### Southern Edwards Plateau Regional HCP



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### Southern Edwards Plateau Regional HCP

- What are we trying to accomplish?
- Why is this important?
- What is your role?
- What is the Service's role?
- What are the Service's expectations?
- Communication is the key to success



#### Purpose

### Authorize, under certain circumstances, activities otherwise prohibited under Section 9

- To permit non-Federal projects that will result in "incidental take" of listed species
- To reduce conflicts between endangered species and economic activities
- To describe anticipated effects of the proposed taking and how impacts of that take will be minimized and mitigated
- To develop flexible, creative public/private partnerships

## **Endangered Species Act Section 10 – Exceptions**

- Permits for scientific purposes, enhancement of propagation, or survival
  - 10(a)(1)(A)
- Habitat Conservation Plans (HCPs)
  - Section 10(a)(1)(B)
- Enhancement of survival permit (Safe Harbor & CCAA)
  - **C**section 10(a)(1)(A)

For private landowners, corporations, Tribal governments, State and local governments, and other non-Federal landowners

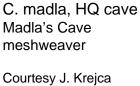


**Comal Springs** 

### Focus of the SEP - RHCP





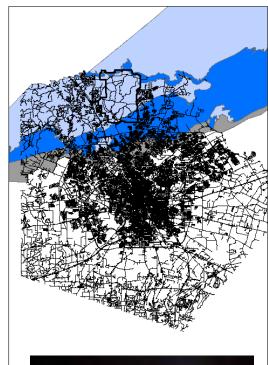






... other species that are not "covered"

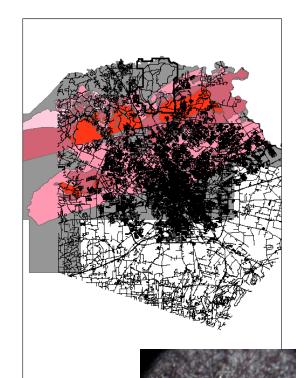
### Why here?









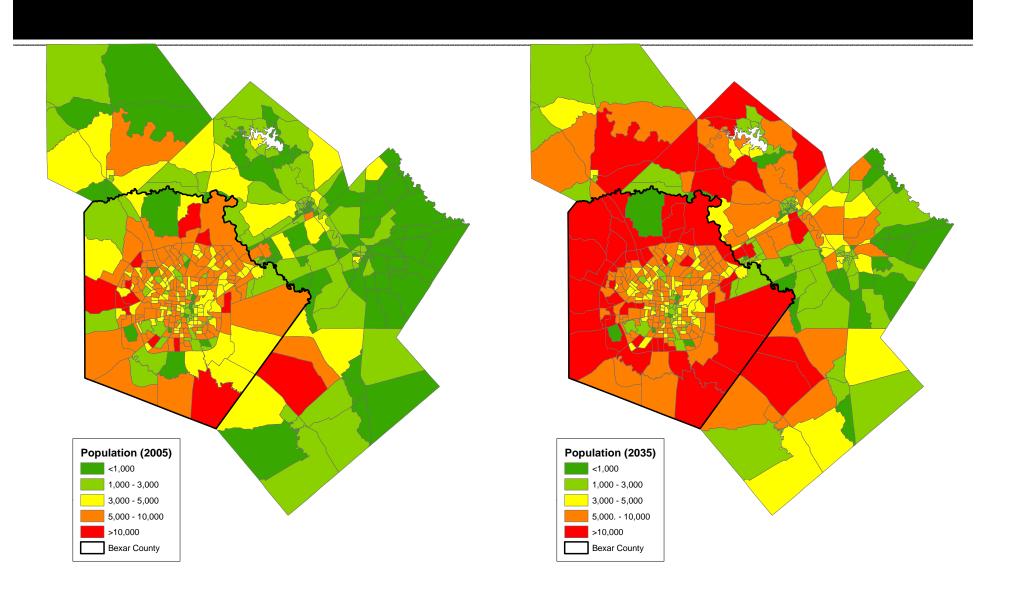


C. madla, HQ cave Madla's Cave meshweaver

Courtesy J. Krejca

### Population 2005

### **Projected Population 2035**



Issuance Criteria for HCPs (50 CFR 17.22(b)(2) & ESA Section 10(a)(2)(B))

