APPENDIX 8:

Example of an Integrated HCP/EA

Environmental Assessment/
Habitat Conservation Plan for
Issuance of an Endangered Species Section
10(a)(1)(B) Permit for the Incidental Take of the
Golden-cheeked Warbler (*Dendroica chrysoparia*)
for Construction of a Single Family Residence on
_ acres on (LOCATION), Austin, Travis County, Texas

U.S. Fish and Wildlife Service
Ecological Services
10711 Burnet Road, Suite 200
Austin, Texas 78758

(DATE)

COVER SHEET

Title for Proposed Action: Issuance of Endangered Species Act section 10(a)(1)(B) permit allowing incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*) during construction of a single family residence on ___ acres on **(LOCATION)**, Austin, Travis County, Texas.

Unit of Fish and Wildlife Service Proposing Action: Permits Branch, U.S. Fish and Wildlife Service, P.O. Box 329, Albuquerque, New Mexico 87103

Legal Mandate for Proposed Action: Endangered Species Act of 1973, as amended, section 10(a)(1)(B), as implemented by 50 CFR 17.22 for endangered species.

Document Author: **(BIOLOGIST NAME)**, Ecological Services, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758.

TABLE OF CONTENTS

1.0 INTRODUCTION

(APPLICANT'S NAME) (Applicant) proposes to construct a single family residence on __ acres on **(LOCATION)**, Austin, Travis County, Texas, (Figure 1).

