

**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](http://www.sephcp.com).

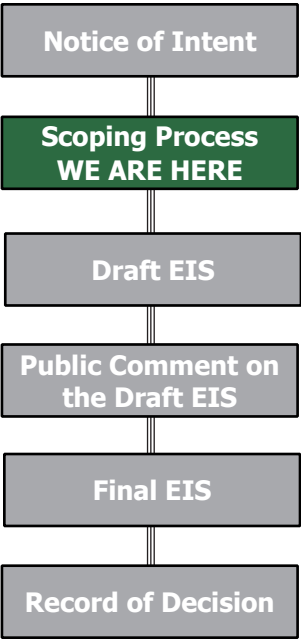
**Step 4 - Public Comment on the Draft EIS:** After USFWS issues a Draft EIS, the U.S. Environmental Protection Agency publishes a Notice of Availability in the Federal Register to begin the public comment period, which will last at least 45 days. USFWS also will announce details regarding how you may 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](http://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 web-site ([www.sephcp.com](http://www.sephcp.com)). You may also ask USFWS to send you a copy (contact info on the back cover of this brochure).





# 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

The presentation and exhibits from tonight's meeting are available for download at:  
[www.sephcp.com](http://www.sephcp.com)



# 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.

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# Southern Edwards Plateau Habitat Conservation Plan

and

# National Environmental Policy Act

# What's it all about?

