer to your agency, I mean the
17 U.S. Fish and Wildlife Services. Your agency, many
18 environmental groups and other groups that spring up
19 daily with a mission of their own wants full control of
20 everything we hold dear. Your agency works diligently,
21 with the help and funds of many, to disrupt and take
22 away using the Endangered Species Act as your tool.
23 I recently read that since 2007 in Texas
24 there have been 1,230 petitions filed to have something
25 added to the endangered species list. That is more

1 than the entire previous 30 years. Your agency does
2 not have the capacity in research nor administratively
3 to substantiate these petitions as you did not 20-plus
4 years ago.
5 The yellow-cheeked warbler was put on the
6 endangered species list 20-plus years ago. Following
7 the listing, your agency held public meetings, such as
8 this meeting, informing the public a permit would be
9 required with instructions of how much juniper could be
10 removed, the declared habitat for the bird, and, if
11 violated, the landowner would be subject to a fine or
12 arrest. A public outcry resulted and a public hearing
13 was held at our state capitol.
14 Myself and, I feel, others in this
15 audience attended. Your agency, Sierra Club and others
16 spoke defending the bird and its much-needed habitat.
17 What problem came into play was that none that was
18 speaking could bring forth with documented proof that
19 the bird should be on the endangered list. The
20 question asked was how many birds were there when you
21 determined it was endangered and how many are there
22 now. No one could give the numbers.
23 Following was testimony by individuals
24 with various credentials that disputed your agency's
25 claim. Slides were presented showing the warbler

1 nesting in other locations than the juniper. Outer
2 building ledges, woodland trees and bushes. Its nest
3 was made, as other birds, with dried twigs, grasses,
4 string, pieces of paper, et cetera. The birds adapted
5 or someone made a mistake that the juniper was the only
6 nesting habitat. The yellow-cheeked warbler after
7 20-plus years is still on the endangered list.
8 Recently in one of our local newspapers an
9 article was written on the Ashe Juniper, the type in
10 our area. The title of the article was Ashe Juniper is
11 really more good than bad. It listed its many benefits
12 to the ecosystem, a food source and habitat for the
13 yellow-cheeked warbler.
14 It did not mention the most important
15 feature of the juniper, a very bad one: How much water
16 it takes from the soil. The juniper, mesquite tree and
17 cactus are the biggest water takers of all, often
18 referred to as prairie parasites. Each of these spread
19 and take over, eliminating native grasses, growth or
20 stifle growth of woodland trees such as all species of
21 oak, elm, walnut, ash, buckeye, hackberry, cherry.
22 Uncontrolled and overgrowth of these invaders has a
23 detrimental effect on wildlife and bird populations.
24 Grasses and a mixture of woodland trees are primarily
25 responsible for attracting the insect population upon

which birds feed and provide shelter.

A large juniper can consume 40 gallons of water daily. They have a deep root structure and a dense mat of fibrous roots near the soil surface that allow them to absorb moisture from the driest of soils to the detriment of grasses, creeks and springs. Where the junipers have been removed native grasses return, woodland trees flourish and in some areas springs and dry creekbeds begin to flow. This is the science of it.

The Citizens Advisory Committee meetings for the SEP-HCP held a couple of years ago, this meeting and others that you will hold meets a regulator requirement prior to your agency continuing on with your mission, bottom line, to stop all growth of any kind that it takes to provide for this nation of people.

* * * * * *

1 MR. ZERRENNER: Good evening, everyone,
2 and thank you for coming out to this public meeting.
3 We appreciate you taking the time to come and learn
4 about the draft HCP. So on behalf of the U.S. Fish and
5 Wildlife Service, Bexar County and the City of San
6 Antonio --
7 UNKNOWN SPEAKER: You're going to have to
8 speak up.
9 MR. ZERRENNER: I can do that, sir. My
10 apologies. On behalf of the U.S. Fish and Wildlife
11 Service, Bexar County and the City of San Antonio, I
12 want to welcome each of you to the public meeting on
13 the draft Environmental Impact Statement and the draft
14 Southern Edwards Plateau Regional Habitat Conservation
15 Plan.
16 Thank you for attending tonight's meeting.
17 My name is Adam Zerrenner and I am with the U.S. Fish
18 and Wildlife Service. Bexar County and the City of San
19 Antonio have been working -- or tonight's meeting is
20 intended to provide you information on the draft
21 Southern Edwards Plateau Habitat Conservation Plan and
22 the draft Environmental Impact Statement as well as the
23 process that will go forward.
24 You have the opportunity to provide verbal
25 comments to the court reporter, Stephanie, who's in the

1 back right there in the room, or to provide them into
2 writing, and you can provide them in writing either
3 online through March 19th, and we have that information
4 here, or there's also a comment box. It's important to
5 note that all comments are treated the same whether
6 they're verbally to the court reporter, written
7 comments, either mail or provided here to the comment
8 box, or online through March 19th.
9 Bexar County and San Antonio have been
10 working on this for some time. Not an easy task of
11 drafting a plan with a scope that will benefit so many
12 endangered species while allowing for the inevitable
13 economic growth of the area.
14 I would like to introduce our permit
15 representative, the applicant, Andy Winter of Bexar
16 County. Andy is standing right there. Andy is with
17 the Bexar County engineer's office. Jenny Blair, who's
18 with the Bowman Consulting Group, she helped draft the
19 HCP. Jenny. So she's over there. So both of those
20 folks will be -- have a wealth of information. Leonard
21 Voellinger with Jacobs Engineering. Leonard is right
22 here to y'alls' left. He prepared the draft
23 Environmental Impact Statement. And I would also like
24 to thank a number of elected officials who attended
25 tonight. Tommy Pfeiffer with the Kendall County

1 Commissioners Office. Tommy, or Commissioner Pfeiffer.
2 Darrell Lux, Kendall County judge. Judge Lux, I've met
3 you. Bob Grimes of Bandera County, county
4 commissioner. Buster Baldwin, county commissioner of
5 Kerr County. Commissioner Baldwin?
6 COMMISSIONER BALDWIN: Here.
7 MR. ZERRENNER: County commissioner Bob
8 Reeves. Ann Overby, who is with Congressman Lamar
9 Smith's office. And then we have Richard Evans, who is
10 the Bexar County judge. I'm sorry. Bandera. My
11 apologies. My apologies.
12 Laura Joseph; we have a Spanish
13 translator. Laura is in the back. As well as a German
14 translator, Anna-Marie Revenberg. Anna. As I
15 mentioned before, our court reporter is available,
16 Stephanie Garrett, over in the corner there, for those
17 who would like to provide verbal comments. Of course,
18 rest rooms right around the corner. Emergency exits,
19 both sides.
20 So our agenda for tonight includes the
21 open house and presentation. The purpose is really to
22 get information about the draft Habitat Conservation
23 Plan that Bexar County and San Antonio has provided the
24 service as well as the draft Environmental Impact
25 Statement.

1 There are a number of exhibits here for
2 you and information. We have about 10 project staff of
3 both Fish and Wildlife Service as well as county staff
4 and a lot of consultants that helped draft these
5 documents that are here to help answer any questions.
6 There will be a presentation from Leonard,
7 which will adjourn at about 6:00 p.m. We're then going
8 to change the meeting into an open house format and
9 there's going to be a little bit of a transition.
10 Because we have so many folks here, we're probably
11 going to try to move some of the chairs over here to
12 have some more space for folks to have Q and As with
13 Fish and Wildlife Service Staff.
14 UNKNOWN SPEAKER: Can we just have an
15 official question-and-answer period?
16 MR. ZERRENNER: This meeting was noticed
17 publicly not as a public hearing, which is more the
18 process of what you described, sir. The meeting has
19 been set up as a public meeting and was noticed as this
20 and the goal is ultimately to convey information. I
21 understand that a lot of people have expressed concerns
22 specifically about not having the public hearing style.
23 The comments --
24 UNKNOWN SPEAKER: Is there some law that
25 would keep you from doing that?

1 MR. ZERRENNER: We're not set up
2 specifically to do that with so many people in the time
3 that we --
4 UNKNOWN SPEAKER: You can't answer public
5 questions?
6 MR. ZERRENNER: No, absolutely. We're
7 here to do that and what I would suggest is we could
8 open up some space over here. We would have project
9 staff and then we could have those Q and As. I think
10 that would probably be the easiest -- I mean, just a
11 lot of the information is in the back as well as I've
12 got a number of staff who can help with that, so that
13 really is the -- how the meeting has been structured
14 and then -- I'll keep going, then. So, you know, the
15 bottom line, your feedback is important.
16 UNKNOWN SPEAKER: Then we would have an
17 open dialogue and a conversation. You don't want to
18 have a conservation, so obviously the feedback is not
19 that important. And you're holding the meeting in
20 Kerrville when you're impacting Bandera County, when
21 you're impacting Kendall County and Medina County. Why
22 hold a meeting in Kerrville in an unaffected county?
23 Is there an answer to that?
24 MR. ZERRENNER: We initially had our
25 scoping meetings in a whole spate of counties. There

1 was a lot of people that attended this particular
2 meeting, so that was the emphasis to say that based on
3 attendance and a lot of folks came to this meeting.
4 (Off the record while audience addresses
5 Mr. Zerrenner)
6 MR. ZERRENNER: So just to stress, all
7 public comments are weighted equally to the court
8 reporter or online. The comment period is open until
9 March 19th. So at this time I'll turn it over to
10 Leonard, who will go through the presentation.
11 MR. VOELLINGER: Thank you very much.
12 I'll try and speak loud enough so you can hear me.
13 I'll start with, why are we here tonight?
14 We're here because Bexar County and the City of San
15 Antonio are requesting an Endangered Species Act
16 Section 10 permit from the U.S. Fish and Wildlife
17 Service.
18 The issuance of a Section 10 permit is a
19 federal action which triggers compliance with the
20 National Environmental Policy Act and for this project
21 the National Environmental Policy Act required the
22 drafting of an Environmental Impact Statement. In
23 addition, the permit application must be accompanied by
24 a Habitat Conservation Plan, so we're here tonight to
25 provide an overview of the draft EIS and to present a

1 draft of the Southern Edwards Plateau Habitat
2 Conservation Plan, which spells out the terms of the
3 permit, and also to explain the next steps in the
4 permitting process.
5 We are also here tonight to request your
6 comments on the draft EIS and the draft Southern
7 Edwards Plateau Habitat Conservation Plan, and those
8 comments will be received three ways, which Adam
9 described. The comments must be received during the
10 comment period, which closes March 19th. We'll be at
11 the boards afterwards and you may ask a question at
12 that time. Comments must be received during the
13 comment period, which closes on March 19th, 2015, to be
14 part of the official record.
15 The Endangered Species Act provides a
16 means to conserve ecosystems upon which threatened and
17 endangered species depend and it provides a program for
18 the conservation of these species.
19 The Endangered Species Act achieves these
20 objectives by prohibiting the take, the take of
21 endangered species without a permit. The U.S. Fish and
22 Wildlife Service may authorize, however, incidental
23 take of endangered and threatened species, provided
24 that the terms of a permit are met. A taking of an
25 endangered and threatened species is anything that

1 harms a listed species. They may authorize incidental
2 take. An incidental take is a take that is incidental
3 to carrying out otherwise lawful activities such as
4 building roads and homes and buildings.
5 A Section 10 permit is the permit --
6 UNKNOWN SPEAKER: Sir, sir, sir, sir?
7 MR. VOELLINGER: You can ask questions
8 later, if you don't mind. Can you hear me? A Section
9 10 permit is a permit that the Service issues to an
10 applicant after they have an approved conservation
11 plan, so the plan must accompany the permit
12 application. Remember, under the permit the applicant
13 can take a species as long as it is incidental to
14 otherwise lawful activities.
15 The National Environmental Policy Act is a
16 law that requires federal agencies to disclose the
17 impacts of their actions on the human environment and
18 consider public comments before they decide to take an
19 action that could affect the human environment. In
20 this case, the Service will consider the impacts and
21 your comments before it decides whether or not to issue
22 a permit that the City of San Antonio and Bexar County
23 have applied for. The Section 10 permit can only be
24 issued by the Service after these steps are completed.
25 We have two parallel processes going on

1 here, the HCP process and the NEPA process, the
2 National Environmental Policy Act process. The NEPA
3 process began with scoping meetings to solicit input
4 from agencies and the public. Five scoping meetings
5 were held in June of 2011. Those comments were
6 considered in the development of the draft EIS. The
7 draft EIS is available now and the final EIS will be
8 written after review and in consideration of the
9 feedback that's received during these meetings and
10 during the comment period.
11 The NEPA process will conclude with a
12 Record of Decision. That Record of Decision will
13 document the U.S. Fish and Wildlife's decision whether
14 or not to issue a permit.
15 The HCP process began with the formation
16 of a biological advisory team, or BAT, made up of
17 qualified biological experts and a Citizens Advisory
18 Committee, which included landowners from the plan
19 area, environmental and conservation groups, real
20 estate and business interests and government entities
21 and utility providers. The CAC members were appointed
22 as required by Texas state law. These groups met
23 approximately 20 times in 2010 and 2011 and the
24 recommendations from the BAT and CAC helped identify
25 the Habitat Conservation Plan alternatives, which were

1 then developed further in the draft HCP and analyzed in
2 the draft EIS. The draft HCP is also available for
3 comment. Comments received during the comment period
4 will be considered in the final Habitat Conservation
5 Plan and the U.S. Fish and Wildlife Service will
6 consider both the Record of Decision and the final
7 Habitat Conservation Plan prior to issuing the permit.
8 The purpose and need for this permit: As
9 previously stated, the federal action is the issuance
10 of a permit, the Section 10 permit. The purpose of the
11 Section 10 permit is to authorize applicants to take
12 covered species within the enrollment area while
13 conserving their habitat. It would provide a tool to
14 protect endangered animals from encroachment from land
15 development while allowing land development to proceed
16 with minimal delay. The need for issuing the permit is
17 to conserve the covered species and the ecosystems upon
18 which they depend and to ensure Endangered Species Act
19 compliance while allowing economic development to
20 proceed.
21 The Southern Edwards Plateau is the home
22 of several endangered animals, and San Antonio's
23 population continues to grow. San Antonio's population
24 has grown 75 percent since 1980 and is anticipated to
25 grow another 60 percent in the next 30 years, the life

1 of this permit.

2 UNKNOWN SPEAKER: And that's not our

3 problem.

4 MR. VOELLINGER: If approved, the permit

5 and the Habitat Conservation Plan will provide a

6 long-term comprehensive solution to allow otherwise

7 lawful activities, such as road building and housing,

8 that could result in the taking of endangered species

9 covered in the plan while facilitating Endangered

10 Species Act compliance.

11 This slide outlines the individual

12 permitting process that developers have to go through

13 now. It's important to understand that it's against

14 the law to destroy threatened endangered species

15 habitat without a permit. Projects that impact

16 threatened or endangered species habitat, such as land

17 development projects, are required to acquire a permit

18 to be in compliance with the Endangered Species Act.

19 Without a regional Habitat Conservation

20 Plan in place, each project affecting habitat would

21 have to prepare a Habitat Conservation Plan and a

22 National Environmental Policy Act document and

23 coordinate with U.S. Fish and Wildlife Service, propose

24 mitigation and obtain an incidental take permit before

25 construction can occur. These steps can take up to two

1 years and it's legendary that it can also take more.
2 In compliance with a regional Habitat
3 Conservation Plan -- or in comparison, a regional
4 Habitat Conservation Plan reduces the time and money
5 needed to complete the permitting process. Regional
6 Habitat Conservation Plans provide a simplified
7 locally-managed voluntary option to comply with the
8 Endangered Species Act.
9 Projects affecting habitat still have the
10 choice of individual permitting and going through that
11 lengthy process directly with the U.S. Fish and
12 Wildlife Service or utilizing the locally-managed
13 Habitat Conservation Plan.
14 Five alternatives were analyzed in the
15 Environmental Impact Statement. These alternatives are
16 described so that anyone can compare the effects and
17 the trade-offs of the different alternatives, including
18 what would happen if the Service does not issue a
19 permit.
20 The No Action Alternative assumes that a
21 permit for a regional Habitat Conservation Plan is not
22 issued. Individual Section 10 permits would be issued
23 by the Service on a project-by-project basis, as it
24 occurs today.
25 A 10% Participation Alternative assumes

1 that 10% of the activities requiring a permit would be
2 covered by the plan.
3 The Single County Alternative assumes that
4 a preserve system would be limited to Bexar County,
5 within 10 miles of Bexar County.
6 The Increased Mitigation Alternative would
7 require higher habitat conservation for the covered
8 species than the other action alternatives.
9 Then the -- finally, the Proposed Southern
10 Edwards Plateau Habitat Conservation Plan Alternative
11 assumes that 50% of the activities requiring a permit
12 would be covered by the plan, and this is the Service's
13 preferred alternative.
14 A comparison of those alternatives: This
15 slide shows a simplified summary of the information
16 provided in the EIS to compare the alternatives. The
17 alternatives were evaluated based on their potential to
18 result in adverse or beneficial impacts to land
19 development, water resources, vegetation, general
20 wildlife, the golden-cheeked warbler, black-capped
21 vireo, karst invertebrates, socioeconomics, climate
22 change and funding and cost.
23 The Increased Mitigation Alternative
24 offers the most benefits; however, it costs $1.1
25 billion. In comparison, the proposed SEP-HCP

1 Alternative offers similar levels of benefits but would
2 cost significantly less. After comparing the
3 alternatives and the adverse and beneficial effects and
4 direct and indirect and cumulative effects, the
5 Proposed SEP-HCP Alternative was found to provide most
6 benefits while meeting the purpose and need for the
7 permit.
8 The following slides describe the Proposed
9 SEP-HCP Alternative in more detail.
10 The plan area is the seven-county region
11 including Bandera, Bexar, Blanco, Comal, Kendall, Kerr
12 and Medina Counties. The plan area is where
13 preservation of habitat can occur. The enrollment area
14 only includes the jurisdictions of the SEP-HCP
15 applicants and the City of San Antonio. This includes
16 San Antonio's extraterritorial jurisdiction, or ETJ,
17 over the next 30-year period. The enrollment area
18 excludes Comal County because they have their own HCP
19 and other cities and jurisdictions in the plan area and
20 the counties outside of the plan areas.
21 Land development projects that would
22 impact habitat in the enrollment area may use the
23 SEP-HCP or comply individually with the Endangered
24 Species Act. This picture shows the potential extent
25 of San Antonio's ETJ by approximately 2040.

1 The covered species: The Section 10
2 permit would cover two endangered song birds; the
3 golden-cheeked warbler and the black-capped vireo, and
4 seven endangered karst invertebrates, a few of which
5 are shown here that live in underground caves.
6 The Section 10 permit would authorize a
7 certain amount of take of these species associated with
8 covered activities, provided that the terms of the
9 SEP-HCP are met.
10 The covered activities: The SEP-HCP could
11 be used for a broad range of non-federal projects in
12 the enrollment area, including public projects, private
13 land development projects, roads, bridges,
14 transportation projects and utility infrastructure.
15 Covered activities also include activities necessary to
16 manage the habitat for the covered species that could
17 result in an incidental take but would have long-term
18 benefits to the species.
19 The incidental take authorization: Over
20 the 30-year plan period, the incidental take permit
21 would allow for the taking of 9,371 acres of
22 golden-cheeked warbler habitat, 2,640 acres of
23 black-capped vireo habitat, and karst is divided into
24 five zones, where Zone 1 is the best quality habitat
25 with the greatest likelihood of containing karst

1 invertebrates and where Zone 5 does not contain habitat
2 for karst species. The incidental take permit would
3 allow for the taking of 10,234 acres of karst species
4 habitat, known as Karst -- in Karst Zones 1 and 2;
5 10,852 acres in Karst Zones 3 and 4, or 49 occupied
6 karst features. I want to emphasize that this take
7 authorization is in the enrollment area only, not the
8 whole plan area.
9 To mitigate for the take allowed by the
10 permit, habitat for the covered species would be
11 conserved in the plan area including 23,430 acres of
12 golden-cheeked warbler habitat, 6,600 acres of habitat
13 for the black-capped vireo, and 1,000 acres of occupied
14 cave zones for the karst species. Conservation land
15 would be incorporated into the SEP-HCP voluntarily;
16 that is, through an exchange between willing landowners
17 and the applicants. In order for a project to enroll
18 in the SEP-HCP, a participant would be required to
19 purchase two preserve credits for each one credit of
20 direct take of bird habitat and one-half of a credit
21 for each acre of indirect take. The cost per credit
22 would be $4,000.00. Direct take would occur in the
23 enrollment property where indirect take would occur
24 in -- within 300 feet of the enrolled property. The
25 take of karst habitat in an occupied cave zone would be

1 prohibited until sufficient caves have been
2 protected among the Karst Invertebrate Recovery Plan.
3 Once this level of conservation has been achieved, a
4 plan participant would be required to pay a fee ranging
5 from $40,000.00 up to $400,000.00, depending upon the
6 proximity of the activity to an occupied cave zone.
7 The closer the activity to the occupied cave zone, the
8 more costly the fee.
9 The funding of the plan: The cost of the
10 30-year plan would be approximately $299.5 million, of
11 which 57% would be used for preserve acquisition, 25%
12 would be put toward contingency and an endowment fund,
13 13% would be used for preserve management and
14 monitoring, and 4% would be used for plan
15 administration, the final 1% would be for other
16 conservation measures.
17 The plan would be paid for through a
18 combination of participation fees, public funding and
19 investments. Plan participants would contribute 56%,
20 public funding would contribute 26% and returns on
21 investments would account for the remaining 18%.
22 Public funding sources include impact fees, grants,
23 sales tax revenue, tax increment finance revenue and
24 other real estate taxes.
25 Roles and responsibilities: The U.S. Fish

1 and Wildlife Service is the lead agency in the National
2 Environmental Policy Act process and will issue a
3 permit and oversee its compliance, including monitoring
4 and mitigation.
5 Bexar County and the City of San Antonio
6 are the applicants. They will administer and maintain
7 the plan and manage and monitor the preserves, secure
8 funding and provide annual reports to the Fish and
9 Wildlife Service.
10 Finally, plan participants are those that
11 select to enroll in the SEP-HCP for the purpose of
12 obtaining Endangered Species Act compliance. By
13 enrolling in the SEP-HCP, participants are responsible
14 for paying the participation fee and complying with the
15 conditions of the permit.
16 Your comments are important to the
17 decision-making process.
18 (Laughter from the audience)
19 MR. VOELLINGER: Please provide comments.
20 We would appreciate it. Your comments must be received
21 by March 19th, 2015 to become part of the official
22 record. Documents are available on the table over here
23 and in the libraries listed or they can be downloaded
24 from the websites, and there are several ways to make a
25 comment. At tonight's meeting you can either fill out

1 a comment card and drop it in the comment box on the
2 table or provide a verbal comment to the court
3 reporter.
4 As a reminder, we have the translators
5 here for English and German if you need to make a
6 comment. After the meeting you may mail your comments
7 to the U.S. Fish and Wildlife Service, and these
8 instructions are all found on the back of the comment
9 cards and at the website.
10 So what is next? The next step in the
11 process is to receive public input from the draft EIS
12 and SEP-HCP. After the comment period closes, all
13 comments will be considered and responses will be
14 prepared. Comments and responses will be included in
15 the final Environmental Impact Statement and the final
16 SEP-HCP. The U.S. Fish and Wildlife Service will issue
17 a Record of Decision, which will document their
18 decision to either issue a permit or not issue a
19 permit. So the Record of Decision is anticipated in
20 the spring of 2015.
21 And, Adam, do you want to say a few words
22 in closing here? Thank you.
23 MR. ZERRENNER: So at this time if y'all
24 would give us a few minutes. We've got hotel staff.
25 They're going to help us move some chairs so that we'll

1 have the opportunity for Q and A. Additionally, there
2 will be the hour period where we've got Stephanie in
3 the back as a court reporter where you can provide
4 comments officially on the record or in the comment
5 box, and again, till March 19, either through letter or
6 online.
7 (Off the record while audience addresses
8 public meeting presenters)
9 * * * *
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25

1 STATE OF TEXAS

2 COUNTY OF BEXAR

3

4 COURT REPORTER'S CERTIFICATE

5

6 I, STEPHANIE GARRETT, the undersigned Certified
7 Shorthand Reporter in and for the State of Texas,
8 certify that the foregoing is a true and correct
9 transcription, to the best of my ability, of the
10 proceedings in the above-entitled matter.
11 I further certify that I am neither attorney or
12 counsel for, related to, nor employed by any parties to
13 the action in which this testimony is taken and,
14 further, that I am not a relative or employee of any
15 counsel employed by the parties hereto or financially
16 interested in the action.
17 SUBSCRIBED AND SWORN TO under my hand and seal
18 of office on this the _____ day of _____,
19 2015.
20

21 _____
STEPHANIE GARRETT, CSR
Expires: 12/31/15
22

KOOLE COURT REPORTERS OF TEXAS
23 Firm Registration No. 413
8000 IH-10 West, Suite 600
24 San Antonio, Texas 78230
(210) 558-9484/FAX 558-3129
25

#1

RICHARD ELKINS
Kendall County Commissioner
Precinct 2

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Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
February 3 and 4, 2015

Comment Card

Your comments are very important to the decision-making process. Please let us know your thoughts, concerns, and suggestions about issues that should be considered in the final Environmental Impact Statement. Specific comments may be related to covered species, covered activities, the plan area, the enrollment area, mitigation measures, funding, etc. Please place this card in the ***Comment Box***.

See Attached 15 pages for official Comments

Name: RICHARD ELKINS Kendall County Commissioner

Address: 211 E. San Antonio Ave City, State Zip: Boerne Tx 78006

Email: RICHARD.ELKINS@CO.KENDALL.TX.US

All comments submitted at tonight's meeting will become part of the public record and considered in the final Environmental Impact Statement. See the back side of this comment card for instructions on submitting comments after this meeting.

#1
cont'd

COUNTY OF KENDALL

GAYLAN L. SCHROEDER
County Judge
kcjudge@co.kendall.tx.us

Ann E. Reissig
Commissioner, Precinct 1

Gene Miertschin
Commissioner, Precinct 2

Darrel L. Lux
Commissioner, Precinct 3

Kenneth M. Rusch
Commissioner, Precinct 4

July 25, 2011

Dr. Benjamin Tuggle
Southwest Regional Director
US Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103-1306

and

Neslon W. Wolff
Bexar County Judge
Paul Elizondo Tower
101 W Nueva, 10th Floor
San Antonio, Texas 78204

RE: NOTICE OF INVALID APPLICATION FOR INCIDENTAL TAKE PERMIT COVERING THE SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

Background:

The County of Bexar, Texas and the City of San Antonio (applicants), which resides in Bexar County, have made an application to the U.S. Fish and Wildlife Service (Service) for an Incidental Take Permit (ITP) covering activities associated with the proposed Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP). The proposal was formally initiated upon the approval of an Interlocal Cooperation Contract between Bexar County and Texas Parks and Wildlife Department on December 14, 2009, when the County and City were granted federal funds to prepare the SEP-HCP.

In this grant application, the proponents stated that the proposed permit areas would be "Bexar County, including the City of San Antonio." They informed the Service, however, that "it is our

intent to expand the HCP development and 'take' permit to include all of the currently-approved GCW Recovery Unit 6 (proposed unit 5). Therefore the location should eventually include the adjacent counties of Medina, Bandera, Kerr, Kendall, Blanco and perhaps Comal." (Project Statement, page 7)

The intent has been clear from the beginning that the applicants sought to mitigate the impact of their activities – the "take" of endangered species – onto the surrounding counties. The activities within the counties of Medina, Bandera, Kerr, Kendall and Blanco do not rise to the level taking endangered species necessitating an application for an ITP directly. However, the impact to species referred to in the draft SEP-HCP is occurring in Bexar County where they have failed to adequately reserve appropriate mitigation land to offset those impacts. As a result, they have applied to the Service for an Incidental Take Permit and are preparing a "Regional" habitat conservation plan through which they will control the activities to be approved under the permit, in the seven counties.

The applicants are unduly placing the burden of providing habitat for their activities onto the neighboring counties, therefore transferring the direct impact onto these landowners and restricting the revenue the five counties depend on to provide county services.

Under the pretenses that the SEP-HCP would be a voluntary program, the counties named above have been involuntarily included in the permit area for the ITP. This has been done over the official objections by each of the counties as noticed in specific policy resolutions voted and approved by each County Commissions Court. **(Attachment "A")**

Therefore, by way of this letter, the counties of Medina, Bandera, Kerr, Kendall and Blanco (Counties) officially notice the U.S. Fish and Wildlife Service that the application filed by Bexar County Texas and the City of San Antonio is invalid as it includes in their permit area lands which are not within their jurisdiction and are instead under the authority of the above stated counties which have not given their consent to participate in the plan. Because of this invalid and unauthorized application, we respectfully request that you deny the issuance of an ITP for the seven-county area as published in the Federal Register, April 27, 2011 (FWS-RS-ES-2010-N282;20124-1112-0000-f2).

Additionally, the Counties demand that they be removed from the permit area in the draft and final version of the SEP-HCP, and that the SEP-HCP so note, as required under the National Environmental Policy Act, that the counties refuse to participate in the plan.

The Counties also require that the lands within the five jurisdictions be removed from the conservation area for mitigation and that they instead remain available to mitigate potential impacts within each county as necessary, if approved by each County Commissioner's Court, respectfully. **(Attachment "B")**

1. Five Counties' Position Must be Coordinated

Now that the Service has initiated the development of an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) as so noticed in the Federal Register, the

agency and applicants must coordinate the study with the five counties in order to comply with federal law.

NEPA requires that the environmental study be coordinated with local governments in order to carry out the policy set forth by the Act (42 USC 4331). Congress defined what it meant by coordination at 43 USC 1712 (c)(9) and the courts have affirmed this duty. As a part of this duty, the Service is required to assure that consideration is given to local plans, assist in resolving inconsistencies between Federal and non-Federal plans, provide meaningful involvement, and ensure federal plans are consistent with local plans.

Congress recognized that the position of local governments must be considered in the federal planning process, and must be weighed above that of the public. As duly elected officials with the responsibility to protect the health, safety and welfare of the public as charged by the State of Texas, the position of the five counties must be coordinated, must be considered, and the inconsistencies between the five counties' position and the proposal must be resolved. This duty lies with the Service and any entity so delegated to prepare the EIS or portions of the EIS.

NEPA provides specific direction as to how this is to be carried out by the agencies. At 42 USC 4332(E), the Act mandates that the agency shall:

> *"(E) study, develop, and describe appropriate **alternatives** to recommended courses of action in any proposal which involves **unresolved conflicts** concerning alternative uses of available resources."*(emphasis added)

At a minimum, an alternative should be developed and carried forward in the EIS and Draft SEP-HCP, which limits the permit area and mitigation lands to the jurisdiction of the applicants. It should be rigorously studied and include discussion as to the amount of take that can be offset through mitigation of lands within Bexar County as required by 50 CFR 17.22(b)(1)(iii)(B). It should also include a detailed analysis of the funding mechanisms to insure that the plan can be supported over its anticipated 30-year duration, as required at 50 CFR 17.22(b)(2)(C). Such an alternative would not include any portion of the five counties within the permit area nor consider any portion of the land within the five counties as the conservation area to mitigate permitted activities within the applicant's jurisdiction.

This is the only alternative that would resolve the conflict with the counties. It should be put forward as the **preferred alternative** by the applicants because it is the only alternative that is valid under the law.

The Council on Environmental Quality (CEQ) regulations provide further direction to the agencies as to how to properly resolve conflicts with local governments positions when preparing an environmental study.

First, the agencies are directed to consider the local position early in the process. "Agencies shall integrate the NEPA process with other planning at the earliest possible time … to head of potential conflicts" (40 CFR 1501.2). The applicants have been duly noticed that the surrounding five counties will not be participating in their plan and further, oppose the

#1 cont'd

implementation of the plan in their jurisdictions. This conflict should have already been discussed in the first version of the draft SEP-HCP released in April of this year, as the Service will ultimately be relying on the final document in determining whether to issue the permit.

However, no mention of this opposition can be found anywhere in the draft. Because the applicants have refused to acknowledge that the five counties over which they are seeking to gain ITP permit approval have not consented, the alternatives they have analyzed fail to explain how they can effectively enforce the plan without this consent outside their jurisdiction.

Further, the purpose of the environmental study is to fully inform decisions makers as to the human and environmental impacts of the proposal so that such impacts can be properly considered when determining whether or not to approve the project.

> *"It shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment."(42 CFR 1502.1)*
>
> *"The statement shall be prepared early enough so that it can serve practically as an important contribution to the decision making process and will not be used to rationalize or justify decisions already made." (42 CFR 1502.5)*
>
> *"This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment and the Environmental Consequences, it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public." (42 CFR 1502.14)*

Because the applicants neglect to address the conflict in their draft SEP-HCP, they have deprived decision makers, namely the Service, and the public of the opportunity to be fully apprised that the five counties have refused to allow the applicants to extend their authority into the jurisdictions of the five counties.

This error must be corrected in the Service's Environmental Impact Statement and must be addressed in the Draft SEP-HCP.

Moreover, the CEQ regulations very specifically require the applicants to analyze the conflict with the five counties when addressing the environmental consequences of their proposal.

> *"It shall include discussions of: (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State and local land use plans, policies and controls for the area concerned." (42 CFR 1502.16)*

No mention is made of the five counties' policies opposing the plan provided to the applicant before publication of its draft document. At the very least, the opposition of the five counties, as

well as their plans for implementing the program without utilizing any portion of the five counties, must be discussed and an adequate alternative developed to resolve this conflict. This is necessary at the draft stage so that decision makers and the public have the opportunity to know the five counties' position and comment on such position.

However, the agencies and applicant's burden goes beyond just discussion of the conflict. The agency and applicant must work to reconcile its position with the five counties.

> *"To better integrate environmental impact statements into State or local planning processes, statements shall discuss any* ***inconsistencies*** *of a proposed action with any approved State or* ***local plan*** *and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe to* ***the extent to which the agency would reconcile its proposed action with the plan or law.*** *" (42 CFR 1506.2)*(emphasis added)

Not only should an alternative that limits the permit and conservation area be developed, but an explanation must be included in any alternative that extends the permit or conservation area beyond Bexar County's jurisdiction. This statement should describe how the applicants will reconcile implementing the permit in counties where they do not have the consent of the counties.

2. Application for ITP is Invalid

The Endangered Species Act (ESA) requires that an application be made and a conservation plan prepared that fulfills the requirements outlined in the Act before the Secretary can issue an Incidental Take Permit.

> *"No permit may be issued by the Secretary authorizing any taking referred to in paragraph (1)(B) unless the* ***applicant therefore submits*** *to the Secretary a conservation plan that specifies ... " (16 USC 1539(a)(2)(A))* (emphasis added)

The application for the ITP in the seven-county area has been made by the County of Bexar and the City of San Antonio, according to the Federal Register notice published April 27, 2011. Application was not made by the six additional counties included in the plan area to be covered by the ITP.

Counties in the state of Texas do not have the authority to unilaterally act outside their boundaries without constitutional amendment. (See Burke v. Hutcheson, 537 S.W.2d 312, 314; Ellis v. Hanks, 478 S.W.2d 172, 176). In Attorney General Opinion No. JM-541, the AG points out that "Counties hold only those powers granted expressly or by necessary implication in the Texas Constitution and statutes." The office further points out that the State Constitution at Article V, Section 18, "commits county business to each county's commissioner's court."

Since the Texas Constitution does not provide for counties to extend their authority into other counties, and the Attorney General's office has concluded that Texas case law suggests the Legislature cannot grant this authority, then Bexar County does not have the authority to apply

for an Incidental Take Permit outside of its constitutionally recognized boundaries without the other counties' consent.

The application is invalid because the applicants have requested the issuance of an incidental take permit that is outside their legal jurisdiction and they have specific notice that the five counties have officially rejected inclusion in the plan.

Further, the Service does not have the authority to issue a permit "unless an applicant therefore submits to the Secretary a conservation plan." The Counties of Medina, Bandera, Kerr, Kendall and Blanco have not made such application for an ITP nor have they prepared a conservation plan for such a permit. The Service cannot issue a permit which covers their jurisdictions until and unless the counties make such application directly and fulfill the requirements as directed by the ESA.

The Service also recognized in the Notice of Intent that they cannot issue a permit beyond the authority of the applicant.

> *"Thus, the purpose of issuing a programmatic ITP is to allow the applicants,* ***under their respective City or County authority****, to authorize development while conserving the covered species and their habitats." (Federal Register, Vol 76, No. 81, April 27, 2011, page 23620) (emphasis added)*

As noted above, Bexar County and the City of San Antonio's constitutional authority does not extend into the surrounding counties and does not have the other counties' consent to make such application. Therefore, the Service cannot approve an Incidental Take Permit to the applicants that includes the permit area for the five opposing counties.

3. The Applicants Seek Regulatory Control over the Five Opposing Counties

In their draft SEP-HCP, the applicants state that they will allow local governments, landowners and developers within the permit area to apply to become a plan participant. As the potential ITP holder, if authorized, and the entity that will determine the plan administrator, they will be exhibiting the equivalent of regulatory control over the other five counties. This would be appropriate only if the five counties had given their explicit consent.

> *"The County of Bexar, Texas is the entity applying to the Service for an Incidental Take Permit under Section 10(a)(1)(B) of the ESA. As the permittee of the Incidental Take Permit, Bexar County will be responsible to the Service for complying with the terms and conditions of the Incidental Take Permit. Bexar County will also be responsible for overseeing the implementation of the SEP-HCP." (First Draft Version SEP-HCP, page 23)*

The Administrator of the plan will oversee enrolling participants, acquiring and managing preserves, and monitoring compliance with the terms and conditions of the permits as well as other administrative duties. Bexar County will determine who will be the administrator of the plan.

> *"Bexar County may, at the County's discretion, act as the administrative entity that implements the SEP-HCP or Bexar County may delegate aspects of the SEP-HCP implementation to other entities. For example, Bexar County may share such duties with other SEP-HCP Partners, such as the City of San Antonio, or an independent entity, such as a non-profit organization or foundation." (page 23)*

The five counties included in the permit area could participate as an SEP-HCP Partner. However, plan participation is not automatic. There is a rigid application process that all potential partners must go through, including providing a biological assessment of the proposed project. This is to ensure that all the terms and conditions of the permit held by Bexar County will be complied with as required by federal law. Any participant application can be rejected if it does not meet the terms set by Bexar County.

> *"The creation of any such formal partnerships **will be at the discretion** of Bexar County and the potential partner." (page 23)*

> *"Potential SEP-HCP participants begin the enrollment process by voluntarily submitting an application to the SEP-HCP Administrator. These applications will include project information and site specific biological information for the Covered Species. The SEP-HCP Administrator will review this information, confirm whether or not the activity is eligible to participate in the Plan, and determine the level of mitigation that is needed to offset impacts to the Covered Species." (page 31)*

> *"The SEP-HCP Administrator may also, **at its discretion** on a case-by-case basis, elect to otherwise **suspend** an invitation to participate in the SEP-HCP or **fully reject** an application for participation." (page 48).*

As the Incidental Take Permit holder and the entity that selects the plan administrator, Bexar County will be the regulatory body for the conservation plan. They are the responsible entity for ensuring the plan is carried out as required by federal and state law. They are given authority to approve or deny any participant's application who applies under the plan. This gives them regulatory approval over the seven-county area for which they have no authorized jurisdiction.

More importantly, this gives them the authority to deny any or all of the five counties' participation in the plan. The terms of the permit would give them such authority. So, even though the county's jurisdiction is included in the plan, the county itself may be denied participation.

State law does not allow for such unauthorized extension of power into other counties. In fact, such attempt to gain this regulatory power over the five counties listed within the application has been clearly rejected.

The applicants attempt to persuade those who oppose the plan that they will limit the actual implementation of the plan to the "geographic extent of Bexar County." However, they

acknowledge that the granting of this permit will give them the legal right to regulate who may participate in the plan and for what activities within the seven-county area.

> *"While the Permit Area defines where the SEP-HCP's incidental take authorization* ***may legally be used*** *for the purposes of the Incidental Take Permit, the SEP-HCP establishes additional administrative conditions on where it will use its incidental take authorization. These administrative limits are intended to be responsive to the desires and concerns of other communities within the Plan Area for partnering in Bexar County in this regional plan. These administrative limits initially restrict the use of the SEP-HCP's incidental take authorization to:*

- *The geographic extent of Bexar County;*
- *The geographic extent of SEP-HCP sectors within the Permit Area that are adjacent to Bexar County, and*
- *The geographic extent of individual activities* ***anywhere within the Permit Area*** *that the Bexar County or the City of San Antonio (as a significant SEP-HCP Partner) deem beneficial on a case-by-case basis. (page 25)*(emphasis added)

So, the applicant's self-imposed administrative limits are really not so limiting. They include anywhere in the seven-county area they deem beneficial. Their stated administrative limits do nothing to assure the five opposing counties that they will not use the regulatory authority granted them through the permit in the seven counties.

The permit, as currently applied for, must be denied.

4. Conservation Area Should Be Limited to the Jurisdiction of Bexar County

The stated purpose for the plan is:

> *"The SEP-HCP is a Habitat Conservation Plan that will implement conservation actions benefiting endangered species within seven counties in south-central Texas. As shown in Figure 1, the SEP-HCP 'Plan Area' includes Bexar, Medina, Bandera, Kerr, Kendall, Blanco and Comal counties." (page 1)*

The stated objectives for the plan include as number 1:

> *"REGIONAL CONSERVATION: To design and implement a regional conservation program focusing on habitat protection for the covered species and that supports the conservation of other regionally important natural resources." (page 3)*

However, the applicants admit that at a minimum 70% of new development, the primary take for the endangered species covered by the plan, will occur within Bexar County. "It is assumed that approximately 70% of this new development will occur within the jurisdiction of both Bexar County and the City of San Antonio." (page 117)

When viewing the plan from a "regional" perspective, it is easy to lose sight of the magnitude of the take of species being requested by the applicants. To reduce the percentage of their new development impact down to a still massive 70%, they have had to include ***six*** neighboring counties' activities into their calculations. It is questionable whether Bexar County has enough suitable habitat within its boundaries to offset its anticipated take.

As a result, the applicants have proposed a "Regional" plan which will allow them to regulate not only the permit area, but the conservation area as well. Applicants have put themselves in the position of determining which projects will be approved, for which areas, and at what price. They will also decide which lands will be considered suitable habitat to be added to the conservation bank, and which development projects will be approved to purchase conservation credits from the conservation bank.

The Conservation Area includes the seven-county area, not just Bexar County.

> *"Conservation measures associated with the SEP-HCP may occur anywhere within the seven county Plan Area, including Comal County. The SEP-HCP Administrator may engage in conservation activities, including voluntary preserve acquisition from willing landowners, within the Conservation Area even if the action is located outside the Permit Area or Participation Area. However, all conservation actions for the SEP-HCP will be implemented within the boundaries of the seven-county Plan Area." (page 25)*

By extending the conservation area across the seven-county area, they increase the amount of habitat they can use for mitigation to offset the direct impact of their take. They receive federal approval to do so, and thereby continue to destroy habitat in their county while locking up lands in other jurisdictions.

This also gives Bexar County an unfair advantage over other Counties that may wish to apply for an ITP in the future. If Bexar County has acquired the majority of suitable habitat in the other counties, then at such time as the five counties may choose to apply for a permit, they will have a reduced pool of land within their county to consider.

It may be that such need for an ITP will not occur in the other counties for many years, if at all, since the neighboring counties are rural in nature and are not experiencing the population growth of Bexar County. However, Texas State law requires that the identified habitat preserves necessary for mitigation in a Regional Habitat Conservation Plan be acquired no later than six years after the issuance of the federal permit. This prompts Bexar County to acquire the qualifying habitat early in the process.

First, state law requires that landowners, who may be identified as having land within a proposed habitat preserve system for the HCP, be notified in writing within 60 days.

> *"Not later than the 60th day after the plan participants' initial identification of the proposed habitat preserve system for the federal permit, the plan participants shall notify in writing each owner of land identified by the plan participants as habitat preserve or potential habitat preserve." (Title 5, Texas Parks and Wildlife Code, Section 83.017(c))*

Habitat preserve is defined in the Texas Code as "land set aside or managed for the protection of endangered species under a federal permit." (Sec. 83.011(7))

> *"Except as provided by Subsection (d), the plan participants shall make offers based on fair market value to the landowners for the acquisition of fee simple or other interest in land designated in the regional habitat conservation plan as proposed habitat preserve not later than four years after the issuance of the federal permit or six years after the initial application for the federal permit, whichever is later. Except as provided by Subsection (e), acquisition of all habitat preserves designated as proposed habitat preserves in the regional habitat conservation plan must be completed not later than the sixth anniversary of the date on which the federal permit was issued." (Sec. 83.018(c))*

Subsection (d) cited above reads:

> *"If plan participants have not designated a landowner's land as proposed habitat preserve in a regional habitat conservation plan before the date on which the federal permit is issued but designate the land or proposed habitat preserve in a regional habitat conservation plan on or after that date, plan participants shall make an offer to the landowner based on fair market value for the acquisition of fee simple or other interest in the land not later than the fourth anniversary of the date on which the land is identified or designated as proposed habitat preserve."*

The applicants are mandated by Texas law to designate and acquire habitat for the fulfillment of the permit within the four to six year timeframe of the permit issuance, or later at the identification of preserve land. This encourages the permit holders to acquire the necessary habitat in other counties at the beginning of the 30 year anticipated permit duration, rather than at the end. Additionally, since applicants are setting up a "conservation bank" system, whereby conservation lands must be acquired before credits can be sold and projects approved, then the land must be acquired early in the process.

When habitat is preserved, it is removed from property tax rolls, and the County no longer receives tax revenue from such properties. The five counties should not have to bear the burden of mitigating Bexar County's take of species. If there is to be a reduction of taxable land, and restriction on activities, it should apply to the applicants who are causing the impact. Bexar County and the City of San Antonio should offset their take with lands within their jurisdiction.

The potential habitat that may be used for mitigation purposes in the opposing five counties should be reserved for such activities that may require an Incidental Take Permit within those counties' jurisdiction. The Conservation area should not extend beyond Bexar County's boarders.

5. State of Texas Prefers Local Habitat Conservation Plans

It should be noted that in the authorizing statues for Habitat Conservation plans in the State of Texas, the Legislature made clear that its intent was to discourage Regional Habitat Conservation Plans and encourage the development of local Habitat Plans, such as for each county.

Section 83.012 states:

> *"The Purpose of this subchapter is to: (2) encourage governmental entities to use the authority under this subchapter to develop and implement habitat conservation plans instead of regional habitat conservation plans;"*
>
> *"(5) require plan participants of existing regional habitat conservation plans to comply with the requirements of this subchapter so that existing regional habitat conservation plans become habitat conservation plans as quickly as possible."*

The applicants are deliberately ignoring this direction by the state, and instead are creating a "Regional" plan without the consent of the counties involved.

Conclusion:

The application for an Incidental Take Permit covering the activities associated with the SEP-HCP should be denied by the U.S. Fish and Wildlife Service because:

(1) the applicants do not have legal jurisdiction over the seven-county area for which the permit covers,
(2) the five counties of Medina, Bandera, Kerr, Kendall and Blanco have not given their consent to participate in the plan,
(3) the five counties have not made an application to the Service for an ITP, and
(4) the five counties have given legal notice of their objection to and inclusion in the Permit application, permit area and conservation plan.

The National Environmental Policy Act requires that the Environmental Impact Statement and any other study to be used in part with the EIS, which includes the SEP-HCP, be coordinated with the five counties. The position of the opposing counties must be clearly stated in the document and an alternative developed that resolves this conflict be rigorously analyzed and carried forward in the draft EIS and draft SEP-HCP. This alternative would limit the permit area and conservation area to the boundaries of Bexar County.

The contents of this Notice, the attached resolutions, and any other document or discussion carried forward in this process by the five counties are to be considered the plans and policies of the counties. These do not make up all of the plans and policies to be considered, but are the key policies that must be taken into accunt. These should be viewed by the Service and applicants as the basis for our position which must be considered, discussed, coordinated and resolved prior to project approval.

As the governing bodies of the five counties charged with protecting the public, it iss important to note that this notice is **not** a "public comment." It is our position which must be coordinated and resolved in the development of the EIS and the SEP-HCP and permit approval process.

ADOPTED AND APPROVED by the Kendall County Commissioners Court on this the 25th day of July, 2011.

Gaylan L. Schroeder
County Judge

Ann E. Reissig
Commissioner Precinct 1

Gene Miertschin
Commissioner Precinct 2

Darrel L. Lux
Commissioner Precinct 3

Kenneth M. Rusch
Commissioner Precinct 4

Attest:

Darlene Herrin
County Clerk

#1
cont'd

STATE OF TEXAS
KENDALL COUNTY

KENDALL COUNTY RESOLUTION NO. 02-28-2011A

RESOLUTION CONCERNING THE PROPOSED SOUTHERN EDWARDS PLATEAU – HABITAT CONSERVATION PLAN

WHEREAS, THE KENDALL COUNTY COMMISSIONERS COURT IS COMMITTED TO PROTECTING PRIVATE PROPERTY RIGHTS AND THE ABILITY OF INDIVIDUAL LANDOWNERS TO USE THEIR PROPERTY, AND

WHEREAS, IT IS THE RESPONSIBILITY OF THE KENDALL COUNTY COMMISSIONERS COURT TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF ITS RESIDENTS, AND

WHEREAS, THE CITY OF SAN ANTONIO AND BEXAR COUNTY TOGETHER WITH OTHER ENTITIES, ARE INVOLVED IN PREPARING A HABITAT CONSERVATION PLAN IDENTIFIED AS THE SOUTHERN EDWARDS PLATEAU – HABITAT CONSERVATION PLAN (SEP-HCP) TO SUBMIT TO USF&WS; AND

WHEREAS, KENDALL COUNTY HAS NOT OFFICIALLY AGREED TO NOR HAS IT PARTICIPATED IN THE DEVELOPMENT OF THE SEP-HCP, AND

WHEREAS, IF IMPLEMENTED, THE SEP-HCP MAY HAVE AN ADVERSE IMPACT ON KENDALL COUNTY AND ITS LANDOWNERS, AND

WHEREAS, THE KENDALL COUNTY COMMISSIONERS COURT DOES NOT SEE THE NEED FOR A HABITAT CONSERVATION PLAN COVERING KENDALL COUNTY AND WILL NOT APPLY FOR SUCH A PLAN OR JOIN IN THE APPLICATION FOR SUCH A PLAN:

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF KENDALL COUNTY TEXAS, THAT THE COMMISSIONERS COURT WILL NOT SUPPORT NOR PARTICIPATE IN THE CREATION OF THE SOUTHERN EDWARDS PLATEAU – HABITAT CONSERVATION PLAN.

PASSED AND ADOPTED THIS THE 28TH DAY OF FEBRUARY 2011.

Gaylan L. Schroeder, County Judge

Ann E. Reissig, Commissioner Precinct 1

Gene Miertschin, Commissioner Precinct 2

Darrel L. Lux, Commissioner Precinct 3

Kenneth M. Rusch, Commissioner Precinct 4

ATTEST: Darlene Herrin, County Clerk

COMMISSIONERS COURT OF KENDALL COUNTY

Attachment A

Attachment B #1 cont'd

THE STATE OF TEXAS
THE COUNTY OF KENDALL

RESOLUTION 07-25-2011C

RESOLUTION OF KENDALL COUNTY COMMISSIONERS COURT TO BE REMOVED FROM THE PERMIT PLAN AREA FOR THE SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

WHEREAS, Kendall County executed Resolution # 02-28-2011A on February 28, 2011 opposing the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP); and

WHEREAS, Bexar County and the City of San Antonio as the applicants of the SEP-HCP were officially noticed that Kendall County would not be a Participant in said plan; and

WHEREAS, the applicants First Draft HCP issued April 1, 2011 neglects to fully inform the public, the U.S. Fish and Wildlife Service (Service), and decision makers of the County's refusal to participate in the plan, therefore misleading the public, agencies and decision makers; and

WHEREAS, despite said notice to the applicants, the draft plan extends the Incidental Permit Area into the jurisdiction of Kendall County; and

WHEREAS, the applicants have officially applied to the United States Fish and Wildlife Service for an Incidental Take Permit (ITP) covering Kendall County without authorization or consent; and

WHEREAS, Kendall County has made no application to the Service for an Incidental Take Permit; and

WHEREAS, the Service has stated in their Notice of Intent to prepare an Environmental Impact Statement for the issuance of said permit that "the purpose of issuing a programmatic ITP is to allow the applicants, under their respective City or County authority, to authorize development while conserving the covered species and their habitats."; and

WHEREAS, the applicant's authority is limited to that within its own boundaries as so delegated by the Constitution of the State of Texas and cannot extend beyond such boundaries for any purpose without explicit permission from affected counties;

NOW, THERFORE, BE IT RESOLVED, that on this **25th** day of **July, 2011,** Kendall County Commissioners Court shall insist that the Service deny the SEP-HCP application for an Incidental Take Permit as published in the Federal Register, April 27, 2011 (FWS-RS-ES-2010-N282;20124-1112-0000-f2).

BE IT FURTHER RESOLVED, that Kendall County be removed from the permit area in the draft and final version of the SEP-HCP, and that the SEP-HCP so note that Kendall County will not be included in the permit area or conservation area, as a participant or in any other capacity, and

BE IT FURTHER RESOLVED, that the lands within Kendall County cannot be used to mitigate the species impacts of the applicants or any other entity outside our jurisdiction, but shall remain available to mitigate potential impacts within our jurisdiction, if necessary.

PASSED AND APPROVED this the 25th day of July, 2011.

Gaylan L. Schroeder
County Judge

Ann E. Reissig
Commissioner Precinct 1

Gene Miertschin
Commissioner Precinct 2

Darrel L. Lux
Commissioner Precinct 3

Kenneth M. Rusch
Commissioner Precinct 4

Attest:

Darlene Herrin
County Clerk

Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
February 3 and 4, 2015

Comment Card

Your comments are very important to the decision-making process. Please let us know your thoughts, concerns, and suggestions about issues that should be considered in the final Environmental Impact Statement. Specific comments may be related to covered species, covered activities, the plan area, the enrollment area, mitigation measures, funding, etc. Please place this card in the ***Comment Box***.

NO ACTION ALTERNATIVE

BACK OFF!

Name: Robert O'Connell / Mina O'Connell

Address: _____ City, State Zip: Boerne TX 78006

Email: _____

All comments submitted at tonight's meeting will become part of the public record and considered in the final Environmental Impact Statement. See the back side of this comment card for instructions on submitting comments after this meeting.

#3

Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
February 3 and 4, 2015

Comment Card

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USFW has failed to enforce the desecration of our country by developers up & down I-10 N. of 1604.

This tonight is a dog-and-pony-show - It ignores the BAT & CAC recommendations presented in 2014!

Kyle Moore
603 River Rd
SATX 78212

Name: Boo on USFW + Bexar County.

Address: City, State Zip:

Email:

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Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
February 3 and 4, 2015

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Habitat damaged within Bexar Co
should be replaced with other
habit property also in Bexar Co
not in some other place

Name: _____

Address: _____ City, State Zip: _____

Email: _____

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Pg 1

Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
February 3 and 4, 2015

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To Whom it May Concern:

I find it very disturbing that elements of the SA Business Community are trying to force the rural areas of Bexar County, Medina County & Kendall County to give up their rights of property and development because SA is maxed out. I find it very disturbing that the link on Texans Against Tollways website link to the fed website was disconnected to stop me from stating my say online. I find it very disturbing that the right of the citizens of Boerne, TX to be heard is being abridged by not having a 3rd meeting in Boerne, TX regarding this issue. I do not feel that the time being allotted

Name: David J. Purdy

Address: 8181 Tezel Rd #10297 City, State Zip: SA, TX 78250

Email:

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Pg 2 #5 cont'd

Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
February 3 and 4, 2015

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is sufficient for large numbers of average folk to attend this meeting when they work not getting off work between 5-6 PM and the meeting ends @ 7PM.

NO ACTION IS MY RESPONSE & A Request for MY Complaints to be publicly Reviewed AND A MEETING IN BOERNE, TX to BE HELD

Name: DAVID J. PURDY

Address: 8181 TEZEL Rd #10297 City, State Zip: SA TX 78250

Email:

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Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
February 3 and 4, 2015

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NO action alternative.
Don't force private property owners.
Ridiculous - we love animals so
please stop taking their habitat
in Bexar Co.

Name: Sean O'Connell

Address: _____ City, State Zip: Boerne, TX 78006

Email: _____

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Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
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PROBLEMS WITH THE PUBLIC MEETING:

1.) HELD AT A TIME WHEN PEOPLE CAN'T COME DUE TO THEIR GETTING OFF OF WORK (5-7PM.)

2.) NO REAL ADVERTISING OF THE MEETING EXCEPT THE "OLD" STYLE: NEWSPAPERS

3.) NO ALLOWANCE OF ATTENDEES TO USE A MICRO-PHONE SO THAT MISCONCEPTIONS CAN BE DISPELLED

4.) NO HARD COPIES OF THE SCREEN PRESENTATION SO THAT ATTENDEES CAN FOLLOW ALONG, HAVE AN INSTRUMENT TO REFER TO

Name: JACK M. KINGER

Address: P.O. BOX 12048 City, State Zip: SAN ANTONIO, TEXAS 78212

Email: WATCHMANONTHEWALLSA@GMAIL.COM

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IT APPEARS THAT "TAKE" MEANS "KILL" YOU ARE PROPOSING TO KILL THE POOR ENDANGERED SPECIES TO BUILD HOUSES WHERE THEY NEED TO LIVE! THIS IS PREPOSTEROUS! WHY DONT YOU GO BUILD HOUSES ON THE SOUTH SIDE OF SAN ANTONIO WHERE THE ENDANGERED SPECIES AREN'T LOCATED? SOUTH SIDE NEEDS ECONOMIC DEVELOPMENT.

THE COST IS OUTRAGEOUS! IT DRIVES UP THE PRICE OF THIS ENDANGERED SPECIES LAND SO ONLY RICH PEOPLE CAN BUY IT. THIS IS DESPICABLE, MORE RIDICULOUS SUCKING TO BENIFIT RICH PEOPLE

Name: VIKKI SMITH

Address: _____ City, State Zip: _____

Email: _____

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No! Back off and leave private property owners alone. We work hard for our own land and live in America — "Land of the free — home of the brave." Buy your own land for enterprise in Bexar Co.

Name: M. O.

Address: _____ City, State Zip: Boerne, TX 78006

Email: _____

All comments submitted at tonight's meeting will become part of the public record and considered in the final Environmental Impact Statement. See the back side of this comment card for instructions on submitting comments after this meeting.

Public Comments from:
Mike Luckey
110 Walters Rd.
Boerne, TX 78006 02/03/2015

I respectfully request the U.S. Fish and Wildlife Service to use the "Take No Action alternative" in regards to the draft Southern Edwards Plateau Habitat Conservation Plan (dSEP-HCP) and the Incidental Take Permit for the following reasons.

In Dec. 2009 Bexar County and the Texas Parks & Wildlife Department entered into a contract no. 213490 to develop the SEP-HCP.

The Objective stated within the contract:

To bring all stakeholders (San Antonio, Helotes, Gray Forest, Fair Oaks, Bexar County, Bandera County, Comal County, Kendall County, Kerr County, Medina County, and Camp Bullis) to the table and develop a comprehensive HCP and associated NEPA documentation over the next three years (2009-2011) for effective conservation of covered terrestrial species in Bexar County and Golden Cheek Warbler Recovery Unit 6

Bexar County failed to coordinate their activities with Bandera, Kendall, Kerr, Blanco (not mentioned in contract) and Medina counties in the formation of the SEP-HCP. In fact: We were not asked to come to the table! The dSEP-HCP should be terminated for "failure to comply with the provisions of applicable state or federal law" as stated within the contract.

The National Environmental Policy Act Title 42 U.S.C. 4331 requires local governments to coordinate their activities with other local governments when developing Conservation Plans.

Bexar County did not coordinate their planning efforts with other affected counties and because of this, Bandera County, Comal County, Kendall County, Kerr County, and Medina County, each passed resolutions

requesting removal from the SEP-HCP.

Without the participation of these counties, there is no guarantee of a safe habitat preserve for mitigation purposes of endangered species which is a requirement of Habitat Conservation Plans.

The dSEP-HCP undermines the purpose of the ESA by compromising species and their preservation for economic gain. It states in the plan that it greatly speeds up the process so developers can legally proceed with construction activities. The Development Rules in San Antonio are useless when developers can simply buy their way out of them and continue destroying the environment.

The SEP-HCP was voted down by the Citizens Advisory Team (CAC) in 2011.

There have been no public notices or meetings in regards to the formation of the proposed dSEP-HCP as required by state and federal statutes.

Thank You,
Mike Luckey
email: stillwatersfarms@gmail.com

USFWS sponsors of the South Edwards Plateau Habitat Conservation Plan

Why are you even holding these public meetings? You ignored your own laws and regulations during the draft preparation stage of the HCP and EIS by not coordinating with the people of the affected counties and their elected representatives. The counties of Median, Bandera, Kerr, Kendall and Blanco did not submit an application for an Incidental Take Permit (ITP) nor did they prepare a conservation plan for such a permit. Therefore, the Service could not issue a permit that covered the five counties' jurisdictions until and unless they themselves submitted an application directly and fulfilled the requirements as directed by the ESA. The counties did not consent to be included in the SEP-HCP and specifically opted out of the proposed plan. The citizens of the counties, through their elected representatives (the county commissioners courts of the counties) unanimously passed resolutions to opt out of the SEC-HCP and filed these resolutions with the Citizens Action Committee in February, 2011.

The final HEC and final EIS now claim the ITP would be covered under current and future portions of Bexar Co. and the City of San Antonio's extra-territorial jurisdiction (EJT). Counties in the state of Texas do not have the authority to unilaterally act outside their boundaries without a constitutional amendment.

The USFWS, Texas Parks & Wildlife Dept. acting on behalf of the City of San Antonio and Bexar county have no legal authority to force the SEC-HCP or subsequent ITP on the citizens of the above referenced counties. It is time for you to fold up your tents and go home.

Alan Smith
PO Box 1000
Comfort, TX 78013

830-995-5500

Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
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1.) This is not only a land grab, it is a water grab. San Antonio currently does not have enough water to support its population. To allow the addition of more building is irresponsible. Where are they going to get the water?

2) What guarantees will be put into place that the new "habitat land" does not become "take" land down the road, at a profit for fish and wildlife?

Name: Kathleen Cook

Address: PO Box 693 City, State Zip: Hunt TX 78024

Email: kpgcook@gmail.com

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Draft Southern Edwards Plateau Habitat Conservation Plan
Environmental Impact Statement - Public Meetings
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Comment Card

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WHAT IS THE MINIMUM AMOUNT OF ACERAGE REQUIRED TO PARTICIPATE IN THIS PROGRAM?
HOW WILL MY ACERAGE BE IMPACTED IF MY NEIGHBORING PROPERTY OWNER PARTICIPATE, BUT I DON'T PARTICIPATE?

Name: JOHNATHAN JOHNSON

Address: PO BOX 290283 City, State Zip: KERRVILLE, TX 78029

Email:

All comments submitted at tonight's meeting will become part of the public record and considered in the final Environmental Impact Statement. See the back side of this comment card for instructions on submitting comments after this meeting.

regulations.gov
Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I believe the land owner knows best how to manage his land and has always been the ultimate conservationist. I want "No Action Alternative " to this Southern Edwards Plateau Environmental Impaact Statement and Habitat Conservation Plan. Do not implement this destructive plan!

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0079

Tracking Number: 1jz-8ht3-ukqn

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
Beverly Baker

City:
Fredonia

Country:
United States

State or Province:
TX

ZIP/Postal Code:
76842

regulations.gov
Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I am writing to ask that you take the No action alternative concerning SEP dHCP and dEIS.

Thank you,
J Friedrich

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0041

Tracking Number: 1jz-8h78-jufc

Document Information

Date Posted:
Feb 18, 2015

Show More Details

Submitter Information

Submitter Name:
J friedrich

regulations.gov
Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I urge a no action alternative to not have this plan implemented. As a land owner I am alarmed and concerned that the Federal government and Bexar County would try to execute a plan like this to benefit themselves at the cost of other land owners in other counties. Those birds nesting in trees in Bexar County aren't going to realize they need to move their nest to a neighboring county just because the government says so.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0080

Tracking Number: 1jz-8ht4-s5d1

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
Dockal Helen

City:
Mason

Country:
United States

State or Province:
TX

ZIP/Postal Code:
76856

regulations.gov
Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0072
Tracking Number: 1jz-8hss-v03a

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
Mike Luckey

City:
Boerne

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78006

Comment

My name is Mike Luckey and I oppose the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) and respectfully request denial of the Incidental Take Permit (ITP) for the following reasons.
Bexar County and the City of San Antonio, TX (The Applicants) for the ITP entered into a contract (no. 213490) with the Texas Parks and Wildlife to develop a Regional Habitat Conservation Plan.
The Applicants failed to fulfill the contract which called for meeting and cooperating with Bandera County, Blanco County, Kendall County, Kerr County, Medina County, and other jurisdictional authorities in the development of the SEP-HCP. No attempts were made by the Applicants to inform or request the participation of these governing authorities.
During the 2010 public comments period of the Citizens Advisory Committee (CAC) meetings, two CAC members objected to the deliberate defrauding of the County Commissioner Courts authority that were being left out of the process. The Applicants failure/refusal to coordinate their plans with the affected counties throughout the formation of a regional HCP is in violation of Texas Parks and Wildlife Code Chapter 83 and the National Environmental Policy Act Title 42 U.S.C. 4331.
Bandera County, Blanco County, Kendall County, Kerr County, and Medina County each passed Resolutions in 2011 opting out and refusing to participate in the SEP-HCP. Copies of these resolutions are also posted under my name.
Kendall County passed another Resolution on 3/09/2015 restating their objections to the SEP-HCP.
The CAC voted down the dSEP-HCP in 2011 and has not held a public meeting since that time. Neither the CAC nor any other persons or entity has been allowed to attend a public meeting to discuss the proposed changes to the final SEP-HCP draft. By public admission, the Applicants for the permit have not held any public meetings regarding the final draft of the SEP-HCP since the CAC voted it down in 2011! The Final Draft of the SEP-HCP was created behind closed doors without any coordination, public

vetting, or an approval process which is in violation of State and Federal Statutes regarding Regional Planning efforts.
The Applicants have been very wasteful with taxpayer dollars and disrespectful of our natural resources. Approval of the ITP for the SEP-HCP would guarantee the ongoing destruction of sensitive natural areas that benefit habitat. The SEP-HCP also proposes mitigation of land where the affected endangered species does not even exist, thereby guaranteeing their extinction.
I respectfully request that the Applicants Incidental Take Permit be DENIED because of their willful disregard to follow State and Federal Statutes along with their willingness to destroy the sensitive natural areas without penalty.
Respectfully yours,
Mike Luckey

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Submitted Electronically via eRulemaking Portal

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For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0081
Tracking Number: 1jz-8ht7-p2u3

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
Michele Petty

Comment

I live in North Bexar County in the middle of what was once prime endangered species prime habitat and the Edwards Aquifer Recharge Zone. The problem with this proposed incidental take permit is that there is absolutely nothing incidental about this taking. Developers have already decimated most of the endangered species prime habitat in Bexar County. It is GONE. The City and County are now attempting to give their developer buddies a carte blanche to wipe out the last remaining patch of quality endangered species territory in this county. Quite frankly, the parcels where they could buy to "mitigate" don't mitigate either because they are not of comparable quality to actually keep these species ALIVE; and the individual species creatures are not as densely populated there and there is no way to save the ones living where the developers want to develop.

It is the job of Fish and Wildlife to protect our endangered species, not be footsoldiers for the developers who are destroying these species.

This requested permit is unacceptable. The incidental take and mitigate permit as proposed by the City and County is a loophole big enough to drive an aircraft carrier though and effectively renders endangered species protection meaningless because it is just a matter of time before the city expands out to the "mitigated parcels" and wants to destroy that too--then there will be species extinction and Fish and Wildlife will have utterly failed in their job.

I ask that Fish and Wildlife require increased mitigation alternative 4.

Furthermore, I ask that Fish and Wildlife require that the city and County actually hold real public input hearings rather than the "virtually no notice and no opportunity to ask questions or make comments" SHAM meetings that were held. I ask that Fish and Wildlife extend its period for public commentary on this issue

because the City and County have conspired to sneak this one under the radar and have failed to fairly notify the public what is really going on with this requested permit.

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For related information, **Open Docket Folder**

Comment

As a land owner in Kendall County I would like to request the "No Action Alternative" in regard to this bill.
We are good stewards of our land, maintaining areas for habitats for all species who reside on our property.
This includes native wildlife as well as cattle. Government does NOT need another control in our lives and as a native Texan it is the foundation of our heritage to be in control of our own property in this wonderful Lone Star State.
Please vote NO.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0076
Tracking Number: 1jz-8ht2-qmh8

Document Information

Date Posted:
Mar 19, 2015

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Submitter Information

Submitter Name:
ALICE ANDERSON

City:
BOERNE

Country:
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State or Province:
TX

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78006

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I am in favor of this Plan.
It addresses the loss of habitat for endangered species.
It gives developers a fair mitigation process that has proven results.
Conservation Easements have been used since the 1930's.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0055

Tracking Number: 1jz-8hqo-epj7

Document Information

Date Posted:
Mar 18, 2015

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Submitter Information

Submitter Name:
Anonymous Anonymous

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0075
Tracking Number: 1jz-8ht1-4mkx

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
Anonymous Anonymous

Comment

I strongly disagree with the guidelines outlined in this proposed regulation. Why do the supporters of the regulation just spend their time, effort and money on educating the public (especially those in the affected areas) of the benefits of providing protected habitats on their property? As a landowner, I an very sensitive to the need for protecting habitat and I will provide that protection on a voluntary basis. However, one size does not fit all and my preferences should not be imposed on other land owners. To all those in positions of power when voting on this regulation, please leave landowner rights alone. Sugar always draws better than vinegar. Vote against this regulation.

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

Landowners have earned and deserve the right to make decisions on
how to take care of their land and manage their use of the land that they
love and have invested their life in. NO ALTERNATIVE ACTION!

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0094

Tracking Number: 1jz-8htf-ekrg

Document Information

Date Posted:
Mar 20, 2015

Show More Details

Submitter Information

Submitter Name:
Mr & Mrs Billy Kothmann

City:
Mason

Country:
United States

State or Province:
TX

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76856

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0071
Tracking Number: 1jz-8hso-7ltf

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
myfe moore

City:
san antonio

Country:
United States

ZIP/Postal Code:
78212

Comment

I am Myfe Moore, founder of the Helotes Creek Nature Center and the San Geronimo Nature Center, a multi-generational ranch and land steward.
The 2014 SEP-HCP needs to be postponed, more hearings performed, and the comment period extended.

I attended the Helotes public hearing and submit my comments here again. I have submitted many emails with attachments of data and scientific details for your study and expect they will be considered.

First, I'll say this is a very poor HCPlan, more a developers best wis, with very little developer (taker) responsibility. Instead the public taxpayer will pay for 75% of this plan.

The public hearings (there were only 2 in a 7-county affected region) were not notified to the affected people, and the public hearings did not follow standard practice and law of allowing the public to ask questions or make comments.

The data compiled in the previous attempt to have an HCP were ignored in this revised plan.

The science is incomplete and missing, as is citizen cooperation or hearing. None of our concerns were addressed.

Only 2 or 3 public employees are informed about this enormous 7-county, 7 endangered species plan.

The mitigation location is too far away from the take, and the cost too cheap for the developer for repairing the damage done.

The information given in the 2 hearings was incorrect and misleading.

In total, a failed process.

THIS PLAN NEEDS TO BE RE-SUBMITTED TO THE GENERAL AFFECTED PUBLIC AND THE COMMENT PERIOD EXTENDED.

Myfe Moore
603 River Road
San Antonio, Tx 78212

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0057

Tracking Number: 1jz-8hqq-jqld

Document Information

Date Posted:
Mar 18, 2015

Show More Details

Submitter Information

Submitter Name:
Robert O'Connell

Comment

Local governments often promote habitat conservation plans as a solution to problems created by federal and state Endangered Species Acts (ESAs). In practice, habitat conservation plans inevitably cause unprecedented and unnecessary harm to farmers, ranchers and landowners that exceeds the impacts of existing state and federal law. The amount of land regulated and the total cost of a habitat conservation plan are always underrepresented at the outset. A habitat conservation plan always takes far longer to complete than initially promised, if it can be completed at all. In the interim, landowners suffer increased costs and regulations.

I urge that no action be taken to enact this habitat conservation plan, now or in future.

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I request "No Action Alternative". 30 years to grab land is over the top even for govermeent.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0033

Tracking Number: 1jz-8h0n-3u4u

Document Information

Date Posted:
Feb 5, 2015

Show More Details

Submitter Information

Submitter Name:
Richard Porter

City:
kerrville

Country:
United States

State or Province:
TX

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78028

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0047
Tracking Number: 1jz-8he6-degj

Document Information

Date Posted:
Feb 26, 2015

Show More Details

Submitter Information

Submitter Name:
Claire Honsalek

Comment

My comments regarding the Southern Edwards Plateau Habitat Conservation Plan draft: Section 10 (a)(2)(A) of the Endangered Species Act requires the Habitat Conservation Plans Include a description of the "alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized." One of these actions is the
No Action Alternative - Whether or not to implement a regional Habitat Conservation Plan at all; (14.0) SEP-dHCP

I would like for the No Action Alternative to be implemented.

If the No Action Alternative was implemented:
- The enrollment area would NOT INCLUDE Bexar County and the City of San Antonio Jurisdictions.
- The conservation actions WOULD NOT INCLUDE 7 counties: Bexar, Medina, Bandera, Kerr, Kendall, Blanco and Comal.
- The Golden-cheeked Warbler, Black-capped Vireo, Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernal is (a beetle), and the Helotes Mold Beetle WOULD STILL BE COVERED by the Endangered Species Act.
- 9,371 acres WOULD NOT NEED a incidental take request habitat within those acres for the Golden-cheeked Warbler.
- 2,640 acres WOULD NOT NEED a incidental take request habitat within those acres for the Black-capped Vireo.
- 10,234 acres, 10,852 acres and 49 occupied features WOULD NOT NEED incidental take request habitat within those acres for the Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernalis (a beetle), and the Helotes Mold Beetle.
- The mitigation ratio of 2:1 direct impact and .5:1 indirect impact WOULD NOT BE NEEDED for the Golden-cheeked Warbler.
- 23,430 acres of preserve land distributed to be in mostly rural areas (Hill Country Counties) WOULD NOT BE NEEDED for

the Golden-cheeked Warbler.
- The Preservation Credit Fee of $4,000 per credit $8,000 per acre of direct loss (funded by developers in Bexar County, the City of San Antonio and Fish and Wildlife Service, Southwest Region) for the Golden-cheeked Warbler WOULD NOT BE NEEDED.
- The mitigation ratio of 2:1 direct impact and .5:1 indirect impact WOULD NOT BE NEEDED for the Black-capped Vireo.
6,600 acres of preserve land distributed in mostly rural areas (Hill Country Counties) WOULD NOT BE NEEDED for the Black-capped Vireo.
- The Preservation Credit Fee of $4,000 per credit, $8,000 per acre of direct loss (funded by developers in Bexar County, the City of San Antonio and the Fish and Wildlife Service, Southwest Region for the Black-capped Vireo WOULD NOT BE NEEDED.
- 1x of preserves required to achieve down listing criteria for the Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernal is (a beetle), and the Helotes Mold Beetle conservation goal WOULD NOT BE NEEDED.
- 1,000 acres of new preserves distributed across Bexar County Karst Zones for the Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernal is (a beetle), and the Helotes Mold Beetle WOULD NOT BE NEEDED.
- Participation Fees for 345 to 750 ft buffer from a water source of $40,000 for Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernal is (a beetle), and the Helotes Mold Beetle WOULD NOT BE NEEDED.
- Participation Fees for 0 to 345 ft buffer from a water source of $400,000 for Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernal is (a beetle), and the Helotes Mold Beetle WOULD NOT BE NEEDED.

The Total Estimated Cost of SEP-HCP Plan $299,473,633.00 WOULD NOT BE NEEDED.

Revenues:
Application Fees $ 374,964.00
Golden-cheeked Warbler Preservation fees $126,128,059.00
Black-capped Vireo Preservation fees $ 35,532,822.00
Spiders/Beetles Preservation fees $ 6,172,349.00
Public Funding Bexar County $ 39,209,915.00
Public Funding City of San Antonio $ 39,209,915.00
GCW Preservation Credit $ 251,560.00
Endowment Fund Investment $ 52,594,051.00

All of these FEES and PUBLIC FUNDING WOULD NOT BE NEEDED!

END THE DARK CLOUD OF NEEDLESS BUREAUCRACY LOOMING OVER OUR PRECIOUS PRIVATELY OWNED RESOURCES OF THE HILL COUNTRY.

Resident of Kendall County, Texas

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Submitted Electronically via eRulemaking Portal

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For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0086
Tracking Number: 1jz-8ht8-2rq4

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
Stephen Colley

Comment

The SEP dHCP as described in the Notice documentation appears to open hundreds if not thousands of acres to development in the areas of northwest Bexar County, Northern Medina County and Eastern Bandera county. These areas are currently being stressed by the development underway within the existing environmental protections. There are quarry operations in this area that are already damaging habitat and degrading the air quality in the residential areas in and near Helotes. Residents in that area already have very little recourse to fight Martin Marietta and other operations to protect their health and property values. To think that the proposed SEP dHCP is asking for even more latitude for further development over a 30 year period is extremely alarming. Much of the karst areas in this area are in the Edwards Aquifer Recharge Zone or the Contribution Zone. Keeping these regions as natural and as preserved as possible is critical to the quality of the water supply for over a million residents and agricultural operations.
Mitigation, or the swapping of one "taken" area to be mitigated by another area is going to lead to the destruction of habitat and therefore the loss of population of the animal species listed as the "covered species". Purchasing mitigated land will not result in the relocation of the affected animals in the land where the habitat will be destroyed. The habitat in the mitigated or preserved areas may not be compatible and of course will already be populated with wildlife already settled there.
Personally, this proposal looks too much like a blank check for development for the next 30 years with little opportunity for environmental oversight. The middle paragraph of the "Proposed Action" portion of the notice includes the language that the SEP dHCP "...describes the conservation measures the applicants have agreed to undertake to minimize and mitigate for the impacts of the proposed incidental take of the covered species to the maximum extent practicable, and ensure that incidental take will not appreciably reduce the likelihood of the survival and recovery of these species in the wild." I'm in my 60's and I've learned to recognize phrases like "to the maximum extent

practicable" and "appreciably reduce" as being very indefinable and therefore provide loopholes so wide that you could drive a team of horses through. I'm not convinced that any permitted development will engage in operations that will minimize damage, habitat destruction, and wildlife loss because they can still claim they acted with "practicable" care and that they did not "appreciably" reduce these species in the wild.
Finally, the language danced around the likelihood that developers would be depending on a certain percentage of public funding in order to make up for costs related to the purchase of any necessary higher cost or higher percentage of mitigated land to be purchased for preservation. Developers who cannot afford all the necessary costs to engage in the kind of activities involving habitat and wildlife loss (and in some cases loss of air quality and/or groundwater quality/quantity) without depending on the general public to foot the bill should NOT be allowed to proceed with their projects.

I hope after considerable review, the Fish and Wildlife Service will NOT issue an ITP for this SEP dHCP request.

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For related information, **Open Docket Folder**

Comment

This plan is bad for our city and our county. We live in fragile environment. The developers of our city have proven themselves to be irresponsible by concentrating their home building over particularly irreplaceable features of our region. This plan was not publicized to the community stakeholders. Particularly during a critical election campaign period for our municipal government, we cannot allow such a massive change to take place without adequate open discussion among the electorate and candidates for office.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

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Tracking Number: 1jz-8hta-cfs9

Document Information

Date Posted:
Mar 20, 2015

Show More Details

Submitter Information

Submitter Name:
Wayne Thomas

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San Antonio

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United States

State or Province:
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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

No action alternative, please. It's hardly right to destroy our community and uproot our valuable wildlife just so a few cronies can line their pockets with ill-gotten profits. We need to preserve the natural habitats here, not open up more space for shady contractors to build their shoddy developments. It's not appreciated, either, that people are trying to sneak this by the citizens, and it will be noted as to which pockets are being lined. As a citizen, I'm getting tired of having to put up with crooked politics and backroom deals to my, and my neighbors', detriment. We do not pay city and state employees to profit from our backs, and no one in this state is elected or appointed to only serve monied interests. This is our land, our city, our county, our state, and our protected wildlife. Leave it alone or get out. Your services aren't needed.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0093

Tracking Number: 1jz-8hte-908b

Document Information

Date Posted:
Mar 20, 2015

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Submitter Information

Submitter Name:
Deana Jones

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Submitted Electronically via eRulemaking Portal

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Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I appose the US Fish & Wildlife's plan to allow Bexar county to develop on protected lands. There is something to be said for less is more. If you allow this land grab it is putting a bandaid on the situation. Leave it like it is. If you allow this to happen, what happens in 20 or 30 years? Do you let Kendall county develop on protected lands at that point? Where does it stop? Don't let this happen!

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0038

Tracking Number: 1jz-8h4o-a3yt

Document Information

Date Posted:
Feb 11, 2015

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Submitter Information

Submitter Name:
michael billingsley

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I request that the citizens of the areas in question be allowed to voice their concerns publicly in relation to the "Southern Edwards Plateau draft Habitat Conservation Plan (dHCP), draft Environmental Impact Statement (dEIS) and an incidental take permit application". I request that all information in relation to this issue be publicly opened, disclosed, and accounted for, and that all citizens be made aware of all contents in relation to this issue. I request the 'No ACTION alternative' to be registered by me, Beverly S. Kroening, citizen of Medina County, Texas on this day 2/1/2015, in relation to the "Southern Edwards Plateau draft Habitat Conservation Plan (dHCP), draft Environmental Impact Statement (dEIS) and an incidental take permit application".

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0024

Tracking Number: 1jz-8gyj-i3w3

Document Information

Date Posted:
Feb 3, 2015

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Submitter Information

Submitter Name:
Beverly Kroening

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

No ACTION alternative on this plan !!!! The thought that politicians and developers have hooked up to steal private property in order to build where they want to make money at the coast of private land owners is repulsive and immoral.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0021
Tracking Number: 1jz-8gyd-b2m1

Document Information

Date Posted:
Feb 3, 2015

Show More Details

Submitter Information

Submitter Name:
Brad Holt

City:
spring branch

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TX

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78070

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I am a resident of Kendall County. Not being politically motivated on any issue, I would like my voice heard on my total objection to this plan. Like most citizens we vote on our local representatives to protect and to stand up for what we believe as the growth path for our community. I do no live in Bexar County and do not want to be governed by Bexar county. This plan infringes on Kendall county and the five other counties being "used" by Bexar county for only Bexar county's benefit. Our local representatives here in Kendall county have done a wonderful job making sure we have enough green space and habitat protection. Bexar county should not be able to develop all it's land to increase their tax base while making their neighbors pay for their profits.I urge you to make Bexar county take care of their own issues and leave the other counties to take care of themselves. Please do not pin neighbor against neighbor.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0073

Tracking Number: 1jz-8ht1-ew5z

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
Wendy Corson

City:
Boerne

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78006

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

The SEP HCP, as written, is unacceptable in that it does not adequately protect endangered species. It is a green light to development of critical habitats in Bexar County and "mitigates" in remote areas. Surrounding counties have not signed on to the HCP. As written, it is a complete abdication of USFWS protections and responsibilities under the ESA. It is a case of allowing the fox to control the henhouse and putting control in the hands of the San Antonio good-old-boy network of developers, realtors, speculators, builders and construction industries.

In order of preferrence I ask that you:

1. Deny the SEP HCP and take permit and put more energy into enforcing existing ESA regulations.
2. Specify the single county plan. This will protect some local habitats and not decimate local populations as much.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0074

Tracking Number: 1jz-8ht1-fnvg

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
Alan Montemayor

City:
San Antonio

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78213

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0042

Tracking Number: 1jz-8h7t-ori9

Document Information

Date Posted:
Feb 18, 2015

Show More Details

Submitter Information

Submitter Name:
Ann Dietert

City:
Boerne

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78006

Comment

The SEP-HEP Draft presentation at the Public Meeting in Kerrville, Texas was either a success or a dismal failure, depending in the objectives of the presenters. The USFWS should have understood the sentiments of the other counties in the plan area -- they don't trust San Antonio/Bexar County. If the objective of the presentation was for the Plan to fail, they certainly got people stirred up against it, again. I was a member of the Citizens Advisory Commitee for the SEP-HCP. Several times people from the other counties came to speak against the Plan, and they succeded in getting their counties to opt out of the it. After the Public Meeting the local Boerne paper's headline on 2/10/15 was "Feds Aim for Land Grab" -- "Bexar County/San Antonio want more growth at Kendall's expense." While I understand the federal government didn't develope the Plan, I have to say I don't trust San Antonio or Bexar County to deal fairly with neighboring counties. I was surprised to learn at that meeting that San Antonio will administer the conservation areas and I find that pretty suspect. I had considered offering land in Kerr County for mitigation but now would not because it would not be under the control of an independent land conservation group. I now feel that all mitigation should take place in the county where it occurs and if that limits development, so be it. San Antonio already has water problems and seeks to take water from other areas, which is one of the reasons the other counties object to San Antonio controlling anything in their areas.

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

No action should be taken to impose upon land owners this SEP HCP for us who live in Kendall Co. We hate it and want Bexar to protect wildlife in their own backyard. Leave us alone, back off, and respect freedom and private property rights. No action! Thank you.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0056
Tracking Number: 1jz-8hqq-k4qp

Document Information

Date Posted:
Mar 18, 2015

Show More Details

Submitter Information

Submitter Name:
M. O'Connell

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

Being that the City of San Antonio and Bexar County are the parties asking for the Incidental Take Permit, the "Single-County Alternative" outlined in the dEIS is the most logical application. Surrounding counties have not asked to be included and have, in fact, issued resolutions stating they will not participate. If this plan, as the dEIS states, will make it more expensive to develop land in Bexar County, doesn't this serve the Service' interest for protecting potential habitat?

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0031

Tracking Number: 1jz-8h0j-4nja

Document Information

Date Posted:
Feb 4, 2015

Show More Details

Submitter Information

Submitter Name:
Anonymous Anonymous

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

This is a terrible infringement of private property rights and needs to stop. It's enough that we work a life time to acquire the property we have, to struggle to pay it off and own it, and then to continue to pay the rest of our lives through all sorts of tax avenues. I know how to manage what land I have and everything on it and do not need any other assistance from any governmental organization. THIS HABITAT CONSERVATION PLAN SHOULD NOT BE IMPLEMENTED!!

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0050

Tracking Number: 1jz-8hf7-x7v8

Document Information

Date Posted:
Feb 26, 2015

Show More Details

Submitter Information

Submitter Name:
Anonymous Anonymous

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

Stay out of the Hill country. If San Antonio cannot manage it's own growth within it's own boundaries then it needs to look for ways to grow that do not steal the land from private owners.

I want the 'No ACTION alternative" to this plan. This is the most pathetic attempt at land grabbing I have seen in a long time.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0029
Tracking Number: 1jz-8h0e-hkcu

Document Information

Date Posted:
Feb 4, 2015

Show More Details

Submitter Information

Submitter Name:
Richard Heitzman

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0060
Tracking Number: 1jz-8hrd-4d1d

Document Information

Date Posted:
Mar 18, 2015

Show More Details

Submitter Information

Submitter Name:
Mary Himlin

Comment

At public meetings, held locally, by FWS, there was absolutely no period for members of the public to speak. Kendall County was not even a meeting site, though our county will be more impacted, than will be others, by the SEP/HCP.

No recent field data exists; recovery plans for both the GCW and the BCV are ancient - 20 years old - and no field studies have been conducted. Yet, critical decisions will be based on this flawed approach.

In February 2011, Kendall County, among others, opted out of the SEP/HCP. We are still of the opinion.

The ESA negatively impacts property, which decreases in value, which means less monies for local taxing departments. The outcome is obvious: escalating taxes for the citizens. Three short months out of the year will we be able to clean out trees and clear brush - because the GCW has more rights than we. Now, I believe most citizens are reasonable enough that they support conservation and recycling efforts - this SEP/HCP goes way beyond that and into the realm of encroachment with its Agenda 21 scheme.

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0044

Tracking Number: 1jz-8h99-tycc

Document Information

Date Posted:
Feb 18, 2015

Show More Details

Submitter Information

Submitter Name:
Anonymous Anonymous

Comment

I am a Kendall County resident, landowner, and voter. I am disgusted that San Antonio and Bexar County have proposed to take away landowner rights in our county. I believe there is a constitution that protects citizens from this heinous behavior by a government. How is this possible? It is NOT possible, under our constitution.

So, we have a situation where some environmental "do gooders" want to restrict land in order to protect beetles and spiders. How ridiculous is that? And because Bexar County does not want to restrict its precious land, they try to restrict a neighbor's land? Again, I believe the constitution protects me from this heinous government action.

This proposed regulation should be rejected in its entirety. Keep Bexar County government inside their own borders. And if we have fewer spiders and beetles there, who really cares?

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

in reference to the SEP dHCP and dEIS:

Please do not allow private companies, or any other entity, acquisition of off-site preserve lands. I prefer the "no action alternative."