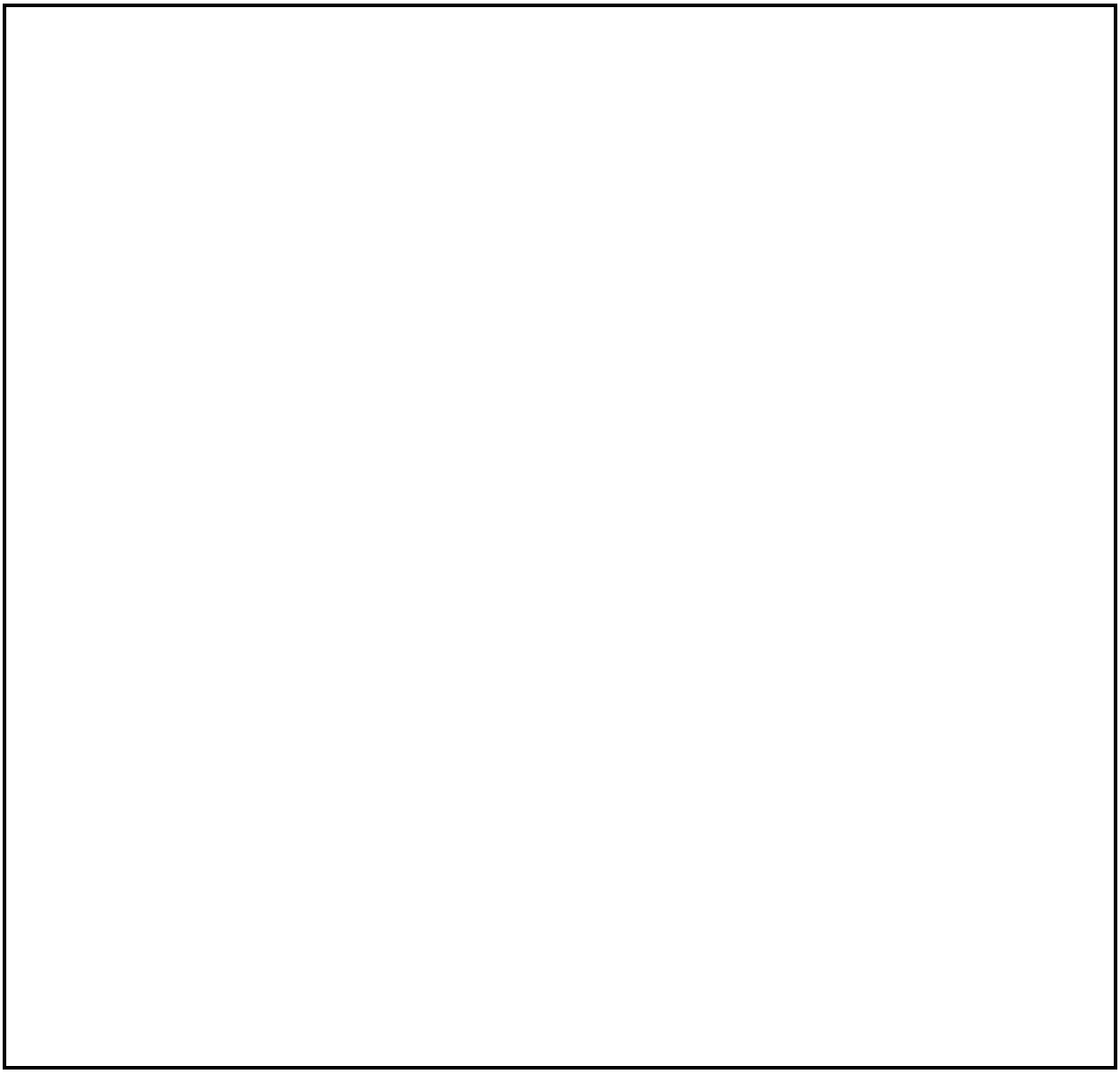

Figure 1. General location of property in Austin, Travis County, Texas.

The golden-cheeked warbler (warbler) (*Dendroica chrysoparia*), a listed endangered song bird, has been documented to use portions of, or the immediate vicinity of the subject tract. Upon review of biological information submitted by the Applicant and other sources, the U.S. Fish and Wildlife Service (Service) has determined that the proposed development would result in an incidental take of the warbler and the Applicant has submitted the necessary 3-200 form for a permit under section 10(a)(1)(B) of the Endangered Species Act (Act) for incidental taking.

This document provides the required National Environmental Policy Act (NEPA) documentation for a Federal action (section 10(a)(1)(B) permit issuance) and the components of a Habitat Conservation Plan (HCP) as mandated by section 10 of the Act.

The duration of this section 10(a)(1)(B) permit **(PRT-)** is for __ years from the date is issuance. This allows the Applicant or their successors to take the golden-cheeked warbler within the geographic boundaries identified in the HCP over that time period. After the expiration of this permit, any "take" within the said geographic boundaries requires reauthorization. However, the term and conditions contained in the HCP do not expire and would be covered by the enforcement authority of section 11(b) of the Endangered Species Act.

2.0 PURPOSE AND NEED FOR ACTION

The purpose of this Environmental Assessment/Habitat Conservation Plan (EA/HCP) is to evaluate the environmental impacts of the proposed action and alternatives of the project. The assessment is required because of the proposed issuance of a section 10(a)(1)(B) incidental take permit by the Service pursuant to the Endangered Species Act (Act) of 1973, as amended.

The Applicant has submitted an application for a permit to allow the incidental take of the federally listed golden-cheeked warbler which has been documented on portions of the subject tract. The implementing regulations for section 10(a)(1)(B) of the Act, as provided by 50 CFR 17.22, specify the criteria by which a permit allowing the incidental take of listed species pursuant to otherwise lawful activities may be obtained. The purpose and need for the section 10(a)(1)(B) permit is to ensure that incidental taking resulting from the proposed development will be minimized and mitigated to the maximum extent practicable and will not appreciably reduce the likelihood of the survival and recovery of this listed species in the wild.

The submission of the 10(a)(1)(B) permit application requires the development of an HCP which is designed to ensure the continued existence and aid in the recovery of the listed species while allowing for the limited, incidental take of the species during the construction and operation of the proposed project.

3.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT

3.1 VEGETATION

The woodlands in Travis County are generally dominated by Ashe juniper (*Juniperus ashei*), plateau live oak (*Quercus fusiformis*), Texas oak (*Quercus buckleyi*), cedar elm (*Ulmus crassifolia*), and hackberry (*Celtis laevigata*). Other frequent to occasional species include bumelia (*Bumelia lanuginosa*), Texas persimmon (*Diospyros texana*), elbowbush (*Forestiera pubescens*), yaupon (*Ilex vomitoria*), redbud (*Cercis canadensis*), rough-leaf dogwood (*Cornus drummondii*), and Texas mountain laurel (*Sophora secundiflora*).

At least one of three general woodland communities (plateaus, canyons, and ecotonal areas) exist in the project area. The plateau areas, which comprise a majority of the site, tend to be generally xeric in nature due to various geologic and surface drainage characteristics. The plateau community is typically dominated by Ashe juniper with occasional plateau live oak and shin oak (*Quercus sinuata* var. *breviloba*).

The canyon areas, conversely, tend to be mesic and support a greater diversity and stature of woodland species. Ashe juniper is again usually dominant canopy species. Texas oak with mixtures of live oak, cedar elm, hackberry, Arizona walnut (*Juglans major*) and escarpment black cherry (*Prunus serotina* var. *eximia*).

