

**BIOLOGICAL ADVISORY TEAM  
OF THE  
SOUTHERN EDWARDS PLATEAU  
HABITAT CONSERVATION PLAN**

**MEETING 14 MINUTES**

**DATE:** November 17, 2010  
**LOCATION:** Bexar County Extension Office  
3355 Cherry Ridge  
San Antonio, TX 78230  
Room 208 (East court at Conroy Square)

**1. Call to order - Richard Heilbrun, Texas Parks and Wildlife Department (TPWD)**

Richard Heilbrun called the meeting to order at 9:45 with a quorum of BAT members.

**2. Approve minutes from October 20 and November 4 BAT meetings.**

Richard Heilbrun noted that the BAT approval of the October 8 minutes was not posted for action on the October 20 BAT agenda, and that re-approval of these minutes was needed.

**MOTION** (Justin Dreibelbis): Approved the draft minutes from the October 8, 2010 BAT meeting, as amended. **SECOND** (Jackie Poole). **VOTE:** Voice vote carried without opposition.

Richard Heilbrun stated that he had not finished preparing comments on the minutes from the October 20 and November 4, 2010 BAT meetings. The U.S. Fish and Wildlife Service\* (represented by Allison Arnold and Charlotte Kucera) added that the Service objected to some of the statements in the draft minutes. Amanda Aurora (Loomis Partners) noted that it was important to get minutes approved by the committees in a timely fashion so that they could be available for the public to review. Mr. Heilbrun postponed approval of the draft minutes from the October 20 and November 4, 2010 BAT meetings.

**3. Public comments (3 minutes per speaker)**

Agenda item not discussed during the open meeting.

**4. Update from Nov 15 CAC Meeting**

Agenda item not discussed during the open meeting.

**5. Update from BCVI and Karst Subcommittee Meetings**

Agenda item not discussed during the open meeting.

**6. Discussion and action: Karst Mitigation and Preserve Standards**

\* Official comments from the U.S. Fish and Wildlife Service are reflected in the audio recordings for each Citizens Advisory Committee and Biological Advisory Team meeting. Written meeting minutes from either committee do not represent official Service comments.

BAT members discussed the remaining questions in the draft karst conservation measures, primarily the use of the cave cricket foraging area vs. the surface drainage basin for the cave as the basis for the extent for Impact Area 2. BAT members also noted that there may be concerns with the recommendation for 3 Karst Faunal Areas vs. 6 Karst Faunal Areas in the karst conservation measures. The BAT agreed to have the karst subcommittee address these issues in January.

## **7. Discussion and action: GCWA, BCVI Mitigation and Preserve standards**

Richard Heilbrun stated that the BAT recommendations on the golden-cheeked warbler (GCW) and karst conservation measures approved on November 4, 2010 only addressed a portion of the full set of recommendations that the BAT had been considering. He suggested that the BAT review and consider approving the remainder of the GCW and karst recommendations, as presented in draft form to the CAC on November 15, 2010.

BAT members discussed possible modifications to language defining the size of a focal area, but no changes were made. BAT members discussed the definition of “contiguous habitat,” particularly in response to some comments by CAC members regarding whether roads would fragment an otherwise contiguous block of habitat. Amanda Aurora suggested that contiguity pertain to areas of suitable habitat and habitat buffers. Richard Heilbrun suggested that this issue be addressed later in other documents.

**MOTION (Richard Heilbrun):** Approve the summary of GCW and karst conservation measures, as drafted in the recommendation to the CAC. **SECOND (Jayne Neal).** **VOTE:** Voice vote carried without opposition.

Richard Heilbrun opened discussion of black-capped vireo (BCV) conservation measures proposed by the BCV subcommittee. He reported that the subcommittee recommended that a maximum of 6,000 acres of BCV habitat loss be covered by the plan and that this take be offset by a 2:1 mitigation ratio, but otherwise the recommended conservation measures should be similar to those proposed for the GCW. Mr. Heilbrun reported that the BCV subcommittee recommended that BCV habitat preserves include a minimum of 100 acres of habitat, but be part of a larger managed area that included at least 500 acres. He also stated that the subcommittee preferred that a BCV focal preserve include 2,000 to 4,000 acres of habitat. Mr. Heilbrun noted that the BCV subcommittee recommended that no more than 10% of the BCV preserves be composed of existing protected lands.