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0026

Tracking Number: 1jz-8gz9-sp4q

Document Information

Date Posted:
Feb 3, 2015

Show More Details

Submitter Information

Submitter Name:
Denny Dial

City:
Houston

Country:
United States

State or Province:
TX

ZIP/Postal Code:
77080

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0091

Tracking Number: 1jz-8htc-w22t

Document Information

Date Posted:
Mar 20, 2015

Show More Details

Submitter Information

Submitter Name:
Manuel Vega

City:
San Antonio

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78210

Comment

Living in a community where our watershed is a valuable commodity, it is time to stand up to developers and issue a loud and clear statement that we need to protect our environment. For too long businesses have dictated environmental regulations in this City, County, and State. We. Ow have an opportunity to tell businesses no to destroying our environment. We must protect our communities for future generations. What happens when the Edwards Aquifer can no longer replenish itself? What happens when our City's only water source is polluted beyond repair? What will we tell our children and future generations when the only green space left is in our heavily developed parks and nature preserves? This proposal is a shame on the City of San Antonio. Protect our communities by telling developers, "NO!"

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

These is disguised as a way to protect endangered species but it actually is a way for developers in Bexar County to legally kill endangered species by buying "credits" from people in these 7 counties which will then not be able to develop their land. How do you think the Karst invertebrates will be able to pack up and leave their cave in Bexar county and go to one of the places where the develovers from Bexas county have bought their "credits".I recommend this plan be rejected.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0048

Tracking Number: 1jz-8hf5-z00e

Document Information

Date Posted:
Feb 26, 2015

Show More Details

Submitter Information

Submitter Name:
Lloyd Leifeste

City:
Kerrville

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78028

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

As cattle ranchers in Kendall County we have been seriously impacted by continuing drought conditions and the increasing tax value of our land due to urban expansion from the San Antonio metropolitan area. To maximize the grazing area on our ranch we are constantly clearing cedar (actually Ashe juniper! which reduces grass availability and absorbs critically needed water resources).

For the federal government to dictate to us how we use our land in order to alleviate the impact of urban sprawl on metropolitan green space seems absurd

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0078

Tracking Number: 1jz-8ht3-ap5b

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
Henry Lang

City:
Boerne

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78006

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

This proposed regulation is not acceptable to Landowners outside Bexar Co. We are all environmentally friendly. This proposed
regulation benefits San Antonio only, to our disadvantage . The current regulations should be left alone. If the regulation proposed were enacted, immediate, well funded legal opposition will ensue. This will cost Bexar Co. and San Antonio far more in Legal expenses and bad P.R.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0077

Tracking Number: 1jz-8ht2-ly7c

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
John Anderson MD

City:
Boerne

Country:
United States

ZIP/Postal Code:
78006

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0087
Tracking Number: 1jz-8ht9-19yi

Document Information

Date Posted:
Mar 19, 2015

Show More Details

Submitter Information

Submitter Name:
Alyssa Burgin

City:
San Antonio

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78232

Comment

Nothing can replace the native flora and fauna of a place like Bexar County--it is part of what makes our city and our county unique, and it's part of the reason Texans make our area the most-visited tourism spot in the state. Why on earth would we want to take the chance of destroying that delicate balance in nature? Why would we want to change the natural habitat, and take the risk of messing with nature's plan? Or God's plan, if you will. We can't get it back once it's gone. Please do not approve these 'swaps' as outlined in the new plan. Our eco-system, our habitat is irreplaceable, and cannot be "mitigated" by planting something hundreds of miles away, or preserving a wetland in some other region or state. Take care of our own city and our own county, and let the eco-system give back to us as it has all of these centuries. It's too precious to mess with--don't mess with Texas, and don't mess with Bexar County!

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0065

Tracking Number: 1jz-8hri-8gvz

Document Information

Date Posted:
Mar 18, 2015

Show More Details

Submitter Information

Submitter Name:
Earl Smith

City:
Bergheim

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78004

Comment

Please accept my recommendation for "NO ACTION" on this revised plan (FWS-R2-ES-2014-0053). Due to inadequate preparation and delivery of presentations of this most recent request for an Incidental Take Permit on behalf of the applicant, (The City of San Antonio, Texas and Bexar County, Texas), this plan requires general denial.

The endangered species listed in the plan are not being protected in this case, rather than protect them, the USFWS is being asked to issue permits to applicant (The City of San Antonio, Texas and Bexar County) to KILL these species in order to allow applicant authority to continue development in and over the plan area with very little regard to the wishes of property owners in the affected areas.

I do not appreciate the use of federal funds through federal agencies to be asked to abuse property owners for the benefit of developers and others who have no intention of protecting the endangered species as listed in the plan. Un-bridled development in the areas North of the city limits of San Antonio, Texas is un-acceptable to those of us who would prefer development be limited to areas currently not in the Map Areas listed in the Plan, (ie. south and east of San Antonio, Texas.

Please take NO ACTION.

Thank you,

Earl Smith
Kendall County, Texas

Attachments (1)

March 15, 2015

Public Comments Processing
Attn: FWS-R2-ES-2014-0053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

Gentlemen:

SOUTHERN EDWARDS PLATEAU
ENVIRONMENTAL IMPACT STATEMENT AND
HABITAT CONSERVATION PLAN
CITY OF SAN ANTONIO AND BEXAR COUNTY
REGIONAL HABITAT CONSERVATION PLAN

I herein submit comments related to the captioned documents as set forth in the Federal Register announcement dated December 19, 2014.

Due to inadequate preparation and delivery of presentations of this most recent plan by USFWS, I respectfully request general denial of the application for the Incidental Take Permit.

The documents as presented to the public have changed in substance considerably since the first draft was submitted in 2011 and the drafts presented for review by the December 19, 2014 notice. The Citizens Action Committee (CAC) and U.S. Fish and Wildlife Service (USFWS) insist on including Kendall, Medina, Kerr, Bandera, and Blanco counties in the Southern Edwards Plateau-Habitat Conservation Plan (SEPHCP) even though citizens of the counties, through their elected representatives (i.e. county commissioners) unanimously passed resolutions to opt out of the habitat conservation plan, and filed these resolutions with the CAC in February 2011.

The development and preparation of the captioned documents was primarily funded by a grant from USFWS to the City of San Antonio and Bexar County under the premise that permitting would be expedited. The people benefiting from expedited permitting would be developers with projects to expand within the City and County. I take exception to having my tax dollars being used to front the permitting for local developers. The use of public funds for private enterprise is unacceptable.

The National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations have specific actions that much be taken in the development of an Environmental Impact Statement (EIS). It seems these regulations were ignored during the conduct of this project.

* No public scoping meetings were held to obtain comments from the public.
* The stakeholders of the project failed to coordinate the project with local officials (i.e. county commissioners).

* The public meetings held to review the 2011 draft did not allow for public discourse in the form of verbal communication. Participants were required to write their questions on paper and a moderator read the questions which were then answered by the project team. Hardly a public meeting.
* The public meetings for the final draft were even more restrictive although the moderator of the meeting quickly lost control. The concept of a public meeting implies to me there be verbal discourse which the USFWS tried to prevent. The attitude of the USFWS moderator at the Kerrville, TX public meeting on February 4, 2015 was anything but friendly. Federal employees need to be reminded they work for the people.
* Only two public meetings were held on final draft EIS and HCP. Kendall County which would be impacted greater than any other county was not included for a meeting site.

Habitats for the Golden-Cheeked Warbler (GCW) and Black Capped Vireo (BCV) were determined by high altitude satellite photography without benefit of field truthing.

No field surveys have been conducted to determine the presence of either species in Bexar County. Appendix C, dated March 30, 2011, provides a literature review of the target species and it is pointed out little field data are available for the HCP Plan region. Two different ranges of potential habitat for the GCW are given for the HCP area; both over 750K acres compared against a potential of over 4 million acres over the range of the GCW.

Section 5.1 of Appendix C notes reliable estimates of valuable habitat for the BCV are generally unavailable; particularly at large scales. Habitat is hard to identify and delineate from aerial imagery. Like the GCW no critical habitat has been designated for the BCV.

While the ESA requires monitoring of a species before inclusion on the endangered list there are few studies reported for the plan area. Appendix C provides estimates on GCW densities in the area. Some field data for breeding pairs of the BCV are available from 2006. The lack of pre listing monitoring data suggests the listing of the species might have been premature. Only seven months elapsed between the emergency listing to final rule for the GCW in 1990. Texas listed the bird as endangered in February 1991. The initial listing of the BCV was December 12, 1986 with the final rule effective November 5, 1987. It was listed by the state of Texas December 28, 1987. The 5-year review summary and evaluation by USFWS recommended the BCV be down listed to (threatened) in 2007. No action was taken on the recommendation.

The recovery plans for both species are over 20 years old. The absence of any recent field data concerning the presence of either species, their density, nesting activities and residency leaves a lot of questions for debate. Of course we have been reassured field data will be collected when the HCP plan is put into place.

The section on climate change in the dEIS is nothing but political correctness and has no basis in fact. The write up is based on junk science which really sets the tone for the entire dEIS.

The requirement for Conservation Easements to be held in perpetuity was a major issue during the public meetings on the first draft of the HCP. It was deleted from discussion in the final draft. The Incidental Take Permit (ITP) will probably be issued for 30 years. While the property

owner has the option of saying yes or no to placing their land in a Conservation Easement the information regarding committing their property in perpetuity should be disclosed early on. This has not been a transparent process.

The revised dEIS relies on the Extra Territorial Jurisdiction for the City of San Antonio to expand its uncontrolled growth into surrounding counties. While previous court rulings have found cities cannot conduct their activities outside the county boundaries. However, the City of San Antonio continues to play the "playground bully" by pushing the HCP into surrounding counties. There currently is a lawsuit between Kendall County and the City of San Antonio over this issue.

It is my opinion the documents covered by this public notice are totally inadequate for the purpose of issuing an ITP. I herein request ITP application be denied. I further recommend the USFWS review its responsibilities in carrying out the requirements of NEPA during the conduct of future projects of this nature.

Please reply.

Yours truly,

Earl Smith
P.O. Box 4216
Bergheim, Texas 78004
210-392-5537

cc:
Representative Lamar Smith
Senator John Cornyn
Senator Ted Cruz
Mrs. Donna Campbell, Texas State Senate
Mr. Doug Miller, Texas House of Representatives
Mr. Tommy Pfeiffer, Kendall County Commissioner, Precinct 3

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0061

Tracking Number: 1jz-8hrx-6l8x

Document Information

Date Posted:
Mar 18, 2015

Show More Details

Submitter Information

Submitter Name:
Karen Schneider

Comment

I am opposed to the implantation of the SEP-HCP in the county in which I reside, Kendall County. I feel that the plan is unnecessary to the citizens of this county, and there are other options available to landowners if they wish to set aside property for habitat. Bexar County should not be able to impose any regulations on other counties even if their jurisdiction overlaps county lines, in this matter. Landowners are the best people to make decisions for their private property and that is a right of all citizens of the state and country. Please take NO ACTION on the SEP-HCP.

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

My comment is in reference to the SEP dHCP and dEIS...Southern Edwards Plateau (SEP), draft Habitat Conservation Plan (dHCP), draft Environmental Impact Statement (dEIS), and an incidental take permit application:

I don't want the government to restrict how I can use and enjoy MY private property!

I want the "No Action Alternative"!

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0025

Tracking Number: 1jz-8gz3-ed7y

Document Information

Date Posted:
Feb 3, 2015

Show More Details

Submitter Information

Submitter Name:
James Kloza

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0045

Tracking Number: 1jz-8hbv-chpl

Document Information

Date Posted:
Feb 23, 2015

Show More Details

Submitter Information

Submitter Name:
G. Eppinger

Comment

Bexar County would like the USFWS to take private property that belongs to citizens in Kendall County and put restrictions on that property. The Endangered Species habitat through the Southern Edwards Plateau Habitat Conservation Plan would take land in Kendall County to be set aside to mitigate Bexar County development. If this happens developers can't build on this land. The Endangered Species habitat has put insects, birds, fish, etc., before human rights. People should be in charge of their own land. If these so called endangered species are so necessary, put them in a zoo or aquarium. Government has already taken so much land and rights away from the citizens. We the people are not in charge anymore. It seems like at some point the government needs to stop this stealing of land and rights of the people.
I am against Bexar County trying to force land restrictions on Kendall County residents. Let them take care of their own county NOT ours.

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

If San Antonio and Bexar Co are having a problem with expansion and habitat erosion, they are the ones that need to fix their problem themselves and not inflict a general solution on surrounding counties which do not have similar problems.

When I went to high school in Mason there were 2800+ people in residence in the city. Now there are less than 2200, and there are not population growth, environmental habitat conservation or urbanization problems in Mason County.
Spend your Bexar Co tax dollars more wisely (at home). Provide tax incentives for building highrise apartments, office buildings and other facilities that do not encroach on native habitat within your own county. Provide the proper incentives so the problem will solve itself without subjecting neighboring counties to your bureaucratic nonsense.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0051

Tracking Number: 1jz-8hfb-zs9q

Document Information

Date Posted:
Feb 27, 2015

Show More Details

Submitter Information

Submitter Name:
Anonymous Anonymous

Country:
United States

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0046
Tracking Number: 1jz-8heo-7ukb

Document Information

Date Posted:
Feb 26, 2015

Show More Details

Submitter Information

Submitter Name:
Anonymous Anonymous

Comment

Double AA Ranch, Edwards Co. Texas
As land owners, we take great pride in keeping informed on issues, be it environmental, habitat, agricultural, water rights and survival. Our jobs are to protect the land, cultivate it, respect it (Ps 8) and manage it. This land is our land. Not the federal government.

Water is being taken at a high rate and we are in drought conditions all the time. San Antonio needs to figure out how to provide water for themselves and development without taking it from the Edwards Plateau.
Examples are Buchanan Lake NW of Austin, TX. Look at Medina Lake, TX (NW of San Antonio, TX)! Bone Dry....

We already have wells going dry around Medina, Bandera, TX.

The Federal Government has no business in this issue. They are using the Tx. Parks and Wildlife to attempt to coerce landowners into this conservation in the name of what? So San Antonio can bargain their way to develop more, to take more, to justify their growth for immediate gratification. TEXAS IS DRY and everyone is moving here. They need to spend a week in west Texas without any water before making the decision to develop here.
Signed,
Lucy

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

No Action Alternative.

San Antonio is already too big. People move to the outlying area's to get away form the big city, yet we find the fools in city government continue to follow us. We don't want San Antonio in Bandera or Medina Counties!

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0023

Tracking Number: 1jz-8gyi-srp3

Document Information

Date Posted:
Feb 3, 2015

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Submitter Information

Submitter Name:
Anonymous Anonymous

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

This is CoSA and Bexar County asking Joe the Plumber to pay for their lunch just because he happens to be in line ahead of them. Allowing development of Bexar County on the condition that lands in the surrounding counties are set aside for conservation is ludicrous. It would effectively create a great race to develop as much as possible before this was instituted...followed by basically condemning the remaining tracts of land. Couple that with creating a new, massive, and unelected bureaucracy with the ability to potentially impose taxes and fees is entirely unacceptable!

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0032

Tracking Number: 1jz-8h0j-2yzj

Document Information

Date Posted:
Feb 4, 2015

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Submitter Information

Submitter Name:
Kendall County Resident

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I find it amazing that the public has heard very little about this latest boondoggle through the local main stream media. We have to rely on other sources of information, even though it is supposedly "our" government that is shafting us.

You can take your eminent domain and shove it where the sun doesn't shine. We don't want San Antonio in Bandera, Kerr, or Medina counties.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0037
Tracking Number: 1jz-8h3u-hw3g

Document Information

Date Posted:
Feb 9, 2015

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Submitter Information

Submitter Name:
Anonymous Anonymous

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I like it
Please do it

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0036
Tracking Number: 1jz-8h3q-mrap

Document Information

Date Posted:
Feb 9, 2015

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Submitter Information

Submitter Name:
Anonymous Anonymous

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

Please deny the SEP dHCP and dEIS. The Constitution never intended to allow the government to take private property for the benefit of developers. This proposal is clearly un-Constitutional.Take the NO ACTION plan.

Sincerely,
Thomas G. Price
tprice2@austin.rr.com

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0022
Tracking Number: 1jz-8gye-wnia

Document Information

Date Posted:
Feb 3, 2015

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Submitter Information

Submitter Name:
Tom Price

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I have NO interest in MORE government regulations. Stay out of state's rights and leave the land of Texas alone.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0059

Tracking Number: 1jz-8hqy-8vqg

Document Information

Date Posted:
Mar 18, 2015

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Submitter Information

Submitter Name:
Anonymous Anonymous

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I am interested in purchasing property in the Bloomfield Hills development, in Bexar County, north west of San Antonio, TX, for residential development. I urge Bexar County to do what ever is necessary to secure the permits with USFWS that are required to allow reasonable housing development in the region.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0062
Tracking Number: 1jz-8hsk-ug37

Document Information

Date Posted:
Mar 18, 2015

Show More Details

Submitter Information

Submitter Name:
Dirk Heiss

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I urge that the no Alternative option be used. Animals do not understand that they have to "move" because someone wants to build a neighborhood. There are so many areas on the border of San Antonio and in the Bexar county area to develop that there is no reason to take land that is used to protect endangered species.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0090

Tracking Number: 1jz-8htc-nozy

Document Information

Date Posted:
Mar 20, 2015

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Submitter Information

Submitter Name:
Thomas Chittenden

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I want a no-action alternative to this attempt at conficating land for "so called" endangered animals. We humans are endangered when it comes down to it. Leave landowners alone. Confiscate land in a foreign country and export thos animals to that country. That may be the best solution. Better yet, send the politicians with the animals.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0027

Tracking Number: 1jz-8gzp-2jyy

Document Information

Date Posted:
Feb 3, 2015

Show More Details

Submitter Information

Submitter Name:
les mizell

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

Concerning this, I would strongly request the "No ACTION alternative." Private property must not be infringed upon.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0054
Tracking Number: 1jz-8hoh-328y

Document Information

Date Posted:
Mar 18, 2015

Show More Details

Submitter Information

Submitter Name:
Andra Haney

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0040

Tracking Number: 1jz-8h6k-vacq

Document Information

Date Posted:
Feb 18, 2015

Show More Details

Submitter Information

Submitter Name:
Anonymous Anonymous

City:
San Antonio

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78212

Comment

The PUBLIC MEETING in Helotes, Texas was WORTHLESS. It was a classic dog and pony show, not truly interested in feedback and certainly out of touch with reality: GERMAN TRANSLATORS?????? WHO ARE THE LOONATICKS PLANNING THIS EVENT?????? Good grief.

The SEPHCA plan is extremely environmentally damaging, too far reaching (9 species in 7 counties!!!!), mitigation too far away from where the damage was done, and hopelessly out of touch with the landowners and land stewards (German translators???)

1. ALL MITIGATION SHOULD HAPPEN IN THE IMMEDIATE AREA OF DAMAGE & TAKE.

2. THIS SEPHCA PLAN IGNORES 70 2010-2015 DOCUMENTS AND SCIENTIFIC PAPERS AT UT-AUSTIN. NONE WERE REFERENCED IN YOUR 2015 SEPHCA PLAN.

3. NO EXISITNG PARKS AND OPEN SPACES ALREADY PROTECTED SHOULD BE USED FOR THIS 2015 SEPHCA PLAN.

4. MINIMUM DESIGN FOR PRESERVES IS NOT ACCEPTABLE.

5. THE OVERSEER OF THE REFUGES IS NOT MENTIONED. WHO WILL OVERSEE AND ENFORCE?

6. INCLUDE THE 2 SPECIES YOU LEFT OFF THE 2011-2014 PLANNED SEPHCA. YOU LEFT THEM OFF THIS PLAN.

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0092
Tracking Number: 1jz-8htd-m6pc

Document Information

Date Posted:
Mar 20, 2015

Show More Details

Submitter Information

Submitter Name:
Anonymous Anonymous

Comment

I highly recommend the No Action Alternative for this ITP application. Why does the "rob Peter to pay Paul" ITP bandaid even exist? Mitigation via acquisition of other properties outside of the proposed development is not a plausible solution. Are they going to relocate the endangered species? No. And when developers (and cities and counties) complain about all the environmentalists saving spiders, birds and other critters, do they realize that it's not just about saving these species, it is about the maintenance of an ecological system that needs to exist. When you pave paradise to put up a parking lot, you will reap what you sow. Unfortunately, others have to reap what you sow as well. What ever happened to the infill idea? The urban sprawl is OUT OF CONTROL!

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

San Antonio needs to stay within the confines of Bexar County. Our water supplies and aquifers are stressed enough without having more development that only benefits a few. San Antonio and Bexar County should already be in Stage 3 water restrictions, but it seems like that is not going toi receive much publicity. The S.A. City Council and Sculley aparentely want to keep that gem if information hidden from developers for fear of losing "growth", which, BTW is a 90's metric.

STAY OUT OF KENDALL, BANDERA, and MEDINA COUNTIES! STOP overdeveloping on our recharge zone.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0030

Tracking Number: 1jz-8h0l-3576

Document Information

Date Posted:
Feb 4, 2015

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Submitter Information

Submitter Name:
Anonymous Anonymous

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

I want the 'No ACTION alternative.'

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0028

Tracking Number: 1jz-8h00-hspt

Document Information

Date Posted:
Feb 4, 2015

Show More Details

Submitter Information

Submitter Name:
Greg Schenck

City:
Houston

Country:
United States

State or Province:
TX

ZIP/Postal Code:
77270

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0043

Tracking Number: 1jz-8h93-r6e0

Document Information

Date Posted:
Feb 18, 2015

Show More Details

Submitter Information

Submitter Name:
Michael Gargano

City:
Boerne

Country:
United States

State or Province:
TX

ZIP/Postal Code:
78006

Comment

To Whom it May Concern,
I am opposed to the Bexar County Incidental Take Permit from USFWS for several reasons. Development of the land set aside for endangered species will damage habitat. Additionally, Kendall County, where I live, will be forced to set aside private land to compensate for the Bexar County Take Permit. Finally and most importantly, Federal Government Agencies should not be intruding into the affairs of Texas or any other state for that matter.

Thanks to our elected representatives and our citizens, Kendall County does an excellent job managing it's own business, including preserving open space and protecting wildlife.

Continued Federal overreach and intrusion into state and local affairs is, and has been in clear violation of the Constitution, since the states maintain all power not specifically delegated to Washington. We certainly do not need or want Federal Government agencies dictating to Texas how we manage our land and water, nor will we allow blatant land grabs by the same.

Regards,

Michael A. Gargano

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS) Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

This is a terrible plan that does more harm than good. Do not move forward with it.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0089

Tracking Number: 1jz-8htb-3xql

Document Information

Date Posted:
Mar 20, 2015

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Submitter Information

Submitter Name:
Anonymous Anonymous

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Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment

Government is increasingly infringing on the property rights of individuals. Currently, governments own/ control over 40% of lands in the Untied States. Private landownership in Texas is the strongest in the nation. Excuse of protecting endangered species is just a method of wrestling control of Texas property from individuals to the collective. Unless the people of Kendall country vote to enact such a plan, the Fish and Wildlife Service will have no authority over the private lands in the county.

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0058
Tracking Number: 1jz-8hqy-hhsg

Document Information

Date Posted:
Mar 18, 2015

Show More Details

Submitter Information

Submitter Name:
Anonymous Anonymous

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Your Voice in Federal Decision-Making

Submitted Electronically via eRulemaking Portal

This is a Comment on the **Fish and Wildlife Service** (FWS)
Notice: **Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan**

For related information, **Open Docket Folder**

Comment Period Closed
Mar 19 2015, at 11:59 PM ET

ID: FWS-R2-ES-2014-0053-0035
Tracking Number: 1jz-8h1b-e7qr

Document Information

Date Posted:
Feb 6, 2015

Show More Details

Submitter Information

Submitter Name:
Anonymous Anonymous

Comment

1. Government is not a pejorative word, but it is one that is often abused. The term âgovernmentâ is often placed in contexts where people mean to be insinuating âbureaucratic red tapeâ and the minutia that bogs down the actual functioning of government. Many in attendance at last night's public forum in Kerrville came across as âanti-governmentâ when they are simply against the over-burgeoning effects of government growing beyond what the nature of government in this country was intended.
2. USFWS, CoSA, Bexar County, Bowen Consulting, Jacobs Engineering, and everyone involved in presenting these meetings came across as having taken pains to be deliberately vague in providing information to the public. The most obvious example I can think of is in not telling the people in Kerrville exactly HOW, rather than WHY, counties surrounding Bexar County are even mentioned in the âPlan Areaâ.
3. Treating people with such deliberate disrespect only serves to produce more distrust amongst the people you serve. Being that they also happen to be the ones you are attempting to gain cooperation from, it becomes a double-edged sword once those you have offended actively seek to shut down the process through their elected officials.
4. The presentations provided at the USFWS meetings oversimplified the concept of Habitat Conservation Plans. This came across as:
    a) an effort to utilize Bexar County and CoSA as enforcement arms in a war against large-tract land owners in adjoining counties;
    b) growth of Bexar County at the expense of adjoining counties; and
    c) as one gentleman put it, the authorization for development in Bexar County to KILL endangered species as long as limitations are placed upon land owners in adjoining counties.
No clarity was made as to how conservation easements in adjoining counties will become theoretical transactions (i.e. - sales of credits to developers in order to mitigate the destruction

of Bexar County habitat).
5. Karst mitigation outside of Bexar and Medina counties is a ridiculous abuse of the concept of mitigation. As karst habitat capable of supporting the listed Bexar karst invertebrates does not exist beyond those 2 counties within the plan area, the wording of the proposed plan should specifically state as much. However, USFWS did not hold either of the two public meetings in a location that would allow Medina County residents fair and reasonable access to present their viewpoints publicly.
6. On that note, the format not allowing for public comments openly aired created a note of distrust that could not be overcome. By technicality, the meetings are not in violation of federal or state laws, as people were informed they could stand in line to leave one-on-one comments with the court reporter, placed on one of the paper sheets and deposited into a comment box, or by going online to the federal website. If nothing duplicitous is going on, why engender so much subterfuge?
7. In many cases, an heir or heirs inheriting land in this country cannot afford to keep the property. This generally leads to the sell of the land, and developers are more often than not the target buyers. Telling the people of counties adjoining Bexar County that the only way they will be able to sell their land is into government conservation banks was the first mistake, and one that was irreversible. To truly conserve habitat, eliminate the inheritance tax!
8. Assuming families who have maintained lands in these counties for generation upon generation are too ignorant to provide steps conserving the natural environmental and habitat is a mistake. How many ships have transported crude oil before or since the Exxon Valdez without incident? Do you see the parallel? While not every Texas may be an outspoken conservationist, the vast majority are not slash-and-burn destructionists! However, that is exactly how the people of the âPlan Areaâ have been treated. These families live on, manage, and care for the land. Most feel they have far more invested in land their family has been on for a hundred years than any bureaucrat could possibly fathom.

USFWS sponsors of the South Edwards Plateau Habitat Conservation Plan

Why are you even holding these public meetings? You ignored your own laws and regulations during the draft preparation stage of the HCP and EIS by not coordinating with the people of the affected counties and their elected representatives. The counties of Median, Bandera, Kerr, Kendall and Blanco did not submit an application for an Incidental Take Permit (ITP) nor did they prepare a conservation plan for such a permit. Therefore, the Service could not issue a permit that covered the five counties' jurisdictions until and unless they themselves submitted an application directly and fulfilled the requirements as directed by the ESA. The counties did not consent to be included in the SEP-HCP and specifically opted out of the proposed plan. The citizens of the counties, through their elected representatives (the county commissioners courts of the counties) unanimously passed resolutions to opt out of the SEC-HCP and filed these resolutions with the Citizens Action Committee in February, 2011.

The final HEC and final EIS now claim the ITP would be covered under current and future portions of Bexar Co. and the City of San Antonio's extra-territorial jurisdiction (EJT). Counties in the state of Texas do not have the authority to unilaterally act outside their boundaries without a constitutional amendment.

The USFWS, Texas Parks & Wildlife Dept. acting on behalf of the City of San Antonio and Bexar county have no legal authority to force the SEC-HCP or subsequent ITP on the citizens of the above referenced counties. It is time for you to fold up your tents and go home.

Alan Smith
PO Box 1000
Comfort, TX 78013

830-995-5500

Public Comments
Attn: FWS-R@-ES-2014-0053

April 3, 2015

Dear Guardians of the Environment:

We ask for renewed public hearings and an extension of time for comments on the

Southern Edward Plateau Habitat Conservation Plan
(SEP- HCP)

that Bexar County and San Antonio, on behalf of <u>developers</u> is requesting a permit for.

This 7-counties, 7-endangered species plan needs to be brought before the public before more of our environment is being destroyed.

Please, help!

RECEIVED
APR 14 2015
Div. of Policy & Dir. Mgt.

Thank you,

Mr. and Mrs. R.H. Carlson
335 Eastley Dr
San Antonio, TX 78217

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WWW.HILLCOUNTRYCONSERVANCY.ORG

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MAR 23 2015
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March 16, 2015

U.S. Fish and Wildlife Service
Public Comments Processing
Attn: FWS-R2-ES-2014-0053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service; MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

Mr. Adam Zerrener
Field Supervisor
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 100
Austin, TX 78758

RE: FWS-R2-ES-2014-0053-0049: Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan; City of San Antonio and Bexar County; Regional Habitat Conservation Plan

Dear Adam:

We write this letter in support of the Southern Edwards Plateau Habitat Conservation (SEP-HCP). Land development activities that accompany and support the expanding population of the greater San Antonio area have caused the loss and degradation of habitats for federally threatened or endangered species, and are the primary factors threatening the survival and recovery of these species.

As we see all too often today throughout the greater San Antonio area and surrounding Hill County, many projects are proceeding without proper coordination with the U.S. Fish and Wildlife Service (USFWS) and would rather risk enforcement actions that could delay completion and/or result in fines, than seek compliance with the Endangered Species Act (ESA). This is largely due to the fact that the process for ESA compliance by obtaining a permit from the USFWS is lengthy and expensive, thus discourages people from seeking it. What this poor compliance and lack of proper coordination has resulted in is the loss or degradation of endangered species habitats without the benefits of the corresponding conservation measures that would otherwise be implemented as required by the ESA.

This overall lack of ESA compliance over the past couple of decades has resulted in few conservation actions being implemented in the greater San Antonio area specifically for the benefit of the region's

threatened or endangered species. Furthermore, it has been estimated that approximately 241,000 acres of available undeveloped land within the SEP-HCP Plan Area will be converted to developed land uses within the next 30 years, at an average pace of approximately 7,800 acres per year. The greater San Antonio area needs a locally implementable solution to curtail the continuing loss of open-space and endangered species habitat within the region.

While ongoing conservation initiatives sponsored by the City of San Antonio's Edwards Aquifer Protection Program have protected tens of thousands of acres in the SEP-HCP Plan Area from future development, most of these actions do not specifically provide for the protection or management of endangered species habitats. Without specific habitat protections and on-going management, the conservation value of these lands may be limited for endangered species. There are only a few relatively small and scattered conservation actions within the region that have specifically targeted the protection and management of endangered species. However, these efforts alone will not likely support the self-sustaining ecosystem processes that naturally maintain endangered species habitats within the next 30 years.

Protecting endangered species habitat is important, and much of this habitat occurs over areas within the recharge and contributing zones of the Edwards Aquifer and would contribute to aquifer protection. The SEP-HCP will provide for the coordinated conservation of the area's important natural resources at a scale that helps secure the status of endangered species and contributes significantly to their ultimate recovery. At full implementation, the SEP-HCP preserve system would include a minimum of 23,430 acres of golden-cheeked warbler preserve lands; a minimum of 6,600 acres of black-capped vireo preserve lands; and a minimum of 1,000 acres of preserve lands for the seven listed karst invertebrates covered by the plan. The SEP-HCP also requires that conservation actions must be completed before a corresponding amount of participation can be allowed to occur through the Plan.

The SEP-HCP would be another tool in the conservation toolbox in which groups could utilize for assistance in regional-scale conservation efforts, not only endangered species protection and recovery, but protection of the Edwards Aquifer and other important natural resources of the Hill Country. SEP-HCP resources in the form of mitigation fees, available grants, and public funds will be used to acquire lands or perpetual conservation easements on properties from voluntary and willing landowners within the 7-county Plan Area that meet conservation and recovery-specific design criteria for these endangered species.

Additionally, the SEP-HCP will require two acres of mitigation for each acre of direct impact and one-half acre of mitigation for each acre of indirect impact. All other similar HCPs within the central Texas area only require a one acre of mitigation for each acre of direct impact.

Any amount of mitigation would be better than the current status quo of no mitigation at all.

Respectfully Submitted,

George Cofer
Executive Director

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A PROFESSIONAL CORPORATION

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Austin, TX 78767-9998

March 16, 2015

Mr. Dan Ashe
Director
United States Fish and Wildlife Service
1849 C Street NW, Room 3331
Washington, DC 20240-0001

Dr. Benjamin Tuggle
Regional Director
United States Fish and Wildlife Service
500 Gold Ave SW
Albuquerque, NM 87102

Mr. Adam Zerrener
Field Supervisor
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, TX 78758

Public Comments Processing
Attn: FWS-R2-ES-2014-0053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: ***Comments on the Draft Southern Edwards Plateau Habitat Conservation Plan and Draft Environmental Impact Statement***

Dear Mr. Ashe, Dr. Tuggle and Mr. Zerrener:

This firm represents the Ayres Family and the Shield Ranch Camp Wood which is located in Real County, Texas (the "Ranch"). We write to provide comments on the above-referenced draft Habitat Conservation Plan, referred to as the Southern Edwards Plateau draft Habitat Conservation Plan ("SEP dHCP") and the draft Environmental Impact Statement ("dEIS"), which was prepared to evaluate the permit application in accordance with the requirements of the National Environmental Policy Act ("NEPA"). Unless otherwise specifically indicated, these comments address the entire permit application package, which includes both the SEP dHCP and dEIS.

We also take this opportunity to once again express our serious and growing concern about the administration of the GCWA and BCVI conservation banking program by staff in the United States Fish and Wildlife Service (the "USFWS") Region 2 Southwest Regional Office in Albuquerque, New Mexico (the "Regional Office") and the USFWS Austin, Texas Ecological Services Field Office (the "Austin ES Office"). USFWS staff continues to act arbitrarily and capriciously in the administration of the GCWA and BCVI conservation banking program in Texas.

This letter urges a careful examination of the counties included and not included in the SEP dHCP "Plan Area", as well as issues of inconsistency with the USFWS' stated policy position with respect to conservation lands for the conservation and recovery of the golden-cheeked warbler ("GCWA") and the black-capped vireo ("BCVI").

I. The SEP dHCP and the dEIS arbitrarily fail to acknowledge or analyze that the Proposed Action is inconsistent with current USFWS policy.

On or about July 1, 2013, the USFWS added to its website the "Guidelines for the Establishment, Management, and Operations of Golden-cheeked Warbler and Black-capped Vireo Mitigation Lands" (the "New Guidelines").[1] The USFWS did not publish any of these documents in the Federal Register; it did not issue a press release; and it did not make any effort to make members of the general public aware of the New Guidelines. In addition, the USFWS did not allow members of the public the opportunity to provide comment on the New Guidelines.

Austin ES Office staff has verbally informed some members of the public, including our clients, that the New Guidelines were going to be "strictly interpreted" and applied to all "*new*" GCWA and BCVI conservation lands under consideration. It continues to be our position that the New Guidelines as "strictly enforced" upon private landowners are not valid because they were not adopted pursuant to required notice and comment rulemaking; however, both the dHCP and the dEIS are wholly inconsistent with the "New Guidelines." This is most evident in the designation of the "Plan Area" and the "Enrollment Area" in the dHCP.

A. The SEP dHCP is inconsistent with the 1992 GCWA Recovery Plan and USFWS staff's current application of the New Guidelines.

The SEP dHCP "Plan Area" includes Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal Counties. The SEP dHCP "Enrollment Area" is defined as the jurisdictions of Bexar County and the City of San Antonio, including the current and future ETJ of the City of San Antonio, but excluding any portion of Comal County, which has previously developed its own county-wide HCP. Projects located within the Enrollment Area will be eligible to utilize the SEP HCP for ESA compliance for incidental take. Under the dHCP, conservation actions may occur throughout all seven counties of the Plan Area.

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[1] http://www.fws.gov/southwest/es/Documents/R2ES/Cons_Bank_Mitigation_Guidance_for_GCW_and_BCV.pdf

The Enrollment Area in the dHCP includes areas in Bexar, Medina, and Bandera Counties which are part of Recovery Region 8 in the 1992 GCWA Recovery Plan, and areas in Bexar, Medina, Bandera, and Kerr Counties which are part of Recovery Region 6 in the 1992 GCWA Recovery Plan. In spite of this, while the dHCP Plan Area includes virtually all of GCWA Recovery Region 6, as well as portions of GCWA Recovery Regions 4 and 5, it "orphans" significant portions of GCWA Recovery Region 8, most notably Real County.

The USFWS New Guidelines explains the USFWS rational for basing GCWA mitigation on 1992 GCWA Recovery Regions as follows:

> We have determined that Service Areas for GCWA mitigation lands will be based on the recovery regions identified in the GCWA Recovery Plan (USFWS 1992) in existence at the time a proposal is submitted to the Service by a proponent. The GCWA Recovery Plan may be updated periodically, and changes to the recovery regions are possible. The conservation banking program for this species will support the recovery criterion of permanently protecting sufficient breeding habitat to ensure the continued existence of at least one viable, self-sustaining population in each recovery region. In order to best accomplish this objective, **it is imperative that the loss of GCWA habitat in a particular recovery region is mitigated by the purchase of credits (habitat protection) within the same recovery region until the recovery goal of habitat protection has been achieved in that region**. This will assist the Service in ensuring that no particular recovery region loses more GCWA habitat than is protected through the conservation banking program. (emphasis added)

With this in mind, since the Enrollment Area includes significant areas located in GCWA Recovery Region 8, it is inconsistent with the stated intent of the New Guidelines to exclude Real County or other areas of GCWA Recovery Region 8 from the Plan Area. By failing to include Real County and other areas of Recovery Region 8 in the Plan Area, the dHCP creates an area which is effectively "orphaned" from the rest of GCWA Recovery Region 8. In addition, it will eliminate any incentive for private landowners in Real County and the other "orphaned" areas in Region 8 to work to conserve their land for the benefit of GCWA or other endangered species. This is in direct conflict with the USFWS' legislative mandate to conserve and **recover** listed endangered species. In spite of this, the USFWS fails to acknowledge or perform any analysis of this inconsistency in the dEIS.

USFWS' support of this approach in the dEIS serves to divide GCWA Recovery Region 8 and act as in impediment to achieving the conservation and recovery of the GCWA, counter to the USFWS' legislative charge. While on its face this appears clearly capricious, it is also unfortunately consistent with a pattern of bias by the USFWS in favoring one or two GCWA conservation banks over other conservation lands which seek to aid in the conservation and recovery of the species. The bias shown by the USFWS in favor of the one or two approved banks, which were only fairly recently established, clearly results in direct financial gain for

those involved with those banks. In fact, by supporting the elimination of Real County and other areas from the Plan Area in the dEIS, the USFWS is ensuring that there are fewer conservation opportunities for GCWA conservation, but also that there is less competition to the one or two banks for which they have shown favor.

The disparate treatment between one or two existing GCWA conservation banks and "new" conservation lands has been most recently evident in the USFWS administration of the conservation banking program and its "application" of the New Guidelines. The Austin ES Office staff's stated rationale is that they desire to now limit the GCWA service areas of new GCWA conservation lands to only the one GCWA Recovery Region in which the new GCWA conservation lands are located in order to somehow ensure that any impacts to GCWA habitat in a particular GCWA Recovery Region is mitigated by the purchase of GCWA mitigation credits from a GCWA conservation bank located within the same GCWA Recovery Region.

The USFWS support of the approach in the dHCP goes one step further in the "protection" of one or two approved GCWA conservation banks by effectively eliminating significant portions of GCWA Recovery Region 8 from the future service areas of conservation lands located in Real County or other areas within GCWA Recovery Region 8 which are excluded from the dHCP Plan Area, thus ensuring an enormous economic advantage for the one or two "favored" banks.

When combined with the disparate treatment of approved GCWA conservation banks and new GCWA conservation lands, the USFWS' position is indefensible. The Austin ES Office staff's arbitrary limitation of GCWA service areas for new GCWA conservation lands, like its support for the Plan Area in the dHCP, is in fact *not based on current scientific data or the biological needs of the species*; rather, appears to be based on an expressed desire of the USFWS staff to "protect" existing GCWA conservation banks. This unwarranted "protection" is being accomplished by severely limiting the GCWA service areas of any new GCWA conservation lands so that they will not be able to effectively increase their conservation capacity. This unequal treatment — for the express purpose of favoring one regulated entity over another and not to advance the purposes of the ESA – is arbitrary and capricious.[2]

B. <u>The SEP dHCP is inconsistent with the USFWS' proposed BCVI Texas Recovery Units/Service Areas and USFWS staff's current application of the New Guidelines.</u>

As noted above, the SEP dHCP "Plan Area" includes Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal Counties. The SEP dHCP "Enrollment Area" is defined as the

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[2] *See, e.g., Marshall Cnty. Health Care Auth. v. Shalala,* 988 F.2d 1221, 1224 (D.C. Cir. 1993) ("Were the Secretary arbitrarily to grant an exception for some hospitals and not for others identically situated, one could expect a successful challenge [that the exception granted was arbitrary and capricious]"); *see generally, Chevron, U.S.A., Inc. v. Nat. Resources Defense Council,* 467 U.S. 837 (1984) (regulatory agency cannot adopt rules that are "manifestly contrary to the statute").

jurisdictions of Bexar County and the City of San Antonio, including the current and future ETJ of the City of San Antonio, but excluding any portion of Comal County, which has previously developed its own county-wide HCP. Projects located within the Enrollment Area will be eligible to utilize the SEP HCP for ESA compliance for incidental take. Under the dHCP, conservation actions may occur throughout all seven counties of the Plan Area.

The Enrollment Area in the dHCP includes areas in Bexar, Medina, Bandera, and Kerr Counties which are all part of the BCVI South Recovery Unit/Service Area identified the New Guidelines. The dHCP Plan Area includes all of the BCVI South Recovery Unit except for Real and two other counties.[3] Once again, the USFWS appears to be actively supporting an approach which effectively "orphans" Real County and two other counties within the BCVI South Recovery Unit/Service Area.

In addition, the dHCP as currently written would result in very significant areas in the BCVI South Recovery Unit being eliminated from the service area for any BCVI mitigation lands to be established in Real County. As a direct result, there will be no incentive for private landowners in Real County or the other "orphaned" counties in the BCVI South Recovery Unit/Service Area to conserve their land for the benefit of BCVI. This approach defies logic and does not reflect sound conservation policy.

As it relates to the conservation and recovery of BCVI in the BCVI South Recovery Unit, the dHCP Plan Area and the USFWS' apparent support of the delineation of the plan area is directly inconsistent with the USFWS staff's application of the New Guidelines, as well as the legislative mandate for the USFWS to conserve and recover listed endangered species.

II. The inclusion of Real County in the SEP dHCP Plan Area is necessary in order to be consistent with ecosystem-based conservation principles, the recovery plans for the GCWA and BCVI, and the statutory mandate for the USFWS to conserve and recover endangered species.

The USFWS New Guidelines for GCWA and BCVI mitigation lands state that service areas for mitigation lands are to be "based primarily on the conservation needs of the species." These New Guidelines also state that the USFWS has "determined that Service Areas for mitigation lands will be based on the recovery regions identified in the GCWA Recovery Plan and the proposed BCVI Texas Recovery Unit/Service Areas.

Adding Real County to the dHCP Plan Area is consistent with the recovery needs of the GCWA, as is expressly provided for in the New Guidelines. In addition, it is also consistent with the USFWS Conservation Banking Guidance issued to the USFWS Regional Directors in 2003, which expressly allows for conservation banks to have service areas which include counties that are located in recovery areas where recovery objectives have largely been met. The inclusion of

[3] Hays County is not included as one of the excluded counties in the BCVI South Recovery Unit due to the fact that it has its own county-wide HCP.

Real County in the SEP dHCP Plan Area will help achieve the recovery objectives in the GCWA Recovery Region 8 where Real County is located, without impairing conservation objectives in GCWA Recovery Region 6. In fact, including Real County in the SEP dHCP Plan Area is necessary to help close the large and growing gap between the amount of conservation lands in GCWA Recovery Unit 6 and GCWA Recovery Unit 8.

Real County is located in the southern Balcones Canyonlands ecoregion along with Bandera, Bexar, Comal, Kerr, Kendall, and Medina Counties, which are all included in the SEP dHCP Plan Area. As such, applying ecoregion-based conservation and principles to the conservation and recovery efforts for the GCWA and the BCVI would dictate that Real County should be included in the dHCP Plan Area. In fact, the use of an ecoregion-based recovery strategy is specifically lauded in the USFWS' New Guidelines for conservation lands: "The proposed recovery units [BCVI] are evenly distributed across the range and logically delineated based on available habitat and distribution information" (U.S. Fish and Wildlife Service, 2013, p. 23). It logically follows that the use of ecoregions for recovery planning is preferable to more arbitrary delineations, such as those that currently exist in the SEP dHCP.

With this in mind, the USFWS should require that Real County be added to the SEP dHCP Plan Area in order to help fulfill its legal duty to conserve and recover the GCWA and BCVI.

III. <u>The Plan Area in the SEP dHCP should be revised to include Real County, and the preferred alternative in the dEIS Plan Area should be amended to include Real County.</u>

Although Real County is in the same GCWA and BCVI Recovery Units as large and significant parts of the Enrollment Area in the SEP dHCP, it was somehow not included in the Plan Area. There is no analysis or sufficient explanation in the dEIS for why Real County is not included in the Plan Area.

The National Environmental Policy Act ("NEPA") requires that agencies "[r]igorously explore and objectively evaluate **all** reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." 40 CFR 1502.14(a). (emphasis added) In spite of this requirement under the NEPA, there is no explanation for why an alternative which includes Real County in the SEP dHCP Plan Area was not developed and fully studied. In order to be legally sufficient under NEPA, an alternative which includes Real County in the SEP dEIS Plan Area should be included as the preferred alternative and should be fully studied.

IV. Conclusion.

For the foregoing reasons, the Ayres Family respectfully asks that:

(1) Real County be included in the Plan Area for the SEP dHCP; and

(2) the USFWS amend or change the preferred alternative in the dEIS to include Real County in the SEP dHCP Plan Area, and to fully study that alternative constituent with the requirements of NEPA.

These requests are both logical and consistent with the USFWS' legislative responsibility to ensure the conservation and recovery of the GCWA and BCVI.

Thank you for the opportunity to provide comments on the SEP dHCP and dEIS. On behalf of the Ayres Family, we look forward to hearing from you soon regarding a positive resolution of this matter.

Sincerely,

/s/ David P. Smith
David P. Smith

DPS/cfc

cc. Mr. Justin S. Tade, Esq.
Attorney-Adviser
U.S. Department of the Interior
Southwest Regional Solicitor's Office
Santa Fe Field Office
1100 Old Santa Fe Trail
Santa Fe, New Mexico 87505

Public Comment of USFWS Draft SEP-HCP and Environmental Impact Statement

From: Board of Directors Bexar Land Trust, dba Green Spaces Alliance of South Texas
To be received no later than:
March 19, 2015

Dear Sir or Ma'am,

The Board of Directors of Green Spaces Alliance of South Texas has these comments to offer regarding the United States Fish and Wildlife Services' (USFWS) Draft Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) and Environmental Impact Statement (EIS). Our mission is to sustain the natural environment and enhance urban spaces through land conservation, community engagement, and education. We are headquartered in Bexar County, and our service area is the river basins of the San Antonio and Nueces Rivers.

It is the understanding of this board, through public information provided by the USFWS, that a Biological Advisory Team (BAT) and a Citizens Advisory Committee (CAC) were appointed to help develop the multiple aspects of the SEP-HCP. These two groups represented a wide cross-section of parties of interest from conservation groups to developers. We are concerned that instead of using these cumulative decisions in the primary SEP-HCP, the advice of the BAT and CAC are rather being presented as an alternative. It is very discouraging in the eyes of the public to see over 2 years of work and 2.3 million dollars spent on obtaining expert advice, not being used if the current SEP-HCP is implemented. We believe that the *Increased Mitigation Alternative,* #4 in the EIS is more appropriate to the survival and development needs of the seven endangered species listed rather than the currently proposed action. However, to strike a better balance between habitat needs and development in the area, we propose the following comment.

We base this opinion on our review of Table ES-1: Summary of Environmental Impacts for each Alternative. While the amount of acres for the GCWA, BCVI, and Karst Zones are the same under the proposed SET-HCP, Single-County, and Increased Mitigation Alternatives, there are considerably more acres reserved for the protection of vegetation, wildlife, Golden cheeked Warbler, Black Capped Vireo, and covered karst invertebrates in Bexar County and immediate surrounding area under Alternative #4. This alternative also results in less adverse impacts on our socio-economic resources and climate change. The following portion of comment will be broken into sections for better focus on particular issues:

Habitat Locations

The BAT and CAC were in agreement that a portion of the habitat conservation or mitigation should occur inside Bexar County or within five miles of that boundary. The proposed action removes that requirement and allows all preservation to be done in other counties, on land that can be up to approximately 60 miles, as the crow flies, from agreed upon needs. This is an expansion of 500% of the BAT and CAC recommendation. The current recommendation is to use any protected land within the seven counties included in the plan. This is a rather large amount of area, approximately 4,125,000 acres. Bexar County is only about 804,000 acres, accounting for only about 20% of that area.This is an obvious barrier to conservation of endangered species due to their already small regional habitat needs. Instead of helping to conserve these species habitats, the proposed plan will only concentrate their location to the fringes of their natural range. Also, this proposed plan replaces habitat that is under imminent threat of development with habitat that is under no threat of development for the next 30 years, and for a much cheaper price than the land they are taking actually costs. Bexar County has stated that they would like to have some of the mitigation land within or surrounding Bexar County. And, there is suitable undevelopable GCW and BCV habitat within the area. Yet the proposed alternative could result in no lands being mitigated within or surrounding Bexar County.

While we appreciate the pressures to develop, we support some ratio of conservation within and surrounding Bexar County. Development can not only be detrimental to the endangered species in question, but it is a barrier to the education of the public and decreases their sense of responsibility for the environment. Instead there will be even more disconnect from inner city populations to those species that need protection from becoming extinct. We hope that the USFWS sees the importance of conserving habitat close the human population concentrations. We also believe many would agree that the success of other county-wide HCPs has much to do with the proximity of the habitat preserves to major population centres. With the loss of this proximity, there is a larger possibility of failure for this HCP.

Resilience in the face of Climate Change requires a variety of ecosystems, a mosaic landscape sustaining as much biodiversity and habitat health as possible. Similarly, resilience needs redundant landscapes and ecosystems to provide protecting against ecosystem failure or loss. This plan moves in the opposite direction to what a responsible response to Climate Change necessitates. Not only should we preserve habitat in extended rural areas but we need to preserve as much as we can within Bexar County as well.

Karsts Species

It is our understanding that when a listed species is found at a site, its habitat is automatically protected. Why then, would we replace habitat potentially containing Karst species with habitat that already contains known occupied karst features? These features are already protected and do not need further protection. It makes much more sense to protect land that is not protected and could potentially be beneficial to those karst species. When wetlands are taken or linear feet of streams are impacted, they are replaced in

value due to the beneficial nature of a wetland or stream and its specialized habitat. We cannot replace or rebuild karst features as we can wetlands and streams in mitigation banks. Once destroyed, everything the karst features contain is lost forever, and the intricate nature of the underground connections is disrupted.

The karst features zones are ranked on a scale from one to five in order of most likely to contain one of the endangered species to least likely to contain the endangered species, with the top three zones requiring a survey by a qualified biologist or geologist to discover karst features. Under the proposed SEP-HCP, once a parcel containing karst features is identified, that acreage is replaced essentially at ratio of 20-1, or for every 20 acres taken of potential habitat, one acre of known occupied karst features will be protected. Not only is this a contradiction in how a ITP usually works, because usually more acreage needs to be replaced than what is being taken, but it also is protecting something that is already protected by federal law. These karst permits are not necessary if we are only protecting what is already protected under the Endangered Species Act, and they should not be used as mitigation. This same plan would never be implemented for the Golden Cheek Warbler, i.e., to take 20 acres of potential habitat and replace with one acre of known habitat. This may be how the system works but what we understood that the habitat ratio had to at the least be 1:1.

Biological Surveys

Currently the USFWS requires a 3-year survey for the song birds in question (GCW and BCV) and a 15 day biological survey for karst species. The plan under comment actually reduces both of these time periods by 66% to 1 year for song birds and 5 days for karst species. This is incredibly unreasonable due to variations in seasons and local weather patterns, which have a great effect on occurrence of said species in biological surveys. If there is to be a reduction in the time requirements for species surveys, then there should be some justification for these reductions. We cannot find any such justification. Reducing the time for these surveys does place those endangered species at risk, and therefore, increases the risk of species take. This is not just our opinion. The recommendation from the BAT or CAC recommended continuing with current methods outlined by USFWS.

Monitoring

This section is included in our comments but details are not included in the SEP-HCP. As a land trust, we understand financial and time resources necessary to ensure proper stewardship of land. A management plan is fundamental to the maintenance of conserved lands, yet this SET-HCP is lacking one. Other HCPs have management plans. We wonder why this HCP has not made an attempt to propose both the administrative and financial steps necessary for perpetual monitoring.

Costs and Funding

Page iv of the Draft Environmental Impact Statement estimates sources of revenue for the alternatives which we find unrealistic.

- Proposed SEP-HCP Alternative: 74% from participation fees, 26% from public sources
- 10% Participation Alternative: 47% from participation fees, 53% from public sources
- Single-County Alternative: 46% from participation fees, 54% from public sources
- Increased Mitigation Alternative: 37% from participation fees, 63% from public sources

While a conservation easement may cost $4,000/acre in outlying counties, it is likely to cost much more in Bexar County; and the estimate does not include the due diligence costs associated with appraisals, biological surveys, maintenance and monitoring in perpetuity, and staff and other costs. In addition, there seems to be no allowance for the cost of fee simple purchase. Under all alternatives, the landowner participation fee cost per acre is too low.

Further, we assume that increasing the costs of participation by the private landowners who will be benefitting from this process will reduce the amount given by public sources. One of the things we have not found in our review is a commitment for the public funding. Are we to assume there is a commitment? If so, what is the fundraising plan by Bexar County, as the entity that has signed the Federal Fish and Wildlife Permit Application Form?

We also noted that none of the alternatives consider future increases in land values. Any serious recommendation for the next 30 years would take that into account. We are asking that an adequate model for future funding and monitoring be brought forward for approval along with the SEP-HCP.

Conclusion

There are still many logistical questions about how this HCP will be implemented such as property appraisals for mitigation, specific funding sources for property acquisition and plan implementation, and the specific roles of the city and county. We should also consider what the process might be when dealing with unforeseen circumstances. This leads to the question of what roles the city and county will play in reporting to USFWS as well as monitoring future mitigation sites.

The county and city have already paid for two different committees dedicated to the construction of this SEP-HCP, and it is the opinion of our Board of Directors that their recommendations should be the heart of the SEP-HCP. If there is cause for diverting from their advice than let the justification become public. There is no expectation for the SEP-HCP to be a cheap remedy for urban sprawl. Instead the SEP-HCP should be a measure of the impact development is having on the environment around San Antonio. That measure is expensive, so let us allocate its costs appropriately and develop a suitable program of habitat conservation. The HCP will be in place for at least 30 years, with its effects having the potential to change the landscape of South Texas for centuries to come. We agree with the large team of experts, citizens, and the

development community in the form of the BAT and CAC, which are much more closely related to the Increased Mitigation Alternative #4 than the current proposal, so it is the Increased Mitigation Alternative #4 that we at GSA also recommend. We believe that the *Increased Mitigation Alternative,* #4 in the EIS is more appropriate to the survival of the seven endangered species listed rather than the currently proposed action. However, to strike a better balance between habitat needs and development in the area, we propose those changes listed throughout this comment.

It is understood that development will continue, and a plan that helps conserve or replace vulnerable habitats is needed. It is our role as citizens of this city, county, and country to ensure the responsible development of that plan.

Graph Summary of what we think should change from the proposed action:

Subject	Proposed	Our Comment
GCW Mitigation Ratio	2:1	Agree, 2:1
GCW Mitigation Location	Anywhere in the 7 counties	50% mandatory in Bexar County
Determining Presence/absence	1/3 USFWS Standards	Keep USFWS Standards
Cost Per Credit GCW/BCV	$4,000	$10,000 Or 70% by developer/30% by the public
Model for public cost funding	Future tax on new development	Agree
Funds to begin the program	Not stated	$10,000,000 – by the County

Postmarked: 3-16-15

RECEIVED

MAR 20 2015

Div. of Policy & Dir. Mgt.

GRAVES DOUGHERTY HEARON & MOODY

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March 16, 2015

Mr. Dan Ashe
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Dr. Benjamin Tuggle
Regional Director
United States Fish and Wildlife Service
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The USFWS New Guidelines explains the USFWS rational for basing GCWA mitigation on 1992 GCWA Recovery Regions as follows:

> We have determined that Service Areas for GCWA mitigation lands will be based on the recovery regions identified in the GCWA Recovery Plan (USFWS 1992) in existence at the time a proposal is submitted to the Service by a proponent. The GCWA Recovery Plan may be updated periodically, and changes to the recovery regions are possible. The conservation banking program for this species will support the recovery criterion of permanently protecting sufficient breeding habitat to ensure the continued existence of at least one viable, self-sustaining population in each recovery region. In order to best accomplish this objective, **it is imperative that the loss of GCWA habitat in a particular recovery region is mitigated by the purchase of credits (habitat protection) within the same recovery region until the recovery goal of habitat protection has been achieved in that region**. This will assist the Service in ensuring that no particular recovery region loses more GCWA habitat than is protected through the conservation banking program. (emphasis added)

With this in mind, since the Enrollment Area includes significant areas located in GCWA Recovery Region 8, it is inconsistent with the stated intent of the New Guidelines to exclude Real County or other areas of GCWA Recovery Region 8 from the Plan Area. By failing to include Real County and other areas of Recovery Region 8 in the Plan Area, the dHCP creates an area which is effectively "orphaned" from the rest of GCWA Recovery Region 8. In addition, it will eliminate any incentive for private landowners in Real County and the other "orphaned" areas in Region 8 to work to conserve their land for the benefit of GCWA or other endangered species. This is in direct conflict with the USFWS' legislative mandate to conserve and **recover** listed endangered species. In spite of this, the USFWS fails to acknowledge or perform any analysis of this inconsistency in the dEIS.

USFWS' support of this approach in the dEIS serves to divide GCWA Recovery Region 8 and act as in impediment to achieving the conservation and recovery of the GCWA, counter to the USFWS' legislative charge. While on its face this appears clearly capricious, it is also unfortunately consistent with a pattern of bias by the USFWS in favoring one or two GCWA conservation banks over other conservation lands which seek to aid in the conservation and recovery of the species. The bias shown by the USFWS in favor of the one or two approved banks, which were only fairly recently established, clearly results in direct financial gain for

those involved with those banks. In fact, by supporting the elimination of Real County and other areas from the Plan Area in the dEIS, the USFWS is ensuring that there are fewer conservation opportunities for GCWA conservation, but also that there is less competition to the one or two banks for which they have shown favor.

The disparate treatment between one or two existing GCWA conservation banks and "new" conservation lands has been most recently evident in the USFWS administration of the conservation banking program and its "application" of the New Guidelines. The Austin ES Office staff's stated rationale is that they desire to now limit the GCWA service areas of new GCWA conservation lands to only the one GCWA Recovery Region in which the new GCWA conservation lands are located in order to somehow ensure that any impacts to GCWA habitat in a particular GCWA Recovery Region is mitigated by the purchase of GCWA mitigation credits from a GCWA conservation bank located within the same GCWA Recovery Region.

The USFWS support of the approach in the dHCP goes one step further in the "protection" of one or two approved GCWA conservation banks by effectively eliminating significant portions of GCWA Recovery Region 8 from the future service areas of conservation lands located in Real County or other areas within GCWA Recovery Region 8 which are excluded from the dHCP Plan Area, thus ensuring an enormous economic advantage for the one or two "favored" banks.

When combined with the disparate treatment of approved GCWA conservation banks and new GCWA conservation lands, the USFWS' position is indefensible. The Austin ES Office staff's arbitrary limitation of GCWA service areas for new GCWA conservation lands, like its support for the Plan Area in the dHCP, is in fact *not based on current scientific data or the biological needs of the species*; rather, appears to be based on an expressed desire of the USFWS staff to "protect" existing GCWA conservation banks. This unwarranted "protection" is being accomplished by severely limiting the GCWA service areas of any new GCWA conservation lands so that they will not be able to effectively increase their conservation capacity. This unequal treatment — for the express purpose of favoring one regulated entity over another and not to advance the purposes of the ESA – is arbitrary and capricious.[2]

B. <u>The SEP dHCP is inconsistent with the USFWS' proposed BCVI Texas Recovery Units/Service Areas and USFWS staff's current application of the New Guidelines.</u>

As noted above, the SEP dHCP "Plan Area" includes Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal Counties. The SEP dHCP "Enrollment Area" is defined as the

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[2] *See, e.g., Marshall Cnty. Health Care Auth. v. Shalala*, 988 F.2d 1221, 1224 (D.C. Cir. 1993) ("Were the Secretary arbitrarily to grant an exception for some hospitals and not for others identically situated, one could expect a successful challenge [that the exception granted was arbitrary and capricious]"); *see generally, Chevron, U.S.A., Inc. v. Nat. Resources Defense Council*, 467 U.S. 837 (1984) (regulatory agency cannot adopt rules that are "manifestly contrary to the statute").

jurisdictions of Bexar County and the City of San Antonio, including the current and future ETJ of the City of San Antonio, but excluding any portion of Comal County, which has previously developed its own county-wide HCP. Projects located within the Enrollment Area will be eligible to utilize the SEP HCP for ESA compliance for incidental take. Under the dHCP, conservation actions may occur throughout all seven counties of the Plan Area.

The Enrollment Area in the dHCP includes areas in Bexar, Medina, Bandera, and Kerr Counties which are all part of the BCVI South Recovery Unit/Service Area identified the New Guidelines. The dHCP Plan Area includes all of the BCVI South Recovery Unit except for Real and two other counties.[3] Once again, the USFWS appears to be actively supporting an approach which effectively "orphans" Real County and two other counties within the BCVI South Recovery Unit/Service Area.

In addition, the dHCP as currently written would result in very significant areas in the BCVI South Recovery Unit being eliminated from the service area for any BCVI mitigation lands to be established in Real County. As a direct result, there will be no incentive for private landowners in Real County or the other "orphaned" counties in the BCVI South Recovery Unit/Service Area to conserve their land for the benefit of BCVI. This approach defies logic and does not reflect sound conservation policy.

As it relates to the conservation and recovery of BCVI in the BCVI South Recovery Unit, the dHCP Plan Area and the USFWS' apparent support of the delineation of the plan area is directly inconsistent with the USFWS staff's application of the New Guidelines, as well as the legislative mandate for the USFWS to conserve and recover listed endangered species.

II. The inclusion of Real County in the SEP dHCP Plan Area is necessary in order to be consistent with ecosystem-based conservation principles, the recovery plans for the GCWA and BCVI, and the statutory mandate for the USFWS to conserve and recover endangered species.

The USFWS New Guidelines for GCWA and BCVI mitigation lands state that service areas for mitigation lands are to be "based primarily on the conservation needs of the species." These New Guidelines also state that the USFWS has "determined that Service Areas for mitigation lands will be based on the recovery regions identified in the GCWA Recovery Plan and the proposed BCVI Texas Recovery Unit/Service Areas.

Adding Real County to the dHCP Plan Area is consistent with the recovery needs of the GCWA, as is expressly provided for in the New Guidelines. In addition, it is also consistent with the USFWS Conservation Banking Guidance issued to the USFWS Regional Directors in 2003, which expressly allows for conservation banks to have service areas which include counties that are located in recovery areas where recovery objectives have largely been met. The inclusion of

[3] Hays County is not included as one of the excluded counties in the BCVI South Recovery Unit due to the fact that it has its own county-wide HCP.

Real County in the SEP dHCP Plan Area will help achieve the recovery objectives in the GCWA Recovery Region 8 where Real County is located, without impairing conservation objectives in GCWA Recovery Region 6. In fact, including Real County in the SEP dHCP Plan Area is necessary to help close the large and growing gap between the amount of conservation lands in GCWA Recovery Unit 6 and GCWA Recovery Unit 8.

Real County is located in the southern Balcones Canyonlands ecoregion along with Bandera, Bexar, Comal, Kerr, Kendall, and Medina Counties, which are all included in the SEP dHCP Plan Area. As such, applying ecoregion-based conservation and principles to the conservation and recovery efforts for the GCWA and the BCVI would dictate that Real County should be included in the dHCP Plan Area. In fact, the use of an ecoregion-based recovery strategy is specifically lauded in the USFWS' New Guidelines for conservation lands: "The proposed recovery units [BCVI] are evenly distributed across the range and logically delineated based on available habitat and distribution information" (U.S. Fish and Wildlife Service, 2013, p. 23). It logically follows that the use of ecoregions for recovery planning is preferable to more arbitrary delineations, such as those that currently exist in the SEP dHCP.

With this in mind, the USFWS should require that Real County be added to the SEP dHCP Plan Area in order to help fulfill its legal duty to conserve and recover the GCWA and BCVI.

III. <u>The Plan Area in the SEP dHCP should be revised to include Real County, and the preferred alternative in the dEIS Plan Area should be amended to include Real County.</u>

Although Real County is in the same GCWA and BCVI Recovery Units as large and significant parts of the Enrollment Area in the SEP dHCP, it was somehow not included in the Plan Area. There is no analysis or sufficient explanation in the dEIS for why Real County is not included in the Plan Area.

The National Environmental Policy Act ("NEPA") requires that agencies "[r]igorously explore and objectively evaluate **all** reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." 40 CFR 1502.14(a). (emphasis added) In spite of this requirement under the NEPA, there is no explanation for why an alternative which includes Real County in the SEP dHCP Plan Area was not developed and fully studied. In order to be legally sufficient under NEPA, an alternative which includes Real County in the SEP dEIS Plan Area should be included as the preferred alternative and should be fully studied.

IV. Conclusion.

For the foregoing reasons, the Ayres Family respectfully asks that:

(1) Real County be included in the Plan Area for the SEP dHCP; and

(2) the USFWS amend or change the preferred alternative in the dEIS to include Real County in the SEP dHCP Plan Area, and to fully study that alternative constituent with the requirements of NEPA.

These requests are both logical and consistent with the USFWS' legislative responsibility to ensure the conservation and recovery of the GCWA and BCVI.

Thank you for the opportunity to provide comments on the SEP dHCP and dEIS. On behalf of the Ayres Family, we look forward to hearing from you soon regarding a positive resolution of this matter.

Sincerely,

/s/ David P. Smith
David P. Smith

DPS/cfc

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February 15, 2015

U.S. FISH & WILDLIFE SERVICE
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Ref. Habitat preservation for endangered species in Bexar County

Dear Sir:

I have read in the newspaper of the Service's plans for endangered species habitat "mitigation" in Bexar County, a deeply flawed concept, and if implemented will lead to further destruction of critical habitat in Bexar County. Fish and Wildlife is supposed to use good science and be science driven in regulation, but it seems clear that the proposed regulation is economically driven, probably by developer influence, and not science driven.

The critical habitat for karst dwelling species is the caves where they are found, not some place in another area (county). Mitigation for loss of habitat for these species by purchase of property that is not where these species live is not mitigation, it will lead to their destruction. The economic benefit to developers is clear, but where is the science in this idea?

Habitat for Golden-cheeked Warblers and Black-capped Verios is not quite the same, and maybe areas of suitable habitat where these species nest can be found outside of Bexar County.

The minimal cost to developers for taking species in Bexar County amounts to a small part of the developers budget, although maybe $400,000 per acre might have some impact. And it is not just protecting karst features occupied by these species that is important, the water supplies for these features must also be protected, both in quality and quantity.

We urge Fish and Wildlife to live up to the standards that are expected of the Service and formulate regulations that do not amount to giving Bexar County a license to take endangered species with very little penalty. Developers have raped the habitat on the recharge zone for the Edwards Aquifer over the past 50 years that we have lived here; it has been terribly painful to observe, and now it is (way past) time for that process to be stopped by Fish and Wildlife doing what is best for the endangered species of this area.

Sincerely yours,

David Davidson

March 19, 2015

RE: Docket No. FWS–R2–ES–2014–0053, draft EIS for the southern Edwards Plateau Habitat Conservation Plan.

I. Introduction

The scale of land development to be permitted on the southern Edwards Plateau will have drastic impacts on the two migratory birds and seven troglobitic invertebrates that are listed as 'endangered' and that would be the subject of this Habitat Conservation Plan (HCP), should the U.S. Fish and Wildlife Service approve it. The scale of proposed mitigation is inadequate and its full implementation is uncertain if not downright doubtful. As a result, the recovery and even the survival of these species as well as conservation of their ecosystems would be jeopardized through approval of the draft HCP as written. Moreover, the draft HCP and the draft Environmental Impact Statement (DEIS) fail to adequately disclose and discuss the impacts of implementation. Due to these multiple flaws, we request selection of the No Action Alternative. Should permit applicants wish to proceed, we recommend withdrawal and complete rewriting of the draft HCP to take into account our critiques, below, and to avoid further imperiling the wondrous wildlife of the southern Edwards Plateau including the region's endemic troglobites.

II. Comments on the Draft Habitat Conservation Plan

A. Adequacy of Conservation Planning and Impact Assessment—Impact Assessment

The draft Southern Edwards Plateau Habitat Conservation Plan (HCP) does not meet necessary standards for depth of discussion of affected endangered species, their environment, and the true scale of effects of implementation. The pre-eminent national scientific review of HCPs found that HCPs—particularly those covering large areas or large amounts of a species' range—should inventory, summarize, and document available data on each species and their distribution, abundance, population trends, ecological requirements, life history, and causes of endangerment.[i] This HCP doesn't do that. The review also found that quantitative estimates of the impacts of "take" on species' viability should be provided, especially for larger or more significant plans; that best and worst-case scenarios should be identified; and that impacts of "take" should also be evaluated, particularly for larger or more significant plans, including by determining whether the habitats being "taken" correspond to population "sources" or "sinks," whether genetically unique subpopulations are being "taken," and whether unique habitat/species combinations are being impacted.[ii] This HCP meets none of those standards.

The national scientific review also found that the details of HCP mitigation measures must be explicitly described and accompanied by data on their effectiveness, and that the likely success of each measure must be evaluated, as must the overall effectiveness of mitigation measures at minimizing and offsetting "take."[iii]

The NMFS regulations state that HCPs must describe the proposed activity, including the anticipated dates, duration, and specific locations.[iv] The NMFS regulations also state that HCPs must describe the HCP and Take Permit's anticipated impacts, including the amount, extent, and type of "take," as well as the anticipated impact on habitats and the likelihood of habitat restoration.[v] Again, this HCP only addresses some of those issues, cursorily.

Sierra Club et al v. Bruce Babbitt et al found that HCPs need to determine how many individuals of affected species will be "taken," how many individuals will remain, what the distribution of the species is throughout its remaining habitat, and how this relates to the species' minimum viable population.[vi] Such information is lacking here.

Effects on proposed listed species, federally listed plants, and critical habitat are to be considered during the ESA section 7 consultation process.[vii] The Services' Biological Opinions should address the species' life histories, their habitat and distribution, their population dynamics (including size, variability, and stability), their status (including reasons for listing, rangewide trend, and new threats), other factors necessary to their survival, duration of the impacts, intensity and severity of the impacts, and the importance of the action area to the species.[viii] The Services' Biological Opinions must, among other things, "discuss the entire designated critical habitat area in terms of the biological and physical features that are essential to the conservation… of the species," and "characterize the effects of future, non-Federal actions reasonably certain to occur in the action area in terms of how the… habitat qualities essential to the conservation of the species… are likely to be affected…."[ix] Although the HCP lists other listed species whose historic and/or current range the project encompasses,[x] it does not meet the criteria described above. Note also that the list erroneously omits the endangered jaguar (*Panthera onca*) that historically occupied this region of Texas.

The HCP, its Biological Opinion, and other analyses need to assess impacts to each covered species relative to baseline scenarios *for the proposed action* in which "take" is completely avoided and each species is fully protected per ESA sections 9 and 4.[xi] However, the HCP does not make such a comparison. Project scenarios in which "take" is illegally occurring do not necessarily provide a legitimate baseline for comparison. Moreover, the HCP, its Biological Opinion, and other analyses must also examine impacts to each covered species relative to habitat conditions, population levels, and other conditions that are necessary for the full recovery of each of the covered species. Instead, this HCP refers to downlisting criteria for the karst species,[xii] and never assesses impacts to full recovery of any species. Instead, the HCP writes, regarding the golden-cheeked warbler:

> On their own, the SEP-HCP's GCW preserves could represent approximately one-third of the acreage needed to support one viable GCW population. When combined with the acres of GCW habitat that are already at least partially conserved, the total level of GCW

> conservation could represent nearly 60 to 100 percent of the acreage thought to be needed for regional recovery.[xiii]

Yet, the HCP also would permit already-preserved lands to be counted toward mitigation herein.[xiv] Thus, protected lands would represent less than described percentages needed for regional recovery. But regional recovery is never put into a broader recovery framework.

Under ESA section 7, the Service must, for each of the covered species, evaluate the cumulative impact of each form of "take" authorized by the Incidental Take Permit, across the plan area, across the larger ecological region, and across each of the species' ranges. The effects of other "take" authorizations on public and private lands must also be accounted for, as must other "past and present impacts of all Federal, State, or private actions… in the action area," "the anticipated impacts of all proposed Federal projects in the action area that have already undergone… consultation," the impact of "contemporaneous" State or private actions, and the effects of "future State or private activities…that are reasonably certain to occur."[xv] The action area should be determined based on all the direct and indirect effects of the proposed action.[xvi] The cumulative effect of the permitted activities in the plan area and across the species' ranges must be evaluated relative to conditions associated with each of the species' recovery, not just their survival. The NMFS regulations for HCPs also require the agency to consider "the potential severity of direct, indirect, and cumulative impacts on the species or stocks and habitat…."[xvii] The pre-eminent national scientific review of HCPs also found that HCPs should evaluate the cumulative impacts of multiple plans and their interactions, and that the percentage of local *and* global populations that will be "taken" should be assessed.[xviii] This HCP not examine such cumulative effects despite other HCP's that affect some of the same species in nearby areas.

The Federal Register notice for the US Fish & Wildlife Service's original HCP regulations also stated that HCPs and Take Permits should only be used in "limited circumstances."[xix] We question whether this region requires such overarching take authority as would be conveyed by this HCP.

According to the HCP Handbook, the Services may not be able to approve a Take Permit under ESA section 7(a)(2) unless the HCP addresses *all listed species* in the plan area.[xx] This includes federally listed plants, which must be considered during the ESA section 7 consultation process but in this project area may be present but unknown through lack of surveys.

The Services' HCP Handbook also acknowledges the importance of surveys, noting that even "low effect" HCPs should be based upon surveys.[xxi] This is hardly a low effect HCP and therefore should be based on far more field data, particularly for the karst species, than is evidenced.

The effects of likely future changes in environmental conditions, including those related to climate change, must be accounted for. Yet, in this HCP, the "No Surprises" provision guarantees no additional land will be required as mitigation for climate change impacts on the species[xxii] – which could help doom them to extinction.

ESA section 7(a)(2) and the Act's administrative rules require agencies to use the best available science.[xxiii] The Services must consider all relevant data, including data expected from ongoing studies; where data gaps exist, the Services should either delay the Biological Opinion or develop the Opinion with the available data, but give "the benefit of the doubt to the species."[xxiv] That benefit of the doubt has not occurred in this proposed HCP.

B. Inadequate Conservation Planning and Impact Mitigation—Biological Goals

The draft HCP contains biological objectives in the form of acreage of habitat to be preserved, but not within the context of broader biological goals, which it does not identify. According to the Services' HCP Handbook, specific biological goals and objectives must be identified in the HCP for each of the covered species.[xxv] "In the context of HCP's, biological goals are the broad, guiding principles for the operating conservation program of the HCP." "Biological objectives are the different components needed to achieve the biological goal such as preserving sufficient habitat, managing the habitat to meet certain criteria, or ensuring the persistence of a specific minimum number of individuals."[xxvi]

The HCP's biological goals and objectives must be sufficient to provide for the recovery of each covered species, per ESA section 10. But in this case, achievement of the modest, porous objectives coupled with commensurate loss of habitat may impede recovery and, as noted, are not evaluated in the context of recovery standards.

"Among the broad goals generally accepted by conservation biologists, but absent in this HCP, are (1) representing in protected areas all kinds of ecosystems (natural communities) across their natural range of variation; (2) maintaining or restoring viable populations of all native species in natural patterns of distribution and abundance; (3) sustaining ecological and evolutionary processes within a natural (historic) range of variability; and (4) being adaptable and resilient to a changing environment."[xxvii]

According to the Services' Handbook, "…the Services [must] ensure that the biological goals are consistent with conservation actions needed to adequately minimize and mitigate impacts to the covered species to the maximum extent practicable."[xxviii] Moreover, "the biological goals and objectives of an HCP are commensurate with the specific impacts and duration of the applicant's proposed action."[xxix]

The biological goals must be measurable and verifiable, and relate to the HCP's monitoring indicators.[xxx] The pre-eminent scientific review of HCPs also found that HCPs need to quantify the plans' biological goals.[xxxi] Other prominent authors have called for HCPs "to include specifically stated and measurable indicators of the success or failure of the plan," including, in the case of long-term permits, "interim milestones."[xxxii] This HCP does not include such biological goals.

"Biological objectives should include the following: species or habitat indicator, location, action, quantity/state, and timeframe needed to meet the objective. They can be described as a condition to be met or as a change to be achieved relative to the existing condition."[xxxiii]

"Although the goals and objectives may be stated in habitat terms, each covered species that falls under that goal or objective must be accounted for individually as it relates to that habitat."[xxxiv] The Services' HCP Handbook also states that: i) "habitat based" HCPs should use indicator species to establish forest management parameters, and ii) all endemic, sensitive, listed, proposed listed, candidate, and species of special concern should be addressed "adequately."[xxxv]

Other factors which must be accounted for include: habitat quantity, habitat quality, ecological processes, population size, species' genetic and demographic status, and the range of threats affecting the species.[xxxvi] This HCP does not discuss these issues.

"Both [the Services and the applicants] can use the available literature, State conservation strategies, candidate conservation plans, draft or final recovery plans or outlines, and other sources of relevant scientific and commercial information as guides in setting biological goals and objectives. Both can consult with species experts, State wildlife agencies, recovery teams, and/or scientific advisory committees."[xxxvii]

Sierra Club et al v. Bruce Babbitt et al found that current data on species' conditions and recovery needs must be used.[xxxviii] Yet the HCP has scant reference to the species' recovery plans, critical habitat designation for the karst invertebrates,[xxxix] nor to new information in reviews and current research that is expected to inform revisions of the two birds' recovery plans.

C. Adequacy of Conservation Planning and Impact Mitigation—Extent and Quality of Mitigation

According to the Services' HCP Handbook, "the operating conservation program will include those measurable actions that, when implemented, are anticipated to meet the biological objectives."[xl]

The HCP's mitigation measures must provide each of the covered species with a high probability of *recovery* of resilient and abundant populations, and with fully functioning habitat conditions needed to support their recovery. ESA section 10 and the Congressional intent for section 10 clearly require that HCPs and Take Permits avoid harming species' chances of recovery, in addition to their chances of survival; this objective is also supported by language in the Services' HCP Handbook, as well as various court decisions.[xli] As indicated in ESA sections 2(b), 2(c), and 3(3), the ESA's ultimate goal is, in effect, to

recover threatened and endangered species, including to the point where they can be removed from the endangered species list.[xlii] "By definition, listed species *already* face serious threats to their continued existence….[thus] one could reasonably interpret an action to jeopardize the continued existence of a listed species if the action precluded or even impaired the species' chances for eventual recovery."[xliii] Furthermore, the Services are obligated under the ESA to not only avoid authorizing, funding, or undertaking any activity likely to jeopardize continued existence of endangered species, but also to take *affirmative* steps to protect, conserve, and restore endangered species to level that would permit removal from Endangered Species list.[xliv]

The Services' analyses must consider individual populations of the covered species. The NMFS regulations, for example, state that permits will not be issued if "the authorization requested potentially threatens a fish or wildlife population."[xlv]

ESA section 7(a)(2) not only contains "jeopardy" language paralleling that of section 10, but also explicitly prohibits federal agencies from approving actions which would destroy or "adversely modify" species' critical habitat areas. It is unclear whether this HCP would provide authorization for destruction or adverse modification of critical habitat for the karst invertebratess. This prohibition must be interpreted as precluding "direct or indirect alteration of critical habitat which appreciably diminishes the value of that habitat for either the survival *or* the recovery of a listed species," including currently unoccupied habitat areas and other habitats needed for the species' recovery (emphasis added).[xlvi] "Primary constituent elements" of species' critical habitats, that must be protected, include "physical or biological features" that are "essential to the conservation of the species" and include space for individual and population growth, nutritional requirements, cover or shelter, sites for breeding and rearing, and habitats protected from disturbance.[xlvii] This HCP fails to ensure that critical habitat will not be harmed.

When determining whether the Take Permit and HCP will harm species' chances of recovery under both sections 10 and 7, the Service should consider species that do not currently exist in the plan area, but that would need to utilize the area at some level to achieve recovery. The Service has not made such an evaluation in this instance.

The legislative record for ESA section 10(a) also indicates that Congress intended for HCPs to *enhance* species' chances of survival,[xlviii] which given the net loss of habitat that would result from this HCP, is not accomplished in this instance The HCP Handbook also cites this legislative intent and states that the Services should "encourage" landowners to provide a net benefit to species.[xlix] The Department of Interior's testimony in response to the lawsuit against

the “No Surprises” rule also recognizes that “[U]nder some circumstances, such as for ‘severely depleted species and species for which the HCP covers all or a significant portion of the range’ of a species,... measures to improve the species habitat may be required by the legislative history of [ESA] section 10.”[l]

ESA section 10(a)(2)(B)(ii) also requires impacts be minimized and mitigated to the “maximum extent practicable.” The Services must analyze and document whether the HCP has indeed minimized and mitigated “take” to the maximum extent practicable.[li] The Services must consider HCP alternatives that would provide higher levels of mitigation than the proposed HCP (“…the most reasonable reading of the statutory phrase “maximum extent practicable” nonetheless requires the Service to consider an alternative involving greater mitigation.”).[lii] In this instance, one alternative does analyze such higher (though still insufficient) mitigation. Moreover, the Services must have some basis for finding that higher levels of mitigation aren’t practicable (“…the record must contain some basis to conclude that the proposed program is the maximum that can be reasonably required….” and “…should provide some basis for concluding, not just that the chosen mitigation fee and land preservation ratio are practicable, but that a higher fee and ratio would be impracticable.”).[liii] The Service has not done so in this instance. Relevant data may include economic analyses, mitigation levels used in other HCPs, or evidence from the landowners.[liv] The Services’ HCP Handbook also requires the Services to consider the cost of additional mitigation, the benefits of additional mitigation, the amount of mitigation provided by other landowners, and the landowner’s own abilities.[lv] This has been addressed in a cursory manner in this instance.

The Services’ HCP Handbook states that if the landowner cites economic considerations as the reason for failing to utilize an alternate land management approach, then the landowner must provide supporting economic information, unless it is proprietary.[lvi] No such supporting information has been provided in this HCP.

The Services should account for the totality of relevant economic factors, including the probability that land owners can deduct the cost of land management restrictions from their federal, state, and/or local taxes.

ESA sections 10(a)(2)(A)(iv) and 10(a)(2)(B)(v) also authorize the Services to require mitigation measures *beyond* those “practicable” mitigation measures required by ESA section 10(a)(2)(B)(ii). The Services’ HCP Handbook also states that all HCPs should address other measures required by the Services.[lvii]

All impacts of all permitted “take” must be mitigated.[lviii] Notably, in this instance, however, fragmentation of habitat is not directly mitigated even though the karst invertebrates critical habitat rule describes habitat fragmentation as a threat to the species.[lix]

The Services’ HCP Handbook states that mitigation should not only be based on sound biological rationale, but also be “commensurate with the impacts.”[lx] Such is not the case in this instance.

Sierra Club et al v. Bruce Babbitt et al held that replacement habitat must be provided for habitat destroyed pursuant to ITPs.[lxi] In this case, however, replacement habitat added to the system of preserves may consist of habitats already protected for other purposes or under other authorities. Even when unprotected habitat would be protected under this HCP, there would be a net loss of thousands of acres of habitats now available to the various species, that would be subject to development.

Listed plants must also be addressed and protected by Take Permits and HCPs under ESA section 7(a)(2). The Services may not approve an action which jeopardizes the survival or recovery of listed plants.

The HCP's conservation strategy should use the precautionary approach. "Often, a direct relationship exists between the level of biological uncertainty for a covered species and the degree of risk that an incidental take permit could pose for that species. Therefore, the operating conservation program may need to be relatively cautious initially and adjusted later based on new information, even though a cautious approach may limit the number of alternative strategies that may be tested."[lxii] The pre-eminent national scientific review of HCPs found also that: when basic data on species, their conservation needs, resulting levels and impacts of "take," and other considerations are unavailable, data gaps should be filled *prior* to developing HCPs; fewer data gaps should be allowed with plans covering larger areas, longer time frames, irreversible impacts, or multiple species; if HCPs proceed in the absence of needed data, then approaches which provide greater levels of certainty for the species should be used; and that managers should adopt risk-averse strategies in the face of uncertainty.[lxiii] In this case, with little known about the distribution, taxonomy and much else about the karst invertebrates, the HCP should await more information.

Any unlisted species "covered" by the conservation plans and any regulatory assurances must be addressed and conserved as thoroughly and specifically as if they were listed, as was expected by Congress when ESA section 10 was drafted, and as is required by the "No Surprises" rule. Among other things, this should require that the HCP specifically and individually address each covered species and their unique conservation needs.

Take Permits and HCPs may not rely upon speculative sources of mitigation, such as promises of additional funds for habitat acquisition from unnamed sources.[lxiv] Providing funds for research is not sufficient as mitigation.[lxv] In this instance, the HCP relies on future appropriations which cannot be guaranteed,[lxvi] a fantastical average 7% growth rate of invested funds, and even sale of land donations – which would spur further land development – to guarantee management and mitigation funds into the future. The mitigation measures (i.e. land sales) should not themselves cause unmitigated "take" of listed species or their habitats.[lxvii] These various artifices and assumptions, for example about future appropriations, are the essence of speculative funds.

Independent (and presumably, academic) scientific peer review panels should be consulted during HCP development, particularly for more significant plans.[lxviii] There is no evidence that such consultation occurred in this instance.

D. Adequacy of Implementation Measures—Monitoring

According to the Services' HCP Handbook, "monitoring is a mandatory element of all HCPs."[lxix] Monitoring is also required implicitly and explicitly under the ESA and its regulations.[lxx] The Services' HCP Handbook states that an HCP's monitoring provisions should be as specific as possible and be commensurate with the project's scope and the severity of its effects.[lxxi] The Handbook also states that "the scope of the monitoring program should be commensurate with the scope and duration of the operating conservation program and the project impacts."[lxxii]

According to the Services' HCP Handbook, "the Services and the applicant must ensure that the monitoring program provides information to: (1) evaluate compliance; (2) determine if biological goals and objectives are being met; and (3) provide feedback information for an adaptive management strategy, if one is used."[lxxiii] Monitoring must also address HCPs' impacts over time.[lxxiv] The Handbook further states that "the monitoring program should reflect the measurable biological goals and objectives. The following components are essential.… (1) Assess the implementation and effectiveness of the HCP terms and conditions.…; (2) determine the level of incidental take of the covered species; (3) determine the biological conditions resulting from the operating conservation program.…; and (4) provide any information needed to implement an adaptive management strategy, if utilized."[lxxv]

The pre-eminent scientific review of HCPs also found that monitoring provisions should be used to evaluate mitigation measures' performance over time, and to assess impacts to species, and that monitoring must be designed to facilitate timely improvements to mitigation measures.[lxxvi] In addition to implementation and effectiveness monitoring, validation monitoring is also needed to determine if the assumptions and models used in developing the conservation plan are correct.[lxxvii]

Population levels and specific habitat components for each of the covered species must be monitored on a regular basis. According to the Services' HCP Handbook, "effects and effectiveness monitoring includes, but is not limited to, the following: 1. Periodic accounting of incidental take that occurred in conjunction with the permitted activity; 2. Surveys to determine species status, appropriately measured for the particular operating conservation program (e.g.,

presence, density, or reproductive rates); 3. Assessments of habitat condition; 4. Progress reports on fulfillment of the operating conservation program (e.g., habitat acres acquired and/or restored); and 5. Evaluations of the operating conservation program and its progress toward its intended biological goals."[lxxviii] The HCP Handbook also states elsewhere that monitoring must be sufficient to detect trends in species' populations.[lxxix] Monitoring indicators should be chosen to detect problems before it is too late to solve them.[lxxx]

The Services' HCP Handbook states that monitoring protocol must specify the frequency, timing, and duration of data collection; must specify how the data will be analyzed; and must specify who will do the analysis.[lxxxi] The Handbook also states that "the monitoring program will be based on sound science. Standard survey or other previously established monitoring protocols should be used [and] …. [m]onitoring programs should use a multi-species approach when appropriate."[lxxxii]

According to the Services' HCP Handbook, "…the monitoring program should also clearly designate who is responsible for the various aspects of monitoring."[lxxxiii] More specifically, "both the Services and the permittee are responsible for monitoring the implementation of the HCP…" and "the Services should verify adherence to the terms and conditions of the incidental take permit, HCP, IA, and any other related agreements...."[lxxxiv] The Handbook also states that "...it is important for the Services to make field visits to verify the accuracy of monitoring submitted by the permittees ."[lxxxv] The USFWS regulations also state that by being granted a Take Permit, the landowner has agreed to grant access to Service staff to property, records, and other areas.[lxxxvi] Similarly, the NMFS regulations state that permittees shall allow the agency access to their premises at any reasonable hour to conduct inspections.[lxxxvii] However, this is not reflected in the instant HCP.