The ecotonal zone between the upper plateaus and the canyon contain a mixture of the plateau and canyon communities with Ashe juniper being dominant and occasional live oak, Texas oak, and shin oak.

Grasslands in the area are vegetated predominantly with silver bluestem (*Bothriochloa saccharoides*), little bluestem (*Schizachyrium scoparium*), threeawn (*Aristida* sp.), buffalograss (*Buchloe dactyloides*), and miscellaneous herbs and forbs.

3.2 WILDLIFE

Wildlife of the generally wooded areas is typified by the common woodland species of central Texas. Common bird species include northern mockingbird (*Mimus polyglottos*), northern cardinal (*Cardinalis cardinalis*), Carolina chickadee (*Parus carolinensis*), hermit thrush (*Hylocichla guttata*), tufted titmouse (*Parus bicolor*), black and white warbler (*Mniotilta varia*), and other common woodland bird species. Common mammals include the white-tailed deer (*Odocoileus virginianus*), raccoon (*Procyon lotor*), Virginia opossum (*Didelphus virginiana*), fox squirrel (*Sciurus niger*), eastern cottontail (*Sylvilagus floridanus*), and nine-banded armadillo (*Dasypus novemcinctus*). Herpetofauna include aquatic and terrestrial reptile and amphibian species. Common reptiles include the Texas rat snake (*Elaphe obsoleta*), patch-nosed snake (*Salvadora grahamiae*), northern fence lizard (*Sceloperus undulatus*), and ground skink (*Scincella lateralis*).

3.3 THREATENED OR ENDANGERED SPECIES

Within Travis County, eight vertebrate and invertebrate species are currently listed as endangered by the Service. Two bird species, the golden-cheeked warbler and the black-capped vireo (vireo) (*Vireo atricapillus*); and six cave-dwelling invertebrates, the Tooth Cave ground beetle (*Rhadine persephone*), Bee Creek Cave harvestman (*Texella reddelli*), Tooth Cave spider (*Neoleptoneta myopica*), Tooth Cave pseudoscorpion (*Tartarocreagris texensis*), Kretschmarr Cave mold beetle (*Texamaurops reddelli*), and the Bone Cave harvestman (*Texella reyesi*) have been placed on the federal endangered species list.

The six species of endangered cave invertebrates occur within a karsted geologic region known generally as the Edwards geologic formation in Travis and Williamson Counties. The subject site has been evaluated for the presence of surface karst features (caves, sinks, fissures) that might indicate the presence of subsurface voids that could support the listed karst invertebrates. No surface karst features have been located. The absence of surface karst features is generally held to indicate a low probability for the occurrence of the listed karst species.

Spring breeding surveys for the black-capped vireo and the golden-cheeked warbler did not locate any black-capped vireos in the project area. However, warblers were found during surveys conducted between 1989 and 1993 in the project area. During those surveys, four warblers were observed in the canyon north of the property.

The following species are Species of Concern, those for which listing under the Act may be warranted, but for which biological information is lacking. The Jollyville Plateau salamander (*Eurycea spp.*) has been documented in various spring outlets throughout the Jollyville Plateau region. This species has not been documented on this development site. The bracted twist-flower (*Streptanthus bracteatus*) and the canyon mock-orange (*Philadelphus ernestii*) occur in the general area of the subdivision but are not known to occur on the project site.

3.4 WETLANDS

Areas subject to jurisdiction under section 404 of the Clean Water Act include those areas that fall at or below the "plane of ordinary high water" of these waterways as defined by 33 CFR 323.2. No areas of the subject tract defined as wetlands by the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual have been identified on the subject tract.

3.5 GEOLOGY/SOILS

The project site is underlain by the Glen Rose geologic formations of the Lower Cretaceous age. The Glen Rose formation is composed of alternating marl, dolomite, and limestone strata which frequently results in a stair-step topography due to differential erosion rates of various strata. The Glen Rose is very slowly permeable and horizontal movement of water along the hard limestone strata often results in seepages where the strata becomes exposed on hillsides.

Soils on the project site are of the Tarrant Series according to the Soil Conservation Service (SCS) Soil Survey of Travis County, Texas, issued June 1974. These soils consist of shallow to very shallow, well-drained, stoney, clayey soils overlaying limestone. There are random outcrops of limestone and loose stones that cover up to 50 percent of the surface. These soils occupy the upper plateau area of the subject site, with rock outcrops not uncommon in the hilly breaks.