Jackie Poole stated concerns with conflicting management practices for the BCV and the endangered Tobusch fishhook cactus (particularly the time period for prescribed burning or the use of bulldozers to manage BCV habitat), and suggested that there also may be conflicts with other species. The BAT added language to the subcommittee recommendations to recommend that adaptive management strategies be implemented to prevent harm to these species.

Amanda Aurora questioned the recommendation that participating governmental entities should be given authority to use lethal means to manage wildlife species, and suggested that this may not be possible for some jurisdictions due to public health and safety considerations. BAT members responded that this was an important recommendation for the conservation program and was necessary to ensure that preserves could be managed properly. BAT members also

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responded saying that these recommendations may be the impetus to encourage communities to grant themselves the ability to perform such management. The BAT added language expanding this concept to other traditional land management practices, such as the use of prescribed fire and vegetation manipulation.

MOTION (Jackie Poole): Approve the draft BCV conservation measures prepared by the BCV subcommittee, as amended. SECOND (Justin Dreibelbis). VOTE: Voice vote carried without opposition.

## **8. Discussion and possible action: Public Access and Recreation standards**

Richard Heilbrun introduced discussions on BAT preferences or recommendations for public access and recreation on preserve lands. The BAT decided to break into karst and GCW/BCV subcommittees for this discussion. The karst subcommittee included Valerie Collins, with consultant team member Jean Krejca (Zara Environmental). The GCW/BCV subcommittee discussion included BAT members Richard Heilbrun, Jackie Poole, Jayne Neal, and Justin Dreibelbis. Bexar County (represented by Andy Winter), the Service (represented by Allison Arnold and Charlotte Kucera), the consultant team (represented by Amanda Aurora), Texas Parks and Wildlife Department (represented by Judit Green and Niki Lake), and members of the public joined the GCW/BCV subcommittee discussion. These informal subcommittee discussions, which lacked a quorum of BAT members, are not reflected in the minutes for the meeting.

A quorum of BAT members reconvened after approximately 45 minutes of subcommittee discussion.

Richard Heilbrun suggested that the BAT form a public access subcommittee to draft a position paper on public access for preserves. He suggested that the subcommittee present their recommendations to the full BAT in January.

## **9. Future agenda items: Resource Assessments, Management & Monitoring standards**

Richard Heilbrun suggested that the next BAT meeting be held in late January or early February. Suggested topics for future BAT meetings included the public access subcommittee recommendations, review of the land development projections, review of the revised Resource Assessments, and a web-conference with David Diamond (Missouri Resource Assessment Program) to review the updated GCW habitat information.

The Service\* suggested that committee members submit written comments on the land development projections so that they can be addressed. Andy Winter (Bexar County) stressed the importance of having the stakeholder groups be comfortable with the base information for the plan.

Richard Heilbrun suggested that the BAT prepare some examples of how the participation process and mitigation fees might work.

## **10. Scheduling of December –March meeting(s) - Richard Heilbrun, TPWD**

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Richard Heilbrun stated that he would poll BAT members for acceptable meeting dates for February, March, and April 2011.


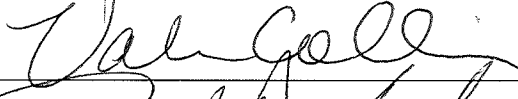
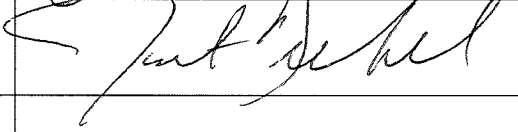
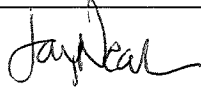

## **11. Adjourn**

Richard Heilbrun adjourned the meeting at 11:56am.