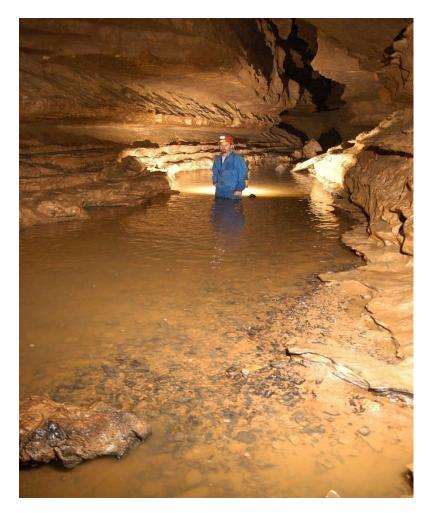
- The taking will be incidental
- The Applicant will avoid, minimize and mitigate to the maximum extent practicable
- The Applicant will ensure that adequate funding is available
- The taking will not appreciably reduce the likelihood of survival and recovery in the wild

### Documents Required for the HCP

- Draft HCP
- Draft NEPA document
- Permit Application Form and Fee
- Certification that HCP documents are complete
- Federal Register Notice
- Implementation Agreement?

### Additional Required Documents

- Biological Opinion
- Findings Document
- NEPA Decision



Courtesy J. Krejca, Zara Environmental

### 5 Point Policy

- Biological goals and objectives
- Adaptive management
- Monitoring
- Permit duration
- Public participation



### No Surprises

Additional conservation and mitigation measures will not involve more land, water, or money, or additional restrictions on the use of natural resources, other than those agreed to in the HCP.

A Deal's a Deal!

#### Policy Intended to

- Provide predictability
- Anticipate future changes in circumstances
- Applies to all species covered in an HCP

## Candidate Conservation Agreements with Assurances (CCAAs)

Because this came up at the BAT meeting . . .

#### <u>Purpose</u>

Facilitate the conservation needs of:

- Proposed & candidate species, and species likely to become candidate or proposed in the near future.
- Encourage private involvement (creating incentives) by giving regulatory assurances and future take authorization (should the species become listed)

## Candidate Conservation Agreements with Assurances (CCAAs)

When are CCAAs most appropriate?

- Threats/requirements of species are known
- Can determine conservation measures
- Have willing partners/landowners

## Endangered Species Act Section 11 – Penalties and Enforcement

### Allows for penalties and enforcement, including judicial review of the Act

#### Civil penalties

- violation of Section 9 regulation\$25,000 per violation
- violation of other regulations\$12,000 per violation

#### Criminal penalties

- violation of Section 9 regulation
- No more than \$50,000 and/or 1 year in jail per violation



## **Endangered Species Act Section 11 – Penalties and Enforcement**

#### Citizens Suits

- can enjoin any person, including U.S. government, alleged to be in violation of any provision of ESA or regulation, or
- against the Secretary where there is an alleged failure to perform any non-discretionary act or duty pursuant to section 4

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We are a collaboration of diversified interests in the pursuit of a common goal



### Resources for Endangered Species

USFWS Home Page www.fws.gov

**ESA** 

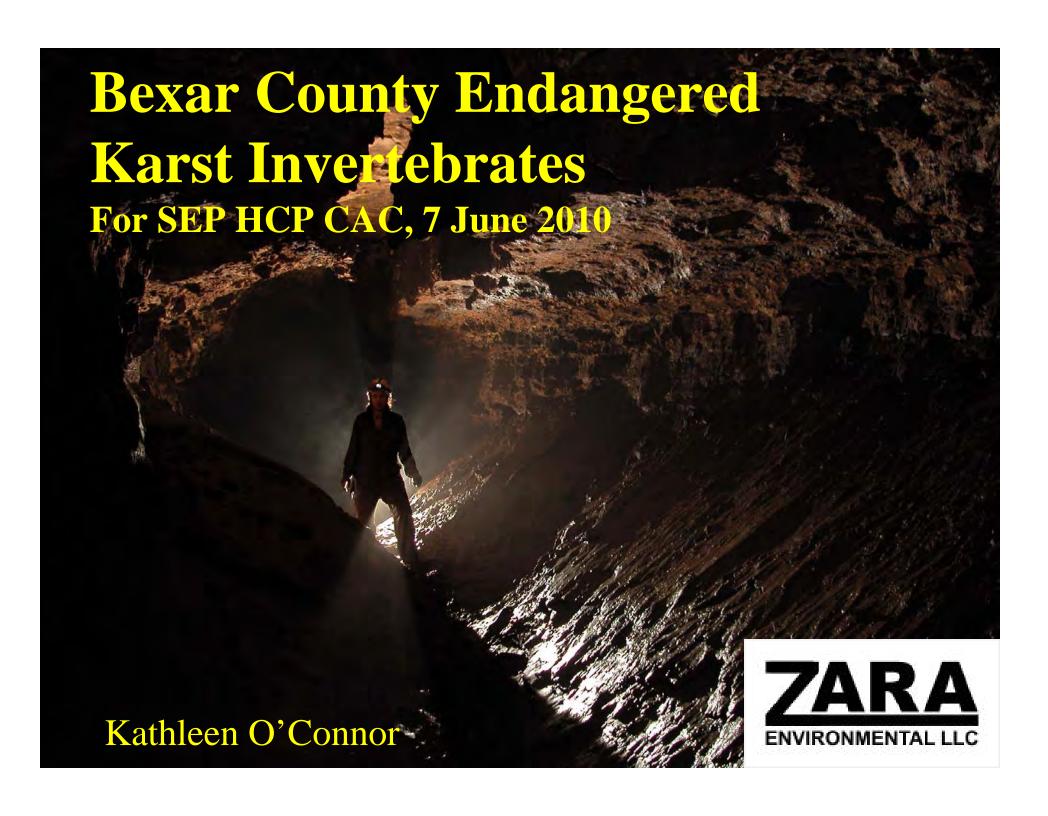
http://www.fws.gov/endangered/esaall.pdf

