



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

1 PERMITTEE

EDWARDS AQUIFER RECOVERY IMPLEMENTATION PROGRAM
dba EA RIP
1615 N ST MARY'S STREET
SAN ANTONIO, TX 78215
U.S.A.

03-18-13A10:33 RCVD

2 AUTHORITY-STATUTES

16 USC 1539(a)
16 USC 1533(d)
16 USC 703-712

REGULATIONS

50 CFR 17.22
50 CFR 17.32
50 CFR 21.23 & 21.27
50 CFR 13

3 NUMBER

TE63663A-0

4. RENEWABLE

YES
 NO

5. MAY COPY

YES
 NO

6 EFFECTIVE

03/18/2013

7 EXPIRES

03/31/2028

8 NAME AND TITLE OF PRINCIPAL OFFICER (If -1 is a business)

KARL J. DREHER
GENERAL MANAGER

9 TYPE OF PERMIT

NATIVE ENDANGERED & THREATENED SP. HABITAT
CONSERVATION PLAN - E & T WILDLIFE: MIGRATORY BIRDS

10 LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

Within Bexar, Medina, Uvalde, Atascosa, Comal, Caldwell, Hays, and Guadalupe counties, Texas.

11 CONDITIONS AND AUTHORIZATIONS

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

The Edwards Aquifer Recovery Implementation Plan (EARIP) consists of the Edwards Aquifer Authority (EAA); the City of San Antonio, acting by and through its San Antonio Water System, (hereinafter SAWS); the City of San Marcos; the City of New Braunfels; and Texas State University (Permittees).

- D. Acceptance of the permit serves as evidence that the Permittees agree to abide by all conditions stated. Terms and conditions of the permit are inclusive. Any activity not specifically permitted is prohibited. Please read through these conditions carefully as violations of permit terms and conditions could result in your permit being suspended or revoked. Violations of your permit terms and conditions that contribute to a violation of the Endangered Species Act (ESA or Act) could also subject Permittees to criminal or civil penalties.
- E. The authorization granted by this Permit will be subject to full and complete compliance with, and implementation of, the EARIP HCP and all specific conditions contained herein. The Permit terms and conditions shall supersede and take precedence over any inconsistent provisions in the HCP or other program documents.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12 REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 03/31

ISSUED BY

Joy E. Nicholson

TITLE

DEPUTY REGIONAL DIRECTOR

DATE

02/05/2013

Attachment 6

- iv. Research activities in Spring Lake, in accordance with all applicable laws and regulations (Section 2.5.4 of the HCP).
 - v. Texas State University canoeing and kayaking classes in Spring Lake and Sewell Park (Section 2.5.7 of the HCP).
- c. Management of the ecosystems of the San Marcos River and Springs, its boating activities in Spring Lake and Sewall Park.
 - d. The permitted diversion of water from Spring Lake and the San Marcos River in accordance with applicable laws and regulations (Section 2.5.5 of the HCP).
 - e. Ongoing operation and maintenance of the existing nine-hole University golf course and grounds (section 2.5.6 of the HCP).
 - e. Minimization and mitigation measures that the University will either implement, or has responsibility for having implemented, as identified in Chapter 5 of the HCP include:
 - i. Enhancement and restoration of Texas Wild-rice (Sections 5.3.1 & 5.4.1 of the HCP)
 - ii. Management of public recreation at San Marcos Springs and in the San Marcos River (Section 5.4.2 of the HCP)
 - iii. Management of aquatic vegetation from Sewell Park to City Park (Section 5.4.3 of the HCP)
 - iv. Removal of harmful erosion-related sediment in Spring Lake and from Spring Lake Dam to City Park (Section 5.4.4 of the HCP)
 - v. Management of surface water diversion (Section 5.4.5 of the HCP)
 - vi. Restoration of native riparian vegetation (Section 5.7.1 of the HCP)
 - vii. Removal of harmful erosion-related sand bar in Sessom Creek Sand (Section 5.4.6 of the HCP)
 - viii. Management of research programs in Spring Lake (Section 5.4.8 of the HCP)
 - ix. Reduction of non-native species introduction (Sections 5.4.11 & 5.7.1 of the HCP)
 - x. Management of non-native plant species (Section 5.4.12 of the HCP)
 - xi. Management of harmful non-native and predator species (Section 5.4.13 of the HCP)
5. San Antonio Water System (SAWS) – Covered activities for which incidental take is authorized:
 - a. Pumping from the Edwards Aquifer and for use and operation of the SAWS ASR (Section 2.6 of the HCP).
 - b. Minimization and mitigation measures and measures that SAWS will either implement or have responsibility for having implemented as identified in Chapter 5 of the HCP include:
 - i. Use of the SAWS ASR for Springflow Protection. (Section 5.5.1)
 - ii. Phase II Expanded Use of the SAWS ASR and Water Resources Integration Program Pipeline. (Section 5.5.2)
- M. The Permittees are jointly responsible for the following measures that specifically contribute to recovery and for which incidental take is authorized:
1. **Comal Springs, Landa Lake, and the Comal River:**
 - a. The Permittees will limit disturbance of the (a) substrate, (b) water quality, (c) plants, and (d) animals of the Comal Springs, Landa Lake, and Comal River to no more than 10% of the