Mechanisms must also be established more generally to ensure the scientific integrity of monitoring results. Monitoring should be conducted by independed persons and institutions that do not have a stake in the results.[lxxxviii] According to the Services' HCP Handbook, "for large-scale or regional HCPs, oversight committees, made up of representatives from significantly affected entities (e.g., State Fish and Wildlife agencies), are often used to ensure proper and periodic review of the monitoring program...."[lxxxix] According to the Handbook, "…oversight committees should periodically evaluate the permittee's implementation of the HCP, its incidental take permit, and IA and the success of the operating conservation program in reaching its identified biological goals and objectives. Such committees usually include species experts and representatives of the permittee, the Services, and other affected agencies and entities."[xc] Further, "oversight committees should meet at least annually and review implementation of the monitoring program and filing of reports as defined in the HCP, permit, and/or IA, if one is used."[xci]

The Services' Consultation Handbook also calls for monitoring to: "detect adverse effects resulting from a proposed action," "assess the actual level of incidental take in comparison with the anticipated… level," "detect when the anticipated level of incidental take is exceeded," and detect effects "on populations of a listed species, effects on the habitat…of a listed species, or effects on both." Monitoring results should also be collected and coordinated with monitoring from other permitted activities, to track their "collective effects."[xcii]

E. Adequacy of Implementation Measures—Adaptive Management

Comprehensive and rigorous adaptive management will be crucial to the success of most HCPs. The pre-eminent national scientific review of HCPs found that: HCPs must be flexible, to allow for timely improvements based on monitoring results; if monitoring is used to help correct for data gaps, then mitigation measures must be adjusted as needed over time; and HCPs should include contingency measures (i.e., adaptive management supported by monitoring) to address potential failures with mitigation measures.[xciii]

HCPs need to include adaptive management programs whose goal is to identify concrete improvements to the HCP's conservation measures that may be needed to address, among other things, the plan's potential failure to meet its biological goals, unpredicted impacts on the species resulting from the covered activities, stochastic environmental fluctuations, changes in the permittee's land management practices and their impacts, and other new information and changing circumstances. The ultimate goal of adaptive management must be to ensure that the plan and covered activities will continue to be consistent with the covered species' recovery. Adaptive management must necessarily be closely tied to monitoring, especially effectiveness and validation monitoring.

In drafting ESA section 10, Congress explicitly recognized that "...circumstances and information may change over time, and that the original plan might need to be revised. To address this situation, the Committee expects that any plan approved for a long-term permit will contain a procedure by which the parties will deal with unforeseen circumstances...."[xciv] ESA section 10(a)(2)(B) requires HCPs to include assurances the plans will be implemented, continue to minimize and mitigate the impacts of take, and continue to avoid jeopardizing the species' chances of survival and recovery. ESA section 10(a)(2)(A)(iv) also requires the Services to require other measures as necessary to ensure the plan's success.

The Department of Interior has stated, in effect, that large scale HCPs must have extensive, meaningful adaptive management provisions to be lawful. "The Services recognize that HCP permits often must be structured in such a way as to allow for the adaptation and refinement of mitigation measures over time as new scientific information becomes available...." "…the purpose of the No Surprises rule is to force the negotiating parties to clearly define up front a mutually-agreed upon framework for such adaptive management, if necessary due to scientific uncertainty, and to establish a division of later responsibilities

in the event of highly unlikely unforeseen events.... In the event there are significant gaps in the biological data underlying a particular HCP, those gaps should be addressed through the inclusion of adaptive management provisions."[xcv] The HCP Handbook also states that if information on unlisted species' conservation needs is lacking, then the landowner should either: i) use adaptive management to incorporate new information as it becomes available, ii) conduct additional research on the species' needs, or iii) agree to reduced "No Surprises" guarantees for those species.[xcvi]

According to the Services' HCP Handbook, adaptive management programs should be established within HCPs to address the following situations, among others. "...an adaptive management strategy is essential for HCP's that would otherwise pose a significant risk to the species at the time the permit is issued due to significant data or information gaps."[xcvii] "Possible significant data gaps that could lead to the development of an adaptive management strategy include, but are not limited to, a significant lack of specific information about the ecology of the species or its habitat (e.g., food preferences, relative importance of predators, territory size), uncertainty in the effectiveness of habitat or species management techniques, or lack of knowledge on the degree of potential effects of the activity on the species covered in the incidental take permit."[xcviii] Adaptive management is also especially important for species whose conservation needs are not yet well known, as is usually the case with unlisted species.[xcix] Similarly, contingency measures should exist when landowners create/restore habitat as mitigation, in case the new habitat isn't viable.[c]

Scientists indicate that "the success of any adaptive management study depends upon two important contingencies: 1) management actions implemented now must maintain as many future options as possible, and 2) tight linkages and feedbacks must be maintained between scientists and managers…."[ci] "Adaptive management requires a more (rather than less) cautious approach to the use of forest resources.[cii] The HCP Handbook also states that "often, a direct relationship exists between the level of biological uncertainty for a covered species and the degree of risk that an incidental take permit could pose for that species. Therefore, the operating conservation program may need to be relatively cautious initially and adjusted later based on new information, even though a cautious approach may limit the number of alternative strategies that may be tested."[ciii] Other literature suggests that management policies should accordingly be chosen in light of the assumptions they test, so that the most important uncertainties are tested rigorously and early."[civ]

The literature on adaptive management also clearly indicates that few, if any, management policies are without significant uncertainty. "Prediction is never perfect" and "uncertainty is a fundamental fact of environmental life."[cv] Likewise, "complex systems are unpredictable," sometimes "the magnitude of responses is not in linear proportion to the magnitude of causes," and an "iterative approach appears to be important to maintaining the productivity of resources."[cvi]

The literature also describes adaptive management as "a systematic proces for continually improving management policies and practices by learning from the outcomes of operational programs." However, adaptive management is not a "trial-and-error approach."[cvii] Essential steps in any project developed around adaptive management include: a) compiling all existing data, b) developing project goals, c) developing working hypotheses, d) implementing the prescriptions, e) monitoring results, f) evaluating and testing monitoring data, and g) returning to step (c).[cviii]

The HCP Handbook also states that "an adaptive management strategy should (1) identify the uncertainty and the questions that need to be addressed to resolve the uncertainty; (2) develop alternative strategies and determine which experimental strategies to implement; (3) integrate a monitoring program that is able to detect the necessary information for strategy evaluation; and (4) incorporate feedback loops that link implementation and monitoring to a decision-making process (which may be similar to a dispute-resolution process) that result in appropriate changes in management."[cix]

Adaptive management is also "the acquisition of additional knowledge and the utilization of that information in modifying programs and practices so as to better achieve management goals" more generally.[cx] In other words, the adaptive management program should also have a process for identifying and utilizing new information from outside sources, in addition to the results of the HCP's own monitoring program.

Adaptive management "triggers" must be identified for each of the covered species. These should correspond to the biological goals for each of the covered species, which, in turn, should include measurable and verifiable objectives for the covered species' populations and distributions, habitat quantity and quality, and other variables associated with the species' recovery. In other words, the adaptive management program must key into the plan's benchmark's for success.[cxi] The HCP Handbook states that "thresholds" (i.e., triggers) for adaptive management review should be linked to key elements of the HCP and its monitoring protocol. Further, the thresholds must be based on measurable criteria.[cxii] The triggers should include species' population levels, specific habitat components, water quality standards, etc., associated with each of the covered species' survival and recovery. According to the Services' HCP Handbook, "a practical adaptive management strategy within the operating conservation program of a long-term incidental take permit will [also] include milestones that are reviewed at scheduled intervals during the lifetime of the incidental take permit and permitted action."[cxiii] However, as noted by the literature on adaptive management, management thresholds and

adaptive management triggers should not be defined as biological thresholds that represent risky or irreversable changes in species or ecosystems. Rather, management thresholds and triggers should include a comfortable margin-of-error and "kick in" before unacceptable damage to species' chances of recovery have occurred.[cxiv]

In keeping with these requirements, the HCP and its Implementation Agreement must require that the HCP's mitigation measures will be corrected, improved, and/or supplemented whenever monitoring or other information indicates that the HCP's biological goals and objectives are not being achieved (i.e., the adaptive management triggers are "tripped"). In other words, adaptive management programs must specify at the outset how adaptive management results will be used to modify conservation plans.[cxv] The overriding objective of the HCP's adaptive management program and its Implementation Agreement must be to ensure that the HCP will continue to protect the covered species and their chances of recovery. There must be clear timelines for adaptive management reviews and decisions. "Adaptive management does not postpone action until "enough" is known but acknowledges that time and resources are too short to defer *some* action, particularly actions to address urgent problems such as… declines in the abundance of valued biota.[cxvi]

The HCP should identify specific additional mitigation measures, or a range of measures, that can be adopted in response to monitoring and adaptive management analyses, and that will *not* be precluded by "No Surprises" language. If "No Surprises" language is used in the HCP, Take Permit, or Implementation Agreement, all potentially necessary adaptive management changes to the HCP should be identified as "Changing Circumstances." According to the HCP Handbook, "whenever an adaptive management strategy is used, the approved HCP must outline the agreed-upon future changes to the operating conservation program."[cxvii] "When an HCP, permit, and [implementation agreement] incorporate an adaptive management strategy, it should clearly state the range of possible operating conservation program adjustments due to significant new information, risk, or uncertainty."[cxviii] However, this HCP's description of changed circumstances provides no latitude to protecting the species from a wide variety of changes through increasing the size of preserved lands.[cxix]

Adaptive management reviews should be conducted by objective, scientifically-qualified parties that are independent of the permittees. "To be informative and efficient, adaptive management projects must be led by people who know what options for study designs and analyses are available, and the relative strengths and weaknesses of each."[cxx] Adaptive management reviews and decisions should be transparent, and provide meaningful opportunities for public input. Adaptive management decisions should be conducted pursuant to explicit and transparent decision-criteria, and not be subject to "veto" by the permittees. In short, adaptive management must be a scientific process, rather than a political free-for-all.

F. Adequacy of Implementation Measures—Assurances and "No Surprises" Guarantees

Relevant Standards:

The HCP and its Implementation Agreement must be consistent with, and include language maintaining, the provisions of 50 CFR 402.16, which requires the USFWS and NMFS to reinitiate formal consultation under ESA section 7 if: the amount or extent of "taking" exceeds that allowed for by the Take Permit, new information shows that listed species or critical habitat will be affected in a manner not previously considered, changes in the permitted activities cause effects not previously considered, or the permitted activity will affect newly listed species or critical habitat.[cxxi] The HCP and its Implementation Agreement must include procedures for the Services to look for, and respond to, such new information. The Biological Opinion should also identify situations that would warrant reinitiation, including studies in progress whose results may warrant reassessment of the Opinion.[cxxii]

Various scientific assessments of HCPs have come to similar conclusions; for example, "if opportunities for modifying and improving plans on the basis of new information are precluded, failures in attaining biological goals are likely."[cxxiii] "Plans must be dynamic and explicitly built on a foundation of adaptability and revision."[cxxiv] Thus landowner assurances should take the form of explicit, up-front agreements about the plan's biological goals, monitoring, adaptive management, and enforcement, and fair allocation of responsibility between the landowner and public for funding future plan changes.

In other words, the plan should provide up-front clarity and assurances about the process that will be used to identify and make improvements to the plan—instead of simply precluding meaningful plan improvements through "No Surprises" assurances, as this HCP does.[cxxv] In drafting ESA section 10, Congress explicitly recognized that "...circumstances and information may change over time, and that the original plan might need to be revised. To address this situation, the Committee expects that any plan approved for a long-term permit will contain a procedure by which the parties will deal with unforeseen circumstances...."[cxxvi] The Department of Interior has also stated that "…the purpose of the No Surprises rule is to force the negotiating parties to clearly define up front a mutually-agreed upon framework for such adaptive management…and to establish a division of later responsibilities in the event of highly unlikely unforeseen events...."[cxxvii]

Any landowner or regulatory assurances should be proportionate (in terms of breadth, duration, etc.) to the probability that the HCP's conservation measures will succeed in recovering abundant, resilient, and well-distributed populations and fully functioning habitats of the covered species, including as noted by the Services' HCP Handbook.[cxxviii] A different level or extent of assurances may be suitable for different species, different HCP elements, different locations, etc., given any differences in the quality of the HCP's conservation measures in relation to different species, different conservation needs, different site conditions, etc.

Beyond a short initial "time-out" period, assurances provisions must not preclude the permittees' responsibility for adopting modified or additional mitigation measures, as may be identified through monitoring, adaptive management, or other processes which are integral to the HCP's long-term effectiveness and/or ensuring that the Incidental Take Permit and plan will not impact

the covered species' chances of recovery over time. In this instance, however, the No Surprises limitations on addition land to add preserves would render the species unable to adapt to a variety of changed conditions.

The duration of assurances should also be limited to time periods during which implementation of the HCP's conservation measures, monitoring, and adaptive management provisions can be guaranteed. The Services' HCP Handbook states that "the Services will also consider the extent of information underlying the HCP, the length of time necessary to implement and achieve the benefits of the operating conservation program, and the extent to which the program incorporates adaptive management strategies."[cxxix] On the latter basis alone, the Service should reject this HCP.

The Federal Register notice for the final "No Surprises" Rule states that "...many changes in circumstances during the course of an HCP can reasonably be anticipated and planned for in the conservation plan (e.g., the listing of new species, or a fire or other natural catastrophic event in areas prone to such events), and the plans should describe the modifications in the project or activity that will be implemented if these circumstances arise...."[cxxx] The final rule itself then states that "changed circumstances means changes in circumstances affecting a species or geographic area covered by a conservation plan that can reasonably be anticipated by plan developers and the Service and that can be planned for (e.g., the listing of new species, or a fire or other natural catastrophic event in areas prone to such events)."[cxxxi] Likewise, the HCP Handbook states that "unforeseen circumstances" *don't* include changed conditions that could reasonably be anticipated by the landowner or the Services, including the listing of new species or modifications in the landowner's activities.[cxxxii] Under the final "No Surprises" rule, landowners are responsible for providing improved and/or additional mitigation measures needed in response to "changed circumstances," if the mitigation measures "were provided for" in the HCP.[cxxxiii]

The pre-eminent national scientific review of HCPs found that "take" permits should not be given to landowners when significant information needed to develop scientifically credible HCPs is lacking.[cxxxiv] That is certainly the case in this instance regarding the karst invertebrates. The Services' HCP Handbook also states that "there may be some circumstances with such a high degree of uncertainty and potential significant effects that a species should not receive coverage in an incidental take permit at all until additional research is conducted."[cxxxv] Again, the lack of information on these invertebrates fits that circumstance.

The final "No Surprises" rule, the legislative history for ESA section 10(a), and the Services' HCP Handbook all state that any unlisted species covered in an HCP must be addressed as if it were listed.[cxxxvi] The "No Surprises" rule states that *"adequately covered means... with respect to unlisted species, that a proposed conservation plan has satisfied the permit issuance criteria under section 10(a)(2)(B) of the ESA that would otherwise apply if the unlisted species covered by the plan were actually listed."*[cxxxvii] Among other things, this should require that the HCP specifically and individually address each covered species and their unique conservation needs (the NMFS regulations state, for example, that for species to be covered, they must be specifically listed on the Take Permit).[cxxxviii] The draft "No Surprises" rule also stated that unlisted species need to be addressed by removing threats to their survival and recovery, such that the species would not need to be listed if the measures were undertaken across their range.

The Services' HCP Handbook also states that if information on unlisted species' conservation needs is lacking, then the landowner should either: i) use adaptive management to incorporate new information as it becomes available, ii) conduct additional research on the species' needs, or iii) agree to reduced "No Surprises" guarantees for those species.[cxxxix]

G. Adequacy of Implementation Measures—Funding, Enforcement, and Implementation Assurances

Relevant Standards:

ESA sections 10(a)(2)(A)(ii) and 10(a)(2)(B)(iii) state that the HCPs must specify the funding that will be available to implement the plans' impact minimization and mitigation measures, and that the Services must find that the applicants will "ensure that adequate funding for the plan will be provided."[cxl] In this case, as noted, funding is in part dependent on a speculative 7% annual investment income, sale of lands that themselves might be needed for conservation, and appropriations. None of this is certain income, and much of it is doubtful.

ESA sections 10(a)(2)(A)(iv) and 10(a)(2)(B) state that the Services shall require "...other measures... necessary or appropriate for purposes of the plan" and "...other assurances...that the plan will be implemented." As recognized by the courts, the mere promise of future actions is not sufficient to meet the ESA's protection standards.[cxli]

The HCP and Take Permit must be accompanied by a legally sufficient Implementation Agreement, as recognized by the Services' HCP Handbook.[cxlii] The HCP's mitigation measures must be enforceable.[cxliii] The Implementation Agreement must also include enforceable remedies and relief provisions, in the event that the HCP's conservation measures are not implemented, and "take" is thus not properly mitigated, as noted by the Services' HCP Handbook and its template Agreement.[cxliv] In this instance, if funding falls short for management and monitoring, no such remedies can be counted on. Furthermore, the mechanisms for describing the assumptions on funding, repeatedly referenced as "Appendix F" in the HCP, are not available on the Service's website, nor did the Service's Austin, Texas office answer the phone in the days leading up to the March 19, 2015 deadline on comments on the

HCP and DEIS; consequently, Appendix F with its critical analysis, is not available and cannot be counted on for assurances in the HCP nor DEIS.

There must be assurances of adequate funding to implement the HCP's conservation measures, monitoring, and adaptive management provisions over time. That doesn't exist in this instance. The HCP Handbook states that large scale HCPs may need perpetual funding to cover long term monitoring and mitigation.[cxlv] The Service's Handbook also states that the landowner should provide up-front legal or financial assurances, such as a letter of credit, if mitigation measures will be implemented after "take" occurs.[cxlvi] The courts have also recognized the need to provide assurances of adequate funding.[cxlvii]

H. Duration of the Take Permit and HCP

According to the Services' HCP Handbook, when determining incidental take permit duration, factors to consider include "duration of the applicant's proposed activities and the expected positive and negative effects on covered species... including the extent to which the operating conservation program will increase the long-term survivability of the listed species and/or enhance its habitat."[cxlviii]

The Handbook also states that "the Services will also consider the extent of information underlying the HCP, the length of time necessary to implement and achieve the benefits of the operating conservation program, and the extent to which the program incorporates adaptive management strategies. Significant biological uncertainty may necessitate an adaptive management strategy."[cxlix] Under these criteria, this HCP should be rejected.

III. Comments on the Draft Environmental Impact Statement

The DEIS does not meet the standards of NEPA as described below.

A. Alternatives to be Considered in the EIS—Generally

Consideration of alternatives is the "heart" of an EIS.[cl] Under NEPA, an EIS must "rigorously explore and objectively examine all reasonable alternatives."[cli] Likewise, an agency may not "consider only those alternatives with [the same] end result."[clii]

An EIS must evaluate a "reasonable range" of alternatives. The range is dictated by "nature and scope of the proposed action," and must be sufficient to permit the agency to make a "reasoned choice."[cliii] The analysis must include the alternative of no action, as well as alternatives not within the federal lead agency's jurisdiction.[cliv]

The existence of a “viable but unexamined alternative renders an environmental impact statement inadequate.”[clv] Likewise, an agency may not “consider only those alternatives with [the same] end result.”[clvi]

All alternatives selected for detailed analysis must *avoid or substantially reduce* the significant environmental impacts of the proposed project.[clvii]

The EIS must include "reasonable options" for avoiding or mitigating to insignificance any significant cumulative effects identified.[clviii]

The EIS must "devote substantial treatment to each alternative considered in detail so that reviewers may evaluate their comparative merits."[clix] It also must explain how each alternative will or will not achieve the policies of NEPA and other relevant environmental laws and policies.[clx]

The alternatives analysis should not be constrained by what the applicant deems economically "practicable" or "feasible."[clxi]

Under NEPA, where economic preferences are used to select the preferred alternative, the decision must not be based on misleading, biased, or incomplete economic information.[clxii]

B. Alternatives to be Considered in the EIS—No Action Alternative

To be credible and accurate, the "no action" alternative must accurately describe baseline conditions and assume full compliance with, and enforcement of, existing federal and state laws. Specifically, the “no action” alternative must assume the State and landowners’ full avoidance of “take” of all covered listed species. A “no action” alternative that assumes minimal or compliance with or enforcement of the ESA, and therefore seriously overestimates the purported benefits of the HCP's mitigation program, is not acceptable.

The no action alternative must also account for the likelihood that unlisted sensitive and imperiled species will be listed in the future and subject to ESA restrictions.

C. Impacts Analysis—Generally

Environmental Protection Agency (EPA) regulations require an EIS to "provide a full and fair discussion of significant environmental impacts” of the proposed action, as well as each alternative.[clxiii] Environmental impacts, or effects, include ecological, aesthetic, historic, cultural, economic, social, and health effects, whether direct, indirect, or cumulative in nature.[clxiv]

Under NEPA, sufficient, accurate, current and up to date data must be used. Accurate projections of affected species' populations under the Take Permit and HCP must be compared with accurate historical baseline populations, as well as populations that would occur *in lieu* of the Take Permit and HCP. Population trends should be compared with minimum viable population data to help assess impacts.[clxv] This level of analysis was not conducted in this DEIS.

D. Impacts Analysis—Species Impacts Analysis

Impacts should be assessed explicitly for each listed and unlisted species covered by the HCP, as should the relationship between the landowner's forest management practices and each species' conservation needs, including the species' recovery needs.

The EIS must include a detailed biological analysis of the impacts of development, resource extraction and other activities authorized by the HCP and Take Permit on *each* wildlife and plant species (whether listed or unlisted) to be "covered by" the HCP and all designated critical habitat areas.[clxvi]

Impacts to all threatened, endangered, candidate, proposed-listed, sensitive, rare, endemic, or otherwise at-risk or ecologically, socially, or economically important plant and animal species should be assessed, *regardless* of whether those species are officially "covered" by the HCP.

The EIS must analyze the impact of activities on all species "occurring or potentially occurring" on all lands subject to the HCP, regardless of whether they will be "covered" by the HCP. If any wildlife or plant species occurring or potentially occurring on lands subject to the HCP will *not* be "covered" by the plan, the EIS must analyze the impacts of the HCP on these species, why they are not "covered," and include mitigation measures for any significant impacts identified.

The HCP Handbook notes that the Services must consider impacts on Federally-listed plants, during ESA section 7 consultation, regardless of whether those plants are "covered" by the HCP. Plants protected by state laws are among those which must be addressed, pursuant to ESA section 9.[clxvii]

For each species, the analysis must: (1) specifically indicate how the HCP and Take Permit will affect species' survival *and* recovery prospects; (2) describe activities that may result in take of covered species; and (3) *quantify* the anticipated level of take resulting from all activities authorized under the HCP.[clxviii] The EIS must indicate whether the impacts of the HCP and Take Permit on each of these species will be significant, and if so, include *species specific* mitigation measures and management actions for *each* significant impact identified.[clxix]

The EIS likewise must objectively analyze the likely short-term *and* long-term effectiveness of each of the HCP's proposed measures to minimize and mitigate incidental take of covered species and provide a scientifically justifiable reason why and how these measures will mitigate any significant adverse impacts to species to a level of insignificance.[clxx]

The EIS must analyze the reasonably foreseeable biological impacts of including a "no surprises" provision in the HCP and implementing agreement. The effects of the "no surprises" policy over

both the short and the long term are extremely likely to be significant. Thus, if 1) the HCP fails to achieve its stated goals, 2) the HCP conditions prove inadequate to protect species, 3) new scientific information is discovered which affects the assumptions in or conclusions of the HCP, and/or 4) unanticipated circumstances significantly change the environmental baseline, then federal and state agencies may be restricted in their enforcement and ability to respond in order to conserve the species. This EIS fails to conduct such an analysis.

The EIS must assess impacts to all environmental values in the plan area, including both direct and cumulative effects. These values include, but are not limited to, unlisted, sensitive, rare or endemic, or otherwise at-risk fish, wildlife, and plant species; water quality; water supplies and the timing of flows; air quality; open space; soil productivity; and the sequestration and storage of atmospheric carbon dioxide.

The alternatives' impacts on the karst species' critical habitats must also be carefully examined, since the proposed HCP and Take Permit or other "assurances" may not be legally issued if they adversely modify the species' critical habitats, as per ESA section 7(a)(2).

The EIS must provide: 1) detailed, thorough, and quantitative descriptions of the habitat and population conditions that will correspond to each covered species' recovery, 2) detailed, quantitative habitat and population projections for each species covered by the HCP, for each alternative, and 3) compare the alternatives' outcomes identified in step (2) with the indicators of recovery identified in step (1). This DEIS doesn't do that.

The analyses for HCPs -- particularly those covering large areas or large amounts of a species' range -- should inventory, summarize, and document available data on each species and their distribution, abundance, population trends, ecological requirements, life history, and causes of endangerment.[clxxi] Again, this DEIS only addresses these issues in cursory fashion at best.

Quantitative estimates of the impacts of "take" on species' viability should be provided, especially for larger or more significant plans. At a minimum, best and worst-case scenarios should be identified.[clxxii] That did not occur in this DEIS.
Impacts of "take" should also be evaluated, particularly for larger or more significant plans, including by determining whether the habitats being "taken" correspond to population "sources" or "sinks," whether genetically unique subpopulations are being "taken," and whether unique habitat/species combinations are being impacted.[clxxiii] Again, this is absent from this DEIS.

The analyses for HCPs must address each of the following: species' status reviews, analyzing the proposed "take," assessing the impacts of "take," planning and assessing mitigation measures, and planning and assessing monitoring provisions.[clxxiv] In this case, status reviews were minimally if at all consulted.

G. Impacts Analysis—Cumulative Impacts

Relevant Standards:

The analyses for HCPs should evaluate the cumulative impacts of multiple plans and their interactions. The percentage of local *and* global populations that will be “taken” should be assessed.[clxxv] Yet, multiple HCP’s address the two birds covered in this plan, yet cumulative impacts are not addressed.

A thorough cumulative effects analysis should be conducted to address all Federal and non-Federal actions affecting each species covered by the Take Permit and HCP. The analysis should also address all past, present, and reasonably foreseeable actions across the species’ ranges.

An EIS must analyze "cumulative actions, which when viewed together have cumulatively significant impacts."[clxxvi] Thus, "[w]here several foreseeable similar projects in a geographical region have a cumulative impact, they should be evaluated in a single EIS."[clxxvii] "Cumulative impact" is defined in the NEPA regulations as the impact on the environment that results from "the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions."[clxxviii]

Cumulative effects analyses are also required as part of the ESA section 7 consultation process for HCPs, as per 50 CFR 402.

In addition to cumulative impacts, this discussion must address the direct and indirect impacts of the project.[clxxix] "Direct effects" are those which are immediately caused by the action; indirect effects are those which will be caused by the action at a later time, but which are nevertheless reasonably foreseeable.[clxxx]

NEPA requires a discussion of growth-inducing impacts as part of its analysis of indirect environmental effects of the proposed action.[clxxxi] A project may have a growth-inducing impact if it may directly remove an obstacle to growth, or if it may encourage other activities that would significantly affect the environment, individually or cumulatively.

H. Impacts Analysis—Other

Relevant Standards:

The Services must take a “hard look” at the environmental consequences of approving an action, i.e., a Take Permit and HCP.[clxxxii]

NEPA requires an EIS to include a discussion of significant adverse effects which cannot be avoided if the proposal is implemented.[clxxxiii]

NEPA requires a discussion of any irreversible or irretrievable commitments of resources which would be made if the proposal is implemented.[clxxxiv]

The EIS must objectively and independently evaluate any assertions by the HCP applicant that certain mitigation measures are "impracticable" or "infeasible." Such assertions must be supported by reliable and specific documentation of impracticability or infeasibility.[clxxxv]

Activities on other lands not subject to the HCP's Implementation Agreement should be considered as speculative, and not counted as mitigation for "take" authorized by the Take Permit. Yet, in this instance, lands in Comal County may be added in to the preserves as mitigation.

The EIS must also account for any new information which has come to light during development of the HCP. But this DEIS does not discuss information available in current recovery plan revision processes for the two covered birds.

I. Economic Analyses

The DEIS should have fully assessed likely costs to the public and future generations of the proposed HCP versus alternatives. Costs may include lost wildlife, lost rare plants and future medicines, regional ecosystem failures, the cost of paying landowners to restore habitat areas, the cost of paying landowners for adaptive management and improvements to their HCPs that have been precluded by "No Surprises" agreements, the cost of increasing protections on Federal lands to compensate for failed HCPs on private lands, etc.

The EIS must also consider the significant economic benefits that the participating landowners will likely accrue by acquiring a valid Take Permit for various listed and unlisted species. Particularly when coupled with "No Surprises" guarantees, HCPs and Take Permits provides a level of regulatory certainty which is unprecedented in the business world, largely insulates private companies and other parties from any future liability to adopt additional conservation measures to protect and recover listed and unlisted species, and may even increase companies' land values, assuming that the Take Permit and HCP could be potentially transferred or otherwise adopted by subsequent landowners.

J. Impacts Analysis—Plan Implementation Issues

The EIS must analyze the adequacy of the commitments for funding the mitigation and monitoring measures in the HCP to support long term species conservation. The analysis must include financial and other data, which accounts for inflation, depreciation of assets, increased real estate values, and other contingencies, to support the conclusions reached. In this case, as noted, Appendix F which supposedly contains this information, has not been made available.

The EIS should evaluate the availability of federal and state funds to meet any future mitigation requirements. If the availability of federal and/or state funds is a likely possibility, then the EIS must also analyze the biological effects resulting from the permittee's and/or the government's future unwillingness or inability to provide adequate mitigation or HCP implementation funding on USFWS and NMFS determinations pursuant to ESA section 7.

The EIS should fully analyze the impacts of both foreseeable and unforeseeable changed circumstances on the assumptions, conclusions and mitigation measures contained in the HCP, and how these changed circumstances will affect species survival and recovery, population trends, habitat quality and quantity, water quality, and other environmental factors. Foreseeable circumstances include fire, flood, lightning, disease and other stochastic events. The HCP must contain mitigation measures to address such foreseeable circumstances, and specific, detailed procedures to address any unforeseen circumstances, as required by the ESA and its implementing regulations. These critical provisions cannot simply be passed off as a federal government obligation under the "no surprises" policy.

K. Mitigation Measures

NEPA requires an EIS to include measures to avoid or minimize *each* significant impact identified, including the impacts of alternatives.[clxxxvi] The analysis must include appropriate mitigation measures for each alternative analyzed in detail.[clxxxvii] This discussion must distinguish between measures proposed by the project proponent to be included in the project and others that are not included but could reduce adverse impacts if included as conditions of project approval. If several measures are identified to mitigate an impact, the EIS must discuss the basis for selecting a particular measure, if that is done.

NEPA requires all federal agencies to "use all practicable means . . . to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions on the quality of the human environment."[clxxxviii]

The EIS must include "reasonable options" for avoiding or mitigating to insignificance any significant cumulative effects identified.[clxxxix]

The details of the HCP's mitigation measures must be explicitly described and accompanied by data on their effectiveness. The likely success of each measure must be evaluated, as must the overall effectiveness of mitigation measures at minimizing and offsetting "take."[cxc] In this case, however, habitat fragmentation is not mitigated, but supposedly would be covered by other mitigation,[cxci] and effectiveness has no reference to recovery/delisting standards or up-to-date science on the birds.

Sincerely,

Michael J. Robinson
Center for Biological Diversity

IV. Endnotes

[i] Kareiva, Peter, et al. 1999. Using Science in Habitat Conservation Plans. National Center for Ecological Analysis & Synthesis, Santa Barbara, CA, and the American Institute of Biological Sciences, Washington, DC.
[ii] Kareiva et al (1999).
[iii] Kareiva et al (1999).
[iv] 50 CFR 222.307(b)(4).
[v] 50 CFR 222.307(b)(5)(i) & (ii).
[vi] Civil Action No. 97-0691-CB-C, Order August 4, 1998, S. Dist., AL, S. Div.
[vii] USFWS et al. 1996. Endangered Species Habitat Conservation Planning Handbook. US Fish & Wildlife Service and the National Marine Fisheries Service. Washington, DC. p. 6-15. See also 16 USC 1536(a)(2).
[viii] USFWS et al. (1998).
[ix] USFWS. 2004. "Application of the 'Destruction or Adverse Modification' Standard Under Section 7(a)(2) of the Endangered Species Act"--Memorandum to Regional Directors. December 9, 2004. Fish & Wildlife Service, US Department of Interior, Washington, DC.
[x] HCP, pp. 11, 26.
[xi] Under ESA section 7, the baseline scenario includes "take" and other past and present impacts; however, these are the impacts of projects other than the proposed activity.
[xii] HCP, p. 42.
[xiii] HCP, p. 86.
[xiv] HCP, pp. 96, 103.
[xv] 50 CFR 402.02. See the definitions of "cumulative effects" and "effects of the action." Technically, under ESA section 7, the impacts of other past and present impacts are part of the "baseline," while the impacts of the proposed action and other actions likely to occur are part of the "cumulative" impacts. However, on a practical level, cumulative impacts must ultimately be understood to include both the baseline and official "cumulative" impacts.
[xvi] USFWS et al (1998) and 50 CFR 402.02.
[xvii] 50 CFR 222.307(c)(1)(ii).
[xviii] Kareiva et al (1999).
[xix] Federal Register 50;189, September 9, 1985.
[xx] USFWS et al (1996), p. 3-7
[xxi] USFWS et al (1996), p. 3-12.
[xxii] HCP, pp. 144-145.
[xxiii] 16 USC 1536(a)(2).
[xxiv] USFWS et al. 1998. Endangered Species Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act. March, 1998. US Fish & Wildlife Service and National Marine Fisheries Service, Washington, DC.
[xxv] "In the future, the Services and HCP applicants will clearly and consistently define the expected outcome, i.e., biological goals." (DOI. 2000. Final Addendum to the Handbook for Habitat Conservation Planning and Incidental Take Permitting Process. Federal Register, 65;106, June 1, 2000. U.S. Department of Interior, Washington, D.C.)
[xxvi] DOI (2000).
[xxvii] Noss, R., M. O'Connell, & D. Murphy. 1997. The Science of Conservation Planning: Habitat Conservation Under the Endangered Species Act. Island Press, Washington, D.C.
[xxviii] DOI (2000).
[xxix] DOI (2000).
[xxx] "The biological outcome of the operating conservation program for the covered species is the best measure of the success of an HCP." (DOI. 1999. Draft Addendum to the Handbook for Habitat Conservation Planning and Incidental Take Permitting Process. Federal Register, 64; 45, March 9, 1999. U.S. Department of Interior, Washington, D.C.)
[xxxi] Kareiva et al (1999).
[xxxii] Bean, M., S. Fitzgerald, & M. O'Connell. 1991. Reconciling Conflicts Under the Endangered Species Act: The Habitat Conservation Planning Experience. World Wildlife Fund, Washington, D.C.
[xxxiii] DOI (2000).
[xxxiv] DOI (2000).
[xxxv] USFWS et al (1996), pp. 3-12, -37.
[xxxvi] Noss et al (1997).

[xxxvii] DOI (2000).
[xxxviii] *Sierra Club et al v. Bruce Babbitt et al*, Civil Action No. 97-0691-CB-C, Order August 4, 1998, S. Dist., AL, S. Div.
[xxxix] 68 Fed. Reg. 17156 (April 8, 2003).
[xl] DOI (2000).
[xli] ESA s. 10(a)(2)(B)(iv) explicitly and clearly precludes the Services from approving an HCP which will "appreciably reduce the likelihood of the survival and recovery of the species in the wild." The Services have been correct in noting in different fora that Congress intended that ESA section 10's requirements to be interpreted similarly to ESA section 7's "jeopardy" analysis. However, the Services have been incorrect in claiming that this jeopardy analysis was intended to be reduced to consideration only of whether a "take" permit will impact a covered species' chances of survival. At the time Congress established section 10, the section 7 jeopardy standard was clearly understood as also requiring an analysis of whether an action would harm a species' chance of recovery *per se.* (Rohlf, D. 2001. "Jeopardy Under the Endangered Species Act: Playing A Game Protected Species Can't Win," *Washburn Law Journal.* 41;1.) Several district courts have found that recovery must be assessed above and beyond mere survival. (See *House v. USFS* and *Idaho DFG v. NMFS.)* District and appeals courts are also finding that the parallel "jeopardy" language in ESA s. 7 must be interpreted as specifically protecting species' chances of recovery, not just their chances of survival. (See, for example, Center for Biological Diversity et al v. BLM et al, Order Re. Cross-Motions for Summary Judgement, No. 03-2509-SI, District Ct., N. Dist. California.) The HCP Handbook also states that the Services should "discourage" HCPs that preclude recovery options or which are inconsistent with recovery plans. Consistency with recovery plans is also included in the Handbook as a "helpful hint." (USFWS et al (1996), p. 3-20 and 1-15.)
[xlii] This has been affirmed by the US Supreme Court in *TVA v. Hill* and *Babbitt v. Sweet Home Chapter of Communities.* (See Gaffney, B., et al. 1997. Letter to Bruce Babbitt, et. al., Regarding Agency Discretion in Processing Pacific Lumber Company's Habitat Conservation Plan. Law Office of Brian Gaffney, Oakland, CA.)
[xliii] Rohlf (2001). NMFS has also stated that "impeding a species' progress towards recovery exposes it to additional risk, and so reduces its likelihood of survival. Therefore, for an action to not "appreciably reduce" the likelihood of survival, it must not prevent *or appreciably delay* recovery…." (NMFS. 1999. "The Habitat Approach: Implementation of Section 7 of the Endangered Species Act for Actions Affecting the Habitat of Pacific Anadromous Salmonids." August 26, 1999. Habitat Conservation & Protected Resources Division, Northwest Region, National Marine Fisheries Service.)
[xliv] *Cabinet Mountains Wilderness v Peterson* (1981, DC Dist Col) 510 F Supp 1186, 15 Envt Rep Cas 2081, 11 ELR 20812, affd (1982, App DC) 222 US App DC 228, 685 F2d 678, 17 Envt Rep Cas 1844, 12 ELR 21058.
[xlv] 50 CFR 222.303(e)(1)(iv).
[xlvi] Center for Biological Diversity et al v. BLM et al, Order Re. Cross-Motions for Summary Judgement, No. 03-2509-SI, District Ct., N. Dist. California. See also *Sierra Club v. USFWS*, 245 F.3d 434 (5th Cir. 2001) and *Gifford Pinchot Task Force v. USFWS*, 378 F.3d 1059 (9th Cir. 2004).
[xlvii] USFWS et al. (1998).
[xlviii] For example, the Congressional Conference Committee Report directed the Services to "consider the extent to which the conservation plan is likely to enhance the habitat of the listed species or increase the long-term survivability of the species or its ecosystem. (HR Conference Report 97-835, 97th Congress, 2d Sess. 1982.) Bean et al (1991) also note that the structure of ESA section 10 suggests that Congress wished not only minimize the impacts of take, but to *also* mitigate the remaining impacts, including through the use of conservation plans (HCPs) for which adequate funding would be required.
[xlix] USFWS et al (1996), pp . 7-2 to 7-5 and 3-20.
[l] Federal Defendants' Combined Memorandum in Support of Cross-Motion For Summary Judgment and In Opposition to Plaintiffs' Motion for Summary Judgment, at 35 (D.D.C. Filed April 23, 1999), Spirit of the Sage Council et al v. Babbitt, No. 1:98CV1873 (EGS).
[li] *Sierra Club et al v. Bruce Babbitt et al*.
[lii] *National Wildlife Federation et al v. Bruce Babbitt et al.,* 128 F. Supp. 2d 1274 (E.D. Cal. 2000). The only time courts have found that the Services need not assess whether additional mitigation is financially possible is when the proposed mitigation clearly already more than fully compensates for the impacts of the authorized "take." (*NWF v. Norton*, 306 F. Supp. 2d.)
[liii] *National Wildlife Federation et al v. Bruce Babbitt et al.* The decision in *Gerber v. Norton* also appears to indicate that the Services must independently determine that alternatives providing greater impact minimization and mitigation would, in

fact, be impracticable. (*Gerber v. Norton*, 2002, App DC, 294 F3d 173, 54 Envt Rep Cas 1737.) The only time courts have found that the Services need not assess whether additional mitigation is financially possible is when the proposed mitigation clearly already more than fully compensates for the impacts of the authorized "take." (NWF v. Norton, 306 F. Supp. 2d.)

[liv] *National Wildlife Federation et al v. Bruce Babbitt et al.*

[lv] USFWS et al (1996), pp. 3-36 and 7-3.

[lvi] USFWS et al (1996), p. 3 - 36.

[lvii] USFWS *et al* (1996), pp. 1-7 & 3-10.

[lviii] *National Wildlife Federation et al v. Bruce Babbitt et al* also found that the Services had failed to mitigate some types of "take" permitted by an HCP.

[lix] 68 Fed. Reg. 17162 (April 8, 2003).

[lx] USFWS et al (1996), p. 3-19.

[lxi] *Sierra Club et al v. Bruce Babbitt et al*.

[lxii] DOI (2000).

[lxiii] Kareiva et al (1999).

[lxiv] *Sierra Club et al v. Bruce Babbitt et al*.

[lxv] USFWS et al (1996), p. 3-23.

[lxvi] HCP, p. 90.

[lxvii] See, for example, Loggerhead Turtle v. County Council of Volusia, 148 F.3d 1231.

[lxviii] Kareiva et al (1999).

[lxix] DOI (2000).

[lxx] ESA s.10(a)(2)(B) states that the terms and conditions necessary to assure the plan will be implemented include reporting requirements. Reporting cannot occur without monitoring. Monitoring is also required under the Service's regulations at 50 CFR 17.22(b)(1)(iii)(B) and 50 CFR 222.307(b)(5)(iii).

[lxxi] USFWS et al (1996), p. 3-26

[lxxii] DOI (2000).

[lxxiii] DOI (2000).

[lxxiv] USFWS *et al* (1996), pp. 1-7 & 3-10.

[lxxv] DOI (2000).

[lxxvi] Kareiva et al (1999).

[lxxvii] Noss, R. & A. Cooperrider. 1994. Saving Nature's Legacy: Protecting and Restoring Biodiversity. Island Press, Washington, D.C.

[lxxviii] DOI (2000). The content of monitoring reports is also specified: "The following represents the information generally needed in a monitoring report: 1. Biological goals and objectives of the HCP (which may need to be reported only once); 2. Objectives for the monitoring program (which may need to be reported only once); 3. Effects on the covered species or habitat; 4. Location of sampling sites; 5. Methods for data collection and variables measured; 6. Frequency, timing, and duration of sampling for the variables; 7. Description of the data analysis and who conducted the analyses; and 8. Evaluation of progress toward achieving measurable biological goals and objectives and other terms and conditions as required by the incidental take permit or IA."

[lxxix] USFWS et al. (1996), p. 3-27.

[lxxx] Noss et al. (1994).

[lxxxi] USFWS et al (1996), p. 3-27.

[lxxxii] DOI (2000).

[lxxxiii] DOI (2000).

[lxxxiv] DOI (2000).

[lxxxv] DOI (2000).

[lxxxvi] 50 CFR 13.21(e)(2) and 13.47.

[lxxxvii] 50 CFR 222.301(j).

[lxxxviii] Noss et al (1994)

[lxxxix] DOI (2000).

[xc] DOI (2000).

[xci] DOI (2000).

[xcii] USFWS et al. (1998).
[xciii] Kareiva et al (1999). See also NHI. 1998. A Summary of Key Findings and Recommendations of the Participants of the Workshop: Optimizing Habitat Conservation Planning for Non-Federal Lands and Waters: Harvesting Performance Reviews to Chart a Course for Improvement. June 26-27, 1998. Natural Heritage Institute, Berkeley, CA.
[xciv] Conf Rept at 30 and 50 FR 39681-39691, Sept. 30, 1985.
[xcv] Federal Defendants' Combined Memorandum in Support of Cross-Motion For Summary Judgment and In Opposition to Plaintiffs' Motion for Summary Judgment, at 2 (D.D.C. Filed April 23, 1999), *Spirit of the Sage Council et al v. Babbitt*, No. 1:98CV1873 (EGS).
[xcvi] USFWS, et al (1996), p. 3-30.
[xcvii] DOI (2000).
[xcviii] DOI (2000).
[xcix] USFWS et al (1996) and USFWS et al. 1994. Preliminary Draft Handbook for Habitat Conservation Planning and Incidental Take Permit Processing. US Fish & Wildlife Service and National Marine Fisheries Service. Washington, DC.
[c] USFWS et al (1996), p. 3-22.
[ci] Lindenmayer et al (2002).
[cii] Lindenmayer et al (2002).
[ciii] DOI (2000). See also Noss et al (1997).
[civ] Lee, K. N. 1999. Appraising adaptive management. Conservation Ecology 3(2): 3. [online] URL: http://www.consecol.org/vol3/iss2/art3/
[cv] Holling, C.S. 1978. Adaptive Environmental Assessment and Management. United Nations Environment Program. Wiley & Sons.
[cvi] Smith, G. 1997. "Making Decisions in a Complex and Dynamic World," in Kohm, K. 1997. A Forestry for the 21st Century: The Science of Ecosystem Management. K. Kohm & J. Franklin, eds. Island Press, Washington, D.C.
[cvii] Nyberg, J. 1998. "Statistics and the Practice of Adaptive Management" in Sit, V., et at. 1998. Statistical Methods for Adaptive Management Studies. Land Management Handbook 42. Vera Sit & Brenda Taylor, eds. Ministry of Forestry Research Program, Victoria, B.C.
[cviii] Haney, A. & R. Power. 1996. "Adaptive Management for Sound Ecosystem Management." *Environmental Management.* 20;879-886.
[cix] DOI (2000).
[cx] Lindenmayer, D. & J. Franklin. 2002. Conserving Forest Biodiversity: A Comprehensive Multiscaled Approach. Island Press, Washington, D.C.
[cxi] Salafsky, N., R. Margolius, & K. Redford. 2001. "Adaptive Management: A Tool for Conservation Practitioners." Biodiversity Support Program, Washington, D.C.
[cxii] USFWS et al. (1996). p. 3-25.
[cxiii] DOI (2000).
[cxiv] Noss et al (1994).
[cxv] Salafsky et al (2001).
[cxvi] Lee, K. N. 1999. Appraising adaptive management. Conservation Ecology 3(2): 3. [online] URL: http://www.consecol.org/vol3/iss2/art3/
[cxvii] DOI (2000).
[cxviii] DOI (2000).
[cxix] HCP, pp. 142-148.
[cxx] Nyberg, J. 1998. "Statistics and the Practice of Adaptive Management" in Sit, V., et at. 1998. Statistical Methods for Adaptive Management Studies. Land Management Handbook 42. Vera Sit & Brenda Taylor, eds. Ministry of Forestry Research Program, Victoria, B.C.
[cxxi] See also *San Bruno Mountain Watch v. USFWS*, (N.D. Cal.), with regard to the requirement to reinitiate consultation for newly listed species, and for species for whom new information is available.
[cxxii] USFWS et al. (1998).
[cxxiii] Barrows (1996) in Noss et al (1997).
[cxxiv] Noss et al (1997).

[cxxv] HCP, pp. 142-148.
[cxxvi] Conf Rept at 30 and 50 FR 39681-39691, Sept. 30, 1985.
[cxxvii] Federal Defendants' Combined Memorandum in Support of Cross-Motion For Summary Judgment and In Opposition to Plaintiffs' Motion for Summary Judgment, at 2 (D.D.C. Filed April 23, 1999), *Spirit of the Sage Council et al v. Babbitt*, No. 1:98CV1873 (EGS).
[cxxviii] See also NHI (1998).
[cxxix] DOI (2000).
[cxxx] Federal Register, 63;35, February 23, 1998.
[cxxxi] Federal Register, 63;35, February 23, 1998.
[cxxxii] USFWS et al (1996), p. 3-28.
[cxxxiii] Federal Register, February 23, 1998, 63;8859.
[cxxxiv] Kareiva et al (1999).
[cxxxv] DOI (2000).
[cxxxvi] Congress stated that "the Committee intends that... In the event that an *unlisted species* addressed in the approved conservation plan is subsequently listed ... no further mitigation requirements should be imposed *if the conservation plan addressed the conservation of the species and its habitat as if the species were listed* pursuant to the Act." Conf. Report at 30 and 50 FR 39681-39691, Sept. 30. 1985. (emphasis added).)
[cxxxvii] Federal Register, 63;35, February 23, 1998. (emphasis added). The HCP Handbook also states that, in order to "adequately cover" an unlisted species, HCPs must satisfy the ESA s. 10(a)(2)(B) HCP issuance criteria for those species, as if the species had been listed. (USFWS et al (1996), pp. 3-30, 4-1.)
[cxxxviii] 50 CFR 222.102, definition of "adequately covered."
[cxxxix] USFWS, et al (1996), p. 3-30.
[cxl] See also 50 CFR 222.307(b)(5)(iii).
[cxli] See *Sierra Club et al v. Bruce Babbitt et al*. See also *LaFlamme v. FERC* (852 F.2d 389, 400 (9th Cir 1988), and *ONRC v. Daley* (1998 WL 296838) (D.Or 1998), as cited in Arum, J. (1998).
[cxlii] USFWS et al (1996), Appendix 4, pp. 3 & 6.
[cxliii] USFWS et al (1996), p. 1-16.
[cxliv] USFWS et al (1996), Appendix 4, pp. 3 & 6.
[cxlv] USFWS et al (1996), p. 3-24.
[cxlvi] USFWS et al (1996), p. 3-22.
[cxlvii] See *Sierra Club v. Babbitt*, 15 F.Supp.2d 1274 (S.D. Ala 1998) and *National Wildlife Federation v. Babbitt*, 128 F.Supp.2d 1274 (E.D. Cal. 2000).
[cxlviii] DOI (2000).
[cxlix] DOI (2000).
[cl] 40 CFR s. 1502.14.
[cli] 40 CFR 1502.14(a).
[clii] *Resources Ltd. v. Robertson* (35 F.3d 1300, 1307 (9th Cir. 1994), as cited in Arum (1998).
[cliii] *Alaska Wilderness Recreation and Tourism v. Morrison*, 67 F.3d 723, 729 (9th Cir. 1995).
[cliv] 40 CFR s. 1502.14(c), (d).
[clv] *Alaska Wilderness Recreation & Tourism v. Morrison* (67 F.3d 723, 729 (9th Cir. 1995), as cited in Arum (1998).
[clvi] *Resources Ltd. v. Robertson* (35 F.3d 1300, 1307 (9th Cir. 1994), as cited in Arum (1998).
[clvii] 40 CFR s. 1502.14.
[clviii] 40 CFR s. 1508.25.
[clix] 40 CFR s. 1502.14(b).
[clx] 40 CFR s. 1502.2(d).
[clxi] USFWS *et al* (1996), p. 3-35.
[clxii] *Seattle Audubon v. Lyons* (871 F. Supp. 1291, 1324 (W.D. Wash. 1994), aff'd 80 F.3d 1401 (9th Cir. 1996), as cited in Arum (1998).
[clxiii] 40 CFR ss. 1502.1, 1502.14, 1502.16(d).
[clxiv] 40 CFR. s. 1508.8. NEPA requirements for evaluating the significance of environmental effects are found at 40 CFR s. 1508.27.
[clxv] *Sierra Club et al v. Bruce Babbitt et al.*

[clxvi] USFWS et al (1996), pp. 3-12, 3-38, 4-4.
[clxvii] USFWS et al (1996), pp. 1-6, 3-8, & 3-17.
[clxviii] USFWS et al (1996), pp. 3-12 - 3-14, 3-20.
[clxix] 40 CFR s. 1502.16(h).
[clxx] USFWS et al (1996), p. 3-19.
[clxxi] Kareiva et al (1999).
[clxxii] Kareiva et al (1999).
[clxxiii] Kareiva et al (1999).
[clxxiv] Kareiva et al (1999).
[clxxv] Kareiva et al (1999).
[clxxvi] 40 CFR s. 1508.25(a)(2).
[clxxvii] *Resources Ltd. v. Robertson*. See also 40 C.F.R. s. 1508.25(a)(3).
[clxxviii] 40 CFR s. 1508.7.
[clxxix] 40 CFR s. 1502.16(a), (b).
[clxxx] 40 CFR s. 1508.8.
[clxxxi] 40 CFR s. 1508.8(b).
[clxxxii] *Kleppe v. Sierra*, 427 U.S. 390, 410 n.21 (1976).
[clxxxiii] 40 CFR s. 1502.16
[clxxxiv] 40 CFR s. 1502.16
[clxxxv] USFWS et al (1996) p. 7-3.
[clxxxvi] 40 CFR s. 1502.16(h), 1502.14(f).
[clxxxvii] 40 CFR s. 1502.14(e), (f).
[clxxxviii] 40 CFR s. 1500.2(f).
[clxxxix] 40 CFR s. 1508.25.
[cxc] Kareiva et al (1999).

[cxci] HCP, p. 62.

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4401 N. Fairfax Drive
Arlington, VA 22203

Dr. Benjamin Tuggle, SW Regional Director
U.S. Fish & Wildlife Service
P.O. Box 1306
Alburquerque, NM 87103-1306

Re: Public Comments Processing
Attn: FWS-R2-ES_2014-0053
Division of Policy Directives Mgr.

Dear Sirs:

For three years my sister Mary Fenstermaker and I volunteered our time and efforts to help bring into being the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP). I served on the Citizens Advisory Committee (CAC) as a Bexar County rancher-landowner and Mary served on the CAC representing the Hill Country Planning Association. We attended almost all of the Biological Advisory Team (BAT) meetings in order to understand what the scientists felt were the most critical concerns for the recovery of the included endangered species.

This proposed 2014 version of the SEP-HCP (dSEPHCP) has little to do with the recommendations of the CAC and BAT. This version, devised by entities other than the CAC or BAT and including little of our recommendations, is flawed. But Bexar County is in such dire straits regarding preservation of its endangered birds and cave invertebrates that I must ask you to pass this HCP version with the following revisions:

Golden-cheeked Warbler (GCW) and Black-capped Vireo (BCV):

- Increase GCW mitigation ration to 3:1 for direct take.
- Require all mitigation to occur in Bexar County for take in Bexar County. There is adequate mitigation land available in Bexar County.
- The SEP-HCP must specify minimum design criteria for GCW and BCV.
- GCW and BCV preservation credits be increased to a minimum of $10,000/acre.
- A prescriptive management plan for GCW and BCV must be included in this SEP-HCP.
- Current USFWS recommendations should remain the basis for determining presence-absence for all covered species.
- All mitigation property must be bought. No currently government-owned GCW-BCV habitat or lands under conservation easements are to contribute to recovery.

- An adequate funding model to sustain management must be a guaranteed component of preserve acquisitions.

Karst Invertebrates:

- Karst participation fees must be increased due to the high biological concerns and high land values in Bexar County.

- The actual surface and subsurface drain age basins must be carefully estimated for large karst features so that the plan-prescribed 750 foot distance for Occupied Cave Zone (OCZ) B is extended as necessary to completely protect the most valuable features.

- Prior to all Karst Faunal Regions (KFRs) for a given species being certified as down-listed to assure regional recovery, no covered activities for a given species must be allowed within the OCZ.

- Due to the need for more research on the distribution, taxonomy, and status of covered species, the investigation of any accidently discovered karst features (caves and voids) must continue to be required until all listed species in all KFRs in the SEP-HCP region achieve verified USFWS down-listing.

- Low-quality preserves must not be accepted in lieu of per acre participation fees, unless such land donations include a guaranteed management endowment.

Plan Structure and Administration:

- Surveys, reviews, and reports for assessing baseline conditions and for management planning must occur more frequently.

- Independent advisory committees with public meetings must be required, including a Science Advisory Committee and a Citizens Advisory Committee.

- SEP-HCP administrator must be an independent non-profit entity, affiliated with but not directly managed by the Permittees.

- Program descriptions and acceptable guidelines for the voluntary conservation of Category 3 species must be included in the SEP-HCP.

- The mitigation process for indirect and offsite impacts must be included in the SEP-HCP.

I will appreciate your inclusion of the above in the final document of the SEP-HCP.

Sincerely,

Bebe Fenstermaker

Bebe Fenstermaker

HCPA

Hill Country Planning Association
PO Box 470
Helotes, Texas 78023

RECEIVED
MAR 27 2015
Div. of Policy & Dir. Mgt.

"We have not inherited the earth from our fathers, we are borrowing it from our children"

Member Organizations

Friends of Historic Boerne Stage Road

Greater Edwards Aquifer Alliance (GEAA)

Grey Forest Historical Society

Helotes Heritage Association

Medina County Environmental Action Association

Old Spanish Trail - 100

San Geronimo Valley Alliance

Scenic Loop-Boerne Stage Alliance

The City of Grey Forest

Valentine Ranch

HCPA Board
Mary Fenstermaker, Chairman
Jennifer Nottingham, Past Chairman
Bebe Fenstermaker, Vice-chairman
Jerry Day, Vice-Chairman
George Muyres, Treasurer
Betty Muyres, Co-Treasurer
Susan Beavin, Recording Secretary

March 11, 2015

U.S. Fish & Wildlife Service ✓
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Arlington, VA 22203

Dr. Benjamin Tuggle, SW Regional Director
U.S. Fish & Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103-1306

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To Whom It May Concern:

The Hill Country Planning Association (HCPA) is a coalition of organizations, farmers and ranchers and individuals concerned about destruction of wildlife habitat and loss of endangered species in Bexar County, Texas.

A number of our members served as stakeholders on the Southern Edwards Plateau Habitat Conservation Plan (SEPHCP) Citizens Advisory Committee (CAC). HCPA is in favor of a SEPHCP but was shocked by the above draft SEPHCP (dSEPHCP) unveiled recently. It fails to follow the recommendations of the Biological Advisory Team (BAT) and majority of the CAC. Obviously the process was flawed.

A SEPHCP is now critical for Bexar County's endangered species therefore HCPA requests the following revisions to the dSEPHCP:

GCW and BCV

- Increase GCW mitigation ratio to 3:1 for direct take
- All take in Bexar County must result in mitigation within Bexar County – there is sufficient suitable habitat land available for this in Bexar County.
- Current USFWS recommendation must remain the basis for determining presence-absence for all covered species.
- The SEP-HCP must specify minimum design criteria for GCW and BCV.
- A prescriptive management plan for GCW and BCV must be included in the SEP-HCP.
- No currently government-owned land or land under conservation easement at the start of the SEPHCP can contribute toward mitigation for SEPHCP.
- GCW and BCV Preservation Credits must be increased to a minimum of $10,000/acre.
- An adequate funding model to sustain management must be a guaranteed component of preserve acquisitions.

Karst Invertebrates

- Actual surface and subsurface drainage basins should be carefully estimated for very large karst features, so that the plan-prescribed 750-foot distance for OCZ B is extended as necessary to fully protect the most valuable features.
- Prior to all Karst Faunal Regions (KFRs) for a given species being certified as down-listed to assure regional recovery, no covered activities for a given

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species should be allowed within the OCZ.

- Due to the need for more research on the distribution, taxonomy, and status of covered species, the investigation of any accidently discovered karst features (caves and voids) such land donations include a guaranteed management endowment
- Karst participation fees should be increased due to the high biological concern and high land values (conservation cost) in Bexar County
- Low-quality preserves must not be accepted in lieu of per acre participation fees, unless such land donations include a guaranteed management endowment

Plan Structure and Administration

- Surveys, reviews, and reports for assessing baseline conditions and for management planning must occur more frequently
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- SEP-HCP administrator must be an independent non-profit entity, affiliated with but not directly managed by the Permittees
- Program descriptions and acceptable guidelines for the voluntary conservation of Category 3 species must be included in the SEP-HCP
- The mitigation process for indirect and offsite impacts must be included in the SEP-HCP

Thank you for you attention to this urgent matter.

Mary Fenstermaker
HCPA Chairman

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Betty Muyres, Co-Treasurer
Susan Beavin, Recording Secretary

February 19, 2015

Mr. and Mrs Jim Foster
114 CR 116
Llano TX 78643

Mrs. Jennifer Blair
Senior Biologist
3101 Bee Cave Road, Suite 100
Austin, TX 78746

Dear Mrs. Blair,

On February 4, 2015, a meeting was held in Kerrville for presentation of the Southern Edwards Plateau Conservation Habitat Plan that did not include Kerr County. That is illogical.

We attended and it was obvious from the start that deception was in order. No microphone was present. Comments were to be made quietly in a corner, but a county judge pointed out that for a public meeting to be legal comments could be made.

It is difficult to agree with government employees (whom our taxes support) that we would be willing sellers of our land to developers in San Antonio. Our goal is to continue to develop and produce on the land as our family has before us. Little sense is applied to the intrusive ESA which has a real goal of a real TAKING of personal property by means of a scam. Conservation Easements are definitely allowing the property owner to pay taxes with permission from the government as to how it can be used. Permits and fees only fund abuse from the federal government.

Several years ago 7 counties expressed that they were not interested in participating in the SEPCHP, yet in Kerrville materials passed out showed they were in the plan. Citizens have a clear understanding that "voluntary" is a word that has been misused.

The Service could work with voluntary land owners to have success protecting endangered species. Instead the federal government has worked against land owners who only want to produce from the land for the benefit of the people and making a decent living.

We are against the Plan and believe the enforcement of the plane is unconstitutional. Following the law does not put the enforcer in a right position.

Sincerely,

Mr. & Mrs Jim Foster

Mr. and Mrs. Jim Foster

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MAR 23 2015
Div. of Policy & Dir. Mgt.

Alamo Group of the Lone Star Chapter

March 17, 2015

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Division of Policy and Directives Management
U.S. Fish and Wildlife Service; MS: BPHC
5275 Leesburg Pike; Falls Church, VA 22041-3803.

Dear Reviewers:

The Alamo Group (San Antonio area) of the Sierra Club submits this letter in strong support of the entire attached critique by the Greater Edwards Aquifer Alliance of the Southern Edwards Plateau Habitat Conservation Plan prepared by Bexar County and the City of San Antonio.

To encapsulate our support, we highlight the following positions submitted by GEAA:

- The SEP-HCP ignored vital aspects of the Biological Assessment Team's recommendations.
- All take for the golden cheeked warbler and the black-capped vireo is within the jurisdictions of Bexar County and San Antonio. However, the SEP-HCP allows mitigation anywhere within the 7-county Plan area. This will lead to continued loss of habitat in the San Antonio area due to the city's higher land prices and increased development.
- The SEP-HCP should include, for covered species, minimum preserve design criteria, a prescriptive management plan, and a means to insure funding for preserve management.
- For very large and important karst features, the SEP-HCP should be revised so that actual surface and subsurface drainage basins are carefully estimated and fully protected.
- Investigation of any accidently discovered karst features should continue to be required until all listed species achieve verified USFWS down-listing.
- Low-quality preserves should not be accepted in lieu of per acre participation fees, unless such land donations include an endowment guaranteed to cover perpetual management expenses.
- Karst participation fees appear too low considering the high biological concern and high land values in Bexar County.
- All karst applications within Karst Zones 1-4 should require a complete and certified hydrogeological survey.
- The SEP-HCP should establish the structure to receive technical and public input to inform the adaptive management and planning.
- Surveys, reviews, and reports for assessing baseline conditions and for management planning should occur more frequently than the SEP-HCP proposes, especially early, during plan implementation.

P.O. Box 6443 San Antonio, Texas 78209 www.texas.sierraclub.org/alamo

- The SEP-HCP administrator should be an independent non-profit entity, affiliated with, but not directly managed by, either Bexar County or the City of San Antonio.

Unaltered, the SEP-HCP would lead to the continued loss in the San Antonio area of habitat for the golden-cheeked warbler and the black-capped vireo. This trend would, in consequence, severely degrade habitat in Bexar County at Camp Bullis and city reserves. Continuing rapid urbanization, if unmitigated in Bexar County, will likely prevent recovery of these species, as well as of the seven other federally endangered species in need of SEP-HCP protection.

The Alamo Group of the Sierra Club respectfully urges the incorporation of GEAA's recommendations into the final SEP-HCP.

Sincerely,

Wendell Fuqua

Wendell Fuqua
Conservation Committee, With Approval of the Executive Committee
Alamo Group of the Sierra Club

SUMMARY COMMENTS:
Southern Edwards Plateau
Draft Habitat Conservation Plan and Draft Environmental Impact Statement

Tom Hayes, ECA, Working Draft, 2/2/15

USFWS approval of the proposed SEP-HCP would result in a 30-year Incidental Take Permit (ITP) authorized by the Endangered Species Act ("ESA"), under section 10(a)(1)(B). The ITP would authorize a specified amount "incidental take" of nine federally listed endangered species (the "Covered Species") within Bexar County, the City of San Antonio, and San Antonio's Extraterritorial Jurisdiction (ETJ). In return, the SEP-HCP would require mitigation within the 7-county Plan Area.

Golden-Cheeked Warbler (GCW) and Black-Capped Vireo (BCV)

Mitigation Ratio and Proximity:

The dHCP/dEIS documents ignore key aspects of the Biological Assessment Team's (BAT) recommendations after the BAT's almost two years of intensive effort (2010-2011). Some of the most important differences relate to GCW mitigation.

The dHCP defines GCW/BCV take as either direct or indirect (p. 39, dHCP). Direct take consists of the impacted acreage of suitable GCW/BCV habitat within the boundaries of a plan-enrolled property, as long as this habitat is not within a plan-protected karst area: Occupied Cave Zone (OCZ) or Critical Habitat (CH). Impact to suitable GCW/BCV habitat within an OCZ and a CH is defined as indirect, since avoidance of the related karst feature is already required. Impact to suitable GCW/BCV habitat outside but within 300 feet the enrolled property boundary is also defined as indirect.

GCW/BCV mitigation ratios in the dHCP are 2:1 and 0.5:1 (acres of protected habitat for each acre of habitat impacted) for direct and indirect impacts, respectively (p. 40, dHCP). All GCW/BCV take is within the jurisdictions of Bexar County and San Antonio. However, mitigation is now allowed anywhere within the 7-county Plan Area. This will lead to the continued loss of GCW and BCV habitat in the San Antonio area, due to the absence of local mitigation due to the area's higher land prices and increased development.

The 11/17/10 BAT-approved recommendation was that direct GCW take in Bexar Count be mitigated at a ratio of 3:1, with not less than 60% of resulting mitigation occurring within Bexar County or five miles of Bexar County. These two key BAT recommendations derive from the high amount of loss in the county that causes a severe threat there relative to the other six rural counties in the Plan Area. Preferential mitigation in Bexar County also protects the mission of Camp Bullis and the other significant conservation reserves in the county, which are important to both the species and the community.

The BAT's 6/9/11 response to the first draft of SEP-HCP listed 11 top concerns, and singled out the dHCP's lack of mitigation close as possible to the habitat impact area as a particularly "egregious error." As further discussed by the USFWS and in the BAT's 3/21/11 response to the

CAC, the lack of GCW/BCV preserve establishment in the impact area is expected to increase both the loss and the isolation of habitat. In this manner, it is distinctly possible that existing protected habitat in Bexar County at Camp Bullis and city reserves will be severely degraded. To counter unexpected habitat destruction due to stochastic events such as fire, a most basic tenet of conservation dictates that habitat within the larger landscape be continuous and adjacent to permitted take.

The Increased Mitigation Alternative (p. ES-v, dEIS) follows the above BAT recommendation. However, due to all take now occurring in or immediately adjacent to Bexar County, both GCW and BVI mitigation should be changed to occur only in Bexar County until other counties sign on as true participants (take and mitigation). In this manner, the Single-County Alternative now may be most appropriate, until other counties agree to participate (i.e., mitigate close to take).

Incidental Take:

Three of the four alternatives in the dEIS would authorize the incidental taking of 9,371 acres of GCW habitat, 2,640 acres of BCV habitat, and 21,086 acres within of Karst Zones 1-4. All of this proposed take would take place within five miles of Bexar County, though no mitigation is required in or near Bexar County. As included in the BAT's 6/9/11 response to the SEP-HCP, this scenario results in insignificant or no long-term conservation value of the dHCP for the endangered songbirds. Rapid urbanization that is unmitigated in Bexar County will likely prevent regional GCW recovery, possibly resulting in a jeopardy determination and possible federal court injunctions preventing all future construction and development.

Due to the relatively small amount and disjunct location of the proposed mitigation, the authorized amount of incidental GCW/BCV take should be significantly reduced. GCW take should not exceed 7,500 acres, unless the 6 counties not currently participating come into the plan. The reduction in requested take is necessary because otherwise all the take currently happens in or within five miles of Bexar County.

Abbreviated Presence-Absence Surveys

The proposal for one year of GCW surveys, to determine presence-absence and therefore mitigation requirements, is significantly less effort than the current USFWS recommendation of three years of surveys. Due to seasonal and annual variations in precipitation, vegetation, and other important habitat variables, the current USFWS recommendation should remain the basis for determining presence-absence.

No deviation from the standard USFWS 3-year requirement should be allowed when determining either GCW or BCV absence. In fact, none of the dHCP proposals should be allowed, which exclude Project Areas from mitigation based on abbreviated presence-absence surveys for covered species. Such surveys, which if allowed would likely become the common approach, deviate from standard USFWS Protocol, and may jeopardize the repeatability and validity of mitigation determinations. Abbreviated presence-absence surveys for covered species are biologically unacceptable, and current USFWS recommendations should be required in every instance.

GCW/BCV Preserve Design Criteria

The dHCP should include minimum preserve design criteria for all covered species. The Balcones Canyonlands Preserve HCP and FEIS (BCP-HCP/FEIS; City of Austin and Travis County, Texas; 1996) provides guidelines, which are applicable to the dHCP. Though most directly applicable to preserve design for GCW, these minimum preserve requirements may be scaled down to address similar design criteria for BCV preserves. *

The BCP-HCP includes preserve clusters arranged as ten macrosites, with macrosites varying widely in size up to 103,500 acres. Minimum preserve requirements vary from macrosite to macrosite, and for each preserve within a given macrosite. However, these requirements are generally consistent and may be summarized as follows:

Preserve Size: The minimum number of contiguous acres per preserve unit ranges from 3,000 to 7,700 acres.

Edge to Area Ratio: The edge to area ratio is the most consistent requirement of the BCP-HCP/FEIS, and for most macrosites (Bull Creek, Cypress Creek, North Lake Austin, South Lake Austin, and Barton Creek) no more than 20% of the minimum preserve area can be within 300 feet of the preserve perimeter.

Preserve Connectivity: The maximum distance between preserve units within a macrosite is typically 0.50-0.75 miles, though in special circumstances this may extend to 3.5 miles.

Preserve Width: The minimum width of individual preserve units is about one mile (3,000 to 8,000 feet).

The dHCP should specify minimum design criteria for each of the above four metrics.

Other GCW/BCV Issues:

No prescriptive management plan for GCW and BCV is included in the dHCP. This should be an essential requirement of the plan. *

Little if any currently "protected" GCW habitat in the SEP-HCP area is permanently protected, and therefore should not contribute to recovery. Furthermore, the BAT (11/17/10) recommends that no more than 10% of the GCW conservation credits be generated from public lands that were protected as of November 4, 2010. *

The price of GCW and BCV Preservation Credits should be increased to a minimum of $10,000/acre, to be more commensurate with land values in and adjacent to Bexar County and, thus, allow adequate mitigation and meaningful contribution to recovery in this rapidly developing area. *

If preserve management funding becomes inadequate, this should be a serious breach of permit conditions. Outreach, education, and research programs should be emphasized as essential to the long-term success of the SEP-HCP, and not jettisoned due to an inadequate funding model. *

Karst Invertebrates

Occupied Cave Zones

In the dHCP, the Occupied Cave Zone (OCZ) A will usually include the area (8.5 acres) within 345 feet of the entrance to a karst feature occupied by one or more Covered Karst Invertebrates. OCZ A encompasses the foraging area of cave crickets, which are keystone species for sustaining most karst ecosystems. Extending 345-750 feet (40 acres) from the karst feature is OCZ B, which is intended to protect the surface and subsurface drainage and other resource areas necessary for the long-term maintenance of the karst feature. For very large and therefore extremely important occupied features, the dHCP should be revised so that the actual surface and subsurface drainage basins are carefully estimated and fully protected. *

Prior to all Karst Faunal Regions (KFRs) for a given species being certified as down-listed to assure regional recovery, no covered activities for a given species should be allowed within the OCZ. Similarly, due to the lack of adequate data regarding species distributions, genetics, and status, participation limits in the karst program should continue until regional down-listing criteria are met for all covered karst invertebrates. *

Newly Discovered Karst Features

Due to the need for more research on the distribution, taxonomy, and status of covered species, the investigation of any accidently discovered karst features (caves and voids) should continue to be required until all listed species in all KFRs in the SEP-HCP region achieve verified USFWS down-listing. *

No abbreviated 5-day surveys for karst invertebrate should be allowed in lieu of the USFWS-approved 15-day survey period. The proposed shortcut karst-invertebrate surveys of voids discovered during construction are unlikely to accurately assess presence-absence of covered species and may well cause harm to the species due to habitat disturbance. *

In the plan region, the dHCP focuses the search for new localities of rare karst species within existing conservation (managed) areas. However, as recommended by the BAT (6/9/11), these investigations should require equal priority within urban, suburban, and developing areas, including private lands, in order to determine status and risk factors important to adaptive management and emerging protection needs. *

Low-Quality Preserves

Low-quality preserves should not be accepted in lieu of per acre participation fees, unless such land donations include an endowment guaranteed to cover perpetual management expenses. Such an endowment is necessary to minimize adverse financial impact to the acquisition and *

stewardship of medium and high quality karst preserves. Even when adequately endowed, low-quality preserves do not have sufficient value and sustainability to be included as a contribution to the current conservation level for a karst species.

Karst Participation Fees

Karst participation fees appear too low considering the high biological concern and high land values (conservation cost) in Bexar County. Also, the dHCP needs to define what happens when multiple projects impact Zones A and/or B of the same occupied cave. A more appropriate fee structure is: *

- Karst Zone 1 and 2, but outside Occupied Cave Zone and Critical Habitat Unit: $1000/ac
- Occupied Cave Zone B (redefined as above): $100,000/cave
- Occupied Cave Zone A (redefined as above): $1,000,000/cave

Other Karst Issues

All karst applications within Karst Zones 1-4 should require a complete and certified hydrogeological survey.

For participation in the SEPHCP, medium and high quality karst preserves established by non-SEP-HCP entities should have permanent protection transferred to the SEP-HCP, in order to be counted as contributing to Conservation Levels for a species. *

Plan Structure and Administration

Advisory Committees

The dHCP should establish the structure to receive technical and public input to inform the adaptive management and planning. Due to the significant involvement of affected communities and public funding, post-issuance advisory committees with public meetings should be required, including a Science Advisory Committee and a Citizens Advisory Committee. A regular meeting schedule of these scientific and citizen committees should be a required part of the plan. The purpose of these committees should not be expressly prescribed by the Permittees as described in Section 2.2 of the dHCP (pp. 21-22), but instead should be left open to the discretion of the committees. *

Report Frequency for Baseline Conditions and Management Planning

Surveys, reviews, and reports for assessing baseline conditions and for management planning should occur more frequently than proposed in Section 9.0 of the dHCP (p.112), especially early during plan implementation. Decision making needs to be more informed during the first decade. Instead of waiting ten years to begin, baseline conditions and management plans should be first evaluated at five years and ten years, and then as agreed upon by the USFWS, in order to more efficiently achieve adaptive management goals. * *

Plan Administrator

should continue to be required until all listed species in all KFRs in the SEP-HCP region achieve verified USFWS down-listing.

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Wendell Fuqua
Conservation Committee, With Approval of the Executive Committee
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The 11/17/10 BAT-approved recommendation was that direct GCW take in Bexar Count be mitigated at a ratio of 3:1, with not less than 60% of resulting mitigation occurring within Bexar County or five miles of Bexar County. These two key BAT recommendations derive from the high amount of loss in the county that causes a severe threat there relative to the other six rural counties in the Plan Area. Preferential mitigation in Bexar County also protects the mission of Camp Bullis and the other significant conservation reserves in the county, which are important to both the species and the community.

The BAT's 6/9/11 response to the first draft of SEP-HCP listed 11 top concerns, and singled out the dHCP's lack of mitigation close as possible to the habitat impact area as a particularly "egregious error." As further discussed by the USFWS and in the BAT's 3/21/11 response to the

CAC, the lack of GCW/BCV preserve establishment in the impact area is expected to increase both the loss and the isolation of habitat. In this manner, it is distinctly possible that existing protected habitat in Bexar County at Camp Bullis and city reserves will be severely degraded. To counter unexpected habitat destruction due to stochastic events such as fire, a most basic tenet of conservation dictates that habitat within the larger landscape be continuous and adjacent to permitted take.

The Increased Mitigation Alternative (p. ES-v, dEIS) follows the above BAT recommendation. However, due to all take now occurring in or immediately adjacent to Bexar County, both GCW and BVI mitigation should be changed to occur only in Bexar County until other counties sign on as true participants (take and mitigation). In this manner, the Single-County Alternative now may be most appropriate, until other counties agree to participate (i.e., mitigate close to take).

Incidental Take:

Three of the four alternatives in the dEIS would authorize the incidental taking of 9,371 acres of GCW habitat, 2,640 acres of BCV habitat, and 21,086 acres within of Karst Zones 1-4. All of this proposed take would take place within five miles of Bexar County, though no mitigation is required in or near Bexar County. As included in the BAT's 6/9/11 response to the SEP-HCP, this scenario results in insignificant or no long-term conservation value of the dHCP for the endangered songbirds. Rapid urbanization that is unmitigated in Bexar County will likely prevent regional GCW recovery, possibly resulting in a jeopardy determination and possible federal court injunctions preventing all future construction and development.

Due to the relatively small amount and disjunct location of the proposed mitigation, the authorized amount of incidental GCW/BCV take should be significantly reduced. GCW take should not exceed 7,500 acres, unless the 6 counties not currently participating come into the plan. The reduction in requested take is necessary because otherwise all the take currently happens in or within five miles of Bexar County.

Abbreviated Presence-Absence Surveys

The proposal for one year of GCW surveys, to determine presence-absence and therefore mitigation requirements, is significantly less effort than the current USFWS recommendation of three years of surveys. Due to seasonal and annual variations in precipitation, vegetation, and other important habitat variables, the current USFWS recommendation should remain the basis for determining presence-absence.

No deviation from the standard USFWS 3-year requirement should be allowed when determining either GCW or BCV absence. In fact, none of the dHCP proposals should be allowed, which exclude Project Areas from mitigation based on abbreviated presence-absence surveys for covered species. Such surveys, which if allowed would likely become the common approach, deviate from standard USFWS Protocol, and may jeopardize the repeatability and validity of mitigation determinations. Abbreviated presence-absence surveys for covered species are biologically unacceptable, and current USFWS recommendations should be required in every instance.

GCW/BCV Preserve Design Criteria

The dHCP should include minimum preserve design criteria for all covered species. The Balcones Canyonlands Preserve HCP and FEIS (BCP-HCP/FEIS; City of Austin and Travis County, Texas; 1996) provides guidelines, which are applicable to the dHCP. Though most directly applicable to preserve design for GCW, these minimum preserve requirements may be scaled down to address similar design criteria for BCV preserves.

The BCP-HCP includes preserve clusters arranged as ten macrosites, with macrosites varying widely in size up to 103,500 acres. Minimum preserve requirements vary from macrosite to macrosite, and for each preserve within a given macrosite. However, these requirements are generally consistent and may be summarized as follows:

Preserve Size: The minimum number of contiguous acres per preserve unit ranges from 3,000 to 7,700 acres.

Edge to Area Ratio: The edge to area ratio is the most consistent requirement of the BCP-HCP/FEIS, and for most macrosites (Bull Creek, Cypress Creek, North Lake Austin, South Lake Austin, and Barton Creek) no more than 20% of the minimum preserve area can be within 300 feet of the preserve perimeter.

Preserve Connectivity: The maximum distance between preserve units within a macrosite is typically 0.50-0.75 miles, though in special circumstances this may extend to 3.5 miles.

Preserve Width: The minimum width of individual preserve units is about one mile (3,000 to 8,000 feet).

The dHCP should specify minimum design criteria for each of the above four metrics.

Other GCW/BCV Issues:

No prescriptive management plan for GCW and BCV is included in the dHCP. This should be an essential requirement of the plan.

Little if any currently "protected" GCW habitat in the SEP-HCP area is permanently protected, and therefore should not contribute to recovery. Furthermore, the BAT (11/17/10) recommends that no more than 10% of the GCW conservation credits be generated from public lands that were protected as of November 4, 2010.

The price of GCW and BCV Preservation Credits should be increased to a minimum of $10,000/acre, to be more commensurate with land values in and adjacent to Bexar County and, thus, allow adequate mitigation and meaningful contribution to recovery in this rapidly developing area.

If preserve management funding becomes inadequate, this should be a serious breach of permit conditions. Outreach, education, and research programs should be emphasized as essential to the long-term success of the SEP-HCP, and not jettisoned due to an inadequate funding model.

Karst Invertebrates

Occupied Cave Zones

In the dHCP, the Occupied Cave Zone (OCZ) A will usually include the area (8.5 acres) within 345 feet of the entrance to a karst feature occupied by one or more Covered Karst Invertebrates. OCZ A encompasses the foraging area of cave crickets, which are keystone species for sustaining most karst ecosystems. Extending 345-750 feet (40 acres) from the karst feature is OCZ B, which is intended to protect the surface and subsurface drainage and other resource areas necessary for the long-term maintenance of the karst feature. For very large and therefore extremely important occupied features, the dHCP should be revised so that the actual surface and subsurface drainage basins are carefully estimated and fully protected.

Prior to all Karst Faunal Regions (KFRs) for a given species being certified as down-listed to assure regional recovery, no covered activities for a given species should be allowed within the OCZ. Similarly, due to the lack of adequate data regarding species distributions, genetics, and status, participation limits in the karst program should continue until regional down-listing criteria are met for all covered karst invertebrates.

Newly Discovered Karst Features

Due to the need for more research on the distribution, taxonomy, and status of covered species, the investigation of any accidently discovered karst features (caves and voids) should continue to be required until all listed species in all KFRs in the SEP-HCP region achieve verified USFWS down-listing.

No abbreviated 5-day surveys for karst invertebrate should be allowed in lieu of the USFWS-approved 15-day survey period. The proposed shortcut karst-invertebrate surveys of voids discovered during construction are unlikely to accurately assess presence-absence of covered species and may well cause harm to the species due to habitat disturbance.

In the plan region, the dHCP focuses the search for new localities of rare karst species within existing conservation (managed) areas. However, as recommended by the BAT (6/9/11), these investigations should require equal priority within urban, suburban, and developing areas, including private lands, in order to determine status and risk factors important to adaptive management and emerging protection needs.

Low-Quality Preserves

Low-quality preserves should not be accepted in lieu of per acre participation fees, unless such land donations include an endowment guaranteed to cover perpetual management expenses. Such an endowment is necessary to minimize adverse financial impact to the acquisition and

stewardship of medium and high quality karst preserves. Even when adequately endowed, low-quality preserves do not have sufficient value and sustainability to be included as a contribution to the current conservation level for a karst species.

Karst Participation Fees

Karst participation fees appear too low considering the high biological concern and high land values (conservation cost) in Bexar County. Also, the dHCP needs to define what happens when multiple projects impact Zones A and/or B of the same occupied cave. A more appropriate fee structure is:

- Karst Zone 1 and 2, but outside Occupied Cave Zone and Critical Habitat Unit: $1000/ac
- Occupied Cave Zone B (redefined as above): $100,000/cave
- Occupied Cave Zone A (redefined as above): $1,000,000/cave

Other Karst Issues

All karst applications within Karst Zones 1-4 should require a complete and certified hydrogeological survey.

For participation in the SEPHCP, medium and high quality karst preserves established by non-SEP-HCP entities should have permanent protection transferred to the SEP-HCP, in order to be counted as contributing to Conservation Levels for a species.

<u>Plan Structure and Administration</u>

Advisory Committees

The dHCP should establish the structure to receive technical and public input to inform the adaptive management and planning. Due to the significant involvement of affected communities and public funding, post-issuance advisory committees with public meetings should be required, including a Science Advisory Committee and a Citizens Advisory Committee. A regular meeting schedule of these scientific and citizen committees should be a required part of the plan. The purpose of these committees should not be expressly prescribed by the Permittees as described in Section 2.2 of the dHCP (pp. 21-22), but instead should be left open to the discretion of the committees.

Report Frequency for Baseline Conditions and Management Planning

Surveys, reviews, and reports for assessing baseline conditions and for management planning should occur more frequently than proposed in Section 9.0 of the dHCP (p.112), especially early during plan implementation. Decision making needs to be more informed during the first decade. Instead of waiting ten years to begin, baseline conditions and management plans should be first evaluated at five years and ten years, and then as agreed upon by the USFWS, in order to more efficiently achieve adaptive management goals.

Plan Administrator

should continue to be required until all listed species in all KFRs in the SEP-HCP region achieve verified USFWS down-listing.

- Low-quality preserves should not be accepted in lieu of per acre participation fees, unless such land donations include a guaranteed management endowment
- Karst participation fees should be increased due to the high biological concern and high land values (conservation cost) in Bexar County.

Plan Structure and Administration

- Surveys, reviews, and reports for assessing baseline conditions and for management planning should occur more frequently.
- Independent advisory committees with public meetings should be required, including a Science Advisory Committee and a Citizens Advisory Committee.
- SEP-HCP administrator should be an independent non-profit entity, affiliated with but not directly managed by the Permittees.
- Program descriptions and acceptable guidelines for the voluntary conservation of Category 3 species should be included in the SEP-HCP.
- The mitigation process for indirect and offsite impacts needs to be included in the SEP-HCP.

DRAFT

Greater Edwards Aquifer Alliance

Member Organizations

Alamo Group of the Sierra Club
Aquifer Guardians in Urban Areas
Austin Regional Sierra Club
Bexar Audubon Society
Bexar Green Party
Boerne Together
Cibolo Nature Center
Citizens Allied for Smart Expansion
Citizens for the Protection of Cibolo Creek
Environment Texas
First Universalist Unitarian Church of San Antonio
Friends of Canyon Lake
Friends of Government Canyon
Fuerza Unida
Green Party of Austin
Headwaters at Incarnate Word
Hays Community Action Network
Helotes Heritage Association
Helotes Nature Center
Hill Country Planning Association
Guadalupe River Road Alliance
Guardians of Lick Creek
Kendall County Well Owners Association
Kinney County Ground Zero
Leon Springs Business Association
Lone Star Chapter of Sierra Club
Medina County Environmental Action Association
Native Plant Society of Texas – SA
Northwest Interstate Coalition of Neighborhoods
Preserve Castroville
Preserve Lake Dunlop Association
San Antonio Audubon Society
San Antonio Conservation Society
San Geronimo Nature Center
San Geronimo Valley Alliance
San Marcos Greenbelt Alliance
San Marcos River Foundation
Save Barton Creek Association
Save Our Springs Alliance
Scenic Loop/Boerne Stage Alliance
Securing a Future Environment
SEED Coalition
Solar San Antonio
Sisters of the Divine Providence
Texas Water Alliance
Travis County Green Party
West Texas Springs Alliance
Water Aid – Texas State University
Wildlife Rescue & Rehabilitation
Wimberley Valley Watershed Association

PO Box 15618
San Antonio, Texas 78212

March 19, 2015

Public Comments Processing
Attn: FWS-R2-ES-2014-0053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service, MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

Regarding: Southern Edwards Plateau Draft Habitat Conservation Plan and Draft Environmental Impact Study

Please accept the attached comments on the DRAFT Southern Edwards Plateau Habitat Conservation Plan (Draft SEP HCP) and the Draft Environmental Impact Study (DIES) as reflecting the shared agenda of the fifty-one member organizations of the Greater Edwards Aquifer Alliance. Of our member groups, approximately sixty-five percent have a presence within the area covered by the Draft Southern Edwards Plateau Habitat Conservation Plan.

At the outset, we would like to say that we are extremely disappointed that the Draft HCP ignores the recommendations of the Biological Advisory Team and the input of the Citizens Advisory Committee both of which included members representing the Greater Edwards Aquifer Alliance (GEAA).

Any successful HCP must be built on a solid foundation of sound science and public participation. Without these key elements, an HCP will not meet the requirements of the Endangered Species Act and will not be successfully implemented.

Our examination of the Draft SEP HCP and DEIS reflects a complete lack of recognition or any attempt to address the comments sent to Loomis Partners on June 10, 2011. (Attached as Appendix I)

We are very concerned that these drafts do not consider the full range of alternatives considered during the stakeholder process. None of the four alternatives presented in the DIES fully reflect the recommendations of the BAT nor of the CAC.

We request additional time, in order to submit more detailed comments on how this DEIS does not adequately address the cumulative impacts of the issuance of a take permit as proposed by the Draft SEP HCP. We do not think that the cumulative effect analysis satisfactorily addressed the concerns of GEAA regarding development of the Edwards Aquifer Recharge and Contributing zones covered by the Draft HCP in Bexar County, because the EIS failed to consider the long term effectiveness and lack of regulations by the Texas Commission for Environmental Quality and the City of San Antonio to protect the Edwards Aquifer.

To follow are some of our major concerns with the Draft SEP HCP and DEIS. We hope that these points and others will be resolved prior to the issuance of a HCP for the Southern Edwards Plateau region. Given the amount of time and work that has already gone into this HCP, and the schedule proposed for the remainder of the process, it is essential that the recommendations of the citizens and agencies that participated in this process be reflected in the adopted plan.

Thank you for the opportunity to submit these comments.