Information on species ecology:

http://endangered.fws.gov

Southwest Region Ecological Services

http://www.fws.gov/southwest/es/



# Texas is World-Ranking in Cave Biodiversity

- 1,040 terrestrial species
- 150 aquatic species









### Bexar County Nine Listed Karst Invertebrates



Rhadine exilis

#### • Six Arachnids:

- Cicurina madla (Madla Cave Meshweaver)
- Cicurina venii (Bracken Bat Cave Meshweaver)
- Cicurina vespera (Govt. Canyon Bat Cave Meshweaver)
- Cicurina baronia (Robber Baron Cave Meshweaver)
- Neoleptoneta microps (Govt. Canyon Bat Cave Spider)
- Texella cokendolpheri (Cokendolpher Cave Harvestman)

#### • Three Beetles:

- Rhadine exilis (No Common Name)
- Rhadine infernalis (No Common Name)
- Batrisodes (Excavodes) venyivi (Helotes Mold Beetle)



### Biology and Ecology

- Low energy like a desert
- No sunlight like the deep sea
- Highly adapted animals
  - No eyes, reduced pigment
  - Enhanced sensory structures
  - Long life-spans
  - Larger, fewer eggs

Poss. *Tartarocreagris texana*, Lakeline Cave, Williamson Co., Texas

### Biology and Ecology

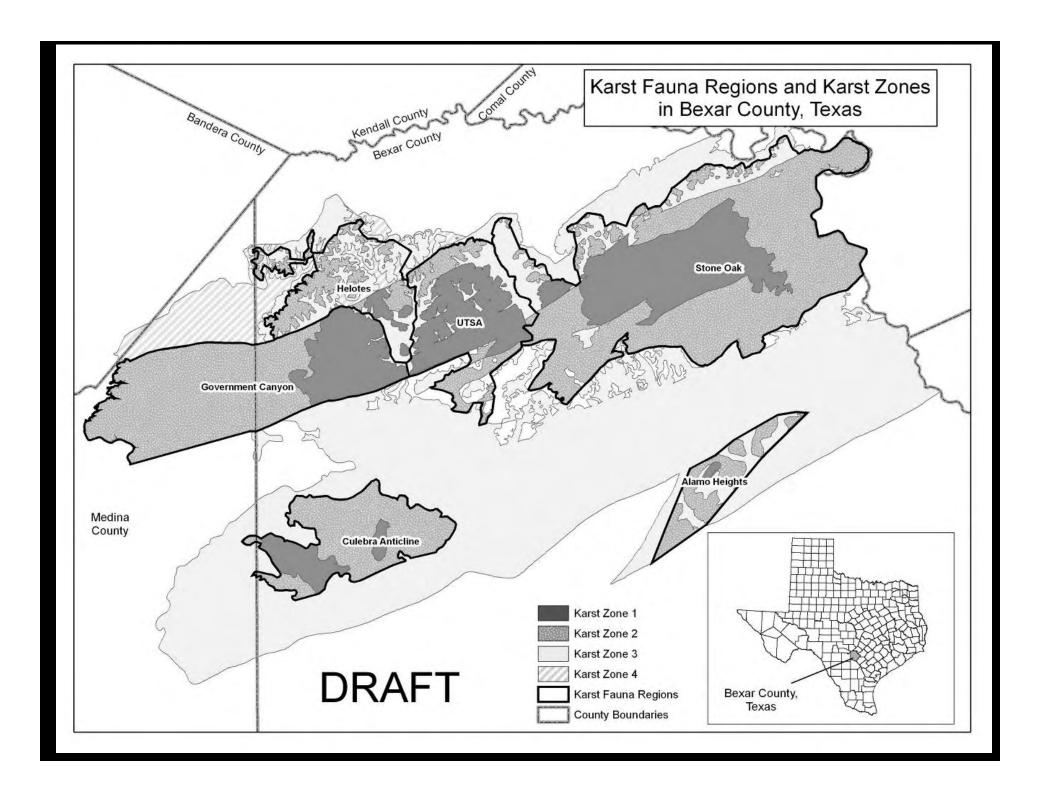
- Cave animals rely on surface nutrients
- Crickets and bats forage outside then bring energy into cave
- Nutrients are washed into the cave during rains
- Health of cave community relies on healthy surface community





