



Questions and Answers: Houston Toad Draft Programmatic Safe Harbor Agreement

Southwest Region (Arizona • New Mexico • Oklahoma • Texas) www.fws.gov/southwest/

For Release: August 26, 2016

Contacts: Adam Zerrenner, (512) 490-0057, ext. 248, adam_zerrenner@fws.gov
Lesli Gray, (972) 439-4542, lesli_gray@fws.gov

Q: What action is the U.S. Fish and Wildlife Service (Service) taking?

A: The Service is publishing a notice advising the public that the Texas Parks and Wildlife Department (Applicant) has submitted an application to the Service for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). The permit application includes a proposed Programmatic Safe Harbor Agreement (Agreement) between the Applicant and the Service for a period of 30 years. The proposed Agreement covers voluntary activities to restore, maintain, enhance, or create habitat for the endangered Houston toad (*Anaxyrus [=Bufo] houstonensis*) in the following nine Texas counties: Austin, Bastrop, Burleson, Colorado, Lavaca, Lee, Leon, Milam, and Robertson.

We are also announcing the availability of a draft environmental assessment. The Service encourages the public to review and comment on the proposed Agreement and draft environmental assessment during the 60-day comment period. The draft Houston toad Safe Harbor Agreement and draft environmental assessment are available at:

https://www.fws.gov/southwest/es/AustinTexas/ESA_Species_news.html#HT_SHA.

Q: What is the Houston toad, and where is it found?

A: The Houston toad is a small, greenish-brown, speckled amphibian that can be distinguished from other toads by the high-pitched, trill-sounding call that males emit during breeding choruses each spring. It depends on the forests of loblolly pine and various hardwood trees and sandy soils it inhabits for migrating, hibernating, and feeding. Shallow, temporary water sources serve as breeding sites.

The Houston toad was one of the first amphibians federally listed as an endangered species. It was listed on October 13, 1970 (35 FR 16047–16048) under the Endangered Species Act of 1996, which was a precursor to the Endangered Species Act of 1973. Critical Habitat for the Houston toad was designated in portions of Bastrop and Burleson Counties, Texas on January 31, 1978 (43 FR 4022 – 4026). The Houston toad was listed as endangered by the State of Texas on May 15, 1975.

Q: What are the threats facing the Houston toad?

A: The Houston toad was listed as endangered in large part because of landscape fragmentation and destruction caused by agricultural conversion and urban development within the Houston toad's forested habitat. Given ongoing habitat loss throughout its range, recent Texas drought conditions, impacts from red-imported fire ants and feral hogs, and dwindling populations, this species now faces extinction in the wild.

Q: What is a Safe Harbor Agreement?

A: A Safe Harbor Agreement is a voluntary agreement involving private or other non-Federal property owners whose actions contribute to the recovery of species listed as threatened or endangered under the Endangered Species Act. The agreement is between a cooperating non-Federal property owner and the Service or the National Oceanic and Atmospheric Administration (NOAA), which is responsible for most listed marine and anadromous fish species.

Safe Harbor Agreements benefit the listed species and the participating landowner(s). In exchange for actions that contribute to the recovery of listed species on non-Federal lands, participating property owners receive formal assurances from the Service that if they fulfill the conditions of the agreement, the Service will not require any additional or different management activities by the participants without their consent. In addition, at the end of the agreement period, participants may return the enrolled property to the baseline conditions that existed at the beginning of the agreement.

Q: What is the Houston Toad Safe Harbor Agreement?

A: The Houston Toad Safe Harbor Agreement is what is known as a programmatic Safe Harbor Agreement. Under the Agreement, Texas Parks and Wildlife Department can enroll individual property owners within the nine county area and convey the permit authorization and assurances to them through a "certificate of inclusion." This programmatic approach is an efficient mechanism encouraging multiple private landowners to collectively engage in conservation actions that benefit the recovery of the Houston toad.

Q: What is the purpose of the Houston Toad Safe Harbor Agreement?

A: The Houston Toad Safe Harbor Agreement is designed to conserve Houston toad populations in the wild by encouraging landowners to conduct specific conservation actions to benefit the Houston toad. The conservation actions include brush management, forest restoration, prescribed burning, pond management, invasive species control, and reintroduction of Houston toads. These activities are expected to create and restore habitat for the Houston toad and increase its numbers in the wild.

Q: Who can participate in the Houston Toad Safe Harbor Agreement?

A: Only non-Federal landowners with properties located within the current known Houston toad range are eligible to participate in the Houston Toad Safe Harbor Agreement. The nine counties within the Houston toad's current known range include Austin, Bastrop, Burleson, Colorado, Lavaca, Lee, Leon, Milam, and Robertson Counties, Texas.

Q: How will the Houston toad benefit from the Safe Harbor Agreement?

A: The Houston toad occurs almost entirely on private lands, and a landscape-level conservation program will help recover this critically endangered species. The Houston Toad Safe Harbor Agreement provides an efficient tool to implement landscape-level conservation for the species throughout its range. Participating landowners will conduct conservation activities that are expected to create or enhance breeding, feeding, and sheltering habitat for the Houston toad. Also under the Safe Harbor Agreement, interested landowners may reintroduce Houston toads onto properties to bolster the population.