Annalisa Peace
Executive Director

The Greater Edwards Aquifer Alliance (GEAA) shares many of the concerns authored by Dr. Tom Hayes and submitted by the Helotes Nature Center. Dr. Hayes, served as a member of the SEPHCP Biological Assessment Team (BAT) representing GEAA, and had an active role in helping to research and write the BAT recommendations. Additional recommendations included in this report are the result of study by Elizabeth Van Horn and Hannah Kuhl.

The BAT's charge was to provide input on all biological matters, calculate the harm to the covered species, and propose the size and configuration of the preserves. The BAT has admirably fulfilled its duties throughout this process, formulating recommendations based on the best scientific data and literature on the biological needs of the covered species and the harm to the species.

Regarding the Mitigation and Preserve Requirements, the SEP HCP should follow the recommendations and requirements endorsed by the BAT and the CAC. The BAT proposed recommendations for the Black Capped Vireo (BCV), Golden-Cheeked Warbler (GCW), and the karst invertebrate species. All of these recommendations received a majority vote of approval from the CAC. These recommendations should only be changed for good cause and where the BAT, or a new Science Advisory Team convened with the approval of all stakeholders, is able to propose alternatives that are biologically acceptable.

Karst Invertebrates

We wholeheartedly support the BAT's approach to karst conservation, with any refinements and additional conditions as proposed by the BAT. We would only note that this approach requires robust oversight and responsiveness to changing conditions on the ground and in the scientific literature. Each year, we are learning more about these species, their habitat, and their distribution. For the karst program especially, independent scientists, non-profit groups with karst expertise, or other appropriate individuals or entities, should be enlisted as partners to alleviate the burden on the US Fish and Wildlife Service (USFWS) and Bexar County in keeping up with these changing conditions.

Many karst invertebrates are difficult to distinguish from other closely related species. This additional layer of uncertainty must be dealt with properly during presence-absence surveys of karst features before development can proceed. No abbreviated 5-day presence-absence surveys of karst invertebrates should be allowed. Instead, the guidelines for surveys set in place by the USFWS should be strictly adhered to; therefore a 15-day survey period is required. Upon the discovery of karst invertebrates during the construction process, no compromises should be made. The required 15-day survey period is still necessary for adequate assessment of karst invertebrate populations and is especially critical as the specific species present will not have been established yet.

Due to the limited literature on taxonomy, distribution, and status of the listed karst species as well as their reclusive nature, little is known about these species. Further research is necessary to determine the species abundance and distribution within these karst systems. Therefore, if species are discovered at sites not previously believed to contain endangered karst invertebrate species or if individuals of an unknown species should be found in a location already known to contain karst invertebrates, said individual should be collected and examined by an individual with valid section 10(a)(1)(A) permit (or Enhancement of Survival permit) from the service or accompanied by someone with such a permit (USFWS 2014). If and as new endangered karst

species are discovered, they should be incorporated into the plan. An additional clause stating this in the current document should suffice for this.

Occupied Cave Zones

In the Draft SEP HCP, the Occupied Cave Zone (OCZ) A will usually include the area (8.5 acres) within 345 feet of the entrance to a karst feature occupied by one or more Covered Karst Invertebrates. OCZ A encompasses the foraging area of cave crickets, which are keystone species for sustaining most karst ecosystems. Extending 345-750 feet (40 acres) from the karst feature is OCZ B, which is intended to protect the surface and subsurface drainage and other resource areas necessary for the long-term maintenance of the karst feature. For very large and therefore extremely important occupied features, the Draft SEP HCP should be revised so that the actual surface and subsurface drainage basins are carefully estimated and fully protected.

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Other Karst Issues

All karst applications within Karst Zones 1-4 should require a complete and certified hydrogeological survey.

For participation in the SEPHCP, medium and high quality karst preserves established by non-SEPHCP entities should have permanent protection transferred to the SEPHCP, in order to be counted as contributing to Conservation Levels for a species.

No specifics are detailed about who should be working with USFWS to accommodate for the rapid changes occurring within the field of karst invertebrate biology. The surveys recommended to determine these changes are abbreviated (7-day surveys), therefore they do not allow accurate data collection and plan implementation. USFWS protocol should be followed concerning proper presence-absence surveys.

It is our understanding that when a listed species is found at a site, its habitat is automatically protected. Why then, would we replace habitat potentially containing karst species with habitat that already contains known occupied karst features? These features are already protected and do not need further protection. It makes much more sense to protect land that is not protected and could potentially be beneficial to those karst species. When wetlands are taken or linear feet of streams are impacted, they are replaced in value due to the beneficial nature of a wetland or stream and its specialized habitat. We cannot replace or rebuild karst features as we can wetlands and streams in mitigation banks. Once destroyed, everything the karst features contain is lost forever, and the intricate nature of the underground connections is disrupted.

The karst features zones are ranked on a scale from one to five in order of most likely to contain one of the endangered species to least likely to contain the endangered species, with the top three zones requiring a survey by a qualified biologist or geologist to discover karst features. Under the Draft SEP HCP, once a parcel containing karst features is identified, that acreage is replaced essentially at ratio of 20-1, or for every 20 acres taken of potential habitat, one acre of known occupied karst features will be protected. Not only is this a contradiction in how a ITP usually works, because usually more acreage needs to be replaced than what is being taken, but it also is protecting something that is already protected by federal law. These karst permits are not necessary if we are only protecting what is already protected under the Endangered Species Act, and they should not be used as mitigation. This same plan would never be implemented for the Golden Cheek Warbler, i.e., to take 20 acres of potential habitat and replace with one acre of known habitat. This may be how the system works but what we understood that the habitat ratio had to at the least be 1:1.

Golden-Cheeked Warbler (GCW) and Black-Capped Vireo (BCV)

Regional Maps

Acquisition of regional maps of BCV potential habitat is essential to the functioning of the plan. On page 62 of the Draft SEP HCP it is states that regional maps of BCV habitat are not available. Without such information the process of determining where to mitigate will be a lengthy, drawn out process which might deter developers use of the plan in compliance with the ESA. BCVs inhabit shrubs only in early stages of growth. After several years, in the later stages of growth, BCVs will move to other patches of shrubbery. In the event that production of BCV habitat maps is not possible due to quick cycling of habitat, standardized methods will need to be established to determine adequate habitat for mitigation. This requires direct discussion with landowners about the presence of BCVs on their properties. If presence is confirmed by landowners, presence-absence surveys can continue as directed in the management and monitoring section. Additional requirements for management of BCV habitat are listed in the Management and Monitoring section.

Recent literature should be consulted regarding which tracts of land would be best to acquire as preserves, and how these preserves should be properly managed. Regional maps of potential BCV habitat need to be acquired, or standardized methods will need to be established to determine adequate habitat for mitigation.

Increased Mitigation

The Draft SEP HCP/DEIS documents ignore key aspects of the Biological Assessment Team's (BAT) recommendations after the BAT's almost two years of intensive effort (2010-2011). Some of the most important differences relate to GCW mitigation.

The Draft SEP HCP defines GCW/BCV take as either direct or indirect (p. 39, Draft SEP HCP). Direct take consists of the impacted acreage of suitable GCW/BCV habitat within the boundaries of a plan-enrolled property, as long as this habitat is not within a plan-protected karst area: Occupied Cave Zone (OCZ) or Critical Habitat (CH). Impact to suitable GCW/BCV habitat within an OCZ and a CH is defined as indirect, since avoidance of the related karst feature is already required. Impact to suitable GCW/BCV habitat outside but within 300 feet the enrolled property boundary is also defined as indirect.

Proposed GCW/BCV mitigation ratios in the Draft SEP HCP are 2:1 and 0.5:1 (acres of protected habitat for each acre of habitat impacted) for direct and indirect impacts, respectively (p. 40, Draft SEP HCP). All GCW/BCV take is within the jurisdictions of Bexar County and San Antonio. However, mitigation is now generally allowed anywhere within the 7-county Plan Area. This will lead to the continued loss of GCW and BCV habitat in the San Antonio area, due to the absence of local mitigation due to the area's higher land prices and increased development.

The 11/17/10 BAT-approved recommendation was that direct GCW take in Bexar Count be mitigated at a ratio of 3:1, with not less than 60% of resulting mitigation occurring within Bexar County or five miles of Bexar County. These two key BAT recommendations derive from the high amount of loss in the county that causes a severe threat there relative to the other six rural

counties in the Plan Area. Preferential mitigation in Bexar County also protects the mission of Camp Bullis and the other significant conservation reserves in the county, which are important to both the species and the community.

The BAT's 6/9/11 response to the first draft of SEPHCP listed 11 top concerns, and singled out the dHCP's lack of mitigation close as possible to the habitat impact area as a particularly "egregious error." As further discussed in the BAT's 3/21/11 response to the CAC, the lack of GCW/BCV preserve establishment in the impact area is expected to increase both the loss and the isolation of habitat. In this manner, it is distinctly possible that existing protected habitat in Bexar County at Camp Bullis and city reserves will be severely degraded. To counter unexpected habitat destruction due to stochastic events such as fire, one of the most basic tenets of conservation dictates that habitat within the larger landscape be continuous and adjacent to permitted take.

From a biological perspective, the 3:1 ratio is ideal and would be very helpful in the recovery of the GCW and BCV in particular. It is disappointing to find that the ratio was changed to 2:1 in the Draft SEP HCP after the Biological Advisory Team (BAT) and Citizens Advisory Committee (CAC) both seemed to agree upon a 3:1 ratio for direct take when they last met in 2010. Given such a radical change in the plan, these committees should have met again at some point during the past five years. Many of the recommendations of the BAT were ignored after the final meeting of the CAC in 2010, and it would have been very helpful if the BAT and CAC had met during the intervening years to discuss these issues further.

Ideally, in order to prevent habitat fragmentation, the BAT recommended that no less than 60% of the mitigation occur within Bexar County. We believe that an assigned amount of mitigation (as much as possible according to surveys of land available for mitigation in Bexar County) should be within 5 miles of Bexar County. We recommend at least 30%.

Further, the BAT's recommendations on mitigation ratios were based on the amount of harm to the species (with input from the Fish and Wildlife Services). This is a fairly ambitious mitigation ratio to aim for, as many other HCPs in Texas have employed a 2:1 or 1:1 ratio. Should it be determined by the USFWS that the 3:1 ratio is not economically feasible, a 2:1 ratio might be acceptable as long as a significant proportion of the mitigation (at least 30%) is acquired within 5 miles of Bexar County and no less than 70% of the mitigation costs are borne by the developers benefiting from this take permit.

Habitat Locations

The BAT and CAC were in agreement that a portion of the habitat conservation or mitigation should occur inside Bexar County or within five miles of that boundary. The proposed action removes that requirement and allows all preservation to be done in other counties, on land that can be up to approximately 60 miles, as the crow flies, from agreed upon needs. This is an expansion of 500% of the BAT and CAC recommendation. The current recommendation is to use any protected land within the seven counties included in the plan. This is a rather large amount of area, approximately 4,125,000 acres. Bexar County is only about 804,000 acres, accounting for only about 20% of that area. This is an obvious barrier to conservation of endangered species due to their already small regional habitat needs. Instead of helping to conserve these species habitats, the proposed plan will only concentrate their location to the fringes of their natural range. Also, this proposed plan replaces habitat that is under imminent threat of development

with habitat that is under no threat of development for the next 30 years, and for a much cheaper price than the land they are taking actually costs. Bexar County has stated that they would like to have some of the mitigation land within or surrounding Bexar County. And, there is suitable undevelopable GCW and BCV habitat within the area. Yet the proposed alternative could result in no lands being mitigated within or surrounding Bexar County.

While we recognize the pressures to develop, we support some ratio of conservation within and surrounding Bexar County. Development can not only be detrimental to the endangered species in question, but it is a barrier to the education of the public and decreases their sense of responsibility for the environment. Instead there will be even more disconnect from inner city populations to those species that need protection from becoming extinct. We hope that the USFWS sees the importance of conserving habitat close the human population concentrations. We also believe many would agree that the success of other county-wide HCPs has much to do with the proximity of the habitat preserves to major population centers. With the loss of this proximity, there is a larger possibility of failure for this HCP.

Resilience in the face of Climate Change requires a variety of ecosystems, a mosaic landscape sustaining as much biodiversity and habitat health as possible. Similarly, resilience needs redundant landscapes and ecosystems to provide protecting against ecosystem failure or loss. This plan moves in the opposite direction to what a responsible response to Climate Change necessitates. Not only should we preserve habitat in extended rural areas but we need to preserve as much as we can within Bexar County as well.

Incidental Take

Three of the four alternatives in the DEIS would authorize the incidental taking of 9,371 acres of GCW habitat, 2,640 acres of BCV habitat, and 21,086 acres within of Karst Zones 1-4. All of this proposed take would take place within five miles of Bexar County, though no mitigation is required in or near Bexar County. As included in the BAT's 6/9/11 response to the SEPHCP, this scenario results in insignificant or no long-term conservation value of the Draft SEP HCP for the endangered songbirds. Rapid urbanization that is unmitigated in Bexar County will likely prevent regional GCW recovery, possibly resulting in a jeopardy determination and possible federal court injunctions preventing all future construction and development.

Due to the relatively small amount and likely disjunct location of the proposed mitigation, the authorized amount of incidental GCW/BCV take should be significantly reduced. GCW take should not exceed 7,500 acres, unless the 6 counties not currently participating come into the plan. The reduction in requested take is necessary because otherwise all the take currently happens in or within five miles of Bexar County.

Abbreviated Presence-Absence Surveys

The proposal for one year of GCW surveys, to determine presence-absence and therefore mitigation requirements, is significantly less effort than the current USFWS recommendation of three years of surveys. Due to seasonal and annual variations in precipitation, vegetation, and other important habitat variables, the current USFWS recommendation should remain the basis for determining presence-absence.

No deviation from the standard USFWS 3-year requirement should be allowed when determining either GCW or BCV absence. In fact, none of the Draft SEP HCP proposals should be allowed, which exclude Project Areas from mitigation based on abbreviated presence-absence surveys for covered species. Such surveys, which if allowed would likely become the common approach, deviate from standard USFWS Protocol, and may jeopardize the repeatability and validity of mitigation determinations. Abbreviated presence-absence surveys for covered species are biologically unacceptable, and current USFWS recommendations should be required in every instance.

GCW/BCV Preserve Design Criteria

The Draft SEP HCP should include minimum preserve design criteria for all covered species. The Balcones Canyonlands Preserve HCP and FEIS (BCP-HCP/FEIS; City of Austin and Travis County, Texas; 1996) provides guidelines, which are applicable to the Draft SEP HCP. Though most directly applicable to preserve design for GCW, these minimum preserve requirements may be scaled down to address similar design criteria for BCV preserves.

The BCP-HCP includes preserve clusters arranged as ten macrosites, with macrosites varying widely in size up to 103,500 acres. Minimum preserve requirements vary from macrosite to macrosite, and for each preserve within a given macrosite. However, these requirements are generally consistent and may be summarized as follows:

Preserve Size: The minimum number of contiguous acres per preserve unit ranges from 3,000 to 7,700 acres.

Edge to Area Ratio: The edge to area ratio is the most consistent requirement of the BCP-HCP/FEIS, and for most macrosites (Bull Creek, Cypress Creek, North Lake Austin, South Lake Austin, and Barton Creek) no more than 20% of the minimum preserve area can be within 300 feet of the preserve perimeter.

Preserve Connectivity: The maximum distance between BCP preserve units within a macrosite is typically 0.50-0.75 miles, though in special circumstances this may extend to 3.5 miles.

Preserve Width: The minimum width of individual preserve units is about one mile (3,000 to 8,000 feet).

The Draft SEP HCP should specify minimum design criteria for each of the above four metrics.

Plan Structure and Administration Management and Monitoring

Standardized and detailed methods for the preserve acquisition, assessment, and management process are necessary to ensure the effectiveness of the plan. The Hays County Regional Habitat Conservation Plan would be an excellent reference for this.

A biologist with an USFWS Threatened and Endangered Species permit should prepare the preserve management plan and conduct a review of the plan every 5 years.

Territory mapping and occupancy monitoring surveys require consistent methods and reporting of information in order for mitigation to be effective.

Post-establishment management specifications to control invasive populations, both flora and fauna, and prevent the spread of diseases which could potentially harm habitat.

Habitat must be carefully maintained for BCVs on properties where mitigation takes place.
A 5 year habitat management and monitoring plan, like that in the Hays County Plan, should be detailed in the SEPHCP.

Other Concerns - GWC and BCV

- Current USFWS recommendation should remain the basis for determining presence-absence for all covered species.

- The SEPHCP should specify minimum design criteria for GCW and the BCV

- A prescriptive management plan for GCW and BCV should be included in the SEPHCP.

- Currently "protected" GCW habitat in the SEPHCP area that is not permanently protected should not contribute to recovery.

- GCW and BCV Preservation Credits should be increased to a minimum of $10,000/acre.

- An adequate funding model to sustain management should be a guaranteed component of preserve acquisitions.

Plan Structure and Administration

Advisory Committees

The Draft SEP HCP should specify the administrative framework to receive technical and public input to inform the adaptive management and planning. Due to the significant involvement of affected communities and public funding, independent post-issuance advisory committees with public meetings should be required, including a Science Advisory Committee and a Citizens Advisory Committee. A regular meeting schedule of these scientific and citizen committees should be a required part of the plan. The purpose of these committees should not be expressly prescribed by the Permittees as described in Section 2.2 of the Draft SEP HCP (pp. 21-22), but instead should be left open to the discretion of the committees.

Report Frequency for Baseline Conditions and Management Planning

Surveys, reviews, and reports for assessing baseline conditions and for management planning should occur more frequently than proposed in Section 9.0 of the Draft SEP HCP (p.112), especially early during plan implementation. Decision making needs to be more informed during the first decade. Instead of waiting ten years to begin, baseline conditions and management plans should be first evaluated at five years and ten years, and then as agreed upon by the USFWS, in order to more efficiently achieve adaptive management goals.

Category 3 Species

A section is needed that provides program descriptions and acceptable guidelines for the voluntary conservation of Category 3 species, including education, monitoring, outreach, and research. Conservation measures for these species should be specified in the Draft SEP HCP.

Indirect and Cumulative Impacts

In the DEIS, the assessment of offsite, indirect, and cumulative impacts is cursory, and should be greatly expanded. The SEPHCP appears to offer coverage for incidental take only to activities inside the enrolled properties. The mitigation process for indirect and offsite impacts needs to be included in the SEPHCP.

We would like to have the time to conduct a more thorough examination of the cumulative impacts to the Edwards Aquifer watershed and, therefore, request an extended comment period for this purpose. A cursory examination of the DEIS indicates that the cumulative effect analysis does not adequately assess the effects that development accommodated by the SEP HCP would have on water quality in the long term. Additionally, we believe the cumulative impacts of the long term financial implications of the plan have not been adequately considered in the DEIS.

Management and Monitoring

The Baseline Preserve Assessments for each preserve area in the Draft SEP HCP are lacking in details. This is true for the majority of the Adaptive Preserve Management and Monitoring section of the Draft SEP HCP. Although Appendix C, Biology of the Covered Species, details habitat description, habitat availability, and population estimates for the GCWs and BCVs, there are no direct instructions in the Draft SEP HCP incorporating such knowledge into the management and monitoring processes. The Preserve Management and Monitoring Program section of the Hays County Regional Habitat Conservation Plan (HCRHCP) would be an excellent reference for framing any alterations.

In order to streamline the process of preserve acquisition, assessment, and management, detailed guidelines should be established for baseline preserve evaluations, land management plans, territory mapping surveys, occupancy monitoring surveys, and monitoring of habitat after establishment. Standardized methods for such processes would establish continuity for administrators, biologists, and landowners alike. It would ensure fairness and integrity throughout the process and enable easier evaluation of the effectiveness of the plan.

The initial Baseline Preserve Assessments prepared for GCW and BCV habitats requires a more detailed description of “minimum information” than is currently listed in the Draft SEP HCP. Included with the description and map of suitable habitats should be the actual acreage of potential habitat as well as the location of currently occupied and unoccupied areas. The assessment of relative quality should be standardized across all Baseline Preserve Assessments and include documentation of the habitat characteristics used to justify the quality estimate. In general the Baseline Preserve Assessments are in line with those outlined in the HCRHCP, these adjustments would make for better assessments of GCW and BCV habitat.

It should be explicitly stated that a biologist with an USFWS Threatened and Endangered Species permit must prepare the land management plans. The Permittees are responsible for appointing the preserve manager who will select qualified biologists to prepare the document. The preserve manager should conduct a comprehensive review of the Preserve Management Plan every 5 years, unless otherwise advised by the biological team.

Standard methods for territory mapping and occupancy monitoring surveys are essential to the accuracy and usability of such surveys. Pages 76-81 of the HCRHCP outline detailed methods for both surveying types. Such specifications for the occupancy monitoring surveys include; season of surveys, timing, length, and number of surveys, the weather during surveyance, and details of what information should be included in the report and how the data reported is analyzed. Similar specifications should be made for territory mapping surveys. The monitoring of habitat following establishment of a preserve requires there be a specified number of plots per acre and be in proportion to the total acreage, an established frequency of visits (preferably 5 years), and standardized methods of monitoring and reporting data.

In addition to a specified method of monitoring, post-establishment management specifications are required as well. This includes management and maintenance of adequate habitat conditions for the established species. In general this includes, removal of invasive species, both flora and fauna. Of particular importance to this region, removal and management of the invasive Juniperus Ashei (Cedar), controlling feral hog, white-tailed deer, brown-headed cowbirds, and red imported fire ants populations, and preventing or controlling the spread of oak wilt and other such diseases. Management of BCV habitat requires that shrub growth be controlled by burning, grazing, or removal in order to maintain suitable early growth shrubbery.

We suggest a simplified five year schedule for preserve monitoring and management , such as that described on page 83 of the HCRHCP. Tasks would be completed according to the following schedule:

Years ending in 0 or 5: Territory Mapping Surveys; Years ending in 1 or 6: Habitat Occupancy Surveys; Years ending in 2 or 7: Habitat Monitoring Surveys;
Years ending in 3 or 8: Baseline Preserve Evaluations; and Years ending in 4 or 9: Land Management Plans.

Plan Administrator(s)

It is proposed that the SEPHCP will be administered by the City of San Antonio and Bexar County. We recommend that the SEP HCP would greatly benefit from a third, and potentially fourth party, administrator, such as an independent non-profit or an environmental regulatory agency which is unaffiliated with the City or County for most effective management and administration. We recommend that the SEPHCP administrator should be an independent agency or non-profit entity, affiliated with but not directly managed by the Permittees. Any plans by the Plan Administrator to outsource program management to a nonprofit or other entity should be detailed in the Draft SEP HCP. Given the lack of transparency evident throughout this process, it is asking a lot of the public to accord approval of details as yet unspecified as to the administration of the SEPHCP.

Plan Administration and Basic Plan Components

Independent advisory committees with regularly scheduled public meetings should be required, including a Science Advisory Committee and a Citizens Advisory Committee.

Additionally, the City of San Antonio and Bexar County need to be prepared to dedicate sufficient resources to this plan to make sure it is carried out effectively. As land is acquired for mitigation, the City and County will need to hire expert biologists and ensure that adequate research is done in order to determine the best locations for said mitigation.

We are concerned that certain basic elements of the Plan have not been adequately addressed in the Draft SEP HCP or are left up to the future and unilateral discretion of the Permittees. The ESA requires the applicant to show that the HCP can be successfully implemented. And the spirit of an HCP is to create a collaborative partnership. In this case, administration of the Plan should include not only the Permittes, but several other partners representing public and non-profit entities that are enlisted in advance.

While the Balcones Canyon Conservation Plan (BCCP) has some major substantive flaws that we will not discuss here, the BCCP has a relatively successful formula for Plan administration and implementation. This formula relies on sharing duties among Travis County and the City of Austin, as well as relying on a Scientific Advisory Committee and Citizens Advisory Committee. These committees are vital to helping the permit holders with their administration and oversight of the BCCP, and they are vital for ensuring that the community has continued input into the plan as conditions change.

The Draft SEP HCP, on the other hand, seems to leave most of these critical elements up in the air with Bexar County as the only entity making decisions and providing input. For example, the Draft SEP HCP does not require any advisory committees, does not flesh out what role the City of San Antonio will play in the administration of the Plan, and leaves key elements such as fee-setting up to Bexar County without adequate input from others. It is not even clear who the SEP-HCP administrator is. We don't think that this fill in the blank approach to basic plan components is acceptable. These issues need resolutions and commitments to provide for successful implementation and independent oversight, and to alleviate the financial burden on Bexar County.

We strongly recommend a requirement of Scientific and Citizens' advisory committees to provide ongoing input, oversight, and assistance. We also strongly recommend that one or more independent agency or non-profit entity be given a central role in the administration of the Plan.

<u>Funding Issues and Recommendations</u>

Revenue Sources and Estimates

Page iv of the DEIS estimates sources of revenue for the alternatives which we find unrealistic.

- Proposed SEP-HCP Alternative: 74% from participation fees, 26% from public sources
- 10% Participation Alternative: 47% from participation fees, 53% from public sources
- Single-County Alternative: 46% from participation fees, 54% from public sources
- Increased Mitigation Alternative: 37% from participation fees, 63% from public sources

While a conservation easement may cost $4,000/acre in outlying counties, it is likely to cost much more in Bexar County; and the estimate does not include the due diligence costs associated with appraisals, biological surveys, maintenance and monitoring in perpetuity, and staff and other costs. In addition, there seems to be no allowance for the cost of fee simple purchase. Under all alternatives, the landowner participation fee cost per acre is too low.

Further, we assume that increasing the costs of participation by the private landowners who will be benefitting from this process will reduce the amount given by public sources. One of the things we have not found in our review is a commitment for the public funding. Are we to assume there is a commitment? If so, what is the fundraising plan by Bexar County, as the entity that has signed the USFWS Permit Application Form?

We also noted that none of the alternatives consider future increases in land values. Any serious recommendation for the next 30 years would take that into account. We are asking that an adequate model for future funding and monitoring be brought forward for approval along with the SEPHCP.

At least 70% of funding the plan should be contributed by those who will benefit financially from enrollment.

Given that much of the land within Bexar County proposed for coverage by the take permit lies within the environmentally sensitive zones of the Edwards Aquifer [Edwards Aquifer Recharge Zone (ERZ), Transition Zone (TZ) and Contributing Zone (CZ)], public investment in promoting development of this area does not make sense. Participation fees for development within these Edwards Aquifer zones should be structured to reflect a significantly higher percentage of Participation Fees vs public contributions. Justification for any public contribution toward developments within the sensitive Edwards Aquifer zones requires that land purchased for mitigation be located within the same zones at the ratio prescribed by the BAT.

Development that does not impact the Edwards could be eligible for mitigation through the purchase of less expensive lands outside of Bexar County.

Public Revenue Sources

GEAA would strongly object to the use of properties previously secured through purchase with Proposition 3 and Proposition 1 funds to mitigate take for the warbler, BCV, and karst species; the CAC clearly provided direction that this alternative was not acceptable. The prospect of using land secured through sales taxes collected from the citizens of the City of San Antonio for the explicit purpose of protecting the Edwards Aquifer to mitigate additional high density development within the sensitive zones of the Edwards Aquifer is a betrayal of the public trust and an abuse of the intent of Propositions 3 and 1.

If, however, future properties were identified that were suitable for protection under the City of San Antonio's Edwards Aquifer Protection Plan *and* as mitigation land for the SEPHCP, consideration for utilizing both funds for the preservation of such property might make sense. We would hate to see both entities bidding against each other to preserve a similarly suitable property. Given that preservation was consistent with the goals of both initiatives, we would have

no objection consideration, on a case by case basis, of the use of complementary funding from both sources for mitigation of land on the ERZ, TZ, and CZ within Bexar County.

Tax Increment Diversions

GEAA had formerly supported the concept of tax increment diversions as a mechanism for funding this program. Given that take is confined to Bexar County in the current Draft SEP HCP, however, we now believe that the loss of increased property taxes, coupled with the increased need for City and County services occasioned by new development, will result in a negative impact to the budgets of both the City and the County. This option, if used, should be used as minimally as is possible to avoid placing an undue burden on tax payers. Funding for implementation and administration of the SEPHCP (70%) should be provided by plan participants, not taxpayers.

Recommendations for Additional Cost-Savings

Please note, as regards to the cost of enrolling in the HCP for protection of habitat in Bexar County, the City of San Antonio could have achieved significantly greater preservation of habitat for the karst species at no cost to the taxpayers of City of San Antonio and Bexar County through the adoption of adequate regulations on impervious cover to protect water quality within the ERZ and CZ. Other no cost methods of protecting the species indirectly include targeted purchase and management of City of San Antonio required park set -asides, prohibitions from building on slopes greater than 10%, observing buffers required to preserve watersheds and significant recharge features, strict enforcement of City of San Antonio Tree ordinances, and other measures needed to protect water quality and enhance quality of life within these environmentally sensitive areas.

Enhanced regulation of the ERZ and CZ by the City of San Antonio could still be enacted in order to protect karst habitat at no cost to citizens. The City and Bexar County should study all methods available to achieve enhanced protection of habitat by enforcement and adoption of regulations and policy in tandem with proposals for funding mechanisms for the SEPHCP that will require significant contributions from City of San Antonio and Bexar County tax payers.

Cost savings and program enhancement could also be achieved by delegating duties of administering the SEPHCP to City of San Antonio staff responsible for administering the City of San Antonio Edwards Aquifer Protection Program (EAPP). Likewise, the model devised for the EAPP of working with designated Land Trusts to identify and plan for the acquisition of appropriate properties, submitted for approval to a Committee comprised of agency and citizen representatives, has served the City of San Antonio well and could be emulated. Another administrative option would be the creation of a non-profit organization devoted to implementing the SEPHCP.

<u>Alternatives</u>

No Action

The No Action Alternative is not an option. Unwarranted take of these endangered species has been occurring in Bexar County for many years, and a HCP should definitely be put in place. Action must be taken to prevent any more unwarranted take of these endangered species.

10% Participation

The 10% Participation Alternative does not adequately plan for the amount of development that will likely occur in Bexar County over the next 30 years. A plan needs to be put in place that will provide for sufficient take as well as mitigation of these species.

Single-County

The Single-County Alternative sounds appealing, especially due to the fact that none of the counties aside from Bexar County have agreed to participate in this HCP. However, a regional HCP would be more suitable for this region due to the huge discrepancy in the amount of rural versus developed land in Bexar County in comparison to the other six counties of the region, as well as necessary due to the limited land resources left for mitigation in Bexar County.

Increased Mitigation

The Increased Mitigation Alternative has some qualities that would be very beneficial to the proposed HCP. From a biological perspective, the 3:1 ratio is ideal and would be very helpful in the recovery of the Golden-cheeked Warbler and Black-capped Vireo in particular. However, this ratio may or may not be economically feasible. Although mitigation agreements would be between the Permittee and individual landowners, counties outside of Bexar County might object to the removal of large amounts of acreage from their property tax rolls, especially as they not receiving any benefits from further development of Bexar County.

The other component of this alternative that should be incorporated into the proposed plan is the requirement that at least 60% of the mitigation will occur within 5 miles of Bexar County. A lower percentage may be acceptable, but the HCP needs to have some kind of requirement that a significant proportion of the mitigation will occur in or around Bexar County. Increased habitat fragmentation in this area will very likely lead to a loss in genetic diversity for the remaining Golden-cheeked Warblers and Black-capped Vireos, which could be detrimental to the recovery of the species (Athrey et al. 2012). The harmful effects of habitat fragmentation are common knowledge in the field of biology, and the effects are clearly amplified when a species is already threatened or endangered. It is the purpose of the ESA to eventually help an endangered species recover, not just survive; and this definitely will not happen if their habitat is further fragmented in the areas where it is already limited.

At least 30 %, or as much of the mitigation as possible, should be required to be within 5 miles of Bexar County, because this is where essentially all of the take is being permitted. In order to adequately determine how much mitigation can take place within San Antonio, surveys of the quantity and quality of potential habitat should be conducted before deciding to mitigate outside of Bexar County. Ideally, all of the mitigation should be located very close to or within Bexar County, but unfortunately this might be difficult to achieve. Many of the other counties in the Southern Edwards Plateau region have larger tracts of land available for the creation of larger preserves which, if properly managed, could sustain larger populations of the GCW or BCV.

Other Concerns

There are no specifics about protection of the Edwards Aquifer except that, secondary to the preservation of habitat for the listed species, they will try to preserve areas that will also benefit the voluntarily conserved species and the aquifer.

There needs to be a definition of a partial preservation credit so that proper preservation credits can be given for pre-existing conservation areas.

In conclusion, we would like to point out that the process for drafting the SEP HCP and DEIS were extremely flawed and could constitute a violation of the National Environmental Protection Act. No attempt was made to respond to the comments that GEAA and others submitted for the 2011 version of the Draft HCP devised by Loomis and Associates. Examples of this failure are abundantly illustrated by our comments of June 10, 2011 submitted as Appendix I.

The BAT and CAC were disbanded in 2010. Subsequently, we received notice of a new and very different Draft SEP HCP in December of 2014 that had substantial changes from the 2011 Draft, and did little to incorporate the recommendations of the BAT and CAC.

We concur with the comments filed by GEAA member group, Bexar Audubon Society, regarding the flawed process that took place in drafting the current version of the Draft SEP HCP:

"*The proposed Habitat Conservation Plan proposed by the applicants is seriously flawed procedurally, scientifically, and politically; resulting in irreparable harm to the species and the reputation of the USFWS.*

Procedurally, the applicants—the City of San Antonio and Bexar County—have generated a plan behind closed doors and are now seeking to support it with documentation from a very public and scientific planning process that took place from 2008- 2011. To pretend that the document they have submitted for your approval is based on that public or scientific input is pure sleight of hand. The City of San Antonio and Bexar County worked quietly for 3 years (apparently closely with the development industry) and wrote their own Habitat Conservation Plan which they then released during the holidays of late 2014. Bexar Audubon was not contacted during these 3 years of the city and county's process, nor were any of the scientists, advisory and stakeholder groups who participated in the original planning (this includes the Texas Parks & Wildlife Dept., Greater Edwards Aquifer Alliance, the US Army base at Camp Bullis and private landowners). The lack of transparency and stakeholder input alone should justify the denial of the proposed ITP.

Scientifically, the proposed HCP essentially is a roadmap for rapid destruction of any remaining, unprotected Golden-cheeked Warbler habitat in Bexar County. The proposed mitigation ratios are a fraction of what they should be, and the mitigation is almost all to take place outside of Bexar County, ensuring that the military mission of Camp Bullis will be jeopardized by the influx of displaced birds, and the fragile warbler habitat, much of which sits on the Edwards Aquifer Recharge and Contributing Zones, will be destroyed. In addition, the outlying counties don't want our Golden-cheeked Warblers so this current proposal just kicks the can down the road by pushing the problem out of San Antonio City Limits and into rural areas and Camp Bullis. The original HCP, itself a compromise developed out of the public process in 2011, reflected the public

input that the mitigation should occur within the governmental entity that the habitat destruction took place.

Politically, the proposed ITP and its HCP represent a long-term policy disaster for the USFWS. It neither protects the wildlife nor the environment. If the Service allows such weak Habitat Conservation Plans for large cities it loses crucial bargaining power to perform its job and sets a dangerous precedent. If USFWS allows a City and County to circumvent good-faith, transparent governance, it encourages more of the same."

Given that Bexar County received a $2.3 million USFWS Section 6 grant for the purpose of administering the creation of an HCP that should comply with NEPA requirements and the Endangered Species Act, we believe that the stakeholders who participated in this process, the citizens of San Antonio and Bexar County, and the endangered species covered by this Plan, deserved better.

Greater Edwards Aquifer Alliance

Member Organizations

Alamo Group of the Sierra Club
Aquifer Guardians in Urban Areas
Austin Regional Sierra Club
Bexar Audubon Society
Bexar Green Party
Boerne Together
Castroville Smart Growth
Cibolo Nature Center
Citizens Allied for Smart Expansion
Citizens for Protection of Cibolo Creek
Environment Texas
First Universalist Unitarian Church of San Antonio
Friends of Canyon Lake
Friends of Government Canyon
Fuerza Unida
Guardians of Lick Creek
Hays Community Action Network
Helotes Heritage Association
Helotes Nature Center
Hill Country Planning Association
Kendall County Well Owners Association
Kinney County Ground Zero
Lone Star Chapter of Sierra Club
Medina County Environmental Action Association
Northwest Interstate Coalition of Neighborhoods
Preserve Lake Dunlop Association
Preserve Our Water-Blanco County
San Antonio Audubon Society
San Antonio Conservation Society
San Geronimo Nature Center
San Geronimo Valley Alliance
San Marcos Greenbelt Alliance
San Marcos River Foundation
Santuario Sisterfarm
Save Barton Creek Association
Save Our Springs Alliance
Scenic Loop/Boerne Stage Alliance
Securing a Future Environment -Comal
SEED Coalition
Sisters of the Divine Providence
Smart Growth San Antonio
Solar San Antonio
Texas Water Alliance
Travis County Green Party
Water Aid- Texas State University
West Texas Springs Alliance
Wildlife Rescue & Rehabilitation
Wimberley Valley Watershed Association

PO Box 15618
San Antonio, Texas 78212
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June 10, 2011

Ms. Amanda Aurora
Loomis Partners
3101 Bee Cave Road, Suite 100
Austin, Texas 78746

Comments on the First Draft of the Southern Edwards Plateau HCP

Dear Ms. Aurora,

Please accept the attached comments on the DRAFT Southern Edwards Plateau Habitat Conservation Plan (SEP HCP) as reflecting the shared agenda of the forty-eight member organizations of the Greater Edwards Aquifer Alliance. Of our member groups, approximately sixty-five percent have a presence within the area covered by the DRAFT SEP HCP.

At the outset, we would like to say that we are extremely disappointed that the draft HCP has ignored the recommendations of the Biological Advisory Team and the input of the Citizens Advisory Committee.

Any successful HCP must be built on a solid foundation of sound science and public participation. Without these key elements, an HCP will not meet the requirements of the Endangered Species Act and will not be successfully implemented. We urge Bexar County to accurately reflect the BAT and CAC's recommendations and input in the draft HCP, and then move forward with a BAT-based draft and a robust public process centered on the CAC with review by the BAT as needed. If the draft HCP is not revised and re-issued accordingly, we have no confidence in the ability of Bexar County to create a plan will satisfy the Endangered Species Act's requirements, meet the needs of the covered species, and work for the community.

Below is a list of some our major concerns with the current draft. We hope that these points and others will be resolved promptly in the process of creating the next draft and meeting with the CAC next week. Given the amount of time and work that has already gone into this HCP, and the swift schedule proposed for the remainder of the process, it is essential that the CAC be given straight-forward answers and solutions to our concerns.

The April draft has vastly complicated (and lengthened) the HCP process by ignoring key recommendations of the BAT and CAC. This was unexpected and is unacceptable. The CAC should be meeting next week to discuss and build on a BAT-based draft HCP, not some other draft HCP that was developed behind closed doors without the inclusion of key BAT recommendations and requirements. Please do not waste our time and energies focusing on issues that have already been decided by the BAT and CAC.

Mitigation and Preserve Requirements: The HCP Must Follow the Recommendations and Requirements Endorsed by the BAT and the CAC

The BAT's charge is to provide input on all biological matters, calculate the harm to the covered species, and propose the size and configuration of the preserves. The BAT has admirably fulfilled its duties throughout this process, formulating recommendations based on the best scientific data and literature on the biological needs of the covered species and the harm to the species. There is no defensible reason to depart from the BAT's recommendations.

The BAT has proposed recommendations for the BCV, GCW, and the karst invertebrate species. All of these recommendations received a majority vote from the CAC. These recommendations should only be changed for good cause and where the BAT is able to propose alternatives that are biologically acceptable.

For the GCW, it is critical that the HCP incorporate the BAT-recommended 3:1 ratio in Bexar County and 2:1 outside of Bexar County, with the additional requirement that 60 percent of mitigation lands be located in Bexar County or within 5 miles of Bexar County. The BAT's GCW recommendations were reached after thorough consideration and analysis of preserve size and configuration, the level of habitat fragmentation around protected areas; the potential for disease transmission and, predation, and oak will to present management challenges; and the range of the GCW.

Further, the BAT's recommendations on mitigation ratios are based on the amount of harm to the species (with input from the Fish and Wildlife Services) and the BAT has made clear that the recommendations are as flexible as the BAT can be. We do not see how there is any room for disagreement with the BAT's recommendations on mitigation for the GCW and BCV. Deviating from the recommendations underestimates the harm to the species and would ultimately jeopardize the species.

<u>60 Percent Mitigation in Bexar County (or within 5 miles of Bexar County) Must Be a Requirement of the HCP,</u>. Species such as the GCW are faced with uniquely high development pressures and habitat loss in Bexar County. As recognized by the BAT, the higher degree of threat to the species in Bexar County warrants a higher mitigation ratio for take. In addition, the ESA requires that mitigation be located close as possible to the site of the impact. It is not an acceptable approach for the draft HCP to allow for mitigation of take in Bexar County in areas that might be many miles away from the lost habitat.

The requirement that 60 percent of mitigation for Bexar County take be located in Bexar County (or within 5 miles of Bexar County) must be a part of the HCP. We do not recommend alternatives at this point given that the BAT has already provided a clear solution and that time is running out. However, any alternative recommendation must provide an equivalent safeguard or structure that places mitigation land close to habitat lost from Bexar County as required by the ESA, and ensures viable populations and contiguous preserve land for the GCW in Bexar County.

It should be noted that the BAT's proposed requirement does not preclude acquiring larger habitat preserves outside of Bexar County; 40% of the mitigation may occur outside Bexar County or the 5 mile area. The real question is why the draft HCP should allow for all mitigation for take

in Bexar County to be located anywhere in the large Plan area. There is no supportable scientific basis for this approach.

We note that the draft HCP does incorporate a goal of acquiring 5,000 acres for GCW in Bexar County or within 5 miles of Bexar County. However, this goal is not a binding and it is not a substitute for the specific *requirement* proposed by the BAT.

Mitigation for Karst Invertebrate Species. GEAA and the CAC support the BAT's recommendation for the karst invertebrate species covered under the HCP. The BAT has proposed a tiered approach based on the location of activities in specific karst zones and habitat, and on the level of conservation that has been achieved for a species in a given karst faunal region. As proposed by the BAT, this framework takes into account the near-jeopardy status of these highly vulnerable species, as well as the uncertainties surrounding the biology and status of the species.

We wholeheartedly support the BAT's approach to karst conservation, with any refinements and additional conditions as proposed by the BAT. We would only note that this approach requires robust oversight and responsiveness to changing conditions on the ground and in the scientific literature. Each year, we are learning more about these species, their habitat, and their distribution. For the karst program especially, independent scientists, non-profit groups with karst expertise, or other appropriate individuals or entities, should be enlisted as partners to alleviate the burden on the Fish and Wildlife Service and Bexar County in keeping up with these changing conditions.

The Mitigation Framework Should Recognize the Importance of Preserving Land in the Edwards Aquifer Recharge, Transition, and Contributing Zones. GEAA also strongly recommends—based on policy adopted by all forty-eight GEAA member groups—that the HCP should not allow for increased urban densities on the Edwards Aquifer Recharge Zone, the Transition Zone, and contiguous five miles of Contributing Zone within Bexar County through publicly funded purchase of mitigation land not located in the above mentioned Edwards Zones in Bexar or other counties. In addition to the policy of GEAA and its member groups, San Antonio voters have consistently voted in favor of sales taxes to protect the Edwards Aquifer. We could not support an HCP that allows for development on the Aquifer in exchange for lands that may be suitable for terrestrial species but that amount to a net loss for the Aquifer. This policy conflict, misuse of public funds, and potential to cause negative impacts to water supplies and listed aquatic species must be avoided.

There Needs to Be Additional Requirement and Detail Concerning the Size and Configuration of Preserves. In addition to ignoring the BAT's recommendations and requirements, we are concerned about the inadequate detail and somewhat amorphous standards for the preserves. For example, we would like to know more about the focal areas for preserve acquisition and how the Plan will ensure adequate connectivity and contiguity. We believe that the Balcones Canyonlands Conservation Plan may offer some guidance in this area. Importantly, the BCCP incorporates an *edge-to-area ratio for GCW habitat*. Standards like this need to be incorporated into this HCP to ensure high-quality preserves that meet the biological needs of the species.

Problems with the HCP's Treatment of Pre-Existing Lands and Future Uses Allowed on HCP Preserves

Pre-Existing Lands. GEAA is very concerned about how pre-existing conservation lands are used, especially given that many of these lands are not under permanent protection. As pointed out by the BAT, lands that include Camp Bullis, City of San Antonio properties, and pieces of the Government Canyon State Natural Area are either not permanently protected or are not managed for the covered species. Even if such lands were permanently protected, we have concerns about double-counting lands that were acquired under other conservation efforts and with other public funds.

We think it would be good to firm up the protections on pre-existing lands (where possible) as an auxiliary purpose of the HCP. It will also be important to locate new preserves in a way that builds on previous conservation efforts and focal areas. But incorporating acreage from pre-existing conservation lands should not be used as a short-cut to achieving the goals of the HCP and ESA compliance. As with other issues, the BAT formulated a specific *requirement* on this issue that appears to have been disregarded. The BAT proposed that (1) no more than 10% of the preserve system should consist of land publicly owned as of November 4, 2010, and (2) To qualify as a preserve component, a new conservation easement must be developed for GCW conservation and management. We believe the additional conservation easements proposed by the BAT are required by the ESA if any pre-existing lands are to be counted under the HCP. But again, the focus of the HCP should be on acquiring new conservation lands with permanent protection, rather than trying to use pre-existing lands.

Use of Future Preserves. We are extremely troubled by the draft HCP's open-ended provision allowing for "secondary uses" of HCP preserves that "may include, but are not limited to, public or private recreational activities, agricultural activities, low-density residential activities, hunting activities, and utility or infrastructure corridors." This sort of vagueness ("but are not limited to") and these sorts of uses are not appropriate for the HCP—especially allowing for "utility and infrastructure corridors" that would destroy and degrade the conservation value of HCP preserves. This provision is unacceptable, has not been discussed at the CAC, and must be deleted.

Plan Administration and Basic Plan Components

We are concerned that certain basic elements of the Plan have not been adequately addressed in the draft HCP or are left up to the future and unilateral discretion of Bexar County. The ESA requires the applicant to show that the HCP can be successfully implemented. And the spirit of an HCP is to create a collaborative partnership. In this case, that should include not just Bexar County and private participants, but hopefully several other partners that are public and non-profit entities that are enlisted in advance.

While the Balcones Canyon Conservation Plan (BCCP) has some major substantive flaws that we will not discuss here, the BCCP has a relatively successful formula for Plan administration and implementation. This formula relies on sharing duties among Travis County and the City of Austin, as well as relying on a Scientific Advisory Committee and Citizens Advisory Committee. These committees are vital to helping the permit holders with their administration and oversight of

the BCCP, and they are vital for ensuring that the community has continued input into the plan as conditions change.

The draft SEP-HCP, on the other hand, seems to leave most of these critical elements up in the air with Bexar County as the only entity making decisions and providing input. For example, the draft HCP does not require any advisory committees, does not flesh out what role the City of San Antonio will play in the administration of the Plan, and leaves key elements such as fee-setting up to Bexar County without adequate input from others. It is not even clear who the SEP-HCP administrator is. We don't think that this fill in the blank approach to basic plan components is acceptable at this stage. These issues need resolutions and commitments to provide for successful implementation and independent oversight, and to alleviate the financial burden on Bexar County.

We strongly recommend a requirement of Scientific and Citizens' advisory committees to provide ongoing input, oversight, and assistance. We also strongly recommend that an independent non-profit entity be given a central role in the administration of the Plan.

Funding Issues and Recommendations

Revenue Sources and Estimates. The draft plan proposal for deriving 40% of the plan through participation fees vs 60% from public funding needs to be reversed. At least 60% of funding the plan should be bourn by those who will benefit financially from enrollment.

Given that much of the land within Bexar County proposed for coverage by the take permit lies within the environmentally sensitive zones of the Edwards Aquifer (ERZ, TZ and CZ), public investment in promoting development of this area does not make sense. Participation fees for development within these Edwards Aquifer zones should be structured to reflect a significantly higher percentage of Participation Fees vs public contributions. Justification for any public contribution toward developments within the sensitive Edwards Aquifer zones requires that land purchased for mitigation be located within the same zones at the ratio prescribed by the BAT.

Developments that do not impact the Edwards could be eligible for mitigation through the purchase of less expensive lands outside of Bexar County.

Public Revenue Sources. The draft HCP states that "[o]ther types of public revenue considered in the Funding Plan come from savings obtained by getting some conservation credit from existing protected lands and from endangered species conservation value on lands purchased with existing voter-approved open space sales tax revenue."

As to the use of properties secured through purchase with Proposition 3 and Proposition 1 funds to mitigate take for the warbler, BCV, and karst species, the CAC clearly provided direction that this alternative was not acceptable. The prospect of using land secured through sales taxes collected from the citizens of CoSA for the explicit purpose of protecting the Edwards Aquifer to mitigate additional high density development within the sensitive zones of the Edwards Aquifer is a betrayal of the public trust and an abuse of the intent of Propositions 3 and 1. This option should be removed from the draft plan.

Our Recommendations for Additional Cost-Savings. Please note, as regards to the cost of enrolling in the HCP for protection of habitat in Bexar County, the City of San Antonio could have achieved

significantly greater preservation of habitat for the karst species at no cost to the taxpayers of CoSA and Bexar County through the adoption of adequate regulations on impervious cover to protect water quality within the Edwards Aquifer Recharge and Contributing zones. Other no cost methods of protecting the species indirectly include targeted purchase and management of CoSA required park set -asides, prohibitions from building on slopes greater than 10%, observing buffers required to preserve watersheds and significant recharge features, strict enforcement of CoSA Tree ordinances, and other measures needed to protect water quality and enhance quality of life within these environmentally sensitive areas.

Enhanced regulation of the Recharge and Contributing zones by the CoSA could still be enacted in order to protect karst habitat at no cost to citizens. The City and Bexar County should study all methods available to achieve enhanced protection of habitat by enforcement and adoption of regulations and policy in tandem with proposals for funding mechanisms for the SEP HCP that will require significant contributions from CoSA and Bexar County tax payers.

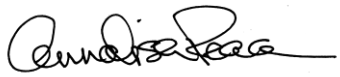
Cost savings and program enhancement could also be achieved by delegating duties of administering the SEP HCP to CoSA staff responsible for administering the CoSA Proposition 1 program. Likewise, the model devised for the Proposition 1 program of working with designated Land Trusts to identify and plan for the acquisition of appropriate properties, submitted for approval to a Committee comprised of agency and citizen representatives, has served the CoSA well and could be emulated. Another administrative option would be the creation of a non-profit organization devoted to implementing the SEP HCP.

Tax Increment Diversions. GEAA supports the concept of tax increment diversions as a mechanism for funding this program.

* * *

Thank you for the opportunity to present these comments. We will have additional comments at the upcoming CAC meetings and look forward to working with you to create a better HCP.

Sincerely,



Annalisa Peace
Executive Director

Andrew Hawkins
Attorney

Appendix II

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Williams, Christina <christina_williams@fws.gov>

FW: Draft SEP-HCP and Draft Environmental Impact Statement Notice of Availability

1 message

Jennifer Blair <jenniferblair@bowmanconsulting.com> Mon, Jan 5, 2015 at 11:54 AM
To: "Voellinger, Leonard (leonard.voellinger@jacobs.com)" <leonard.voellinger@jacobs.com>, "Andy Winter (awinter@bexar.org)" <awinter@bexar.org>, "christina_williams@fws.gov" <christina_williams@fws.gov>
Cc: "Webberman, Jerry" <jwebberman@jw.com>

Email 1 of 2 or 3? that I have received regarding SEP thus far. I will forward on the rest as I assume that they will need to be considered as comments. Thanks!

Jenny Blair, C.W.B. | Bowman Consulting
main: 512.327.1180 | cell: 512.415.9772
TBPE FIRM NO. F-14309 | TBPLS FIRM NO. 101206-00

-----Original Message-----
From: Bob Heinonen [mailto:bob.heinonen@hotmail.com]
Sent: Friday, December 19, 2014 7:23 PM
To: 'Southern Edwards Plateau Habitat Conservation Plan'
Subject: RE: Draft SEP-HCP and Draft Environmental Impact Statement Notice of Availability

Do you realize what kind of gibberish this e-mail contains? The first two paragraphs are not decipherable by the ordinary citizen. The use of acronyms and references to regulations are absurd.

Bob Heinonen
(830)833-0809

-----Original Message-----
From: Southern Edwards Plateau Habitat Conservation Plan [mailto:info@sephcp.com]
Sent: Friday, December 19, 2014 2:05 PM
To: bob.heinonen@hotmail.com
Subject: Draft SEP-HCP and Draft Environmental Impact Statement Notice of Availability

We want to thank you for your interest in the planning and development of the SEP-HCP. We are excited to announce that the USFWS has published the Notice of Availability of the draft Environmental Impact Statement which has been prepared to evaluate the permit application in accordance with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.; NEPA).

The USFWS had made the permit application package, including the dHCP and dEIS, available for public review and comment. The Draft SEP-HCP, Draft Environmental Impact Statement, Federal Register Notice of Availability, and other documents are posted on http://sephcp.com/documents.html. Copies of the Federal Register Notice, USFWS News Release, and FAQ are attached.

The Service encourages the public to review and provide comments on the documents during the 90-day public comment period. Written comments must be received by March 19, 2015. Information on how to submit comments is included in the attached Federal Register Notice.

Public meetings will be held during the comment period. The exact locations and times for the meeting will be noticed in local newspapers, on the USFWS Austin Ecological Services Office website and on the SEP-HCP website at least two weeks prior to each event. For further information on how to obtain or review copies of these

documents, or how to provide comments, see the Federal Register notice .

We greatly appreciate everyone's continued support of this project!

Thank you,

The SEP-HCP Project Team

_____

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COMMENTS:

Southern Edwards Plateau

Draft Habitat Conservation Plan (dHCP) and

Draft Environmental Impact Statement (dEIS)

March 17, 2015

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The author of this report, Dr. Hayes, served as a member of the SEPHCP Biological Assessment Team (BAT), and had an active role in helping to research and write the BAT recommendations.

USFWS approval of the proposed SEPHCP would result in a 30-year Incidental Take Permit (ITP) authorized by the Endangered Species Act ("ESA"), under section 10(a)(1)(B). The ITP would authorize a specified amount "incidental take" of federally listed endangered species (the "Covered Species") within Bexar County, the City of San Antonio, and San Antonio's Extraterritorial Jurisdiction (ETJ). In return, the Preferred Alternative currently included in the draft SEPHCP would require mitigation within the seven-county Plan Area.

Five Most Important Revisions to the dHCP/dEIS

- Increase golden-cheeked warbler (GCW) mitigation ratio to 3:1 for direct take.
- If take is restricted to Bexar County, San Antonio, and the San Antonio Extraterritorial Jurisdiction (ETJ), then resulting mitigation should be restricted to the area of take.
- Funding for implementation and administration of the SEPHCP should be provided by plan participants, not taxpayers.
- Independent advisory committees with annual public meetings should be required, including a Science Advisory Committee and a Citizens Advisory Committee.
- SEPHCP administrator should be an independent non-profit entity, affiliated with but not directly managed by the Permittees.

Outline of Other Necessary Revisions to dHCP/dEIS

GWC and BCV

- Current USFWS recommendation should remain the basis for determining presence-absence for all covered species.
- The SEPHCP should specify minimum design criteria for GCW and the black-capped vireo (BCV).
- A prescriptive management plan for GCW and BCV should be included in the SEPHCP.

- Currently "protected" GCW habitat in the SEPHCP area that is not permanently protected should not contribute to recovery.
- GCW and BCV Preservation Credits should be increased to a minimum of $10,000/acre.
- An adequate funding model to sustain management should be a guaranteed component of preserve acquisitions.

Karst Invertebrates

- Actual surface and subsurface drainage basins should be carefully estimated for very large karst features, so that the plan-prescribed 750-foot distance for OCZ B is extended as necessary to fully protect the most valuable features.
- Prior to all Karst Faunal Regions (KFRs) for a given species being certified as down-listed to assure regional recovery, no covered activities for a given species should be allowed within the OCZ.
- Due to the need for more research on the distribution, taxonomy, and status of covered species, the investigation of any accidently discovered karst features (caves and voids) should continue to be required until all listed species in all KFRs in the SEPHCP region achieve verified USFWS down-listing.
- Low-quality preserves should not be accepted in lieu of per acre participation fees, unless such land donations include a guaranteed management endowment
- Karst participation fees should be increased due to the high biological concern and high land values (conservation cost) in Bexar County.

Plan Structure and Administration

- Surveys, reviews, and reports for assessing baseline conditions and for management planning should occur more frequently.
- Program descriptions and acceptable guidelines for the voluntary conservation of Category 3 species should be included in the SEPHCP.
- The mitigation process for indirect and offsite impacts needs to be included in the SEPHCP.

Review of Recent (2010-2014) Research

Several dozen research papers (2010-2014) were ignored in the current SEPHCP documents. Approximately two dozen of these papers, which are most pertinent to the proposed conservation plans for BCV and GCW, are discussed below.

Effective Population Size

For both BCV and GCW, recent peer-reviewed research points to a highly significant decrease in the effective population size. This population metric may be defined as the number of breeding individuals that is sufficient to maintain within-species genetic diversity within a population. Effective population size is usually less than the census population size. However, in the case of these two endangered songbirds, the effective population size is unusually small compared to the census population size. Expansive genetic studies are required to accurately measure the effective population size for these species. In any case, population targets for BCV and GWC used in the SEPHCP documents are very likely less than required for long-term sustainability, and should be revised based on additional research.

While analyzing current and historical specimens of BCV, Athrey et al. (2012) found current genetic diversity to be significantly lower and more divergent among current populations. They attribute this to habitat fragmentation beginning in the early 1900s, which caused a great reduction in the effective population size.

Similar to BCV, Athrey et al. (2011) documented a rapid decrease in genetic diversity and a corresponding increase in genetic divergence among GCW populations over a 100-year period. They conclude that all populations that they studied have low effective sizes. Duarte et al. (2013) also found present-day carrying capacities reduced for GCW, due to fragmentation as total GCW breeding habitat was reduced by 29% between 1999-2011 and 2010-2011.

Reproductive Habitat Metrics

BCV Reproduction:

Recent research indicates that the current SEPHCP documents rely too heavily on outdated vegetation metrics, when assessing potential breeding habitat for BCV and GCW. For example, the conventional approach envisioned BCV as dependent on successional shrub vegetation with 30-60% woody cover and high edge density (Bailey and Thompson 2007). BCV nest habitat was considered enhanced with dense deciduous shrub cover below two meters in height (Bailey and Thompson 2007).

However, the latest research shows that this focus on vegetation control during BVI management does not augment reproduction in a significant number of areas, unless cowbird trapping is a continuous component of management (Campomizzi et al. 2013). These researchers found that the daily survival rate of BCV nests depended on cowbird trapping, but was unrelated to vegetation parameters. The research results of Wilsey et al. (2013) expand upon the primary importance of an unending program of active management, including after recovery goals are met, with a focus on cowbird trapping, but also including habitat enhancement and artificial recruitment to increase genetic diversity.

Other updated research shows that shrubland is not the only significant habitat for successful BCV reproduction. Dittmar et al. (2014) captured dispersing juvenile BCV at equivalent rates in shrubland and riparian forest. In fact, juveniles preferred riparian vegetation over most other habitats, and stayed longer in this type that exhibited increased canopy, denser vegetation, and greater arthropod biomass, relative to other habitats. Juveniles appear to select riparian habitats due to expanded cover and prey resource (Dittmar et al. 2014). These findings are strongly supported by Pope et al. (2013), who measured no statistical difference in BCV nest loss and reproductive success between scrubland and woodland. The parasitism rate, the sole variable to impact nest survival, was twice as large in shrubland compared to woodland (Pope et al. 2013).

These new data reveal the need for a fundamental change in the BCV conservation plan promoted by the draft SEPHCP documents. In addition to sustained cowbird trapping, the plan

should protect both shrubland and woodland, especially riparian woodland near nest sites. The current SEPHCP places too much emphasis on BCV breeding habitat in shrubland, to the detriment of woodlands equally or even more important to breeding and juvenile BCV.

GCW Reproduction:

Unlike BCV that prefers successional habitat with a high amount of edge, GCW is an old-growth obligate species, which requires relatively large patches of mature closed-canopy woodland. The importance of large patches of mature woodland to GCW is indicated by reduced patch occupancy in the northern portion of the GCW breeding range, where large patches are less common (Collier et al. 2012). Butcher et al. (2010) determined the minimum patch size for effective GCW reproduction to be 15.0-20.1 ha. However, this research found GCW to have no patch size requirements for occupancy, male territories, or pair formation. In this manner, SEPHCP conservation activities for GCW that are based on patch-size thresholds for occupancy and territory may not relate to reproductive success.

In addition to patch size, GCW breeding habitat differs from that of BCV in that GCW breeding habitat is more adversely impacted by human disturbance. Davis et al. (2010) found male GCW territories to be more than 50 % larger (2.2 ha) in mountain biking areas compared to non-biking areas (1.4 ha). They also measured that nests in non-biking areas had twice the success rate and only one-third the abandonment rate, compared to biking areas. Physical impacts of biking trails to habitat, including fragmentation, appeared to be the primary stress factor. Therefore, seasonal closure of trails during GCW breeding may not alleviate the chronic degradation of old-growth characteristics important to GCW. In response, preserve management may need to limit biking trails.

Proactive Habitat Delineation

Regional GIS models that predict GCW population densities based vegetation composition and spatial variables increase the efficacy of habitat management and proactive protection at the

landscape scale. The type and percent cover of woodland had significant positive effects on GCW density, while the amount of edge was a negative influence (Peak and Thompson 2013). Conservation efforts should target properties dominated by juniper and juniper-oak woodland with low edge density (Peak and Thompson 2014). Marshall et al. (2013) report an abrupt change in GCW foraging from oaks in April to juniper in May, in response to temporal differences in arthropod density on these substrates.

In order to enforce take permits and guide mitigation activities, and effectively implement the SEPHCP, proactive habitat mapping is essential for GCW, due to its dependence on large contiguous patches that are increasingly uncommon (Collier et al. 2010). Patch size is an important predictor of occupancy. For example, Collier et al. (2010) determined that all patches greater than 160 ha had a 100% chance of occupation. However, Horne et al. (2011) identified distance from the largest patch as often more critical to the maintenance of a GCW metapopulation. These researchers could not distinguish consistent distance and size parameters, and therefore could not develop general guidelines for determining patch value. Therefore, the delineation of potential high-value mitigation sites must be followed by on-the-ground reconnaissance to accurately assess the value of each patch.

Research Needs

The SEPHCP should specify goals and funding for a greatly increased research program to support all covered species. In particular, recent peer-reviewed papers call for issue-oriented research to fill critical information gaps in regard to GCW conservation. Horne et al. (2011) focus on three important research needs: (1) quantifying patch metrics that sustain reproduction, (2) habitat mapping to identify distinct local populations that may help restore genetic diversity, and (3) juvenile dispersal processes. Similarly, Duarte et al. (2013) emphasize the need to quantify dispersal rates and distances, in order to measure and promote genetic exchange among progressively more disconnected fragments of GCW breeding habitat.

Another important area of research should be the improvement of monitoring techniques. For example, Collier et al. (2013) document spatial differences in the accuracy of GCW detection,

including detection errors related to distance. For both GCW and BCV, they found errors in density measurements, in that areas with increased chance of occupancy have larger density estimates. Warren et al. (2013b) also found the underestimation of GCW density to increase as actual density increased. Related to this detection bias, they found that individual male GCWs accelerated singing as overall abundance increased, so that detections were not independent. Other current researchers, such as Hunt et al. (2012), find that the commonly used point-count measures of density are consistently higher than territory counts determined by standard mapping techniques. In this manner, increased research should be directed toward (1) methods used to measure abundance and (2) the nonrandom spatial bias in detection.

Golden-Cheeked Warbler (GCW) and Black-Capped Vireo (BCV)

Mitigation Ratio and Proximity:

The dHCP/dEIS documents ignore key aspects of the Biological Assessment Team's (BAT) recommendations after the BAT's almost two years of intensive effort (2010-2011). Some of the most important differences relate to GCW mitigation.

The dHCP defines GCW/BCV take as either direct or indirect (p. 39, dHCP). Direct take consists of the impacted acreage of suitable GCW/BCV habitat within the boundaries of a plan-enrolled property, as long as this habitat is not within a plan-protected karst area: Occupied Cave Zone (OCZ) or Critical Habitat (CH). Impact to suitable GCW/BCV habitat within an OCZ and a CH is defined as indirect, since avoidance of the related karst feature is already required. Impact to suitable GCW/BCV habitat outside but within 300 feet the enrolled property boundary is also defined as indirect.

Proposed GCW/BCV mitigation ratios in the dHCP are 2:1 and 0.5:1 (acres of protected habitat for each acre of habitat impacted) for direct and indirect impacts, respectively (p. 40, dHCP). All GCW/BCV take is within the jurisdictions of Bexar County and San Antonio. However, mitigation is now generally allowed anywhere within the 7-county Plan Area. This will lead to

the continued loss of GCW and BCV habitat in the San Antonio area, due to the absence of local mitigation due to the area's higher land prices and increased development.

The 11/17/10 BAT-approved recommendation was that direct GCW take in Bexar Count be mitigated at a ratio of 3:1, with not less than 60% of resulting mitigation occurring within Bexar County or five miles of Bexar County. These two key BAT recommendations derive from the high amount of loss in the county that causes a severe threat there relative to the other six rural counties in the Plan Area. Preferential mitigation in Bexar County also protects the mission of Camp Bullis and the other significant conservation reserves in the county, which are important to both the species and the community.

The BAT's 6/9/11 response to the first draft of SEPHCP listed 11 top concerns, and singled out the dHCP's lack of mitigation close as possible to the habitat impact area as a particularly "egregious error." As further discussed in the BAT's 3/21/11 response to the CAC, the lack of GCW/BCV preserve establishment in the impact area is expected to increase both the loss and the isolation of habitat. In this manner, it is distinctly possible that existing protected habitat in Bexar County at Camp Bullis and city reserves will be severely degraded. To counter unexpected habitat destruction due to stochastic events such as fire, one of the most basic tenets of conservation dictates that habitat within the larger landscape be continuous and adjacent to permitted take.

The Increased Mitigation Alternative (p. ES-v, dEIS) follows the above BAT recommendation. However, due to all take now occurring in or immediately adjacent to Bexar County, both GCW and BVI mitigation should be changed to occur only in Bexar County until other counties sign on as true participants (take <u>and</u> mitigation). In this manner, the Single-County Alternative now may be most appropriate, until other counties agree to participate (i.e., mitigate close to take).

Incidental Take:

Three of the four alternatives in the dEIS would authorize the incidental taking of 9,371 acres of GCW habitat, 2,640 acres of BCV habitat, and 21,086 acres within of Karst Zones 1-4. All of

this proposed take would take place within five miles of Bexar County, though no mitigation is required in or near Bexar County. As included in the BAT's 6/9/11 response to the SEPHCP, this scenario results in insignificant or no long-term conservation value of the dHCP for the endangered songbirds. Rapid urbanization that is unmitigated in Bexar County will likely prevent regional GCW recovery, possibly resulting in a jeopardy determination and possible federal court injunctions preventing all future construction and development.

Due to the relatively small amount and likely disjunct location of the proposed mitigation, the authorized amount of incidental GCW/BCV take should be significantly reduced. GCW take should not exceed 7,500 acres, unless the 6 counties not currently participating come into the plan. The reduction in requested take is necessary because otherwise all the take currently happens in or within five miles of Bexar County.

Abbreviated Presence-Absence Surveys

The proposal for one year of GCW surveys, to determine presence-absence and therefore mitigation requirements, is significantly less effort than the current USFWS recommendation of three years of surveys. Due to seasonal and annual variations in precipitation, vegetation, and other important habitat variables, the current USFWS recommendation should remain the basis for determining presence-absence.

No deviation from the standard USFWS 3-year requirement should be allowed when determining either GCW or BCV absence. In fact, none of the dHCP proposals should be allowed, which exclude Project Areas from mitigation based on abbreviated presence-absence surveys for covered species. Such surveys, which if allowed would likely become the common approach, deviate from standard USFWS Protocol, and may jeopardize the repeatability and validity of mitigation determinations. Abbreviated presence-absence surveys for covered species are biologically unacceptable, and current USFWS recommendations should be required in every instance.

GCW/BCV Preserve Design Criteria

The dHCP should include minimum preserve design criteria for all covered species. The Balcones Canyonlands Preserve HCP and FEIS (BCP-HCP/FEIS; City of Austin and Travis County, Texas; 1996) provides guidelines, which are applicable to the dHCP. Though most directly applicable to preserve design for GCW, these minimum preserve requirements may be scaled down to address similar design criteria for BCV preserves.

The BCP-HCP includes preserve clusters arranged as ten macrosites, with macrosites varying widely in size up to 103,500 acres. Minimum preserve requirements vary from macrosite to macrosite, and for each preserve within a given macrosite. However, these requirements are generally consistent and may be summarized as follows:

Preserve Size: The minimum number of contiguous acres per preserve unit ranges from 3,000 to 7,700 acres.

Edge to Area Ratio: The edge to area ratio is the most consistent requirement of the BCP-HCP/FEIS, and for most macrosites (Bull Creek, Cypress Creek, North Lake Austin, South Lake Austin, and Barton Creek) no more than 20% of the minimum preserve area can be within 300 feet of the preserve perimeter.

Preserve Connectivity: The maximum distance between BCP preserve units within a macrosite is typically 0.50-0.75 miles, though in special circumstances this may extend to 3.5 miles.

Preserve Width: The minimum width of individual preserve units is about one mile (3,000 to 8,000 feet).

The SEP dHCP should specify minimum design criteria for each of the above four metrics.

Other GCW/BCV Issues:

No prescriptive management plan for GCW and BCV is included in the SEP dHCP. This should be an essential requirement of the plan.

Little if any currently "protected" GCW habitat in the SEPHCP area is permanently protected, and therefore should not contribute to recovery. Furthermore, the BAT (11/17/10) recommends that no more than 10% of the GCW conservation credits be generated from public lands that were protected as of November 4, 2010.

The price of GCW and BCV Preservation Credits should be increased to a minimum of $10,000/acre, to be more commensurate with land values in and adjacent to Bexar County and, thus, allow adequate mitigation and meaningful contribution to recovery in this rapidly developing area.

If preserve management funding becomes inadequate, this should be considered a serious breach of permit conditions. Furthermore, outreach, education, and research programs should be emphasized as essential to the long-term success of the SEPHCP, and not jettisoned due to an inadequate funding model.

Karst Invertebrates

Occupied Cave Zones

In the dHCP, the Occupied Cave Zone (OCZ) A will usually include the area (8.5 acres) within 345 feet of the entrance to a karst feature occupied by one or more Covered Karst Invertebrates. OCZ A encompasses the foraging area of cave crickets, which are keystone species for sustaining most karst ecosystems. Extending 345-750 feet (40 acres) from the karst feature is OCZ B, which is intended to protect the surface and subsurface drainage and other resource areas necessary for the long-term maintenance of the karst feature. For very large and therefore extremely important occupied features, the dHCP should be revised so that the actual surface and subsurface drainage basins are carefully estimated and fully protected.

Prior to all Karst Faunal Regions (KFRs) for a given species being certified as down-listed to assure regional recovery, no covered activities for a given species should be allowed within the OCZ. Similarly, due to the lack of adequate data regarding species distributions, genetics, and status, participation limits in the karst program should continue until regional down-listing criteria are met for all covered karst invertebrates.

Newly Discovered Karst Features

Due to the need for more research on the distribution, taxonomy, and status of covered karst invertebrate species, the investigation of any accidently discovered karst features (caves and voids) should continue to be required until all listed species in all KFRs in the SEPHCP region achieve verified USFWS down-listing.

No abbreviated five-day surveys for karst invertebrate should be allowed in lieu of the USFWS-approved 15-day survey period. The proposed shortcut karst-invertebrate surveys of voids discovered during construction are unlikely to accurately assess presence-absence of covered species and may cause harm to the species due to habitat disturbance.

In the plan region, the dHCP focuses the search for new localities of rare karst species within existing conservation (managed) areas. However, as recommended by the BAT (6/9/11), these investigations should require equal priority within urban, suburban, and developing areas, including private lands, in order to determine status and risk factors important to adaptive management and emerging protection needs.

Low-Quality Preserves

Low-quality preserves should not be accepted in lieu of per acre participation fees, unless such land donations include an endowment guaranteed to cover perpetual management expenses. Such an endowment is necessary to minimize adverse financial impact to the acquisition and stewardship of medium and high quality karst preserves. Even when adequately endowed, low-

quality preserves do not have sufficient value and sustainability to be included as a contribution to the current conservation level for a karst species.

Karst Participation Fees

Karst participation fees appear too low considering the high biological concern and high land values (conservation cost) in Bexar County. Also, the dHCP needs to define what happens when multiple projects impact Zones A and/or B of the same occupied cave. A more appropriate fee structure is:

- Karst Zone 1 and 2, but outside Occupied Cave Zone and Critical Habitat Unit: $1000/ac
- Occupied Cave Zone B (redefined as above): $100,000/cave
- Occupied Cave Zone A (redefined as above): $1,000,000/cave

Other Karst Issues

All karst applications within Karst Zones 1-4 should require a complete and certified hydrogeological survey.

For participation in the SEPHCP, medium and high quality karst preserves established by non-SEPHCP entities should have permanent protection transferred to the SEPHCP, in order to be counted as contributing to Conservation Levels for a species.

<u>Plan Structure and Administration</u>

Advisory Committees

The dHCP should specify the administrative framework to receive technical and public input to inform the adaptive management and planning. Due to the significant involvement of affected communities and public funding, independent post-issuance advisory committees with public meetings should be required, including a Science Advisory Committee and a Citizens Advisory Committee. A regular meeting schedule of these scientific and citizen committees should be a

required part of the plan. The purpose of these committees should not be expressly prescribed by the Permittees as described in Section 2.2 of the dHCP (pp. 21-22), but instead should be left open to the discretion of the committees.

Report Frequency for Baseline Conditions and Management Planning

Surveys, reviews, and reports for assessing baseline conditions and for management planning should occur more frequently than proposed in Section 9.0 of the dHCP (p.112), especially early during plan implementation. Decision making needs to be more informed during the first decade. Instead of waiting ten years to begin, baseline conditions and management plans should be first evaluated at five years and ten years, and then as agreed upon by the USFWS, in order to more efficiently achieve adaptive management goals.

Plan Administrator

The SEPHCP administrator should be an independent non-profit entity, affiliated with but not directly managed by either Bexar County or the City of San Antonio. Any plans by the Plan Administrator to outsource program management to a nonprofit or other entity should be detailed in the dHCP.

Category 3 Species

A section is needed that provides program descriptions and acceptable guidelines for the voluntary conservation of Category 3 species, including education, monitoring, outreach, and research. Conservation measures for these species should be specified in the dHCP.

Indirect and Cumulative Impacts

In the dEIS, the assessment of offsite, indirect, and cumulative impacts is cursory, and should be greatly expanded. The SEPHCP appears to offer coverage for incidental take only to activities

inside the enrolled properties. The mitigation process for indirect and offsite impacts needs to be included in the SEPHCP.

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Public Comments Processing
Attn: FWS-R2-ES-2014-0053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

March 16, 2015

RECEIVED
MAR 18 2015
Div. of Policy & Dir. Mgt.

Gentlemen:

SOUTHERN EDWARDS PLATEAU
HABITAT CONSERVATION PLAN
CITY OF SAN ANTONIO AND BEXAR COUNTY
REGIONAL HABITAT CONSERVATION PLAN

I herein submit Resolutions from Bandera County, Blanco County, Kendall County, Kerr County, and Medina County from the year 2011 in which all five counties opposed and requested removal from the Southern Edwards Plateau Habitat Conservation Plan.

I also herein submit Kendall County Resolution No. 03-09-2015

Thank You,
Mike Luckey
110 Walters Rd.
Boerne, TX
78006

ITEM # 4

SPECIAL COMM. COURT MTG.
DATE 12-28-10

RESOLUTION NO. 10-12-28-04

RESOLUTION OF BANDERA COUNTY COMMISSIONER'S COURT OPPOSING THE SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

WHEREAS, Bandera County Commissioner's Court supports private property rights and the ability of individual landowners to use their property, and

WHEREAS, Bexar County and the City of San Antonio are developing an application to submit to the U.S. Fish and Wildlife Service to establish a regional habitat conservation plan known as the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) that includes multiple counties, including Bandera County, and

WHEREAS, Bandera County has not officially agreed to nor has it participated in the development of the SEP-HCP, and

WHEREAS, if implemented, the SEP-HCP could directly affect and impact Bandera County and Bandera County landowners, and

WHEREAS, such impact may have severe or negative economic consequences to Bandera County and its landowners, and

WHEREAS, it is the responsibility of the County Commissioner's Court to protect the health, safety, and welfare of its residents, including Bandera landowners, and

WHEREAS, Bandera County does not intend to participate in nor apply for the SEP-HCP or any other habitat conservation plan in the future and will continuously monitor and oversee any effort on the part of U.S. Fish and Wildlife Service or any other entity attempting to implement this or any similar plan in Bandera County; now

NOW THEREFORE, BE IT RESOLVED, that on this 28th day of December, 2010, Bandera County Commissioner's Court will not support nor participate in the creation of the SEP-HCP and demands that Bandera County be removed from any habitat conservation plan permit application and planning committee and as of this date be removed from any plans that may include the county or any landowners within Bandera County, and

BE IT FURTHER RESOLVED, that any reference to Bandera County participating in the creation of the SEP-HCP shall be removed from in any and all documents, permit applications, and records that may commit Bandera County to this process and that this resolution shall be mailed to all participants of and applicants to the SEP-HCP.

Approved this 28th day of December, 2010.

BANDERA COUNTY COMMISSIONERS COURT

H. BRUCE BLIKER
COMMISSIONER PCT. #1

ROBERT A. HARRIS
COMMISSIONER PCT. #2

RICHARD KEESE
COMMISSIONER PCT. #3

DOUG KING
COMMISSIONER PCT. #4

RICHARD A. EVANS
COUNTY JUDGE

ATTEST:

CANDY WHEELER
COUNTY CLERK

RESOLUTION

WHEREAS, the Blanco County Commissioners Court supports private property rights and the ability of individual landowners to use their property, and

WHEREAS, Bexar County and the City of San Antonio are developing an application to submit to the U.S. Fish and Wildlife Service to establish a regional habitat conservation plan known as the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) that includes multiple counties, including Blanco County, and

WHEREAS, Blanco County has not officially agreed to nor has it participated in the development of the SEP-HCP, and

WHEREAS, if implemented, the SEP-HCP could directly affect and impact Blanco County and Blanco County landowners, and

WHEREAS, such impact may have severe or negative economic consequences to Blanco County and its landowners, and

WHEREAS, it is the responsibility of the County Commissioners Court to protect the health, safety, and welfare of its residents, including Blanco County landowners, and

WHEREAS, Blanco County does not intend to participate in nor apply for the SEP-HCP or any other habitat conservation plan in the future and will continuously monitor and oversee any effort on the part of the U.S. Fish and Wildlife Service or any other entity attempting to implement this or any similar plan in Blanco County.

NOW THEREFORE BE IT RESOLVED that the Blanco County Commissioners Court will not support nor participate in the creation of the SEP-HCP and demands that Blanco County be removed from any habitat conservation plan permit application and planning committee and as of this date be removed from any plans that may include the County of any landowners within Blanco County, and

BE IT FURTHER RESOLVED, that any reference to Blanco County participating in the creation of the SEP-HCP shall be removed from any and all documents, permit applications, and records that may commit Blanco County to this process.

PASSED, SIGNED AND APPROVED THIS 22nd **day of** February, **2011.**

BILL GUTHRIE, COUNTY JUDGE

John Wood
Commissioner, Precinct 1

Chris Liesmann
Commissioner, Precinct 3

James Sultemeier
Commissioner, Precinct 2

Paul Granberg
Commissioner, Precinct 4

ATTEST:

Karen Newman, County Clerk

STATE OF TEXAS
KENDALL COUNTY

KENDALL COUNTY RESOLUTION NO. 02-28-2011A

RESOLUTION CONCERNING THE PROPOSED SOUTHERN EDWARDS PLATEAU – HABITAT CONSERVATION PLAN

WHEREAS, THE KENDALL COUNTY COMMISSIONERS COURT IS COMMITTED TO PROTECTING PRIVATE PROPERTY RIGHTS AND THE ABILITY OF INDIVIDUAL LANDOWNERS TO USE THEIR PROPERTY, AND

WHEREAS, IT IS THE RESPONSIBILITY OF THE KENDALL COUNTY COMMISSIONERS COURT TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF ITS RESIDENTS, AND

WHEREAS, THE CITY OF SAN ANTONIO AND BEXAR COUNTY TOGETHER WITH OTHER ENTITIES, ARE INVOLVED IN PREPARING A HABITAT CONSERVATION PLAN IDENTIFIED AS THE SOUTHERN EDWARDS PLATEAU – HABITAT CONSERVATION PLAN (SEP-HCP) TO SUBMIT TO USF&WS; AND

WHEREAS, KENDALL COUNTY HAS NOT OFFICIALLY AGREED TO NOR HAS IT PARTICIPATED IN THE DEVELOPMENT OF THE SEP-HCP, AND

WHEREAS, IF IMPLEMENTED, THE SEP-HCP MAY HAVE AN ADVERSE IMPACT ON KENDALL COUNTY AND ITS LANDOWNERS, AND

WHEREAS, THE KENDALL COUNTY COMMISSIONERS COURT DOES NOT SEE THE NEED FOR A HABITAT CONSERVATION PLAN COVERING KENDALL COUNTY AND WILL NOT APPLY FOR SUCH A PLAN OR JOIN IN THE APPLICATION FOR SUCH A PLAN:

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF KENDALL COUNTY TEXAS, THAT THE COMMISSIONERS COURT WILL NOT SUPPORT NOR PARTICIPATE IN THE CREATION OF THE SOUTHERN EDWARDS PLATEAU – HABITAT CONSERVATION PLAN.

PASSED AND ADOPTED THIS THE 28TH DAY OF FEBRUARY 2011.

Gaylan L. Schroeder, County Judge

Ann E. Reissig, Commissioner Precinct 1

Gene Miertschin, Commissioner Precinct 2

Darrel L. Lux, Commissioner Precinct 3

Kenneth M. Rusch, Commissioner Precinct 4

ATTEST:
Darlene Herrin, County Clerk

#31945

RESOLUTION

RESOLUTION OF KERR COUNTY COMMISSIONERS' COURT SETTING FORTH ITS CONCERNS AND POSITION ON THE PROPOSED SOUTHERN EDWARDS PLATEAU – HABITAT CONSERVATION PLAN (SEP-HCP)

WHEREAS, Individual private property rights are one of the fundamental rights set forth in the Constitution of the United States of America and Kerr County Commissioners' Court has a history of standing up for protecting these property rights and enabling individuals the right to use their property, and

WHEREAS, Bexar County is developing an application to submit to the U. S. Fish and Wildlife Service to establish a regional habitat conservation plan that may include Kerr County , and

WHEREAS, Kerr County Commissioners' Court acknowledges Bexar County may have the need for such a plan and appreciates Bexar County soliciting input from residents of Kerr County.

WHEREAS, The Federal Endangered Species Act and applicable State laws concerning listed and/or threatened species currently exist and apply to property, wildlife and habitat in Kerr County, and

WHEREAS, The SEP-HCP may impact landowners, wildlife, endangered species and habitats in Kerr County, and

WHEREAS, Kerr County Commissioners' Court does not intend to apply for a habitat conservation plan covering Kerr County and does not believe there is a need for such a plan at this time, and

WHEREAS, Kerr County Commissioners' Court understands that the SEP-HCP has not yet been written and therefore the specifics of the plan are unknown, and

WHEREAS, Kerr County Commissioners Court is the local governmental entity that represents the residents of Kerr County and is submitting this resolution to provide input to Bexar County to help guide this decision; now

THEREFORE, BE IT RESOLVED, that on this day, the 13th of December 2010, Kerr County Commissioners' Court does not want to participate in this plan and requests that Kerr County not be included in the SEP-HCP. Should Kerr County, its residents or other entities in Kerr County want to participate in the SEP-HCP such request by Kerr County, its residents, or other entities should be made by resolution or letter to Bexar County.

Approved this 13th day of December, 2010.

PAT TINLEY,
Kerr County Judge

H.A. "BUSTER" BALDWIN,
Commissioner, Precinct 1

Commissioner, Precinct 2

JONATHAN LETZ,
Commissioner, Precinct 3

BRUCE OEHLER,
Commissioner, Precinct 4

James E. Barden
County Judge

Richard Saathoff
Commissioner Precinct No. 1

Larry Sittre
Commissioner Precinct No. 2

David Lynch
Commissioner Precinct No. 3

Jerry Beck
Commissioner Precinct No. 4

Medina County Commissioners Court

1100 16TH Street
Room 101
Hondo, Texas 78861
(830) 741-6020
(830) 741-6025 Fax

RESOLUTION OPPOSING THE SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

WHEREAS, Medina County Commissioners Court supports private property rights and ability of individual landowners to use their property, and

WHEREAS, Bexar County and the City of San Antonio apparently are developing an application to submit to the U.S. Fish and Wildlife Service to establish a regional habitat conservation Plan (SEP-HCP) that includes multiple counties, including Medina County, and

WHEREAS, Medina County has not agreed to, nor has it been afforded an opportunity, to participate in the development of the SEP-HCP, and

WHEREAS, if implemented, the SEP-HCP could directly affect and impact Medina County and Medina County citizens, and

WHEREAS, such impact may have severe or negative economic consequences to Medina County and its citizens, and

WHEREAS, it is the responsibility of the County Commissioners Court to protect the health, safety and welfare of its residents, including Medina County landowners, and

WHEREAS, this resolution of Medina County Commissioners Court shall not be construed in any way to infringe on the individual property owners' right to use, sell, lease or otherwise manage their land or enter into any contract agreed to by the landowner, and

WHEREAS, Medina County has not been invited to participate in, nor does it intend to apply for the SEP-HCP or any other habitat conservation plan in the future, and will oppose any effort on the part of U.S. Fish and Wildlife Service or any other entity attempting to implement this or any similar plan in Medina County in which it has not participated in developing;

NOW THEREFORE BE IT RESOLVED, that on this 25th day of April, 2011 Medina County Commissioners' Court will not support the creation of the SEP-HCP and demands that Medina County be removed from any habitat conservation plan permit

application and as of this date be removed from any plans that may include the county or any landowners within Medina County, and

BE IT FURTHER RESOLVED, that any reference to Medina County participating in the creation of the SEP-HCP shall be removed from any and all documents, permit applications, and records that may represent Medina County as participating in or endorsing this process and that this resolution shall be mailed to all known participants in and applicants to the SEP-HCP.

Adopted in open general session this 25th day of April, 2011.

