

CITIZENS ADVISORY COMMITTEE OF THE SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

MINUTES

DATE: June 7, 2010
LOCATION: Casa Helotes Senior Citizens Center
12070 Leslie Road Helotes, Texas 78023

1. Call to Order – Kirby Brown or Jonathan Letz (CAC Co-chairs)

Jonathan Letz (CAC Co-chair) called the meeting to order at 6:00pm and begin introductions of meeting attendants.

2. Public Comment (3 minutes per speaker)

Jonathan Letz called for members of the public to comment. No comments were received.

3. Review and approve minutes, with any appropriate changes, from the May 3, 2010 meeting - Kirby Brown or Jonathan Letz (CAC Co-chairs)

Jonathan Letz asked for comments or revisions to the revised draft minutes from the May 3, 2010 meeting. No comments were received.

MOTION (Bob Fitzgerald): Approve the draft minutes from the May 3, 2010 CAC meeting, as revised.
SECOND (Gary Schott). **VOTE:** Motion carried by voice vote without opposition.

4. Update on CAC sub-group discussions - Kirby Brown or Jonathan Letz (CAC Co-chairs)

Jonathan Letz reported that the CAC Co-chairs have been meeting with subgroups of the CAC. He stated that the purpose of the subgroup meetings was to get to know CAC members and their interests and to facilitate discussion. He and Kirby Brown (CAC Co-chair) reported that the meetings have been successful and appreciated. Jonathan Letz suggested doing another round of subgroup meetings within the next 9 months.

5. Presentation on HCP Process – Allison Arnold (USFWS)

Allison Arnold (USFWS) gave a presentation on the HCP process. She noted for context that USFWS staff get at least 40 hours of training on HCPs. Ms. Arnold described the purpose of Section 10 of the Endangered Species Act (ESA) is to permit incidental take, reduce conflicts between endangered species and economic activities, describe the effects and mitigation of permitting actions, and develop flexible partnerships. She described the types of permits available to non-federal entities under Section 10 of the ESA: enhancement of survival/research and recovery permits and incidental take permits. Ms. Arnold noted that the focus of the SEP-HCP is the golden-cheeked warbler, black-capped vireo, and karst invertebrates, but other non-focal species will also be addressed in the plan. She described the importance of the Edwards Aquifer and karst zones in the Plan Area and projected population changes between 2005 and 2035 (with most of the growth occurring in the northwest portion of Bexar County). Ms. Arnold described the issuance criteria for HCPs and incidental take permits, including that the take must be incidental, effects must be minimized or mitigated to the maximum extent practicable, funding must be adequate, and the action must not result in jeopardy of the species. She also noted that the USFWS will determine whether sufficient mitigation has been provided to meet the issuance criteria. Ms. Arnold described the components of an application package, including a draft HCP, draft NEPA

document, application form and fee, completeness certification, Federal Register notices, and implementing agreements (if necessary). She explained that the NEPA document is officially authored by the USFWS and that the responsibility for the completeness certification lies partly with the applicant and partly with the USFWS. She also described that public review and comment is required and that there will be a 90 day public comment period for the EIS. She noted that such comments from the public could warrant sending the documents out for additional public review. Ms. Arnold described the processing documents prepared by the USFWS after the public comment period, including a Biological Opinion (describes the USFWS jeopardy analysis), a Findings Document (USFWS determines whether the impacts of the project are significant or not), and a Record of Decision (the official federal record of the decision). Ms. Arnold described the USFWS 5-Point Policy, including requirements for clear biological goals and objectives, adaptive management provisions, monitoring, permit duration considerations, and No Surprises assurances. With respect to permit duration, she stated that periodic reviews of the effectiveness of the conservation program may be necessary to support a long permit duration. She explained that the No Surprises policy is intended to provide predictability and anticipate changes during the duration of a permit. Under the No Surprises policy, the USFWS will not require additional mitigation, if the plan is being implemented appropriately ("a deal is a deal"); however, the assurances only apply to species that are adequately covered by the plan (meaning only those with take authorization). She also cautioned that take authorization and No Surprises assurances could be withdrawn if a species is declining towards jeopardy. Ms. Arnold briefly described Candidate Conservation Agreements with Assurances (CCAAs) that are a tool to facilitate conservation needs of rare species and prevent listing of candidate species. She noted that CCAAs encourage private involvement in conservation and that landowners can get assurances from the USFWS that additional mitigation would not be needed if the species were to become listed in the future. She also stated that CCAAs are most appropriate for species where the threats are well known, beneficial conservation actions are identified, and the USFWS has willing partners. Ms. Arnold described the law enforcement aspects of the ESA, including penalties for violations (which may be civil or criminal, depending on the circumstances) and the possibility of citizens' suits.