### **Attachments:**

- Approved recommendations for GCW and karst conservation measures, as amended.
- Approved recommendations for BCV conservation measures, as amended.

# BAT MEMBER SIGN-IN SHEET

<b>BAT MEMBERS</b>		
	<b>NAME</b>	<b>SIGNATURE (IF PRESENT)</b>
1	Heilbrun, Richard <small>(CHAIR – Texas Parks &amp; Wildlife Department)</small>	
2	Collins, Valerie <small>(Pape-Dawson Engineers)</small>	
3	Dreibelbis, Justin <small>(Texas wildlife Association)</small>	
4	Gluesenkamp, Andy <small>(Texas Parks &amp; Wildlife Department)</small>	-
5	Groce, Julie <small>(Texas A &amp; M University)</small>	
6	Hayes, Tom <small>(Greater Edwards Aquifer Alliance)</small>	-
7	Neal, Jayne <small>(City of San Antonio)</small>	
8	Poole, Jackie <small>(Texas Parks &amp; Wildlife Department)</small>	

# GENERAL SIGN-IN SHEET

NAME	AFFILIATION	EMAIL ADDRESS	PHONE NUMBER	PLEASE NOTE IF YOU WOULD LIKE TO SPEAK DURING THE PUBLIC COMMENT PORTION OF THE AGENDA
Amanda Aurora	loomis	aaurora@loomis-partners.com	572-672-8977	
Tom HALLSTEAD	Public	thallstead@sbcglobal.net	240-0634	
Charlotte Kucera	USFWS			
Allison Arnold	USFWS			
Mary Fenstermaker	CAC	maverickfex@gmail.com	9130-981-4202	
Susan Beaven	HCPA/CAC	on file		
Andy Wint	Bexar CO	on file		
Bebe Fenstermaker	CAC	on file		
Niki Gold	TPWD	on file	5126670786	
Judith Green	TPWD	on file	210-688-6444	

# GENERAL SIGN-IN SHEET

NAME	AFFILIATION	EMAIL ADDRESS	PHONE NUMBER	PLEASE NOTE IF YOU WOULD LIKE TO SPEAK DURING THE PUBLIC COMMENT PORTION OF THE AGENDA
<i>Sean Krejca</i>	<i>Zara</i>			

# BAT Recommendations for the SEP-HCP Conservation Program

Some items are presented as (required) and some as (recommended). In the final document, Plan Applicants have an option to specify items as either Requirements or Goals. The BAT makes a distinction thusly.

## GCW Conservation Program

### Summary:

The BAT recommends that GCW take occurring in Bexar County be mitigated at a ratio of 3:1 (acres of mitigation : acres of take), with at least 60% of the mitigation located within Bexar County or a 5-mile buffer around Bexar County. The remaining 40% of the mitigation may occur elsewhere within the Plan Area.

The BAT recommends that GCW take occurring outside of Bexar county be mitigated at a ratio of 2:1 (acres of mitigation : acres of take). Mitigation for take occurring outside of Bexar County may be located anywhere within the Plan Area.

The BAT recommends that no more than 10% of the GCW conservation credits be generated from public lands that were protected as of November 4, 2010.

### ***Rationale:***

Mitigation Ratios – The HCP requires that mitigation must be commensurate with the take, both in size and location. The GCW is experiencing a severe amount of habitat loss in Bexar County and, therefore, the degree of threat to the species is greater in Bexar County than in more rural counties. This higher degree of threat to the species warrants a higher mitigation ratio for take. Habitat outside of Bexar County is less threatened by habitat loss and may not require as much mitigation to offset the impacts of take.

Bexar County Mitigation – To help address the severe threat of habitat loss in Bexar County, it is appropriate to require a substantial portion of the mitigation for Bexar County take to be located in or just outside of the county boundary. This requirement also addresses the community's desire to help protect the mission at Camp Bullis and protect the biological integrity of previous public conservation investments (i.e., Government Canyon and other City of San Antonio preserves). Conserving additional lands that expand and/or connect these currently protected properties is necessary to ensure the long-term conservation value of these properties for the GCW.