County Judge

Commissioner Precinct 1

Commissioner Precinct 2

Commissioner Precinct 3

Commissioner Precinct 4

ATTEST:

Lisa Wernette, County Clerk

STATE OF TEXAS

KENDALL COUNTY

KENDALL COUNTY RESOLUTION NO. 03-09-2015

RESOLUTION OPPOSING PROVISIONS IN THE SOUTHERN EDWARDS PLATEAU - HABITAT CONSERVATION PLAN THAT WOULD AFFECT PRIVATE PROPERTY RIGHTS IN KENDALL COUNTY

WHEREAS, INDIVIDUAL PROPERTY RIGHTS, THE RIGHT OF LAND OWNERS TO USE THEIR PROPERTY IN THE MANNER THAT THE OWNERS DETERMINE IS IN THE BEST INTERESTS OF THE OWNERS, THEIR FAMILY MEMBERS AND HEIRS, IS ONE OF THE FUNDAMENTAL PRINCIPLES UPON WHICH THIS NATION AND STATE ARE FOUNDED; AND

WHEREAS, THE KENDALL COUNTY COMMISSIONERS COURT IS COMMITTED TO PROTECTING PRIVATE PROPERTY RIGHTS; AND

WHEREAS, THE ENDANGERED SPECIES ACT (ESA), ADOPTED BY THE U. S. CONGRESS AND SIGNED INTO LAW IN 1973 IS DIRECTED AT PROTECTING PLANTS AND ANIMALS IDENTIFIED AS BEING "ENDANGERED" OR "THREATENED"; AND

WHEREAS, THE U.S. FISH AND WILDLIFE SERVICE (USF&WS) IS THE FEDERAL AGENCY RESPONSIBLE FOR ADMINISTERING AND ENFORCING THE ESA; AND

WHEREAS, AS AMENDED IN 1982, THE ESA PROVIDES FOR HABITAT CONSERVATION PLANS TO BE SUBMITTED TO USF&WS TO ALLOW FOR DEVELOPMENT OF PROPERTY IN ONE AREA BY REQUIRING THE SET ASIDE OF PROPERTY IN ANOTHER AREA; AND

WHEREAS, BECAUSE THE ESA PREVENTS DEVELOPERS FROM DEVELOPING SOME PROPERTY LOCATED IN BEXAR COUNTY, THE CITY OF SAN ANTONIO AND BEXAR COUNTY (APPLICANTS) TOGETHER WITH OTHER ENTITIES, HAVE SUBMITTED A HABITAT CONSERVATION PLAN IDENTIFIED AS THE SOUTHERN EDWARDS PLATEAU-HABITAT CONSERVATION PLAN (SEP-HCP) TO USF&WS PROPOSING THAT REAL PROPERTY BE SET ASIDE IN COUNTIES ADJACENT TO BEXAR COUNTY OUTSIDE THEIR JURISDICTION, INCLUDING KENDALL COUNTY, IN ORDER TO ALLOW DEVELOPMENT IN BEXAR COUNTY; AND

WHEREAS, THE APPLICANTS' AUTHORITY CONCERNING A HABITAT CONSERVATION PLAN IS LIMITED TO THAT AREA WITHIN ITS OWN BOUNDARIES AND CANNOT EXTEND ITS AUTHORITY BEYOND SUCH BOUNDARIES WITHOUT EXPLICIT PERMISSION FROM ANY AFFECTED COUNTIES; AND

WHEREAS, IN 2011, THE COMMISSIONERS COURT OF KENDALL COUNTY ADOPTED A RESOLUTION BY UNANIMOUS VOTE OPTING OUT OF THE SEP-HCP, THEREBY DENYING PERMISSION TO BE INCLUDED IN THE AREA AFFECTED BY THE SEP-HCP; AND

WHEREAS, THE COMMISSIONERS COURT OF KENDALL COUNTY IS NOT OPPOSED TO A LAND OWNER VOLUNTARILY DESIGNATING THEIR LAND AS A CONSERVATION AREA OR HABITAT PROTECTION AREA, BUT THE COURT IS STRONGLY OPPOSED TO ANY PROVISIONS IN THE SEP-HCP THAT WOULD REQUIRE A LAND OWNER TO SET ASIDE PROPERTY AS A HABITAT PROTECTION AREA OR CONSERVATION AREA, OR THAT WOULD AFFECT THE PROPERTY ADJACENT TO AN AREA SET ASIDE AS A HABITAT PROTECTION AREA OR CONSERVATION AREA WITHOUT THAT PROPERTY OWNER'S CONSENT; AND

WHEREAS, AS THE REPRESENTATIVE OF ALL OF THE CITIZENS OWNING PROPERTY IN ALL THE UNINCORPORATED AREAS OF KENDALL COUNTY, THE COMMISSIONERS COURT FINDS AND DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THE COUNTY THAT THOSE ENTITIES INVOLVED IN THE CONSIDERATION OF THE SEP-HCP BE ADVISED OF THE CONCERNS THAT THE CITIZENS AND THE COMMISSIONERS COURT HAVE ABOUT THE SEP-HCP AND ANY IMPACT IT MAY HAVE ON THE PRIVATE PROPERTY RIGHTS OF THE PEOPLE OF KENDALL COUNTY:

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF KENDALL COUNTY, TEXAS, THAT THE COMMISSIONERS COURT OPPOSES, AND WILL NOT SUPPORT, ANY PROVISIONS IN THE SOUTHERN EDWARDS PLATEAU - HABITAT CONSERVATION PLAN THAT WOULD ADVERSELY AFFECT THE PRIVATE PROPERTY RIGHTS OF LAND OWNERS IN KENDALL COUNTY, TEXAS, ESPECIALLY THOSE AREAS IN KENDALL COUNTY WITHIN APPLICANTS' CLAIM OF EXTENDED BOUNDARIES UNDER EXTRA TERRITORIAL JURISDICTION; DEMANDS THAT USF&WS GIVE NO CONSIDERATION TO SUCH PROVISIONS; AND FURTHER REQUESTS THAT USF&WS DENY THE SEP – HCP APPLICATION FOR AN INCIDENTAL TAKE PERMIT ID: FWS-R2-ES-2014-0053 AS PUBLISHED IN THE FEDERAL REGISTER ON DECEMBER 19, 2014.

PASSED AND ADOPTED THIS 9TH DAY OF MARCH 2015.

Darrel L. Lux, County Judge

Mike Fincke, Commissioner Precinct 1

Richard W. Elkins, Commissioner Precinct 2

Tommy Pfeiffer, Commissioner Precinct 3

Royce Steubing, Commissioner Precinct 4

ATTEST:

Darlene Herrin, County Clerk

SINCE I'VE HAD NO CONFIRMATION YOU GOT MY EMAIL COMMENTS, I THOUGHT I BETTER MAIL THEM, TOO:

Myfe White Moore-Rancho Blanco

RECEIVED

FEB 25 2015

Div. of Policy & Dir. Mgt.

To: USFW
Re:FWS-R2-ES-2014-0053
February 3, 2015

My comments to the FWS/ public meeting:

The PUBLIC MEETING in Helotes, Texas was WORTHLESS. It was a classic dog and pony show, not truly interested in feedback and certainly out of touch with reality: GERMAN TRANSLATORS?????? WHO ARE THE LOONATICKS PLANNING THIS EVENT?????? Good grief.

The SEPHCA plan is extremely environmentally damaging, too far reaching (9 species in 7 counties!!!!), mitigation too far away from where the damage was done, and hopelessly out of touch with the landowners and land stewards (German translators???)

1. ALL MITIGATION SHOULD HAPPEN IN THE IMMEDIATE AREA OF TAKE.

2. THIS SEPHCA PLAN IGNORES 70 2010-2015 DOCUMENTS AND SCIENTIFIC PAPERS AT UT-AUSTIN. NONE WERE REFERENCED IN YOUR 2015 SEPHCA PLAN.

3. NO EXISITNG PARKS AND OPEN SPACES ALREADY PROTECTED SHOULD BE USED FOR THIS 2015 SEPHCA PLAN.

4. MINIMUM DESIGN FOR PRESERVES IS NOT ACCEPTABLE.

5. THE OVERSEER OF THE REFUGES IS NOT MENTIONED. WHO WILL OVERSEE AND ENFORCE?

6. INCLUDE THE 2 SPECIES YOU LEFT OFF THE 2011-2014 PLANNED SEPHCA. YOU LEFT THEM OFF THIS PLAN.

RECEIVED
MAR 27 2015
Div. of Policy & Dir. Mgt.

SCENIC LOOP – BOERNE STAGE ALLIANCE

Protecting and Preserving Our Heritage

Member Organizations

Friends of Historic Boerne Stage Road

Greater Edwards Aquifer Alliance (GEAA)

Helotes Heritage Association

Hill Country Planning Association

Old Spanish Trail - 100

The City of Grey Forest

SL-BSA Board
Jennifer Nottingham – President, Treas
Debe Fenstermaker – Vice Pres
Susan Beavin, -Secretary

Advisory Board
Marlene Richardson
Mary Fenstermaker
Elaine Daniel

16 March 2015

Public Comments Processing
Attn: FWS-R2-ES-2014-0053
Division of Policy Directives Mgt.
U.S. Fish & Wildlife Service
4401 N. Fairfax Drive
Arlington, VA 22203

To Whom It May Concern:

Several of our Scenic Loop – Boerne Stage Alliance (SL-BSA) members attended the recent Public Hearing 3 Feb 2015 at 5PM at Casa Helotes in Helotes, TX. Most audience participants were quite disappointed that it really was not a public hearing, where citizens had an opportunity to speak, rather than take a form to complete. It was quite apparent that the primary U.S. Fish & Wildlife representative didn't seem to know those he was introducing, and the current project representative from Bowman Company had to read all of his notes, while we viewed them on the screen. Representatives from Loomis, the previous company in charge of the project, were familiar enough with the details that they rarely even referred to the screen. This doesn't give us much confidence that the current staff in charge really knows and understand this plan.

Many of our SL-BSA members were either stakeholders on the Southern Edwards Plateau Habitat Conservation Plan (SEPHCP), alternates or were regular attendees at all meetings. Several of us attended the majority of the Biological Advisory Team (BAT) meetings, thus knew exactly what their recommendations were to the entire SEPHCP.

Many of the SEPHCP meetings were also attended by representatives from several of Bexar County's contiguous counties involved in the Habitat Plan. It was very apparent at these SEPHCP meetings that the citizens from Kerr County and their Commissioners Court were adamant they did not want to participant in this plan at all. The current Draft Habitat Conservation Plan (dHCP) is in direct conflict with the position taken by Kerr County Commissioners.

The concerns of the Scenic Loop – Boerne Stage Alliance are the same as those of Tom Hayes, ECA and former member of the BAT. They are as follows:

Outline of Necessary Revisions to dHCP/dEIS

Golden Cheek Warbler (GWC) and Black-capped Vireo (BCV)

- Increase GCW mitigation ratio to 3:1 for direct take.
- All take restricted to Bexar County and San Antonio, so resulting mitigation should also be within five miles of Bexar County.
- Current USFWS recommendation should remain the basis for determining presence-absence for all covered species.
- The SEP-HCP should specify minimum design criteria for GCW and BCV.
- A prescriptive management plan for GCW and BCV should be included in the SEP-HCP.
- GCW and BCV Preservation Credits should be increased to a minimum of $10,000/acre.

PO Box 470
Helotes, Texas 78023

SCENIC LOOP – BOERNE STAGE ALLIANCE

Protecting and Preserving Our Heritage

Member Organizations

Friends of Historic Boerne Stage Road

Greater Edwards Aquifer Alliance (GEAA)

Helotes Heritage Association

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Old Spanish Trail - 100

The City of Grey Forest

SL-BSA Board
Jennifer Nottingham – President, Treas
Bebe Fenstermaker – Vice Pres
Susan Beavin, -Secretary

Advisory Board
Marlene Richardson
Mary Fenstermaker
Elaine Daniel

- Currently "protected" GCW habitat in the SEP-HCP area that is not permanently protected should not contribute to recovery.
- An adequate funding model to sustain management should be a guaranteed component of preserve acquisitions.

Karst Invertebrates

- Actual surface and subsurface drainage basins should be carefully estimated for very large karst features, so that the plan-prescribed 750-foot distance for Occupied Cave Zone (OCZ) B is extended as necessary to fully protect the most valuable features.
- Prior to all Karst Faunal Regions (KFRs) for a given species being certified as down-listed to assure regional recovery, no covered activities for a given species should be allowed within the OCZ.
- Due to the need for more research on the distribution, taxonomy, and status of covered species, the investigation of any accidently discovered karst features (caves and voids) such land donations include a guaranteed management endowment
- Karst participation fees should be increased due to the high biological concern and high land values (conservation cost) in Bexar County.

Plan Structure and Administration

- Surveys, reviews, and reports for assessing baseline conditions and for management planning should occur more frequently.
- Independent advisory committees with public meetings should be required, including a Science Advisory Committee and a Citizens Advisory Committee.
- SEP-HCP administrator should be an independent non-profit entity, affiliated with but not directly managed by the Permittees.
- Program descriptions and acceptable guidelines for the voluntary conservation of Category 3 species should be included in the SEP-HCP.
- The mitigation process for indirect and offsite impacts needs to be included in the SEP-HCP.

Members of the Scenic Loop – Boerne Stage Alliance would appreciate your consideration of these comments and their inclusion in your final document of the SEPHCP.

Sincerely,

Jennifer Nottingham

Bebe Fenstermaker

Marlene Richardson

Susan Beavin

Mary Fenstermaker

Cc:Dr. Benjamin Tuggle

PO Box 470
Helotes, Texas 78023

From: Jennifer Nottingham Date: Wed, Mar 18, 2015 at 8:56 AM Subject: SEP_HCP To: Jennifer Nottingham I was a member of the CAC. We were released in 2011 when we could not come to a consensus. As far as I know, the CAC was never contacted regarding the 2014 version of the SEPHCP. I am writing today to let you know the new mitigation areas are wrong (we should be mitigating in Bexar County) and that the developers should be paying (not the taxpayers). Citizens should also have the comment period be extended and a real public hearing (public hearing means citizens ask questions and get answers). Thank you for your time and for whatever you can do to help resolve these matters, Jennifer (Jen) Nottingham Citizen 2106951554 #2 jennottingham@satx.rr.com

ATTN:FWS - R2 - ES - 2014 - 0053
Division of Policy and Directives Management
U. S. Fish and Wildlife Service
4401 N. Fairfax Drive
MS 2042 - PDM; Arlington, Virginia

RECEIVED
MAR 18 2015
Div. of Policy & Dir. Mgt.

Why do I, as person, who has tried to be a good steward of my 500 acres in Kendall County for the past 27 years, need help from government bureaucrats? They know nothing about my land, my grazing programs, all the details, the flora and fauna of my acreage. It appears this is just another government over reach, which violates my property rights.

Under no circumstances, have I looked to the government for help running the stock on my ranch. On the contrary, the proposed regulations are attempting to solve a problem that doesn't exist. All it does is attempt to violate the freedom that I, as a citizen of these United States, are guaranteed under the U. S. Constitution.

Please record this letter as demanding the "NO ACTION ALTERNATIVE" which is not to implement this regional habitat conservation plan.

This proposed action is another example of political land grab that benefits the city of San Antonio at the expense of surrounding counties and citizens.

Girard Pfeil
P.O. Box 459
Kendalia, Texas 78027

March 2, 2015

RECEIVED

FEB 11 2015

Div. of Policy & Dir. Mgt.

Public Comments Processing
Attn: FWS-R2-ES-2014-0053
Division of Policy Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive
MS 2042-PDM
Arlington, VA 22203

No Action Alternative-Last evening I attended a Public Meeting in Kerrville, TX concerning Draft Southern Edwards Plateau Habitat Conversation Plan Environmental Impact Statement. After being told that no questions could be asked in a public town hall format and after hearing a very brief presentation that raised more questions than it gave answers, I am requesting that no action be taken on moving forward with this project. I should point out that the members of the public refused to comply with the intended format. The following are my reasons for opposition:

San Antonio and Bexar County are fronting for their developer friends- The two public entities were using the U.S. Fish and Wildlife Service and the Endangered Species Act to further cronyism with the developers. If the developers want to develop in north Bexar and the ETG for San Antonio, then let them apply for a permit in the normal way and hold public hearings in Bexar County on a case-by-case basis. If that is too much trouble, maybe the developers should consider building on the South side of San Antonio. This is a perfect example of liberal Democrats wanting to tell others what is good for them and requiring them to submit to Federal regulations, but not wanting the regulations to apply to them and their favorite contributors.

Stay out of the business of the Hill Country Counties-The Hill Country Counties have been saying **no to assisting San Antonio and Bexar County in any way since 2011. What about no do you not understand?** We simply want to be left alone and be in charge of our own development and water resources, which is what is really at stake.

Developers' long-term plan is to get control of the land at Camp Bullis and the surrounding property-The prime area for the Edwards Aquifer Re-charge Zone is Camp Bullis. Also, if they keep on a future BRAC Commission will close the base and Fort Sam Houston with it. That is where they are headed. Then they will cry we don't have enough water so we want to get more from the Hill Country.

Jerry Pierce
3190 Mickle Creek Road
Medina, Texas 78055
jpierce@hctc.net

SOUTHERN EDWARDS PLATEAU
HABITAT CONSERVATION PLAN

comments & questions

Let us know what you think!
We are developing the SEP-HCP for the benefit of the regional south central Texas community, and your input helps let us understand the issues that are important to you. All written comments, suggestions, or questions about the SEP-HCP or the planning process are welcome.

Please send your thoughts via email, fax, or U.S. mail to an address on the left.

You may also post a public comment in the box below. *Posted comments may be moderated for inappropriate content.*

Thank You!

sep-hcp consultant team

BOWMAN CONSULTING GROUP, LTD.
Mrs. Jennifer Blair
Senior Biologist
3101 Bee Cave Road, Suite 100
Austin, TX 78746
E-mail: info@sephcp.com
FAX: 512-327-4062

sep-hcp primary partners

BEXAR COUNTY INFRASTRUCTURE SERVICES DEPARTMENT
Mr. Andrew Winter
Environmental Engineer, Project Manager
233 N. Pecos, Suite 420
San Antonio, TX 78207
E-mail: awinter@bexar.org
FAX: 210-335-6713

Comments

Name

Enter your comment here

Comment by Html Comment Box

(2 days ago) **Anonymous** said:

obatparuparubasah.utamakansehat.com/obat-kista-rahim
obatkatarak.utamakansehat.com/obat-herbal-infeksi-mata
obatkelenjargetahbening.utamakansehat.com/obat-paru-paru-kotor
obatflekparuparu.utamakansehat.com/penyebab-dan-gejala-flek-paru-paru
obatflekparuparu.utamakansehat.com/ciri-ciri-penyakit-flek-paru-paru
obatamandel.utamakansehat.com/pengobatan-amandel-tanpa-operasi
obatamandel.utamakansehat.com/obat-demam-kelenjar
obatkolesterol.utamakansehat.com/obat-flu-tulang
obatbatuginjal.utamakansehat.com
obatgagalginjal.utamakansehat.com
obatherpes.utamakansehat.com
obattumor.utamakansehat.com

(Feb 18, 2015) **Mr and Mrs Jim Foster** said:

On February 11, a meeting was held in Kerville for discussion of the conservation plan that did not include Kerr county. That is illogical.
We attended and it was obvious from the start that deception was in order. No microphone was present. Comments were to be made quietly in a corner, but a county judge pointed out that for a public meeting to be legal comments could be made.

It is difficult to agree with government employees (whom our taxes support) that we would be willing sellers of our land to developers in San Antonio. Our goal is to continue to develop and produce on the land as our family have before us. Little sense is applied to the intrusive ESA which has a real goal of a real TAKING of personal property by means of a scam. Conservation Easements are definitely allowing the property owner to pay taxes with permission from the government as to how it can be used. Permits and fees only fund abuse from the federal government.

Several years ago 7 counties expressed that they were not interested in participating in the SEPCHP, yet in Kerrvile materials passed out showed they were in the plan. Citizens have a clear understanding that "voluntary" is a word that has been misused.

The attendants were not treated with dignity, but with disrespect. We were told comments could be made to a recorder in the corner. A county judge reminded the leader that for the meeting to be a legal public meeting we could speak out and we did.

The Service could work with voluntary land owners to have a success protecting endangered species. Instead the federal government has worked against land owners who only want to produce from the land for the benefit of the people and making a decent living.

(Feb 18, 2015) **Anonymous** said:

test

(Feb 10, 2015) **Anonymous** said:

obatkolesterol.utamakansehat.com
obatgondok.utamakansehat.com
obatamandel.utamakansehat.com
obatpenyakitosteoporosis.utamakansehat.com
caramengobatimiom.utamakansehat.com
obatherbalamandel.utamakansehat.com
obatherbalwasir.utamakansehat.com

(Feb 10, 2015) **Anonymous** said:

obatkelenjargetahbening.utamakansehat.com
obatinsomnia.utamakansehat.com
obatglaukoma.utamakansehat.com
obatpenyakitgula.utamakansehat.com
obatdiabetesbasah.utamakansehat.com
obatkencingmaniskering.utamakansehat.com
obatnyerisendi.utamakansehat.com
obatkencingmanis.utamakansehat.com
obathipertiroid.utamakansehat.com
obatstroke.utamakansehat.com
obattbckelenjar.utamakansehat.com
obatinfeksipayudara.blogspot.com/2015/01/obat-bronchitis.html
obatradangjantung.blogspot.com/2015/02/obat-asma.html
jualobatdiabetes-acemaxs.blogspot.com/2015/02/obat-demam-berdarah.html
obatinfeksipayudara.blogspot.com/2015/02/obat-gula-basah.html
acemaxs-obatt.blogspot.com/2015/02/obat-jantung-bengkak.html
obathipertiroid.utamakansehat.com/obat-penyakit-angin-duduk
obatstroke.utamakansehat.com/obat-penyakit-gondongan
obattbckelenjar.utamakansehat.com/obat-penyakit-kencing-manis

(Feb 9, 2015) **Anonymous** said:

obatpenyakitjantungkoroner.utamakansehat.com
obatpenyakitwasir.utamakansehat.com
obatpenyakitbronkitis.utamakansehat.com
obatpenyakithernia.utamakansehat.com
obatpenyakitflekparuparu.utamakansehat.com
obatpenyakitususbuntu.utamakansehat.com
obatpenyakithipertiroid.utamakansehat.com
obatpenyakitgagalginjal.utamakansehat.com
obatparuparubasah.utamakansehat.com
obatkatarak.utamakansehat.com
obatkatarak.utamakansehat.com/obat-herbal-infeksi-mata
obattbckelenjar.utamakansehat.com
obatgulabasah.utamakansehat.com
obatdiabeteskering.utamakansehat.com
obatkencingmanisbasah.utamakansehat.com
obatinfeksitelinga.utamakansehat.com
obatflekparuparu.utamakansehat.com/

(Feb 8, 2015) **Anonymous** said:

pengobatanbatuginjal.utamakansehat.com
pengobatanwasir.utamakansehat.com
obatkolesteroltinggi.utamakansehat.com
obatradangsendi.utamakansehat.com
obatbenjolandipayudara.utamakansehat.com

(Feb 3, 2015) **Randy Johnson** said:

Andy, If the permit is for 30 years what happens after 30 years? Is there a minimum amount of acres that can be put in the easement?
Thanks,
Randy Johnson

(Jan 29, 2015) **Anonymous** said:

goo.gl/4V6m3E
goo.gl/9ScIzL
goo.gl/a3p6RJ
goo.gl/JKV6oq
goo.gl/qm1Wcd
goo.gl/CP2kL3
goo.gl/pEmRkj
goo.gl/FB5bD4
goo.gl/GtyIol
goo.gl/0Kqlv7
goo.gl/58fek2
goo.gl/S8kfq9
goo.gl/oozxr9
goo.gl/IVpwXp
goo.gl/6GCcTI
goo.gl/3L1CZ3
goo.gl/Jp2ilH
goo.gl/QekaNH
goo.gl/va2qKx
goo.gl/J8OrGK

(Jan 28, 2015) **Anonymous** said:

goo.gl/5mbkoO
goo.gl/YZ3xSj
goo.gl/oLvv4T
goo.gl/1V4fXq
goo.gl/P6yq8H
goo.gl/oVP078
goo.gl/cCzOup
goo.gl/qPBDnu
goo.gl/zqIGes
goo.gl/CctKCv
goo.gl/IA4RBY
goo.gl/on1ONH
goo.gl/9uQUB6
goo.gl/fLrNqz
goo.gl/oQVVEK
goo.gl/qGMyfH
goo.gl/bm1deV
goo.gl/XV5ntP
goo.gl/nqZMKP
goo.gl/LxEMss
goo.gl/Xu1iCL
goo.gl/ZotZzo
goo.gl/qFhSmY
goo.gl/w4AwG7
goo.gl/E9tT1U
goo.gl/vyHgoj
goo.gl/3Uqehl

(Showing 1 to 10)

Bowman Consulting © 2015 / Updated September 2, 2014

STATE OF TEXAS

KENDALL COUNTY

KENDALL COUNTY RESOLUTION NO. 03-09-2015

RESOLUTION OPPOSING PROVISIONS IN THE SOUTHERN EDWARDS PLATEAU - HABITAT CONSERVATION PLAN THAT WOULD AFFECT PRIVATE PROPERTY RIGHTS IN KENDALL COUNTY

WHEREAS, INDIVIDUAL PROPERTY RIGHTS, THE RIGHT OF LAND OWNERS TO USE THEIR PROPERTY IN THE MANNER THAT THE OWNERS DETERMINE IS IN THE BEST INTERESTS OF THE OWNERS, THEIR FAMILY MEMBERS AND HEIRS, IS ONE OF THE FUNDAMENTAL PRINCIPLES UPON WHICH THIS NATION AND STATE ARE FOUNDED; AND

WHEREAS, THE KENDALL COUNTY COMMISSIONERS COURT IS COMMITTED TO PROTECTING PRIVATE PROPERTY RIGHTS; AND

WHEREAS, THE ENDANGERED SPECIES ACT (ESA), ADOPTED BY THE U. S. CONGRESS AND SIGNED INTO LAW IN 1973 IS DIRECTED AT PROTECTING PLANTS AND ANIMALS IDENTIFIED AS BEING "ENDANGERED" OR "THREATENED"; AND

WHEREAS, THE U.S. FISH AND WILDLIFE SERVICE (USF&WS) IS THE FEDERAL AGENCY RESPONSIBLE FOR ADMINISTERING AND ENFORCING THE ESA; AND

WHEREAS, AS AMENDED IN 1982, THE ESA PROVIDES FOR HABITAT CONSERVATION PLANS TO BE SUBMITTED TO USF&WS TO ALLOW FOR DEVELOPMENT OF PROPERTY IN ONE AREA BY REQUIRING THE SET ASIDE OF PROPERTY IN ANOTHER AREA; AND

WHEREAS, BECAUSE THE ESA PREVENTS DEVELOPERS FROM DEVELOPING SOME PROPERTY LOCATED IN BEXAR COUNTY, THE CITY OF SAN ANTONIO AND BEXAR COUNTY (APPLICANTS) TOGETHER WITH OTHER ENTITIES, HAVE SUBMITTED A HABITAT CONSERVATION PLAN IDENTIFIED AS THE SOUTHERN EDWARDS PLATEAU-HABITAT CONSERVATION PLAN (SEP-HCP) TO USF&WS PROPOSING THAT REAL PROPERTY BE SET ASIDE IN COUNTIES ADJACENT TO BEXAR COUNTY OUTSIDE THEIR JURISDICTION, INCLUDING KENDALL COUNTY, IN ORDER TO ALLOW DEVELOPMENT IN BEXAR COUNTY; AND

WHEREAS, THE APPLICANTS' AUTHORITY CONCERNING A HABITAT CONSERVATION PLAN IS LIMITED TO THAT AREA WITHIN ITS OWN BOUNDARIES AND CANNOT EXTEND ITS AUTHORITY BEYOND SUCH BOUNDARIES WITHOUT EXPLICIT PERMISSION FROM ANY AFFECTED COUNTIES; AND

WHEREAS, IN 2011, THE COMMISSIONERS COURT OF KENDALL COUNTY ADOPTED A RESOLUTION BY UNANIMOUS VOTE OPTING OUT OF THE SEP-HCP, THEREBY DENYING PERMISSION TO BE INCLUDED IN THE AREA AFFECTED BY THE SEP-HCP; AND

WHEREAS, THE COMMISSIONERS COURT OF KENDALL COUNTY IS NOT OPPOSED TO A LAND OWNER VOLUNTARILY DESIGNATING THEIR LAND AS A CONSERVATION AREA OR HABITAT PROTECTION AREA, BUT THE COURT IS STRONGLY OPPOSED TO ANY PROVISIONS IN THE SEP-HCP THAT WOULD REQUIRE A LAND OWNER TO SET ASIDE PROPERTY AS A HABITAT PROTECTION AREA OR CONSERVATION AREA, OR THAT WOULD AFFECT THE PROPERTY ADJACENT TO AN AREA SET ASIDE AS A HABITAT PROTECTION AREA OR CONSERVATION AREA WITHOUT THAT PROPERTY OWNER'S CONSENT; AND

WHEREAS, AS THE REPRESENTATIVE OF ALL OF THE CITIZENS OWNING PROPERTY IN ALL THE UNINCORPORATED AREAS OF KENDALL COUNTY, THE COMMISSIONERS COURT FINDS AND DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THE COUNTY THAT THOSE ENTITIES INVOLVED IN THE CONSIDERATION OF THE SEP-HCP BE ADVISED OF THE CONCERNS THAT THE CITIZENS AND THE COMMISSIONERS COURT HAVE ABOUT THE SEP-HCP AND ANY IMPACT IT MAY HAVE ON THE PRIVATE PROPERTY RIGHTS OF THE PEOPLE OF KENDALL COUNTY:

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF KENDALL COUNTY, TEXAS, THAT THE COMMISSIONERS COURT OPPOSES, AND WILL NOT SUPPORT, ANY PROVISIONS IN THE SOUTHERN EDWARDS PLATEAU - HABITAT CONSERVATION PLAN THAT WOULD ADVERSELY AFFECT THE PRIVATE PROPERTY RIGHTS OF LAND OWNERS IN KENDALL COUNTY, TEXAS, ESPECIALLY THOSE AREAS IN KENDALL COUNTY WITHIN APPLICANTS' CLAIM OF EXTENDED BOUNDARIES UNDER EXTRA TERRITORIAL JURISDICTION; DEMANDS THAT USF&WS GIVE NO CONSIDERATION TO SUCH PROVISIONS; AND FURTHER REQUESTS THAT USF&WS DENY THE SEP – HCP APPLICATION FOR AN INCIDENTAL TAKE PERMIT ID: FWS-R2-ES-2014-0053 AS PUBLISHED IN THE FEDERAL REGISTER ON DECEMBER 19, 2014.

PASSED AND ADOPTED THIS 9TH DAY OF MARCH 2015.

Darrel L. Lux, County Judge

Mike Fincke, Commissioner Precinct 1

Richard W. Elkins, Commissioner Precinct 2

Tommy Pfeiffer, Commissioner Precinct 3

Royce Steubing, Commissioner Precinct 4

ATTEST:
Darlene Herrin, County Clerk

Real Edwards Conservation and Reclamation District

P.O. Box 807 • 106 East 4th Street
Camp Wood, TX 78833 • www.recrd.org • info@recrd.org
Phone (830) 597-3322 • Fax (830) 597-3320

Joel Pigg
General Manager

Resolution Against Inclusion Of Real-Edwards

Conservation and Reclamation District In

Southern Edwards Plateau Habitat Conservation Plan

WHEREAS, Bexar County and the City of San Antonio, among other, are applicants under the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP), and

WHEREAS, the permit plan area and/or incidental take permit area for the SEP-HCP includes areas which are not within the geographic boundaries of the applicants under the SEP-HCP, and

WHEREAS, individual property rights are among the fundamental rights of United States Citizens and Real-Edwards Conservation and Reclamation District Board of Directors staunchly supports the protection of private property rights, and

WHEREAS, the SEP-HCP may adversely impact landowners, wildlife, endangered or threatened species and habitats in Real County or Edwards County.

NOW THEREFORE BE IT RESOLVED, that the Real-Edwards Conservation and Reclamation District Board of Directors does not desire, request or intend for Real County or Edwards County to participate in the SEP-HCP, and

BE IT FURTHER RESOLVED, that Real-Edwards Conservation and Reclamation District Board of Directors objects to the inclusion of Real County or Edwards County in the SEP-HCP and/or in any permit plan area and/or incidental take permit area for the SEP-HCP.

ADOPTED THE 10th DAY OF OCTOBER 2012.

Board of Directors

Roland "Tooter" Trees, President
Carl Hyde, Vice President
Richard Sprouse, Secretary/Treasurer

William R. (Bob) Burditt, Director
Stan Cottle, Director
Glen Ivey, Director

Charles Carson, III, Director
Sam A. Epperson, Director
Dub Suttle, Director

Real Edwards Conservation and Reclamation District

P.O. Box 807 • 106 East 4th Street
Camp Wood, TX 78833 • www.recrd.org • info@recrd.org
Phone (830) 597-3322 • Fax (830) 597-3320

Joel Pigg
General Manager

Roland "Tooter" Trees, RECRD Board President

Carl Hyde, RECRD Board Vice President

Absent

Richard Sprouse, RECRD Board Secretary

Charles W. Carson III, RECRD Board Member

Stan Cottle, RECRD Board Member

Sam Epperson, RECRD Board Member

Dub Suttle, RECRD Board Member

William "Bob" Burditt, RECRD Board Member

Absent

Glen Ivey, RECRD Board Member

Joel Pigg, RECRD General Manager

Board of Directors

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Stan Cottle, Director
Glen Ivey, Director

Charles Carson, III, Director
Sam A. Epperson, Director
Dub Suttle, Director

DEPARTMENT OF THE ARMY
CAMP STANLEY STORAGE ACTIVITY, MCAAP
25800 RALPH FAIR ROAD, BOERNE, TX 78015-4800

March 17, 2015

Office of the Staff Judge Advocate

Public Comments Processing, Attn: FWS-R2-ES-2014-0053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service; MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

To whom it may concern,

Thank you for the opportunity to comment on the Southern Edwards Plateau Habitat Conservation Plan (SEPHCP) and draft Environmental Impact Statement (EIS). As a federal agency, we will not be covered by the incidental take of this plan, however, we support the plan because we believe it will provide a streamlined method for management of development around Camp Stanley and Camp Bullis which should improve compliance by nonfederal parties.

We are aware of only a handful of site specific habitat conservation plans and Section 7 consultations ever being done in Bexar County. With tens of thousands of acres of development occurring in the county, it is questionable whether many developers complied with performing endangered species mitigation. We believe development is displacing Golden-cheeked Warbler (GCWA) onto our military installations. Having a streamlined means of complying, as has been the case with a regional HCP in Travis County since 1996, should encourage more developers to comply with the Endangered Species Act. We hope that having a regional HCP will stop the net loss of habitat in the overall area and result in more mitigation being done.

We are concerned that the Biological Advisor Team's (BAT's) recommendation for a specific percentage of GCWA habitat to be obtained within Bexar County is not in the draft plan or EIS. We understand the cost realities over the BAT's figure of 60% may make the plan too expensive to implement, but believe some minimal percentage (such as 30% within Bexar County and 5 miles surrounding) is needed so that it doesn't end up that all the mitigation is done outside of Bexar County. Doing so would leave Camp Stanley and Camp Bullis (and Government Canyon State Natural Area, a few city owned parks and Proposition 1 tracts and a few tracts Camp Bullis helped set up as mitigation properties) as the only remaining GCWA habitat in Bexar County.

Sincerely,

James V. Cannizzo

James V. Cannizzo
Attorney Advisor, Camp Stanley (Army Material Command, AMC) and Retained Army Functions at Fort Sam Houston and Camp Bullis

DEPARTMENT OF THE ARMY
CAMP STANLEY STORAGE ACTIVITY, MCAAP
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Sincerely,

James V. Cannizzo

James V. Cannizzo
Attorney Advisor, Camp Stanley (Army Material Command, AMC) and Retained Army Functions at Fort Sam Houston and Camp Bullis

BCCB
BANDERA CORRIDOR
CONSERVATION BANK

March 19, 2015

Attn: FWS–R2–ES–2014–0053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041–3803

Re: Comments on the Draft Southern Edwards Plateau Habitat Conservation Plan and Draft Environmental Impact Statement

To whom it may concern,

Thank you for the opportunity to comment on the draft Southern Edwards Plateau Habitat Conservation Plan (SEP dHCP) and the associated draft Environmental Impact Statement (dEIS). On behalf of the Bandera Corridor Conservation Bank, Bandera Conservation Corridor LLC stands in support of U.S. Fish and Wildlife's (USFWS) approval and authorization of the proposed permit application.

- In effort to provide greater opportunities for offsets to occur closer to covered impacts, we encourage the Applicant to consider revising the participation fees for the Golden-cheeked Warbler (GCWA) and Black-capped Vireo (BCVI) to more accurately reflect land values of the current real estate market.

- We discourage the Applicant from utilizing previously conserved properties under public programs not specific to the target species, but nonetheless beneficial to those species by means of existing covenants, restrictions, and incidental conservation of habitats. In theory, those public programs would need to seek authorization from USFWS prior to significantly modifying habitats existing on the properties when accepted into the program. We do encourage thoughtful and strategic expansion of the region's conservation portfolio by utilizing those properties as anchor points for creating focal areas and corridors.

The preferred alternative illustrated within the SEP dHCP stands to vastly improve the ability for land owners, developers, utilities, and local/state governmental entities within the Enrollment Area to comply with the Endangered Species Act (ESA). Regional plans such as this one provide avenues to more strategically balance and compensate the cumulative effects of otherwise insignificant individual actions within the broader ecosystem. Given the reality that unauthorized and unmitigated habitat impacts to federally listed species occur on an daily basis in both the Plan Area and the Enrollment Area, perfecting the proposed alternative stands to lose additional time in working to achieve meaningful conservation of the target species.

Sincerely,

Jesse McLean
General Manager

1826 Peaceful Valley Road, Bandera, TX 78003 Phone: (830) 796-7877 Fax: (830) 796-4998 www.banderacorridor.com

March 18, 2015

Public Comments Processing
Attn: FWS-R2-ES-2014-0053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

Ladies & Gentlemen,

The Bexar Audubon Society, representing approximately 2000 members in Bexar and surrounding counties of the city of San Antonio, strongly urges the USFWS to deny the Incidental Take Permit (ITP, TE-45871B-O). The proposed Habitat Conservation Plan proposed by the applicants is seriously flawed procedurally, scientifically, and politically; resulting in irreparable harm to the species and the reputation of the USFWS.

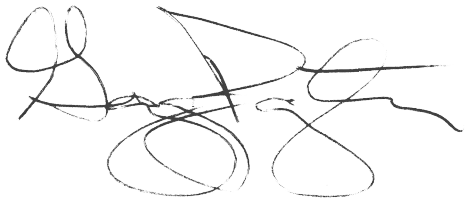
Procedurally, the applicants—the City of San Antonio and Bexar County—have generated a plan behind closed doors and are now seeking to support it with documentation from a very public and scientific planning process that took place from 2008- 2011. To pretend that the document they have submitted for your approval is based on that public or scientific input is pure sleight of hand. The City of San Antonio and Bexar County worked quietly for 3 years (apparently closely with the development industry) and wrote their own Habitat Conservation Plan which they then released during the holidays of late 2014. Bexar Audubon was not contacted during these 3 years of the city and county's process, nor were any of the scientists, advisory and stakeholder groups who participated in the original planning (this includes the Texas Parks & Wildlife Dept., Greater Edwards Aquifer Alliance, the US Army base at Camp Bullis and private landowners). The lack of transparency and stakeholder input alone should justify the denial of the proposed ITP.

Scientifically, the proposed HCP essentially is a roadmap for rapid destruction of any remaining, unprotected Golden-cheeked Warbler habitat in Bexar County. The proposed mitigation ratios are a fraction of what they should be, and the mitigation is almost all to take place outside of Bexar County, ensuring that the military mission of Camp Bullis will be jeopardized by the influx of displaced birds, and the fragile warbler habitat, much of which sits on the Edwards Aquifer Recharge and Contributing Zones, will be destroyed. In addition, the outlying counties don't want our Golden-cheeked Warblers so this current proposal just kicks the can down the road by pushing the problem out of San Antonio City Limits and into rural areas and Camp Bullis. The original HCP, itself a compromise developed out of the public process in 2011, reflected the public input that the mitigation should occur within the governmental entity that the habitat destruction took place.

Politically, the proposed ITP and its HCP represent a long-term policy disaster for the USFWS. It neither protects the wildlife nor the environment. If the Service allows such weak Habitat Conservation Plans for large cities it loses crucial bargaining power to perform its job and sets a dangerous precedent. If USFWS allows a City and County to circumvent good-faith, transparent governance, it encourages more of the same.

The long term health of our community, its wildlife, environment, and people deserve better. We, the birding and outdoor community of San Antonio, want to preserve something of our native wilderness for the future. We should protect and mitigate within our own boundaries and not develop at the expense of our neighbors. This ITP and its HCP should be denied.

Sincerely,



Gregory Pasztor, President

Board of Directors, Bexar Audubon Society

Bexar Audubon Society P.O. Box 6084 San Antonio, Texas 78209-6084

Certified-Return Receipt 7009 2250 0002 8524 5902

March 13, 2015

Public Comments Processing
Attn: FWS-R2-ES-2014-0053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

Gentlemen:

SOUTHERN EDWARDS PLATEAU
ENVIRONMENTAL IMPACT STATEMENT AND
HABITAT CONSERVATION PLAN
CITY OF SAN ANTONIO AND BEXAR COUNTY
REGIONAL HABITAT CONSERVATION PLAN

I herein submit comments related to the captioned documents as set forth in the Federal Register announcement dated December 19, 2014.

The documents as presented to the public have changed in substance considerably since the first draft was submitted in 2011 and the drafts presented for review by the December 19, 2014 notice. The Citizens Action Committee (CAC) and U.S. Fish and Wildlife Service (USFWS) insist on including Kendall, Medina, Kerr, Bandera, and Blanco counties in the Southern Edwards Plateau-Habitat Conservation Plan (SEPHCP) even though citizens of the counties, through their elected representatives (i.e. county commissioners) unanimously passed resolutions to opt out of the habitat conservation plan, and filed these resolutions with the CAC in February 2011.

The development and preparation of the captioned documents was primarily funded by a grant from USFWS to the City of San Antonio and Bexar County under the premise that permitting would be expedited. The people benefiting from expedited permitting would be developers with projects to expand within the City and County. I take exception to having my tax dollars being used to front the permitting for local developers. The use of public funds for private enterprise is unacceptable.

The National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations have specific actions that much be taken in the development of an Environmental Impact Statement (EIS). It seems these regulations were ignored during the conduct of this project.

* No public scoping meetings were held to obtain comments from the public.

* The stakeholders of the project failed to coordinate the project with local officials (i.e. county commissioners).
* The public meetings held to review the 2011 draft did not allow for public discourse in the form of verbal communication. Participants were required to write their questions on paper and a moderator read the questions which were then answered by the project team. Hardly a public meeting.
* The public meetings for the final draft were even more restrictive although the moderator of the meeting quickly lost control. The concept of a public meeting implies to me there be verbal discourse which the USFWS tried to prevent. The attitude of the USFWS moderator at the Kerrville, TX public meeting on February 4, 2015 was anything but friendly. Federal employees need to be reminded they work for the people.
* Only two public meetings were held on final draft EIS and HCP. Kendall County which would be impacted greater than any other county was not included for a meeting site.

Habitats for the Golden-Cheeked Warbler (GCW) and Black Capped Vireo (BCV) were determined by high altitude satellite photography without benefit of field truthing.

No field surveys have been conducted to determine the presence of either species in Bexar County. Appendix C, dated March 30, 2011, provides a literature review of the target species and it is pointed out little field data are available for the HCP Plan region. Two different ranges of potential habitat for the GCW are given for the HCP area; both over 750K acres compared against a potential of over 4 million acres over the range of the GCW.

Section 5.1 of Appendix C notes reliable estimates of valuable habitat for the BCV are generally unavailable; particularly at large scales. Habitat is hard to identify and delineate from aerial imagery. Like the GCW no critical habitat has been designated for the BCV.

While the ESA requires monitoring of a species before inclusion on the endangered list there are few studies reported for the plan area. Appendix C provides estimates on GCW densities in the area. Some field data for breeding pairs of the BCV are available from 2006. The lack of pre listing monitoring data suggests the listing of the species might have been premature. Only seven months elapsed between the emergency listing to final rule for the GCW in 1990. Texas listed the bird as endangered in February 1991. The initial listing of the BCV was December 12, 1986 with the final rule effective November 5, 1987. It was listed by the state of Texas December 28, 1987. The 5-year review summary and evaluation by USFWS recommended the BCV be down listed to threatened in 2007. No action was taken on the recommendation.

The recovery plans for both species are over 20 years old. The absence of any recent field data concerning the presence of either species, their density, nesting activities and residency leaves a lot of questions for debate. Of course we have been reassured field data will be collected when the HCP plan is put into place.

The section on climate change in the dEIS is nothing but political correctness and has no basis in fact. The write up is based on junk science which really sets the tone for the entire dEIS.

The requirement for Conservation Easements to be held in perpetuity was a major issue during the public meetings on the first draft of the HCP. It was deleted from discussion in the final draft. The Incidental Take Permit (ITP) will probably be issued for 30 years. While the property owner has the option of saying yes or no to placing their land in a Conservation Easement the information regarding committing their property in perpetuity should be disclosed early on. This has not been a transparent process.

The revised dEIS relies on the Extra Territorial Jurisdiction for the City of San Antonio to expand its uncontrolled growth into surrounding counties. While previous court rulings have found cities can not conduct their activities outside the county boundaries. However, the City of San Antonio continues to play the "playground bully" by pushing the HCP into surrounding counties. There currently is a lawsuit between Kendall County and the City of San Antonio over this issue.

It is my opinion the documents covered by this public notice are totally inadequate for the purpose of issuing an ITP. I herein request ITP application be denied. I further recommend the USFWS review its responsibilities in carrying out the requirements of NEPA during the conduct of future projects of this nature.

Yours truly,

Alan L. Smith, PhD
PO Box 1000
Comfort, TX 78013
830-995-5500

cc:
Representative Lamar Smith
Senator John Cornyn
Senator Ted Cruz
Mrs. Donna Campbell, Texas State Senate
Mr. Doug Miller, Texas House of Representatives.

Appendix

Summary of Public Comments

Last Name or Organization	First Name	Comment	Response
Elkins	Richard	The intent has been clear from the beginning that the applicants sought to mitigate the impacts of their activities – the "take" of endangered species – onto the surrounding counties. However, the impact to species referred to in the draft SEP-HCP is occurring in Bexar County where they have failed to adequately reserve appropriate mitigation land to offset those impacts. As a result, they have applied to the Service for an Incidental Take Permit and are preparing a "Regional" habitat conservation plan through which they will control the activities to be approved under the permit, in the seven counties.	San Antonio and Bexar County considered the availability and feasibility of providing all of the mitigation in their jurisdictions. However, most, if not all, of the karst mitigation will occur in Bexar County. The Applicants have a goal of providing 7,500 acres of GCWA and BCVI preserves in Bexar County and within 5 miles of the County.
Elkins	Richard	The applicants are unduly placing the burden of providing habitat for their activities on the neighboring counties, therefore transferring the direct impact onto these landowners and restricting the revenue the five counties depend on to provide county services. Under the pretenses that the SEP-HCP would be a voluntary program, the counties named above have been involuntarily included in the permit area for the ITP. This has been done over the official objections by each of the counties as noticed in specific policy resolutions voted and approved by each County Commissioners Court. (Attachment "A") Therefore, by way of this letter, the counties of Medina, Bandera, Kerr, Kendall and Blanco (Counties) officially notice the U.S. Fish and Wildlife Service that the application filed by Bexar County Texas and the City of San Antonio is invalid as it includes in their permit area lands which are not within their jurisdiction and are instead under the authority of the above stated counties which have not given their consent to participate in the plan. Additionally, the Counties demand that they be removed from the permit area in the draft and final version of the SEP-HCP, and that the SEP-HCP so note, as required under the National Environmental Policy Act, that the counties refuse to participate in the plan. The Counties also require that the lands within the five jurisdictions be removed from the conservation area for mitigation and that they instead remain available to mitigate potential impacts within each county as necessary, if approved by each County Commissioner's Court, respectfully. (Attachment "B")	Please see response 2.
Elkins	Richard	Because of this invalid and unauthorized application, we respectfully request that you deny the issuance of an ITP for the seven-county area as published in the Federal Register, April 27, 2011 (FWS-RS-ES-2010-N282;2014-1112-0000-f2).	Please see responses 2 and 6.
Elkins	Richard	Now that the Service has initiated the development of an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) as so noticed in the Federal Register, the agency and applicants must coordinate the study with the five counties in order to comply with federal law. NEPA requires that the environmental study be coordinated with the local governments in order to carry out the policy set forth by the Act (42 USC 4331). Congress defined what it meant by coordination at 43 USC 1712 (c)(9) and the courts have affirmed this duty. As a part of this duty, the Service is required to assure that consideration is given to local plans, assist in resolving inconsistencies between the Federal and non-Federal plans, provide meaningful involvement, and ensure federal plans are consistent with local plans. Congress recognized that the position of local governments must be considered in the federal planning process, and must be weighed above that of the public. As duly elected officials with the responsibility to protect the health, safety and welfare of the public as charged by the State of Texas, the position of the five counties must be coordinated, must be considered, and the inconsistences between the five counties' position and the proposal must be resolved. This duty lies with the Service and any entity so delegated to prepare the EIS or portions of the EIS. NEPA provides specific directions as to how this is to be carried out by the agencies. At 42 USC 4332(E), the Act mandates that the agency shall: *"(E) study, develop, and describe appropriate **alternatives** to recommended courses of action in any proposal which involved **unresolved conflicts** concerning alternative uses of available resources."* (emphasis added)	Regarding the citation to 43 USC § 1712(c)(9), this is not applicable to NEPA or the development of the SEP-HCP or EIS. This statutory reference refers to the Federal Land Policy and Management Act of 1976. This Act is implemented by the Department of the Interior's Bureau of Land Management and refers specifically to the management of public lands. Regarding NEPA 42 USC 4332€ this language refers to "unresolved conflicts," which is referring to "concern[s regarding] alternative uses of available resources," not unresolved conflicts between political bodies. Please also see response 3.
Elkins	Richard	At a minimum, an alternative should be developed and carried forward in the EIS and Draft SEP-HCP, which limits the permit area and mitigation lands to the jurisdiction of the applicants. It should be rigorously studied and include discussion as to the amount of take that can be offset through mitigation of lands within Bexar County as required by 50 CFR 17.22(b)(1)(iii)(B).	The Single-County Alternative analyzed take and mitigation within Bexar County and a 10-mile radius to incorporate the City of San Antonio's projected future growth outside of Bexar County. Please see Chapters 3 and 4 of the EIS for a description of this alternative, the analysis of effects, and why this alternative was not chosen.
Elkins	Richard	It should also include a detailed analysis of the funding mechanisms to insure that the plan can be supported over its anticipated 30-year duration, as required at 50 CFR 12.22(b)(2)(C).	Please see HCP Table 20 for a compilation of revenue sources and estimates for implementing the SEP-HCP. See also Appendix F of the SEP-HCP for a detailed list of where each revenue source is expected to come from.
Elkins	Richard	Such an alternative would not include any portion of the five counties within the permit area nor consider any portion of the land within the five counties as the conservation area to mitigate permitted activities within the applicant's jurisdiction. This is the only alternative that would resolve the conflict with the counties. It should be put forward as the **preferred alternative** by the applicants because it is the only alternative that is valid under the law.	Please see response 1, 2, and 14.
Elkins	Richard	The Council on Environmental Quality (CEQ) regulations provide further direction to the agencies as to how to properly resolve conflicts with local governments positions when preparing and environmental study. First, the agencies are directed to consider the local position early in the process. "Agencies shall integrate the NEPA process with other planning at the earliest possible time… to head off potential conflicts" (40 CFR 1501.2). The applicants have been duly noticed that the surrounding five counties will not be participating in their plan and	The Service received copies of the resolutions passed by the surrounding counties during the public scoping process and, therefore, was aware of the request. Both the draft SEP-HCP (page 1 and Appendix A) and draft EIS (Chapter 2, Appendices C and D) directly referenced

		further, oppose the implementation of the plan in their jurisdictions. This conflict should have already been discussed in the first version of the draft SEP-HCP released in April of this year, as the Service will ultimately be relying on the final document in determining whether to issue the permit. However, no mention of this opposition can be found anywhere in the draft. Because the applicants have refused to acknowledge that the five counties over which they are seeking to gain ITP permit approval have not consented, the alternatives they have analyzed fail to explain how they can effectively enforce the plan without this consent outside their jurisdiction.	the resolutions of the neighboring counties. Please see also responses 2 and 3.
Elkins	Richard	Further, the purpose of the environmental study is to fully inform decision makers as to the human and environmental impacts of the proposal so that such impacts can be properly considered when determining whether or not to approve the project. Because the applicants neglect to address the conflict in their draft SEP-HCP, they have deprived decision makers, namely the Service, and the public of the opportunity to be fully apprised that the five counties have refused to allow the applicants to extend their authority into the jurisdictions of the five counties. This error must be corrected in the Service's Environmental Impact Statement and must be addressed in the Draft SEP-HCP. Moreover, the CEQ regulations very specifically require the applicants to analyze the conflict with the five counties when addressing the environmental consequences of their proposal. No mention is made of the five counties' policies opposing the plan provided to the applicant before publication of its draft document. At the very least, the opposition of the five counties, as well as their plans for implementing the program without utilizing any portion of the five counties, must be discussed and an adequate alternative developed to resolve this conflict. This is necessary at the draft stage so that decision makers and the public have the opportunity to know the five counties' position and comment on such position. However, the agencies and applicant's burden goes beyond just discussion of the conflict. The agency and applicant must work to reconcile its position with the five counties.	Regarding NEPA 42 USC 4332€ this language refers to "unresolved conflicts," which is referring to "concern[s regarding] alternative uses of available resources," not unresolved conflicts between political bodies. Please also see Chapter 2.1.6 of the EIS where this opposition is described.
Elkins	Richard		
Elkins	Richard	"To better integrate environmental impact statements into State or local planning processes, statements shall discuss any **inconsistencies** of a proposed action with any approved State or **local plan** and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe to **the extent to which the agency would reconcile its proposed action with the plan or law**." (42 CFR 1506.2) (emphasis added)	As stated in 40 CFR 1506.2(b), the purpose of these requirements is "to the fullest extent possible…reduce duplication between NEPA and State and local requirements." There is no evidence of duplication of requirements or any other inconsistencies with local plans. Since any actions relevant to lands located in the surrounding counties would only be limited to private lands and private transactions, there is no risk of duplication. Please also see response 3.
Elkins	Richard	Not only should an alternative that limits the permit and conservation area be developed, but an explanation must be included in any alternative that extends the permit or conservation area beyond Bexar County's jurisdiction. This statement should describe how the applicants will reconcile implementing the permit in counties where they do not have the consent of the counties.	Bexar County and City of San Antonio are not extending their jurisdictional or regulatory authority beyond their respective boundaries. To the extent the Applicants purchase real estate interests in surrounding counties outside of their regulatory authority, they are merely acting as an owner of real property and not exercising any jurisdictional regulatory authority. Please also see responses 1, 2, and 14.
Elkins	Richard	The Endangered Species Act (ESA) requires that an application be made and a conservation plan prepared that fulfills the requirements outlined in the Act before the Secretary can issue an Incidental Take Permit. *"No permit may be issued by the Secretary authorizing any taking referred to in paragraph (1)(B) unless the applicant therefore submits to the Secretary a conservation plan that species…" (16 USC 1539 (a)(2)(A))* (emphasis added). The application for the ITP in the seven-county area has been made by the County of Bexar and the City of San Antonio, according to the Federal Register notice published April 27, 2011. Application was not made by the six additional counties included in the plan area to be covered by the ITP. Counties in the state of Texas do not have authority to unilaterally act outside their boundaries without constitutional amendment. (See Burke v. Hutcheson, 537 S.W.2d 312, 314; Ellis v. Hanks, 478 S.W.2d 172, 176). In Attorney General Opinion No. JM-541, the AG points out that "Counties hold only those powers granted expressly or by necessary application in the Texas Constitution and statutes." The office further points out that the State Constitution at Article V, Section 18, "commits county business to each county's commissioner's court." Since the Texas Constitution does not provide for counties to extend their authority into other counties, and the Attorney General's office has concluded that Texas case law suggests the Legislature cannot grant this authority, then Bexar County does not have the authority to apply for an Incidental Take Permit outside of its constitutionally recognized boundaries without the other counties' consent. The application is invalid because the applicants have requested the issuance of an incidental take permit that is outside their legal jurisdiction and they have specific notice that the five counties have officially rejected inclusion in the plan. Further, the Service does not have the authority to issue a permit "unless an applicant therefore submits to the Secretary a conservation plan." The Counties of Medina, Bandera, Kerr, Kendall and Blanco have not made such an application for an ITP nor have they prepared a conservation plan for such a permit. The Service cannot issue a permit which covers their jurisdictions until and unless the counties make such application directly and fulfill requirements as directed by the ESA. The Service also recognized in the Notice of Intent that they cannot issue a permit beyond the authority of the applicant. *"Thus, the purpose of issuing a programmatic ITP is to allow the applicants,* ***under their respective City or County authority****, to authorize development while conserving the covered species and their habitat. " (Federal Register, Vol 76, No. 81, April 27,*	Please see response 2. Also, the cited cases, *Burke v. Hutcheson* and *Ellis v. Hanks*, are limited in scope. Both cases relate to one county attempting to exert control of a city's local election, where the city's borders spanned two counties. Essentially, one county could not exercise power over the part of the city located in an adjoining county. Under the SEP-HCP, Bexar County would not exert regulatory control over any land used for mitigation purposes on private property in a neighboring county. As with any private purchase, the county where the property is located would still be the county of regulatory and police-power controls, to the extent that the County has those authorities. Additionally, the cited Attorney General Opinion No. JM-541 is not applicable because Bexar County in this case is not attempting to exert its Constitutional and Statutorily designated powers or authorities over the neighboring counties.

		2011, page 23620) (emphasis added) As noted above, Bexar County and the City of San Antonio's constitutional authority does not extend into the surrounding counties and does not have the other counties' consent to make such application. Therefore, the Service cannot approve an Incidental Take Permit to the applicants that includes the permit area for the five opposing counties. In their draft SEP-HCP, the applicants state that they will allow local governments, landowners and developers within the permit area to apply to become a plan participant. As the potential ITP holder, if authorized, and the entity that will determine the plan administrator, they will be exhibiting the equivalent of regulatory control over the other five counties. This would be appropriate only if the five counties had given their explicit consent. The Administrator of the plan will oversee enrolling participants, acquiring and managing preserves, and monitoring compliance with the terms and conditions of the permits as well as other administrative duties. Bexar County will determine who will be administrator of the plan.	
Elkins	Richard	As the Incidental Take Permit holder and the entity that selects the plan administrator, Bexar County will be the regulatory body for the conservation plan. They are the responsible entity for ensuring the plan is carried out as required by federal and state law. They are given authority to approve or deny any participant's application who applies under the plan. This gives them regulatory approval over the seven-county area for which they have no authorized jurisdiction.	Property owners seeking incidental take coverage under the SEP-HCP must be within the jurisdictions of Bexar County or the City of San Antonio, including its ETJ. Therefore, any decisions to approve an applicant for participation in the SEP-HCP will be made by one or both jurisdictions.
Elkins	Richard	More importantly, this gives them authority to deny any or all of the five counties' participation in the plan. The terms of the permit would give them such authority. So, even though the county's jurisdiction is included in the plan, the county itself may be denied participation. State law does not allow for such unauthorized extension of power into other counties. In fact, such attempt to gain this regulatory power over the five counties listed within the application has been clearly rejected.	Because several of the surrounding counties requested to be removed from the incidental take permit, they are no longer authorized as part of the SEP-HCP to receive incidental coverage, unless they are within the jurisdiction of the City of San Antonio (see response 2 for more detail). However, these areas may apply for their own incidental take permit. Please see response 5.
Elkins	Richard	The applicants attempt to persuade those who oppose the plan that they will limit the actual implementation of the plan to the "geographic extent of Bexar County." However, they acknowledge that the granting of this permit will give them the legal right to regulate who may participate in the plan and for what activities within the seven-county area. "While the Permit Area defines where the SEP-HCP's incidental take authorization may legally be used for the purposes of the Incidental Take Permit, the SEP-HCP establishes additional administrative conditions on where it will use its incidental take authorization. These administrative limits are intended to be responsive to the desires and concerns of other communities within the Plan Area for partnering in Bexar County in this regional plan. These administrative limits initially restrict the use of the SEP-HCP's incidental take authorization to: • The geographic extent of Bexar County; • The geographic extent of SEP-HCP sectors within the Permit Area that are adjacent to Bexar County, and • The geographic extent of individual activities **anywhere within the Permit Area** that the Bexar County or the City of San Antonio (as a significant SEP-HCP Partner) deem beneficial on a case-by-case basis. (page 25)(emphasis added) So, the applicant's self-imposed administrative limits are really not so limiting. They include anywhere in the seven-county area they deem beneficial. Their stated administrative limits do nothing to assure the five opposing counties that they will not use the regulatory authority granted them through the permit in the seven counties.	Please see response 2.
Elkins	Richard	The permit, as currently applied for, must be denied.	Please see response 6.
Elkins	Richard	The stated purpose for the plan is: *"The SEP-HCP is a Habitat Conservation Plan that will implement conservation actions benefitting endangered species within seven counties in south-central Texas. As shown in Figure 1, the SEP-HCP 'Plan Area' includes Bexar, Medina, Bandera, Kerr, Kendall, Blanco and Comal Counties." (page 1)* The stated objectives for the plan include as number 1: *"REGIONAL CONSERVATION: To design and implement a regional conservation program focusing on habitat protection for the covered species and that supports the conservation of other regionally important natural resources." (page 3)* However, the applicants admit that a minimum 70% of new development, the primary take for the endangered species covered by the plan, will occur within Bexar County. "It is assumed that approximately 70% of this new development will occur within the jurisdiction of both Bexar County and the City of San Antonio." (page 117) When viewing the plan from a "regional" perspective, it is easy to lose sight of the magnitude of the take of species being requested by the applicants. To reduce the percentage of their new development impacts down to a still massive 70%, they have had to include **six** neighboring counties' activities into their calculations. It is questionable whether Bexar County has enough suitable habitat within its boundaries to offset its anticipated take.	Please see responses 1 and 14.
Elkins	Richard	As a result, the applicants have proposed a "Regional" plan which will allow them to regulate not only the permit area, but the conservation area as well. Applicants have put themselves in the position of determining which projects will be approved, for which areas, and at what price. They will also decide which lands will be considered suitable habitat to be added to the conservation bank, and which development projects will be approved to purchase conservation credits from the conservation bank.	Issuance of the ITP will not allow the applicants to regulate outside of their respective jurisdictions. In accordance with section 10 of the ESA, it is a permit holder's responsibility to comply with all permit terms and conditions and to implement the associated HCP. To not do so would be a violation of the permit and cause for suspension and possibly permit revocation. There may be instances where the SEP-HCP administrators would have to deny a Participant. For example, if there is an insufficient amount of GCWA preserve

			credits to cover a Participants requested incidental take, or a Participant has designated critical habitat for one of the Covered Karst Invertebrates and is requesting incidental take coverage within this area.
Elkins	Richard	*"Conservation measures associated with the SEP-HCP may occur anywhere within the seven-county Plan Area, including Comal County. The SEP-HCP Administrator may engage in conservation activities, including voluntary preserve acquisitions from willing landowners, within the Conservation Area even if the action is located outside the Permit Area or Participation Area. However, all conservation actions for the SEP-HCP will be implemented within the boundaries of the seven-county Plan Area." (page 25)* By extending the conservation area across the seven-county area, they increase the amount of habitat they can use for mitigation to offset direct impact of their take. They receive federal approval to do so, and thereby continue to destroy habitat in their county while locking up lands in other jurisdictions.	Please see responses 2 and 11.
Elkins	Richard	This also gives Bexar County an unfair advantage over other Counties that may wish to apply for an ITP in the future. If Bexar County has acquired the majority of suitable habitat in the other counties, then at such time as the five counties may choose to apply for a permit, they will have a reduced pool of land within their county to consider. It may be that such need for an ITP will not occur in the other counties for many years, if at all, since the neighboring counties are rural in nature and are not experiencing the population growth of Bexar County	Please see response 5.
Elkins	Richard	However, Texas state law requires that the identified habitat preserves necessary for mitigation in a Regional Habitat Conservation Plan be acquired no later than six years after the issuance of the federal permit. This prompts Bexar County to acquire the qualifying habitat early in the process. First, state law requires that landowners, who may be identified as having land within a proposed habitat preserve system for the HCP, be notified in writing within 60 days. The applicants are mandated by Texas law to designate and acquire habitat for the fulfillment of the permit within the four to six year timeframe of the permit issuance, or later at the identification of preserve land. This encourages the permit holders to acquire the necessary habitat in other counties at the beginning of the 30 year anticipated permit duration, rather than at the end. Additionally, since applicants are setting up a "conservation bank" system, whereby conservation lands must be acquired before credits can be sold and projects approved, then the land must be acquired early in the process.	Please see response 4.
Elkins	Richard	When habitat is preserved, it is removed from property tax rolls, and the County no longer receives tax revenue from such properties. The five counties should not have to bear the burden of mitigating Bexar County's take of species. If there is to be a reduction of taxable land, and restriction on activities, it should apply to the applicants who are causing the impact	Please see response 2.
Elkins	Richard	Bexar County and the City of San Antonio should offset their take with lands within their jurisdiction. The potential habitat that may be used for mitigation purposes in the opposing five counties should be reserved for such activities that may require an Incidental Take Permit within those counties' jurisdiction. The Conservation area should not extend beyond Bexar County's borders.	Please see response 1 and 14.
Elkins	Richard	It should be noted that in the authorizing statues for Habitat Conservation plans in the State of Texas, the Legislature made clear that its intent was to discourage Regional Habitat Conservation Plans and encourage the development of local Habitat Plans, such as for each county. Section 83.012 states: *"The Purpose of this subchapter is to: (2) encourage governmental entities to use the authority under this subchapter to develop and implement habitat conservation plans instead of regional habitat conservation plans;""(5) require plan participants of existing regional habitat conservations plans to comply with the requirements of this subchapter so that existing regional habitat conservation plans become habitat conservation plans as quickly as possible."* The applicants are deliberately ignoring this direction by the state, and instead are creating a "Regional" plan without the consent of the counties involved.	Please see response 4.
O'Connell	Robert and Mina	NO ACTION ALTERNATIVE BACK OFF!	Please see response 6.
Moore	Myfe	USFW has failed to enforce the desecration of our county by developers up and down I-10 N of 1604.	Comment acknowledged.
Moore	Myfe	This tonight is a dog-and-pony show– it ignores the BAT and CAC recommendations presented in 2011. Boo on USFW and Bexar County	Comment acknowledged. Please also see response 7.
Anonymous		Habitat damaged in Bexar County should be replaced with other habitat property also in Bexar Co. not in some other place.	Please see response 1 and 14.
Purdy	David	To whom it may concern: I find it very disturbing that elements of the SA Business Community are trying to force the rural areas of Bexar County, Medina County and Kendall County to give up the rights of property and development because SA is maxed out.	Please see response 8.
Purdy	David	I find it very disturbing that the link to the fed website was disconnected to stop me from stating my say online.	We apologize for any technical difficulties you had with the website.
Purdy	David	I find it very disturbing that the right of the citizens of Boerne, TX to be heard is being abridged by not having a 3rd meeting in Boerne, TX regarding this issue. I do not feel that the time being allotted is sufficient for large numbers of average folk to attend this meeting when they work. Not getting off work between 5-6pm and the meeting ends at 7pm.	Please see response 9 regarding the public meetings. Additionally, there were several options provided during the 90-day comment period for the public to view the documents and provide comment (please see response 3).
Purdy	David	NO ACTION is my response	Please see response 6.
Purdy	David	request for my complaints to be publicly reviewed and a meeting in Boerne, TX to be held.	All comments submitted are provided as part of the public record in Appendix D of the EIS. Please also see response 9.
O'Connell	Sean	No action alternative Ridiculous – we love animals so please stop taking their habitat in Bexar Co	Please see response 6.

O'Connell	Sean	Don't fine private property owners..	There is no fines associated with the SEP-HCP. There are fees for participating, but this is a voluntary plan. Please see response 2 for more detail.
Finger	Jack	Problem with the public meeting: 1. Held at a time when people can't come due to time getting off work (5-7pm) 2. No real advertising of the meeting except the "old" style newspapers 3. No allowance of attendees to use a microphone so that misconceptions can be dispelled. 4. No hard copies of screen presentation so that attendees can follow along, have an instrument to refer to.	Please see response 9 regarding the public meetings. Copies of the presentation were provided at the public meetings. Additionally, there were several options provided during the 90-day comment period for the public to view the documents and provide comment (please see response 3).
Smith	Vikki	It appears that "take" means "kill." You are proposing to kill the poor endangered species to build houses where they need to live! This is preposterous!	Please see response 10.
Smith	Vikki	Why don't you go build houses on the south side of San Antonio where the endangered species aren't located? South side needs economic development. The cost is outrageous! It drives up the price of this endangered species land so only rich people can buy it. This is despicable, more ridiculous suggling(?) to benefit rich people.	Please see response 11.
O.	M.	No! Back off and leave private property owners alone. We work hard for our own land and live in America – "Land of the free – home of the brave." Buy your own land for enterprise in Bexar County.	Please see response 8.
Luckey	Mike	I respectfully request the U.S. Fish and Wildlife Service to use the "Take No Action" alternative in regards to the draft Southern Edwards Plateau Habitat Conservation Plan (dSEP-HCP) and the Incidental Take Permit for the following reasons.	Please see response 6.
Luckey	Mike	Bexar County failed to coordinate their activities with Bandera, Kendall, Kerr, Blanco (not mentioned in contract) and Medina counties in the formation of the SEP-HCP. In fact: We were not asked to come to the table! The dSEP-HCP should be terminated for "failure to comply with the provisions of applicable state or federal law" as stated within the contract. The National Environmental Policy Act Title 42 USC 4331 requires local governments to coordinate their activities with other local governments when developing Conservation Plans. Bexar County did not coordinate their planning efforts with other affected counties and because of this, Bandera County, Comal County, Kendall County, Kerr County, and Medina County, each passed resolutions requesting removal from the SEP-HCP. Without the participation of these counties, there is no guarantee of a safe habitat preserve for mitigation purposes of endangered species which is a requirement of Habitat Conservation Plans.	Please see responses 2 and 3.
Luckey	Mike	The dSEP-HCP undermines the purpose of the ESA by compromising species and their preservation for economic gain. It states in the plan that is greatly speeds up the process so developers can legally proceed with construction activities. The Development Rules in San Antonio are useless when developers can simply buy their way out of them and continue destroying the environment.	Please see response 11.
Luckey	Mike	The SEP-HCP was voted down by the Citizens Advisory Team (CAC) in 2011.	Please see response 7.
Luckey	Mike	There have been no public notices or meetings in regards to the formation of the proposed dSEP-HCP as required by state and federal statutes.	Please see responses 3 and 9.
Anonymous		All right. This is for our family in Boerne, Texas, Kendall County. We want No Action Alternative	Please see response 6.
Anonymous		Leave property – private property owners alone. Back off. It's private property we've paid for. Buy your own land. I have no intention of paying a fine to use my own land.	Please see response 8.
Anonymous		Get your own land to develop in Bexar County and stop looking around at other counties.	Please see responses 2 and 11.
Anonymous		I feel that mitigation for Bexar County take property with property outside of Bexar County is unacceptable.	Comment acknowledged.
Anonymous		It seems to me that the proposal is unfair in two ways. One, the proportion of take exceeds fairness in that it's some ratio between 2 and 3 acres per acre of land that's put under development in Bexar County. Two going outside of the county that's directly affected by the development, to take land from surrounding counties seems unjust. That's it	For the SEP-HCP, a higher mitigation ratio is used to compensate for the potentially wide-ranging distribution of preserves across a 7-county Plan Area. Please also see response 8 and 11.
Anonymous		I find it very disturbing that elements of the San Antonio business community are trying to force the rural areas of Bexar County, Medina County and Kendall County to give up their rights of property and development because San Antonio is maxed out.	Please see response 8.
Purdy	David	If find it very disturbing that the link on Texans Against Tollways website link to the federal website is disconnected because I believe to stop me from stating my say online.	We apologize for the inconvenience, but this is not a website maintained by either the Applicants or the Service.
Purdy	David	I find it very disturbing that the rights of the citizens of Boerne, Texas in particular to be heard is being abridged by not having a third meeting in Boerne, Texas regarding this issue. I do not feel that the time being allotted is sufficient for large numbers of average folk to attend this meeting when they work and not getting off work between 5:00 and 6:00 pm and this meeting ends at 7:00 o'clock.	Please see response 9.
Purdy	David	I find also that this action that is being proposed is detrimental to Texas' growth, and particularly the energy industry's growth, to folks being able to use the mineral rights on their properties and potentially dangerous to just – I think it borders on being somewhat unconstitutional as far as depriving folks of their rights of their property.	Please see responses 8 and 11.
Purdy	David	But no action is my response and a request	Please see response 6.
Purdy	David	for my complaints to be publicly reviewed and a meeting in Boerne, Texas to be held is definitely what I'm requesting Why are you even holding these public meetings?	All comments submitted are provided as part of the public record in Appendix D of the EIS. Please also see response 9.
Smith	Alan	You ignored your own laws and regulations during the draft preparation stage of the HCP and EIS by not coordinating with the people of the affected counties and their elected representatives.	Please see response 3.
Smith	Alan	The counties of Medina, Bandera, Kerr, Kendall and Blanco did not submit an application for an Incidental Take Permit (ITP) nor did they prepare a conservation plan for such a permit. Therefore, the Service could not issue a permit that covered the five counties' jurisdictions until and unless they themselves submitted an application directly and fulfilled the requirements as directed by the ESA. The counties did not consent to be included in the SEP-HCP and specifically opted out of the proposed plan.	Please see response 2.

		The citizens of the counties, through their elected representatives (the county commissioners' courts of the counties) unanimously passed resolutions to opt out of the SEP-HCP and filed these resolutions with the Citizens Actions Committee in February 2011. The final HEC and final EIS now claim the ITP would be covered under current and future portions of Bexar Co. and the City of San Antonio's extra-territorial jurisdiction (EJT). Counties in the state of Texas do not have the authority to unilaterally act outside their boundaries without a constitutional amendment. The USFWS, Texas Parks & Wildlife Dept. acting on behalf of the City of San Antonio and Bexar County have no legal authority to force the SEP-HCP or subsequent ITP on the citizens of the above referenced counties. It is time for you to fold up your tents and go home.	
Cook	Kathleen	This is not only a land grab, it is a water grab. San Antonio currently does not have enough water to support its population. To allow the addition of more building is irresponsible. Where are they going to get the water?	Please see response 8
Cook	Kathleen	What guarantees will be put into place that the new "habitat land" does not become "take" land down the road, at a profit for fish and wildlife?	The SEP-HCP is clear, and the Service will require, that all preserve lands will be legally protected in perpetuity. Please see Sections 6 and 7 of the SEP-HCP for preserve requirements.
Johnson	Jonathan	What is the minimum amount of acreage required to participate in this program? How will my acreage be impacted if my neighboring owner participates, but I don't participate?	There are no minimum acreages for participation; however, there are minimum acreage requirements for preserves (Section 6.2 and 7.2 of the SEP-HCP). Effects from adjacent landowners are described as indirect effects in the SEP-HCP. Sections 3.2.3.1 and 3.2.3.2 contain information on how indirect impacts would be assessed on properties that participated. This assessment, however, would not impact your property.
Marquart	Cleo	I think this is an accurate statement when I say every person in this room likes to share their environment with all living things. Most of us have been fortunate to live in a rural area, where we have the best of all worlds near to where most our needs are met. A way of life that including making a living from the land and sharing that with an abundance of wildlife. We not only love our environment but we are good stewards of it. Do we like growth and change to this rural setting? Not really, but we understand it. With this growth, the infrastructure has to change. Our local government, county and city, with citizen participation, work to meet this challenge. It is done with transparency and within the law.	Comment acknowledged.
Marquart	Cleo	When I refer to your agency, I mean the U.S. Fish and Wildlife Services. Your agency, many environmental groups and other groups that spring up daily with a mission of their own wants full control of everything we hold dear. Your agency works diligently, with the help and funds of many, to disrupt and take away using the Endangered Species Act as your tool.	Please see response 8.
Marquart	Cleo	I recently read that since 2007 in Texas there have been 1,230 petitions filed to have something added to the endangered species list. That is more than the entire previous 30 years. Your agency does not have the capacity in research nor administratively to substantiate these petitions as you did not 20-plus years ago. The yellow-cheeked warbler was put on the endangered species list 20-plus years ago. Following the listing, your agency held public meetings, such as this meeting, informing the public a permit would be required with instructions of how much juniper could be removed, the declared habitat for the bird, and, if violated, the landowner would be subject to a fine or arrest. A public outcry resulted and a public hearing was held at our state capitol. Myself and, I feel, others in this audience attended. Your agency, Sierra Club and others spoke defending the bird and its much-needed habitat. What problem came into play was that none that was speaking could bring forth with documented proof that the bird should be on the endangered list. The question asked was how many birds were there when you determined it was endangered and how many are there now. No one could give the numbers. Following was testimony by individuals with various credentials that disrupted your agency's claim. Slides were presented showing the warbler nesting in other locations than the juniper. Outer building ledges, woodland trees and bushes. Its nest was made, as other birds, with dried twigs, grasses, string, pieces of paper et cetera. The birds adapted or someone made a mistake that the juniper was the only nesting habitat. The yellow-cheeked warbler after 20-plus years is still on the endangered list. Recently in one of our local newspapers, an article was written on the Ashe Juniper, the type in our area. The title of the article was Ashe Juniper is really More Good than Bad. It listed its many benefits to the ecosystem, a good source and habitat for the yellow-cheeked warbler. It did not mention the most important feature of the juniper, a very bad one: How much water it takes from the soil. The juniper, mesquite tree and cactus are the biggest water takers of all, often referred to as prairie parasites. Each of these spread and take over, eliminating native grasses, growth or stifle growth of woodland trees such as all species of oak, elm, walnut, ash, buckeye, hackberry, cherry. Uncontrolled and overgrowth of these invaders has a detrimental effect on wildlife and bird populations. Grasses and a mixture of woodland trees are primarily responsible for attracting the insect population upon which birds feed and provide shelter. A large juniper can consume 40 gallons of water daily. They have a deep root structure and a dense mat of fibrous roots near the soil surface that allow them to absorb moisture from the driest of soils to the detriment of grasses, creeks and springs. Where the junipers have been removed, native grasses return, woodland trees flourish and in some areas, springs and dry creek beds begin to flow. This is the science of it.	Comment acknowledged. Several GCWA abundance estimates exist. Due to the size and geographic distribution of both breeding and wintering habitat, an actual count of GCWA individuals in any given year is not possible. Additionally, the vast differences in individual estimates attempted to date underscores the need for more status and distribution information for calculating estimates. We are unaware of the slides referenced. Regarding nesting substrate, we have not received information indicating that strips of Ashe juniper bark are not a requirement by GCWAs for their nests. Additionally, we have not received information that they nest anywhere but in trees.
Marquart	Cleo	The Citizen Advisory Committee meetings for the SEP-HCP held a couple of years ago, this meeting and others that you will hold meets a regulator requirement prior to your agency continuing on with your mission, bottom line, to stop all growth of any kind that it takes to provide for this nation of people.	Please see responses 8 and 10.

Johnson	Randy	If the permit is for 30 years what happens after 30 years? Is there a minimum amount of acres that can be put in the easement?	Please see EIS Chapter 3.2.2 and SEP-HCP Sections 6.2.1.1, 7.2.3.1, and 12.3 for details about what happens with the SEP-HCP after 30 years. Please see Sections 6.2 and 7.2 of the SEP-HCP are minimum acreage requirements for preserves.
Foster	Mr. and Mrs. Jim	On February 11, a meeting was held in Kerville for discussion of the conservation plan that did not include Kerr county. That is illogical. We attended and it was obvious from the start that deception was in order. No microphone was present. Comments were to be made quietly in a corner, but a county judge pointed out that for a public meeting to be legal comments could be made. It is difficult to agree with government employees (whom our taxes support) that we would be willing sellers of our land to developers in San Antonio. Our goal is to continue to develop and produce on the land as our family have before us. Little sense is applied to the intrusive ESA which has a real goal of a real TAKING of personal property by means of a scam. Conservation Easements are definitely allowing the property owner to pay taxes with permission from the government as to how it can be used. Permits and fees only fund abuse from the federal government. Citizens have a clear understanding that "voluntary" is a word that has been misused.	Please see responses 8 and 9.
Foster	Mr. and Mrs. Jim	Several years ago 7 counties expressed that they were not interested in participating in the SEPCHP, yet in Kerrvile materials passed out showed they were in the plan.	Please see response 2.
Foster	Mr. and Mrs. Jim	The attendants were not treated with dignity, but with disrespect. We were told comments could be made to a recorder in the corner. A county judge reminded the leader that for the meeting to be a legal public meeting we could speak out and we did.	Please see response 9.
Foster	Mr. and Mrs. Jim	The Service could work with voluntary land owners to have a success protecting endangered species. Instead the federal government has worked against land owners who only want to produce from the land for the benefit of the people and making a decent living. We are against the Plan and believe the enforcement of the plan is unconstitutional. Following the law does not put the enforcer in a right position.	Comment acknowledged. Please also see response 8.
Heinonen	Bob	Do you realize what kind of gibberish this email contains? The first two paragraphs are not decipherable by the ordinary citizen. The use of acronyms and references to regulations are absurd.	Comment acknowledged.
Anonymous		Government is not a pejorative word, but it is one that is often abused. The term “government” is often placed in contexts where people mean to be insinuating “bureaucratic red tape” and the minutia that bogs down the actual functions of government. Many in attendance at last night’s public forum in Kerrville came across as “anti-government” when they are simply against the over burgeoning effects of government growing beyond what the nature of government in this country was intended.	Comment acknowledged.
Anonymous		USFWS, CoSA, Bexar County, Bowen Consulting, Jacobs Engineering, and everyone involved in presenting these meetings came across as having taken pains to be deliberately vague in providing information to the public	Comment acknowledged.
Anonymous		The most obvious example I can think of is in not telling the people in Kerrville exactly HOW, rather than WHY, counties surrounding Bexar County are even mentioned in the “Plan Area.”	Please see response 2.
Anonymous		Treating people with such deliberate disrespect only serves to produce more distrust amongst the people you serve. Being that they also happen to be the ones you are attempting to gain cooperation from, it becomes a double-edged sword once those you have offended actively seek to shut down the process through their elected officials	Comment acknowledged. Please also see response 2.
Anonymous		The presentations provided at the USFWS meetings oversimplified the concept of Habitat Conservation Plans	Comment acknowledged.
Anonymous		This came across as: An effort to utilize Bexar County and CoSA as enforcement arms in a war against large-tract land owners in adjoining counties; b) Growth of Bexar County at the expense of adjoining counties.	Please see response 8 and 11.
Anonymous		As one gentleman put it, the authorization for development in Bexar County to KILL endangered species as long as limitations are placed upon land owners in adjoining counties	Please see response 10.
Anonymous		No clarity was made as to how conservation easements in adjoining counties will become theoretical transactions (i.e. – sales of credits to developers in order to mitigate the destruction of Bexar County habitat).	Preservation Credits are defined and referenced throughout the SEP-HCP as one acre of credit for each acre of GCWA or BCVI habitat on the parcel.
Anonymous		Karst mitigation outside of Bexar and Medina Counties is a ridiculous abuse of the concept of mitigation. As karst habitat capable of supporting the listed Bexar karst invertebrates does not exist beyond those two counties within the plan area, the wording of the proposed plan should specifically state as much. However, USFWS did not hold either of the two public meetings in a location that would allow Medina County residents fair and reasonable access to present their viewpoints publicly.	Comment acknowledged. Please also see response 9.
Anonymous		The format not allowing for public comments openly aired created a note of distrust that could not be overcome. By Technicality, the meetings are not in violation of federal or state laws, as people were informed they could stand in line to leave one-on-one comments with the court reporter, placed on one of the paper sheets and deposited into a comment box, or by going online to the federal website. If nothing duplicitous is going on, why engender so much subterfuge?	Please see response 9.
Anonymous		In many cases, an heir or heirs inheriting land in this country cannot afford to keep the property. This generally leads to the sale of the land, and developers are more often than not the target buyers. Telling the people of counties adjoining Bexar County that the only way they will be able to sell their land is into government conservation banks was the first mistake, and one that was irreversible.	Selling a conservation easement or fee title right to a property to the SEP-HCP is just one way that private landowners have to preserve their lands in perpetuity. There are private lands and conservation organizations that can assist with perpetual protection of property.
Anonymous		To truly conserve habitat, eliminate the inheritance tax! Assuming families who have maintained lands in these counties for generation upon generation are too ignorant to provide steps conserving the natural environmental and habitat is a mistake. How many ships have transported crude oil before or since the Exxon Valdez without incident? Do you see the parallel? While not every Texas may be an outspoken conservationist, the vast majority are not slash-and-burn destructionists! However, that is exactly how the people of the “Plan Area” have been treated. These families live on, manage and care	Comment acknowledged.

		for the land. Most feel they have far more invested in land their family has been on for a hundred years than any bureaucrat could possibly fathom.	
Schenck	Greg	I want the 'NO ACTION Alternative'	Please see response 6.
Leifeste	Lloyd	These is disguised as a way to protect endangered species but it actually is a way for developers in Bexar County to legally kill endangered species by buying "credits" from people in these 7 counties which will then not be able to develop their land. How do you think the karst invertebrates will be able to pack up and leave their cave in Bexar County and go to one of the places where the developers from Bexar County have bought their "credits?"	Covered Karst Invertebrate mitigation will require the protection of caves containing Covered Karst Invertebrates. Currently all known Covered Karst Invertebrate caves are located within Bexar County. Please also see responses 2, 8,and 10.
Leifeste	Lloyd	I recommend this plan be rejected.	Please see response 6.
Price	Tom	Please deny the SEP dHCP and dEIS. Take the NO ACTION plan.	Please see response 6.
Price	Tom	The constitution never intended to allow the government to take private property for the benefit of developers. This proposal is clearly un-Constitutional.	Please see responses 2 and 8.
Moore	Myfe	The PUBLIC MEETING in Helotes, Texas was WORTHLESS. It was a classic dog and pony show, not truly interested in feedback and certainly out of touch with reality: GERMAN TRANSLATORS???? WHO ARE THE LOONATICKS PLANNING THIS EVENT???? Good grief.	Comment acknowledged. Please also see response 9
Moore	Myfe	The SEPHCA plan is extremely environmentally damaging, too far reaching (9 species in 7 counties!!!) , and hopelessly out of touch with the landowners and land stewards	Comment acknowledged.
Moore	Myfe	mitigation too far away from where the damage was done ALL MITIGATION SHOULD HAPPEN IN THE IMMEDIATE AREA OF TAKE	Please see responses 1 and 14.
Moore	Myfe	1. THIS SEPHCA PLAN IGNORES 70 2010-2015 DOCUMENTS AND SCIENTIFIC PAPERS AT UT-AUSTIN. NONE WERE REFERENCED IN YOUR 2015 SEPHCA PLAN. 2. NO EXISTING PARKS AND OPEN SPACES ALREADY PROTECTED SHOULD BE USED FOR THIS 2015 SEPHCA PLAN. 3. MINIMUM DESIGN FOR PRESERVES IS NOT ACCEPTABLE. 4. THE OVERSEER OF THE REFUGES IS NOT MENTIONED. WHO WILL OVERSEE AND ENFORCE? 5. INCLUDE THE 2 SPECIES YOU LEFT OFF THE 2012014 PLANNED SEPHCA. YOU LEFT THEM OFF THIS PLAN.	We were not provided the list of scientific papers presented here, despite a request for them. Therefore, we are unable to respond to this portion of the comment. We are not clear what two species are being referred to. Please also see responses 15 and16.
Anonymous		I like it. Please do it.	Comment acknowledged.
Anonymous		I am a Kendall County resident, landowner and voter. I am disgusted that San Antonio and Bexar County have proposed to take away landowner rights in our county. I believe there is a constitution that protects citizens from this heinous behavior by a government. How is this possible? It is NOT possible, under out constitution. So, we have a situation where some environmental "do gooders" want to restrict land in order to protect beetles and spiders. How ridiculous is that? And because Bexar County does not want to restrict its precious land, they try to restrict a neighbor's land? Again, I believe the constitution protects me from this heinous government action. This proposed regulation should be rejected in its entirety. Keep Bexar County government inside their own borders. And if we have fewer spiders and beetles there, who really cares?	Please see responses 1, 6, 8, and 14.
Dial	Denny	In reference to the SEP dHCP and dEIS: Please do not allow private companies, or any other entity, acquisition of off-site preserve lands. I prefer the "no action alternative."	Please see responses 1, 6, and 14.
Anonymous		No Action Alternative. San Antonio is already too big. People move to the outlying area's to get away from the big city, yet we find the fools in city government continue to follow us. We don't want San Antonio in Bandera or Medina Counties.	Please see responses 2, 6, and 15.
Kloza	James	My comment is in reference to the SEP dHCP and dEIS…Southern Edwards Plateau (SEP), draft Habitat Conservation Plan (dHCP), draft Environmental Impact Statement (dEIS), and an incidental take permit application: I don't want the government to restrict how I can use and enjoy MY private property! I want the "No Action Alternative"	Please see responses 6 and 8.
Pigg	Joel	Resolution Against Inclusion of Real-Edwards Conservation and Reclamation District in Southern Edwards Plateau Habitat Conservation Plan Whereas, Bexar County and the City of San Antonio, among other, are applicants under the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP), and Whereas, the permit plan area and/or incidental take permit area for the SEP-HCP includes areas which are not within the geographic boundaries of the applicants under the SEP-HCP, and Whereas, individual property rights are among the fundamental rights of United States Citizens and Real-Edwards Conservation and Reclamation District Board of Directors staunchly supports the protection of private property rights, and Whereas, the SEP-HCP may adversely impact landowners, wildlife, endangered or threatened species and habitats in Real County or Edwards County. Now therefore be it resolved, that the Real-Edwards Conservation and reclamation District Board of Directors does not desire, request or intend for Real County or Edwards County to participate in the SEP-HCP, and be it further resolved, that Real-Edwards Conservation and Reclamation District Board of Directors objects to the inclusion of Real County or Edwards County in the SEP-HCP and/or in any permit plan area and/or incidental take permit area for the SEP-HCP. Adopted the 10th day of October 2012.	Real and Edwards counties are outside of the Plan Area and the Enrollment Area of the SEP-HCP (SEP-HCP Section 2.3) and, therefore, would not be able to participate in the SEP-HCP for either mitigation of proposed impacts or conservation of endangered species habitat.
Friedrich	J	I am writing to ask that you take the No action alternative concerning the SEP dHCP and dEIS.	Please see response 6.
Anonymous		San Antonio needs to stay within the confines of Bexar County. Our water supplies and aquifers are stressed enough without having more development that only benefits a few. San Antonio and Bexar County should already be in Stage 3 water restrictions, but it seems like that is not going to receive much publicity. The S.A. City Council and Sculley apparently want to keep that gem of information hidden from the developers for fear of losing "growth," which, BTW is a 90's metric. STAY OUT OF KENDALL, BANDERA, and MEDINA COUNTIES! STOP overdeveloping on our recharge zone.	Please see responses 1, 11, 13, and 14.
Gargano	Michael	I am opposed to the Bexar County Incidental Take Permit from USFWS for several reasons. Development of the land set aside for endangered species will damage habitat. Additionally, Kendall County, where I live, will be forced to set aside private land to compensate for the Bexar County Take Permit. Finally and most importantly, Federal Government Agencies should not be intruding into the affairs of Texas or any other	Comment acknowledged. Please also see comment 8.

		state for that matter. Thanks to our elected representatives and our citizens, Kendall County does an excellent job managing its own business, including preserving open space and protecting wildlife. Continued Federal overreach and intrusion into state and local affairs is, and has been in clear violation of the Constitution, since the states maintain all power not specifically delegated to Washington. We certainly do not need or want Federal Government agencies dictating to Texas how we manage our land and water, nor will we allow blatant land grabs by the same.	
Mizell	Les	I want a no-action alternative to this attempt at confiscating land for "so called" endangered animals. We humans are endangered when it comes down to it. Leave landowners alone. Confiscate land in a foreign country and export those animals to that country. That may be the best solution. Better yet, send the politicians with the animals.	Please see responses 6 and 8.
Porter	Richard	I request "No Action Alternative". 30 years to grab land is over the top even for government.	Please see responses 6 and 8.
Anonymous		Being that the City of San Antonio and Bexar County are the parties asking for the Incidental Take Permit, the "Single County Alternative" outlined in the dEIS is the most logical application. Surrounding counties have not asked to be included and have, in fact, issued resolutions stating they will not participate. If this plan, as the dEIS states, will make it more expensive to develop land in Bexar County, doesn't this serve the Service' interest for protecting potential habitat?	Comment acknowledged. Please also see responses 1 and 14.
Dietert	Ann	The SEPHEP Draft presentation at the Public Meeting in Kerrville, Texas was either a success or a dismal failure, depending in the objectives of the presenters. The USFWS should have understood the sentiments of the other counties in the plan area they don't trust San Antonio/Bexar County. If the objective of the presentation was for the Plan to fail, they certainly got people stirred up against it, again. I was a member of the Citizens Advisory Committee for the SEPHCP. Several times people from the other counties came to speak against the Plan, and they succeeded in getting their counties to opt out of it. After the Public Meeting the local Boerne paper's headline on 2/10/15 was "Feds Aim for Land Grab" -"Bexar County/San Antonio want more growth at Kendall's expense." While I understand the federal government didn't develop the Plan, I have to say I don't trust San Antonio or Bexar County to deal fairly with neighboring counties. I was surprised to learn at that meeting that San Antonio will administer the conservation areas and I find that pretty suspect. I had considered offering land in Kerr County for mitigation but now would not because it would not be under the control of an independent land conservation group. I now feel that all mitigation should take place in the county where it occurs and if that limits development, so be it. San Antonio already has water problems and seeks to take water from other areas, which is one of the reasons the other counties object to San Antonio controlling anything in their areas.	Please also see responses 1, 2, 9, 11, 13, 14, 16 and 17..
Anonymous		I find it amazing that the public has heard very little about this latest boondoggle through the local main stream media. We have to rely on other sources of information, even though it is supposedly "our" government that is shafting us. You can take your eminent domain and shove it where the sun doesn't shine. We don't want San Antonio in Bandera, Kerr, or Medina counties.	Please see responses 2, 8, and 9.
Kroening	Beverly	I request that the citizens of the areas in question be allowed to voice their concerns publicly in relation to the "Southern Edwards Plateau draft Habitat Conservation Plan (dHCP), draft Environmental Impact Statement (dEIS) and an incidental take permit application". I request that all information in relation to this issue be publicly opened, disclosed, and accounted for, and that all citizens be made aware of all contents in relation to this issue. I request the 'No ACTION alternative' to be registered by me, Beverly S. Kroening, citizen of Medina County, Texas on this day 2/1/2015, in relation to the "Southern Edwards Plateau draft Habitat Conservation Plan (dHCP), draft Environmental Impact Statement (dEIS) and an incidental take permit application".	The applicants and the Service have maintained documents on their websites throughout the process. Please also see responses 6 and 9.
Billingsley	Michael	I oppose the US Fish & Wildlife's plan to allow Bexar county to develop on protected lands. There is something to be said for less is more. If you allow this land grab it is putting a band aid on the situation. Leave it like it is. If you allow this to happen, what happens in 20 or 30 years? Do you let Kendall county develop on protected lands at that point? Where does it stop? Don't let this happen!	Comment acknowledged. Please also see responses 8 and 15.
Holt	Brad	No ACTION alternative on this plan!!!! The thought that politicians and developers have hooked up to steal private property in order to build where they want to make money at the coast of private land owners is repulsive and immoral.	Please see responses 6 and 8.
Anonymous		If San Antonio and Bexar Co are having a problem with expansion and habitat erosion, they are the ones that need to fix their problem themselves and not inflict a general solution on surrounding counties which do not have similar problems. When I went to high school in Mason there were 2800+ people in residence in the city. Now there are less than 2200, and there are not population growth, environmental habitat conservation or urbanization problems in Mason County. Spend your Bexar Co tax dollars more wisely (at home). Provide tax incentives for building high-rise apartments, office buildings and other facilities that do not encroach on native habitat within your own county. Provide the proper incentives so the problem will solve itself without subjecting neighboring counties to your bureaucratic nonsense.	Please see responses 1, 11, and 14.
Anonymous		This is CoSA and Bexar County asking Joe the Plumber to pay for their lunch just because he happens to be in line ahead of them. Allowing development of Bexar County on the condition that lands in the surrounding counties are set aside for conservation is ludicrous. It would effectively create a great race to develop as much as possible before this was instituted...followed by basically condemning the remaining tracts of land. Couple that with creating a new, massive, and unelected bureaucracy with the ability to potentially impose taxes and fees is entirely unacceptable!	Please see responses 1, 2, and 14.
Eppinger	G.	Bexar County would like the USFWS to take private property that belongs to citizens in Kendall County and put restrictions on that property. The Endangered Species habitat through the Southern Edwards Plateau Habitat Conservation Plan would take land in Kendall County to be set aside to mitigate Bexar County development. If this happens developers can't build on this land. The Endangered Species habitat has put insects, birds, fish, etc., before human rights. People should be in charge of their own land. If these so called endangered species are so necessary, put them in a zoo or aquarium. Government has already taken so much land and rights away from the citizens. We the people are not in charge anymore. It seems like at some point the government needs to stop this stealing of land and rights of the people.	Please see response 2, 8, and 11.