3.6 LAND USE

The subject property is in an established residential subdivision bordered on the east and west by a residential development. A mature oak/juniper forested canyon lies to the north and south.

The proposed project site is located in southwest Travis County, but within an area that has been experiencing urban development for the past 15 to 20 years. Past land uses have included livestock grazing, agriculture, deer hunting, and open space. In recent years, intensive urban development has encroached around much of the site.

3.7 AIR QUALITY

Travis County and the Austin metropolitan area are currently full attainment areas for all air quality criteria pollutants of the Environmental Protection Agency (EPA) and Texas Natural Resource Conservation Commission (TNRCC). However, potential degradation of air quality, particularly from automobile exhaust, in the Austin metropolitan area has been a topic of discussion over the past decade.

3.8 WATER RESOURCES AND WATER QUALITY

Water quality on the proposed development site is presently estimated to be good because it is an undeveloped lot with no current commercial or residential use.

All streams in the vicinity are listed as compliance streams suitable for contact recreation by the TNRCC.

3.9 CULTURAL RESOURCES

There are no properties or archeological sites listed on the National Register of Historic Places on this site.

4.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

This section presents details of the proposed action and the reasonably practicable alternatives that have been considered. The alternatives include: 1) proposed (preferred) action, 2) selection of an alternate site, 3) modification of site design and layout, 4) waiting on approval of a regional section 10(a)(1)(B) permit, and 5) no action. The environmental consequences of these various alternatives are presented in section 5.0.

4.1 ALTERNATIVE 1 - PROPOSED (PREFERRED) ACTION

The proposed action is the issuance of a permit under section 10(a)(1)(B) of the Act to authorize the incidental take of the endangered golden-cheeked warbler during the development of a single

family residence on __ acres on **(LOCATION)**, Austin, Travis County, Texas. The anticipated onsite and offsite impacts of the proposed action are addressed in section 5.1.

An HCP has been developed as part of the preferred alternative as mitigation for the incidental taking of the warbler. The conservation plan indicates that $1,500 will be placed in a fund held by the City of Austin Balcones Canyonlands Conservation Fund for use in land acquisition/management within golden-cheeked warbler Recovery Unit 5 for the conservation of the golden-cheeked warbler (Figure 2). The HCP is detailed more fully in section 6.0.

This alternative was selected as the preferred action as it will allow development of the property and the conservation plan minimizes and offsets the potential impact to the warbler by providing for offsite conservation measures which will be utilized to better manage the recovery of the species.

4.2 ALTERNATIVE 2 - ALTERNATE SITE LOCATION

This alternative assumes that the Applicant could equitably divest the subject property and construct a single family residence elsewhere that would not result in the take of the warbler.

4.3 ALTERNATIVE 3 - ALTERNATE SITE DESIGN

This alternative assumes that alteration of site layout is possible and that relocation of the residence would eliminate take of the warbler.

4.4 ALTERNATIVE 4 - WAIT ON A REGIONAL 10(a)(1)(B) PERMIT

This alternative assumes that the Applicant could wait on the completion and implementation of a regional section 10(a)(1)(B) permit for continuation of development plans.

4.5 ALTERNATIVE 5 - NO ACTION ALTERNATIVE

This alternative assumes that all proposed development does not occur and that no application for incidental take is processed.

5.0 ENVIRONMENTAL CONSEQUENCES

5.1 ALTERNATIVE 1- PROPOSED (PREFERRED) ALTERNATIVE

5.1.1 Onsite Impacts

5.1.1.1 Vegetation

The proposed action of permit issuance will result in the surface and/or vegetational alteration of less than one (1) acre (Figure 3). Most of the vegetative resources associated with construction of a single family residence will be altered. Vegetation within the steep canyon area will not be altered by the proposed development.

5.1.1.2 Wildlife

Wildlife over the area planned for development would largely be displaced to adjacent areas, which could result in increased competition for nesting, foraging, breeding, and feeding areas. Landscape vegetation will provide habitat for those species of wildlife suited for coexistence with urban development. The undevelopable portions of the canyon system are expected to remain in their natural vegetational state and would continue to provide habitat for the wildlife species that currently utilize this area. Undetermined negative or positive effects associated with the promotion of urban wildlife species and human activities associated with the planned development may result in negative impacts to certain species while others may be unaffected or positively affected from this development.