### ***Scenarios:***

The BAT presents two examples for the amount of authorized take and the corresponding mitigation under the recommended approach described above (see attached Table). The amount of mitigation needed for the plan must correspond to the amount of authorized take. Scenario 1 illustrates the amount of incidental take that might be authorized via the mitigation formula recommended above, if the goal is to achieve a preserve size that represents the BAT's previous recommendation of 85,000 acres. Scenario 2 illustrates the amount of mitigation that would be required by the recommended mitigation formula for a more modest level of incidental take authorization.

## **1. Mitigation Ratio**

- 1.1 Incidental Take of GCW Habitat in Bexar County should be mitigated at a ratio of 3:1 (acres of mitigation : acres of take), with at least 60% of the mitigation located within Bexar County plus a buffer around Bexar County. The remaining 40% of the mitigation may occur elsewhere within the Plan Area.



1.2 The BAT recommends that GCW take occurring outside of Bexar county be mitigated at a ratio of 2:1 (acres of mitigation : acres of take). Mitigation for take occurring outside of Bexar County may be located anywhere within the Plan Area.

**2. Preserve Configuration -Definitions of adjacency and contiguity will be provided in a separate document**

- 2.1. Create preserves composed of individual parcels or clusters of adjacent parcels that include at least 500 acres of GCW habitat. Smaller parcels may be obtained to contribute to the preserve, but no credit is awarded unless the parcel contributes to a block of habitat that is 500 acres or greater (See Figure 1)
- 2.2. Prioritize the creation of a preserve system composed of conservation areas for the GCW that each contains approximately 5,000 to 10,000 acres of protected lands, which includes GCW habitat. These conservation areas will likely include currently protected parcels.

Rationale: Patch size of 500 acres is an important predictor of habitat occupancy (Magness et al. 2006, Groce et al. 2010). Large contiguous patches of GCW habitat are distributed throughout several subregions of the Plan Area, in varying sizes, watersheds, and geologic types. Preserve units on the order of 5,000 to 10,000 acres are achievable and would be sufficiently large to reduce habitat threats, given appropriate management.

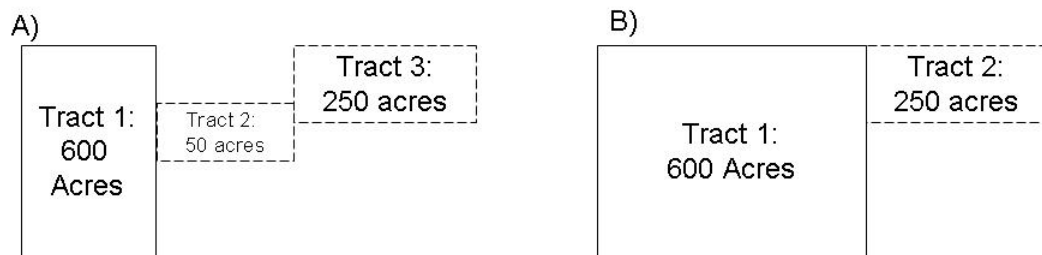


Figure 1. Solid border depicts protected lands with a legally binding conservation easement. Dashed lines represent properties being considered for enrollment in the Preserve. A) Tract 2 and 3 may be purchased at any time for the Preserve, but will not contribute to mitigation credits until the block meets or exceeds 500 acres. Tract 2 is eligible at any time for credit. Tract 3 will not contribute to credit until it is connected to an additional 250 acre block. (In this scenario, when Tract 2 is obtained. B) Tract 2 is immediately eligible for credit because it is adjacent to a block with at least 500 acres under protection.

