

United States Department of the Interior



FISH AND WILDLIFE SERVICE

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SEP 30 2014

Mr. Nathan Pence
 Program Manager
 Edwards Aquifer Habitat Conservation Plan
 c/o Edwards Aquifer Authority
 900 East Quincy
 San Antonio, TX 78215

RE: Clarification of Condition M of Incidental Take Permit # TE-63663A-0

Dear Mr. Pence,

Thank you for your September 23, 2014, letter seeking clarification of the terms and conditions of the Edwards Aquifer Habitat Conservation Plan (EAHCP) Incidental Take Permit. Condition M, paragraphs 1.b and 2.b, specifies that Permittees suspend activities that may disturb substrates, water quality, or plants, animals or invertebrates when flows within the Comal and San Marcos River systems fall below 130 cubic feet per second (cfs), and 120 cfs, respectively. As we have discussed, this requirement was incorporated into the permit to ensure that the impact of taking upon listed species is minimized to the maximum extent practicable.

Consultation and Habitat Conservation Planning Branch Chief Tanya Sommer and Fish and Wildlife Biologist Kevin Connally met with you and representatives from Texas State University, the City of San Marcos, and the City of New Braunfels to discuss concerns related to this requirement. Mr. Connally provided additional background information and addressed questions about this matter at the August 21, 2014, EAHCP Implementing Committee meeting.

Your letter lists habitat restoration and management commitments described in the EAHCP and how these actions can be implemented in keeping with the goals of permit condition M. We support continuation of these beneficial activities with the understanding that the permittees shall make every effort to minimize disturbance and reduce effects such as turbidity and siltation that could adversely impact the covered species at all times, and especially during low flow conditions.

We recommend that efforts employed to minimize the effects of take during low flow conditions are documented, that the effectiveness of these measures are determined, and that recommendations for further minimization of potential impacts are described in the EAHCP

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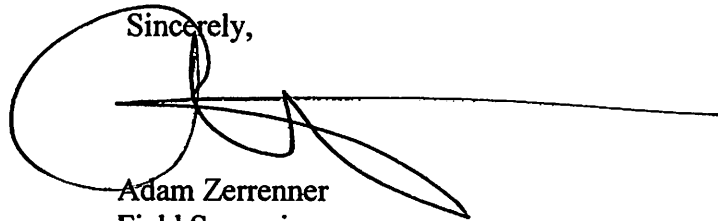
Mr. Pence

2

Annual Report and form the basis against which future low flow minimization efforts can be measured.

We applaud your pursuit of the best available science to identify methods that can further reduce impacts to listed species and their habitats. Thank you for your cooperation and your ongoing efforts to conserve and protect the wildlife of the Edwards Aquifer and our communities. If there are any further questions about this matter, please contact Tanya Sommer (512-490-0057 ext. 222) or Kevin Connally (512-490-0057 ext. 234).

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a long horizontal line that extends to the right and ends in a small loop.

Adam Zerrenner
Field Supervisor