Q: How will landowners benefit from this Safe Harbor Agreement?

A: The Houston toad Safe Harbor Agreement provides incentives to private landowners to ease their Endangered Species Act liability concerns while still allowing them the opportunity to actively participate in Houston toad recovery. In exchange for their recovery actions on behalf of the toad, participating property owners receive assurances from the Service that if they fulfill the conditions of the agreement, the Service will not require any additional or different management activities without their consent. In addition, at the end of the agreement period, participants may return the enrolled property to the baseline conditions that existed at the beginning of the agreement.

Additionally, implementing conservation actions as part of the Houston toad Safe Harbor Agreement is expected to improve habitat for a variety of other species, such as white-tailed deer, turkey, migratory songbirds, and bobwhite quail. Participating landowners would also have the added benefit of receiving ongoing technical guidance from Texas Parks and Wildlife Department regarding habitat management practices on their properties.

Q: What is the process for enrolling in the Houston Toad Safe Harbor Agreement?

A: The Texas Parks and Wildlife Department will hold the permit for the Houston toad Safe Harbor Agreement. Landowners interested in participating in the Houston toad Safe Harbor Agreement should contact Meredith Longoria, Texas Parks and Wildlife Department (TPWD), 512-389-4410, meredith.longoria@tpwd.texas.gov. After baseline conditions are documented on their property, an interested landowner will enter into a Cooperative Agreement with TPWD. The Cooperative Agreement will describe their conservation actions that will benefit the Houston toad. Once the Cooperative Agreement is finalized, TPWD will issue a certificate of inclusion to the participating landowner. The certificate of inclusion conveys TPWD's endangered species permit authorization and Safe Harbor Agreement assurances to the landowner.

Q: How do I provide comments on the draft Safe Harbor Agreement?

A: To submit written comments, please use one of the following methods, and note that your comment is in reference to the Draft Houston Toad Programmatic Safe Harbor Agreement or Environmental Assessment:

- *U.S. Mail:* U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 1071 Burnet Road, Suite 200, Austin, TX 78758; by phone at 512-490-0057; or by fax at 512-490-0974.
- *Electronically:* fw2_hcp_permits@fws.gov.

Public comments will be accepted through October 28, 2016.

Q: What conservation efforts are currently being undertaken for the Houston toad?

A: There are a number of conservation efforts focused on the Houston toad. Dr. Michael Forstner, along with his students and colleagues at Texas State University – San Marcos, have been monitoring Houston toad populations and conducting research on this species for over 15 years. These researchers along with the Houston and Fort Worth Zoos are partnering with the Service and Texas Parks and Wildlife Department to implement an annual Houston toad captive propagation and population supplementation program. Through this comprehensive program, thousands of “head-started” egg-strands, tadpoles, juveniles and adults have been released into known Houston toad ponds on Bastrop State Park and other protected lands.

Through the Endangered Species Act section 6 program several areas have been purchased and protected for the Houston toad including:

- A 1,275-acre property adjacent to Bastrop State Park purchased by TPWD in 2002.
- The 454-acre Welsh Tract was preserved in perpetuity for the conservation of Houston toads in 2003 and now serves as a Houston toad preserve and “in situ” headstarting facility.
- 37 additional acres were added to Bastrop State Park in 2004 for the Houston toad as a result of a TPWD acquisition.

In Bastrop County, the Griffith League Ranch (GLR) Habitat Conservation Plan (HCP) includes annual population monitoring and management activities on the GLR for the benefit of the Houston toad and established Conservation Bank for Houston toad. The 5,000-acre GLR is owned and managed by the Boy Scouts of America/Capital Area Council (BSA/CAC). The BSA/CAC have also partnered with researchers from Texas State University for over 15 years to support ongoing Houston toad research on this property.

In April 2008, the Service approved the Lost Pines Habitat Conservation Plan (HCP), which includes approximately 124,000 acres of known and potential Houston toad habitat within Bastrop County. It authorizes Bastrop County to issue certificates of inclusion to private landowners seeking incidental take coverage for the Houston toad under the Endangered Species Act for specific activities. These activities are outlined in the Lost Pines HCP and include agricultural, forestry, and wildlife management practices in addition to subdivision development. These guidelines serve as measures for avoiding or minimizing take of the Houston toad while such activities are conducted. Additional information on Bastrop County's Lost Pines HCP is available at:
http://www.co.bastrop.tx.us/page/ds.lost_pines.

The Service’s Partners for Fish and Wildlife Program, through partnerships with TPWD, Texas A&M Forest Service, Bastrop County, Environmental Defense, NRCS, many private landowners, and others have been working to enhance and restore habitat for the Houston toad throughout the historic range of the species. Restoration actions include improved forest management activities like understory thinning and prescribed fire, native grassland restoration and pond management and modification projects. The Safe Harbor agreement will facilitate additional habitat restoration and future reintroductions of Houston toad on private lands.