**3. Preserve Distribution**

- 3.1. Lands mitigated for Take occurring in Bexar County must be mitigated 60% within Bexar County or a buffer around Bexar County (Required)
- 3.2. The buffer for Bexar County mitigation extends 5 miles from the County line. (recommended)
- 3.3 *Prioritize the protection of focal areas for the GCW in each of the Plan Area counties, except for Blanco County. (recommended)*
- 3.4 Prioritize the acquisition of preserve parcels that expand upon or help connect existing conserved lands and parks within the Plan Area (recommended)

Rationale: Protection of additional habitat in and adjacent to Bexar County is needed to conserve the species in that part of the species' range, prevent range contraction, and alleviate the threat of habitat loss to the species. Protection of several focal areas throughout the Plan Area is important for maintaining multiple subpopulations, connected through a preserve system that protects major blocks of habitat., prevents susceptibility to disease, and limits habitat degradation from encroachment, predators, and human disturbance. Planning future land conservation around currently existing protected lands would help ensure the most effective use of financial resources to achieve biologically significant, regional conservation of endangered species and complement other conservation efforts in the region, such as aquifer protection.

**4. Use of already protected public lands**

- 4.1 No more than 10% of the preserve system should consist of land publicly owned as of November 4, 2010. To qualify as a preserve component, a new conservation easement must be developed for GCW conservation and management. (required)  
This requirement should not be perceived to influence the spatial arrangement of the preserve system.

Rationale: Preserve size was calculated based on the harm to the species by new incidental take activities, so the bulk of the mitigation lands should consist of new lands not already protected in the public trust.

## **5. Mitigation**

*5.1 Mitigate for impacts of GCW take resulting from participating projects by permanently protecting GCW habitat in the Plan Area at a rate proportional to the relative severity of the impact or degree of harm to the species.*

*5.2 Secure the mitigation to offset the impact to the GCW of take from participating projects before such take occurs.*

## **6. Management and Biological Monitoring**

*6.1 Manage protected GCW habitat within preserves for the benefit of the GCW by minimizing threats and maintaining, restoring, or enhancing high quality habitat for the GCW.*

*6.2 Monitor GCW populations and habitats to track the status of the species within the preserve system and to inform the adaptive management process.*

## **7. Research: Contribute to the body of scientific knowledge to benefit the recovery of the GCW**

## **Karst Conservation Program**

The BAT recommends approaching the karst conservation program using an “Upfront Conservation with In-Lieu Fee Approach”, whereby:

- Karst participation is applicable for participating projects that occur within Karst Zones 1 – 4 (i.e., the “karst region”, mostly occurring in Bexar and Medina counties). The karst region is divided into 6 distinct “Karst Faunal Regions.”
- The Plan will offer incidental take authorization for the covered karst species only in KFRs where at least 3 caves (or “Karst Faunal Areas”) have been permanently protected for these species. At least one of these protected KFAs must meet the standards for a “high quality” preserve and the remaining 2 must meet the standards for a “medium quality” preserve. The Plan will not be able to provide take authorization for covered karst species within a KFR until this upfront mitigation has occurred.
- The Plan will then contribute to the creation of at least 2 high quality Karst Faunal Areas and 4 medium quality KFAs for each of the covered karst species in each of the KFRs (Total of 6 KFAs per KFR per species)
- In KFRs where take authorization is allowed, plan participants will provide mitigation fees to the Plan to offset the impacts of the project on karst species. The Plan will collect and use karst mitigation fees to protect caves in other KFRs to expand opportunities for take coverage.
- Based on current information, the BAT believes this approach assures that regional recovery of the covered species is possible in a KFR (thereby avoiding a jeopardy situation) prior to authorizing take in that KFR.

***Rationale:***

This approach addresses aspects of karst preserve size, configuration, and location. The recommendation for the establishment of 6 KFAs per KFR per species is based on substantial uncertainties regarding the taxonomic status of these poorly known species, persistence of the species within preserves under changed circumstances, and the paucity of basic biological and habitat/range information for these species.

Taxonomic uncertainty associated with cave organisms: Cave species are exceptionally difficult to differentiate because of convergent evolution. Similar ancestors invade caves and experience the same selection pressures (lack of light, near constant temps, high humidity, paucity of food, periodicity of nutrients), and this tends to make them morphologically indistinguishable. For this reason it is common for cave species to become "split" as more detailed research is performed. If the species are split, then their range is also reduced and they may be limited to fewer KFR's, in which case recovery can no longer be reached and therefore participation permits will be halted.