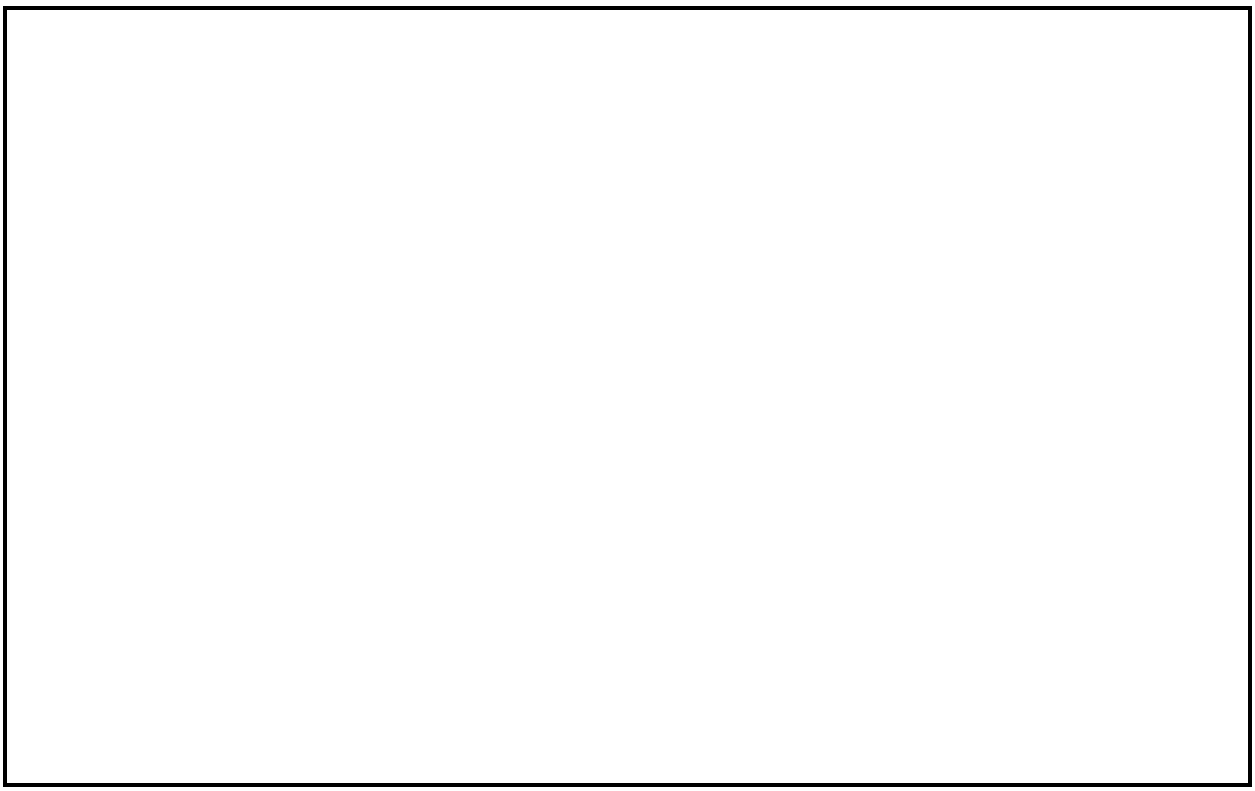

Figure 3. **(APPLICANT'S NAME)** lot and approximate location of proposed construction.

5.1.1.3 Endangered Species

The black-capped vireo and the six species of cave-adapted invertebrates have not been documented to occur on the subject site nor has suitable habitat been identified for these species.

Spring surveys for the warbler were conducted between 1989 and 1993 in the project area. During those surveys,__ **(#)** warblers were observed in the canyon north of the property. Based on the Service's definition of warbler habitat, the forested community found on the subject property would be considered warbler habitat. Much of the forested canyon and ecotonal areas are, to some degree, utilized by the warbler. Forested areas on the plateaus which contribute to the overall habitat continuity on this site have not been found to be directly utilized by warblers.

5.1.1.4 Assessment of Take

Development of _ acres on **(LOCATION)**, Austin, Travis County, Texas is subject to the City of Austin and Travis County Land Development Code which limits development on slopes of greater than 25 percent. This precludes the use of those portions of the lot that include the canyon area. Direct alteration of habitat areas known to be utilized by the warbler will be limited to intrusions within the ecotonal transition zones between the upper plateau and the canyon habitat. The Service currently believes that development activities in general will cause indirect impacts to the warbler due to habitat fragmentation, and an overall decrease of the contiguous habitat patch size. Encroachment of noise and activity within close proximity to nesting pairs, and introduction or increase of predator species (i.e., cowbirds, jays, house cats, fire ants) into otherwise low-predator-density areas are also potential indirect impacts of adjacent development.