		I am against Bexar County trying to force land restrictions on Kendall County residents. Let them take care of their own county NOT ours.	
Honsalek	Claire	My comments regarding the Southern Edwards Plateau Habitat Conservation Plan draft: Section 10 (a)(2)(A) of the Endangered Species Act requires the Habitat Conservation Plans Include a description of the "alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized." One of these actions is the No Action Alternative Whether or not to implement a regional Habitat Conservation Plan at all; (14.0) SEP-HCP. I would like for the No Action Alternative to be implemented. If the No Action Alternative was implemented: -The enrollment area would NOT INCLUDE Bexar County and the City of San Antonio Jurisdictions. -The conservation actions WOULD NOT INCLUDE 7 counties: Bexar, Medina, Bandera, Kerr, Kendall, Blanco and Comal. -The Golden-cheeked Warbler, Black-capped Vireo, Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernal is (a beetle), and the Helotes Mold Beetle WOULD STILL BE COVERED by the Endangered Species Act. -9,371 acres WOULD NOT NEED an incidental take request habitat within those acres for the Golden-cheeked Warbler. -2,640 acres WOULD NOT NEED an incidental take request habitat within those acres for the Black-capped Vireo. -10,234 acres, 10,852 acres and 49 occupied features WOULD NOT NEED incidental take request habitat within those acres for the Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave <eshweaver, Rhadine Exilis (a beetle), Rhadine infernalis (a beetle), and the Helotes Mold Beetle. -The mitigation ratio of 2:1 direct impact and .5:1 indirect impact WOULD NOT BE NEEDED for the Golden-cheeked Warbler. -23,430 acres of preserve land distributed to be in mostly rural areas (Hill Country Counties) WOULD NOT BE NEEDED for the Golden-cheeked Warbler. -The Preservation Credit Fee of $4,000 per credit $8,000 per acre of direct loss (funded by developers in Bexar County, the City of San Antonio and Fish and Wildlife Service, Southwest Region) for the Golden-cheeked Warbler WOULD NOT BE NEEDED. -The mitigation ratio of 2:1 direct impact and .5:1 indirect impact WOULD NOT BE NEEDED for the black-capped Vireo. 6,600 acres of preserve land distributed in mostly rural areas (Hill Country Counties) WOULD NOT BE NEEDED for the Black-capped Vireo. -The Preservation Credit Fee of $4,000 per credit, $8,000 per acre of direct loss (funded by developers in Bexar County, the City of San Antonio and the Fish and Wildlife Service, Southwest Region for the Black-capped Vireo WOULD NOT BE NEEDED. -1x of preserves required to achieve down listing criteria for the Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernal is (a beetle), and the Helotes Mold Beetle conservation goal WOULD NOT BE NEEDED. -1,000 acres of new preserves distributed across Bexar County Karst Zones for the Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernal is (a beetle), and the Helotes Mold Beetle WOULD NOT BE NEEDED. -Participation Fees for 345 to 750 ft buffer from a water source of $40,000 for Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernal is (a beetle), and the Helotes Mold Beetle WOULD NOT BE NEEDED. -Participation Fees for 0 to 345 ft buffer from a water source of $400,000 for Government Canyon Bat Cave Spider, Madia Cave Meshweaver, Braken Cave Meshweaver, Government Canyon Bat Cave Meshweaver, Rhadine Exilis (a beetle), Rhadine infernal is (a beetle), and the Helotes Mold Beetle WOULD NOT BE NEEDED. The Total Estimated Cost of SEPHCP Plan $299,473,633.00 WOULD NOT BE NEEDED. Revenues: Application Fees $ 374,964.00 Golden-cheeked Warbler Preservation fees $126,128,059.00 Black-capped Vireo Preservation fees $ 35,532,822.00 Spiders/Beetles Preservation fees $ 6,172,349.00 Public Funding Bexar County $ 39,209,915.00 Public Funding City of San Antonio $ 39,209,915.00 GCW Preservation Credit $ 251,560.00 Endowment Fund Investment $ 52,594,051.00 All of these FEES and PUBLIC FUNDING WOULD NOT BE NEEDED! END THE DARK CLOUD OF NEEDLESS BUREAUCRACY LOOMING OVER OUR PRECIOUS PRIVATELY OWNED RESOURCES OF THE HILL COUNTRY.	Please see responses 3 and 6.
Pierce	Jerry	**No Action Alternative-**Last evening I attended a Public Meeting in Kerrville, TX concerning Draft Southern Edwards Plateau Habitat Conversation Plan and Environmental Impact Statement. After being told that no questions could be asked in a public town hall format and after hearing a very brief presentation that raised more questions than it gave answers, I am requesting that no action be taken on moving forward with this project I should point out that the members of the public refused to comply with the intended format The following are my reasons for opposition: **San Antonio and Bexar County are fronting for their developer friends-** The two public entities were using the U.S. Fish and Wildlife Service and the Endangered Species Act to further cronyism with the developers. If the developers want to develop	Please see responses 2, 6, 9, 11, 13, and 14.

		in north Bexar and the ETG for San Antonio, then let them apply for a permit in the normal way and hold public hearings in Bexar County on a case-by-case basis. If that is too much trouble, maybe the developers should consider building on the South side of San Antonio. This is a perfect example of liberal Democrats wanting to ten others what is good for them and requiring them to submit to Federal regulations, but not wanting the regulations to apply to them and their favorite contributors. **Stay out of the business of the Hill Country Counties**-The Hill Country Counties have been saying **no to assisting San Antonio and Bexar County in any way since 2011. What about no do you not understand?** We simply want to be left alone and be in charge of our own development and water resources, which is what is really at stake. **Developers' long-term plan is to get control of the land at Camp Bullis and the surrounding property**-The prime area for the Edwards Aquifer Re-charge Zone is Camp Bullis. Also, if they keep on a future BRAC Commission will close the base and Fort Sam Houston with it That is where they are headed. Then they will cry we don't have enough water so we want to get more from the Hill Country.	
Anonymous		This is a terrible infringement of private property rights and needs to stop. It's enough that we work a life time to acquire the property we have, to struggle to pay it off and own it, and then to continue to pay the rest of our lives through all sorts of tax avenues. I know how to manage what land I have and everything on it and do not need any other assistance from any governmental organization. THIS HABITAT CONSERVATION PLAN SHOULD NOT BE IMPLEMENTED!!	Please see responses 6 and 8.
Heitzman	Richard	Stay out of the Hill country. If San Antonio cannot manage its own growth within its own boundaries then it needs to look for ways to grow that do not steal the land from private owners. I want the 'No ACTION alternative" to this plan. This is the most pathetic attempt at land grabbing I have seen in a long time.	Please see responses 1, 6, 8, and 14.
Anonymous		As land owners, we take great pride in keeping informed on issues, be it environmental, habitat, agricultural, water rights and survival. Our jobs are to protect the land, cultivate it, respect it (Ps 8) and manage it. This land is our land. Not the federal government. Water is being taken at a high rate and we are in drought conditions all the time. San Antonio needs to figure out how to provide water for themselves and development without taking it from the Edwards Plateau. Examples are Buchanan Lake NW of Austin, TX. Look at Medina Lake, TX (NW of San Antonio, TX)! Bone Dry.... We already have wells going dry around Medina, Bandera, TX. The Federal Government has no business in this issue. They are using the TX. Parks and Wildlife to attempt to coerce landowners into this conservation in the name of what? So San Antonio can bargain their way to develop more, to take more, to justify their growth for immediate gratification. TEXAS IS DRY and everyone is moving here. They need to spend a week in west Texas without any water before making the decision to develop here.	Please see responses 8, 13 and 15.
Nottingham	Jennifer	I was a member of the CAC. We were released in 2011 when we could not come to a consensus. As far as I know, the CAC was never contacted regarding the 2014 version of the SEPHCP. I am writing today to let you know the new mitigation areas are wrong (we should be mitigating in Bexar County) and that the developers should be paying (not the taxpayers). Citizens should also have the comment period be extended and a real public hearing (public hearing means citizens ask questions and get answers). Thank you for your time and for whatever you can do to help resolve these matters.	Please see responses 1, 3, 7, 9, and 14.
Davidson	David and Patricia	I have read the newspaper of the Service's plans for endangered species habitat "mitigation" in Bexar County, a deeply flawed concept, and if implemented will lead to further destruction of critical habitat in Bexar County. Fish and Wildlife is supposed to use good science and be science driven in regulation, but it seems clear that the proposed regulation is economically driven, probably be developer influence, and not science driven. The critical habitat for karst dwelling species is the caves where they are found, not some place in another area (county). Mitigation for loss of habitat for these species by purchase of property that is not where these species live is not mitigation; it will lead to their destruction. The economic benefit to developers is clear, but where is the science in this idea? Habitat for Golden-cheeked Warblers and Black-capped Vireos is not quite the same, and maybe areas of suitable habitat where these species nest can be found outside of Bexar County. The minimal cost to developers for taking species in Bexar County amounts to a small part of the developers' budget, although maybe $400,000 per acre might have some impact. And it is not just protecting karst features occupied by these species that is important, the water supplies for these features must also be protected, both in quality and quantity. We urge Fish and Wildlife to live up to the standards that are expected of the Service and formulate regulations that do not amount to giving Bexar County a license to take endangered species with very little penalty. Developers have raped the habitat on the recharge zone for the Edwards Aquifer over the past 50 years that we have lived here; it has been terribly painful to observe, and now it is (way past) time for that process to be stopped by Fish and Wildlife doing what is best for the endangered species of this area.	The SEP-HCP and EIS considered all available relevant data during the development of the draft documents. In instances where new or updated information resulted in a substantive change, the documents were updated. If this new or updated relevant data did not result in any substantive changes to the SEP-HCP or EIS, then it was not added to the documents. Please also see responses 11, 12 and 18.
Hill Country Conservancy		We write this letter in support of the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP). Land development activities that accompany and support the expanding population of the greater San Antonio area have caused the loss and degradation of habitats for federally threatened or endangered species, and are the primary factors threatening the survival and recovery of these species. As we see all too often today throughout the greater San Antonio area and surrounding Hill Country, many projects are proceeding without proper coordination with the U.S. Fish and Wildlife Service (USFWS) and would rather risk enforcement actions that could delay completion and/or result in fines, than seek compliance with the Endangered Species Act (ESA). This is largely due to the fact that the process for ESA compliance by obtaining a permit from the USFWS is lengthy and expensive, thus discourages people from seeking it. What this poor compliance and lack of proper	Comment acknowledged

		coordination has resulted in is the loss or degradation of endangered species habitats without the benefits of the corresponding conservation measures that would otherwise be implemented as required by the ESA. This overall lack of ESA compliance over the past couple of decades has resulting in few conservation actions being implemented in the greater San Antonio area specifically for the benefit of the region's threatened or endangered species. Furthermore, it has been estimated that approximately 241,000 acres of available undeveloped land within the SEP-HCP Plan Area will be converted to developed land uses within the next 30 years, at an average pace of approximately 7,800 acres per year. The greater San Antonio area needs a locally implementable solution to curtail the continuing loss of open-space and endangered species habitat within the region. While ongoing conservation initiatives sponsored by the City of San Antonio's Edwards Aquifer Protection Program have protected tens of thousands of acres in the SEP-HCP Plan Area from future development, most of these actions do not specifically provide for the protection of management of endangered species habitats. Without specific habitat protections and on-going management, the conservation value of these lands may be limited for endangered species. There are only a few relatively small and scattered conservation actions with the region that have specifically targeted the protection and management of endangered species. However, these efforts alone will not likely support the self-sustaining ecosystem processes that naturally maintain endangered species habitats within the next 30 years. Protecting endangered species habitat is important, and much of this habitat occurs over areas within the recharge and contributing zones of the Edwards Aquifer and would contribute to aquifer protection. The SEP-HCP will provide for the coordinated conservation of the area's important natural resources at scale that helps secure the status of endangered species and contributes significantly to their ultimate recovery. At full implementation, the SEP-HCP preserve system would include a minimum of 23,430 acres of golden-cheeked warbler preserve lands; a minimum of 6,600 acres of black-capped vireo preserve lands; and a minimum of 1,000 acres of preserve lands for the seven listed karst invertebrates covered by the plan. The SEP-HCP also requires that conservation action must be completed before a corresponding amount of participation can be allowed to occur through the Plan. The SEP-HCP would be another tool in the conservation toolbox in which groups could utilize for assistance in regional-scale conservation efforts, not only endangered species protection and recovery, but protection of the Edwards Aquifer and other important natural resources on the Hill Country. SEP-HCP resources in the form of mitigation fees, available grants, and public funds will be used to acquire lands or perpetual conservation easements on properties from voluntary and willing landowners within the 7-county Plan Area that meet conservation and recovery-specific design criteria for these endangered species. Additionally, the SEP-HCP will require two acres of mitigation for each acre of direct impact and one-half acres of mitigation for each acre of indirect impact. All other similar HCPs within the central Texas area only require one acre of mitigation for each acre of direct impact. Any amount of mitigation would be better than the current status quo of no mitigation at all.	
Department of the Army		Thank you for the opportunity to comment on the Southern Edwards Plateau Habitat Conservation Plan (SEPHCP) and draft Environmental Impact Statement (EIS). As a federal agency, we will not be covered by the incidental take of this plan, however, we support the plan because we believe it will provide a streamlined method for management of development around Camp Stanley and Camp Bullis which should improve compliance by nonfederal parties. We are aware of only a handful of site specific habitat conservation plans and Section 7 consultations ever being done in Bexar County. With tens of thousands of acres of development occurring in the county, it is questionable whether many developers complied with performing endangered species mitigation. We believe development is displacing Golden-cheeked Warbler (GCWA) onto our military installations. Having a streamlined means of complying, as has been the case with a regional HCP in Travis County since 1996, should encourage more developers to comply with the Endangered Species Act. We hope that having a regional HCP will stop the net loss of habitat in the overall area and result in more mitigation being done. We are concerned that the Biological Advisory Team's (BAT's) recommendation for a specific percentage of GCWA habitat to be obtained within Bexar County is not in the draft plan or EIS. We understand the cost realities over the BAT's figure of 60% may make the plan too expensive to implement, but believe some minimal percentage (such as 30% within Bexar County and miles surrounding) is needed so that it doesn't end up that all the mitigation is done outside of Bexar County. Doing so would leave Camp Stanley and Camp Bullis (and Government Canyon State Natural Area, a few city parks and Proposition 1 tracts and a few tracts Camp Bullis help set up as mitigation properties) as the only remaining GCWA habitat in Bexar County.	Comment Acknowledged. Please also see responses 1, 7, and 14.
City of Grey Forest		The City of Grey Forest supported the implementation of the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) by sending a Councilmember to participate as a governmental entity representative on the Citizens Advisory Committee (CAC) which met for approximately 3 years. After the recent public hearing, February 3, 2015, at 5pm at the Casa Helotes in Helotes, TX our Council and Mayor wish to express our disappointment. We understand that this meeting was not a public hearing where citizens has an opportunity to speak, but rather was simply held to complete a process. It was apparent that the primary U.S. Fish & Wildlife Service (USFWS) representative did not seem to know those he was introducing. The current project representative from Bowman Company simply read his notes while citizens viewed them on the screen. Representatives from Loomis, the previous company in charge of the project, although very familiar with the details, were rarely even referenced. This does not provide confidence that the current staff in charge really knows, much less understands, this plan. Many of the SEP-HCP meetings were also attended by representatives from several of Bexar County's contiguous counties which were involved in the Habitat Plan by geography rather than their desire to participate. It was very apparent at these SEP-HCP meetings that the citizens from Kerr County and their Commissioners Court were	Comments acknowledged. Loomis was acquired by Bowman and those familiar with the project are still involved in the SEP-HCP. Please also see response 2.

		adamant they did not want to participate in this plan. The current draft Habitat Conservation Plan (dHCP) is in direct conflict with the position taken by Kerr County Commissioners. The City of Grey Forest wishes to convey support for the concerns expressed by Tom Hayes, Environmental Conservation Alliance (ECA), and former member of the Biological Advisory Team (BAT) in his Outline of Necessary Revisions to dHCP/ draft Environmental Impact Survey (dEIS).	
Alamo Group of the Sierra Club City of Grey Forest Fenstermaker Fenstermaker Hayes Moore Scenic Loop – Boerne Stage Alliance	Mary Bebe Tom Myfe	Golden Cheek Warbler (GCW) and Black Capped Vireo (BCV) • Increase GCW mitigation ratio to 3:1 for direct take • All take restricted to Bexar County and San Antonio, so resulting mitigation should also be within five miles of Bexar County. • Current USFWS recommendation should remain the basis for determining presence-absence for all covered species. • The SEP-HCP should specify minimum design criteria for GCW and BCV. • A prescriptive management plan for GCW and BCV should be included in the SEP-HCP. • Currently "protected" GCW habitat in the SEP-HCP area that is not permanently protected should not contribute to recovery. • GCW and BCV Preservation Credits should be increased to a minimum of $10,000/acre. • An adequate funding model to sustain management should be a guaranteed component of preserve acquisitions Karst Invertebrates • Actual surface and subsurface drainage basins should be carefully estimated for very large karst features, so that the plan-prescribed 750-foot distance for Occupied Cave Zone (OCZ) B is extended as necessary to fully protect the most valuable features. • Prior to all Karst Faunal Regions (KFRs) for a given species being certified as down-listed to assure regional recovery, no covered activities for a given species should be allowed within the OCZ.. • Due to the need for more research on the distribution, taxonomy, and status of covered species, the investigation of any accidently discovered karst features (caves and voids) must continue to be required until all listed species in all KFRs in the SEP-HCP region achieve verified USFWS down-listing. • Karst participation fees should be increased due to the high biological concern and high land values (conservation cost) in Bexar County. • Low-quality preserves must not be accepted in lieu of per acre participation fees, unless such land donations include a guaranteed management endowment Plan Structure and Administration • Surveys, reviews and reports for assessing baseline conditions and for management planning should occur more frequently. • Independent advisory committees with public meetings should be required, including a Science Advisory Committee and a Citizens Advisory Committee. • SEP-HCP administrator should be an independent non-profit entity, affiliated with but not directly managed by the Permittees. • Program descriptions and acceptable guidelines for the voluntary conservation of Category 3 species should be included in the SEP-HCP • The mitigation process for indirect and offsite impacts must be included in the SEP-HCP	While the BAT recommended a 3:1 mitigation ratio for GCWA impacts, in June 2011, the CAC had a supermajority vote to recommend a 2:1 mitigation ratio for the GCWA, which was based on other factors, not just biology. The Applicants' and the Service believe this is an adequate ratio for mitigating for Covered Activities and contributing to recovery. It is expected that the majority of the impacts to GCWAs covered under the SEP-HCP will occur in smaller patches of habitat; however, the mitigation will be in large, contiguous patches that will contribute significantly to the recovery of the GCWA. The Service recommends three years of surveys to prove absence and historically provided concurrence with the findings. Whether someone does zero, one, two, or three years of surveys does not remove the requirement to mitigate under the Act for all incidental take of listed species. The one year survey is merely an addition of information for the Permittees to use in calculating their assessment of the impacts. Additionally, because the one year of surveys will only apply to discreet patches of habitat, the use of this option will likely be very limited (see Section 3.2.3.1). The 1992 GCWA Recovery Plan clearly states that direct acquisition of enough habitat to recover the GCWA is not probable and cannot be viewed, by itself, as a single means to recovery. However, the Service agrees that GCWA habitat near populated areas should be permanently protected for the benefit of the GCWA to count towards recovery because of imminent threats from development. As such, the SEP-HCP requires all preserves to be protected in perpetuity for the benefit of the listed species. If all KFRs had to meet downlisting prior to any karst participation, there would likely be no karst participation because it is likely that several of the species will never be able to meet the minimum number of caves necessary to meet recovery (for example, *C. venii* and *C. vespera*). Therefore, the Service would continue to review projects on a case-by-case basis, which would undermine the intent of the SEP-HCP. Accidentally discovered karst features, those with no surface expression, are not expected to be preserved, since they will have been severely damaged once located. Please see Section 3.2.4.3 in the HCP. However, collections in these features can contribute to our overall knowledge of the distribution of the Covered Karst Invertebrates. Formation of advisory committees is not a requirement for meeting issuance criteria. However, the Applicants recognize the need for expert input and expect to convene committees to assist with implementation and adaptive management (Section 2.2 of the SEP-HCP). Indirect impacts are discussed throughout Sections 3 and 4 of the SEP-HCP. Please also see responses 1, 2, 14, 15, 16, 17, and 18.
Fenstermaker	Mary	The Hill County Planning Association (HCPA) is a coalition of organizations, farmers and ranchers, and individuals concerned about destruction of wildlife habitat and loss of endangered species in Bexar County, Texas. A number of our members served as stakeholders on the Southern Edwards Plateau Habitat Conservation Plan (SEPHCP) Citizens Advisory Committee (CAC). HCPA is in favor of a SEPHCP but was shocked by the above draft SEPHCP (dSEPHCP) unveiled recently. It fails to follow the	Please see response 7.

		recommendations of the Biological Advisory Team (BAT) and majority of the CAC. Obviously, the process was flawed.	
Fenstermaker	Bebe	For three years my sister Mary Fenstermaker and I volunteered our time and efforts to help bring into being the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP). I served on the Citizens Advisory Committee (CAC) as a Bexar County rancher-landowner and Mary served on the CAC representing the Hill Country Planning Association. We attended almost all of the Biological Advisory Team (BAT) meetings in order to understand what the scientists felt were the most critical concerns for the recovery of the included endangered species. This proposed 2014 version of the SEP-HCP (dSEPHCP) has little to do with the recommendations of the CAC and BAT. This version, devised by entities other than the CAC and BAT and including little of our recommendations, is flawed.	Please see responses 7.
Scenic Loop-Boerne Stage Alliance		Several of our Scenic Loop – Boerne Stage Alliance (SL-BSA) members attended the recent Public Hearing 3 Feb 2015 at 5PM at Casa Helotes in Helotes, TX. Most audience participants were quite disappointed that it really was not a public hearing, where citizens had an opportunity to speak, rather than take a form to complete. It was quite apparent the primary U.S. Fish & Wildlife representative didn't seem to know those he was introducing, and the current project representative from Bowman Company had to read all of his notes, while we viewed them on the screen. Representatives from Loomis, the previous company in charge of the project, were familiar enough with the details that they rarely even referred to the screen. This doesn't give us much confidence that the current staff in charge really knows and understand this plan. Many of our SL-BSA members were either stakeholders on the Southern Edwards Plateau Habitat Conservation Plan (SEPHCP), alternates or were regular attendees at all meetings. Several of us attended the majority of the Biological Advisory Team (BAT) meetings, thus, knew exactly what their recommendations were to the entire SEPHCP. Many of the SEPHCP meetings were also attended by representatives from several of Bexar County's contiguous counties involved in the Habitat Plan. It was very apparent at the SEPHCP meetings that the citizens from Kerr County and their Commissioners Court were adamant they did not want to participate in this plan at all. The current Draft Habitat Conservation Plan (dHCP) is in direct conflict with the position taken by Kerr County Commissioners.	Please see responses 1, 2, 7, 9, and 14.
Alamo Group of the Sierra Club		The Alamo Group (San Antonio area) of the Sierra Club submits this letter in strong support of the entire attached critique by the Greater Edwards Aquifer Alliance of the Southern Edwards Plateau Habitat Conservation Plan prepared by Bexar County and the City of San Antonio.	Please see all responses to Mr. Tom Hayes and the Greater Edwards Aquifer Alliance.
Alamo Group of the Sierra Club Moore	Myfe	The dHCP/dEIS documents ignore key aspects of the Biological Assessment Team's (BAT) recommendations after the BAT's almost two years of intensive effort (2010-2011). Some of the most important differences relate to GCW mitigation. All GCW/BCV take is within the jurisdictions of Bexar County and San Antonio. However mitigation is now allowed anywhere within the 7-county Plan Area. This will lead to the continued loss of GCW and BCV habitat in the San Antonio area due to the absence of local mitigation due to the area's higher land prices and increased development. The 11/17/10 BAT-approved recommendation was that direct GCW take in Bexar County be mitigated at a ratio of 3:1, with not less than 60% of resulting mitigation occurring within Bexar County or five miles of Bexar County. These two key BAT recommendations derive from the high amount of loss in the county that causes a severe threat there relative to the other six rural counties in the Plan Area. Preferential mitigation in Bexar County also protects the mission of Camp Bullis and the other significant conservation reserves in the county, which are important to both the species and the community. The BAT's 6/9/11 response to the first draft of the SEP-HCP listed 11 top concerns, and singled out the dHCP's lack of mitigation close as possible to the habitat impact area as a particularly "egregious error." As further discussed by the USFWS and in the BAT's 3/21/11 response to the CAC, the lack of GCW/BCV preserve establishment in the impact area is expected to increase both the loss and the isolation of habitat. In this manner, it is distinctly possible that existing protected habitat in Bexar County at Camp Bullis and city reserves will be severely degraded. To counter unexpected habitat destruction due to stochastic events such as fire, a most basic tenet of conservation dictates that habitat within the larger landscape be continuous and adjacent to permitted take. The Increased Mitigation Alternative (p. ES-v, dEIS) follows the above BAT recommendation. However, due to all take now occurring in or immediately adjacent to Bexar County, both GCW and BCV mitigation should be changed to occur only in Bexar County until other counties sign on as true participants (take and mitigation). In this manner, the Single-County Alternative now may be most appropriate, until other counties agree to participate (i.e., mitigate close to take).	Please see Chapter 3.2 of the EIS Alternatives Considered but Rejected from Further Analysis, our Biological Opinion, and also responses 1, 7, and 14.
Alamo Group of the Sierra Club Moore	Myfe	No prescriptive management plan for GCW and BCV is included in the dHCP. This should be an essential requirement of the plan. Little if any currently "protected" GCW habitat in the SEP-HCP area is permanently protected and therefore should not contribute to recovery. Furthermore, the BAT (11/17/10) recommends that no more than 10% of the GCW conservation credits be generated from public lands that were protected as of November 4, 2010.	Please see responses 15 and 16.
Alamo Group of the Sierra Club Moore	Myfe	The price of GCW and BCV Preservation Credits should be increased to a minimum of $10,000/acre, to be more commensurate with land values in and adjacent to Bexar County and thus, allow adequate mitigation and meaningful contribution to recovery in this rapidly developing area. If preserve management funding becomes inadequate, this should be a serious breach of permit conditions. Outreach, education, and research programs should be emphasized as essential to the long-term success of the SEP-HCP, and not jettisoned due to an inadequate funding model.	Please see response 18.
Pfeil	Girard	Why do I, as person, who has tried to be a good steward of my 500 acres in Kendall County for the past 27 years, need help from government bureaucrats? They know nothing about my land, my grazing programs, all the details, the flora and fauna of my acreage. It appears this is just another government over reach, which violates my	Please see response 8.

		property rights. Under no circumstances, have I looked to the government for help running the stock on my ranch. On the contrary, the proposed regulations are attempting to solve a problem that doesn't exist. All it does is attempt to violate the freedom that I, as a citizen of these United States, are guaranteed under the U.S. Constitution.	
Pfeil	Girard	Please record this letter as demanding the "NO ACTION ALTERNATIVE" which is not to implement this regional habitat conservation plan. This proposed action is another example of political land grab that benefits the city of San Antonio at the expense of surrounding counties and citizens.	Please see responses 6 and 8.
Environmental Protection Agency		**Air Quality:** **4.1.1 Issues and Resources Considered but Dismissed from Detailed Analysis (Pae 4-39):** The DEIS correctly states that the San Antonio area is currently in attainment of all National Ambient Air Quality Standards (NAAQS), but is vulnerable to being designated as non-attainment for ozone in the next few years. In addition to the long-range planning initiatives for managing congestion included in the document, the Alamo Area Council of Governments (the San Antonio area Metropolitan Planning Organization) has applied to and been accepted by EPA into the EPA Ozone Advance program. The advance program is a collaborative effort between EPA, states and local governments to enact expeditious emission reductions to help near non-attainment areas remain in attainment of the NAAQS. This further reflects the sensitivity of ozone levels in the area, and the need for federally-funded projects in the San Antonio area to consider emissions which contribute to the formation of ozone. ***Recommendation:*** Because of the air quality concerns of significant population centers within the DEIS study area, EPA recommends that in order to reduce potential short-term air quality impacts associated with construction activities, the agencies responsible for the project should also include a Construction Emissions Mitigation Plan and adopt this plan in the Record of Decision (ROD). In addition to all applicable local, state, or federal requirements, EPA recommends that the following mitigation measures be included in the Construction Emissions Mitigation Plan (CEMP) in order to reduce impacts associated with emissions of NOx, CO, PM, SO_2, and other pollutants from construction-related activities. These mitigation measures include: Fugitive Dust Source Controls: • Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays and windy conditions; • Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and • Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph. Mobile and Stationary Source Controls: • Plan construction scheduling to minimize vehicle trips; • Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections; • Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed; • If practicable, utilize new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible; • Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidations catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and • Consider alternative fuels and energy sources such as natural gas and electricity (plug-in or battery). Administrative Controls: • Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking; • Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips; and • Identify sensitive receptors in the project area, such as children, elderly and infirmed, and specify the means by which impacts to these populations will be minimized (e.g. locate construction equipment and staging zones away from sensitive receptors and	Comment acknowledged. Chapter 4.1 has been updated to reflect the need for a CEMP.
Environmental Protection Agency		**Environmental Justice:** The project affected area under consideration has a minority population that is almost at 65%, with almost 20% living in poverty. There is potential for EJ related issues. ***Recommendations:*** • Include detailed demographics to understand the surrounding communities and support conclusion made in the DEIS. • Include a full detailed analysis to show specific locations of targeted sites for development, and what type of development is planned.	The Environmental Justice text in Chapter 4.1.1of the EIS has been expanded to address impacts to minority and low-income residents.
Environmental Protection Agency		**Tribal Review** The project has the potential to impact several tribes that have historical ties to the proposed project area. These tribes include: the Tonkawa, Comanche, Apache Tribe of Oklahoma, Kiowa, Kickapoo Traditional Tribe of Texas, Wichita and Affiliated, Mescalero Apache. They, and possibly others, should be contacted. ***Recommendations:*** • FWS should contact the Texas Historical Commission for a list of Tribes who have historical ties, and may have cultural sites in the area discussed. • FWS should consult with tribes with historical ties and provide them an	Tribal Consultation has been added to Chapter 4.1.1 of the EIS.

		opportunity to review DEIS. • The document needs more detail, along with maps, and plans, on what and where "development" may take place. • The FEIS should provide more detailed analyses relating to Environmental Justice and Tribal Issues. EPA requests that the FWS provide us any future environmental assessments prepared as result of future development for our review and comment.	
Moore	Myfe	Several dozen research papers (2010-2014) were ignored in the current SEPHCP documents. Approximately two dozen of these papers, which are most pertinent to the proposed conservation plans for BCV and GCW, are discussed below.	The SEP-HCP and EIS considered all available relevant data during the development of the draft documents. In instances where new or updated information resulted in a substantive change, the documents were updated. If this new or updated relevant data did not result in any substantive changes to the SEP-HCP or EIS, then it was not added to the documents.
Moore	Myfe	**Effective Population Size** For both BCV and GCW, recent peer-reviewed research points to a highly significant decrease in the effective population size. This population metric may be defined as the number of breeding individuals that is sufficient to maintain within-species genetic diversity within a population. Effective population size is usually less than the census population size. However, in the case of these two endangered songbirds, the effective population size is unusually small compared to the census population size. Expansive genetic studies are required to accurately measure the effective population size for these species. In any case, population targets for BCV and GWC used in the SEPHCP documents are very likely less than required for long-term sustainability, and should be revised based on additional research. While analyzing current and historical specimens of BCV, Athrey et al. (2012) found current genetic diversity to be significantly lower and more divergent among current populations. They attribute this to habitat fragmentation beginning in the early 1900s, which caused a great reduction in the effective population size. Similar to BCV, Athrey et al. (2011) documented a rapid decrease in genetic diversity and a corresponding increase in genetic divergence among GCW populations over a 100-year period. They conclude that all populations that they studied have low effective sizes. Duarte et al. (2013) also found present-day carrying capacities reduced for GCW, due to fragmentation as total GCW breeding habitat was reduced by 29% between 1999-2011 and 2010-2011. **Reproductive Habitat Metrics** <u>BCV Reproduction:</u> Recent research indicates that the current SEPHCP documents rely too heavily on outdated vegetation metrics, when assessing potential breeding habitat for BCV and GCW. For example, the conventional approach envisioned BCV as dependent on successional shrub vegetation with 30-60% woody cover and high edge density (Bailey and Thompson 2007). BCV nest habitat was considered enhanced with dense deciduous shrub cover below two meters in height (Bailey and Thompson 2007). However, the latest research shows that this focus on vegetation control during BVI management does not augment reproduction in a significant number of areas, unless cowbird trapping is a continuous component of management (Campomizzi et al. 2013). These researchers found that the daily survival rate of BCV nests depended on cowbird trapping, but was unrelated to vegetation parameters. The research results of Wilsey et al. (2013) expand upon the primary importance of an unending program of active management, including after recovery goals are met, with a focus on cowbird trapping, but also including habitat enhancement and artificial recruitment to increase genetic diversity. Other updated research shows that shrubland is not the only significant habitat for successful BCV reproduction. Dittmar et al. (2014) captured dispersing juvenile BCV at equivalent rates in shrubland and riparian forest. In fact, juveniles preferred riparian vegetation over most other habitats, and stayed longer in this type that exhibited increased canopy, denser vegetation, and greater arthropod biomass, relative to other habitats. Juveniles appear to select riparian habitats due to expanded cover and prey resource (Dittmar et al. 2014). These findings are strongly supported by Pope et al. (2013), who measured no statistical difference in BCV nest loss and reproductive success between scrubland and woodland. The parasitism rate, the sole variable to impact nest survival, was twice as large in shrubland compared to woodland (Pope et al. 2013). These new data reveal the need for a fundamental change in the BCV conservation plan promoted by the draft SEPHCP documents. In addition to sustained cowbird trapping, the plan should protect both shrubland and woodland, especially riparian woodland near nest sites. The current SEPHCP places too much emphasis on BCV breeding habitat in shrubland, to the detriment of woodlands equally or even more important to breeding and juvenile BCV. <u>GCW Reproduction:</u> Unlike BCV that prefers successional habitat with a high amount of edge, GCW is an old-growth obligate species, which requires relatively large patches of mature closed-canopy woodland. The importance of large patches of mature woodland to GCW is indicated by reduced patch occupancy in the northern portion of the GCW breeding range, where large patches are less common (Collier et al. 2012). Butcher et al. (2010) determined the minimum patch size for effective GCW reproduction to be 15.0-20.1 ha. However, this research found GCW to have no patch size requirements for occupancy, male territories, or pair formation. In this manner, SEPHCP conservation activities for GCW that are based on patch-size thresholds for occupancy and territory may not relate to reproductive success. In addition to patch size, GCW breeding habitat differs from that of BCV in that GCW breeding habitat is more adversely impacted by human disturbance. Davis et al. (2010) found male GCW territories to be more than 50 % larger (2.2 ha) in mountain biking areas compared to non-biking areas (1.4 ha). They also measured that nests in non-biking areas had twice the success rate and only one-third the abandonment rate,	Comments acknowledged. The preserve designs are subject to Service approval and follow our recommended guidance for long-term protection and contribution to recovery. As new information becomes available on preserve management and maintenance, the guidance will be updated. These changes are accounted for in the adaptive management program of the SEP-HCP (Section 9).

		compared to biking areas. Physical impacts of biking trails to habitat, including fragmentation, appeared to be the primary stress factor. Therefore, seasonal closure of trails during GCW breeding may not alleviate the chronic degradation of old-growth characteristics important to GCW. In response, preserve management may need to limit biking trails.	
Moore	Myfe	Regional GIS models that predict GCW population densities based vegetation composition and spatial variables increase the efficacy of habitat management and proactive protection at the landscape scale. The type and percent cover of woodland had significant positive effects on GCW density, while the amount of edge was a negative influence (Peak and Thompson 2013). Conservation efforts should target properties dominated by juniper and juniper-oak woodland with low edge density (Peak and Thompson 2014). Marshall et al. (2013) report an abrupt change in GCW foraging from oaks in April to juniper in May, in response to temporal differences in arthropod density on these substrates. In order to enforce take permits and guide mitigation activities, and effectively implement the SEPHCP, proactive habitat mapping is essential for GCW, due to its dependence on large contiguous patches that are increasingly uncommon (Collier et al. 2010). Patch size is an important predictor of occupancy. For example, Collier et al. (2010) determined that all patches greater than 160 ha had a 100% chance of occupation. However, Horne et al. (2011) identified distance from the largest patch as often more critical to the maintenance of a GCW metapopulation. These researchers could not distinguish consistent distance and size parameters, and therefore could not develop general guidelines for determining patch value. Therefore, the delineation of potential high-value mitigation sites must be followed by on-the-ground reconnaissance to accurately assess the value of each patch.	Please see Section 6 of the SEP-HCP where on the ground metrics must be collected prior to a preserve being approved.
Moore	Myfe	The SEPHCP should specify goals and funding for a greatly increased research program to support all covered species. In particular, recent peer-reviewed papers call for issue-oriented research to fill critical information gaps in regard to GCW conservation. Horne et al. (2011) focus on three important research needs: (1) quantifying patch metrics that sustain reproduction, (2) habitat mapping to identify distinct local populations that may help restore genetic diversity, and (3) juvenile dispersal processes. Similarly, Duarte et al. (2013) emphasize the need to quantify dispersal rates and distances, in order to measure and promote genetic exchange among progressively more disconnected fragments of GCW breeding habitat. Another important area of research should be the improvement of monitoring techniques. For example, Collier et al. (2013) document spatial differences in the accuracy of GCW detection, including detection errors related to distance. For both GCW and BCV, they found errors in density measurements, in that areas with increased chance of occupancy have larger density estimates. Warren et al. (2013b) also found the underestimation of GCW density to increase as actual density increased. Related to this detection bias, they found that individual male GCWs accelerated singing as overall abundance increased, so that detections were not independent. Other current researchers, such as Hunt et al. (2012), find that the commonly used point-count measures of density are consistently higher than territory counts determined by standard mapping techniques. In this manner, increased research should be directed toward (1) methods used to measure abundance and (2) the nonrandom spatial bias in detection.	Sections 6, 7, and 8 of the SEP-HCP discuss research and the use of experts to assist in directing that research.
Urban	Charles	I read in a newspaper article that the Project would involve the involuntary taking of our property, and then read in another article that only voluntary sales would be involved. Then, I tried to wade through the hundreds of pages involved, without being able to determine how the Project will or could affect my property located in Kendall County. It would sure be useful if FWS would provide a concise summary of how the Project will or could affect landowners in counties surrounding Bexar County! My property has already been involved in two Eminent Domain situations, and I am beginning to wonder who actually owns the property that I paid for? The requested summary should be posted in the newspapers in the surrounding counties.	The SEP-HCP Executive Summary contains a summary of the SEP-HCP. Economic impacts are discussed in EIS Chapter 4.7 and impacts to the county tax bases are described under “Revenue Analysis” in EIS Chapter 4.7.1. Please also see response 8.
Moore	Myfe	All: We are asking for more public-hearings and an extension of the Comment Period regarding the SEP-HCP 2014 version of the 2009-2011 SEP-HCP. The public hearings did not follow standard process; we were not allowed questions nor comments and most of the "leaders" did not appear to know each other or us. There were only 2 brief, useless public hearings, and 7 counties is an enormous area. Most citizens and government officials in San Antonio and Bexar county were unaware of this 2014 version of the plan, or even that a plan was underway. We even didn’t know about it until late November 2014. The science of the 2014 version is neither current nor complete and thus unavailable to give out to citizens. Very few citizens and only 1 or 2 county/city people are involved in an enormous 7-county area affecting 7 endangered species. Much of the information being given out to us is incorrect and/or misleading: i.e. the so-called "mitigation plans" are misleading ... there’s no mitigating dead birds. They are gone forever. And "mitigating" with cheaper land miles away from the take is not true mitigation. The birds involved in the "take" are dead and their descendants as well. The 2014 HCP does not involve enough cost to the "taker". It is currently estimated to be a 25:75 developer:taxpayer cost ratio, and many of the funds will come from areas far away from Texas. The 2008-2011 SEP-HCP process involved many hours of informed citizen committees and Biological Teams and many other interested citizens hearing what happened at the many meetings. The 2014 SEP-HCP version involves one county man (Andy Winters), one USFW person (Christina Williams), and no one else that we can find is involved in a massive 7-county, 7-endangered species plan. Please see the wildlife studies I had done below on my ranch in the affected area. I have more coming for you. PLEASE HOLD MORE HEARINGS AND EXTEND THE COMMENT PERIOD.	The SEP-HCP and EIS considered all available relevant data during the development of the draft documents. In instances where new or updated information resulted in a substantive change, the documents were updated. If this new or updated relevant data did not result in any substantive changes to the SEP-HCP or EIS, then it was not added to the documents. Because clearing and construction activities must occur when both the GCWA and BCVI are not in Texas, the likelihood of a bird dying as a direct result of Covered Activities is unlikely. However, we do acknowledge that they will have to establish territories in new areas, if their previous territory is no longer in existence. Please also see responses 1, 3, 7, 9, 14, and 18.
Moore	Myfe	See the link below for a current census of birds on our ranch, Rancho Blanco Ranch, 7 miles North of Helotes, TX at 18744 Bandera Road, Helotes Tx 78023. Since there seems to be very little current or scientific data of birds in the area, I	The SEP-HCP and EIS considered all available relevant data during the development of the draft documents. In

		offer these studies and census by our biologist for your perusal. These studies are one of the many reasons the SEP-HCP 2014 needs to be re-worked and improved and DELAYED. Millions of birds, 7 endangered species, and 7 counties are involved in a process that has been flawed and hurried and is unscientific.	instances where new or updated information resulted in a substantive change, the documents were updated. If this new or updated relevant data did not result in any substantive changes to the SEP-HCP or EIS, then it was not added to the documents.
Moore	Myfe	PLEASE CONSIDER RE-PROCESSING THE ENORMOUS 7-COUNlY 7-ENDANGERED SPECIES PLAN RECENTLY PUT OUT BY SAN ANTONIO/BEXAR COUNTY/USF&W. Only a small number of public employees know the details or ramifications of this plan. The 2 small public hearings were poorly planned and late introduced, reached out to only a small number of people, left out the mass of people and landowners affected by the plan, will cost tax-payers a great deal of public money, will only cost the developers a small investment out in far isolated reaches of the plan's area, and needs to be re-done. PLEASE CONSIDER MANY MORE RE-HEARINGS AND AN EXTENDED COMMENT PERIOD. {See attachment)	Please also see responses 3, 7 and 18.
Moore	Myfe	All: This enormous 7-county project was executed poorly, ignored proper science, failed to notify all the parties, and bowed to pressure from developers and other environmentally-destructive for profit forces. The San Antonio & Bexar county area and the 7 counties involved are in extreme need of protection. We need an HC Plan desperately, even this poor one. The local SW Region 2 USF&W has not exercised responsibility to protect our environment here in Central Texas nor enforced the US laws regarding ESA, Clean Water Acts, Clean Air Acts, or other legislations designed to protect the environment. We will be sending data to USF&W to show this. Science was prepared for the 2008-2011 SEPHCP (which failed due to USF&W interference) but that data has not been used for the 2014 version, nor has the data been updated. This poor project on the part of USF&W shames USF&W. Please feel free to call anytime. PLEASE GIVE US A HABITAT CONSERVATION PLAN!!!	The SEP-HCP and EIS considered all available relevant data during the development of the draft documents. In instances where new or updated information resulted in a substantive change, the documents were updated. If this new or updated relevant data did not result in any substantive changes to the SEP-HCP or EIS, then it was not added to the documents. Please also see response 3.
Schroder	Rick	I have attached an excerpt from the HCP. Please advise how this impacts the Miller Tract, if at all. I know you stated that the HCP would not applicable to portions of the Tract that are currently designated Critical Habitat. Please advise. [Highlighted Excerpt from SEP-HCP] <u>Designated Critical Habitat</u> In general, the SEP-HCP requires that Participants avoid conducting activities within areas of designated Critical Habitat. However, Applicants with properties containing designated Critical Habitat may consult with the Service for a determination of whether or not the proposed project would destroy or adversely modify the designated Critical Habitat for the Covered Karst Invertebrates. Determination will be made by the Service on a case-by-case basis and in consideration of the specific site conditions at the time the request is made. If the Service determines that no adverse modification or destruction of that designated Critical Habitat will occur from the proposed project, then the Service may allow that project to participate in the SEP-HCP. Areas of designated Critical Habitat allowed to participate in the SEP-HCP by the Service will be subject to the requirements of the SEP-HCP, but may also be subject to additional terms and conditions as may be required by the Service.	If a property has Service designated critical habitat for a Covered Karst Invertebrate within its boundaries, that portion of the property will not be able to participate in the SEP-HCP. This leaves three options: 1) only enroll the portion of the property that does not have designated critical habitat and agree to not enter into the designated critical habitat, 2) enroll that portion of the property outside of designated critical habitat under the SEP-HCP and consult with the Service under section 7 or 10 of the ESA to determine if any impacts could be authorized within the designated critical habitat, or 3) consult with the Service under section 7 or 10 of the ESA for the entire tract.
Anderson	Alice	As a land owner in Kendall County I would like to request the “No Action Alternative” in regard to this bill. We are good stewards of our land, maintaining areas for habitats for all species who reside on our property. This includes native wildlife as well as cattle. Government does NOT need another control in our lives and as a native Texan it is the foundation of our heritage to be in control of our own property in this wonderful Lone Star State. Please vote NO.	Please see responses 2 and 6.
Thomas	Wayne	This plan is bad for our city and our county. We live in fragile environment. The developers of our city have proven themselves to be irresponsible by concentrating their home building over particularly irreplaceable features of our region. This plan was not publicized to the community stakeholders. Particularly during a critical election campaign period for our municipal government, we cannot allow such a massive change to take place without adequate open discussion among the electorate and candidates for office.	Please see responses 7 and 11.
Lukey	Mike	I herein submit Resolutions from Bandera County, Blanco County, Kendall County, Kerr County, and Medina County from the year 2011 in which all five counties opposed and requested removal from the Southern Edwards Plateau Habitat Conservation Plan. I also herein submit Kendall County Resolution No. 03-09-2015	Please see response 2.
Lukey	Mike	I oppose the Southern Edwards Habitat Conservation Plan (SEP-HCP) and respectfully request denial of the Incidental Take Permit (ITP) for the following reasons. The Applicants failed to fulfill the contract which called for meeting and cooperating with Bandera County, Blanco County, Kendall County, Kerr County, Medina County, and other jurisdictional authorities in the development of the SEP-HCP. No attempts were made by the Applicants to inform or request the participation of these governing authorities. During the 2010 public comment period of the Citizens Advisory Committee (CAC) meetings, two CAC members objected to the deliberate defrauding of the County Commissioner Courts authority that were being left out of the process. The Applicants failure/refusal to coordinate their plans with the affected counties throughout the formation of a regional HCP is in violation of Texas Parks and Wildlife Code Chapter 83 and the National Environmental Policy Act Title 42 USC 4331. Bandera County, Blanco County, Kendall County, Kerr County and Medina County each passed resolutions in 2011 opting out and refusing to participate in the SEP-HCP. Copies of these resolutions are also posted under my name. Kendall County passed another resolution on 3/9/2015 restating their objection to the SEP-HCP. The CAC voted it down in 2011! The Final Draft SEP-HCP was created behind	Please see responses 2, 3, 4, 6, 11, and 12.

		closed doors without any coordination, public vetting, or an approval process which is in violation of State and Federal statutes regarding regional planning efforts. The Applicants have been very wasteful with taxpayer dollars and disrespectful of our natural resources. Approval of the ITP for the SEP-HCP would guarantee the ongoing destruction of sensitive natural areas that benefit habitat. The SEP-HCP also proposes mitigation of land where the affected endangered species does not even exist, thereby guaranteeing their extinction. I respectfully request that the Applicants Incidental Take Permit be DENIED because of their willful disregard to follow State and Federal statutes along with their willingness to destroy the sensitive natural areas without penalty.	
Smith	Earl	Please accept my recommendation for "NO ACTION" on this revised plan (FWS-R2-ES-2014-0053). Due to inadequate preparation and delivery of presentations of this most recent request for an Incidental Take Permit on behalf of the applicant, (The City of San Antonio, Texas and Bexar County, Texas), this plan requires general denial. The endangered species listed in the plan are not being protected in this case, rather than protect them, the USFWS is being asked to issue permits to applicant (The City of San Antonio, Texas and Bexar County) to KILL these species in order to allow applicant authority to continue development in and over the plan area with very little regard to the wishes of property owners in the affected areas. The documents as presented to the public have changed in substance considerably since the first draft was submitted in 2011 and the drafts presented for review by the December 19, 2014 notice. The Citizens Action Committee (CAC) and U.S. Fish and Wildlife Service (USFWS) insist on including Kendall, Medina, Kerr, Bandera and Blanco counties in the Southern Edwards Plateau-Habitat Conservation Plan (SEPHCP) even though citizens of the counties, through their elected representatives (i.e. county commissioners) unanimously passed resolutions to opt out of the habitat conservation plan, and filed these resolutions with the CAC in February 2011.	Please see responses 2, 6, 9, and 10.
Smith	Earl	I do not appreciate the use of federal funds through federal agencies to be asked to abuse property owners for the benefit of developers and others who have no intention of protecting the endangered species as listed in the plan. Un-bridled development in the areas North of the city limits of San Antonio, Texas is un-acceptable to those of us who would prefer development be limited to areas currently not in the Map Areas listed in the Plan, (ie. south and east of San Antonio, Texas).	Please see response 11.
Smith	Earl	Please take NO ACTION. Due to inadequate preparation and delivery of presentations of this most recent plan by USFWS, I respectfully request general denial of the application for the Incidental Take Permit.	Please see response 6.
Smith	Earl	The development and preparation of the captioned documents was primarily funded by a grant from USFWS to the City of San Antonio and Bexar County under the premise that permitting would be expedited. The people benefiting from expedited permitting would be developers with projects to expand within the City and County. I take exception to having my tax dollars being used to front the permitting for local developers. The use of public funds for private enterprise is unacceptable.	Comment acknowledged.
Smith	Earl	The National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations have specific actions that must be taken in the development of an Environmental Impact Statement (EIS). It seems these regulations were ignored during the conduct of this project. • No public scoping meetings were held to obtain comments from the public. • The stakeholders of the project failed to coordinate the project with local officials (i.e. county commissioners). • The public meetings held to review the 2011 draft did not allow for public discourse in the form of verbal communication. Participants were required to write their questions on paper and a moderator read the questions which were then answered by the project team. Hardly a public meeting. • The public meetings for the final draft were even more restrictive although the moderator of the meeting quickly lost control. The concept of a public meeting implies to me there be verbal discourse which the USFWS tried to prevent. The attitude of the USFWS moderator at the Kerrville, TX public meeting on February 4, 2015 was anything but friendly. Federal employees need to be reminded they work for the people. • Only two public meetings were held on final draft EIS and HCP. Kendall County which would be impacted greater than any other county was not included for a meeting site.	Please see responses 3 and 9.
Smith Smith	Earl Alan	Habitat for the golden-cheeked warbler (GCW) and black-capped vireo (BCV) were determined by high altitude satellite photography without the benefit of field truthing. No field surveys have been conducted to determine the presence of either species in Bexar County. Appendix C, dated March 30, 2011, provides a literature review of the target species and it is pointed out little field data are available for the HCP Plan region. Two different ranges of potential habitat for the GCW are given for the HCP area; both over 750K acres compared against a potential of over 4 million acres over the range of the GCW. The recovery plans for both species are over 20 years old. The absence of any recent field data concerning the presence of either species, their density, nesting activities and residency leaves a lot of questions for debate. Of course we have been reassured field data will be collected when the HCP plan is put into place.	Texas is approximately 97 percent privately owned; therefore, access to these lands to conduct bird surveys is limited. However, the GCWA inhabits a very distinct type of nesting habitat that can be narrowed in on using satellite imagery. In this manner we are able to make estimates as to how much habitat across the landscape could be potential GCWA habitat. The Service does have an abundance of GCWA survey data, including in Bexar County, that is then used to truth the models accuracy. We are unable to determine where the 750,000 acre figure is from, so are unable to respond to this portion of the comment.
Smith	Earl	The section on climate change in the dEIS is nothing but political correctness and has no basis in fact. The write up is based on junk science which really sets the tone for the entire dEIS.	Comment acknowledged.
Smith Smith	Earl Alan	The requirement for Conservation Easements to be held in perpetuity was a major issue during the public meetings on the first draft of the HCP. It was deleted from discussion in the final draft. The Incidental Take Permit (ITP) will probably be issued for 30 years. While the property owner has the option of saying yes or no to placing their land in a Conservation Easement the information regarding committing their property in	Section 6.2.1.1 of the SEP-HCP discusses conservation easements and a landowner's obligation and property needs to be considered for a preserve under the SEP-HCP.

		perpetuity should be disclosed early on. This have not been a transparent process.	
Smith Smith	Earl Alan	The revised dEIS relies on the Extra Territorial Jurisdiction for the City of San Antonio to expand its uncontrolled growth into surroundings counties. While previous court rulings have found cities cannot conduct their activities outside the county boundaries. However, the City of San Antonio continues to play the "playground bully" by pushing the HCP into surrounding counties. There currently is a lawsuit between Kendall County and the City of San Antonio over this issue. It is my opinion the documents covered by this public notice are totally inadequate for the purpose of issuing an ITP. I herein request ITP application be denied. I further recommend the USFWS review its responsibilities in carrying out the requirements of NEPA during the conduct of future projects of this nature.	Please see response 10 for a discussion of issuance criteria. Please also see responses 2 and 6.
Anderson	John	This proposed regulation is not acceptable to Landowners outside Bexar Co. We are all environmentally friendly. This proposed regulation benefits San Antonio only, to our disadvantage. The current regulations should be left alone. If the regulation proposed were enacted, immediate, well-funded legal opposition will ensue. This will cost Bexar Co. and San Antonio far more in legal expenses and bad P.R.	Comment acknowledged. Please also see responses 1, 6, and 14.
Burgin	Alyssa	Nothing can replace the native flora and fauna of a place like Bexar County – it is part of what makes our city and county unique, and it's part of the reason Texans make our area the most visited tourism spot in the state. Why on earth would be want to take the change of destroying that delicate balance in nature? Why would we want to change the natural habitat, and take the risk of messing with nature's plan? Or God's plan, if you will. We can't get it back once it's gone. Please do not approve these 'swaps' as outlined in the new plan. Our eco-system, our habitat is irreplaceable, and cannot be 'mitigated' by planting something hundreds of miles away, or preserving a wetland in some other region or state. Take care of our own city and our own county, and let the eco-system give back to us as it has all of these centuries. It's too precious to mess with – don't mess with Texas, and don't mess with Bexar County!	Comment acknowledged. Please also see responses 1, 2, 6, and 14.
McLean	Jesse	In an effort to provide greater opportunities for offsets to occur closer to covered impacts, we encourage the Applicant to consider revising the participation fees for the golden-cheeked warbler (GCWA) and black-capped vireo (BCVI) to accurately reflect land values of the current real estate market.	Please see response 18.
McLean	Jesse	We discourage the Applicant from utilizing previously conserved properties under public programs not specific to the target species, but nonetheless beneficial to those species by means of existing covenants, restrictions and incidental conservation of habitats. In theory, those public programs would need to seek authorization from USFWS prior to significantly modifying habitats existing on the properties when accepted into the program. We do encourage thoughtful and strategic expansion of the region's conservation portfolio by utilizing those properties as anchor points for creating focal areas and corridors.	Please also see response 15
McLean	Jesse	The preferred alternative illustrated within the SEP dHCP stands to vastly improve the ability for land owners, developers, utilities and local/state governmental entities within the Enrollment Area to comply with the Endangered Species Act (ESA). Regional plans such as tine provide avenues to more strategically balance and compensate the cumulative effects of otherwise insignificant individual actions within the broader ecosystem. Given the reality that unauthorized and unmitigated habitat impacts to federally listed species occur on an daily basis in both the Plan Area and the Enrollment Area, perfecting the proposed alternative stands to lose additional time in working to achieve meaningful conservation of the target species.	Comment acknowledged.
Anonymous		Government is increasingly infringing on the property rights of individuals. Currently, governments own/ control over 40% of lands in the United States. Private landownership in Texas is the strongest in the nation. Excuse of protecting endangered species is just a method of wrestling control of Texas property from individuals to the collective. Unless the people of Kendall country vote to enact such a plan, the Fish and Wildlife Service will have no authority over the private lands in the county.	Please see response 8.
Anonymous		This is a terrible plan that does more harm than good. Do not move forward with it.	Please see response 6.
Anonymous		I strongly disagree with the guidelines outlined in this proposed regulation. Why do the supporters of the regulation just spend their time, effort and money on educating the public (especially those in the affected areas) of the benefits of providing protected habitats on their property? As a landowner, I am very sensitive to the need for protecting habitat and I will provide that protection on a voluntary basis. However, one size does not fit all and my preferences should not be imposed on other land owners. To all those in positions of power when voting on this regulation, please leave landowner rights alone. Sugar always draws better than vinegar. Vote against this regulation.	Please see responses 6 and 8.
Kothmann	Billy	Landowners have earned and deserve the right to make decisions on how to take care of their land and manage their use of the land that they love and have invested their life in. NO ALTERNATIVE ACTION!	Please see responses 6 and 8.
Lang	Henry	As cattle ranchers in Kendall County we have been seriously impacted by continuing drought conditions and the increasing tax value of our land due to urban expansion from the San Antonio metropolitan area. To maximize the grazing area on our ranch we are constantly clearing cedar (actually Ashe juniper! which reduces grass availability and absorbs critically needed water resources). For the federal government to dictate to us how we use our land in order to alleviate the impact of urban sprawl on metropolitan green space seems absurd.	Please see response 8.
O'Connell	Robert	Local governments often promote habitat conservation plans as a solution to problems created by federal and state Endangered Species Acts (ESAs). In practice, habitat conservation plans inevitably cause unprecedented and unnecessary harm to farmers, ranchers and landowners that exceed the impacts of existing state and federal law. The amount of land regulated and the total cost of a habitat conservation plan are always underrepresented at the outset. A habitat conservation plan always takes far longer to complete than initially promised, if it can be completed at all. In the interim, landowners suffer increased costs and regulations. I urge that no action be taken to enact this habitat conservation plan, now or in future.	Please see responses 2 and 6.
Bexar Audubon Society		The Bexar Audubon Society, representing approximately 2000 members in Bexar and surrounding counties of the city of San Antonio, strongly urges the USFWS to deny the Incidental Take Permit (ITP, TE-45871B-O). The proposed Habitat Conservation Plan	Please see response 6.

		proposed by the applicants is seriously flawed procedurally, scientifically, and politically; resulting in irreparable harm to the species and the reputation of the USFWS.	
Bexar Audubon Society Hayes	Tom	Procedurally, the applicants – the City of San Antonio and Bexar County – have generated a plan behind closed doors and are now seeking to support it with documentation from a very public and scientific planning process that took place from 2008-2011. To pretend that the document they have submitted for your approval is based on that public or scientific input is pure slight of have. The City of San Antonio and Bexar County worked quietly for 3 years (apparently closely with the development industry) and wrote their own Habitat Conservation Plan which they then released during the holidays of late 2014. Bexar Audubon was not contacted during these 3 years of the city and county's process, nor were any of the scientists, advisory and stakeholder groups who participated in the original planning (this includes the Texas Parks & Wildlife Dept., Greater Edwards Aquifer Alliance, the US Army base at Camp Bullis and private landowners). The lack of transparency and stakeholder input alone should justify the denial of the proposed ITP. Scientifically, the proposed HCP essentially is a roadmap for rapid destruction of any remaining, unprotected golden-cheeked warbler habitat in Bexar County. The proposed mitigation ratios are a fraction of what they should be, and the mitigation is almost all to take place outside of Bexar County, ensuring that the military mission of Camp Bullis will be jeopardized by the influx of displaced birds, and the fragile warbler habitat, much of which sits on the Edwards Aquifer Recharge and Contributing Zones, will be destroyed. In addition, the outlying counties don't want golden-cheeked warblers so this current proposal just kicks the can down the road by pushing the problem out of San Antonio city limits and into rural areas and Camp Bullis. The original HCP, itself a compromise developed out of the public process in 2011, reflected the public input that the mitigation should occur within the governmental entity that the habitat destruction took place. Politically, the proposed ITP and its HCP represent a long-term policy disaster for the USFWS. It neither protects the wildlife nor the environment. If the Service allows such weak habitat conservation plans for large cities it loses crucial bargaining power to perform its job and set a dangerous precedents. IF USFWS allows a city of county to circumvent good-faith, transparent governance, it encourages more of the same. The long term health of our community, its wildlife, environment, and people deserve better. We, the birding and outdoor community of San Antonio, want to preserve something of our native wilderness for the future. We should protect and mitigate within our own boundaries and not develop at the expense of our neighbors. This ITP and its HCP should be denied.	Please see responses 1, 2, 7, 11, and 14.
Smith	David	**<u>The SEP dHCP and dEIS arbitrarily fail to acknowledge or analyze that theProposed Action is inconsistent with current USFWS policy.</u>** On or about July 1, 2013, the USFWS added to its website "Guidelines for the Establishment, Management, and Operations of Golden-cheeked Warbler and Black-capped Vireo Mitigation Lands" (the "New Guidelines" (http://www.fws.gov/southwest/es/Documents/RSES/Cons_Bank_Mitigation_Guidance_for_GCW_and_BCV.pdf). The USFWS did not publish any of these documents in the Federal Register; it did not issue a press release; and it did not make any effort to make members of the general public aware of the New Guidelines. In addition, the USFWS did not allow members of the public opportunity to provide comment on the New Guidelines. Austin ES Office staff has verbally informed some members of the public, including our clients, that the New Guidelines were going to be "strictly interpreted" and applied to all "new" GCWA and BCVI conservation lands under consideration. It continues to be our position that the New Guidelines as "strictly enforced" upon private landowners are not valid because they were not adopted pursuant to required notice and comment rulemaking; however, both the dHCP and dEIS are wholly inconsistent with the "New Guidelines." This is most evident in the designation of the "Plan Area" and the "Enrollment Area" in the dHCP. **<u>The Plan Area in the SEP dHCP should be revised to include Real County, the preferred alternative in the dEIS Plan Area should be amended to include Real County.</u>** Although Real County is in the same GCWA and BCVI Recovery Units as large and significant parts of the Enrollment Area in the SEP dHCP, it was somehow not included in the Plan Area. There is no analysis or sufficient explanation in the dEIS for why Real County is not included in the Plan Area. The National Environmental Policy Act ("NEPA") requires that agencies "[r]igorously explore and objectively evaluate **all** reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." 40CFR 1502.14(a). (emphasis added) In spite of this requirement under the NEPA, there is no explanation for why an alternative which includes Real County in the SEP dHCP Plan Area was not developed and fully studied. In order to be legally sufficient under NEPA, an alternative which includes Real County in the SEP dEIS Plan Area should be included as the preferred alternative and should be fully studied.	The purpose of the "New Guidelines" is to provide bankers, and those seeking mitigation, with an understanding of what the Service views as important for the recovery of the GCWA and BCVI and what a mitigation parcel should contain to help contribute to and not hinder or preclude species recovery. This type of guidance is also intended to help ensure consistency in Service reviews and can serve to streamline the approval process for establishing mitigation lands. To date these guidelines have been used to establish high quality mitigation purchases and have been flexible, where appropriate. In accordance with the HCP Handbook HCP boundaries can be drawn to deliberately include or exclude certain areas or activities, depending on the applicant's objectives. The SEP-HCP is a large-scale HCP that addresses many species and factors, including the Applicant's desire to have mitigation occur close to the impacts.
Smith	David	**<u>The SEP dHCP is inconsistent with the 1992 GCWA Recovery Plan and USFWS staff's current application of the New Guidelines.</u>** The Enrollment Area in the dHCP includes areas in Bexar, Medina, and Bandera counties which are part of Recovery Region 8 in the 1992 GCWA Recovery Plan, and areas in Bexar, Medina, Bandera and Kerr counties which are part of Recovery Region 6 in the 1992 GCWA Recovery Plan. In spite of this, while the dHCP Plan Area includes virtually all of GCWA Recovery Region 6, as well as portions of GCWA Recovery Regions 4 and 5, it "orphans" significant portions of GCWA Recovery Region 8, most notable Real County. With this in mind, since the Enrollment Area includes significant areas located in GCWA Recovery Region 8, it is inconsistent with the stated intent of the New Guidelines to exclude Real County or other areas of GCWA Recovery Region 8 from the Plan Area. By failing to include Real County and other areas of Recovery Region 8 in the Plan Area, the dHCP creates an area which is effectively "orphaned" from the rest of GCWA Recovery Region 8. In addition, it will eliminate any incentive for private landowners in Real County and the other "orphaned" areas in Region 8 to work	The BAT began meeting in January 2010, prior to issuance of the New Guidelines or approval of any conservation banks. At the February 8, 2010, meeting, BAT members discussed the Plan Area and, in addition to discussions about other counties, generally agreed to exclude Real County and other western counties, since preserves that far out did not seem particularly relevant to the San Antonio area, vegetation was somewhat different from that in Bexar County, and there was little hydrological connectivity to Bexar County (see minutes from February 8, 2010 BAT meeting and February 18, 2010 CAC meeting).

		to conserve their land for the benefit of GCWA or other endangered species. This is in direct conflict with the USFWS' legislative mandate to conserve and recover listed endangered species. In spite of this, the USFWS fails to acknowledge or perform any analysis of this inconsistency in the dEIS. USFWS' support of this approach in the dEIS serves to divide GCWA Recovery Region 8 and act as an impediment to achieving the conservation and recovery of the GCWA, counter to the USFWS' legislative charge. While on its face this appears clearly capricious, it is also unfortunately consistent with a pattern of bias by the USFWS in favoring one or two GCWA conservation banks over other conservation lands which seek to aid in the conservation and recovery of the species. The bias shown by the USFWS in favor of the one or two approved banks, which were only fairly recently established, clearly results in direct financial gain for those involved with those banks. In fact, by supporting the elimination of Real County and other areas from the Plan Area in the dEIS, the USFWS is ensuring that there are fewer conservation opportunities for GCWA conservation, but also that there is less competition to the one or two banks for which they have shown favor. The disparate treatment between one or two existing GCWA conservation banks and "new" conservation lands has been most recently evident in the USFWS administration of the conservation banking program and its "application" of the New Guidelines. The Austin ES Office staff's stated rationale is that they desire to now limit the GCWA service areas of new GCWA conservation lands to only the one GCWA Recovery Region in which the new GCWA conservation lands are located in order to somehow ensure that any impacts to GCWA habitat in a particular GCWA Recovery Region is mitigated by the purchase of GCWA mitigation credits from a GCWA conservation bank located within the same GCWA Recovery Region. The USFWS support of the approach in the dHCP goes one step further in the "protection" of one or two approved GCWA conservation banks by effectively eliminating significant portions of GCWA Recovery Region 8 from the future service areas of conservation lands located in Real County or other areas within GCWA Recovery Region 8 which are excluded from the dHCP Plan Area, thus ensuring an enormous economic advantage for the one or two "favored" banks. When combined with the disparate treatment of approved GCWA conservation banks and new GCWA conservation lands, the USFWS' position is indefensible. The Austin ES Office staff's arbitrary limitation of GCWA service areas for new GCWA conservation lands, like its support for the Plan Area in the dHCP, is in fact not based on current scientific data or the biological needs of the species; rather, appears to be based on an expressed desire of the USFWS staff to "protect" existing GCWA conservation banks. This unwarranted "protection" is being accomplished by severely limiting the GCWA service areas of any new GCWA conservation lands so that they will not be able to effectively increase their conservation capacity. This unequal treatment — for the express purpose of favoring one regulated entity over another and not to advance the purposes of the ESA — is arbitrary and capricious (see, e.g., *Marshall County Health Care Authrity v. Shalala*, 988 F,2d 1221, 1224 (D.C. Cir. 1993) ("Were the Secretary arbitrarily to grant an exception for some hospitals and not for others identically situated, one could expect a successful challenge [that the exception granted was arbitrary and capricious]"): see generally, *Chevron, USA, Inc. v. Natural Resources Defense Council*, 467 US 837 (1984) (regulatory agency cannot adopt rules that are "manifestly contrary to the statute"). **<u>The SEP dHCP is inconsistent with the USFWS' proposed BCI Texas Recovery Units/Service Areas and USFWS staff's current application of the New Guidelines</u>**. The Enrollment Area in the dHCP includes areas in Bexar, Medina, Bandera, and Kerr counties which are all part of the BCVI South Recovery Unit/Service Area identified the New Guidelines. The dHCP Plan Area includes all of the BCVI South Recovery Unit except for Real and two other counties (Hays County is not included as one of the excluded counties in the BCVI South Recovery Unit due to the fact that it has its own county-wide HCP). Once again, the USFWS appears to be actively supporting an approach which effectively "orphans" Real County and two other counties within the BCVI South Recovery Unit/Service Area. In addition, the dHCP as currently written would result in very significant areas in the BCVI South Recovery Unit being eliminated from the service area for any BCVI mitigation lands to be established in Real County. As a direct result, there will be no incentive for private landowners in Real County or the other "orphaned" counties in the BCVI South Recovery Unit/Service Area to conserve their land for the benefit of BCVI. This approach defies logic and does not reflect sound conservation policy. As it relates to the conservation and recovery of BCVI in the BCVI South Recovery Unit, the dHCP Plan Area and the USFWS' apparent support of the delineation of the plan area is directly inconsistent with the USFWS staff's application of the New Guidelines, as well as the legislative mandate for the USFWS to conserve and recover listed endangered species	At the February 18, 2010, meeting of the CAC, the Service, on behalf of the BAT, presented the BAT's recommendations for the Plan Area. This presentation included a detailed description of what the Plan Area was based upon, which was primarily the biology of the species, but also considered other factors, such as, the proximity of mitigation to the impacts, ecoregional and vegetation similarities within the proposed Plan Area, habitat similarity for the GCWA and BCVI, the current status of karst features, and opportunities for GCWA and BCVI mitigation. The BAT also decided to use whole counties to define Plan Area boundaries to facilitate plan administration. The CAC discussed the recommendations and approved the BAT's Plan Area in a unanimous vote. Consistently the Service has recommended, as part of section 7 and 10 consultations, a desire to have mitigation occur as near to the impacts as possible. Additionally, the SEP-HCP addresses many more species than just the GCWA and BCVI. Therefore, the Plan Area should not be expected to explicitly follow one or two species' recovery plans. There were numerous factors that the BAT considered, with involvement of the Service, when creating the SEP-HCP Plan Area, and the Service believes that it is an adequate Plan Area for covered impacts to all species and related mitigation.
Smith	David	**<u>The inclusion of Real County in the SEP dHCP Plan Area is necessary in order to be consistent with ecosystem-based conservation principles, the recovery plans for the GCWA and BCVI, and the statutory mandates for the USFWS to conserve and recover endangered species.</u>** The USFWS New Guidelines for GCWA and BCVI mitigation lands state that service areas for mitigation lands are to be "based primarily on the conservation needs of the species." These New Guidelines also state that the USFWS has "determined that Service Areas for mitigation lands will be based on the recovery regions identified in the GCWA Recovery Plan and the proposed BCVI Texas Recovery Unit/Service Areas. Adding Real County to the dHCP Plan Area is consistent with the recovery needs of the GCWA, as is expressly provided for in the New Guidelines. In addition, it is also consistent with the USFWS Conservation Banking Guidance issued to the USFWS Regional Directors in 2003, which expressly allows for conservation banks to have service areas which include counties that are located in recovery areas where recovery objectives have largely been met. The inclusion of Real County in the SEP dHCP Plan Area will help achieve the recovery objectives in the GCWA Recovery Region 8 where	Most, if not all, of the incidental take from Covered Activities will occur in Bexar, Kendall, Bandera, and Medina counties. However, the final size and configuration of a HCPs planning area is a judgment call and is often a compromise between the need to be as comprehensive as possible and the inherent risks of an over-extended, protracted HCP effort. Issuance of a section 10 permit must not "appreciably reduce" the likelihood of the survival and recovery of the species in the wild. Note that this does not explicitly require an HCP to recover listed species, or contribute to their recovery objectives outlined in a recovery plan. This reflects the fact that HCPs were designed by

		Real County is located, without impairing conservation objectives in GCWA Recovery Region 6. In fact, including Real County in the SEP dHCP Plan Area is necessary to help close the large and growing gap between the amount of conservation lands in GCWA Recovery Unit 6 and GCWA Recovery Unit 8. Real County is located in the southern Balcones Canyonlands ecoregion along with Bandera, Bexar, Comal, Kerr, Kendall, and Medina Counties, which are all included in the SEP dHCP Plan Area. As such, applying ecoregion-based conservation and principles to the conservation and recovery efforts for the GCWA and the BCVI would dictate that Real County should be included in the dHCP Plan Area. In fact, the use of an ecoregion-based recovery strategy is specifically lauded in the USFWS' New Guidelines for conservation lands: "The proposed recovery units [BCVI] are evenly distributed across the range and logically delineated based on available habitat and distribution information" (U.S. Fish and Wildlife Service, 2013, p. 23). It logically follows that the use of ecoregions for recovery planning is preferable to more arbitrary delineations, such as those that currently exist in the SEP dHCP. With this in mind, the USFWS should require that Real County be added to the SEP dHCP Plan Area in order to help fulfill its legal duty to conserve and recover the GCWA and BCVI.	Congress to authorize incidental take, not to be mandatory recovery tools. Nevertheless, recovery is an important consideration in any HCP effort. Neither the Act nor its implementing regulations direct the size or configuration of a planning area, only that the HCP is statutorily complete and meets section 10 issuance criteria. The Enrollment Area is only that area under the current and future jurisdictions of the Permittees. Currently that includes Bexar, Bandera, Medina, and Kendall counties. This area excludes Comal County, which is within the jurisdiction of San Antonio, because they have their own ITP. Please also see response 3.
O'Connell	M.	No action should be taken to impose upon land owners this SEP HCP for us who live in Kendall Co. We hate it and want Bexar to protect wildlife in their own backyard. Leave us alone, back off, and respect freedom and private property rights. No action! Thank you.	Please see responses 6 and 8.
Vega	Manuel	Living in a community where our watershed is a valuable commodity, it is time to stand up to developers and issue a loud and clear statement that we need to protect our environment. For too long businesses have dictated environmental regulations in this City, County, and State. We. Ow have an opportunity to tell businesses no to destroying our environment. We must protect our communities for future generations. What happens when the Edwards Aquifer can no longer replenish itself? What happens when our City's only water source is polluted beyond repair? What will we tell our children and future generations when the only green space left is in our heavily developed parks and nature preserves? This proposal is a shame on the City of San Antonio. Protect our communities by telling developers, "NO!"	Please see responses 6, 11, and 13.
Baker	Beverly	I believe the land owner knows best how to manage his land and has always been the ultimate conservationist. I want "No Action Alternative" to this Southern Edwards Plateau Environmental Impact Statement and Habitat Conservation Plan. Do not implement this destructive plan!	Please see response 6.
Peace	Analisa	At the outset, we would like to say that we are extremely disappointed that the Draft HCP ignores the recommendations of the Biological Advisory Team and the input of the Citizens Advisory Committee both of which included members representing the Greater Edwards Aquifer Alliance (GEAA). Any successful HCP must be built on a solid foundation of sound science and public participation. Without these key elements, an HCP will not meet the requirements of the Endangered Species Act and will not be successfully implemented. Our examination of the Draft SEP HCP and DEIS reflects a complete lack of recognition or any attempt to address the comments sent to Loomis Partners on June 10, 2011. (Attached as Appendix I) We are very concerned that these drafts do not consider the full range of alternatives considered during the stakeholder process. None of the four alternatives presented in the DIES fully reflect the recommendations of the BAT or of the CAC.	Please see responses 2 and 7.
Peace	Analisa	We request additional time, in order to submit more detailed comments on how this DEIS does not adequately address the cumulative impacts of the issuance of a take permit as proposed by the Draft SEP HCP. We do not think that the cumulative effect analysis satisfactorily addressed the concerns of GEAA regarding development of the Edwards Aquifer Recharge and Contributing zones covered by the Draft HCP in Bexar County, because the EIS failed to consider the long term effectiveness and lack of regulations by the Texas Commission for Environmental Quality and the City of San Antonio to protect the Edwards Aquifer. We hope that these points and others will be resolved prior to the issuance of a HCP for the Southern Edwards Plateau region. Given the amount of time and work that has already gone into this HCP, and the schedule proposed for the remainder of the process, it is essential that the recommendations of the citizens and agencies that participated in this process be reflected in the adopted plan.	Please see responses 3, 7, and 13.
Hayes ——— Peace	Tom ——— Analisa	Regarding the Mitigation and Preserve Requirements, the SEP HCP should follow the recommendations and requirements endorsed by the BAT and the CAC. The BAT proposed recommendations for the Black Capped Vireo (BCV), Golden-Cheeked Warbler (GCW), and the karst invertebrate species. All of these recommendations received a majority vote of approval from the CAC. These recommendations should only be changed for good cause and where the BAT, or a new Science Advisory Team convened with the approval of all stakeholders, is able to propose alternatives that are biologically acceptable. We wholeheartedly support the BAT's approach to karst conservation, with any refinements and additional conditions as proposed by the BAT. We would only note that this approach requires robust oversight and responsiveness to changing conditions on the ground and in the scientific literature. Each year, we are learning more about these species, their habitat, and their distribution. For the karst program especially, independent scientists, non-profit groups with karst expertise, or other appropriate individuals or entities, should be enlisted as partners to alleviate the burden on the US Fish and Wildlife Service (USFWS) and Bexar County in keeping up with these changing conditions.	Comment acknowledged. Please also see response 7.
Hayes	Tom	Many karst invertebrates are difficult to distinguish from other closely related species. This additional layer of uncertainty must be dealt with properly during presence-absence surveys of karst features before development can proceed. No abbreviated 5-day presence-absence surveys of karst invertebrates should be allowed. Instead, the guidelines for surveys set in place by the USFWS should be strictly adhered to; therefore a 15-day survey period is required. Upon the discovery of karst invertebrates during the construction process, no compromises should be made. The	Full karst Service protocol surveys (currently 14 surveys at least 48 hours apart) are required prior to participation in the SEP-HCP of all documented features. The 5-day timeframe is only for accidentally discovered karst features.. These are features with no surface

		required 15-day survey period is still necessary for adequate assessment of karst invertebrate populations and is especially critical as the specific species present will not have been established yet. Due to the limited literature on taxonomy, distribution, and status of the listed karst species as well as their reclusive nature, little is known about these species. Further research is necessary to determine the species abundance and distribution within these karst systems. Therefore, if species are discovered at sites not previously believed to contain endangered karst invertebrate species or if individuals of an unknown species should be found in a location already known to contain karst invertebrates, said individual should be collected and examined by an individual with valid section 10(a)(1)(A) permit (or Enhancement of Survival permit) from the service or accompanied by someone with such a permit (USFWS 2014). If and as new endangered karst species are discovered, they should be incorporated into the plan. An additional clause stating this in the current document should suffice for this. No specifics are detailed about who should be working with USFWS to accommodate for the rapid changes occurring within the field of karst invertebrate biology. The surveys recommended to determine these changes are abbreviated (7-day surveys), therefore they do not allow accurate data collection and plan implementation. USFWS protocol should be followed concerning proper presence-absence surveys.	expression that are only uncovered during Covered Activities, and are not expected to be preserved nor contribute to recovery, since they will have been severely damaged once located. However, the Service requested collections in these features be made, so that they can contribute to our overall knowledge of the distribution of the Covered Karst Invertebrates. Please see Section 3.2.4.3 in the HCP for more details on the different surveys required. Please see Sections 3.2.2.2 and 3.2.4.3 of the SEP-HCP regarding 10(a)(1)(A) permit requirements for entering features, which includes full protocol surveys.
Alamo Group of the Sierra Club Hayes Moore	Tom Myfe	In the Draft SEP HCP, the Occupied Cave Zone (OCZ) A will usually include the area (8.5 acres) within 345 feet of the entrance to a karst feature occupied by one or more Covered Karst Invertebrates. OCZ A encompasses the foraging area of cave crickets, which are keystone species for sustaining most karst ecosystems. Extending 345-750 feet (40 acres) from the karst feature is OCZ B, which is intended to protect the surface and subsurface drainage and other resource areas necessary for the long-term maintenance of the karst feature. For very large and therefore extremely important occupied features, the Draft SEP HCP should be revised so that the actual surface and subsurface drainage basins are carefully estimated and fully protected.	The surface and subsurface drainage basins of features containing the Covered Karst Invertebrates will be required as part of the application process. Participants cannot be required to protect anything off of their property. Because preserves are expected to meet the Service's guidelines, we expect that KFA quality preserves will contain all of the drainage basins.
Alamo Group of the Sierra Club Hayes Moore	Tom Myfe	In the plan region, the Draft SEP HCP focuses the search for new localities of rare karst species within existing conservation (managed) areas. However, as recommended by the BAT (6/9/11), these investigations should require equal priority within urban, suburban, and developing areas, including private lands, in order to determine status and risk factors important to adaptive management and emerging protection needs.	Comment acknowledged.
Alamo Group of the Sierra Club Hayes	Tom	Low-quality preserves should not be accepted in lieu of per acre participation fees, unless such land donations include an endowment guaranteed to cover perpetual management expenses. Such an endowment is necessary to minimize adverse financial impact to the acquisition and stewardship of medium and high quality karst preserves. Even when adequately endowed, low-quality preserves do not have sufficient value and sustainability to be included as a contribution to the current conservation level for a karst species.	Preserve preservation and management are a commitment by the Permittees, including an endowment.
Alamo Group of the Sierra Club Hayes Moore	Tom Myfe	Karst participation fees appear too low considering the high biological concern and high land values (conservation cost) in Bexar County. Also, the Draft SEP HCP needs to define what happens when multiple projects impact Zones A and/or B of the same occupied cave. A more appropriate fee structure is: • Karst Zone 1 and 2, but outside Occupied Cave Zone and Critical Habitat Unit: $1000/ac • Occupied Cave Zone B (redefined as above): $100,000/cave • Occupied Cave Zone A (redefined as above): $1,000,000/cave	Please see response 18.
Alamo Group of the Sierra Club Hayes Moore	Tom Myfe	All karst applications within Karst Zones 1-4 should require a complete and certified hydrogeological survey.	Comment acknowledged.
Alamo Group of the Sierra Club Hayes Moore	Tom Myfe	For participation in the SEPHCP, medium and high quality karst preserves established by non- SEPHCP entities should have permanent protection transferred to the SEPHCP, in order to be counted as contributing to Conservation Levels for a species.	Conservation Baselines are a standard by which the Permittees will assess access for impacts to a cave. If these preserves are established by someone other than the Permittees, they will not count towards their 1,000 acres of karst mitigation commitment.
Hayes	Tom	Acquisition of regional maps of BCV potential habitat is essential to the functioning of the plan. On page 62 of the Draft SEP HCP it is states that regional maps of BCV habitat are not available. Without such information the process of determining where to mitigate will be a lengthy, drawn out process which might deter developers use of the plan in compliance with the ESA. BCVs inhabit shrubs only in early stages of growth. After several years, in the later stages of growth, BCVs will move to other patches of shrubbery. In the event that production of BCV habitat maps is not possible due to quick cycling of habitat, standardized methods will need to be established to determine adequate habitat for mitigation. This requires direct discussion with landowners about the presence of BCVs on their properties. If presence is confirmed by landowners, presence- absence surveys can continue as directed in the management and monitoring section. Recent literature should be consulted regarding which tracts of land would be best to acquire as preserves, and how these preserves should be properly managed. Regional maps of potential BCV habitat need to be acquired, or standardized methods will need to be established to determine adequate habitat for mitigation.	The Service has standard protocol for determining BCVI habitat as part of our 10(a)(1)(A) permits. It will be the Permittees responsibility to confirm presence of BCVIs on preserve lands and maintain that habitat in perpetuity, if they wish offer coverage for BCVIs to Participants. Please see response 4 on designating preserves.
Hayes Moore	Tom Myfe	The Draft SEP HCP/DEIS documents ignore key aspects of the Biological Assessment Team's (BAT) recommendations after the BAT's almost two years of intensive effort (2010-2011). Some of the most important differences relate to GCW mitigation. However, mitigation is now generally allowed anywhere within the 7-county Plan Area. This will lead to the continued loss of GCW and BCV habitat in the San Antonio area, due to the absence of local mitigation due to the area's higher land	While the BAT recommended a 3:1 mitigation ratio for GCWA impacts, in June 2011, the CAC had a supermajority vote to recommend a 2:1 mitigation ratio for the GCWA, which was based on other factors, not just biology. The Applicants'

		prices and increased development. The 11/17/10 BAT-approved recommendation was that direct GCW take in Bexar Count be mitigated at a ratio of 3:1, with not less than 60% of resulting mitigation occurring within Bexar County or five miles of Bexar County. These two key BAT recommendations derive from the high amount of loss in the county that causes a severe threat there relative to the other six rural Camp Bullis and the other significant conservation reserves in the county, which are important to both the species and the community. The BAT's 6/9/11 response to the first draft of SEPHCP listed 11 top concerns, and singled out the dHCP's lack of mitigation close as possible to the habitat impact area as a particularly "egregious error." As further discussed in the BAT's 3/21/11 response to the CAC, the lack of GCW/BCV preserve establishment in the impact area is expected to increase both the loss and the isolation of habitat. In this manner, it is distinctly possible that existing protected habitat in Bexar County at Camp Bullis and city reserves will be severely degraded. To counter unexpected habitat destruction due to stochastic events such as fire, one of the most basic tenets of conservation dictates that habitat within the larger landscape be continuous and adjacent to permitted take. From a biological perspective, the 3:1 ratio is ideal and would be very helpful in the recovery of the GCW and BCV in particular. It is disappointing to find that the ratio was changed to 2:1 in the Draft SEP HCP after the Biological Advisory Team (BAT) and Citizens Advisory Committee (CAC) both seemed to agree upon a 3:1 ratio for direct take when they last met in 2010. Given such a radical change in the plan, these committees should have met again at some point during the past five years. Many of the recommendations of the BAT were ignored after the final meeting of the CAC in 2010, and it would have been very helpful if the BAT and CAC had met during the intervening years to discuss these issues further. Ideally, in order to prevent habitat fragmentation, the BAT recommended that no less than 60% of the mitigation occur within Bexar County. We believe that an assigned amount of mitigation (as much as possible according to surveys of land available for mitigation in Bexar County) should be within 5 miles of Bexar County. We recommend at least 30%. Further, the BAT's recommendations on mitigation ratios were based on the amount of harm to the species (with input from the Fish and Wildlife Services). This is a fairly ambitious mitigation ratio to aim for, as many other HCPs in Texas have employed a 2:1 or 1:1 ratio. Should it be determined by the USFWS that the 3:1 ratio is not economically feasible, a 2:1 ratio might be acceptable as long as a significant proportion of the mitigation (at least 30%) is acquired within 5 miles of Bexar County and no less than 70% of the mitigation costs are borne by the developers benefiting from this take permit.	and the Service believe this is an adequate ratio for mitigating for Covered Activities and contributing to recovery. It is expected that the majority of the impacts to GCWAs covered under the SEP-HCP will occur in smaller patches of habitat; however, the mitigation will be in large, contiguous patches that will contribute significantly to the recovery of the GCWA. Please also see responses 1, 7, and 14.
Alamo Group of the Sierra Club Hayes Moore	Tom Myfe	Three of the four alternatives in the DEIS would authorize the incidental taking of 9,371 acres of GCW habitat, 2,640 acres of BCV habitat, and 21,086 acres within of Karst Zones 4. All of this proposed take would take place within five miles of Bexar County, though no mitigation is required in or near Bexar County. As included in the BAT's 6/9/11 response to the SEPHCP, this scenario results in insignificant or no long-term conservation value of the Draft SEP HCP for the endangered songbirds. Rapid urbanization that is unmitigated in Bexar County will likely prevent regional GCW recovery, possibly resulting in a jeopardy determination and possible federal court injunctions preventing all future construction and development. Due to the relatively small amount and likely disjunct location of the proposed mitigation, the authorized amount of incidental GCW/BCV take should be significantly reduced. GCW take should not exceed 7,500 acres, unless the 6 counties not currently participating come into the plan. The reduction in requested take is necessary because otherwise all the take currently happens in or within five miles of Bexar County.	Please see responses 2 and 14.
Alamo Group of the Sierra Club Hayes Moore	Tom Myfe	The proposal for one year of GCW surveys, to determine presence-absence and therefore mitigation requirements, is significantly less effort than the current USFWS recommendation of three years of surveys. Due to seasonal and annual variations in precipitation, vegetation, and other important habitat variables, the current USFWS recommendation should remain the basis for determining presence-absence. No deviation from the standard USFWS 3-year requirement should be allowed when determining either GCW or BCV absence. In fact, none of the Draft SEP HCP proposals should be allowed, which exclude Project Areas from mitigation based on abbreviated presence-absence surveys for covered species. Such surveys, which if allowed would likely become the common approach, deviate from standard USFWS Protocol, and may jeopardize the repeatability and validity of mitigation determinations. Abbreviated presence-absence surveys for covered species are biologically unacceptable, and current USFWS recommendations should be required in every instance.	The Service recommends three years of surveys to prove absence and historically provided concurrence with the findings. Whether someone does zero, one, two, or three years of surveys does not remove the requirement to mitigate under the Act for all incidental take of listed species. The one year survey is merely an addition of information for the Permittees to use in calculating their assessment of the impacts. Additionally, because the one year of surveys will only apply to discreet patches of habitat, the use of this option will likely be very limited (see Section 3.2.3.1).
Hayes	Tom	The Draft SEP HCP should include minimum preserve design criteria for all covered species. The Balcones Canyonlands Preserve HCP and FEIS (BCP-HCP/FEIS; City of Austin and Travis County, Texas; 1996) provides guidelines, which are applicable to the Draft SEP HCP. Though most directly applicable to preserve design for GCW, these minimum preserve requirements may be scaled down to address similar design criteria for BCV preserves. Standardized and detailed methods for the preserve acquisition, assessment, and management process are necessary to ensure the effectiveness of the plan. The Hays County Regional Habitat Conservation Plan would be an excellent reference for this. A biologist with an USFWS Threatened and Endangered Species permit should prepare the preserve management plan and conduct a review of the plan every 5 years.	A 10(a)(1)(A) permit is not required to write or update a management plan. Please also see response 16.
Hayes	Tom	Territory mapping and occupancy monitoring surveys require consistent methods and reporting of information in order for mitigation to be effective. Post-establishment management specifications to control invasive populations, both flora and fauna, and prevent the spread of diseases which could potentially harm habitat. Habitat must be carefully maintained for BCVs on properties where mitigation takes place. A 5 year habitat management and monitoring plan, like that in the Hays County Plan, should be detailed in the SEPHCP.	Comments acknowledged. The time between updating management plans was based on recommendations from Balcones Canyonlands Preserve staff that collate all of their data every five years.
Hayes	Tom	Currently "protected" GCW habitat in the SEPHCP area that is not permanently	Please see response 15.