Ms. Arnold emphasized that the project stay focused, open communication is key, and that all parties collaborate towards achieving a common goal. She noted that the HCP process can be long and difficult, but that all stakeholders need to work together.

Bob Fitzgerald (CAC member) asked how the USFWS determines if a species is approaching jeopardy and how such determinations are verified. Ms. Arnold responded that jeopardy determinations are the responsibility of the USFWS and that they consult with other institutions and use the best available science to make such determinations. Clifton Ladd (Loomis Partners) also noted that the USFWS conducts 5-year status reviews for listed species. Ms. Arnold also noted that the USFWS looks into all the available information and analyzes it, but that private property issues can make such determinations difficult.

Randy Johnson (CAC member) asked how the No Surprises assurances relate to periodic reviews of the conservation program. Ms. Arnold responded that such reviews (and any associated modifications to the conservation program) could be in the best interest of the applicant to ensure that the conservation plan remains relevant to their needs, but that the USFWS can't require that an applicant do more than what was agreed to.

6. Presentation on Karst Species – Richard Heilbrun (TPWD, BAT Chair)

Kathleen O'Connor (Zara Environmental) gave a presentation on the listed karst species in the SEP-HCP Plan Area. She noted that Texas is important on a global basis with respect to cave biodiversity. She stated that nine karst invertebrates are federally listed in Bexar County, including six arachnids and three beetles. She described the biology and ecology of cave/karst systems, including low energy environments without sunlight resulting in highly adapted animals. She noted several common cave adaptations including reduced/no eyes, reduced/no pigment, long appendages, enhanced sensory structures, long life spans, and larger and fewer eggs. Ms. O'Connor described the importance of surface environments to cave/karst systems and noted that such environments rely almost entirely on nutrients and other inputs from the surface environment, such as debris, leaf litter, water, and other animals. She

identified cave crickets as particularly important to many cave systems, and noted that these crickets can forage up to 100 meters from a cave entrance.

Jonathan Letz asked how big of a surface area is needed to protect a cave. Ms. O'Connor responded that it is important to protect both the surface and subsurface drainage areas to a cave, which might require the protection of 60 to 90 acres surrounding a cave entrance.

Ms. O'Connor described the karst zones mapped in Bexar County, and noted that karst zones 1 and 2 were very important since listed species are known to occur or are highly likely to occur in these areas.

Jonathan Letz asked about how "caves" are defined. Ms. O'Connor responded that the criteria vary for different organizations, but typically a void must be a certain length to be defined as a cave. She also noted that karst species don't only occur in caves, but also are found in small mesocaverns that are not accessible to humans. Mr. Letz noted that these areas, not just caves, will be important as the CAC tries to decide on methods to evaluate take and mitigation under the plan. Ms. O'Connor suggested that a specific evaluation process might be required, particularly for projects in karst zones 1 and 2. Allison Arnold (USFWS) also replied that the USFWS will base mitigation needs on karst zones and not just the protection of individual caves.

Ms. O'Connor described threats to karst environments, including development, drilling/trenching, altered topography, pollution, pesticides and fertilizers, human activities in caves, and other activities that increase access to caves by invasive species (such as garbage dumping and vegetation clearing). Ms. O'Connor also noted that caves can occur in close proximity to currently urban or developed areas, not just rural areas.

Ms. O'Connor explained that three of the listed karst species have been recommended for inclusion in the SEP-HCP as "covered species," including two of the beetles and one spider, with the other six species included as "future covered species." She noted that for the six future covered species, many are only known from one or a few localities. Allison Arnold (USFWS) noted that it would be helpful to find more caves and increase the available information on these species. Tom Hornseth (CAC member) pointed out that the three covered karst species are known from multiple locations, while the others are not currently known from enough places to be able to obtain incidental take authorization. Ms. Arnold added that incidental take for the future covered karst species would not be possible until they are documented in more locations. Michael Moore (CAC member) also noted that many of the locations with listed karst species are already within protected areas.

