

Options for Communicating Changes or Deviations from the EAHCP to USFWS

1. **Annual Report** – Should be used to report when there was a deviation that was temporary or caused by current conditions; but the intent in the future is to adhere to the HCP.
2. **Informational Memo** – This is used when the change is very minor and has no substantive affect to the species or objectives. The change would not rise to the level of needing scientific consideration and the end result of the conservation measure and/or springflow protection measure modified does not change. This may be accepted locally at the ES office in Austin; and results in a written response from USFWS.
3. **Clarification** – This is used when the HCP is not clear on a specific issue and the issue could be interpreted differently depending on perspective. This option should be used when the EAHCP desires confirmation from USFWS that the interpretation chosen by the Implementing Committee is accepted/agreed to by USFWS. This option would result in consultation with Albuquerque at some minimal level.
4. **Minor Amendment (Administrative)** - This is used when the change is very minor and has no substantive affect to the species or objectives. The change could require some minimal level of justification, possibly scientific in nature. The end result of the conservation measure and/or springflow protection measure amended does not change. This option would result in consultation with Albuquerque at some level. The HCP also requires a public input process for a minor amendment to be conducted by EAHCP staff.

“The HCP can also be amended administratively without formal amendment of the permit itself. This type of expedited amendment procedure is encouraged, but only when: (1) the amendment has the unanimous consent of the permittee and FWS or NMFS; (2) the original HCP established specific procedures for incorporating minor amendments so that the public had an opportunity to comment on the process, and such amendments are consistent with those procedures; (3) the HCP defines what types of amendments are considered minor; (4) a written record of any such amendments is prepared; and (5) the net effect on the species involved and level of take resulting from the amendment is not significantly different than analyzed under the original HCP and the Service’s decision documents.”¹

5. **Amendment** – This would be a major amendment and require a very formal process equal to when the permit was originally submitted. This option would result in the full decision making process with Albuquerque and a public NEPA review process.

“Amendment of a section 10(a)(1)(B) permit is required when the permittee wishes to significantly modify the project, activity, or conservation program as described in the original HCP. Such modifications might include significant boundary revisions, alterations in funding or schedule, addition of a species to the permit that was not addressed in the original HCP, or adjustments to the HCP necessitated by unforeseen circumstances. A permit amendment consists of the same process as the original permit application, requiring an amendment to the HCP addressing the new circumstance(s), a Federal Register notice, NEPA compliance, and an intra-Service section 7 consultation.”¹

¹ United States Department of the Interior, Fish and Wildlife Service and United States Department of Commerce, National Oceanic and Atmospheric Administration and National Marine and Fisheries Service, *Habitat Conservation Planning and Incidental Take Processing Handbook*. November 4, 1996, at 3-33.