Based on the results of previous warbler surveys, the Service has concluded that up to 1 pair of warblers occur in the project area during the nesting season and that this project will result in the direct and/or indirect destruction of approximately 1 acre of warbler habitat, which contributes to the support of one warbler pair.

No take is anticipated for any other federally listed or proposed species. No populations of the candidate plant species or the Barton Springs salamander have been identified on the subject site, and are, therefore, not anticipated to be impacted.

5.1.1.5 Wetlands

Areas subject to section 404 of the Clean Water Act jurisdiction are limited to the existing surface creek channel and is not proposed for development. Runoff into this area is to be treated according to local regulations and EPA standards for nonpoint-source pollution and sedimentation prevention. No impacts are expected.

5.1.1.6 Geology/Soils

No significant geologic alterations are anticipated from the proposed project.

Some surface soil alterations will result from the proposed development.

5.1.1.7 Land Use

Current and past land use trends in the vicinity are toward single-family residential use.

5.1.1.8 Water Resources

Surface water resources will be directed to appropriate filtration and sedimentation facilities. Subsurface groundwater resources will be slightly altered by the construction of impervious cover in the form of roadways and building foundations. Water that would have seeped into the geologic strata will become surface runoff and channeled to the appropriate facility. There could be slight increases in sediment loading and other pollutants in surface water runoff, however, these increases are not believed to be significant given the sedimentation facilities' ability to capture these pollutants and the small size of the project.

5.1.1.9 Air and Water Quality Impacts

The proposed development may contribute to increased local traffic noise and exhaust emissions by increasing the number of gasoline-powered vehicles in the immediate vicinity. The addition of one residence with fireplaces would be expected to contribute to carbon dioxide, particulate and other emissions in the local area.

The removal of trees associated with the proposed development will slightly reduce the local air filtering capabilities.

A temporary increase of fugitive dust emissions and noise will be expected during construction activities.

No significant impacts are expected to occur from runoff of the developed areas. All City of Austin and Travis County Land Development Codes are expected to be complied with during all aspects of the development. All impervious cover runoff will be directed to the filtration and sedimentation facilities, as required by the applicable City ordinances.

5.1.1.10 Cultural Resources

According to Texas Historic Commission files, no registered archaeological sites exist for the subject tract. No impacts are expected to occur to any significant sites of historical value.

5.1.2 Offsite Impacts

5.1.2.1 Vegetation

No offsite impacts to vegetation are expected to occur.

5.1.2.2 Wildlife

Displacement of certain wildlife species is expected to occur from the developed lot into the undeveloped canyon as well as adjacent, undeveloped properties. Wildlife over the subject lot would largely be displaced to adjacent areas, which could result in increased competition for nesting, foraging, breeding, and feeding areas.

5.1.2.3 Endangered Species

Offsite impacts pertaining to endangered species may ultimately include the displacement of warblers that have been documented to utilize the areas adjacent to the subject sites.

Implementation of the conservation measures described in section 6.0 illustrate the method to be utilized to minimize and mitigate potential onsite impacts. The actions described for the conservation/mitigation measures would address any offsite impacts that may result due to the proposed development.

5.1.2.4 Wetlands

As previously discussed, the onsite sedimentation and nonpoint-source pollution controls will minimize the amount of sediment and other pollutants introduced into downstream jurisdictional areas. No offsite impacts to jurisdictional areas are expected to occur.

5.1.2.5 Geology/Soils

No offsite impacts to geologic or soil resources are expected to occur.

5.1.2.6 Land Use

No significant alterations to existing or proposed land uses are expected to occur as a result of the proposed action.

5.1.2.7 Air and Water Quality

As previously discussed in the onsite impacts section, vehicle emissions and noise levels, as well as emissions from fireplaces, are expected to increase locally due to an increase in the number of

vehicles and residences in the area. This local increase may have minor effects on the regional air quality conditions.

The proposed water quality control devices are discussed in the onsite impacts section. Existing offsite water quality conditions are expected to be maintained by these control devices.

Potential offsite, indirect water quality impacts would relate to roadway surface runoff pollution as a result of the increase in vehicle traffic in the area. This increase will be insignificant because the action is construction of one single family residence.