Annalisa Peace (CAC member) asked if other unlisted karst species might be considered in the plan. Ms. O'Connor responded that the karst invertebrate resource assessment includes a list of other such species. Ms. Peace also asked whether bats and white-nose syndrome should be considered in the plan.

Jonathan Letz asked whether a species can be added to the plan later, if it were to become listed. Allison Arnold (USFWS) responded that it is possible but would require a major amendment to the plan and permit. She added that any change in the take or mitigation of the plan after permit issuance would require a major amendment. Ms. Arnold also suggested that completing a CCAA might be possible to obtain assurances for currently unlisted species upfront.

7. Presentation on Aquatic Species – Richard Heilbrun (TPWD, BAT Chair)

Richard Heilbrun (BAT Chair) opened a discussion on how to address aquatic species in the plan and reviewed the recommended categories for species inclusion in the SEP-HCP. He stated that the BAT has been working on aquatic species issues and has found that there is very little known about most of the rare aquatic species or their habitats, including (for some species) whether or not they are extinct. He explained that the BAT needs direction as to whether doing more work to address aquatic species is within the scope of the plan and how to pay for such work. Mr. Heilbrun reported that the BAT voted to recommend that three of the rare freshwater mussel species be included in the SEP-HCP as "voluntarily conserved species," since obtaining incidental take authorization for these species is not likely to be possible given the currently available information. He reported that the BAT has volunteered to develop some conservation measures for these three species, such as best management practices or a CCAA, but that this work would be completed by the BAT as time allowed.

Annalisa Peace asked if money was available to fund more studies. Mr. Heilbrun responded that only a very small amount was potentially available, that the needed information could take years to develop, and that other efforts to develop such information were either in draft form or not completed yet.

Mr. Heilbrun reported that the BAT recommends that other rare aquatic species be addressed in the plan as Category 4 (additional species that may incidentally benefit from conservation actions for the other species) or Category 5 (species considered but not included) species. He noted that the BAT has the opportunity to spend more time evaluating aquatic species, such as the rare salamanders, but could use the time to address other topics if the CAC does not want to cover other aquatics in the plan. He also stated that the BAT is trying to speed up their meetings to get approximately two months ahead of the CAC on specific topics so that they can provide recommendations to the CAC on these issues.

Jonathan Letz asked if the USFWS has a preference on how to address aquatic species in the plan. Allison Arnold (USFWS) responded that the only categories of concern to the USFWS are those that would result in an incidental take authorization. She added that it was up to the applicant to determine the amount of effort spent on other species. Kirby Brown asked if additional studies would be needed if the three mussels were included as Category 3 (voluntarily conserved species). Richard Heilbrun responded that the BAT will make some recommendations for these species without additional studies and point to existing work, such as guidance from the Texas Commission on Environmental Quality.

Annalisa Peace asked if it was possible to amend the budget of the project to cover needed studies and if the CAC could direct the use of contingency funds for that purpose. Andy Winter (Bexar County) responded that the current grant budget is associated with a specific scope and that a contract amendment with the Texas Parks and Wildlife Department would require Bexar County and City of San Antonio approval, all of which would likely take months to complete. Richard Heilbrun reiterated that a major obstacle is the amount of time needed to complete appropriate studies.

Jonathan Letz noted that there does not seem to be sufficient information available to obtain take authorization for the aquatic species, particularly those known from only one or a few locations. Richard Heilbrun stated that if species are not included in the plan, there are still other mechanisms available for conservation and individuals seeking assurances for these species can still work with the USFWS independently. Eric Lautzenheiser (CAC alternate) noted that it might be better for the species to avoid locking the region into a set of conservation measures that are based on sparse information. Mr. Heilbrun reported that Tom Hayes (BAT member) disagreed with the placement of these three mussel species as Category 3 and recommended they be placed in Category 1 or 2. Mr. Hayes indicated that he would be submitting a dissenting opinion to the CAC for consideration. Mr. Heilbrun also reminded the CAC that they were not bound to accept BAT recommendations.

Susan Wright (CAC member) asked if the CAC has the authority to even consider aquatic species, if aquatic species were outside of the scope of the project. Kirby Brown noted that if the CAC wanted to include aquatic species as covered under the plan that the project would run into serious problems with the schedule. Richard Heilbrun added that there would be no budget impact to the project if the three mussels were included as Category 3 species since the BAT may be able to develop conservation measures for these species as resources allowed.

