

Examples of Covered Activities in other Texas Regional Habitat Conservation Plans

Excerpt from the **DRAFT Comal County Regional Habitat Conservation Plan** dated April 1, 2009 (from Section 3.1 – Authorized Actions):

Upon issuance of the Permit, take of Covered Species associated with the following activities occurring in the County would be authorized under and in accordance with this RHCP:

- Public or private construction and development.
- Utility installation and maintenance, including but not limited to power and cable stations, substations, and transmission lines; water, sewer, and natural gas pipelines; and plants and other facilities.
- Public infrastructure projects such as school development, road construction and maintenance, and parkland.

This RHCP is not intended to restrict or address ordinary farm and ranching practices or juniper (i.e., cedar) removal programs covered under other authorizations, such as the Natural Resource Conservation Service's brush control activities associated with implementation of the 2002 Farm Bill (USFWS 2004). Such brush control programs target the removal of immature juniper (cedar) thickets, which are not golden-cheeked warbler habitat and will not be the object of preservation under this RHCP, nor will they be considered in estimates of incidental take.

Excerpt from the **DRAFT Hays County Regional Habitat Conservation Plan** dated September 28, 2009 (from Section 5.1 – Covered Activities):

The Permit issued in conjunction with the RHCP will authorize incidental take of the covered species that is associated with otherwise lawful activities. These activities include, but are not limited to:

- 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
- Any management activities that are necessary to manage potential habitat for the covered species within the RHCP preserve system that could temporarily result in incidental take.

This RHCP is not intended to restrict or address ordinary ranching practices or juniper (i.e., "cedar") removal programs that may be covered under other authorizations, such as U.S. Department of Agriculture programs implemented by the Natural Resources Conservation Service (i.e., impacts from 2002 Farm Bill brush clearing programs were addressed by USFWS Consultation Number 2-12-05-F-021) (USFWS 2004). Not all woodland or brushy vegetation containing junipers constitutes warbler habitat.

Excerpt from the **FINAL Williamson County Regional Habitat Conservation Plan** dated April 15, 2008 (from Section 4.1 – Authorized Actions):

If the requested section 10(a)(1)(B) permit is issued, take of covered species associated with the following activities would be authorized under and in accordance with this RHCP:

- Public or private construction and development.
- Road construction, maintenance, and improvement projects.
- Utility installation and maintenance, including but not limited to power and cable lines; water, sewer, and natural gas pipelines; and plants and other facilities.
- School development or improvement projects.

As discussed previously, the County is experiencing rapid growth. Infrastructure improvements, public and private development and construction projects, and other development activities are expected to continue as the population grows. The landscape of the County will continue to change as new development activities are carried out. The activities authorized under this RHCP are expected to impact the covered species in the County. Primary impacts will be disturbance, alteration, or removal of occupied and potentially occupied habitat. Direct impacts to covered species may occur if development and construction results in destruction of occupied

habitat. Species may also be indirectly impacted by negative changes in habitat quality, which may occur due to removal of existing vegetation, alteration of drainage patterns, increased habitat fragmentation, increased populations of predatory or competitive species, and other indirect effects of proximity to development activities.

Excerpt from the **FINAL Lost Pines Habitat Conservation Plan** dated December 1, 2007 (from Section 4.0 – Activities Covered by the LPHCP):

The intent of the LPHCP is to address the impacts to the Houston toad resulting from certain human activities expected to occur in the Plan Area during the next 30 years. The LPHCP will support incidental take authorization, upon: 1) request by landowners or other interests for voluntary participation in the Plan; 2) an agreement to comply with applicable avoidance, minimization, and mitigation obligations set forth in Section 6 of this HCP and the land-use guidelines (appendices C, D, E, and F) for the activities that are described in this section. Incidental take authorization for activities not covered by the LPHCP (high density subdivision development, conversion of land to intense agricultural use, etc.) must be obtained through consultation with the Service or by participation in other approved HCPs.

The LPHCP addresses incidental take from the following activities:

- Single-family residential construction and use on legal, non-platted lots;
- Single-family residential construction within existing platted lots;
- Commercial and multi-family construction and use on up to 1 acre;
- Conservation subdivision development;
- Agricultural management;
- Forest management;
- Wildlife management;
- Bastrop County infrastructure maintenance and improvement;
- Emergency services; and
- Ongoing use of previously developed land

The increasing density of human habitation increases the chances of encountering Houston toads and increases the potential interaction between humans, their animals, and the Houston toad. The LPHCP provides that should an activity authorized under the incidental take permit result in such interactions or encounters, no additional mitigation would be required.

Excerpt from the **DRAFT Barton Springs/Edwards Aquifer Conservation District Habitat Conservation Plan and Preliminary Draft Environmental Impact Study** dated August 2007 (from Section 1.3.3 – Incidental Take Permit and Habitat Conservation Plan):

The District is applying for an ITP from the Service to allow incidental take of the previously described federally listed endangered species and one candidate species, under section 10(a)(1)(B) of the ESA. This take will be incidental to otherwise lawful activities that would occur as a result of water withdrawals within the jurisdiction of the District. These withdrawals are necessary for domestic and livestock, irrigation, municipal, industrial, and monitoring well uses, within the Barton Springs portion of the Edwards Aquifer (Figure 1.1-1).