occupied habitat on an annual basis when implementing HCP measures such as habitat and riparian restoration efforts that may directly or indirectly affect species considered here; and,

- b. The Permittees will suspend activities such as habitat restoration and riparian restoration that may result in disturbance of the (a) substrate, (b) water quality, (c) plants, and (d) animals or invertebrates of the Comal Springs, Landa Lake, and the Comal River when Comal Springflows decline to 130 cfs or lower.

2. San Marcos Springs, Spring Lake, and the San Marcos River:

- a. The Permittees will limit disturbance of the (a) substrate, (b) water quality, (c) plants, and (d) animals of the San Marcos Springs, Spring Lake, and the San Marcos River to no more than 10% of the occupied habitat on an annual basis when implementing HCP measures such as habitat and riparian restoration efforts that may directly or indirectly affect species considered here; and,
- b. The Permittees will suspend activities such as habitat restoration and riparian restoration that may result in disturbance of the (a) substrate, (b) water quality, (c) plants, and (d) animals or invertebrates of the San Marcos Springs, Spring Lake, and the San Marcos River when San Marcos Springflows decline to 120 cfs or lower.

- N. Upon locating a dead, injured, or sick individual of the covered species, or any other endangered or threatened species, the Permittee is required to contact the Service's Law Enforcement Office in Austin, Texas, (512) 490-0948 for care and disposition instructions. Extreme care should be taken in handling sick or injured individuals to ensure effective and proper treatment. Care should also be taken in handling dead specimens to preserve biological materials in the best possible state for analysis of cause of death. In conjunction with the care of sick or injured endangered/threatened species, or preservation of biological materials from a dead specimen, the Permittee and any contractor/subcontractor has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.
- O. Conditions of the permit shall be binding on, and for the benefit of, the Permittees and any successors and/or assignees. If the permit requires an amendment because of change of ownership, the Service will process it in accordance with regulations (50 CFR 13.23). Any new Permittee must meet issuance criteria per regulations at 50 CFR 13.25. The covered activities proposed or in progress under the original permit may not be interrupted, provided the conditions of the permit are being followed.
- P. If, during the tenure of the permit, the project design and/or the extent of the habitat impacts is altered, such that there may be an increase in the anticipated take of covered species, the Permittees are required to contact the Service's Austin Ecological Services Office (ESFO) and obtain an amendment to this permit before commencing any construction or other activities that might result in take beyond that authorized by this permit. If authorized take is exceeded, all activities that are shown to cause take must immediately cease and any take above that authorized shall be reported to the Austin Ecological Services Field Office (505/490-0057) within 48 hours.
- Q. If actions associated with implementation of the EARIP HCP are shown to result in incidental take of listed species not covered by this permit, those activities that are shown to cause take must immediately cease and any take that has occurred shall be reported to the Austin Ecological Services Field Office (505/490-0057) within 48 hours.
- R. CHANGED CIRCUMSTANCES
1. The EARIP provides measures for the following changed circumstances (Section 8.8.1 of the HCP – see Table 8-1):