MOTION (Susan Wright): Accept the BAT recommendation to include three freshwater mussel species as Category 3 (voluntarily conserved species) in the SEP-HCP and all other aquatic species considered as Category 5 species (considered but not included). SECOND (Bebe Fenstermaker).

Discussion on the motion included a comment by Tom Hornseth that all aquatics should be considered Category 5 species (considered but not included) since the focus of the plan is on the golden-cheeked warbler, black-capped vireo, and karst invertebrates and that including aquatics could take away from work on the focus species. Annalisa Peace noted that take of endangered species occurs without USFWS authorization or enforcement. Jonathan Letz noted that including the three mussels as Category 3 (voluntarily conserved species) would allow the plan to do some conservation for them, without obligating such actions.

VOTE: Motion carried by voice vote without opposition.

8. Discussion and possible action on alternatives for covered activities – Kirby Brown or Jonathan Letz (CAC Co-chairs)

Richard Heilbrun (BAT Chair) distributed a draft strawman proposal from the BAT for recommended language on covered activities. He explained that the draft language was based mostly on language from the draft Hays County RHCP and the approved Williamson County RHCP, but was expanded to include more examples of covered activities. Mr. Heilbrun stated that the BAT liked the idea of being general in the types of activities covered by the plan, but to include many examples of specific activities to help the public see how the plan could benefit them.

MOTION (Bebe Fenstermaker): Approve the draft language recommended by the BAT, with revisions to move a description of impacts from the end of the text to the beginning. SECOND (Tom Hornseth).

CAC members discussed the motion. Ann Dietert (CAC member) asked for clarification on the impacts of farm and ranch activities. Kirby Brown (CAC Co-chair) responded that most types of farm and ranch activities may already be covered for take under other programs or are conducted in accordance with guidelines that avoid take. Richard Heilbrun added that some development activities practices are conducted under the guise of agricultural activities and that any activity that could destroy habitat should be able to be covered by the plan if the landowner wants such coverage. Tom Hornseth noted that the plan would just offer another option for compliance and that activities can still be authorized directly through the USFWS. Allison Arnold (USFWS) stated that if an activity causes take of a listed species, then USFWS authorization is required. Richard Heilbrun noted that if your activity does not cause take, then there is no need to seek authorization from the USFWS. Jonathan Letz added that the plan will not increase the regulatory burden for activities affecting listed species and that the CAC can not change federal law.

Randy Johnson (CAC member) asked if ranchers follow Natural Resource Conservation Service guidelines under their programs, are landowners covered for incidental take? Kirby Brown suggested that landowners should seek guidance if an activity might affect endangered species habitat. Jonathan Letz added that such activities might not be exempt from compliance, but that this guidance may help avoid impacts to habitat.

VOTE: Motion carried by voice vote without opposition.

9. Discussion on alternatives for the permit applicant(s) – Kirby Brown or Jonathan Letz (CAC Co-chairs)

Jonathan Letz introduced the topic of permit applicant. Clifton Ladd (Loomis Partners) referred the CAC to guidance materials pertaining to the responsibilities of the permit applicant and noted that there were few limitations or requirements on who it could be. Mr. Ladd reported that the permit holders for other approved or proposed Texas RHCPs have included single counties, county/city partnerships, groundwater districts, and non-profit conservation foundations (such as the Williamson County Conservation Foundation). Allison Arnold (USFWS) added that other RHCPs in other states have used other types of arrangements for the permit applicant.

Annalisa Peace asked if there would be a benefit to having each county in the plan area be a joint permit holder. Allison Arnold suggested that this could create a difficult situation for plan implementation due to the various jurisdictions and issues with cooperation. Randy Jonson (CAC member) asked about the status of coordination with other counties. Jonathan Letz reported that these efforts have been postponed until more of the plan is fleshed out. He also stated his opinion that other counties may not want to be involved formally at this time, but that the plan should have a mechanism for allowing partnerships later on. Kirby Brown suggested that creating a foundation may be a good approach so that there is some independence from Bexar County and the City of San Antonio (which could encourage the formal participation of other counties).

Jesús Garza (City of San Antonio) emphasized that much more needs to be known about the conservation commitments under the plan and the potential costs for implementation before a decision on

the permit applicant should be made. Clifton Ladd explained that a decision was not needed at this time, but preliminary direction would be helpful on the topic by the next meeting. He also stated that the topic can be revisited at later meetings. Andy Winter (Bexar County) asked for the consultant team to provide an example of the implementation costs for other plans, such as the BCCP. Allison Arnold noted that the permit applicant may have the ability to delegate some responsibilities for plan implementation, but that the applicant would be ultimately responsible for compliance with the permit.