		protected should not contribute to recovery.	
Hayes	Tom	GCW and BCV Preservation Credits should be increased to a minimum of $10,000/acre. An adequate funding model to sustain management should be a guaranteed component of preserve acquisitions.	The funding plan includes a perpetual endowment for management and monitoring of all preserves. Please also see response 18.
Alamo Group of the Sierra Club Hayes Moore	Tom Myfe	The Draft SEP HCP should specify the administrative framework to receive technical and public input to inform the adaptive management and planning. Due to the significant involvement of affected communities and public funding, independent post-issuance advisory committees with public meetings should be required, including a Science Advisory Committee and a Citizens Advisory Committee. A regular meeting schedule of these scientific and citizen committees should be a required part of the plan. The purpose of these committees should not be expressly prescribed by the Permittees as described in Section 2.2 of the Draft SEP HCP (pp. 21-22), but instead should be left open to the discretion of the committees. Surveys, reviews, and reports for assessing baseline conditions and for management planning should occur more frequently than proposed in Section 9.0 of the Draft SEP HCP (p.112), especially early during plan implementation. Decision making needs to be more informed during the first decade. Instead of waiting ten years to begin, baseline conditions and management plans should be first evaluated at five years and ten years, and then as agreed upon by the USFWS, in order to more efficiently achieve adaptive management goals. A section is needed that provides program descriptions and acceptable guidelines for the voluntary conservation of Category 3 species, including education, monitoring, outreach, and research. Conservation measures for these species should be specified in the Draft SEP HCP.	Comments acknowledged.
Alamo Group of the Sierra Club Hayes Moore	Tom Myfe	In the DEIS, the assessment of offsite, indirect, and cumulative impacts is cursory, and should be greatly expanded. The SEPHCP appears to offer coverage for incidental take only to activities inside the enrolled properties. The mitigation process for indirect and offsite impacts needs to be included in the SEPHCP.	Incidental take authorization can only be extended to those portions of a property the Participant has authority over. However, Participants will be assessed for indirect impacts off of their property, if they exist (Section 3.2.3.1 of the SEP-HCP)
Hayes	Tom	We would like to have the time to conduct a more thorough examination of the cumulative impacts to the Edwards Aquifer watershed and, therefore, request an extended comment period for this purpose. A cursory examination of the DEIS indicates that the cumulative effect analysis does not adequately assess the effects that development accommodated by the SEP HCP would have on water quality in the long term. Additionally, we believe the cumulative impacts of the long term financial implications of the plan have not been adequately considered in the DEIS.	Please see responses 3 and 13. Note - the cumulative effects of the No-Action alternative are greater on water resources than the impacts of any of the Action Alternatives (EIS Chapter 4.9).
Hayes	Tom	The Baseline Preserve Assessments for each preserve area in the Draft SEP HCP are lacking in details. This is true for the majority of the Adaptive Preserve Management and Monitoring section of the Draft SEP HCP. Although Appendix C, Biology of the Covered Species, details habitat description, habitat availability, and population estimates for the GCWs and BCVs, there are no direct instructions in the Draft SEP HCP incorporating such knowledge into the management and monitoring processes. The Preserve Management and Monitoring Program section of the Hays County Regional Habitat Conservation Plan (HCRHCP) would be an excellent reference for framing any alterations. In order to streamline the process of preserve acquisition, assessment, and management, detailed guidelines should be established for baseline preserve evaluations, land management plans, territory mapping surveys, occupancy monitoring surveys, and monitoring of habitat after establishment. Standardized methods for such processes would establish continuity for administrators, biologists, and landowners alike. It would ensure fairness and integrity throughout the process and enable easier evaluation of the effectiveness of the plan. The initial Baseline Preserve Assessments prepared for GCW and BCV habitats requires a more detailed description of “minimum information” than is currently listed in the Draft SEP HCP. Included with the description and map of suitable habitats should be the actual acreage of potential habitat as well as the location of currently occupied and unoccupied areas. The assessment of relative quality should be standardized across all Baseline Preserve Assessments and include documentation of the habitat characteristics used to justify the quality estimate. In general the Baseline Preserve Assessments are in line with those outlined in the HCRHCP, these adjustments would make for better assessments of GCW and BCV habitat. Standard methods for territory mapping and occupancy monitoring surveys are essential to the accuracy and usability of such surveys. Pages 76-81 of the HCRHCP outline detailed methods for both surveying types. Such specifications for the occupancy monitoring surveys include; season of surveys, timing, length, and number of surveys, the weather during surveyance, and details of what information should be included in the report and how the data reported is analyzed. Similar specifications should be made for territory mapping surveys. The monitoring of habitat following establishment of a preserve requires there be a specified number of plots per acre and be in proportion to the total acreage, an established frequency of visits (preferably 5 years), and standardized methods of monitoring and reporting data. In addition to a specified method of monitoring, post-establishment management specifications are required as well. This includes management and maintenance of adequate habitat conditions for the established species. In general this includes, removal of invasive species, both flora and fauna. Of particular importance to this region, removal and management of the invasive Juniperus Ashei (Cedar), controlling feral hog, white-tailed deer, brown-headed cowbirds, and red imported fire ants populations, and preventing or controlling the spread of oak wilt and other such diseases. Management of BCV habitat requires that shrub growth be controlled by burning, grazing, or removal in order to maintain suitable early growth shrubbery.	Please see response 16.
Hayes	Tom	We suggest a simplified five year schedule for preserve monitoring and management , such as that described on page 83 of the HCRHCP. Tasks would be completed according to the following schedule: Years ending in 0 or 5: Territory Mapping Surveys; Years ending in 1 or 6: Habitat Occupancy Surveys; Years ending in 2 or 7: Habitat Monitoring Surveys; Years ending in 3 or 8: Baseline Preserve Evaluations;	Comment acknowledged.

		and Years ending in 4 or 9: Land Management Plans.	
Hayes	Tom	It is proposed that the SEPHCP will be administered by the City of San Antonio and Bexar County. We recommend that the SEP HCP would greatly benefit from a third, and potentially fourth party, administrator, such as an independent non-profit or an environmental regulatory agency which is unaffiliated with the City or County for most effective management and administration. We recommend that the SEPHCP administrator should be an independent agency or non-profit entity, affiliated with but not directly managed by the Permittees. Any plans by the Plan Administrator to outsource program management to a nonprofit or other entity should be detailed in the Draft SEP HCP. Given the lack of transparency evident throughout this process, it is asking a lot of the public to accord approval of details as yet unspecified as to the administration of the SEPHCP.	Please see response 17.
Hayes	Tom	Additionally, the City of San Antonio and Bexar County need to be prepared to dedicate sufficient resources to this plan to make sure it is carried out effectively. As land is acquired for mitigation, the City and County will need to hire expert biologists and ensure that adequate research is done in order to determine the best locations for said mitigation.	Comment acknowledged.
Greater Edwards Aquifer Alliance Hayes	Tom	We are concerned that certain basic elements of the Plan have not been adequately addressed in the Draft SEP HCP or are left up to the future and unilateral discretion of the Permittees. The ESA requires the applicant to show that the HCP can be successfully implemented. And the spirit of an HCP is to create a collaborative partnership. In this case, administration of the Plan should include not only the Permittes, but several other partners representing public and non-profit entities that are enlisted in advance. While the Balcones Canyon Conservation Plan (BCCP) has some major substantive flaws that we will not discuss here, the BCCP has a relatively successful formula for Plan administration and implementation. This formula relies on sharing duties among Travis County and the City of Austin, as well as relying on a Scientific Advisory Committee and Citizens Advisory Committee. These committees are vital to helping the permit holders with their administration and oversight of the BCCP, and they are vital for ensuring that the community has continued input into the plan as conditions change. The Draft SEP HCP, on the other hand, seems to leave most of these critical elements up in the air with Bexar County as the only entity making decisions and providing input. For example, the Draft SEP HCP does not require any advisory committees, does not flesh out what role the City of San Antonio will play in the administration of the Plan, and leaves key elements such as fee-setting up to Bexar County without adequate input from others. It is not even clear who the SEP-HCP administrator is. We don't think that this fill in the blank approach to basic plan components is acceptable. These issues need resolutions and commitments to provide for successful implementation and independent oversight, and to alleviate the financial burden on Bexar County. We strongly recommend a requirement of Scientific and Citizens' advisory committees to provide ongoing input, oversight, and assistance. We also strongly recommend that one or more independent agency or non-profit entity be given a central role in the administration of the Plan.	Advisory committees are not a requirement for ITP issuance. However, Sections 2, 4, 6, 7, and 8 of the SEP-HCP refer to advisory committees and their expected involvement by the Permittees. Please also see our Record of Decision. Please see Section 2.1 of the SEP-HCP for the expected role of the City of San Antonio.
Hayes	Tom	At least 70% of funding the plan should be contributed by those who will benefit financially from enrollment. Given that much of the land within Bexar County proposed for coverage by the take permit lies within the environmentally sensitive zones of the Edwards Aquifer [Edwards Aquifer Recharge Zone (ERZ), Transition Zone (TZ) and Contributing Zone (CZ)], public investment in promoting development of this area does not make sense. Participation fees for development within these Edwards Aquifer zones should be structured to reflect a significantly higher percentage of Participation Fees vs public contributions. Justification for any public contribution toward developments within the sensitive Edwards Aquifer zones requires that land purchased for mitigation be located within the same zones at the ratio prescribed by the BAT. Development that does not impact the Edwards could be eligible for mitigation through the purchase of less expensive lands outside of Bexar County.	Please see response 18.
Hayes	Tom	GEAA would strongly object to the use of properties previously secured through purchase with Proposition 3 and Proposition 1 funds to mitigate take for the warbler, BCV, and karst species; the CAC clearly provided direction that this alternative was not acceptable. The prospect of using land secured through sales taxes collected from the citizens of the City of San Antonio for the explicit purpose of protecting the Edwards Aquifer to mitigate additional high density development within the sensitive zones of the Edwards Aquifer is a betrayal of the public trust and an abuse of the intent of Propositions 3 and 1. If, however, future properties were identified that were suitable for protection under the City of San Antonio's Edwards Aquifer Protection Plan and as mitigation land for the SEPHCP, consideration for utilizing both funds for the preservation of such property might make sense. We would hate to see both entities bidding against each other to preserve a similarly suitable property. Given that preservation was consistent with the goals of both initiatives, we would have no objection consideration, on a case by case basis, of the use of complementary funding from both sources for mitigation of land on the ERZ, TZ, and CZ within Bexar County.	Please see response 15.
Hayes	Tom	GEAA had formerly supported the concept of tax increment diversions as a mechanism for funding this program. Given that take is confined to Bexar County in the current Draft SEP HCP, however, we now believe that the loss of increased property taxes, coupled with the increased need for City and County services occasioned by new development, will result in a negative impact to the budgets of both the City and the County. This option, if used, should be used as minimally as is possible to avoid placing an undue burden on tax payers. Funding for implementation and administration of the SEPHCP (70%) should be provided by plan participants, not taxpayers.	Please see Chapter 4.7 of the EIS on impacts to taxes and response 18.
Greater Edwards Aquifer Alliance		Please note, as regards to the cost of enrolling in the HCP for protection of habitat in Bexar County, the City of San Antonio could have achieved significantly greater preservation of habitat for the karst species at no cost to the taxpayers of City of San Antonio and Bexar County through the adoption of adequate regulations on impervious cover to protect water quality within the ERZ and CZ. Other no cost methods of	Comment acknowledged.

Hayes	Tom	protecting the species indirectly include targeted purchase and management of City of San Antonio required park set -asides, prohibitions from building on slopes greater than 10%, observing buffers required to preserve watersheds and significant recharge features, strict enforcement of City of San Antonio Tree ordinances, and other measures needed to protect water quality and enhance quality of life within these environmentally sensitive areas. Enhanced regulation of the ERZ and CZ by the City of San Antonio could still be enacted in order to protect karst habitat at no cost to citizens. The City and Bexar County should study all methods available to achieve enhanced protection of habitat by enforcement and adoption of regulations and policy in tandem with proposals for funding mechanisms for the SEPHCP that will require significant contributions from City of San Antonio and Bexar County tax payers. Cost savings and program enhancement could also be achieved by delegating duties of administering the SEPHCP to City of San Antonio staff responsible for administering the City of San Antonio Edwards Aquifer Protection Program (EAPP). Likewise, the model devised for the EAPP of working with designated Land Trusts to identify and plan for the acquisition of appropriate properties, submitted for approval to a Committee comprised of agency and citizen representatives, has served the City of San Antonio well and could be emulated. Another administrative option would be the creation of a non-profit organization devoted to implementing the SEPHCP.	
Hayes	Tom	The No Action Alternative is not an option. Unwarranted take of these endangered species has been occurring in Bexar County for many years, and a HCP should definitely be put in place. Action must be taken to prevent any more unwarranted take of these endangered species. The 10% Participation Alternative does not adequately plan for the amount of development that will likely occur in Bexar County over the next 30 years. A plan needs to be put in place that will provide for sufficient take as well as mitigation of these species. The Single-County Alternative sounds appealing, especially due to the fact that none of the counties aside from Bexar County have agreed to participate in this HCP. However, a regional HCP would be more suitable for this region due to the huge discrepancy in the amount of rural versus developed land in Bexar County in comparison to the other six counties of the region, as well as necessary due to the limited land resources left for mitigation in Bexar County.	Comments acknowledged.
Hayes	Tom	The Increased Mitigation Alternative has some qualities that would be very beneficial to the proposed HCP. From a biological perspective, the 3:1 ratio is ideal and would be very helpful in the recovery of the Golden-cheeked Warbler and Black-capped Vireo in particular. However, this ratio may or may not be economically feasible. Although mitigation agreements would be between the Permittee and individual landowners, counties outside of Bexar County might object to the removal of large amounts of acreage from their property tax rolls, especially as they not receiving any benefits from further development of Bexar County. The other component of this alternative that should be incorporated into the proposed plan is the requirement that at least 60% of the mitigation will occur within 5 miles of Bexar County. A lower percentage may be acceptable, but the HCP needs to have some kind of requirement that a significant proportion of the mitigation will occur in or around Bexar County. Increased habitat fragmentation in this area will very likely lead to a loss in genetic diversity for the remaining Golden-cheeked Warblers and Black-capped Vireos, which could be detrimental to the recovery of the species (Athrey et al. 2012). The harmful effects of habitat fragmentation are common knowledge in the field of biology, and the effects are clearly amplified when a species is already threatened or endangered. It is the purpose of the ESA to eventually help an endangered species recover, not just survive; and this definitely will not happen if their habitat is further fragmented in the areas where it is already limited. At least 30 %, or as much of the mitigation as possible, should be required to be within 5 miles of Bexar County, because this is where essentially all of the take is being permitted. In order to adequately determine how much mitigation can take place within San Antonio, surveys of the quantity and quality of potential habitat should be conducted before deciding to mitigate outside of Bexar County. Ideally, all of the mitigation should be located very close to or within Bexar County, but unfortunately this might be difficult to achieve. Many of the other counties in the Southern Edwards Plateau region have larger tracts of land available for the creation of larger preserves which, if properly managed, could sustain larger populations of the GCW or BCV.	Please see responses 1, 2, 10, and 14.
Hayes	Tom	There are no specifics about protection of the Edwards Aquifer except that, secondary to the preservation of habitat for the listed species, they will try to preserve areas that will also benefit the voluntarily conserved species and the aquifer.	Please see Chapter 4.6.7 of the EIS for a discussion of the Edwards Aquifer aquatic species and also our Biological Opinion for an assessment of affects expected from implementation of the SEP-HCP.
Hayes	Tom	There needs to be a definition of a partial preservation credit so that proper preservation credits can be given for pre-existing conservation areas.	Please see response 15.
Hayes	Tom	In conclusion, we would like to point out that the process for drafting the SEP HCP and DEIS were extremely flawed and could constitute a violation of the National Environmental Protection Act. No attempt was made to respond to the comments that GEAA and others submitted for the 2011 version of the Draft HCP devised by Loomis and Associates. Examples of this failure are abundantly illustrated by our comments of June 10, 2011 submitted as Appendix I.	Please see responses 2 and 7.
Greater Edwards Aquifer Alliance		At the outset, we would like to say that we are extremely disappointed that the draft HCP has ignored the recommendations of the Biological Advisory Team and the input of the Citizens Advisory Committee. Any successful HCP must be built on a solid foundation of sound science and public participation. Without these key elements, an HCP will not meet the requirements of the Endangered Species Act and will not be successfully implemented. We urge Bexar County to accurately reflect the BAT and CAC's recommendations and input in the draft HCP, and then move forward with a BAT-based draft and a robust public process centered on the CAC with review by the BAT as needed. If the draft HCP is not revised and reissued accordingly, we have no confidence in the ability of Bexar County to create a plan will satisfy the Endangered Species Act's requirements, meet the needs of the covered species, and work for the community. Below is a list of some our major concerns with the current draft. We hope	While the BAT recommended a 3:1 mitigation ratio for GCWA impacts, in June 2011, the CAC had a supermajority vote to recommend a 2:1 mitigation ratio for the GCWA, which was based on other factors, not just biology. The Applicants' and the Service believe this is an adequate ratio for mitigating for Covered Activities and contributing to recovery. It is expected that the majority of the impacts to GCWAs covered under the SEP-HCP will occur in smaller patches of habitat;

		that these points and others will be resolved promptly in the process of creating the next draft and meeting with the CAC next week. Given the amount of time and work that has already gone into this HCP, and the swift schedule proposed for the remainder of the process, it is essential that the CAC be given straight-forward answers and solutions to our concerns. The April draft has vastly complicated (and lengthened) the HCP process by ignoring key recommendations of the BAT and CAC. This was unexpected and is unacceptable. The CAC should be meeting next week to discuss and build on a BAT-based draft HCP, not some other draft HCP that was developed behind closed doors without the inclusion of key BAT recommendations and requirements. Please do not waste our time and energies focusing on issues that have already been decided by the BAT and CAC. For the GCW, it is critical that the HCP incorporate the BAT-recommended 3:1 ratio in Bexar County and 2:1 outside of Bexar County, with the additional requirement that 60 percent of mitigation lands be located in Bexar County or within 5 miles of Bexar County. The BAT's GCW recommendations were reached after thorough consideration and analysis of preserve size and configuration, the level of habitat fragmentation around protected areas; the potential for disease transmission and, predation, and oak will to present management challenges; and the range of the GCW. Further, the BAT's recommendations on mitigation ratios are based on the amount of harm to the species (with input from the Fish and Wildlife Services) and the BAT has made clear that the recommendations are as flexible as the BAT can be. We do not see how there is any room for disagreement with the BAT's recommendations on mitigation for the GCW and BCV. Deviating from the recommendations underestimates the harm to the species and would ultimately jeopardize the species. 60 Percent Mitigation in Bexar County (or within 5 miles of Bexar County) Must Be a Requirement of the HCP. Species such as the GCW are faced with uniquely high development pressures and habitat loss in Bexar County. As recognized by the BAT, the higher degree of threat to the species in Bexar County warrants a higher mitigation ratio for take. In addition, the ESA requires that mitigation be located close as possible to the site of the impact. It is not an acceptable approach for the draft HCP to allow for mitigation of take in Bexar County in areas that might be many miles away from the lost habitat. The requirement that 60 percent of mitigation for Bexar County take be located in Bexar County (or within 5 miles of Bexar County) must be a part of the HCP. We do not recommend alternatives at this point given that the BAT has already provided a clear solution and that time is running out. However, any alternative recommendation must provide an equivalent safeguard or structure that places mitigation land close to habitat lost from Bexar County as required by the ESA, and ensures viable populations and contiguous preserve land for the GCW in Bexar County. It should be noted that the BAT's proposed requirement does not preclude acquiring larger habitat preserves outside of Bexar County; 40% of the mitigation may occur outside Bexar County or the 5 mile area. The real question is why the draft HCP should allow for all mitigation for take in Bexar County to be located anywhere in the large Plan area. There is no supportable scientific basis for this approach. We note that the draft HCP does incorporate a goal of acquiring 5,000 acres for GCW in Bexar County or within 5 miles of Bexar County. However, this goal is not a binding and it is not a substitute for the specific requirement proposed by the BAT. GEAA and the CAC support the BAT's recommendation for the karst invertebrate species covered under the HCP. The BAT has proposed a tiered approach based on the location of activities in specific karst zones and habitat, and on the level of conservation that has been achieved for a species in a given karst faunal region. As proposed by the BAT, this framework takes into account the near-jeopardy status of these highly vulnerable species, as well as the uncertainties surrounding the biology and status of the species.	however, the mitigation will be in large, contiguous patches that will contribute significantly to the recovery of the GCWA. Please also see responses 2, 7, 10, and 14.
Greater Edwards Aquifer Alliance		GEAA also strongly recommends—based on policy adopted by all forty-eight GEAA member groups—that the HCP should not allow for increased urban densities on the Edwards Aquifer Recharge Zone, the Transition Zone, and contiguous five miles of Contributing Zone within Bexar County through publicly funded purchase of mitigation land not located in the above mentioned Edwards Zones in Bexar or other counties. In addition to the policy of GEAA and its member groups, San Antonio voters have consistently voted in favor of sales taxes to protect the Edwards Aquifer. We could not support an HCP that allows for development on the Aquifer in exchange for lands that may be suitable for terrestrial species but that amount to a net loss for the Aquifer. This policy conflict, misuse of public funds, and potential to cause negative impacts to water supplies and listed aquatic species must be avoided.	Please see responses 11 and 13.
Greater Edwards Aquifer Alliance		In addition to ignoring the BAT's recommendations and requirements, we are concerned about the inadequate detail and somewhat amorphous standards for the preserves. For example, we would like to know more about the focal areas for preserve acquisition and how the Plan will ensure adequate connectivity and contiguity. We believe that the Balcones Canyonlands Conservation Plan may offer some guidance in this area. Importantly, the BCCP incorporates an edge-to-area ratio for GCW habitat. Standards like this need to be incorporated into this HCP to ensure high-quality preserves that meet the biological needs of the species.	The Service's guidance on preserve designs for the Covered Species includes size and configuration recommendations.
Greater Edwards Aquifer Alliance		GEAA is very concerned about how pre-existing conservation lands are used, especially given that many of these lands are not under permanent protection. As pointed out by the BAT, lands that include Camp Bullis, City of San Antonio properties, and pieces of the Government Canyon State Natural Area are either not permanently protected or are not managed for the covered species. Even if such lands were permanently protected, we have concerns about double-counting lands that were acquired under other conservation efforts and with other public funds. We think it would be good to firm up the protections on pre-existing lands (where possible) as an auxiliary purpose of the HCP. It will also be important to locate new preserves in a way that builds on previous conservation efforts and focal areas. But incorporating acreage from pre-existing conservation lands should not be used as a short-cut to achieving the goals of the HCP and ESA compliance. As with other issues, the BAT formulated a specific requirement on this issue that appears to have been disregarded. The BAT proposed that (1) no more than 10% of the preserve system should consist of land publicly owned as of November 4, 2010, and (2) To qualify as a	Please see response 15.

		preserve component, a new conservation easement must be developed for GCW conservation and management. We believe the additional conservation easements proposed by the BAT are required by the ESA if any pre-existing lands are to be counted under the HCP. But again, the focus of the HCP should be on acquiring new conservation lands with permanent protection, rather than trying to use pre-existing lands.	
Greater Edwards Aquifer Alliance		We are extremely troubled by the draft HCP's open-ended provision allowing for "secondary uses" of HCP preserves that "may include, but are not limited to, public or private recreational activities, agricultural activities, low-density residential activities, hunting activities, and utility or infrastructure corridors." This sort of vagueness ("but are not limited to") and these sorts of uses are not appropriate for the HCP—especially allowing for "utility and infrastructure corridors" that would destroy and degrade the conservation value of HCP preserves. This provision is unacceptable, has not been discussed at the CAC, and must be deleted.	This language is not in the 2014 draft or the 2015 final SEP-HCP.
Greater Edwards Aquifer Alliance		The draft plan proposal for deriving 40% of the plan through participation fees vs 60% from public funding needs to be reversed. At least 60% of funding the plan should be bourn by those who will benefit financially from enrollment.	Please see response 18.
Greater Edwards Aquifer Alliance		Given that much of the land within Bexar County proposed for coverage by the take permit lies within the environmentally sensitive zones of the Edwards Aquifer (ERZ, TZ and CZ), public investment in promoting development of this area does not make sense. Participation fees for development within these Edwards Aquifer zones should be structured to reflect a significantly higher percentage of Participation Fees vs public contributions. Justification for any public contribution toward developments within the sensitive Edwards Aquifer zones requires that land purchased for mitigation be located within the same zones at the ratio prescribed by the BAT. Developments that do not impact the Edwards could be eligible for mitigation through the purchase of less expensive lands outside of Bexar County.	Comment acknowledged.
Greater Edwards Aquifer Alliance		The draft HCP states that "[o]ther types of public revenue considered in the Funding Plan come from savings obtained by getting some conservation credit from existing protected lands and from endangered species conservation value on lands purchased with existing voter-approved open space sales tax revenue." As to the use of properties secured through purchase with Proposition 3 and Proposition 1 funds to mitigate take for the warbler, BCV, and karst species, the CAC clearly provided direction that this alternative was not acceptable. The prospect of using land secured through sales taxes collected from the citizens of CoSA for the explicit purpose of protecting the Edwards Aquifer to mitigate additional high density development within the sensitive zones of the Edwards Aquifer is a betrayal of the public trust and an abuse of the intent of Propositions 3 and 1. This option should be removed from the draft plan.	Please see response 15.
Greater Edwards Aquifer Alliance		GEAA supports the concept of tax increment diversions as a mechanism for funding this program.	Comment acknowledged.
Corson	Wendy	I am a resident of Kendall County. Not being politically motivated on any issue, I would like my voice heard on my total objection to this plan. Like most citizens we vote on our local representatives to protect and to stand up for what we believe as the growth path for our community. I do not live in Bexar County and do not want to be governed by Bexar county. This plan infringes on Kendall county and the five other counties being "used" by Bexar county for only Bexar county's benefit. Our local representatives here in Kendall county have done a wonderful job making sure we have enough green space and habitat protection. Bexar county should not be able to develop all its land to increase their tax base while making their neighbors pay for their profits. I urge you to make Bexar county take care of their own issues and leave the other counties to take care of themselves. Please do not pin neighbor against neighbor.	Please see responses 1 and 8.
Petty	Michele	I live in North Bexar County in the middle of what was once prime endangered species prime habitat and the Edwards Aquifer Recharge Zone. The problem with this proposed incidental take permit is that there is absolutely nothing incidental about this taking. Developers have already decimated most of the endangered species prime habitat in Bexar County. It is GONE. The City and County are now attempting to give their developer buddies a carte blanche to wipe out the last remaining patch of quality endangered species territory in this county. Quite frankly, the parcels where they could buy to "mitigate" don't mitigate either because they are not of comparable quality to actually keep these species ALIVE; and the individual species creatures are not as densely populated there and there is no way to save the ones living where the developers want to develop.	Please see response 10.
Petty	Michele	It is the job of Fish and Wildlife to protect our endangered species, not be foot soldiers for the developers who are destroying these species. This requested permit is unacceptable. The incidental take and mitigate permit as proposed by the City and County is a loophole big enough to drive an aircraft carrier though and effectively renders endangered species protection meaningless because it is just a matter of time before the city expands out to the "mitigated parcels" and wants to destroy that too--then there will be species extinction and Fish and Wildlife will have utterly failed in their job.	Please see responses 10 and 18.
Petty	Michele	I ask that Fish and Wildlife require increased mitigation alternative 4.	Please see response 7.
Petty	Michele	Furthermore, I ask that Fish and Wildlife require that the city and County actually hold real public input hearings rather than the "virtually no notice and no opportunity to ask questions or make comments" SHAM meetings that were held. I ask that Fish and Wildlife extend its period for public commentary on this issue because the City and County have conspired to sneak this one under the radar and have failed to fairly notify the public what is really going on with this requested permit.	Please see responses 2, 3, and 9.
Anonymous		I have NO interest in MORE government regulations. Stay out of state's rights and leave the land of Texas alone.	Comment acknowledged. Please also see responses 6 and 8.
Dockal	Helen	I urge a no action alternative to not have this plan implemented. As a land owner I am alarmed and concerned that the Federal government and Bexar County would try to execute a plan like this to benefit themselves at the cost of other land owners in other counties. Those birds nesting in trees in Bexar County aren't going to realize they need to move their nest to a neighboring county just because the government says so.	Comment acknowledged. Please also see responses 2 and 6.

Moore	Myfe	I am Myfe Moore, founder of the Helotes Nature Center and San Geronimo Nature Center, a multi-generational ranch and land steward. The 201 SEP-HCP needs to be postponed, more hearings performed, and the comment period extended. I attended the Helotes public hearing and submit my comments here again. I have submitted many emails with attachments of data and scientific details for your study and expect they will be considered. First, I'll say this is a very poor HCPlan, more a developer's best wish, with very little developer (taker) responsibility. Instead the public taxpayer will pay 75% of this plan. The public hearings (there were only 2 in a 7-county affected region) were not notified to the affected people, and the public hearings did not follow standard practice and law of allowing the public to ask questions or make comments. The data compiled in the previous attempt to have an HCP were ignored in this revised plan. The science is incomplete and missing, as is citizen cooperation or hearing. None of our concerns were addressed. Only 2 or 3 public employees are informed about this enormous 7-county, 7 endangered species plan. The mitigation location is too far away from the take, and the cost too cheap for the developer for repairing the damage done. The information given in the 2 hearings was incorrect and misleading. In total, a failed process. This plan needs to be re-submitted to the general affected public and the comment period extended.	The SEP-HCP and EIS considered all available relevant data during the development of the draft documents. In instances where new or updated information resulted in a substantive change, the documents were updated. If this new or updated relevant data did not result in any substantive changes to the SEP-HCP or EIS, then it was not added to the documents. Please see responses 1, 2, 3, and 18.
Center for Biological Diversity		The scale of land development to be permitted on the southern Edwards Plateau will have drastic impacts on the two migratory birds and seven troglobitic invertebrates that are listed as 'endangered' and that would be the subject of this Habitat Conservation Plan (HCP), should the U.S. Fish and Wildlife Service approve it. The scale of proposed mitigation is inadequate and its full implementation is uncertain if not downright doubtful. As a result, the recovery and even the survival of these species as well as conservation of their ecosystems would be jeopardized through approval of the draft HCP as written. Moreover, the draft HCP and the draft Environmental Impact Statement (DEIS) fail to adequately disclose and discuss the impacts of implementation. Due to these multiple flaws, we request selection of the No Action Alternative. Should permit applicants wish to proceed, we recommend withdrawal and complete rewriting of the draft HCP to take into account our critiques, below, and to avoid further imperiling the wondrous wildlife of the southern Edwards Plateau including the region's endemic troglobites.	The Service, in its biological opinion, analyzed the impacts of the SEP-HCP and found that it will not jeopardize the continued existence of any of the Covered Species due to avoidance, minimization, and mitigation measures. Please also see responses 6 and 10 and Chapter 4 of the EIS where impacts are analyzed.
Center for Biological Diversity		The draft Southern Edwards Plateau Habitat Conservation Plan (HCP) does not meet necessary standards for depth of discussion of affected endangered species, their environment, and the true scale of effects of implementation. The pre-eminent national scientific review of HCPs found that HCPs—particularly those covering large areas or large amounts of a species' range—should inventory, summarize, and document available data on each species and their distribution, abundance, population trends, ecological requirements, life history, and causes of endangerment. This HCP doesn't do that. The review also found that quantitative estimates of the impacts of "take" on species' viability should be provided, especially for larger or more significant plans; that best and worst-case scenarios should be identified; and that impacts of "take" should also be evaluated, particularly for larger or more significant plans, including by determining whether the habitats being "taken" correspond to population "sources" or "sinks," whether genetically unique sub-populations are being "taken," and whether unique habitat/species combinations are being impacted. This HCP meets none of those standards.	The SEP-HCP is in compliance with our HCP Handbook (1996) and with the statutory requirements of the ESA.
Center for Biological Diversity		The national scientific review also found that the details of HCP mitigation measures must be explicitly described and accompanied by data on their effectiveness, and that the likely success of each measure must be evaluated, as must the overall effectiveness of mitigation measures at minimizing and offsetting "take."	In addition to establishing permanent preserves with documented presence of the Covered Species, the Permittees will monitor and adaptively manage these preserves to ensure their long-term viability (Sections 6, 7, and 9 of the SEP-HCP).
Center for Biological Diversity		The NMFS regulations state that HCPs must describe the proposed activity, including the anticipated dates, duration, and specific locations. The NMFS regulations also state that HCPs must describe the HCP and Take Permit's anticipated impacts, including the amount, extent, and type of "take," as well as the anticipated impact on habitats and the likelihood of habitat restoration. [v] Again, this HCP only addresses some of those issues, cursorily. *Sierra Club et al v. Bruce Babbitt et al* found that HCPs need to determine how many individuals of affected species will be "taken," how many individuals will remain, what the distribution of the species is throughout its remaining habitat, and how this relates to the species' minimum viable population. [vi] Such information is lacking here.	NMFS regulations do not apply to the SEP-HCP.
Center for Biological Diversity		Effects on proposed listed species, federally listed plants, and critical habitat are to be considered during the ESA section 7 consultation processes. The Services' Biological Opinions should address the species' life histories, their habitat and distribution, their population dynamics (including size, variability, and stability), their status (including reasons for listing, range-wide trend, and new threats), other factors necessary to their survival, duration of the impacts, intensity and severity of the impacts, and the importance of the action area to the species. The Services' Biological Opinions must, among other things, "discuss the entire designated critical habitat area in terms of the biological and physical features that are essential to the conservation… of the species," and "characterize the effects of future, non-Federal actions reasonably certain to occur in the action area in terms of how the… habitat qualities essential to the conservation of the species… are likely to be affected…." Although the HCP lists other listed species whose historic and/or current range the project encompasses, it does not meet the criteria described above. Note also that the list erroneously omits the endangered jaguar (*Panthera onca*) that historically occupied this region of Texas.	Please see the Status of the Species, Environmental Baseline, and Effects of the Action sections in our Biological Opinion. Based on best available information, the jaguar is currently known from or believed to occur in the United States only in Arizona and New Mexico.
Center for Biological Diversity		The HCP, its Biological Opinion, and other analyses need to assess impacts to each covered species relative to baseline scenarios *for the proposed action* in which "take" is completely avoided and each species is fully protected per ESA sections 9 and 4. However, the HCP does not make such a comparison. Project scenarios in which	Please see our Biological Opinion where all of these issues are addressed throughout the document.

		"take" is illegally occurring do not necessarily provide a legitimate baseline for comparison. Moreover, the HCP, its Biological Opinion, and other analyses must also examine impacts to each covered species relative to habitat conditions, population levels, and other conditions that are necessary for the full recovery of each of the covered species. Instead, this HCP refers to down-listing criteria for the karst species, and never assesses impacts to full recovery of any species. Instead, the HCP writes, regarding the golden-cheeked warbler: On their own, the SEP-HCP's GCW preserves could represent approximately one-third of the acreage needed to support one viable GCW population. When combined with the acres of GCW habitat that are already at least partially conserved, the total level of GCW conservation could represent nearly 60 to 100 percent of the acreage thought to be needed for regional recovery. Yet, the HCP also would permit already-preserved lands to be counted toward mitigation herein. Thus, protected lands would represent less than described percentages needed for regional recovery. But regional recovery is never put into a broader recovery framework. Under ESA section 7, the Service must, for each of the covered species, evaluate the cumulative impact of each form of "take" authorized by the Incidental Take Permit, across the plan area, across the larger ecological region, and across each of the species' ranges. The effects of other "take" authorizations on public and private lands must also be accounted for, as must other "past and present impacts of all Federal, State, or private actions… in the action area," "the anticipated impacts of all proposed Federal projects in the action area that have already undergone… consultation," the impact of "contemporaneous" State or private actions, and the effects of "future State or private activities…that are reasonably certain to occur." The action area should be determined based on all the direct and indirect effects of the proposed action. The cumulative effect of the permitted activities in the plan area and across the species' ranges must be evaluated relative to conditions associated with each of the species' recovery, not just their survival. The NMFS regulations for HCPs also require the agency to consider "the potential severity of direct, indirect, and cumulative impacts on the species or stocks and habitat…." The pre-eminent national scientific review of HCPs also found that HCPs should evaluate the cumulative impacts of multiple plans and their interactions, and that the percentage of local and global populations that will be "taken" should be assessed. This HCP does not examine such cumulative effects despite other HCP's that affect some of the same species in nearby areas.	Issuance of a section 10 permit must not "appreciably reduce" the likelihood of the survival and recovery of a species in the wild. As such, HCPS are not required to recover listed species or contribute to recovery objectives outlined in a recovery plan. HCPs were designed by Congress to authorize incidental take, not to be mandatory recovery tools.
Center for Biological Diversity		The Federal Register notice for the US Fish & Wildlife Service's original HCP regulations also stated that HCPs and Take Permits should only be used in "limited circumstances." We question whether this region requires such overarching take authority as would be conveyed by this HCP.	This was the first set of regulations formalized after Congress established the section 10 provision of the ESA. Since that time, there have been several updates to the HCP process, including, but not limited to a HCP Handbook, "No Surprises" policy (63 FR8859), and our 5-point policy (65 FR 35242). All of which outline procedures for meeting issuance criteria.
Center for Biological Diversity		According to the HCP Handbook, the Service may not be able to approve a Take Permit under ESA section 7(a)(2) unless the HCP addresses *all listed species* in the plan area. This includes federally listed plants, which must be considered during the ESA section 7 consultation process but in this project area may be present but unknown through lack of surveys.	Please see our Biological Opinion and Section 2.5 of the SEP-HCP and Chapter 4.6 of the EIS for a discussion and analysis of all other species in the Plan Area.
Center for Biological Diversity		The Service's HCP Handbook also acknowledges the importance of surveys, noting that even "low effect" HCPs should be based upon surveys. This is hardly a low effect HCP and therefore should be based on far more field data, particularly for the karst species, than is evidenced.	Texas is approximately 97 percent privately owned; therefore, access to these lands to conduct surveys is limited.
Center for Biological Diversity		The effects of likely future changes in environmental conditions, including those related to climate change must be accounted for. Yet, in this HCP, the "No Surprises" provision guarantees no additional land will be required as mitigation for climate change impacts on the species– which could help doom them to extinction.	Please see Chapter 4.8 of the EIS for a discussion on climate change.
Center for Biological Diversity		ESA section 7(a)(2) and the Act's administrative rules require agencies to use the best available science. The Services must consider all relevant data, including data expected from ongoing studies; where data gaps exist, the Services should either delay the Biological Opinion or develop the Opinion with the available data, but give "the benefit of the doubt to the species." That benefit of the doubt has not occurred in this proposed HCP.	Please see our Biological Opinion.
Center for Biological Diversity		The draft HCP contains biological objectives in the form of acreage of habitat to be preserved, but not within the context of broader biological goals, which it does not identify. According to the Service's HCP Handbook, specific biological goals and objectives must be identified in the HCP for each of the covered species. "In the context of HCP's, biological goals are the broad, guiding principles for the operating conservation program of the HCP." "Biological objectives are the different components needed to achieve the biological goal such as preserving sufficient habitat, managing the habitat to meet certain criteria, or ensuring the persistence of a specific minimum number of individuals." The HCP's biological goals and objectives must be sufficient to provide for the recovery of each covered species, per ESA section 10. But in this case, achievement of the modest, porous objectives coupled with commensurate loss of habitat may impede recovery and, as noted, are not evaluated in the context of recovery standards. "Among the broad goals generally accepted by conservation biologists, but absent in this HCP, are (1) representing in protected areas all kinds of ecosystems (natural communities) across their natural range of variation; (2) maintaining or restoring viable populations of all native species in natural patterns of distribution and abundance; (3) sustaining ecological and evolutionary processes within a natural (historic) range of variability; and (4) being adaptable and resilient to a changing environment." According to the Service's Handbook, "…the Service [must] ensure that the biological goals are consistent with conservation actions needed to adequately minimize and mitigate impacts to the covered species to the maximum extent practicable." [xxviii] Moreover, "the biological goals and objectives of an HCP are commensurate with the specific impacts and duration of the applicant's proposed action."	In accordance with the Service's five-point policy (65 FR 35242) the biological goals of an individual HCP are not necessarily equivalent to the range-wide recovery goals and conservation strategies for a listed species. However, the biological goals and objectives of a HCP should support the conservation and recovery of listed species. SEP-HCP Section 5.1 lists the broader biological goals, which are to contribute to recovery of the Covered Species, contribute to the conservation of other rare species, and expand the knowledge base for all of the species to further their conservation and management. SEP-HCP Section 5.2 contains the specific, measurable biological objectives that address each of the Covered Species. These objectives are based on the Service's recommendations for achieving recovery for these species. SEP-HCP Appendix C includes information on habitat quantity, habitat quality, ecological processes, population size, species' genetic and demographic

		The biological goals must be measurable and verifiable, and relate to the HCP's monitoring indicators. [xxx] The pre-eminent scientific review of HCPs also found that HCPs need to quantify the plans' biological goals. [xxxi] Other prominent authors have called for HCPs "to include specifically stated and measurable indicators of the success or failure of the plan," including, in the case of long-term permits, "interim milestones." This HCP does not include such biological goals. "Biological objectives should include the following: species or habitat indicator, location, action, quantity/state, and timeframe needed to meet the objective. They can be described as a condition to be met or as a change to be achieved relative to the existing condition." "Although the goals and objectives may be stated in habitat terms, each covered species that falls under that goal or objective must be accounted for individually as it relates to that habitat." The Service's HCP Handbook also states that: i) "habitat based" HCPs should use indicator species to establish forest management parameters, and ii) all endemic, sensitive, listed, proposed listed, candidate, and species of special concern should be addressed "adequately." Other factors which must be accounted for include: habitat quantity, habitat quality, ecological processes, population size, species' genetic and demographic status, and the range of threats affecting the species. This HCP does not discuss these issues. "Both [the Service and the applicants] can use the available literature, State conservation strategies, candidate conservation plans, draft or final recovery plans or outlines, and other sources of relevant scientific and commercial information as guides in setting biological goals and objectives. Both can consult with species experts, State wildlife agencies, recovery teams, and/or scientific advisory committees." *Sierra Club et al v. Bruce Babbitt et al* found that current data on species' conditions and recovery needs must be used. Yet the HCP has scant reference to the species' recovery plans, critical habitat designation for the karst invertebrates, nor to new information in reviews and current research that is expected to inform revisions of the two birds' recovery plans. According to the Service's HCP Handbook, "the operating conservation program will include those measurable actions that, when implemented, are anticipated to meet the biological objectives."	status, and the range of threats affecting each of the Covered Species.
Center for Biological Diversity		The HCP's mitigation measures must provide each of the covered species with a high probability of recovery of resilient and abundant populations, and with fully functioning habitat conditions needed to support their recovery. ESA section 10 and the Congressional intent for section 10 clearly require that HCPs and Take Permits avoid harming species' chances of recovery, in addition to their chances of survival; this objective is also supported by language in the Services' HCP Handbook, as well as various court decisions. As indicated in ESA sections 2(b), 2(c), and 3(3), the ESA's ultimate goal is, in effect, to recover threatened and endangered species, including to the point where they can be removed from the endangered species list. "By definition, listed species already face serious threats to their continued existence….[thus] one could reasonably interpret an action to jeopardize the continued existence of a listed species if the action precluded or even impaired the species' chances for eventual recovery." Furthermore, the Services are obligated under the ESA to not only avoid authorizing, funding, or undertaking any activity likely to jeopardize continued existence of endangered species, but also to take affirmative steps to protect, conserve, and restore endangered species to level that would permit removal from Endangered Species list. The Service's analyses must consider individual populations of the covered species. The NMFS regulations, for example, state that permits will not be issued if "the authorization requested potentially threatens a fish or wildlife population."	Please see our Biological Opinion.
Center for Biological Diversity		ESA section 7(a)(2) not only contains "jeopardy" language paralleling that of section 10, but also explicitly prohibits federal agencies from approving actions which would destroy or "adversely modify" species' critical habitat areas. It is unclear whether this HCP would provide authorization for destruction or adverse modification of critical habitat for the karst invertebrates. This prohibition must be interpreted as precluding "direct or indirect alteration of critical habitat which appreciably diminishes the value of that habitat for either the survival ***or*** the recovery of a listed species," including currently unoccupied habitat areas and other habitats needed for the species' recovery (emphasis added). "Primary constituent elements" of species' critical habitats, that must be protected, include "physical or biological features" that are "essential to the conservation of the species" and include space for individual and population growth, nutritional requirements, cover or shelter, sites for breeding and rearing, and habitats protected from disturbance. This HCP fails to ensure that critical habitat will not be harmed.	Please see Section 3.2.3.2 of the SEP-HCP where it discusses avoidance of designated critical habitat unless an individual formal consultation (either ESA section 7 or 10) has been completed.
Center for Biological Diversity		When determining whether the Take Permit and HCP will harm species' chances of recovery under both sections 10 and 7, the Service should consider species that do not currently exist in the plan area, but that would need to utilize the area at some level to achieve recovery. The Service has not made such an evaluation in this instance.	If the species does not currently exist in the Plan Area, we cannot identify the species or their required habitat, thus we cannot be confident that the impacts are likely to occur. Additionally, to attempt to describe those impacts sufficiently for meaningful analysis would be purely speculative.
Center for Biological Diversity		The legislative record for ESA section 10(a) also indicates that Congress intended for HCPs to *enhance* species' chances of survival, which given the net loss of habitat that would result from this HCP, is not accomplished in this instance The HCP Handbook also cites this legislative intent and states that the Services should "encourage" landowners to provide a net benefit to species. The Department of Interior's testimony in response to the lawsuit against the "No Surprises" rule also recognizes that "[U]nder some circumstances, such as for 'severely depleted species and species for which the HCP covers all or a significant portion of the range' of a species,... measures to improve the species habitat may be required by the legislative history of [ESA] section 10."	Comment acknowledged.
Center for Biological Diversity		ESA section 10(a)(2)(B)(ii) also requires impacts be minimized and mitigated to the "maximum extent practicable." The Services must analyze and document whether the HCP has indeed minimized and mitigated "take" to the maximum extent practicable. The Services must consider HCP alternatives that would provide higher levels of mitigation than the proposed HCP ("…the most reasonable reading of the statutory	Please see Table 21 in the SEP-HCP for a comparison of different alternatives, our Record of Decision (ROD), and responses 2, 6, and 10.

		phrase "maximum extent practicable" nonetheless requires the Service to consider an alternative involving greater mitigation."). In this instance, one alternative does analyze such higher (though still insufficient) mitigation. Moreover, the Services must have some basis for finding that higher levels of mitigation aren't practicable ("…the record must contain some basis to conclude that the proposed program is the maximum that can be reasonably required…." and "…should provide some basis for concluding, not just that the chosen mitigation fee and land preservation ratio are practicable, but that a higher fee and ratio would be impracticable."). The Service has not done so in this instance. Relevant data may include economic analyses, mitigation levels used in other HCPs, or evidence from the landowners. The Services' HCP Handbook also requires the Services to consider the cost of additional mitigation, the benefits of additional mitigation, the amount of mitigation provided by other landowners, and the landowner's own abilities. This has been addressed in a cursory manner in this instance.	
Center for Biological Diversity		The Service's HCP Handbook states that if the landowner cites economic considerations as the reason for failing to utilize an alternate land management approach, then the landowner must provide supporting economic information, unless it is proprietary. No such supporting information has been provided in this HCP. The Services should account for the totality of relevant economic factors, including the probability that land owners can deduct the cost of land management restrictions from their federal, state, and/or local taxes.	Section 14 of the SEP-HCP describes in detail why the alternatives that were dismissed were not chosen. Additionally, for the SEP-HCP it is likely that neither the City nor the County will be the actual landowner, since conservation easements are much more practicable.
Center for Biological Diversity		ESA sections 10(a)(2)(A)(iv) and 10(a)(2)(B)(v) also authorize the Services to require mitigation measures *beyond* those "practicable" mitigation measures required by ESA section 10(a)(2)(B)(ii). The Services' HCP Handbook also states that all HCPs should address other measures required by the Services. All impacts of all permitted "take" must be mitigated. Notably, in this instance, however, fragmentation of habitat is not directly mitigated even though the karst invertebrates critical habitat rule describes habitat fragmentation as a threat to the species.	Comment acknowledged. The SEP-HCP assumes that all potential habitats on a Participants property are occupied by the respective species and that development activities will result in the complete loss of that habitat. In reality, not all areas of potential habitat will be occupied by the Covered Species and not all projects will result in the complete loss of habitat. Therefore, the actual habitat loss from development activities over 30 years likely represents an overestimate of direct and indirect habitat impacts. This plus the mitigation ratios and minimum preserve standards are expected to offset impacts from habitat fragmentation.
Center for Biological Diversity		The Services' HCP Handbook states that mitigation should not only be based on sound biological rationale, but also be "commensurate with the impacts." Such is not the case in this instance. *Sierra Club et al v. Bruce Babbitt et al* held that replacement habitat must be provided for habitat destroyed pursuant to ITPs. In this case, however, replacement habitat added to the system of preserves may consist of habitats already protected for other purposes or under other authorities. Even when unprotected habitat would be protected under this HCP, there would be a net loss of thousands of acres of habitats now available to the various species that would be subject to development.	Please see response 15.
		Listed plants must also be addressed and protected by Take Permits and HCPs under ESA section 7(a)(2). The Services may not approve an action which jeopardizes the survival or recovery of listed plants.	Two plants of concern to the Service are within the Plan Area. One is listed as endangered (tobusch fishhook cactus) and one is a candidate (bracted twistflower). It is expected that the tobusch fishhook cactus will benefit from the SEP-HCP, since it occurs only in areas that will have preserves. While the Service must consider impacts from the SEP-HCP on the listed and proposed species in accordance with section 7(a)(2), there is no requirement to consider the candidate species. Regardless, the Permittees chose to consider both plants as Voluntarily Conserved Species.
Center for Biological Diversity		The HCP's conservation strategy should use the precautionary approach. "Often, a direct relationship exists between the level of biological uncertainty for a covered species and the degree of risk that an incidental take permit could pose for that species. Therefore, the operating conservation program may need to be relatively cautious initially and adjusted later based on new information, even though a cautious approach may limit the number of alternative strategies that may be tested." The pre-eminent national scientific review of HCPs found also that: when basic data on species, their conservation needs, resulting levels and impacts of "take," and other considerations are unavailable, data gaps should be filled *prior* to developing HCPs; fewer data gaps should be allowed with plans covering larger areas, longer time frames, irreversible impacts, or multiple species; if HCPs proceed in the absence of needed data, then approaches which provide greater levels of certainty for the species should be used; and that managers should adopt risk-averse strategies in the face of uncertainty. In this case, with little known about the distribution, taxonomy and much else about the karst invertebrates, the HCP should await more information.	While the Covered Karst Invertebrates are cryptic in nature, permanent preservation of medium and high quality karst preserves, such as those proposed by the SEP-HCP, for these species is a high priority for the Service.
Center for Biological Diversity		Any unlisted species "covered" by the conservation plans and any regulatory assurances must be addressed and conserved as thoroughly and specifically as if they were listed, as was expected by Congress when ESA section 10 was drafted, and as is required by the "No Surprises" rule. Among other things, this should require that the HCP specifically and individually address each covered species and their unique conservation needs.	Please see Appendix B of the SEP-HCP for a complete discussion of the Covered Species.
Center for Biological Diversity		Take Permits and HCPs may not rely upon speculative sources of mitigation, such as promises of additional funds for habitat acquisition from unnamed sources. Providing funds for research is not sufficient as mitigation. In this instance, the HCP relies on future appropriations which cannot be guaranteed, a fantastical average 7% growth rate of invested funds, and even sale of land donations – which would spur further land	The Permittees will not be able to extend incidental take coverage to Participants if they have not established mitigation for the respective species (i.e., no take will occur unless and until

		development – to guarantee management and mitigation funds into the future. The mitigation measures (i.e. land sales) should not themselves cause unmitigated "take" of listed species or their habitats. These various artifices and assumptions, for example about future appropriations, are the essence of speculative funds. Independent (and presumably, academic) scientific peer review panels should be consulted during HCP development, particularly for more significant plans. There is no evidence that such consultation occurred in this instance.	mitigation, including an endowment for long-term management and monitoring, is perpetually established). Additionally, the funding plan detailed in Appendix F to the SEP-HCP describes several non-speculative sources, including property tax diversions and participation fees, which would only be forthcoming after preserves are perpetually established. Research is not considered as mitigation, but is an extra benefit the Permittees wish to provide. Please see Appendix A for the participants involved in plan development.
Center for Biological Diversity		According to the Services' HCP Handbook, "monitoring is a mandatory element of all HCPs." Monitoring is also required implicitly and explicitly under the ESA and its regulations. The Services' HCP Handbook states that an HCP's monitoring provisions should be as specific as possible and be commensurate with the project's scope and the severity of its effects. The Handbook also states that "the scope of the monitoring program should be commensurate with the scope and duration of the operating conservation program and the project impacts." According to the Services' HCP Handbook, "the Services and the applicant must ensure that the monitoring program provides information to: (1) evaluate compliance; (2) determine if biological goals and objectives are being met; and (3) provide feedback information for an adaptive management strategy, if one is used." Monitoring must also address HCPs' impacts over time. The Handbook further states that "the monitoring program should reflect the measurable biological goals and objectives. The following components are essential.… (1) Assess the implementation and effectiveness of the HCP terms and conditions.…; (2) determine the level of incidental take of the covered species; (3) determine the biological conditions resulting from the operating conservation program.…; and (4) provide any information needed to implement an adaptive management strategy, if utilized." The pre-eminent scientific review of HCPs also found that monitoring provisions should be used to evaluate mitigation measures' performance over time, and to assess impacts to species, and that monitoring must be designed to facilitate timely improvements to mitigation measures. In addition to implementation and effectiveness monitoring, validation monitoring is also needed to determine if the assumptions and models used in developing the conservation plan are correct. Population levels and specific habitat components for each of the covered species must be monitored on a regular basis. According to the Services' HCP Handbook, "effects and effectiveness monitoring includes, but is not limited to, the following: 1. Periodic accounting of incidental take that occurred in conjunction with the permitted activity; 2. Surveys to determine species status, appropriately measured for the particular operating conservation program (e.g., presence, density, or reproductive rates); 3. Assessments of habitat condition; 4. Progress reports on fulfillment of the operating conservation program (e.g., habitat acres acquired and/or restored); and 5. Evaluations of the operating conservation program and its progress toward its intended biological goals." The HCP Handbook also states elsewhere that monitoring must be sufficient to detect trends in species' populations. Monitoring indicators should be chosen to detect problems before it is too late to solve them. The Services' HCP Handbook states that monitoring protocol must specify the frequency, timing, and duration of data collection; must specify how the data will be analyzed; and must specify who will do the analysis. The Handbook also states that "the monitoring program will be based on sound science. Standard survey or other previously established monitoring protocols should be used [and] …. [m]onitoring programs should use a multi-species approach when appropriate." According to the Service's HCP Handbook, "…the monitoring program should also clearly designate who is responsible for the various aspects of monitoring." More specifically, "both the Services and the permittee are responsible for monitoring the implementation of the HCP…" and "the Services should verify adherence to the terms and conditions of the incidental take permit, HCP, IA, and any other related agreements...." The Handbook also states that "...it is important for the Services to make field visits to verify the accuracy of monitoring submitted by the permittees ." The USFWS regulations also state that by being granted a Take Permit, the landowner has agreed to grant access to Service staff to property, records, and other areas. Similarly, the NMFS regulations state that permittees shall allow the agency access to their premises at any reasonable hour to conduct inspections. However, this is not reflected in the instant HCP.	Monitoring is an integral part of the management plans that will exist for each preserve. Each of these plans must be approved by the Service and follow preserve design, management, and monitoring recommendations for the specific species (SEP-HCP Section 9). Additionally, a robust annual report must be submitted to the Service to ensure compliance with all permit terms and conditions and the associated HCP (SEP-HCP Section 12). Because the Permittees are extending their incidental take authorization to Participants, it is the Permittees responsibility to ensure Participant compliance, which is specifically described in Sections 3.2.4.3 and 3.2.4.4 of the SEP-HCP. While not explicitly stated in the SEP-HCP, the Service's compliance authority is a condition of acceptance of a 10(a)(1)(B) incidental take permit.
Center for Biological Diversity		Mechanisms must also be established more generally to ensure the scientific integrity of monitoring results. Monitoring should be conducted by independent persons and institutions that do not have a stake in the results. According to the Services' HCP Handbook, "for large-scale or regional HCPs, oversight committees, made up of representatives from significantly affected entities (e.g., State Fish and Wildlife agencies), are often used to ensure proper and periodic review of the monitoring program...." According to the Handbook, "…oversight committees should periodically evaluate the permittee's implementation of the HCP, its incidental take permit, and IA and the success of the operating conservation program in reaching its identified biological goals and objectives. Such committees usually include species experts and representatives of the permittee, the Services, and other affected agencies and entities." Further, "oversight committees should meet at least annually and review implementation of the monitoring program and filing of reports as defined in the HCP, permit, and/or IA, if one is used." The Services' Consultation Handbook also calls for monitoring to: "detect adverse effects resulting from a proposed action," "assess the actual level of incidental take in comparison with the anticipated… level," "detect when the anticipated level of incidental take is exceeded," and detect effects "on populations of a listed species, effects on the habitat…of a listed species, or effects on both." Monitoring results should also be collected and coordinated with monitoring from other permitted	Please see Section 9 of the SEP-HCP for a discussion on monitoring and advisory committees.

		activities, to track their "collective effects."	
Center for Biological Diversity		Comprehensive and rigorous adaptive management will be crucial to the success of most HCPs. The pre-eminent national scientific review of HCPs found that: HCPs must be flexible, to allow for timely improvements based on monitoring results; if monitoring is used to help correct for data gaps, then mitigation measures must be adjusted as needed over time; and HCPs should include contingency measures (i.e., adaptive management supported by monitoring) to address potential failures with mitigation measures. HCPs need to include adaptive management programs whose goal is to identify concrete improvements to the HCP's conservation measures that may be needed to address, among other things, the plan's potential failure to meet its biological goals, unpredicted impacts on the species resulting from the covered activities, stochastic environmental fluctuations, changes in the permittee's land management practices and their impacts, and other new information and changing circumstances. The ultimate goal of adaptive management must be to ensure that the plan and covered activities will continue to be consistent with the covered species' recovery. Adaptive management must necessarily be closely tied to monitoring, especially effectiveness and validation monitoring.	Please see Section 9 of the SEP-HCP for a discussion on adaptive management.
Center for Biological Diversity		In drafting ESA section 10, Congress explicitly recognized that "...circumstances and information may change over time, and that the original plan might need to be revised. To address this situation, the Committee expects that any plan approved for a long-term permit will contain a procedure by which the parties will deal with unforeseen circumstances...." ESA section 10(a)(2)(B) requires HCPs to include assurances the plans will be implemented, continue to minimize and mitigate the impacts of take, and continue to avoid jeopardizing the species' chances of survival and recovery. ESA section 10(a)(2)(A)(iv) also requires the Services to require other measures as necessary to ensure the plan's success.	Please see Section 13 of the SEP-HCP for unforeseen circumstances.
Center for Biological Diversity		The Department of Interior has stated, in effect, that large scale HCPs must have extensive, meaningful adaptive management provisions to be lawful. "The Services recognize that HCP permits often must be structured in such a way as to allow for the adaptation and refinement of mitigation measures over time as new scientific information becomes available...." "…the purpose of the No Surprises rule is to force the negotiating parties to clearly define up front a mutually-agreed upon framework for such adaptive management, if necessary due to scientific uncertainty and to establish a division of later responsibilities in the event of highly unlikely unforeseen events.... In the event there are significant gaps in the biological data underlying a particular HCP, those gaps should be addressed through the inclusion of adaptive management provisions." The HCP Handbook also states that if information on unlisted species' conservation needs is lacking, then the landowner should either: i) use adaptive management to incorporate new information as it becomes available, ii) conduct additional research on the species' needs, or iii) agree to reduced "No Surprises" guarantees for those species. According to the Services' HCP Handbook, adaptive management programs should be established within HCPs to address the following situations, among others. "...an adaptive management strategy is essential for HCP's that would otherwise pose a significant risk to the species at the time the permit is issued due to significant data or information gaps." "Possible significant data gaps that could lead to the development of an adaptive management strategy include, but are not limited to, a significant lack of specific information about the ecology of the species or its habitat (e.g., food preferences, relative importance of predators, territory size), uncertainty in the effectiveness of habitat or species management techniques, or lack of knowledge on the degree of potential effects of the activity on the species covered in the incidental take permit." Adaptive management is also especially important for species whose conservation needs are not yet well known, as is usually the case with unlisted species. Similarly, contingency measures should exist when landowners create/restore habitat as mitigation, in case the new habitat isn't viable. Scientists indicate that "the success of any adaptive management study depends upon two important contingencies: 1) management actions implemented now must maintain as many future options as possible, and 2) tight linkages and feedbacks must be maintained between scientists and managers…." "Adaptive management requires a more (rather than less) cautious approach to the use of forest resources. [cii] The HCP Handbook also states that "often, a direct relationship exists between the level of biological uncertainty for a covered species and the degree of risk that an incidental take permit could pose for that species. Therefore, the operating conservation program may need to be relatively cautious initially and adjusted later based on new information, even though a cautious approach may limit the number of alternative strategies that may be tested." Other literature suggests that management policies should accordingly be chosen in light of the assumptions they test, so that the most important uncertainties are tested rigorously and early." The literature on adaptive management also clearly indicates that few, if any, management policies are without significant uncertainty. "Prediction is never perfect" and "uncertainty is a fundamental fact of environmental life." Likewise, "complex systems are unpredictable," sometimes "the magnitude of responses is not in linear proportion to the magnitude of causes," and an "iterative approach appears to be important to maintaining the productivity of resources." The literature also describes adaptive management as "a systematic process for continually improving management policies and practices by learning from the outcomes of operational programs." However, adaptive management is not a "trial-and-error approach." Essential steps in any project developed around adaptive management include: a) compiling all existing data, b) developing project goals, c) developing working hypotheses, d) implementing the prescriptions, e) monitoring results, f) evaluating and testing monitoring data, and g) returning to step (c). The HCP Handbook also states that "an adaptive management strategy should (1) identify the uncertainty and the questions that need to be addressed to resolve the uncertainty; (2) develop alternative strategies and determine which experimental strategies to implement; (3) integrate a monitoring program that is able to detect the necessary information for strategy evaluation; and (4) incorporate feedback loops that	The Service believes the SEP-HCP adequately addresses adaptive management and changed and unforeseen circumstances (Sections 9 and 13).

		link implementation and monitoring to a decision-making process (which may be similar to a dispute-resolution process) that result in appropriate changes in management." Adaptive management is also "the acquisition of additional knowledge and the utilization of that information in modifying programs and practices so as to better achieve management goals" more generally. In other words, the adaptive management program should also have a process for identifying and utilizing new information from outside sources, in addition to the results of the HCP's own monitoring program. Adaptive management "triggers" must be identified for each of the covered species. These should correspond to the biological goals for each of the covered species, which, in turn, should include measurable and verifiable objectives for the covered species' populations and distributions, habitat quantity and quality, and other variables associated with the species' recovery. In other words, the adaptive management program must key into the plan's benchmarks for success. The HCP Handbook states that "thresholds" (i.e., triggers) for adaptive management review should be linked to key elements of the HCP and its monitoring protocol. Further, the thresholds must be based on measurable criteria. The triggers should include species' population levels, specific habitat components, water quality standards, etc., associated with each of the covered species' survival and recovery. According to the Services' HCP Handbook, "a practical adaptive management strategy within the operating conservation program of a long-term incidental take permit will [also] include milestones that are reviewed at scheduled intervals during the lifetime of the incidental take permit and permitted action." However, as noted by the literature on adaptive management, management thresholds and adaptive management triggers should not be defined as biological thresholds that represent risky or irreversible changes in species or ecosystems. Rather, management thresholds and triggers should include a comfortable margin-of-error and "kick in" before unacceptable damage to species' chances of recovery have occurred. In keeping with these requirements, the HCP and its Implementation Agreement must require that the HCP's mitigation measures will be corrected, improved, and/or supplemented whenever monitoring or other information indicates that the HCP's biological goals and objectives are not being achieved (i.e., the adaptive management triggers are "tripped"). In other words, adaptive management programs must specify at the outset how adaptive management results will be used to modify conservation plans. The overriding objective of the HCP's adaptive management program and its Implementation Agreement must be to ensure that the HCP will continue to protect the covered species and their chances of recovery. There must be clear timelines for adaptive management reviews and decisions. "Adaptive management does not postpone action until "enough" is known but acknowledges that time and resources are too short to defer some action, particularly actions to address urgent problems such as… declines in the abundance of valued biota. The HCP should identify specific additional mitigation measures, or a range of measures, that can be adopted in response to monitoring and adaptive management analyses, and that will not be precluded by "No Surprises" language. If "No Surprises" language is used in the HCP, Take Permit, or Implementation Agreement, all potentially necessary adaptive management changes to the HCP should be identified as "Changing Circumstances." According to the HCP Handbook, "whenever an adaptive management strategy is used, the approved HCP must outline the agreed upon future changes to the operating conservation program." "When an HCP, permit, and [implementation agreement] incorporate an adaptive management strategy, it should clearly state the range of possible operating conservation program adjustments due to significant new information, risk, or uncertainty." However, this HCP's description of changed circumstances provides no latitude to protecting the species from a wide variety of changes through increasing the size of preserved lands. Adaptive management reviews should be conducted by objective, scientifically-qualified parties that are independent of the permittees. "To be informative and efficient, adaptive management projects must be led by people who know what options for study designs and analyses are available, and the relative strengths and weaknesses of each." Adaptive management reviews and decisions should be transparent, and provide meaningful opportunities for public input. Adaptive management decisions should be conducted pursuant to explicit and transparent decision-criteria, and not be subject to "veto" by the permittees. In short, adaptive management must be a scientific process, rather than a political free-for-all	
Center for Biological Diversity		The HCP and its Implementation Agreement must be consistent with, and include language maintaining, the provisions of 50 CFR 402.16, which requires the USFWS and NMFS to reinitiate formal consultation under ESA section 7 if: the amount or extent of "taking" exceeds that allowed for by the Take Permit, new information shows that listed species or critical habitat will be affected in a manner not previously considered, changes in the permitted activities cause effects not previously considered, or the permitted activity will affect newly listed species or critical habitat. The HCP and its Implementation Agreement must include procedures for the Services to look for, and respond to, such new information. The Biological Opinion should also identify situations that would warrant reinitiation, including studies in progress whose results may warrant reassessment of the Opinion.	Please see the Biological Opinion and Record of Decision regarding reinitiation.
Center for Biological Diversity		Various scientific assessments of HCPs have come to similar conclusions; for example, "if opportunities for modifying and improving plans on the basis of new information are precluded, failures in attaining biological goals are likely." "Plans must be dynamic and explicitly built on a foundation of adaptability and revision." Thus landowner assurances should take the form of explicit, up-front agreements about the plan's biological goals, monitoring, adaptive management, and enforcement, and fair allocation of responsibility between the landowner and public for funding future plan changes. In other words, the plan should provide up-front clarity and assurances about the process that will be used to identify and make improvements to the plan—instead of simply precluding meaningful plan improvements through "No Surprises" assurances, as this HCP does. In drafting ESA section 10, Congress explicitly recognized that "...circumstances and information may change over time, and that the original plan might need to be revised. To address this situation, the Committee expects that any	The Service believes the SEP-HCP adequately addresses adaptive management and changed and unforeseen circumstances (Sections 9 and 13).

		plan approved for a long-term permit will contain a procedure by which the parties will deal with unforeseen circumstances....” The Department of Interior has also stated that “…the purpose of the No Surprises rule is to force the negotiating parties to clearly define up front a mutually-agreed upon framework for such adaptive management…and to establish a division of later responsibilities in the event of highly unlikely unforeseen events....” Any landowner or regulatory assurances should be proportionate (in terms of breadth, duration, etc.) to the probability that the HCP’s conservation measures will succeed in recovering abundant, resilient, and well-distributed populations and fully functioning habitats of the covered species, including as noted by the Services’ HCP Handbook. A different level or extent of assurances may be suitable for different species, different HCP elements, different locations, etc., given any differences in the quality of the HCP’s conservation measures in relation to different species, different conservation needs, different site conditions, etc. Beyond a short initial “time-out” period, assurances provisions must not preclude the permittees’ responsibility for adopting modified or additional mitigation measures, as may be identified through monitoring, adaptive management, or other processes which are integral to the HCP’s long-term effectiveness and/or ensuring that the Incidental Take Permit and plan will not impact the covered species’ chances of recovery over time. In this instance, however, the No Surprises limitations on addition land to add preserves would render the species unable to adapt to a variety of changed conditions. The duration of assurances should also be limited to time periods during which implementation of the HCP’s conservation measures, monitoring, and adaptive management provisions can be guaranteed. The Services’ HCP Handbook states that “the Services will also consider the extent of information underlying the HCP, the length of time necessary to implement and achieve the benefits of the operating conservation program, and the extent to which the program incorporates adaptive management strategies.” On the latter basis alone, the Service should reject this HCP. The Federal Register notice for the final “No Surprises” Rule states that “...many changes in circumstances during the course of an HCP can reasonably be anticipated and planned for in the conservation plan (e.g., the listing of new species, or a fire or other natural catastrophic event in areas prone to such events), and the plans should describe the modifications in the project or activity that will be implemented if these circumstances arise....” The final rule itself then states that “changed circumstances means changes in circumstances affecting a species or geographic area covered by a conservation plan that can reasonably be anticipated by plan developers and the Service and that can be planned for (e.g., the listing of new species, or a fire or other natural catastrophic event in areas prone to such events).” Likewise, the HCP Handbook states that “unforeseen circumstances” don’t include changed conditions that could reasonably be anticipated by the landowner or the Services, including the listing of new species or modifications in the landowner’s activities. Under the final “No Surprises” rule, landowners are responsible for providing improved and/or additional mitigation measures needed in response to “changed circumstances,” if the mitigation measures “were provided for” in the HCP.	
Center for Biological Diversity		The pre-eminent national scientific review of HCPs found that “take” permits should not be given to landowners when significant information needed to develop scientifically credible HCPs is lacking. That is certainly the case in this instance regarding the karst invertebrates. The Services’ HCP Handbook also states that “there may be some circumstances with such a high degree of uncertainty and potential significant effects that a species should not receive coverage in an incidental take permit at all until additional research is conducted.” Again, the lack of information on these invertebrates fits that circumstance.	While the Covered Karst Invertebrates are cryptic in nature, permanent preservation of medium and high quality karst preserves, such as those proposed by the SEP-HCP, for these species is a high priority for the Service.
Center for Biological Diversity		The final “No Surprises” rule, the legislative history for ESA section 10(a), and the Services’ HCP Handbook all state that any unlisted species covered in an HCP must be addressed as if it were listed. The “No Surprises” rule states that *“adequately covered means... with respect to unlisted species, that a proposed conservation plan has satisfied the permit issuance criteria under section 10(a)(2)(B) of the ESA that would otherwise apply if the unlisted species covered by the plan were actually listed.”* Among other things, this should require that the HCP specifically and individually address each covered species and their unique conservation needs (the NMFS regulations state, for example, that for species to be covered, they must be specifically listed on the Take Permit). The draft “No Surprises” rule also stated that unlisted species need to be addressed by removing threats to their survival and recovery, such that the species would not need to be listed if the measures were undertaken across their range. The Services’ HCP Handbook also states that if information on unlisted species’ conservation needs is lacking, then the landowner should either: i) use adaptive management to incorporate new information as it becomes available, ii) conduct additional research on the species’ needs, or iii) agree to reduced “No Surprises” guarantees for those species.	Comment acknowledged. There are no unlisted species receiving “No Surprises” coverage as part of the SEP-HCP.
Center for Biological Diversity		ESA sections 10(a)(2)(A)(ii) and 10(a)(2)(B)(iii) state that the HCPs must specify the funding that will be available to implement the plans’ impact minimization and mitigation measures, and that the Services must find that the applicants will “ensure that adequate funding for the plan will be provided.” In this case, as noted, funding is in part dependent on a speculative 7% annual investment income, sale of lands that themselves might be needed for conservation, and appropriations. None of this is certain income, and much of it is doubtful. ESA sections 10(a)(2)(A)(iv) and 10(a)(2)(B) state that the Services shall require “...other measures... necessary or appropriate for purposes of the plan” and “...other assurances...that the plan will be implemented.” As recognized by the courts, the mere promise of future actions is not sufficient to meet the ESA’s protection standards.	Both Permittees must get approval from their respective governing bodies (City Council and Commissioner’s Court) to accept the permit and commit funding to implement the SEP-HCP. Initial funding to set up the administrative body and purchase preserves must occur prior to any incidental take authorization. These required steps will ensure that the Permittees are committed to implementing the SEP-HCP. Additionally, many of the revenue sources described in Appendix F are dependent on implementation of the SEP-HCP (tax increment financing and participation fees). Therefore, the Service believes the funding commitment, expected revenue sources, and proposed

			funding plan are adequate (Section 11 and Appendix F of the SEP-HCP).
Center for Biological Diversity		The HCP and Take Permit must be accompanied by a legally sufficient Implementation Agreement, as recognized by the Services' HCP Handbook. The HCP's mitigation measures must be enforceable. The Implementation Agreement must also include enforceable remedies and relief provisions, in the event that the HCP's conservation measures are not implemented, and "take" is thus not properly mitigated, as noted by the Services' HCP Handbook and its template Agreement. In this instance, if funding falls short for management and monitoring, no such remedies can be counted on. Furthermore, the mechanisms for describing the assumptions on funding, repeatedly referenced as "Appendix F" in the HCP, are not available on the Service's website, nor did the Service's Austin, Texas office answer the phone in the days leading up to the March 19, 2015 deadline on comments on the HCP and DEIS; consequently, Appendix F with its critical analysis, is not available and cannot be counted on for assurances in the HCP nor DEIS.	Implementing agreements are not required to accompany a HCP. Mitigation must occur before the take, thus ensuring no unauthorized take will occur. Appendix F was available on the Permittees website and upon request from both the Service and the Permittees.
Center for Biological Diversity		There must be assurances of adequate funding to implement the HCP's conservation measures, monitoring, and adaptive management provisions over time. That doesn't exist in this instance. The HCP Handbook states that large scale HCPs may need perpetual funding to cover long term monitoring and mitigation. The Service's Handbook also states that the landowner should provide up-front legal or financial assurances, such as a letter of credit, if mitigation measures will be implemented after "take" occurs. The courts have also recognized the need to provide assurances of adequate funding.	Because mitigation must occur prior to any incidental take authorization, the Permittees must establish (i.e. fund) the Service approved preserves, which includes a perpetual endowment for management and monitoring. Therefore, this assurance is inherent in the preserve establishment. Please see Appendix F for a description of the endowment funding that will be provided.
Center for Biological Diversity		According to the Services' HCP Handbook, when determining incidental take permit duration, factors to consider include "duration of the applicant's proposed activities and the expected positive and negative effects on covered species... including the extent to which the operating conservation program will increase the long-term survivability of the listed species and/or enhance its habitat." The Handbook also states that "the Services will also consider the extent of information underlying the HCP, the length of time necessary to implement and achieve the benefits of the operating conservation program, and the extent to which the program incorporates adaptive management strategies. Significant biological uncertainty may necessitate an adaptive management strategy." Under these criteria, this HCP should be rejected.	As stated in Chapter 5 of the SEP-HCP, the Permittees have committed to contributing to recovery for the Covered Species. The lack of a specified project, the scale of the mitigation, and the complexity of implementation influenced the permit duration. Adaptive Management is described in detail in Chapter 9 of the SEP-HCP.
Center for Biological Diversity		The DEIS does not meet the standards of NEPA as described below. Consideration of alternatives is the "heart" of an EIS. Under NEPA, an EIS must "rigorously explore and objectively examine all reasonable alternatives." Likewise, an agency may not "consider only those alternatives with [the same] end result." An EIS must evaluate a "reasonable range" of alternatives. The range is dictated by "nature and scope of the proposed action," and must be sufficient to permit the agency to make a "reasoned choice." The analysis must include the alternative of no action, as well as alternatives not within the federal lead agency's jurisdiction. The existence of a "viable but unexamined alternative renders an environmental impact statement inadequate." Likewise, an agency may not "consider only those alternatives with [the same] end result." All alternatives selected for detailed analysis must avoid or substantially reduce the significant environmental impacts of the proposed project. The EIS must include "reasonable options" for avoiding or mitigating to insignificance any significant cumulative effects identified. The EIS must "devote substantial treatment to each alternative considered in detail so that reviewers may evaluate their comparative merits." It also must explain how each alternative will or will not achieve the policies of NEPA and other relevant environmental laws and policies. The alternatives analysis should not be constrained by what the applicant deems economically "practicable" or "feasible." Under NEPA, where economic preferences are used to select the preferred alternative, the decision must not be based on misleading, biased, or incomplete economic information.	Please see Chapter 3 and 4 of the EIS for a detailed description of each alternative and an analysis of the impacts of each alternative. Please also see response 3.
Center for Biological Diversity		To be credible and accurate, the "no action" alternative must accurately describe baseline conditions and assume full compliance with, and enforcement of, existing federal and state laws. Specifically, the "no action" alternative must assume the State and landowners' full avoidance of "take" of all covered listed species. A "no action" alternative that assumes minimal or compliance with or enforcement of the ESA, and therefore seriously overestimates the purported benefits of the HCP's mitigation program, is not acceptable.	No action, in this instance, is not no take. The No Action Alternative assumes the Permittees will not receive an ITP and will not implement the SEP-HCP. Therefore, individuals would apply on a case-by-case basis for their own ITP.
Center for Biological Diversity		The no action alternative must also account for the likelihood that unlisted sensitive and imperiled species will be listed in the future and subject to ESA restrictions.	To assume unlisted species will be become listed is predecisional.
Center for Biological Diversity		Environmental Protection Agency (EPA) regulations require an EIS to "provide a full and fair discussion of significant environmental impacts" of the proposed action, as well as each alternative. Environmental impacts, or effects, include ecological, aesthetic, historic, cultural, economic, social, and health effects, whether direct, indirect, or cumulative in nature. Under NEPA, sufficient, accurate, current and up to date data must be used. Accurate projections of affected species' populations under the Take Permit and HCP must be compared with accurate historical baseline populations, as well as populations that would occur in lieu of the Take Permit and HCP. Population trends should be compared with minimum viable population data to help assess impacts. This level of analysis was not conducted in this DEIS.	SEP-HCP Appendix C includes information on habitat quantity, habitat quality, ecological processes, population size, species' genetic and demographic status, and the range of threats affecting each of the Covered Species. This information was used in analyzing impacts (Chapter 4 of the EIS).
Center for Biological Diversity		Impacts should be assessed explicitly for each listed and unlisted species covered by the HCP, as should the relationship between the landowner's forest management practices and each species' conservation needs, including the species' recovery needs. The EIS must include a detailed biological analysis of the impacts of development, resource extraction and other activities authorized by the HCP and Take Permit on *each* wildlife and plant species (whether listed or unlisted) to be "covered by" the HCP and all designated critical habitat areas.	Please see Chapter 4 of the EIS and our Biological Opinion.