Uncertainty regarding the persistence of cave preserves based on the potential for natural or man-made catastrophic events: To actually reach recovery, the recovery plan calls for substantial additional research to demonstrate the adequacy of the recovery criteria. Since very little is known about the biology and needs of cave organisms, many of these research objectives include gathering basic information on efficacy of different preserve sizes, vegetation components, and connectedness with other preserve areas. Because of this inherent uncertainty about these species, the plan also calls for monitoring to demonstrate population viability for at least thirty years. Since all of those additional actions will not necessarily be done in the timeframe of this plan, this plan proposes three additional preserves in each KFR as a 'buffer' to make up for that lack of information.

Lack of recent information about species boundaries: Most of the species boundaries given in the recovery plan are based on a single paper that was authored decades ago, and these papers may have been based on as few as one specimen. In general there is an extreme lack of verification of this information, partially based on a paucity of specimens available and a lack of taxonomists qualified to do the work. In some cases there is evidence for potential habitat barriers within the range of a species, and these barriers may in fact turn out to divide populations that are considered species (given an evolutionary species concept). In these cases, the recovery criteria would jump from 3 caves per KFR to 6, and the preserve goal would be met by this plan.

The BAT recommends the following criteria or standards for a Karst Preserve (i.e., a KFA):

- Protected caves may qualify as a KFA suitable for meeting the upfront conservation commitment if:
  - KFAs must be permanently protected for the benefit of the species through an appropriate legal mechanism. Appropriate management of protected habitats must also be assured.
  - High quality KFAs be sufficient to maintain the following habitat elements, as described in the Bexar County Karst Invertebrates Draft Recovery Plan (date March 2008):
    - High humidity
    - Stable temperatures
    - High water quality of surface drainage basin
    - High water quality of subsurface drainage basin

- Low red-imported fire ant (RIFA) predation
  - Healthy cave cricket population
  - Natural quantities of native vertebrate matter input
  - Natural quantities of native plant matter input
  - Healthy native surface arthropod community
  - Healthy native surface plant community
  - Adjacent karst features for cave cricket metapopulations
  - Good connectivity with mesocaverns for population dynamics of troglobites
  - *Acreage is  $\geq$ XXX (to be determined)*
- Medium quality KFAs must maintain most of the following elements identified for a high quality KFA. *The acreage needed for a medium quality KFA is  $\geq$ XX (to be determined).*
- Previously protected caves may count towards the upfront conservation commitment if they meet the standards for high or medium quality KFAs.

The BAT recommends the following process for assessing karst impacts and mitigation requirements. However, this process does not substitute for any other local, state, or federal rules or regulations.

- For participating projects in Karst Zones 1 – 4, conduct karst surveys in accordance with the process described in USFWS (2006), as summarized below.
  - Step 1: Conduct an Initial Karst Feature Survey. It is preferred that geologists performing these surveys have experience conducting karst invertebrate habitat surveys with a permitted biologist.
    - NOT CONFIRMED PRESENT: If no features are identified from the surface assessment, then the assessment process is complete and mitigation fees are assessed on a per-acre basis (see mitigation fee structure below). The per-acre assessment addresses potential impacts to undetected sub-surface karst features that may be occupied by the covered karst species and encountered during construction. The per-acre assessment also addresses general, indirect impacts to karst habitat (including features outside of the project area).
      - Per-Acre Karst Mitigation Fees (no known occupied caves):
        - Karst Zones 1 and 2 = \$xx per-acre within the project area
        - Karst Zones 3 and 4 = \$x per-acre within the project area
    - CONFIRMED PRESENT: If karst features are identified, then additional work is needed to determine if the features may provide habitat for karst invertebrates.
  - Step 2: Conduct a suitable habitat determination. It is preferred that geologists performing these surveys have experience conducting karst invertebrate habitat surveys with a permitted biologist.
    - NOT CONFIRMED PRESENT: If identified karst features do not represent suitable habitat for karst invertebrates, then the assessment

process is complete and mitigation fees are assessed on a per-acre basis, as described above in Step 1.