Randy Johnson expressed concern that this plan would be telling other counties what to do, without their direct input. Jonathan Letz responded that the plan would not impact county government, but would be a voluntary program for landowners within the plan area.

10. Discussion on alternatives for the permit duration – Kirby Brown or Jonathan Letz (CAC Co-chairs)

Jonathan Letz introduced the topic of permit duration. Clifton Ladd (Loomis Partners) reported that all of the Texas RHCPs have a permit duration of 30 years, but that other states have regional plans with shorter or longer terms. He also noted that permits may be extended. Allison Arnold (USFWS) stated that it was important to consider turn-over issues with plan implementation. Clifton Ladd reported that the BAT discussed establishing periodic evaluation points during the permit term as part of the monitoring/reporting program for the plan and that the plan could be structured to include different targets for implementation within a long term. Eric Lautzenheiser (CAC alternate) noted that the permit term is the duration of the plan to authorize take, but that mitigation measures would be permanent. Allison Arnold stated that the USFWS would accept any permit term that is supported by the available data, but that they might require evaluation points.

Jonathan Letz asked for the BAT and the consultant team to develop a recommendation for the permit term.

11. Report from consultant team – Clif Ladd or Amanda Aurora (Loomis Partners)

Clifton Ladd reported that the consultant team has been working with the AOG and the CAC Co-chairs to review the project schedule and to give the BAT time to review all topics before they are brought to the CAC. He introduced an updated schedule for meeting topics through the end of the year. He requested that the CAC provide at least preliminary guidance on permit duration and permit applicant at the next meeting. He also noted that upcoming meeting topics include aspects of the conservation strategy and alerted the CAC that a lot of information would be coming to the CAC before the July meeting.

Jonathan Letz asked the consultant team to consider moving up some agenda topics and also requested that the consultants present a budget update at each meeting. Mr. Ladd responded that the consultant team would work with Bexar County to provide this information, and he stated that the interlocal agreement between Bexar County and the Texas Parks and Wildlife Department posted on the project web site shows the breakdown of the project scope and budget.

12. Next Meeting and Requested Agenda Items – Kirby Brown or Jonathan Letz (CAC Co-chairs)

MOTION (Michael Moore): Set the next CAC meeting for Monday July 12, 2010. SECOND (Susan Wright). VOTE: Motion carried by voice vote without opposition.


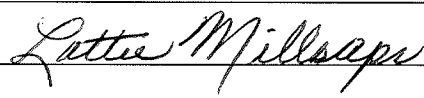

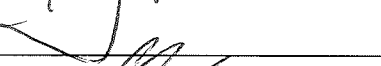



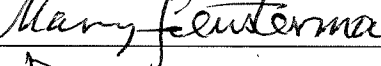

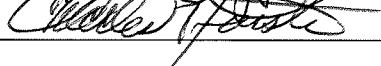
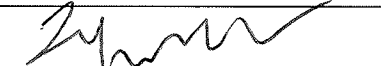

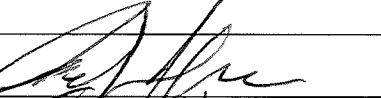
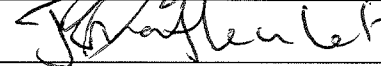
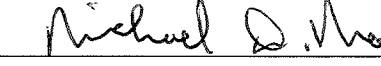
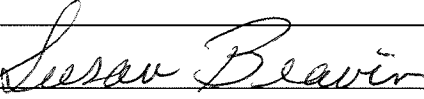

Jonathan Letz asked if the CAC wanted to consider forming subcommittees for specific topics that would report to the full committee. Bebe Fenstermaker expressed concern with the project schedule and a need to move things faster. Mr. Letz stated that he would bring up the topic at the next AOG meeting to look for ideas on subcommittees. Kirby Brown asked for CAC members to submit ideas for subcommittees.

