



United States Department of the Interior



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DEC 12 2017

Nathan Pence
Edwards Aquifer Habitat Conservation Plan
900 East Quincy Street
San Antonio, Texas 78215

Dear Mr. Pence:

This letter is in response to your October 20, 2017, letter requesting to amend the Edwards Aquifer Recovery Implementation Program Habitat Conservation Plan (EAHCP). The Edwards Aquifer Authority, City of San Marcos, Texas State University, City of New Braunfels, and the San Antonio Water System (collectively, the Permittees) are requesting changes to the EAHCP in section 5.3.6 Sediment Removal Below Sewell Park, 5.4.4 Sediment Removal in Spring Lake and from Spring Lake Dam to City Park, and 5.7.6 Impervious Cover/Water Quality Protection. Exhibit 1 of your letter includes specific revisions of text *verbatim* that the Permittees would like revised in the EAHCP. The Permittees have not requested to amend the Permit (TE-63663A-1).

All of the requested revisions are to Chapter 5 of the EAHCP where the measures that will mitigate for the incidental take resulting from Covered Activities are described. Chapter 6 and Appendix R describe the Adaptive Management Process that allows the Permittees to make experience-based improvements to the program. It has become apparent to the Permittees that aspects of certain measures (5.3.6, 5.4.4, and 5.7.6) are not fully achieving their intended purposes of reducing harmful sediment accumulations and protecting water quality. The permittees have determined through their Adaptive Management Process that there are more efficient and cost-effective ways to reach these goals and increase the conservation benefits for the Covered Species.

Amendments to Section 5.3.6 Sediment Removal Below Sewell Park and Section 5.4.4. Sediment Removal in Spring Lake and from Spring Lake Dam to City Park

The Service approves the requested revisions to sections 5.3.6 and 5.4.4 of the EAHCP. Areas from which sediments have been removed will require repeated removal efforts resulting from redeposition if no other changes are made to reduce input. The Permittees have determined that a better approach is to stabilize sources of sediment and to capture sediment prior to entering the river. The requested amendments allow the City of San Marcos and Texas State University to utilize low impact development Best Management Practices (BMPs) in priority watersheds to minimize sediments that reach the San Marcos River. In most cases these BMPs will be used in lieu of hydrosuction or mechanical dredging. The selection and design of BMPs will be reviewed by the Science Committee or a subcommittee prior to implementation. Hydrosuction or dredging remains an option to target areas of sediment accumulation. If effective, these BMPs will benefit



listed species by improving water quality and habitat for Covered Species, in particular, Texas Wild Rice. Limiting the removal of sediment accumulations directly from the river by hydrosuction or other means will lessen temporary disturbance impacts to fountain darters.

Amendment to Section 5.7.6 Impervious Cover/Water Quality Protection

The Service approves the requested revisions to this section of the EAHCP. The revisions to this section allow the Permittees to utilize the 2017 *Water Quality Protection Plan for the City of San Marcos and Texas State University* and the 2017 *Edwards Aquifer Habitat Conservation Plan Impervious Cover and Water Quality Protection – 5.7.6 Water Quality Protection Plan Phase I*. Both plans include recommendations for projects and activities that will reduce non-point source pollution inputs. The Permittees will select projects from these plans for implementation in lieu of private landowner incentive programs which have had little success due to lack of participation by landowners. The Permittees have determined that using the Water Quality Protection Plans as the basis to select and fund on-the-ground projects will have a greater benefit and be more cost effective than the current incentive programs. Non-point source pollution conveyed to the rivers primarily by spills and runoff negatively impacts the Covered Species all of which are aquatic and require clean water for their survival. The amendment allows the Permittees to prioritize and select water quality protection projects that can be implemented and monitored by the Permittees giving the Permittees more control over this measure to increase its overall effectiveness.

These amendments to the EAHCP do not have the potential to increase the levels of incidental take of Covered Species and no changes to the Permit have been requested or will be made. We appreciate the efforts of the Permittees, and the communities that support them, in implementing the EAHCP.

Sincerely,



Adam Zerrenner
Field Supervisor