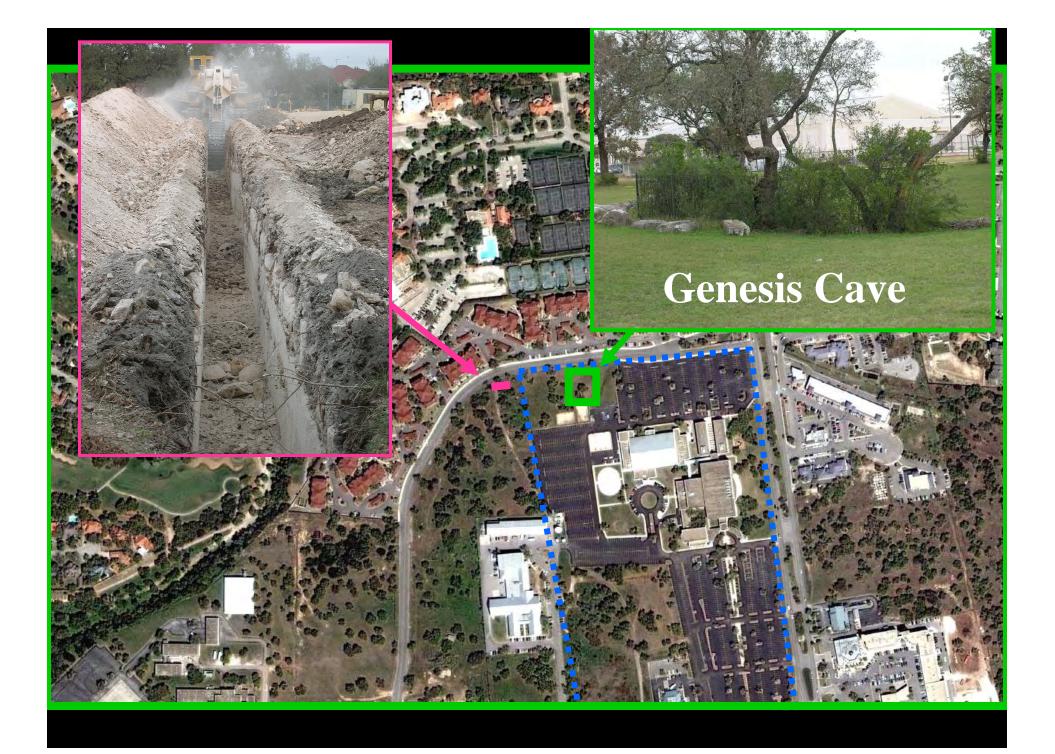


Flood debris in Boehm's Cave, Medina County, Texas



## Threats: What type of activity could result in take?

- Surface/subsurface development (incl. trenching, drilling)
- Alteration of topography
- Discharge of pollutants/silt/waste
- Pesticide/fertilizer application
- Activities within the cave (collecting, visiting)
- Activities that increase access for invasive species (dumping of garbage, clearing of vegetation)