5.1.2.8 Water Resources

Offsite surface and groundwater resources are not expected to be impacted by this activity. Natural water volumes exiting from the site are expected to remain consistent with normal weather patterns, with slight increases in surface water runoff due to the increase in impervious cover due to development.

5.1.2.9 Cultural Resources

No offsite impacts to cultural resources are expected.

5.1.3 Cumulative Impacts Analysis - This section considers the past, present, and future projects, authorized or under review, that are considered to contribute to the cumulative loss of species of concern.

5.1.3.1 Vegetation - As the proposed action would result in disturbance of less than 1 acre of vegetation, primarily juniper-live oak woodland, it would cumulatively contribute to disturbance of this vegetation type in Travis County resulting from development, road construction, and other land use projects.

5.1.3.2 Wildlife - The proposed action will contribute to a cumulative reduction of habitat for some wildlife species when added to impacts resulting from other development, road construction, and other land use projects in Travis County. Wildlife species associated with urban and suburban settings would likely increase while species intolerant of development would locally decrease. No significant cumulative impacts to wildlife species currently occurring in Travis County or the region would be expected.

5.1.3.3 Threatened or Endangered Species - The proposed action will contribute to "take" of golden-cheeked warblers and/or their habitat in the region when added to section 10(a)(1)(B) incidental take permits that have been or will be issued by the Service for other projects. To date, 70 incidental take permits have been issued in the Austin area. These permits cover approximately 5,417 acres a portion of which included warbler habitat. There are currently 19 active incidental take permit applications, 8 of which are single family residence applications,

being considered by the Service in the Austin area. These permits cover in excess of 4,229 acres, of which a portion is suitable warbler habitat. The level of impacts resulting from projects for which permits are currently being considered is dependent on the amount of take resulting from the actual number of these permits issued by the Service. Cumulatively, the known activities would not result in a significant impact to the warbler because each activity is being evaluated with respect to its impact on the warbler's recovery unit number 5.

5.1.3.4 Wetlands - There are not impacts to wetlands as a result of this project. Therefore, no cumulative impacts are anticipated.

5.1.3.5 Geology and Soils - No significant cumulative impacts to geology and soils would occur as a result of the proposed action.

5.1.3.6 Land Use - The proposed action contributes to the conversion of undeveloped land to developed land in the Austin area. Past, present, and future developments must comply with all development codes and cumulative impacts will be the same for all alternatives.

5.1.3.7 Air and Water Quality - The proposed action will contribute to limited degradation of air quality in the Austin area, primarily through a slight increase in automobile exhaust emissions. The significance of the impact will depend upon air quality requirements for construction activities and automobiles. The continued development of the area could result in a significant cumulative impact on air quality.

The proposed action, complying with local water quality codes, will cause some change in existing water quality. However, this change will not result in a significant cumulative impact from the single family residential lots that are anticipated to undergo this process. However, uncontrolled development in areas that do not have adequate water quality standards will result in a significant cumulative impact on the water quality.

5.1.3.8 Cultural Resources - This project, because of its limited scope, will not result in cumulative impacts to sites eligible for the National Register of Historic Places.

5.2 ALTERNATIVE 2 - ALTERNATE SITE LOCATION

With the steady encroachment of urbanization around the property during the past decade, and commensurate increases in property taxes and expenses, the previous uses of the land have either become impractical or uneconomical in terms of providing adequate return against expenses. The property location is situated within a rapidly urbanizing area within the Austin community.

While it is possible to construct a single family residence on property other than the subject site and not within suitable warbler habitat, it is not economically practicable for the Applicant to divest the subject parcel at a non-development market price and then purchase another site at or above development market price. Therefore, this alternative was considered non-practicable.

5.3 ALTERNATIVE 3 - ALTERNATIVE SITE LAYOUT

An alternative site layout design would not eliminate the incidental take of the golden-cheeked warbler. Therefore, this alternative was considered non-practicable.

5.4 ALTERNATIVE 4 - WAIT ON THE REGIONAL 10(a)(1)(B) PERMIT

Following discovery of the warbler near the site and the potential for take from construction of a single family residence, the Service recommended that the Applicant should apply for an individual section 10(a)(1)(B) permit or wait on completion of the regional section 10(a)(1)(B) permit.

From 1990 to present, a proposed regional HCP has met with numerous delays. In November 1993, Travis County voters denied a bond proposition to provide major funding for that HCP. Due to uncertainties as to when a regional plan might be available, this alternative was considered non-practicable.