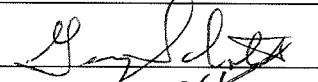
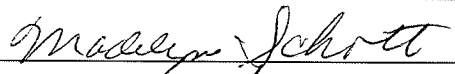
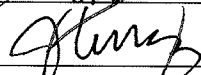
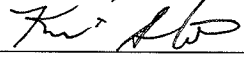
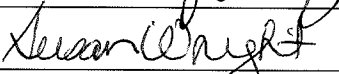
Annalisa Peace asked for a summary of other conservation efforts in the plan area, such as efforts by The Nature Conservancy, Edwards Aquifer Authority, Camp Bullis, and San Antonio proposition 1. Clifton Ladd reported that the consultant team is already assembling an inventory of currently protected lands and will work on assembling additional information.

13. Adjourn - Kirby Brown or Jonathan Letz (CAC Co-chairs)

Jonathan Letz adjourned the meeting at 8:05pm.

CAC MEMBER SIGN-IN SHEET

CAC MEMBERS			CAC ALTERNATE (FOR VOTING PURPOSES)	
	NAME	SIGNATURE (IF PRESENT)	ALTERNATE NAME (PRINTED)	ALTERNATE SIGNATURE
1	Bradshaw, Mary (Bexar County landowner)		Lottie Millsaps	
2	Brown, Kirby (Texas Wildlife Association)			
3	Cain, Delmar (Kendall County landowner)			
4	Cude, Ian (Cude Engineering)			
5	Dietert, Ann (Kerr County landowner)			
6	Fenstermaker, Bebe (Bexar County landowner)			
7	Fenstermaker, Mary (Hill Country Planning Association)			
8	Fitzgerald, Bob (Medina County landowner)		Lester Landrum	LESTER LANDRUM
9	Forster, Charles ("Frosty") (Pape-Dawson Engineers)			
10	Hisler, Deirdre (Texas Parks and Wildlife Department)			
11	Hornseth, Tom (Comal County)			
12	Jenkins, Sandy (City of San Antonio)		E. Lautzenheiser	
13	Johnson, Randy (Bexar County landowner)			
14	Letz, Jonathan (Kerr County)			
15	McFarlen, Gerald (Cibolo Nature Center)			
16	Moore, Michael (Ironstone Development)			
17	Nottingham, Jennifer (City of Grey Forest)		Susan Beavin	
18	Peace, Annalisa (Greater Edwards Aquifer Alliance)			

19	Schott, Gary (Bexar County landowner)			Madelyn Schott
20	Terrez, Jenna (CPS Energy)			Kim Stoker
21	Wright, Susan (Susan Wright & Associates)			

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
Terry E. Dudley	Citizen	terryd9992@stcglobal.net		
Diane Bartlett	Bexar	dbartlett@bexar.org	210 625 335-3843	
Bob Brunet	Bexar Co.	RBRACH@BEXAR.ORG	210-335-1243	
Dr Bob FITZ.				
R Heilbrun	TPWD	on file	_____	
A Anderson	USFWS	"	_____	
Christopher Allison	M.E. Allison + Co	on file	210-930-4000	
Kathleen O'Connor	ZARA Env.	on file		
Mike Barr	SAWS	_____	_____	
Patrick Boyer	Green Spaces	patrick@greenspacesalliance.org	210-358-8752	

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
Julie Groce	TEXAS A&M - IRNR	on file		
Jesus Lopez	COSA	Jesus.lopez@sanantonio.gov	207-7950	
KRISTYL SMITH	COSA	on file krystal.smith@jpahe	on file	
Kyle Cunningham	COSA		on file	
ANDREW WISSE	BORTH CO	on file	on file	
Jim Cannizzo	Camp Bullis	on file	on file	
Judith Green	TPWD	Judith.green@tpwd.state.tx.us	"	
Scott R. Halty	SAWS	shalty@saws.org	233-3536	
Kristen Bettis	SAMHD	Kristen.Bettis@sanantonio.gov	532-5521	
Valerie Collins	BAT member	on file		

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
Susan Oalline	AANW	Oalline@nursing.com		
Sonia Jimenez	Ximenes + Assoc.	Sjimenez@subell.net	210 354-2925	

CAC & BAT RECOMMENDATION FOR SEP-HCP COVERED ACTIVITIES

(Note: language based on draft proposal presented to CAC by R. Heilbrun, BAT Chair, and adopted with revisions by CAC on June 7, 2010)

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.

The Permit issued in conjunction with the SEP-HCP 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);
- 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
- The construction, use, maintenance and/or expansion of quarries, gravel mining, or other similar extraction projects.