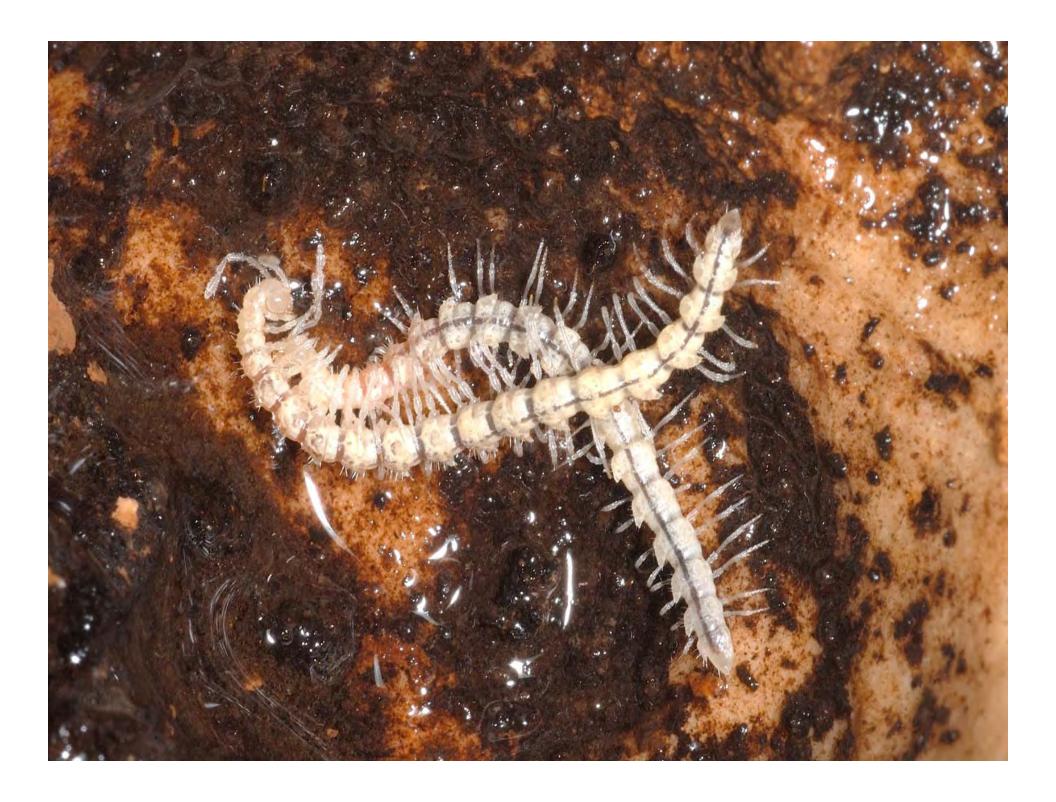
### **SEP HCP Strategy**

- Category 1:
  - 3 of 9 karst invertebrates listed as covered species in plan
- Category 2:
  - 6 of 9 karst invertebrates listed as future covered species in plan



Cicurina madla- Bexar Co, Texas

|   | Species                  | Common<br>Name                        | # of Known<br>Localities | SEP HCP<br>Inclusion<br>(Y/N) |
|---|--------------------------|---------------------------------------|--------------------------|-------------------------------|
|   | Rhadine exilis           | Unnamed<br>ground beetle              | 52                       | Y                             |
|   | Rhadine<br>infernalis    | Unnamed<br>ground beetle              | 36                       | Y                             |
| 6 | Batrisodes<br>venyivi    | Helotes mold<br>beetle                | 8                        | N                             |
|   | Texella<br>cokendolpheri | Cokendolpher<br>cave<br>harvestman    |                          |                               |
|   | Neoleptoneta<br>microps  | Government Canyon Bat Cave spider     | 2                        | N                             |
|   | Cicurina<br>baronia      | Robber Baron<br>Cave<br>meshweaver    | 2                        | N                             |
|   | Cicurina madla           | Madla Cave<br>meshweaver              | 8**                      | Y                             |
|   | Cicurina venii           | Bracken Bat<br>Cave<br>meshweaver     | 1                        | N                             |
|   | Cicurina<br>vespera      | Government Canyon Bat Cave meshweaver | 1                        | N                             |



#### **DRAFT STRAWMAN**

#### FOR THE CAC DISCUSSION OF SEP-HCP 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 system that could temporarily result in incidental take.
- The construction, use, maintenance and/or expansion of quarries, gravel mining, or other similar extraction projects.

The Plan Area is experiencing rapid growth. Infrastructure improvements, public and private development and construction projects, and other development activities are expected to continue as the population increases. The landscape of the Plan Area will continue to change as new development activities are carried out. Primary impacts will be disturbance, alteration, or removal of occupied and potentially occupied habitat. Direct impacts to covered species may occur if activities results in destruction of 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.