- CONFIRMED PRESENT: If identified karst features do represent suitable habitat for karst invertebrates, then additional work is needed to determine if endangered karst invertebrates are present.
- Step 3: Conduct a Karst Invertebrate Study.
  - NOT CONFIRMED PRESENT: If suitable habitat is not found to be occupied by endangered karst invertebrates (including the covered karst species and the Category 2 karst species), then the assessment process is complete and mitigation fees are assessed on a per-acre basis as described above.
  - CONFIRMED PRESENT: If endangered karst invertebrates are present, then the participant begins informal consultations with the Service to identify which avoidance or mitigation options are available.
    - Avoid Impacts: To avoid impacts you must avoid actions within one or more of the following areas, with case-by-case Service approval:
      - Surface drainage basin
      - Subsurface drainage basin
      - Cricket foraging range (105m)
      - Cave footprint
    - Mitigation Credit: Establish a high or medium quality KFA around the cave suitable for use as mitigation for impacts to karst species. Mitigation may be used by the plan participant to offset other karst impacts within the same KFR or may be acquired by the Plan to help achieve the goals and objectives of the Plan. Per-acre mitigation fees for karst species on other areas outside of the KFA will be waived for the project. If creating a high or medium quality KFA is not possible given the available acreage, the Service can evaluate the on-site mitigation on a case-by-case basis.
    - Karst Impact Mitigation Fees: Only applicable for projects that occur in KFRs where the upfront conservation commitments have been achieved. Is not applicable for any caves that contain Category 2 karst species (these species are not covered for incidental take). Mitigation fees within Karst Impact Areas will be assessed based on the acreage of surface disturbance within the karst area of impact. Per-acre mitigation fees, as described above) for areas outside of the karst area of impact will also be assessed.
      - Impact Area 1 (0 – 150 feet from the cave entrance) - \$xxxx per acre of surface disturbance within the zone
      - Impact Area 2 (150 – 345 feet from the cave entrance) - \$xxx per acre of surface disturbance within the zone.

**NOTE: The BAT is still reviewing the 345 ft designation and will clarify soon.**

- Alternate Survey Zones: Delineate the cave footprint, surface drainage basin, and subsurface drainage basin of the cave.
  - Cave Footprint = \$xxxx per acre of surface disturbance within the area
  - Surface Drainage Basin = \$xxx per acre of surface disturbance within the area
  - Cave cricket foraging area = \$xxx per acre of surface disturbance within the area
  - Subsurface Drainage Basin = \$xxx per acre of surface disturbance within the area

## *DRAFT PROPOSAL*

### **BIOLOGICAL GOALS AND OBJECTIVES FOR THE SEP-HCP**

Biological goals are the broad, guiding principles for the operating conservation program of the SEP-HCP. They are the biological rationale behind the mitigation strategies described in the Plan.

#### **Biological Goals:**

1. Minimize and mitigate impacts to the covered species to the maximum extent practicable at a level that:
  - a. contributes substantially to the recovery of and avoids jeopardy to the covered species; and
  - b. is sufficient to obtain incidental take authorization for the covered species for those projects voluntarily participating in the Plan.
2. Contribute to the conservation of the other species addressed in the Plan to help prevent or minimize possible future declines in the status of these species.
3. Expand the current body of knowledge pertaining to the species addressed in the Plan to further their conservation and management.

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#### **Biological Objectives:**

##### **Black-capped Vireo**

- a. Preserve Size
  - i. Contribute to the permanent protection and management of approximately 12,000 acres of BCV habitat within the Plan Area.

Rationale: Protection and management of 12,000 acres of BCV habitat distributed throughout the Plan Area would mitigate for impacts resulting from the loss of the 6,000 acres of BCV habitat estimated to occur over the permit duration, at a 2 to 1 ratio.