		Impacts to all threatened, endangered, candidate, proposed-listed, sensitive, rare, endemic, or otherwise at-risk or ecologically, socially, or economically important plant and animal species should be assessed, *regardless* of whether those species are officially "covered" by the HCP. The EIS must analyze the impact of activities on all species "occurring or potentially occurring" on all lands subject to the HCP, regardless of whether they will be "covered" by the HCP. If any wildlife or plant species occurring or potentially occurring on lands subject to the HCP will *not* be "covered" by the plan, the EIS must analyze the impacts of the HCP on these species, why they are not "covered," and include mitigation measures for any significant impacts identified. The HCP Handbook notes that the Services must consider impacts on Federally-listed plants, during ESA section 7 consultation, regardless of whether those plants are "covered" by the HCP. Plants protected by state laws are among those which must be addressed, pursuant to ESA section 9. For each species, the analysis must: (1) specifically indicate how the HCP and Take Permit will affect species' survival *and* recovery prospects; (2) describe activities that may result in take of covered species; and (3) *quantify* the anticipated level of take resulting from all activities authorized under the HCP. The EIS must indicate whether the impacts of the HCP and Take Permit on each of these species will be significant, and if so, include *species specific* mitigation measures and management actions for each significant impact identified. The EIS likewise must objectively analyze the likely short-term and long-term effectiveness of each of the HCP's proposed measures to minimize and mitigate incidental take of covered species and provide a scientifically justifiable reason why and how these measures will mitigate any significant adverse impacts to species to a level of insignificance.	
Center for Biological Diversity		The EIS must analyze the reasonably foreseeable biological impacts of including a "no surprises" provision in the HCP and implementing agreement. The effects of the "no surprises" policy over both the short and the long term are extremely likely to be significant. Thus, if 1) the HCP fails to achieve its stated goals, 2) the HCP conditions prove inadequate to protect species, 3) new scientific information is discovered which affects the assumptions in or conclusions of the HCP, and/or 4) unanticipated circumstances significantly change the environmental baseline, then federal and state agencies may be restricted in their enforcement and ability to respond in order to conserve the species. This EIS fails to conduct such an analysis.	"No Surprises" assurances apply to ESA section 10(a)(1)(B) and are not a requirement, nor do they require analysis, under NEPA.
Center for Biological Diversity		The EIS must assess impacts to all environmental values in the plan area, including both direct and cumulative effects. These values include, but are not limited to, unlisted, sensitive, rare or endemic, or otherwise at-risk fish, wildlife, and plant species; water quality; water supplies and the timing of flows; air quality; open space; soil productivity; and the sequestration and storage of atmospheric carbon dioxide.	Please see Chapter 4 of the EIS.
Center for Biological Diversity		The alternatives' impacts on the karst species' critical habitats must also be carefully examined, since the proposed HCP and Take Permit or other "assurances" may not be legally issued if they adversely modify the species' critical habitats, as per ESA section 7(a)(2).	If a property has Service designated critical habitat for a Covered Karst Invertebrate within its boundaries, that portion of the property will not be able to participate in the SEP-HCP. This leaves three options: 1) only enroll the portion of the property that does not have designated critical habitat and agree to not enter into the designated critical habitat, 2) enroll that portion of the property outside of designated critical habitat under the SEP-HCP and consult with the Service under section 7 or 10 of the ESA to determine if any impacts could be authorized within the designated critical habitat, or 3) consult with the Service under section 7 or 10 of the ESA for the entire tract.
Center for Biological Diversity		The EIS must provide: 1) detailed, thorough, and quantitative descriptions of the habitat and population conditions that will correspond to each covered species' recovery, 2) detailed, quantitative habitat and population projections for each species covered by the HCP, for each alternative, and 3) compare the alternatives' outcomes identified in step (2) with the indicators of recovery identified in step (1). This DEIS doesn't do that. The analyses for HCPs -- particularly those covering large areas or large amounts of a species' range -- should inventory, summarize, and document available data on each species and their distribution, abundance, population trends, ecological requirements, life history, and causes of endangerment. Again, this DEIS only addresses these issues in cursory fashion at best. Quantitative estimates of the impacts of "take" on species' viability should be provided, especially for larger or more significant plans. At a minimum, best and worst-case scenarios should be identified. That did not occur in this DEIS. Impacts of "take" should also be evaluated, particularly for larger or more significant plans, including by determining whether the habitats being "taken" correspond to population "sources" or "sinks," whether genetically unique subpopulations are being "taken," and whether unique habitat/species combinations are being impacted. Again, this is absent from this DEIS. The analyses for HCPs must address each of the following: species' status reviews, analyzing the proposed "take," assessing the impacts of "take," planning and assessing mitigation measures, and planning and assessing monitoring provisions. In this case, status reviews were minimally if at all consulted.	The EIS relied on the species biological information presented in Appendix C of the SEP-HCP, which incorporates current and relevant data, including Service approved recovery plans, for each of the Covered Species. The EIS relied on the impacts assessment provided for in the SEP-HCP (Section 4 and Appendix E).
Center for Biological Diversity		The analyses for HCPs should evaluate the cumulative impacts of multiple plans and their interactions. The percentage of local and global populations that will be "taken" should be assessed. Yet, multiple HCP's address the two birds covered in this plan, yet cumulative impacts are not addressed. A thorough cumulative effects analysis should be conducted to address all Federal and non- Federal actions affecting each species covered by the Take Permit and HCP. The analysis should also address all past, present, and reasonably foreseeable actions	Please see Chapter 4.9 of the EIS and our Biological Opinion.

		across the species' ranges. An EIS must analyze "cumulative actions, which when viewed together have cumulatively significant impacts." Thus, "[w]here several foreseeable similar projects in a geographical region have a cumulative impact; they should be evaluated in a single EIS." "Cumulative impact" is defined in the NEPA regulations as the impact on the environment that results from "the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions." Cumulative effects analyses are also required as part of the ESA section 7 consultation process for HCPs, as per 50 CFR 402.	
Center for Biological Diversity		In addition to cumulative impacts, this discussion must address the direct and indirect impacts of the project. "Direct effects" are those which are immediately caused by the action; indirect effects are those which will be caused by the action at a later time, but which are nevertheless reasonably foreseeable. NEPA requires a discussion of growth-inducing impacts as part of its analysis of indirect environmental effects of the proposed action. A project may have a growth-inducing impact if it may directly remove an obstacle to growth, or if it may encourage other activities that would significantly affect the environment, individually or cumulatively.	Please see Chapter 4 of the EIS for an analysis of direct and indirect effects and also response 11.
Center for Biological Diversity		The Services must take a "hard look" at the environmental consequences of approving an action, i.e., a Take Permit and HCP. NEPA requires an EIS to include a discussion of significant adverse effects which cannot be avoided if the proposal is implemented. NEPA requires a discussion of any irreversible or irretrievable commitments of resources which would be made if the proposal is implemented.	Please see Chapter 4 of the EIS for effects analysis and a discussion of any irreversible or irretrievable commitments of resources.
Center for Biological Diversity		The EIS must objectively and independently evaluate any assertions by the HCP applicant that certain mitigation measures are "impracticable" or "infeasible." Such assertions must be supported by reliable and specific documentation of impracticability or infeasibility.	No assertions were made with regard to the SEP-HCP.
Center for Biological Diversity		Activities on other lands not subject to the HCP's Implementation Agreement should be considered as speculative, and not counted as mitigation for "take" authorized by the Take Permit. Yet, in this instance, lands in Comal County may be added in to the preserves as mitigation.	Please see response 2.
Center for Biological Diversity		The EIS must also account for any new information which has come to light during development of the HCP. But this DEIS does not discuss information available in current recovery plan revision processes for the two covered birds.	The SEP-HCP and EIS considered all available relevant data during the development of the draft documents, including documents cited in the 2010 draft of the revised GCWA recovery plan. In instances where new or updated information resulted in a substantive change, the documents were updated. If this new or updated relevant data did not result in any substantive changes to the SEP-HCP or EIS, then it was not added to the documents.
Center for Biological Diversity		The DEIS should have fully assessed likely costs to the public and future generations of the proposed HCP versus alternatives. Costs may include lost wildlife, lost rare plants and future medicines, regional ecosystem failures, the cost of paying landowners to restore habitat areas, the cost of paying landowners for adaptive management and improvements to their HCPs that have been precluded by "No Surprises" agreements, the cost of increasing protections on Federal lands to compensate for failed HCPs on private lands, etc.	The SEP-HCP conducted this analysis. Please see Appendix F and Table 21 of the SEP-HCP.
Center for Biological Diversity		The EIS must also consider the significant economic benefits that the participating landowners will likely accrue by acquiring a valid Take Permit for various listed and unlisted species. Particularly when coupled with "No Surprises" guarantees, HCPs and Take Permits provides a level of regulatory certainty which is unprecedented in the business world, largely insulates private companies and other parties from any future liability to adopt additional conservation measures to protect and recover listed and unlisted species, and may even increase companies' land values, assuming that the Take Permit and HCP could be potentially transferred or otherwise adopted by subsequent landowners.	Comment acknowledged. The SEP-HCP would not be issuing individual ITPs to Participants, but would be extending incidental take coverage as part of their permit. Additionally, the ITP could only be transferred to an entity that could reasonably implement the SEP-HCP and ensure compliance with the ITP.
Center for Biological Diversity		The EIS must analyze the adequacy of the commitments for funding the mitigation and monitoring measures in the HCP to support long term species conservation. The analysis must include financial and other data, which accounts for inflation, depreciation of assets, increased real estate values, and other contingencies, to support the conclusions reached. In this case, as noted, Appendix F which supposedly contains this information has not been made available.	The October 28, 2011, version of Appendix F was posted on the SEP-HCP website on December 11, 2011 and remains there today. The revised December 2013, version was posted on December 19, 2014, along with the draft HCP and EIS upon opening of the public comment period and remain there today. Additionally, they have been available upon request from both the Service and the Permittees.
Center for Biological Diversity		The EIS should evaluate the availability of federal and state funds to meet any future mitigation requirements. If the availability of federal and/or state funds is a likely possibility, then the EIS must also analyze the biological effects resulting from the permittee's and/or the government's future unwillingness or inability to provide adequate mitigation or HCP implementation funding on USFWS and NMFS determinations pursuant to ESA section 7.	There are no known federal or state funds that will be used to implement or comply with the SEP-HCP.
Center for Biological Diversity		The EIS should fully analyze the impacts of both foreseeable and unforeseeable changed circumstances on the assumptions, conclusions and mitigation measures contained in the HCP, and how these changed circumstances will affect species survival and recovery, population trends, habitat quality and quantity, water quality, and other environmental factors. Foreseeable circumstances include fire, flood, lightning, disease and other stochastic events. The HCP must contain mitigation measures to address such foreseeable circumstances, and specific, detailed procedures to address any unforeseen circumstances, as required by the ESA and its implementing regulations. These critical provisions cannot simply be passed off as a federal government obligation under the "no surprises" policy.	The SEP-HCP adequately addresses changed and unforeseen circumstances in Section 13.

Center for Biological Diversity		NEPA requires an EIS to include measures to avoid or minimize each significant impact identified, including the impacts of alternatives. The analysis must include appropriate mitigation measures for each alternative analyzed in detail. This discussion must distinguish between measures proposed by the project proponent to be included in the project and others that are not included but could reduce adverse impacts if included as conditions of project approval. If several measures are identified to mitigate an impact, the EIS must discuss the basis for selecting a particular measure, if that is done.	Please see Chapter 4 and Table ES-1 for a description of alternatives, including impacts and mitigation. Please see the Record of Decision for the basis of our decision.
Center for Biological Diversity		NEPA requires all federal agencies to "use all practicable means . . . to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions on the quality of the human environment."	Comment acknowledged.
Center for Biological Diversity		The EIS must include "reasonable options" for avoiding or mitigating to insignificance any significant cumulative effects identified.	No significant cumulative effects are expected as part of the SEP-HCP.
Center for Biological Diversity		The details of the HCP's mitigation measures must be explicitly described and accompanied by data on their effectiveness. The likely success of each measure must be evaluated, as must the overall effectiveness of mitigation measures at minimizing and offsetting "take	The mitigation measures are based on the Service's recovery plans and more recent recommendations to ensure the long-term viability of the Covered Species
Himlin	Mary	At public meetings, held locally, by FWS, there was absolutely no period for members of the public to speak. Kendall County was not even a meeting site, though our county will be more impacted, than will be others, by the SEP/HCP.	Please see response 3.
Himlin	Mary	No recent field data exists; recovery plans for both the GCW and the BCV are ancient - 20 years old - and no field studies have been conducted. Yet, critical decisions will be based on this flawed approach.	The SEP-HCP and EIS considered all available relevant data during the development of the draft documents. In instances where new or updated information resulted in a substantive change, the documents were updated. If this new or updated relevant data did not result in any substantive changes to the SEP-HCP or EIS, then it was not added to the documents.
Himlin	Mary	In February 2011, Kendall County, among others, opted out of the SEP/HCP. We are still of the opinion.	Please see response 2.
Himlin	Mary	The ESA negatively impacts property, which decreases in value, which means less monies for local taxing departments. The outcome is obvious: escalating taxes for the citizens. Three short months out of the year will we be able to clean out trees and clear brush - because the GCW has more rights than we. Now, I believe most citizens are reasonable enough that they support conservation and recycling efforts - this SEP/HCP goes way beyond that and into the realm of encroachment with its Agenda 21 scheme.	Please see response 8.
Nottingham	Jennifer	Several of our Scenic Loop - Boerne Stage Alliance (SL-BSA) members attended the recent Public Hearing 3 Feb 20 I 5 at 5PM at Casa Helotes in Helotes, TX. Most audience participants were quite disappointed that it really was not a public hearing, where citizens had an opportunity to speak, rather than take a form to complete. It was quite apparent that the primary U.S. Fish & Wildlife representative didn't seem to know those he was introducing, and the current project representative from Bowman Company had to read all of his notes, while we viewed them on the screen. Representatives from Loomis, the previous company in charge of the project, were familiar enough with the details that they rarely even referred to the screen. This doesn't give us much confidence that the current staff in charge really knows and understand this plan.	Please see response 9.
Nottingham	Jennifer	Many of the SEPHCP meetings were also attended by representatives from several of Bexar County's contiguous counties involved in the Habitat Plan. It was very apparent at these SEPHCP meetings that the citizens from Kerr County and their Commissioners Court were adamant they did not want to participant in this plan at all. The current Draft Habitat Conservation Plan (dHCP) is in direct conflict with the position taken by Kerr County Commissioners.	Please see response 2.
Heiss	Dirk	I am interested in purchasing property in the Bloomfield Hills development, in Bexar County, north west of San Antonio, TX, for residential development. I urge Bexar County to do whatever is necessary to secure the permits with USFWS that are required to allow reasonable housing development in the region.	Comment acknowledged
Jones	Deana	No action alternative, please. It's hardly right to destroy our community and uproot our valuable wildlife just so a few cronies can line their pockets with ill-gotten profits. We need to preserve the natural habitats here, not open up more space for shady contractors to build their shoddy developments. It's not appreciated, either, that people are trying to sneak this by the citizens, and it will be noted as to which pockets are being lined. As a citizen, I'm getting tired of having to put up with crooked politics and backroom deals to my and my neighbors' detriment. We do not pay city and state employees to profit from our backs, and no one in this state is elected or appointed to only serve monied interests. This is our land, our city, our county, our state, and our protected wildlife. Leave it alone or get out. Your services aren't needed.	Please see responses 6 and 11.
Anonymous		I am in favor of this Plan. It addresses the loss of habitat for endangered species. It gives developers a fair mitigation process that has proven results. Conservation Easements have been used since the 1930's.	Comment acknowledged
Haney	Andra	Concerning this, I would strongly request the "No ACTION alternative." Private property must not be infringed upon.	Please see responses 6 and 8.
Montemayor	Alan	The SEP HCP, as written, is unacceptable in that it does not adequately protect endangered species. It is a green light to development of critical habitats in Bexar County and "mitigates" in remote areas. Surrounding counties have not signed on to the HCP. As written, it is a complete abdication of USFWS protections and responsibilities under the ESA. It is a case of allowing the fox to control the henhouse and putting control in the hands of the San Antonio good-old-boy network of developers, realtors, speculators, builders and construction industries. In order of preference I ask that you: 1. Deny the SEP HCP and take permit and put more energy into enforcing existing ESA regulations. 2. Specify the single county plan. This will protect some local habitats and not decimate local populations as much.	In accordance with section 10 of the ESA, it is a permit holder's responsibility to comply with all permit terms and conditions and to implement the associated HCP. To not do so would be a violation of the permit and cause for suspension and possibly permit revocation. Please also see responses 1, 6, 10, and 14.
Anonymous		I highly recommend the No Action Alternative for this ITP application. Why does the	Please see responses 1, 6, 11 and 14.

		"rob Peter to pay Paul" ITP band aid even exist? Mitigation via acquisition of other properties outside of the proposed development is not a plausible solution. Are they going to relocate the endangered species? No. And when developers (and cities and counties) complain about all the environmentalists saving spiders, birds and other critters, do they realize that it's not just about saving these species, it is about the maintenance of an ecological system that needs to exist. When you pave paradise to put up a parking lot, you will reap what you sow. Unfortunately, others have to reap what you sow as well. What ever happened to the infill idea? The urban sprawl is OUT OF CONTROL!	
Colley	Stephen	The SEP dHCP as described in the Notice documentation appears to open hundreds if not thousands of acres to development in the areas of northwest Bexar County, Northern Medina County and Eastern Bandera county. These areas are currently being stressed by the development underway within the existing environmental protections. There are quarry operations in this area that are already damaging habitat and degrading the air quality in the residential areas in and near Helotes. Residents in that area already have very little recourse to fight Martin Marietta and other operations to protect their health and property values. To think that the proposed SEP dHCP is asking for even more latitude for further development over a 30 year period is extremely alarming. Much of the karst areas in this area are in the Edwards Aquifer Recharge Zone or the Contribution Zone. Keeping these regions as natural and as preserved as possible is critical to the quality of the water supply for over a million residents and agricultural operations.	Please see responses 11 and 13.
Colley	Stephen	Mitigation, or the swapping of one "taken" area to be mitigated by another area is going to lead to the destruction of habitat and therefore the loss of population of the animal species listed as the "covered species". Purchasing mitigated land will not result in the relocation of the affected animals in the land where the habitat will be destroyed. The habitat in the mitigated or preserved areas may not be compatible and of course will already be populated with wildlife already settled there. Personally, this proposal looks too much like a blank check for development for the next 30 years with little opportunity for environmental oversight. The middle paragraph of the "Proposed Action" portion of the notice includes the language that the SEP dHCP "...describes the conservation measures the applicants have agreed to undertake to minimize and mitigate for the impacts of the proposed incidental take of the covered species to the maximum extent practicable, and ensure that incidental take will not appreciably reduce the likelihood of the survival and recovery of these species in the wild." I'm in my 60's and I've learned to recognize phrases like "to the maximum extent practicable" and "appreciably reduce" as being very indefinable and therefore provide loopholes so wide that you could drive a team of horses through. I'm not convinced that any permitted development will engage in operations that will minimize damage, habitat destruction, and wildlife loss because they can still claim they acted with "practicable" care and that they did not "appreciably" reduce these species in the wild.	Maximum extent practicable and appreciably reduce are phrases in the ESA and refer to standards required to be met before we can issue an ITP. If Participants want receive the benefits of the SEP-HCP, they will need to comply with all conditions of the ITP and SEP-HCP. To not do so could result in revocation of that coverage (Section 3.2.4.4). Please also see response 10.
Colley	Stephen	Finally, the language danced around the likelihood that developers would be depending on a certain percentage of public funding in order to make up for costs related to the purchase of any necessary higher cost or higher percentage of mitigated land to be purchased for preservation. Developers who cannot afford all the necessary costs to engage in the kind of activities involving habitat and wildlife loss (and in some cases loss of air quality and/or groundwater quality/quantity) without depending on the general public to foot the bill should NOT be allowed to proceed with their projects. I hope after considerable review, the Fish and Wildlife Service will NOT issue an ITP for this SEP dHCP request.	Please see responses 6 and 18.
Bedford	Phillip	It is the understanding of this board, through public information provided by the USFWS, that a Biological Advisory Team (BAT) and a Citizens Advisory Committee (CAC) were appointed to help develop the multiple aspects of the SEP-HCP. These two groups represented a wide cross-section of parties of interest from conservation groups to developers. We are concerned that instead of using these cumulative decisions in the primary SEP-HCP, the advice of the BAT and CAC are rather being presented as an alternative. It is very discouraging in the eyes of the public to see over 2 years of work and 2.3 million dollars spent on obtaining expert advice, not being used if the current SEP-HCP is implemented. We believe that the Increased Mitigation Alternative, #4 in the EIS is more appropriate to the survival and development needs of the seven endangered species listed rather than the currently proposed action. However, to strike a better balance between habitat needs and development in the area, we propose the following comment. We base this opinion on our review of Table ES-1: Summary of Environmental Impacts for each Alternative. While the amount of acres for the GCWA, BCVI, and Karst Zones are the same under the proposed SEP-HCP, Single-County, and Increased Mitigation Alternatives, there are considerably more acres reserved for the protection of vegetation, wildlife, Golden cheeked Warbler, Black Capped Vireo, and covered karst invertebrates in Bexar County and immediate surrounding area under Alternative #4. This alternative also results in less adverse impacts on our socio-economic resources and climate change.	Please see response 7.
Bedford Hayes	Phillip Tom	The BAT and CAC were in agreement that a portion of the habitat conservation or mitigation should occur inside Bexar County or within five miles of that boundary. The proposed action removes that requirement and allows all preservation to be done in other counties, on land that can be up to approximately 60 miles, as the crow flies, from agreed upon needs. This is an expansion of 500% of the BAT and CAC recommendation. The current recommendation is to use any protected land within the seven counties included in the plan. This is a rather large amount of area, approximately 4,125,000 acres. Bexar County is only about 804,000 acres, accounting for only about 20% of that area. This is an obvious barrier to conservation of endangered species due to their already small regional habitat needs. Instead of helping to conserve these species habitats, the proposed plan will only concentrate their location to the fringes of their natural range. Also, this proposed plan replaces habitat that is under imminent threat of development with habitat that is under no threat of development for the next 30 years, and for a much cheaper price than the land they are taking actually costs. Bexar County has stated that they would like to have some of the mitigation land within or surrounding Bexar County. And, there is suitable	Comments acknowledged. Please also see responses 1, 7, and 14.

		undevelopable GCW and BCV habitat within the area. Yet the proposed alternative could result in no lands being mitigated within or surrounding Bexar County. While we appreciate the pressures to develop, we support some ratio of conservation within and surrounding Bexar County. Development can not only be detrimental to the endangered species in question, but it is a barrier to the education of the public and decreases their sense of responsibility for the environment. Instead there will be even more disconnect from inner city populations to those species that need protection from becoming extinct. We hope that the USFWS sees the importance of conserving habitat close the human population concentrations. We also believe many would agree that the success of other county-wide HCPs has much to do with the proximity of the habitat preserves to major population centers. With the loss of this proximity, there is a larger possibility of failure for this HCP. Resilience in the face of Climate Change requires a variety of ecosystems, a mosaic landscape sustaining as much biodiversity and habitat health as possible. Similarly, resilience needs redundant landscapes and ecosystems to provide protecting against ecosystem failure or loss. This plan moves in the opposite direction to what a responsible response to Climate Change necessitates. Not only should we preserve habitat in extended rural areas but we need to preserve as much as we can within Bexar County as well.	
Bedford Hayes	Phillip Tom	It is our understanding that when a listed species is found at a site, its habitat is automatically protected. Why then, would we replace habitat potentially containing Karst species with habitat that already contains known occupied karst features? These features are already protected and do not need further protection. It makes much more sense to protect land that is not protected and could potentially be beneficial to those karst species. When wetlands are taken or linear feet of streams are impacted, they are replaced in value due to the beneficial nature of a wetland or stream and its specialized habitat. <u>We cannot replace or rebuild karst features as we can wetlands and streams in mitigation banks. Once destroyed, everything the karst features contain is lost forever, and the intricate nature of the underground connections is disrupted</u>. The karst features zones are ranked on a scale from one to five in order of most likely to contain one of the endangered species to least likely to contain the endangered species, with the top three zones requiring a survey by a qualified biologist or geologist to discover karst features. Under the proposed SEP-HCP, once a parcel containing karst features is identified, that acreage is replaced essentially at ratio of 20-1, or for every 20 acres taken of potential habitat, one acre of known occupied karst features will be protected. Not only is this a contradiction in how a ITP usually works, because usually more acreage needs to be replaced than what is being taken, but it also is protecting something that is already protected by federal law. These karst permits are not necessary if we are only protecting what is already protected under the Endangered Species Act, and they should not be used as mitigation. This same plan would never be implemented for the Golden Cheek Warbler, i.e., to take 20 acres of potential habitat and replace with one acre of known habitat. This may be how the system works but what we understood that the habitat ratio had to at the least be 1:1.	If the Conservation Baseline for a species in a feature has not been accomplished, that feature must be avoided until such time as the Conservation Baseline is met. Additionally, because karst invertebrates are cryptic in nature, assessments for impacts are calculated based on impact to a cave rather than an acreage amount. Likewise, for mitigation a cave must be protected that contains that species. To compensate for environmental effects, we have preserve design recommendations that do have minimum acreages. However, acreages of impact cannot be compared or off-set based on acreages of mitigation. The listing of a species under the ESA does afford that species certain protections. However, what that species needs for long-term survival and recovery can go beyond just the species and its physical location. For example, karst invertebrates are located in a cave; however, that cave requires a lot more than just the footprint and surface and subsurface drainage basins to maintain internal temperature and humidity. Therefore, recovery calls for at least 40 acres, preferably 100 acres, for the long-term viability of the feature. Please also see response 15.
Bedford	Phillip	Currently the USFWS requires a 3-year survey for the song birds in question (GCW and BCV) and a 15 day biological survey for karst species. The plan under comment actually reduces both of these time periods by 66% to 1 year for song birds and 5 days for karst species. This is incredibly unreasonable due to variations in seasons and local weather patterns, which have a great effect on occurrence of said species in biological surveys. If there is to be a reduction in the time requirements for species surveys, then there should be some justification for these reductions. We cannot find any such justification. Reducing the time for these surveys does place those endangered species at risk, and therefore, increases the risk of species take. This is not just our opinion. The recommendation from the BAT or CAC recommended continuing with current methods outlined by USFWS.	Because the one year of surveys will only apply to discreet patches of habitat, the use of this option will likely be very limited (see Section 3.2.3.1). Accidentally discovered karst features, those with no surface expression, are not expected to be preserved, since they will have been severely damaged once located. However, collections in these features can contribute to our overall knowledge of the distribution of the Covered Karst Invertebrates. Please see Section 3.2.4.3 in the HCP.
Bedford	Phillip	This section is included in our comments but details are not included in the SEP-HCP. As a land trust, we understand financial and time resources necessary to ensure proper stewardship of land. A management plan is fundamental to the maintenance of conserved lands, yet this SET-HCP is lacking one. Other HCPs have management plans. We wonder why this HCP has not made an attempt to propose both the administrative and financial steps necessary for perpetual monitoring.	Please see response 16.
Bedford Hayes	Phillip Tom	Page iv of the Draft Environmental Impact Statement estimates sources of revenue for the alternatives which we find unrealistic. • Proposed SEP-HCP Alternative: 74% from participation fees, 26% from public sources • 10% Participation Alternative: 47% from participation fees, 53% from public sources • Single-County Alternative: 46% from participation fees, 54% from public sources • Increased Mitigation Alternative: 37% from participation fees, 63% from public sources While a conservation easement may cost $4,000/acre in outlying counties, it is likely to cost much more in Bexar County; and the estimate does not include the due diligence costs associated with appraisals, biological surveys, maintenance and monitoring in perpetuity, and staff and other costs. In addition, there seems to be no allowance for the cost of fee simple purchase. Under all alternatives, the landowner participation fee cost per acre is too low. Further, we assume that increasing the costs of participation by the private landowners who will be benefitting from this process will reduce the amount given by public sources. One of the things we have not found in our review is a commitment for	Both Permittees must get approval from their respective governing bodies (City Council and Commissioner's Court) to accept the permit and commit funding to implement the SEP-HCP. Initial funding to set up the administrative body and purchase preserves must occur prior to any incidental take authorization. These required steps will ensure that the Permittees are committed to implementing the SEP-HCP. Additionally, many of the revenue sources described in Appendix F are dependent on implementation of the SEP-HCP (tax increment financing and participation fees). Therefore, the Service believes the funding commitment, expected revenue sources, and proposed funding plan are adequate (please see

		the public funding. Are we to assume there is a commitment? If so, what is the fundraising plan by Bexar County, as the entity that has signed the Federal Fish and Wildlife Permit Application Form? We also noted that none of the alternatives consider future increases in land values. Any serious recommendation for the next 30 years would take that into account. We are asking that an adequate model for future funding and monitoring be brought forward for approval along with the SEP-HCP.	Section 11.2, Table 21, and Appendix F of the SEP-HCP where funding is described, including a 3% annual rate of inflation). Please also see response 18.
Bedford	Phillip	There are still many logistical questions about how this HCP will be implemented such as property appraisals for mitigation, specific funding sources for property acquisition and plan implementation, and the specific roles of the city and county. We should also consider what the process might be when dealing with unforeseen circumstances. This leads to the question of what roles the city and county will play in reporting to USFWS as well as monitoring future mitigation sites.	In accordance with section 10 of the ESA, it is a permit holder's responsibility to comply with all permit terms and conditions and to implement the associated HCP. To not do so would be a violation of the permit and cause for suspension and possibly permit revocation. Included in the ITP and SEP-HCP is the commitment to report on all aspects of the HCP, including if any unforeseen or changed circumstances occur.
Bedford	Phillip	The county and city have already paid for two different committees dedicated to the construction of this SEP-HCP, and it is the opinion of our Board of Directors that their recommendations should be the heart of the SEP-HCP. If there is cause for diverting from their advice than let the justification become public. There is no expectation for the SEP-HCP to be a cheap remedy for urban sprawl. Instead the SEP-HCP should be a measure of the impact development is having on the environment around San Antonio. That measure is expensive, so let us allocate its costs appropriately and develop a suitable program of habitat conservation. The HCP will be in place for at least 30 years, with its effects having the potential to change the landscape of South Texas for centuries to come. We agree with the large team of experts, citizens, and the development community in the form of the BAT and CAC, which are much more closely related to the Increased Mitigation Alternative #4 than the current proposal, so it is the Increased Mitigation Alternative #4 that we at GSA also recommend. We believe that the Increased Mitigation Alternative, #4 in the EIS is more appropriate to the survival of the seven endangered species listed rather than the currently proposed action. However, to strike a better balance between habitat needs and development in the area, we propose those changes listed throughout this comment. It is understood that development will continue, and a plan that helps conserve or replace vulnerable habitats is needed. It is our role as citizens of this city, county, and country to ensure the responsible development of that plan.	Please see responses 7, 11, and 14.
Bedford	Phillip		Please see responses 1 and Appendix F for costs that begin in Year 1.

Subject	Proposed	Our Comment
GCW Mitigation Ratio	2:1	Agree, 2:1
GCW Mitigation Location	Anywhere in the 7 counties	50% mandatory in Bexar County
Determining Presence/Absence	1/3 USFWS Standards	Keep USFWS Standards
Cost per Credit for GCW/BCV	$4,000	$10,000 Or 70% by developer /30% by the public
Model for public cost funding	Future tax on new development	Agree
Funds to begin the program	Not stated	$10,000,000 by the County

Schneider	Karen	I am opposed to the implantation of the SEP-HCP in the county in which I reside, Kendall County. I feel that the plan is unnecessary to the citizens of this county, and there are other options available to landowners if they wish to set aside property for habitat. Bexar County should not be able to impose any regulations on other counties even if their jurisdiction overlaps county lines, in this matter. Landowners are the best people to make decisions for their private property and that is a right of all citizens of the state and country. Please take NO ACTION on the SEP-HCP.	Please see responses 2, 6, and 8.
Chittenden	Thomas	I urge that the no Alternative option be used. Animals do not understand that they have to "move" because someone wants to build a neighborhood. There are so many areas on the border of San Antonio and in the Bexar county area to develop that there is no reason to take land that is used to protect endangered species.	See responses 6 and 15.
Smith	Alan	The documents as presented to the public have changed in substance considerably since the first draft was submitted in 2011 and the drafts presented for review by the December 19, 2014 notice. The Citizens Action Committee (CAC) and U.S. Fish and Wildlife Service (USFWS) insist on including Kendall, Medina, Kerr, Bandera, and Blanco counties in the Southern Edwards Plateau-Habitat Conservation Plan (SEPHCP) even though citizens of the counties, through their elected representatives (i.e. county commissioners) unanimously passed resolutions to opt out of the habitat conservation plan, and filed these resolutions with the CAC in February 2011.	Please see responses 2 and 7.
Smith	Alan	The development and preparation of the captioned documents was primarily funded by a grant from USFWS to the City of San Antonio and Bexar County under the premise that permitting would be expedited. The people benefiting from expedited permitting would be developers with projects to expand within the City and County. I take exception to having my tax dollars being used to front the permitting for local developers. The use of public funds for private enterprise is unacceptable.	Comment acknowledged.
Smith	Alan	The National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations have specific actions that much be taken in the development of an Environmental Impact Statement (EIS). It seems these regulations were ignored during the conduct of this project. * No public scoping meetings were held to obtain comments from the public. * The stakeholders of the project failed to coordinate the project with local officials (i.e. county commissioners). * The public meetings held to review the 2011 draft did not allow for public discourse in the form of verbal communication. Participants were required to write their questions on paper and a moderator read the questions which were then answered by the project team. Hardly a public meeting. * The public meetings for the final draft were even more restrictive although the moderator of the meeting quickly lost control. The concept of a public meeting implies to me there be verbal discourse which the USFWS tried to prevent. The attitude of the USFWS moderator at the Kerrville, TX public meeting on February 4, 2015 was anything but friendly. Federal employees need to be reminded they work for the	Please see responses 3 and 9.

		people. * Only two public meetings were held on final draft EIS and HCP. Kendall County which would be impacted greater than any other county was not included for a meeting site.	
Smith	Alan	Section 5.1 of Appendix C notes reliable estimates of valuable habitat for the BCV are generally unavailable; particularly at large scales. Habitat is hard to identify and delineate from aerial imagery. Like the GCW no critical habitat has been designated for the BCV. While the ESA requires monitoring of a species before inclusion on the endangered list there are few studies reported for the plan area. Appendix C provides estimates on GCW densities in the area. Some field data for breeding pairs of the BCV are available from 2006. The section on climate change in the dEIS is nothing but political correctness and has no basis in fact. The write up is based on junk science which really sets the tone for the entire dEIS.	Comments acknowledged.
Carlson	Mr. and Mrs. R.H.	Dear Guardians of the Environment, We ask for renewed public hearings and an extension of time for comments on the Southern Edwards Plateau Habitat Conservation Plan that Bexar County and San Antonio, on behalf of developers is requesting a permit for. This 7-counties, 7-endangerd species plan needs to be brought before the public before more of our environment is being destroyed.	Please see response 9.

Consolidated Responses to the Southern Edwards Plateau Habitat Conservation Plan and Associated Environmental Impact Statement

Acronyms:
BAT – Biological Advisory Team
BCVI – Black-capped Vireo
CAC – Citizens Advisory Committee
EIS – Environmental Impact Statement
ESA – Endangered Species Act
GCWA – Golden-cheeked Warbler
ITP – Incidental take permit
NEPA – National Environmental Policy Act
Permittees – Bexar County, Texas and San Antonio, Texas
SEP-HCP – Southern Edwards Plateau Habitat Conservation Plan
Service – U.S. Fish and Wildlife Service

Response 1: Concerns that mitigation will not be near impacts (in or near to Bexar County), but instead can be within a 7-county area.

Both the SEP-HCP and the EIS analyzed a Single-County Alternative, which proposes a preserve system located within Bexar County and within 10 miles of the county border. The incidental take request for the Single-County Alternative would be the same as the Proposed SEP-HCP; however, it proposes less mitigation to offset the loss of habitat for GCWA and BCVI because land values in suburban areas are higher than in rural areas. Additionally, a largely suburban preserve system will require more intensive management to address threats from adjacent land uses than a rural preserve system. In order to account for the higher costs associated with preserve acquisition and management, the Single-County Alternative will require higher fees and will require three times the amount of public funding when compared to the Proposed SEP-HCP Alternative. So, despite achieving only one-half of the conservation of the Proposed SEP-HCP, the Single-County Alternative would likely cost nearly twice as much overall to implement. The Permittees determined that the lower conservation benefits of this alternative do not justify the substantially higher costs; therefore, they chose not to pursue this option. The environmental consequences of the Single-County Alternative are considered in Chapter 4 of the EIS and Section 14 of the SEP-HCP.

Response 2: Concerns that the SEP-HCP is an extension of San Antonio's and Bexar County's regulatory authority, includes counties that asked not to be included in the Plan Area, and will reduce revenues for the rural counties.

<u>Extension of regulatory authority and inclusion of other counties</u>:

Five of the Plan Area's County Commissioners' Courts (Bandera, Blanco, Medina, Kendall, and Kerr counties) passed resolutions during the EIS scoping period for the SEP-HCP. In their resolutions the Commissioners' Courts raised concerns that the SEP-HCP is an illegal extension of the Permittees regulatory authorities over land development into other counties. As a result of this concern, they each requested to be removed from the Plan Area and from possible future inclusion in the SEP-HCP as permittees. The Service and Permittees considered the request and the concerns and modified the plan to remove the option for these counties to become co-permittees at any time in the future. Therefore, these counties will not have to do anything to comply with this permit, nor will they receive authority to extend incidental take authorization for non-federal activities in their jurisdictions under the SEP HCP. The SEP-HCP, when used by landowners as a method to comply with the ESA, is limited to the jurisdictions of San Antonio and Bexar County (see SEP-HCP Sections 1.5.3 and 3.1). Upon permit issuance, Bexar County and San Antonio will each have the authority to extend their incidental take authorization to lands within their jurisdiction. The commitment by the Permittees to preserve habitat for the Covered Species, however, may occur within the 7-county Plan Area where suitable

habitat occurs and is available to be purchased.

As a Home Rule city under State law, San Antonio has the authority to enter into private land transactions with willing landowners. As stated in the City's charter at Article I, Section 3: the City may for corporate purposes acquire property through "purchase, condemnation, or other means within or without the city limits." In the same manner as the City's Edwards Aquifer Protection proposition bonds, which have purchased easements and lands in multiple surrounding counties, the acquisition of preserve land under the SEP-HCP would only occur through private land transactions with willing landowners, providing them with financial benefits for maintaining habitat for listed species on their private lands. As such, these private real estate transactions will not infringe on the authority of the counties in which they occur, nor do they extend any type of governmental authority of Bexar County or the City of San Antonio onto these properties. While the Service has expressed to the Permittees that we prefer that mitigation lands occur as close to the impacts as possible, we are not opposed to the legal real estate transactions the Permittees propose for the conservation of endangered species covered by their plan, which will protect habitat for the endangered GCWA and BCVI in the southeastern portion of their breeding ranges.

Lost future property tax revenue:

Some comments indicated also that the neighboring counties are negatively impacted by the SEP-HCP because of the potential future loss of property tax revenues from properties that might otherwise have increased in taxable value as a result of future development improvements. These commenters raised the issue that counties may be losing the opportunity to benefit from assessing higher property taxes on the mitigation preserves in the future because conservation easements restrict development, thus resulting in a lower tax valuation.

San Antonio and Bexar County anticipate that habit preserves for the SEP-HCP will be primarily obtained pursuant to conservation easement agreements entered into with private landowners or the acquisition of credits from Service-approved habitat conservation banks. The acquisition of the conservation easements and conservation credits will not remove that land from the tax rolls and the landowners will continue to be obligated to pay taxes associated with those parcels. In the rare event that a fee interest in preserve land is acquired by another governmental entity (such as the City of San Antonio), the land acquired will likely already be subject to an open space or "ag" valuation, thus the tax exemption extended to government entities would cause minimal impact on county revenue. Inclusion of all seven counties in the Plan Area does not compel use of the SEP-HCP and merely allows for a sufficient number of regionally significant and practicable conservation opportunities to be available to implement the Plan. The Permittees are committed to respecting the property rights of every landowner and seek to create positive partnerships to achieve the goals and objectives of the SEP-HCP. Projected impacts to local taxes is described in the EIS Chapter 4.7.2.

Response 3: Concerns regarding a lack of compliance with NEPA: there was no or little coordination with rural counties, there was insufficient public notification or involvement, there is a need for additional public meetings and an extended comment period, and there were insufficient alternatives.

Coordination with rural counties, insufficient public notification, and request for more meetings and extended public comment period:

Section 42 USC § 4331 of NEPA includes a broad policy goal that local governments and the federal government work together. This goal was achieved by the SEP-HCP and in the EIS process. Bexar County and the City of San Antonio are the "local governments" referenced in NEPA, and the SEP-HCP is designed to "create and maintain conditions under which man and nature can exist in productive harmony…" The Service made diligent efforts to coordinate and discuss the proposed SEP-HCP with all of the counties in the Plan Area over the six years since the Permittees first began work on their HCP. Additionally, the Permittees began discussing their plans with the surrounding counties early in the process, and appointed members of the CAC from five of the seven Plan Area counties. The CAC started meeting in January of 2010 and publically noticed all meetings, as required by the Texas Open Meetings Act, which invites members of the public to attend. The

Permittees created a website (www.sephcp.com), which is a repository of all information concerning the development and activities involved in the SEP-HCP project and the NEPA process, including announcements of meetings, posted agendas, and supporting documents. Through the website anyone interested in the process could sign up to receive electronic mail updates. Currently there are approximately 450 people on the list.

In 2011, the Service conducted a 90-day scoping comment period in which we accepted comments on the potential for a HCP covering all seven counties. The comment period and the public scoping meetings were publicized through newspaper advertisements in eight local newspapers throughout the plan area, sent to the SEP-HCP email list, and posted on several websites. During the scoping period, we held five meetings throughout the Plan Area. Numerous media outlets covered the scoping meetings and several articles were published in local newspapers. Based on public involvement and outreach, feedback from the public, and comments from BAT and CAC members, the Permittees significantly revised the draft HCP (see also response 2 on the surrounding counties requesting to be removed from the HCP).

In December 2014, the Service opened a 90-day public comment period on the draft EIS and draft SEP-HCP. The Service and the Permittees together developed a communication plan that included outreach to local and nationally elected legislators, federal and state agencies, and non-governmental organizations. Bexar County Judge Wolff sent a personal letter to each of the judges in the Plan Area counties notifying them of the availability of the plan. Additionally, both the Service's Austin Office and SEP-HCP websites posted the draft documents and other materials. Copies of the drafts were also delivered to public libraries throughout the plan area. Public meetings were held in Kerrville and Helotes, Texas. Public meetings were noticed in the San Antonio Express News and Kerrville Daily Times at least 14 days prior to the meetings. Notifications were also sent out through the SEP-HCP website to over 450 interested parties. As noted, there has been extensive outreach and public involvement during this multi-year process. Sufficient notification was given regarding the dates, locations, and timing of both the commenting periods and public meetings, and there was no substantial information provided that warranted additional time for comments or gathering of information. Therefore, the Service did not feel it was necessary to either hold additional public meetings or extend the public comment period. Please see Chapter 2 of the EIS for public involvement and SEP-HCP Appendix A for a list of participants in the planning process for the HCP.

Insufficient alternatives under NEPA:

It is impossible for Permittees and the Service to consider every possible alternative in their alternative analysis. Section 42 USC 4332(2)(E) requires the federal government to "study, develop, and describe appropriate alternatives to recommended courses of action." The EIS includes all appropriate alternatives to make a full determination regarding the actions that should be taken. The Service analyzed four alternatives to the proposed SEP-HCP in the EIS, and as such, has met the requirements found at 42 USC 4332(2)(E). These alternatives included a 10% Participation Alternative, a Single County Alternative, an Increased Mitigation Alternative, and the No Action Alternative (see response 1 and Chapter 3 of the EIS). We evaluated the effects of each of these alternatives and the proposed SEP-HCP on the human environment (please see Chapter 4 of the EIS for details on this analysis).

Response 4: Concerns regarding non-compliance with two Texas state laws.

Texas Parks & Wildlife Code Chapter 83

The Texas state law promulgated in Texas Parks & Wildlife Code Chapter 83 establishes requirements related to the development of HCPs and regional HCPs by Texas governmental entities, including counties and municipalities. Commenters stated that the SEP-HCP was not in compliance with this law because identified habitat preserves must be purchased within six years of permit issuance and landowners within these identified preserves must be notified, neither of which the SEP-HCP committed to. While this law does state that under Section 83.018 (c), this statement is subject to the provisions in section (d), which includes:

> "If plan participants have not designated a landowner's land as proposed habitat preserve in a regional habitat conservation plan before the date on which the federal permit is issued but designate the land as

proposed habitat preserve in a regional habitat conservation plan on or after that date, plan participants shall make an offer to the landowner based on fair market value for the acquisition of fee simple or other interest in the land not later than the fourth anniversary of the date on which the land is identified or designated as proposed habitat preserve."

Because the SEP-HCP has not designated preserve lands to be purchased, there is no requirement to acquire land within six years after permit issuance. Further, if there was a limitation or prompt to acquire property quickly, it does not impede the implementation of the SEP-HCP.

Another commenter stated that this law discourages regional HCPs and encourages local HCPs. While Section 83.012 subsections (2) and (5) of the Texas Parks & Wildlife Code make this statement, this subsection also states the "purpose of this subchapter is to establish the requirements for and authority of a governmental entity to regulate wildlife through the development, financing, and implementation of a regional habitat conservation plan or a habitat conservation plan." Specific regional habitat conservation plan criteria are outlined in Section 83.017 and throughout the Texas Parks & Wildlife Code. Therefore, regional habitat conservation plans are still fully approvable plans under the Texas Parks & Wildlife Code, and while the state may have a preference for a type of plan, regional habitat conservation plans are still fully permissible.

Texas Open Meetings Act

Also, as part of Chapter 83, the law requires that the governmental entity or entities participating in the development of a regional HCP must appoint a CAC and a BAT and comply with open records and open meetings laws and public hearing requirements. As described in SEP-HCP Section 1.5.3, state law imposes a requirement that before adopting a regional HCP, plan amendment, ordinance, budget, fee schedule, rule, regulation, or order with respect to a regional HCP, the participating governmental entities must hold a public hearing and publish notice of such hearing in the newspaper of largest general circulation in the county in which the participant proposes the action. Such notice must include a brief description of the proposed action and the time and place of a public hearing on the proposed action. The governmental entities must publish notice in accordance with the foregoing requirements, and must do so not later than the 30th day prior to the public hearing (Texas Parks and Wildlife Code § 83.019).

Each of the SEP-HCP public involvement actions met or exceeded federal and state public involvement requirements (40 CFR 1506.6, Chapter 83 Parks and Wildlife Code, and Texas Open Meetings Act requirements). The public involvement process is described in Chapter 2 of the EIS and SEP-HCP Sections 1.5 and 11.3. Additional information is included in SEP-HCP Appendix A, which summarizes and discusses each of the public involvement actions associated with development of the SEP-HCP. Meeting advertisements and notifications are described in EIS Chapter 2, and copies of such are presented in Appendix C of the EIS.

Response 5: Concerns regarding an inability of rural counties' to create their own HCP in the future and have sufficient mitigation if the SEP-HCP is implemented.

The proposed issuance of this ITP and the approval of the SEP-HCP would not preclude the development of future HCP's. Providing that the taking is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity," section 10(a)(1)(B) of the ESA authorizes the Service to issue a permit allowing take of listed species. Any non-federal entity or individuals may obtain such authorization from the Service by applying for an ITP and implementing a HCP pursuant to section 10(a)(1)(B) of the ESA.

With regard to concerns that the SEP-HCP's mitigation in rural counties would not be leave enough land remaining for these counties to mitigate, we offer the following summary and analysis. According to analysis done for the SEP-HCP, there are a total of approximately 483,844 acres of potential GCWA habitat and 130,185 acres of potential BCVI habitat in Bandera, Blanco, Kendall, Kerr, and Medina counties. If all of the preserves of the SEP-HCP were established within only these five counties, they would account for 4.8 percent of the available GCWA habitat and 5 percent of the total BCVI habitat, leaving a substantial amount of habitat remaining. Details on the analysis of potential habitat within the Plan Area is described in Appendix E to the SEP-HCP.

Response 6: Requests to choose the No Action Alternative or deny the plan in its entirety.

Many commenters expressed their preference for the No Action Alternative, which they seemed to perceive meant no ESA restrictions would apply in the Plan Area, no incidental take permits would be issued, or no government involvement whatsoever. According to NEPA, an EIS must include an alternative of no action, which is defined as the conditions that can be expected if the federal agency does not take any action, such as if the Service does not issue an ITP. A No Action Alternative analysis serves as a benchmark that enables decision makers to assess the magnitude of the environmental impacts of the Action Alternatives (40 CFR 1502.14). Under the No Action Alternative, the current trends projected for human population BAT and associated land development in Bexar County and the City of San Antonio, Texas, will continue and impacts to listed species may be authorized through project-specific consultation with the Service. Local governments, business entities, private landowners, and others will independently determine whether or not incidental take permitting is necessary for a project and, if needed, will work with the Service to obtain authorization for incidental take. Individual permitting actions will occur at the level and scope of an individual project. Mitigation requirements will be individually negotiated with the Service based on the level of impact to listed species and the maximum practicable mitigation options available to each individual applicant. The No Action Alternative is described in EIS Chapter 3 and the environmental consequences to each resource for each of the Action Alternatives are compared to the No Action Alternative in the EIS in Chapter 4.

Other reasons commenters gave for preferring the No Action Alternative included: 1) the SEP-HCP is a government over-reach (please see response 8); 2) the decision-making process did not involve enough stakeholders (please see response 3); 3) the public involvement process was inadequate (please see response 3); 4) the SEP-HCP was designed to benefit developers in Bexar County/San Antonio but would not benefit the rural counties in the Plan Area; 5) the SEP-HCP would unduly restrict landowner's rights (please see response 2); 6) Bexar County/San Antonio should mitigate for impacts to endangered species within their own jurisdictions and stay out of the hill country (please see response 1); and 7) the SEP-HCP is a license to kill endangered species (please see response 10).

As the lead federal agency, the Service is responsible for identifying a range of reasonable alternatives to evaluate. The Service may select an action alternative or the No Action Alternative as the Preferred Alternative. However, if the ITP application meets issuance criteria, the Service must approve the application and issue the requested permit. The decision will be documented in the Record of Decision (ROD).

Response 7: Requests for implementing the BAT and CAC recommendations.

Bexar County and the City of San Antonio convened the CAC and the BAT (in accordance with Chapter 83 of the Texas Parks & Wildlife Code; described in more detail in response 4) during the development of the draft SEP-HCP to provide guidance to the Permittees on the range of potential alternatives that should be evaluated and compared in the EIS. All meetings of these committees were subject to the Texas Open Meetings Act and agendas, materials, and minutes were posted on the SEP-HCP website. The BAT was charged with: 1) advising the Applicant on technical matters relating to the biology and conservation of the species and habitats addressed in the SEP-HCP, 2) recommending the form and level of mitigation and methods for determining mitigation needs, and 3) recommending a plan for consideration by Bexar County and the City of San Antonio prior to its submittal to the Service as the basis for a permit application. Likewise, the CAC was charged with overall goals and objectives for the plan and alternatives for each of five framing issues: 1) plan boundaries, 2) species to be included, 3) activities covered by the ITP, 4) conservation strategies, and 5) funding strategies.

While the BAT submitted their final recommendations to the CAC, the CAC could not reach consensus on a single set of recommendations, and as such, the Permittees chose to take all of the ideas of the CAC and BAT into consideration when drafting alternatives to consider. Many commenters feel the Increased Mitigation Alternative most closely represents the biological recommendations from the BAT. However, no single Action Alternative represents all of the BAT recommendations, and their recommendations are captured, in some form, in each of the Action Alternatives analyzed. Moreover, the BAT recommendations and CAC deliberations were

used by the Permittees to construct the Proposed SEP-HCP Alternative as a compromise among various interests. Therefore, BAT recommendations and CAC deliberations were integral to the development of the Proposed SEP-HCP Alternative. For example, the Plan Area, BCVI mitigation ratios, Covered Species, Covered Activities, preserve management and monitoring, and permit duration all follow the recommendations by the BAT and CAC. Additionally, the GCWA mitigation ratio reflects the supermajority vote by the CAC and a June 2011, workshop (see Appendix A of the SEP HCP for a detailed list of BAT and CAC discussions and recommendations). An important component of reviewing alternatives was calculating the costs of implementing each of the alternatives, since ensuring funding is an ITP issuance criteria (as set forth in 16 U.S.C. §1539(a)(2)(A) and (B)).

Finally, several members of the BAT and CAC commented that the committees were not reconvened to review, comment, and approve the HCP. However, there is no requirement to reconvene the committees or get their approval for the plan. The BAT and CAC process are described in EIS Chapter 3 and SEP-HCP Sections 1 and 14 and the BAT recommendations are included in SEP-HCP Appendix A.

Response 8: Concerns regarding the violation of property rights and government "taking" of land.

Some commenters expressed to us that the SEP-HCP and corresponding proposed ITP is an inappropriate intrusion on property owner rights. Participation in the SEP-HCP is strictly voluntary. Landowners in the Plan Area with endangered species habitat on their property may elect to sell or donate land or conservation easements to the SEP-HCP as preserve. The Permittees will only enter into a negotiation to buy land or an easement from property owners in the Plan Area that have voluntarily requested participation. Likewise, participation by developers seeking to utilize the SEP-HCP to comply with the ESA will be entirely voluntary. In no case will anyone be required to use the SEP-HCP.

Additionally, the SEP-HCP and the ITP cannot be used to take private property. While the Permittees do have eminent domain authority within their jurisdiction, as authorized by the 5th Amendment, they do not have the authority to use eminent domain authority outside of their jurisdiction. Section 9 of the ESA prohibits "take" of any fish or wildlife species listed under the ESA as endangered or threatened. As defined by the ESA, "take" means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 USC § 1532(19)). "Harm" is further defined as significant habitat modification that actually kills or injures a listed species through impairing essential behavior such as breeding, feeding, or sheltering." (16 USC § 1532(19)). In 1982 Congress established a provision in section 10 of the ESA to allow the Service to issue permits for "incidental take" of listed species. Incidental take is defined as take that is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." Therefore, "take" in this context is specific to the request for an ITP by the Permittees to perform otherwise lawful activities that may result in the taking of endangered species. Further detail on the regulatory framework and the federal and state provisions governing the development and implementation of HCPs are given in EIS Chapter 1 and SEP-HCP Section 1.5.

Response 9: Concerns the public meetings were not in compliance with Texas law and the public was not allowed to be voice their concerns.

NEPA's implementing regulations specify that environmental information is available to public officials and citizens before decisions are made and before actions are taken (40 CFR1500.1 (b)). Moreover, agencies are required to "(a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures. (b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected" (40 CFR §1506.6). The regulations do not provide specific guidance on meeting format; however, in the case of an action with effects primarily of local concern, notices may be provided through publication in local newspapers and other local media and public hearings or public meetings should be held whenever there is substantial environmental controversy concerning a proposal. Because there was controversy during the public scoping process, the Service chose to have two more public meetings on the draft HCP and EIS. The number of

meetings was reduced from the previous five during scoping to two based on several factors including: 1) the distribution of the number of attendees at the scoping meetings, and 2) the need to have a meeting within the plan area where "take" would be authorized. The format for these was meant to give participants the time to talk with representatives from the Service and the Permittees, provide a brief presentation, and display a number of exhibits about the EIS and proposed alternative.

Several attendees and multiple comments submitted stated these meetings did not comply with the Texas Open Meetings Act. This law applies to "governmental bodies" identified in section 551.003(3) of the Texas Open Meetings Act, which does not include federal agencies. Additionally, commenters voiced concern that there was no microphone for them to use to verbally express their comments, people could not speak in an open forum, and people could only give comments to a court reporter. The Service wanted to ensure that all comments submitted were captured in the record, which is why recorded or written comments are preferred. Therefore, we encouraged individuals at the meetings to write down their comments on comment cards provided, give their statement to a court reporter, or submit their comments electronically.

Each of the SEP-HCP EIS public involvement actions met or exceeded federal requirements (40 CFR 1506.6, see also response 2). The public involvement process and meeting advertisements and notifications are described in EIS Chapter 2, and copies are presented in Appendix C of the EIS (Public Meeting Materials).

Response 10: A discussion of ESA issuance criteria, and addressing concerns regarding take means to kill endangered species.

Several commenters were concerned that issuance of the proposed permit would authorize the killing of endangered species. Section 9 of the ESA prohibits "take" of any fish or wildlife species listed under the ESA as endangered or threatened. As defined by the ESA, "take" means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 USC § 1532(19)). "Harm" is further defined as significant habitat modification that actually kills or injures a listed species through impairing essential behavior such as breeding, feeding, or sheltering." (16 USC § 1532(19)). In 1982 Congress established a provision in section 10 of the ESA allowing "incidental take." Incidental take is defined as take that is "incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." To lawfully conduct these activities private, non-federal entities can apply for an incidental take permit under section 10(a)(1)(B) of the ESA. In accordance with this section the following issuance criteria must be met: 1) the taking will be incidental; 2) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; 3) the applicant will ensure that adequate funding for the plan will be provided; 4) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and 5) any other measures the Secretary of the Interior may require as being necessary or appropriate. If these issuance criteria are met, the Service must issue the permit.

With regard to directly killing endangered species, it can be authorized through section 10; however, minimization and mitigation measures must be part of the plan to avoid or reduce the impacts. The Permittees have committed to implement a wide variety of conservation measures intended to minimize and mitigate the impacts of incidental taking that may result from the Covered Activities. These measures include: establishing a preserve system of up to 23,430 acres of GCWA habitat, up to 6,600 acres of BCVI habitat, and 1,000 acres of new karst preserves over the life of the ITP; requiring Participants to abide by seasonal clearing restrictions to avoid direct impacts to GCWAs and BCVIs during their breeding season; and prohibiting Participants from conducting activities close to known species localities until the conservation baseline for the number and type of karst preserves in a Karst Fauna Region is achieved. See Sections 6 and 7 of the SEP-HCP for all of the conservation measures to be implemented.

Response 11: Concerns regarding uncontrolled growth by Bexar County and the City of San Antonio.

Several commenters voiced concerns about the continued growth within the greater San Antonio region and that San Antonio and Bexar County have done little to curb that growth, particularly to the north where the endangered species habitat exists. Additionally, several commenters wanted to know why San Antonio has not

directed growth to the south side of the city where there are no endangered species. While the location, magnitude, and nature of specific activities associated with future commercial, residential, and other types of development cannot be predicted, growth can be expected to continue in the same areas as they are today. For example, southern Bexar County is more rural while northern Bexar County is more urban. This can be attributed to the many job centers (including USAA, Camp Bullis, and Fort Sam Houston), entertainment (Fiesta Texas and Sea World), and academic facilities (UTSA) that are also on the north side of the county. Additionally, the landscape (rolling, wooded hills) on the north side is likely more desirable than the flatter more agriculturally centered landscape on the south side. However, many new facilities have located in southern Bexar County, which have resulted in a significant increase in residential building, including the multi-functional Verano in City South, which has a new Texas A&M University Campus as part of its master plan. At full build-out, Verano projects to support 30,000 people, 30,000 students, and 30,000 jobs.

With regard to curbing or directing growth, counties in Texas have limited authority to control growth, particularly where endangered species are concerned. State law prohibits counties from denying or withholding development approvals or permits with respect to issues with endangered species compliance. Incorporated areas, like the City of San Antonio, do have limited zoning and land use authority when compared to an unincorporated area. However, development in the unincorporated areas of the counties are under the authority of other regulations (TCEQ, Edwards Aquifer Rules, FEMA, etc.), which do not necessarily control the intensity or location of development.

For the City of San Antonio and Bexar County they are not likely to be able to choose whether new development is located to the north or south of the city or the county. All of the San Antonio metropolitan area is experiencing development pressures. Some areas are likely to grow more than others (based on a variety of conditions, such as, available land, costs, where there is a demand or vacancy in the market, consumer absorption, and compatibility with economic development strategies). The SEP-HCP is one way to support the City's and County's efforts at balancing conservation and environmental stewardship with economic growth.

Response 12: Concerns regarding karst mitigation and location of preserves.

Several commenters expressed concern that mitigation of Covered Karst Invertebrates is proposed to occur outside of where Covered Karst Invertebrates exist. Mitigation for the endangered karst species can only occur where the species are known to occur, must meet the Service's requirements for establishment of karst preserves, and must be approved by the Service. Further, the SEP-HCP may provide incidental take authorization for Covered Activities conducted within an Occupied Cave Zone only after certain baseline levels of conservation have been achieved for the Covered Karst Invertebrates that occur in the associated karst feature. The Conservation Baselines are based on the downlisting criteria described in the Bexar County Karst Invertebrates Recovery Plan. SEP-HCP Section 3.2.3.2 addresses the requirements for up-front mitigation for each of the Covered Karst Species that must be met before any incidental take authorization for Covered Activities can be offered on an Enrolled Property. SEP-HCP Section 7.0 discusses the karst conservation program in detail, including minimum requirements for preserve establishment and management and monitoring.

Response 13: Concerns that the Edwards Aquifer cannot support more people and the Permittees want to take water from rural areas.

Several commenters expressed concern that the SEP-HCP was an attempt by the City of San Antonio to secure rural portions of the Edwards Aquifer Recharge Zone for San Antonio's future water supply. Additionally, commenters were concerned that with the continued growth over the aquifer there would not be enough water for everyone over the life of the permit. Water in San Antonio and the surrounding counties is regulated by two main entities: the Edwards Aquifer Authority (EAA) and the San Antonio Water System (SAWS). The EAA was established in 1993 to manage, conserve, preserve, and protect the Edwards Aquifer (Aquifer) and to increase the recharge of, and prevent the waste or pollution of water in, the Aquifer. The following are among the major functions of the EAA: manage and control withdrawals of water from the

Aquifer through the issuance of permits and the registration of wells, protect the water quality of the Aquifer, protect the water quality of the surface streams to which the Aquifer provides springflow, achieve water conservation, maximize the beneficial use of water available for withdrawal from the Aquifer, protect aquatic and wildlife habitat, protect water supplies, prevent the waste or pollution of water in the Aquifer, and increase recharge of water to the Aquifer. In 2007, the Texas Legislature amended the EAA Act to limit the amount of permitted withdrawals from the aquifer to not more than 572,000 acre-feet of water per calendar year subject to water levels of monitored wells. SAWS is the water purveyor to residences, businesses, and other end users in San Antonio and parts of Bexar and surrounding counties. In addition to getting water from the Aquifer, SAWS also has several non-Aquifer water sources. The responsibility of these two agencies includes ensuring continued water availability and supply into the future.

It is important to note that the growth of San Antonio is expected to occur regardless of implementation of the SEP-HCP (see response 11). Additionally, the SEP-HCP is for compliance with the ESA, and is not for addressing future water usage or supply. However, because the Edwards Aquifer does support several federally listed aquatic species, the Service did analyze the impacts of implementation of the SEP-HCP on those listed species. Given the total number of acres covered under the SEP-HCP incidental take permit (33,097 acres), we estimated the number of people that will use the SEP-HCP to be 127,093. This number of people represents: 1) full implementation of the SEP-HCP, which will not happen for a number of years; 2) a density of 3.84 persons per acre; and 3) an assumption that all water is coming from the Edwards Aquifer, which will likely not be the case. With an estimated water consumption rate of 132 gallons per day per person, total water demand would be 16,776,207 gallons per day (or 18,797.5 acre-feet per year). Comparing the annual rate of water demand attributable to the SEP-HCP and the total permitted annual withdrawals by EAA (572,000 acre-feet per year), the water demand strictly attributable to development that occurs with participation in the SEP-HCP at full implementation would be about 3.3 percent of total permitted Edwards withdrawals. Because of the conservative assumptions listed above, the expectation is that this percentage will be much less.

Response 14: Concerns regarding the reduced viability of GCWA habitat already preserved in Bexar County and on Camp Bullis.

Several commenters expressed concerns for the long-term viability of GCWA preserve lands already established in Bexar County, including those on Camp Bullis. If these existing lands are not buffered or expanded, commenters were concerned they could become sinks, patches of habitat unable to support a population, thereby rendering all GCWA habitat in Bexar County non-viable. SEP-HCP Section 4.4.3 discusses the amount of potential GCWA habitat within Bexar County and the City of San Antonio's current and projected future ETJ (113,288 acres). The amount of requested GCWA incidental take (9,371 acres) represents less than 9 percent of the available GCWA habitat within the entire Enrollment Area over the life of the permit. To address the feasibility of mitigating within the Enrollment Area, the Permittees reviewed 2015 appraisal district data. The first analysis identified parcels within Bexar County that could independently meet the minimum preserve size (500 acres) for a potential GCWA preserve. This analysis did not evaluate if the total acres of potential GCWA habitat on each parcel met the minimum acreage requirements for a preserve, but instead only that potential GCWA habitat was present on the parcel and the parcel was at least 500 acres in size. Including existing conservation lands, there are currently only 24 parcels within the Enrollment Area in which the acreage of the parcel is equal to or greater than 500 acres. It is unlikely that all 24 parcels support at least 500 acres of GCWA; therefore, the number of parcels is likely less. Given this limited amount of potential parcels, the Permittees had two primary concerns regarding identification of a specific percentage of mitigation to occur within Bexar County:

1. Because the SEP-HCP is completely voluntarily, there may not be enough willing sellers within these 24 parcels to meet a minimum percentage goal. If the Permittees could not meet a stated goal in their HCP and associated ITP, they would be in violation of their permit.
2. According to Texas state law, governmental entities participating in a regional HCP must make offers to acquire any land designated in the plan as a proposed habitat preserve no later than four

years after the issuance of the federal permit or six years after the initial application for the permit, whichever is later (Texas Parks and Wildlife Code § 83.018(c)). Because of the limited number of parcels, it would be easy for someone to run the same analysis and determine which parcels were being targeted.

A second analysis identified parcels greater than 100 acres. As with the initial analysis, there was no evaluation of the total acres of potential GCWA habitat on each parcel, but instead only that potential GCWA habitat was present and the parcel was at least 100 acres in size. Including existing conservation lands, there are currently 208 parcels within Bexar County in which the acreage of the parcel is greater than or equal to 100 acres with some amount of potential GCWA habitat present. Even with the broader classification parameters, the overall explicitly small proportion of parcels 100 acres or greater still do not represent a large enough percentage of the constituency in which the above concerns were alleviated. Therefore, the SEP-HCP took into consideration the BAT's recommendations for mitigation measures and proximity and developed the biological goals and objectives (SEP-HCP Section 5.0).

It is important to note that within Bexar County there is approximately 16,000 acres of potential GCWA habitat occurring within existing conservation lands, including Government Canyon State Natural Area, parks and natural areas owned by the City of San Antonio, and several privately owned conservation tracts. Of this 16,000, 6,400 acres of this GCWA habitat occurs within properties that are explicitly protected and managed for the benefit of the species. The Service has expressed their preference that the SEP-HCP contributes to some level of land permanently protected and managed for the GCWA within Bexar County. Because of this preference, but in light of the concerns listed above, the SEP-HCP created a biological objective of achieving a baseline level of 7,500 acres of habitat permanently protected and managed for the benefit of the GCWA in or within five miles of Bexar County. This equates to an additional 1,100 acres (7,500 minus 6,400) of permanently protected GCWA preserves as part of the SEP HCP.

Response 15: Concerns regarding the use of existing parks or open space as preserves.

The SEP-HCP Existing Conservation Lands assessment in Appendix B identified more than 128,000 acres are under some degree of conservation in the Plan Area. These lands represent a variety of public and private open space properties, including parks, natural areas, wildlife management areas, and other types of large-acreage, mostly undeveloped properties. The SEP-HCP determined these existing conservation lands include approximately 50,000 to 60,000 acres of relatively high quality GCWA habitat. While these lands are protected to some degree in perpetuity from future land development, other land uses that could degrade the GCWA habitat are allowed. Because some of these tracts are part of a large patch of contiguous GCWA habitat, the BAT recommended and the CAC approved the use of these lands for a small portion of preserve contributing to the SEP HCP preserve system (see Appendix A of the SEP HCP). Additionally, the Service believes these could contribute significantly to GCWA recovery. Therefore, a partial credit (for example 0.5:1, that is half an acre of credit for each acre of GCWA habitat) for perpetual protection of the habitat for the benefit of the GCWA could be acceptable. The extent of BCVI habitat is unknown, since maps or models of such habitat currently do not exist. All preserves must be approved by the Service and, as such, will meet the Service's guidance for mitigation for GCWAs and BCVIs (see Section 7.2.2 of the SEP HCP for a discussion of this partial credit).

Likewise, when the SEP-HCP achieves additional Service-approved protections in perpetuity for one or more of the Covered Karst Invertebrates on existing conservation lands such actions will contribute "partial credit" towards the SEP-HCP's karst preserve system. Properties, such as State Natural Areas or city nature preserves that contain caves with listed karst invertebrates, could meet recovery objectives if a conservation easement was placed around caves without existing permanent protections.

It is important to note that within Bexar County there is approximately 16,000 acres of potential GCWA habitat occurring within existing conservation lands, including Government Canyon State Natural Area, parks and natural areas owned by the City of San Antonio, and several privately owned conservation tracts. Of this 16,000, 6,400 acres of this GCWA habitat occurs within properties that are explicitly protected and managed for

the benefit of the species, and are therefore considered contributing to recovery. These 6,400 acres would not be eligible for partial credit. However, the Service has expressed our preference that the SEP-HCP contributes to some level of land permanently protected and managed for the GCWA within Bexar County. Because of this preference, the SEP-HCP created a biological objective of achieving a baseline level of 7,500 acres of habitat permanently protected and managed for the benefit of the GCWA in or within five miles of Bexar County. To meet this objective and comply with the Service's preserve design guidance, it is likely that these existing conservation lands that are without GCWA protections will be necessary to achieve the goal. See also Response 14 for a discussion of the restrictions around preserving habitat in Bexar County.

Response 16: Concerns and questions regarding preserves.

Several commenters were concerned that the design for preserves was inadequate, a specific management plan was not included in the SEP-HCP, that preserves were not perpetual, and that baseline surveys should be more specifically outlined. The preserve designs and management plans are subject to Service approval; will follow our recommended guidance for the subject species, including what baseline data is required to receive Preservation Credits; and will include perpetual protection, monitoring, and management to ensure long-term viability of the species and their habitat. The SEP-HCP outlines the general requirements for management plans and baseline assessment. However, it is expected that each preserve will have its own unique requirements based on existing conditions and uses. Therefore, neither a specific management plan nor a baseline assessment is included in the SEP-HCP.

Several commenters either did not understand who would oversee the administration of the preserves or did not want the Permittees to be the preserve administrators or owners. All fee simple lands and conservation easements contributing to the SEP-HCP preserve system must be held by a responsible party approved by the Service prior to generating Preservation Credits. Responsible parties may include Bexar County, the City of San Antonio, other governmental entities, established land trusts, or other entities as approved by the Service (Section 6.2.1.1 of the SEP-HCP). As the permit holders, the Permittees have a responsibility to ensure implementation of the SEP-HCP and compliance with the ITP. As such, the Service believes they will adequately manage all of the preserves that are part of the SEP-HCP, similar to the Balcones Canyonlands Preserves jointly managed by the City of Austin and Travis County. Additionally, as part of annual reporting, the Service will be able to assess the adequacy of all management and monitoring of the preserves and will make recommendations, if necessary.

Response 17: Concerns that San Antonio and Bexar County will be the administrators of the SEP-HCP.

Several commenters wanted an independent non-profit or environmental regulatory agency that is unaffiliated with the City or County to administer implementation of the SEP-HCP. In accordance with section 10 of the ESA, it is a permit holder's responsibility to comply with all permit terms and conditions and to implement the associated HCP. To not do so would be a violation of the permit and cause for suspension and possibly permit revocation. For this reason it is the responsibility of the City and County to oversee the administration and guarantee compliance with the ITP. As detailed in Section 11 of the SEP-HCP, the Permittees have outlined their commitments for implementation and the Service believes they are appropriate and adequate.

Response 18: Concerns that the fees for Participants (developers) were too low and, as such, placed the burden too heavily on public funding.

What fees are charged as part of participation in the SEP-HCP and where the funding comes from is at the Permittees sole discretion. However, to meet issuance criteria (detailed in response 10) applicants must show how they plan to fund their HCP and show a commitment to that funding. In addition to the details in Section 11 of the SEP-HCP that the Permittees have committed to, there is also a funding plan scenario detailed in Appendix F of the SEP-HCP that provides the basis for establishing the practicable limits of funding for

implementation of the Plan. The Service finds this commitment and funding scenario to be adequate for implementation of the SEP-HCP.

Appendix E

Agency Correspondence

United States Department of the Interior

FISH AND WILDLIFE SERVICE
10711 Burnet Road, Suite 200
Austin, Texas 78758
512 490-0057
FAX 490-0974

JUL 22 2011

Dear Sir or Madam:

The U.S. Fish and Wildlife Service (Service) is requesting your agency's review and comment on the issues under your purview that could be affected by the issuance of an incidental take permit, under the Endangered Species Act of 1973, as amended, to Bexar County, Texas (applicant). The incidental take permit is for the proposed Southern Edwards Plateau (SEP) Regional Habitat Conservation Plan (RHCP), which includes Bexar and surrounding counties and would authorize incidental take of federally listed species resulting from residential, commercial, and other development activities within the plan area. On April 27, 2011, the Service published a Notice of Intent to prepare a draft Environmental Impact Statement (EIS) in compliance with the National Environmental Policy Act of 1969. The purpose of the EIS is to evaluate the impacts of, and alternatives to, the proposed issuance of the incidental take permit. The public comment period is now open and a series of five public scoping meetings have been held throughout the proposed plan area.

We welcome your agency's comments, and have attached the Notice of Intent, which describes the project and the permit area in more detail. All meeting materials provided at the public scoping meetings are available at www.sephcp.com, click the "eis and nepa process" link. We would appreciate receiving your comments no later than August 22, 2011, either in writing to our address above, or by email to FW2_AUES_Consult@fws.gov. Please feel free to contact Christina Williams at 512-490-0057, extension 235 with any questions or comments.

Sincerely,

Alisa Shull

acting for Adam Zerrenner
Field Supervisor

Enc: Notice of Intent for the proposed Southern Edwards Plateau Regional Habitat Conservation Plan

TAKE PRIDE IN AMERICA

Texas State Soil and Water Conservation Board
P.O. Box 658
Temple, TX 76503-0658

Texas Division of Emergency Management
5805 North Lamar
Austin, TX 78752

U.S. Environmental Protection Agency
Regional Administrator
1445 Ross Ave, Suite 1200
Dallas, TX 75202

U.S. Army Corps of Engineers
Ft. Worth District, Environmental Br.
P.O. Box 17300
Ft. Worth, TX 76102

U.S. Army Corps of Engineers
Ft. Worth District, Regulatory Br.
P.O. Box 17300
Fort Worth, TX 76102

Federal Highway Administration
300 East 8th Street
Rm 890, Federal Bldg.
Austin, TX 78701

Randolph Public Affairs Office
12FTW/PA
Randolph AFB, TX 78150

Commander
U.S. Army Garrison
1206 Stanley Road, Suite A
Fort Sam Houston, TX 78234-5001

Commander
1701 Kenly Ave., Ste 201
Lackland AFB 78236

U.S. Geological Survey
5563 DeZavala, Suite 290
San Antonio, TX 78249

Texas Department of Transportation
7901 North IH-35
Austin, TX 78761

U.S. Department of Agriculture
Natural Resources Conservation Service
101 S. Main Street
Temple, TX 76501

U.S. Dept. of Housing & Urban Development
451 Seventh St., S.W.
Washington, DC 20410

Federal Emergency Management
Federal Center Plaza
500 C Street, S.W.
Washington, DC 20472

General Services Administration
18th and F Streets, N.W.
Washington, DC 20405

Bill West, General Manager
Guadalupe-Blanco River Authority
933 East Court Street
Seguin, TX 78155

Todd Staples, Commissioner
Texas Department of Agriculture
P.O. Box 12847
Austin, TX 78711

Texas Department of Agriculture
Mike McMurry
P.O. Box 12847
Austin, TX 78711

Mark R. Vickery, Executive Director
Texas Commission on Env. Quality
P.O. Box 13087
Austin, TX 78711

Carter Smith, Executive Director
Texas Parks and Wildlife Department
4200 Smith School Rd.
Austin, TX 78744

Bexar Metropolitan Water District
P. O. Box 245994
San Antonio, Texas 78224

San Antonio Water Systems
P.O. Box 2449
San Antonio, TX 78298-2449

Kevin Ward, Executive Administrator
Texas Water Development Board
P. O. Box 13231
Austin, TX 78711

Texas Water Development Board
Environmental Review
P.O. Box 13231
Austin, TX 78701

General Manager
Edwards Aquifer Authority
1615 N. St. Mary's Street
San Antonio, TX 78215-1415

Texas Attorney General's Office
Environmental Protection Division
P.O. Box 12548
Austin, TX 78711

Railroad Commission of Texas
P.O. Box 12967
Austin, Texas 78711-2967

Jerry Patterson, Commissioner
Texas General Land Office
1700 Congress Ave.
Austin, TX 78701-1495

U.S. Geological Survey
Texas Water Science Center
1505 Ferguson Lane
Austin, TX 8754

Texas Department of Transportation
Environmental Affairs Division
125 E. 11th Street
Austin, TX 78701-2483

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
101 S. Main St.
Temple, TX 76501

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August 2, 2011

Mr. Adam Zerrenner
Field Supervisor
U. S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, TX 78758

Re: Notice of Intent for the proposed Southern Edwards Plateau Regional Habitat Conservation Plan

Dear Mr. Zerrenner:

The Natural Resources Conservation Service (NRCS) would like to thank the U.S. Department of the Interior Fish and Wildlife Service (FWS) for the opportunity to comment on the notice of intent for the proposed Southern Edwards Plateau Regional Habitat Conservation Plan (HCP).

We support the development of the HCP proposed in the notice of intent and will help however we can with the plan and its implementation. NRCS works closely with the scientific and academic communities to develop plans of action to conserve, enhance, and restore the habitats for listed endangered species. These actions are taken in cooperation with private landowner and managers in a voluntary manner to apply those conservation practices that provide the most benefit to species and reduce loss due to habitat degradation.

Should you require any additional information or have additional questions, please contact Susan Baggett at 254-742-9805.

Sincerely,

Salvador Salinas

SALVADOR SALINAS
State Conservationist

cc: Susan Baggett, SRC, NRCS, Temple
Russell Castro, Biologist, NRCS, Temple

TEXAS GENERAL LAND OFFICE
JERRY PATTERSON, COMMISSIONER

August 16, 2011

Mr. Adam Zerrenner
Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, TX 78758

USFWS RECEIVED AUG 19 2011 ECOLOGICAL SERVICES Austin, Texas

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RE: Southern Edwards Plateau Regional Habitat Conservation Plan

Dear Mr. Zerrenner:

On behalf of Commissioner Patterson, I would like to thank you for the opportunity to comment on the draft Southern Edwards Plateau Regional Habitat Conservation Plan proposed by Bexar County, and the intent by the Service to prepare an Environmental Impact Statement (EIS). As you may know, the General Land Office (GLO) is responsible for managing state owned land dedicated to the Permanent School Fund (PSF). This includes protecting the natural resources of these lands for all Texans, and maximizing revenue to support public education. The GLO agrees that there should be steps taken to protect the threatened and endangered species within the plan area, and understands the need to streamline the Endangered Species Act take permitting process. However there are many state owned assets within the area covered by the draft plan, and the GLO is concerned how the draft plan may affect the ability to generate revenue for the PSF with these assets. The draft plan includes the statement "The alternative plan would allow authorization of all anticipated incidental take for the covered species across the entire plan area (excluding Comal County, since a separate plan would cover this area) over the next 30 years." This potential limitation on responsible development could greatly impact the ability of the GLO to generate revenue for the PSF and fund public education. The GLO requests that the EIS specifically addresses the plans impact to the PSF and the ability to generate revenue to support public education. The GLO also requests to be involved in the further development and implementation of the Southern Edwards Plateau Regional Habitat Conservation Plan, and to be invited to participate in any further meetings to discuss the proposed plan.

If you have any additional questions or concerns, please contact Ned Polk at (512) 463-5030 or by e-mail at ned.polk@glo.texas.gov .

Sincerely,

Rene D. Truan
Deputy Commissioner
General Land Office

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495
Post Office Box 12873 • Austin, Texas 78711-2873
512-463-5001 • 800-998-4GLO
www.glo.state.tx.us

DEPARTMENT OF THE ARMY
CAMP STANLEY STORAGE ACTIVITY, MCAAP
25800 RALPH FAIR ROAD, BOERNE, TX 78015-4800

August 17, 2011

James V. Cannizzo, Attorney Advisor, Camp Stanley (Army Material Command, AMC) and Retained Army Functions at Fort Sam Houston and Camp Bullis

Adam Zerrenner, Field Supervisor
U.S. Fish and Wildlife Service
Austin Ecological Services Office
10711 Burnet Road Suite 200
Austin, Texas 78758

Dear Mr Zerrenner,

Thank you for the opportunity to respond to your July 22nd, 2011 letter requesting comments on the proposed Southern Edwards Plateau Habitat Conservation Plan (HCP) and notice to prepare an Environmental Impact Statement. As a federal agency, we will not be covered by the incidental take provisions the plan is expected to result in, however, we support the plan because we believe it will provide a streamlined method for management of development around Camp Bullis and Camp Stanley which should result in a higher rate of compliance by nonfederal parties.

We are aware of only two site specific habitat conservation plans ever being done in the Bexar County area (La Cantera development for Bexar County listed Karst Invertebrates and Lumbermans/PGA Village for Golden-cheeked Warbler, GCWA). With many thousands of acres of development occurring in the Bexar County area, it is likely many developments ignored or otherwise avoided performing species mitigation. We believe this development is displacing GCWA onto our military installations. Having a streamlined means of complying as has been the case with a regional HCP in Travis County since 1996 should encourage more developers to comply with the Endangered Species Act. We hope that having a regional HCP will stop the net loss of habitat in this area and result in some mitigation being done.

Camp Bullis and Camp Stanley cannot and should not alone bear the burden of compliance with the Endangered Species Act. We are becoming the "lone island of refuge" for these species. The populations of GCWA on Camp Bullis have dramatically increased the past several years. On Bullis we have gained approximately 1,250 acres of occupied habitat the last four years, including over 416 more occupied acres in 2011. In addition to more areas being occupied, GCWA population densities have increased.

Points of contact are Matthew Lucas Cooksey, Camp Bullis Wildlife Biologist at (210) 295-7889 or me at (210) 295-7082/9830.

Sincerely,

James V. Cannizzo

James V. Cannizzo
Administrative and Civil Law Advisor

DEPARTMENT OF THE ARMY
CAMP STANLEY STORAGE ACTIVITY, MCAAP
25800 RALPH FAIR ROAD, BOERNE, TX 78015-4800

March 17, 2015

Office of the Staff Judge Advocate

Public Comments Processing, Attn: FWS-R2-ES-2014-0053
Division of Policy and Directives Management
U.S. Fish and Wildlife Service; MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041-3803

To whom it may concern,

Thank you for the opportunity to comment on the Southern Edwards Plateau Habitat Conservation Plan (SEPHCP) and draft Environmental Impact Statement (EIS). As a federal agency, we will not be covered by the incidental take of this plan, however, we support the plan because we believe it will provide a streamlined method for management of development around Camp Stanley and Camp Bullis which should improve compliance by nonfederal parties.

We are aware of only a handful of site specific habitat conservation plans and Section 7 consultations ever being done in Bexar County. With tens of thousands of acres of development occurring in the county, it is questionable whether many developers complied with performing endangered species mitigation. We believe development is displacing Golden-cheeked Warbler (GCWA) onto our military installations. Having a streamlined means of complying, as has been the case with a regional HCP in Travis County since 1996, should encourage more developers to comply with the Endangered Species Act. We hope that having a regional HCP will stop the net loss of habitat in the overall area and result in more mitigation being done.

We are concerned that the Biological Advisor Team's (BAT's) recommendation for a specific percentage of GCWA habitat to be obtained within Bexar County is not in the draft plan or EIS. We understand the cost realities over the BAT's figure of 60% may make the plan too expensive to implement, but believe some minimal percentage (such as 30% within Bexar County and 5 miles surrounding) is needed so that it doesn't end up that all the mitigation is done outside of Bexar County. Doing so would leave Camp Stanley and Camp Bullis (and Government Canyon State Natural Area, a few city owned parks and Proposition 1 tracts and a few tracts Camp Bullis helped set up as mitigation properties) as the only remaining GCWA habitat in Bexar County.

Sincerely,

James V. Cannizzo

James V. Cannizzo
Attorney Advisor, Camp Stanley (Army Material Command, AMC) and Retained Army Functions at Fort Sam Houston and Camp Bullis

Appendix F

Native American Tribal Consultation

Tribal Coordination Letters were sent to the following contacts:

Mr. Lyman Guy
Tribal Chairman
Apache Tribe of Oklahoma
PO Box 1330
Andarko, OK 73005

Ms. Terri Parton
President
Wichita and Affiliated Tribes
PO Box 729
Andarko, OK 73005

Ms. Nita Battise
Chairwoman
Alabama-Coushatta Tribe of Texas
575 State Park Road 56
Livingston, TX 77351

Mr. Tarpie Yargee
Chief
Alabama-Quassarte Tribal Town
PO Box 187
Wetumka, OK 74883

Ms. Brenda Shemayme Edwards
Chairman
Caddo Nation of Oklahoma
PO Box 487
Binger, OK 73009

Mr. Anthony Monoessy
NAGPRA Director
Comanche Nation of Oklahoma
#6 SW D Avenue, Suite A
Lawton, OK 73507

Ms. Amber C. Toppah
Chairman
Kiowa Indian Tribe of Oklahoma
PO Box 369
Carnegie, OK 73015

Mr. Danny H. Breuninger, Jr.
President
Mescalero Apache Tribe
PO Box 227
Mescalero, NM 88340

Mr. Leonard Harjo
Chief
Seminole Nation of Oklahoma
PO Box 1498
Wewoka, OK 74884

Mr. C.J. Watkins
Acting President
The Delaware Nation
PO Box 825
Andarko, OK 73005

Mr. Russell Martin
President
Tonkawa Tribe of Indians of Oklahoma
1 Rush Buffalo Road
Tonkawa, OK 74653

United States Department of the Interior

FISH AND WILDLIFE SERVICE
10711 Burnet Road, Suite 200
Austin, Texas 78758
512 490-0057
FAX 490-0974

MAY 20 2015

Mr. C.J. Watkins
Acting President
The Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Dear President Watkins:

Pursuant to the National Environmental Policy Act (NEPA) and its implementing regulations, the U. S. Fish and Wildlife Service (Service), has prepared a draft Environmental Impact Statement (dEIS) for the issuance of an incidental take permit (ITP) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The ITP, if issued, would be to Bexar County and the City of San Antonio, Texas, for incidental take of federally listed species from activities associated with the development and implementation of the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP). The SEP-HCP will provide measures to minimize and mitigate for the impacts of the proposed taking of federally listed species and the habitat upon which they depend.

The Service's proposed action is the issuance of an ITP for the covered species within Bexar County's and San Antonio's projected 30-year extra-territorial jurisdiction (see Enrollment Area on Figure 1). Species proposed to be covered by the SEP-HCP are two birds: the golden-cheeked warbler (*Setophaga [Dendroica] chrysoparia*), black-capped vireo (*Vireo atricapilla*), and seven cave-dwelling species: *Rhadine exilis* (no common name), *R. infernalis* (no common name), Helotes mold beetle (*Batrisodes venyivi*), Government Canyon Bat Cave spider (*Neoleptoneta microps*), Madla cave meshweaver (*Cicurinia madla*), Government Canyon Bat Cave meshweaver (*C. vespera*), and Braken Bat Cave meshweaver (*C. venii*). Activities proposed for coverage under the ITP include otherwise lawful activities that would occur consistent with the SEP-HCP and include, but are not limited to, public or private land-development projects; transportation and utility infrastructure; public infrastructure and improvement projects; management activities on preserves; and quarries, gravel mining, or other similar extraction projects.

Bexar County and the City of Antonio will implement the SEP-HCP. Mitigation measures may include preservation of habitat, creation of new habitat, establishing buffers around existing habitat, modification of land use practices or project designs, and restrictions on access to habitat areas. Implementation of the SEP-HCP would create a coordinated regional conservation program to protect sensitive natural resources in the seven-county plan area which includes Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal counties. It will result in the establishment of preserves intended to provide for the conservation of the covered species occupying those preserves.

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The Service would like to solicit your input on the project to determine if your tribe has any concerns or issues about the issuance of the ITP. In particular, we are interested in learning whether or not its issuance has the potential to impact any significant archaeological, religious, or cultural sites. Please submit any comments or concerns to the address above. If you have any questions please contact Ms. Tanya Sommer at (512) 490-0057, extension 222.

Sincerely,

Adam Zerrenner
Field Supervisor

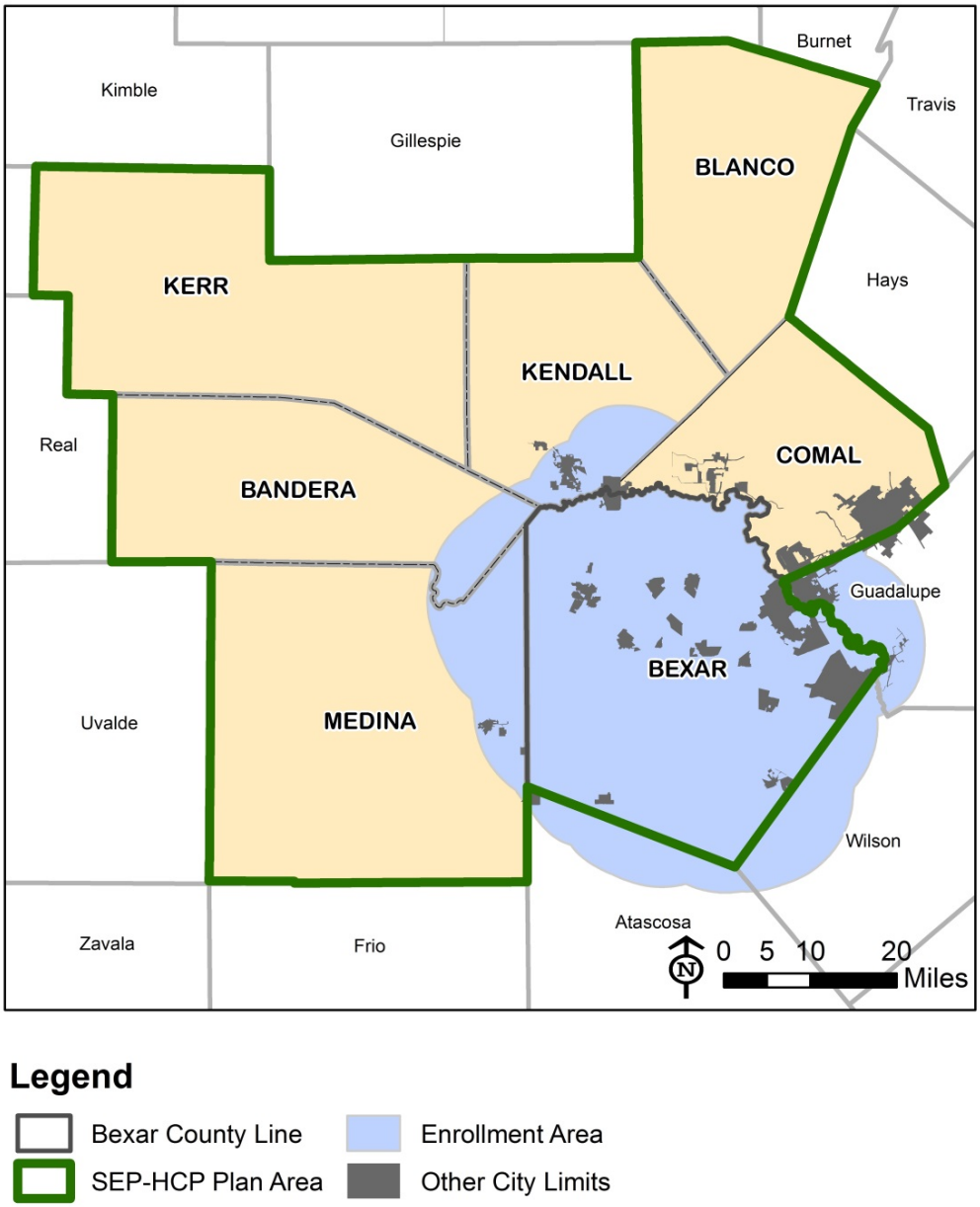

Figure 1: SEP-HCP Plan Area and Enrollment Area