5.5 ALTERNATIVE 5 - NO ACTION

This scenario would not result in the near-term disturbance of portions of the site proposed for development, nor the attendant potential take of the warbler. Since the site is privately owned, there is constant economic maintenance of the property, particularly in taxes and upkeep. The sale of the property for purposes other than development is not economically feasible. The Applicant no longer can afford to hold the property without reasonable economic return. Therefore, this alternative was considered non-practicable under current and foreseeable circumstances.

6.0 HABITAT CONSERVATION PLAN

As part of the proposed action, an HCP has been proposed to minimize the potential take described in section 5.1.1.4 above and assure that this action does not reduce the potential for survival and recovery of the warbler in the wild, as mandated by requirements of 50 CFR Part 17.22(b)(1)(iii). The HCP includes the following features:

- The donation of $1,500 to the City of Austin Balcones Canyonlands Conservation Fund for the specific purpose of land acquisition/management within golden-cheeked warbler Recovery Unit 5 for the conservation of the golden-cheeked warbler. The lands acquired/managed through this fund are to be approved by the Fish and Wildlife Service. These funds are not required at the time of permit application but must be provided prior to any clearing activities or house construction.

- Minimization or avoidance of clearing within the canyon habitats on the development site;

- The use of herbicides and pesticides will be kept to a minimum and will fully comply with the label guidelines for application; and

- Clearing and construction within the proposed development area shall be consistent with the current practices recommended by the Texas Forest Service to prevent the spread of oak wilt.

The following conservation recommendations will be followed where possible:

- Clearing within the development area will be limited to what is necessary for residential construction and revegetation of non-impervious disturbances will be with native vegetation; and

- New construction onsite will not be initiated during the warbler breeding/nesting period between 1 March and 1 August within 300 feet of the edge of a documented warbler territory, if possible.

This conservation plan is intended to minimize the potential impact to the warbler and provide for its continued existence.

One of the four conservation planning requirements is a requirement that sufficient funding be made available to implement the HCP. **(APPLICANT'S NAME)** is committed to provide the necessary funding to support the mitigation as outlined above.

6.1 AMENDMENT PROCEDURE

It is necessary to establish a procedure whereby the section 10(a)(1)(B) permit can be amended. However, it is extremely important that the cumulative effect of amendments will not jeopardize any endangered species or other species of concern. Amendments must be evaluated based on their effect on the habitat as a whole. The Service must be consulted on all proposed amendments. The types of proposed amendments and the applicable amendment procedures are as follows:

6.2 AMENDMENTS TO THE DEVELOPMENT PLANS

It is acknowledged that upon the written request of **(APPLICANT'S NAME)**, the local agency having land use regulatory jurisdiction, is authorized in accordance with applicable law to approve amendments to development plans for the subject property which do not encroach on any endangered species habitat that is not presently contemplated to be taken as a consequence of the development, and which do not alter the conditions set forth in this HCP.

6.3 MINOR AMENDMENTS TO THE HCP

Minor amendments involve routine administrative revisions or changes to the operation and management program and which do not diminish the level or means of mitigation. Such minor amendments do not alter the terms of the section 10(a)(1)(B) permit.

Upon the written request of **(APPLICANT'S NAME)**, the Service is authorized to approve minor amendments to this HCP, if the amendment does not conflict with the primary purpose of this HCP as stated in section 2.0.

6.4 ALL OTHER AMENDMENTS

All other amendments will be considered an amendment to the section 10(a)(1)(B) permit, subject to any other procedural requirements of federal law or regulation which may be applicable to amendment of such a permit.

7.0 REFERENCES

Balcones Canyonlands Conservation Plan (BCCP), 1988. Prepared for The BCCP Executive Committee by The Butler/EHA team. February, 1992. Final Draft.

Garner, L.E. and Young, K.P. 1976. Environmental Geology of the Austin Area: An Aid to Urban Planning. Bureau of Economic Geology, Report of Investigation No. 86, University of Texas at Austin.

Soil Conservation Service (SCS). 1974. Soil Survey of Travis County, Texas. U.S. Department of Agriculture.

U.S. Fish and Wildlife Service. 1992. Golden-cheeked Warbler (*Dendroica chrysoparia*) Recovery Plan. Albuquerque, New Mexico. 88 pp.

Wahl, C.R., D.D. Diamond and D. Shaw. 1989. The Golden-cheeked Warbler: A Status Review, Texas Parks and Wildlife Department, Austin, Texas.