

(b) development and implementation of strategies which balance the needs of the Edwards Species with preservation of permitted Edwards Aquifer water withdrawals;  
(c) review, development and implementation of aquifer management measures and conservation measures;

(d) consider supporting federal, state, and other available funding to assist in review, development, and implementation of water supply strategies for the Edwards Aquifer region which 1) do not rely on the Edwards Aquifer as a supply source, 2) are identified in the regional water supply planning process, and 3) provide benefits for the Edwards Species; and

(e) development and implementation of a program document that may be in the form of a habitat conservation plan for the Edwards Species in accordance with Section 10 of the Endangered Species Act.

### **Article 3. Definitions and Construction**

**Section 3.1. Definitions.** In this MOA, the following terms shall have the meanings assigned in this section unless the context clearly specifies a different meaning:

“Edwards Aquifer” means the same as the definition for “Aquifer” used in The Edwards Aquifer Authority Act.

“Edwards Species” means aquatic species that (1) are listed as threatened or endangered pursuant to the Endangered Species Act, and (2) are found in the Edwards Aquifer or found in or around the springs associated with the Edwards Aquifer. The Edwards Species are as follows: Fountain darter, San Marcos gambusia, San Marcos salamander, Texas blind salamander, Comal Springs riffle beetle, Comal Springs dryopid beetle, Peck’s Cave amphipod, and Texas wild-rice.

“Senate Bill 3” means Article 12 of Senate Bill 3, 80<sup>th</sup> Reg. Sess. of Tex. Leg., and Article 2 of House Bill 3, 80<sup>th</sup> Reg. Sess. of Tex. Leg.

“Recovery” means the process by which the decline of an endangered or threatened species is arrested or reversed, and threats removed or reduced so that the species’ long term survival in the wild can be ensured.

“Endangered Species Act” means the federal Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531, et seq.

“Habitat conservation plan” means a conservation plan as referred to in Section 10 (a)(2), 16 U.S.C. § 1539 (a)(2), of the Endangered Species Act.

**Section 3.2. Construction.** The Parties intend that this MOA will be construed to comply with Senate Bill 3. During the 80<sup>th</sup> Regular Session, the Texas Legislature passed two identical provisions (Article 12 of Senate Bill 3, 80<sup>th</sup> Reg. Sess. of Tex. Leg., and Article 2 of House Bill 3, 80<sup>th</sup> Reg. Sess. of Tex. Leg.), establishing, among other things, minimum procedural standards applicable to the Program.