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July 16, 2012

Dr. Robert Gulley, Program Manager
Edwards Aquifer Authority
1615 N. St. Mary's Street
San Antonio, Texas 78215

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Carter P. Smith
Executive Director

Re: Edwards Aquifer Habitat Conservation Plan; Texas Parks and Wildlife
Department Commitments

Dear Dr. Gulley:

At the June 21, 2012 meeting of the Implementing Committee (Committee) of the Edwards Aquifer Habitat Conservation Plan (HCP), United States Fish and Wildlife Service (Service) representative Kevin Connally announced that the Service would not require an Implementing Agreement for the HCP. The December 2011 draft Implementing Agreement included a commitment from Texas Parks and Wildlife Department to undertake all conservation measures assigned to it as provided in Chapter 5 of the HCP and to fully cooperate with the Committee in the preparation and development of an annual report.

TPWD assures the Committee that it shall uphold the commitments made by the agency in the HCP and the draft Implementing Agreement. Chapter 5 of the HCP states TPWD's intention to pursue the establishment of state scientific areas as conservation measures for the San Marcos River and Comal River. Under Texas Parks and Wildlife Code §81.501, the agency has the authority to establish state scientific areas for the purposes of education, scientific research, and preservation of flora and fauna of scientific or educational value.

TPWD has already taken action on its HCP duties. On March 28, 2012, the Texas Parks and Wildlife Commission adopted a rule designating a portion of the San Marcos River as a State Scientific Area to protect endangered Texas wild-rice and its habitat. Under the TPWD rule, 30 Texas Administrative Code §57.910, the San Marcos River State Scientific Area encompasses the public waters of the San Marcos River starting below Spring Lake Dam and extending downstream to the City of San Marcos wastewater treatment plant. The rule prohibits persons from uprooting Texas wild-rice within the State Scientific Area. During low flow conditions when the wild-rice is stressed, TPWD may limit access to some fragile areas inhabited by wild-rice, while continuing to allow recreational activities throughout the full length of the river. .

TPWD is also working with Texas State University and the City of San Marcos to conduct an awareness program to educate the public about the unique resources of the San Marco River and the need to protect Texas wild-rice.

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As described in the HCP, TPWD has also committed to pursue the establishment of a state scientific area to protect existing and restored fountain darter habitat in the Comal Springs ecosystem. ~~TPWD will collaborate with the City of New Braunfels and other members of the Implementing Committee to develop a draft TPWD rule and to determine the appropriate timeframe to seek adoption of the rule. Public hearings will be held to receive input from stakeholders, and a public awareness and education campaign will also be created in support of the established state scientific area.~~

I look forward to continuing to work with you and all stakeholders to protect the natural resources of the Edwards Aquifer region. Should you have any questions, please contact Ms. Colette Barron Bradsby, TPWD attorney, at (512) 389-8899. Thank you.

Sincerely,



Carter Smith
Executive Director

CS:CBB:ch

cc: Mr. Adam Zerrenner, USFWS