- b. Preserve Configuration
  - i. Create individual BCV preserves that include at least 100 acres of BCV habitat, contained within a managed area of at least 500 acres.
  - ii. Prioritize the creation of a preserve system that includes 1 "focal" conservation area for the BCV that contains approximately 2,000 to 4,000 acres of BCV habitat, with preference for larger habitat area.

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Rationale: BCVs tend to occur in clusters, with larger clusters (frequently 15 territories or more) typically found in better habitat with older males and higher reproductive success and survivorship (USFWS 1991). Most individual BCV territories tend to include 2 to 4 acres (USFWS 1991). Therefore, a preserve size of approximately 100 acres should generally be sufficient to support a large BCV cluster (i.e., 15 BCV territories \* 4 acres/territory = 60 acres).

USFWS estimates that a viable BCV population includes 500 to 1,000 pairs. Therefore, approximately 2,000 acres should be sufficient to support a small viable population (i.e., 500 pairs \* 4 acres/territory = 2,000 acres). The BCV Recovery Plan (USFWS 1991) calls for the protection of at least one viable population in each BCV Recovery Region (the Plan Area is located entirely in BCV Recovery Region 3). A focal area of 4,000 acres may be needed, because it is probable that not all preserve habitat will be occupied. Maintaining BCV habitat typically requires periodic disturbance, such as prescribed burns and/or brush management; thus it is likely that any single large area will have some habitat in good condition, some recovering from recent management, and some that may have grown out of optimum condition.

c. Preserve Distribution

- i. Prioritize the protection of a focal area for the BCV in the western half of the Plan Area.
- ii. Prioritize the acquisition of preserve parcels that expand upon or help connect existing conserved lands and parks within the Plan Area.

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Rationale: Based on information from TPWD and USFWS, BCVs have not been recorded in high numbers within or in the immediate vicinity of Bexar County. Only a small population of BCVs has been documented on protected lands in Bexar County and there are no recent records of the species from Comal County. Therefore, it may be unnecessary to focus BCV conservation efforts in Bexar County.

d. Use of already protected public lands

- i. No more than 10% of the preserve system should consist of land publicly owned as of November 4, 2010 and on which a new conservation easement is developed for BCV conservation (required). This requirement should not be perceived to influence the spatial arrangement of the preserve system.

Rationale: Preserve size was calculated based on the harm to the species by new incidental take activities, so the bulk of the mitigation lands should consist of new lands not already protected in the public trust.

e. Mitigation

- i. Mitigate for impacts of BCV take resulting from participating projects by permanently protecting BCV habitat in the Plan Area at a rate proportional to the relative severity of the impact or degree of harm to the species.
- ii. Secure the mitigation to offset the impact to the BCV of take from participating projects before such take occurs.

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Rationale: A variable mitigation ratio structure based on the degree of impact/harm to the species would be consistent with USFWS and TPWD regulations. Having the mitigation in place before take occurs provides assurances to USFWS that take will not exceed the required mitigation commitment.

f. Management and Biological Monitoring

- i. Manage protected BCV habitats within preserves for the benefit of the species by minimizing threats and maintaining, restoring, or enhancing high quality habitat for the BCV.
- ii. Monitor BCV populations and habitats to track the status of the species within the preserve system and to inform the adaptive management process.
- iii. Management staff of participating governmental agencies (including Bexar County and the City of San Antonio) should be given authority to use lethal means to manage excessive numbers of depredatory species, including brown-headed cowbirds, feral hogs, and white-tailed deer.
- iv. Management staff of participating governmental agencies (including Bexar County and the City of San Antonio) should be given authority to use traditional land management practices to appropriately manage BCVI habitat, including prescribed fire and other forms of vegetation manipulation.
- v. Traditional land management techniques for BCVI can be relatively invasive for sympatric sensitive plant species (like Tobush fishhook cactus; Bracted twistflower). We recommend that adaptive management strategies be implemented to prevent detriment to these species.

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g. Research

- i. Contribute to the body of scientific knowledge to benefit the recovery of the BCV.