Balcones Canyonlands Conservation Plan (per FINAL Habitat Conservation Plan and Environmental Impact Statement dated March 1996):

Covered activities are not specifically listed in the document. However, as described on page 2-11 (describing the proposed action) the document generally covers any activity resulting in incidental take of the covered species, including land development and agricultural practices.

Anticipated Schedule of Major Meeting Topics for the SEP-HCP Citizens Advisory Committee through Phase 2 of the Work Plan.

(April 29, 2010)

| Topic | Status | May 2010 | Jun 2010 | Jul 2010 | Aug 2010 | Sep 2010 | Oct 2010 | Nov 2010 | Dec 2010 |
|-----------------------------|----------------------------|----------|----------|----------|----------------|----------|----------|----------------|----------|
| Plan Area | recommendation | | | | | | | | |
| Covered Species | preliminary recommendation | | | | | | | | |
| Covered Activities | undetermined | o | x | | | | | | |
| Permit Holders | undetermined | | o | x | | | | | |
| Permit Duration | undetermined | | o | x | | | | | |
| Incidental Take Request | undetermined | | | | o | x | | | |
| Conservation Strategy | | | | | | | | | |
| General Approach | undetermined | | | | o | x | | | |
| Conservation Measures | undetermined | | | | o | x | | | |
| Participation Process | undetermined | | | | | o | x | | |
| Management and Monitoring | undetermined | | | | | o | x | | |
| Public Access | undetermined | | | | | o | x | | |
| Funding Strategy | undetermined | | | | | o | o | x | |
| Preferred HCP Alternative | undetermined | | | | | | | o | x |
| Review Resource Assessments | in progress | | | o | x | | | | |
| Review Impacts Assessment | in progress | | | o | x | | | | |
| Notes: | | | | | End of Phase 1 | | | End of Phase 2 | |

- o Topic introduced for discussion
- x Recommendation anticipated

Grant Budget

| Estimated Budget (\$) | | | | |
|---|----------------|---------------------|--------------------------------|---------------------|
| Phase | | Federal Share | Non-Federal Share ¹ | Total |
| Phase 1: Project Development and Community Guidance | | \$ 576,991 | \$ 192,330 | \$ 769,321 |
| Phase 2: Preliminary Draft HCP | | \$ 239,667 | \$ 79,889 | \$ 319,556 |
| Phase 3: Committee/Agency Review and HCP Completion | | \$ 164,465 | \$ 54,822 | \$ 219,286 |
| Phase 4: Environmental Impact Statement | | \$ 217,342 | \$ 72,447 | \$ 289,789 |
| Phase 5: Permit Processing | | \$ 142,227 | \$ 47,409 | \$ 189,636 |
| | Total | \$ 1,340,691 | \$ 446,897 | \$ 1,787,588 |
| | Percent | 75% | 25% | 100% |

| | |
|---------------------------|--------------|
| ¹ Bexar County | \$223,448.50 |
| City of San Antonio | \$223,448.50 |

Actual Budget

| | Nov-09 | Dec-09 | Jan-10 | Feb-10 | Mar-10 |
|---------------------------------------|----------------|----------------|----------------------|----------------|----------------|
| | 1 | 2 | 3 | 4 | 5 |
| Loomis Invoice | \$ 9,355.00 | \$ 5,301.50 | \$ 29,760.30 | \$ 45,279.02 | \$ 51,283.49 |
| Attorney Invoice | \$ - | \$ - | \$ - | \$ - | \$ - |
| Other Expenses | \$ - | \$ - | \$ - | \$ - | \$ - |
| Sub Total | \$ 9,355.00 | \$ 5,301.50 | \$ 29,760.30 | \$ 45,279.02 | \$ 51,283.49 |
| FWS/TPWD 75% | \$ 7,016.25 | \$ 3,976.13 | \$ 22,320.23 | \$ 33,959.27 | \$ 38,462.62 |
| CoSA 12.5% | \$ 1,169.38 | \$ 662.69 | \$ 3,720.04 | \$ 5,659.88 | \$ 6,410.44 |
| County 12.5% | \$ 1,169.38 | \$ 662.69 | \$ 3,720.04 | \$ 5,659.88 | \$ 6,410.44 |
| Remaining Grant Amount | | | | | |
| \$1,340,691.00 | \$1,333,674.75 | \$1,329,698.63 | \$1,307,378.40 | \$1,273,419.14 | \$1,234,956.52 |
| Percent Spent | 0.526% | 0.827% | 2.548% | 5.283% | 8.562% |
| Remaining on City/County Share | | | | | |
| \$223,448.50 | \$222,279.13 | \$221,616.44 | \$217,896.40 | \$212,236.52 | \$205,826.09 |
| Percent Spent | 0.526% | 0.827% | 2.548% | 5.283% | 8.562% |
| Remaining on Loomis Contract | | \$41,142.86 | <= AVERAGE PER MONTH | | |
| \$1,440,000.00 | \$1,430,645.00 | \$1,425,343.50 | \$1,395,583.20 | \$1,350,304.18 | \$1,299,020.69 |
| Percent Spent | 0.654% | 1.028% | 3.183% | 6.643% | 10.853% |
| Remaining on Attorney Contract | | \$8,571.43 | <= AVERAGE PER MONTH | | |
| \$300,000.00 | \$300,000.00 | \$300,000.00 | \$300,000.00 | \$300,000.00 | \$300,000.00 |
| Percent Spent | 0.000% | 0.000% | 0.000% | 0.000% | 0.000% |

Expenditure: Actual VS Straight Line

