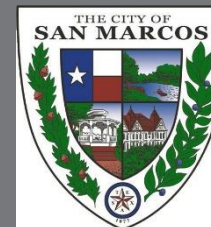


Provision M

Science Committee Meeting

August 6, 2014





What is Provision M?

1b. 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 ...**

2b. ...of the San Marcos Springs, Spring Lake, and the San Marcos River when **San Marcos Springflows decline to 120 cfs or lower.**



What are the problems with the Provision? - Ambiguity in the language

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



Regardless of flow, there are certain restoration activities that should be implemented in the Comal and San Marcos Springs Systems at all flows.

- Provide positive benefits when implemented.
- Negative impacts if not implemented.



What is a solution?

Clarification- EAHCP 9.2.1

EAHCP staff discussed this need to clarify Provision M with the USFWS.

“From time to time it may be necessary for the USFWS and the Applicants to clarify provisions of the HCP or ITP to deal with issues that arise with respect to the administration of the process or the precise meaning and intent of the language contained within those documents. Clarifications do not change the substantive provisions of any of the documents in any way, but merely clarify and make more precise the provisions as they exist.”

San Marcos



- 5.3.1 Texas Wild-Rice Enhancement and Restoration - only gardening and maintenance of previously restored areas may continue.
- 5.3.2 Management of Recreation in Key Areas
- 5.3.3 Management of Aquatic Vegetation and Litter Below Sewell Park
- 5.3.4 Prohibition of Hazardous Materials Transport Across the San Marcos River and Its Tributaries
- 5.3.5 Reduction of Non-Native Species Introduction
- 5.3.8 Control of Non-Native Plant Species - only gardening and maintenance of previously restored areas may continue.
- 5.3.9 Control of Harmful Non-Native and Predator Species
- 5.4.1 Texas Wild-Rice Enhancement and Restoration - only gardening and maintenance of previously restored areas may continue.
- 5.4.2 Management of Recreation in Key Areas
- 5.4.3 Management of Vegetation - only gardening and maintenance of previously restored areas may continue.
- 5.4.5 Diversion of Surface Water
- 5.4.8 Research Programs in Spring Lake
- 5.4.9 Management of Golf Course and Grounds
- 5.4.11 Reduction of Non-Native Species Introduction
- 5.4.12 Control of Non-Native Plant Species - only gardening and maintenance of previously restored areas may continue.
- 5.4.13 Control of Non-Native Plant Species - only gardening and maintenance of previously restored areas may continue.
- 5.6.1 State Scientific Areas
- 5.7.2 Water Quality Monitoring
- 5.7.3 Septic System Registration and Permitting Program
- 5.7.4 Minimizing Impacts of Contaminated Runoff
- 5.7.5 Management of Household Hazardous Wastes

Comal



- 5.2.1 Flow-Split Management in the Old and New Channel
- 5.2.2 Native Aquatic Vegetation Restoration and Maintenance – only gardening and maintenance of previously restored areas may continue.
- 5.2.3 Management of Public Recreational Use of Comal Springs and River Systems
- 5.2.4 Decaying Vegetation Removal and Dissolved Oxygen Management
- 5.2.5 Control of Harmful Non-Native Animal Species
- 5.2.6 Monitoring and Reduction of Gill Parasites
- 5.2.7 Prohibition of Hazardous Material Transport Across the Comal River and Its Tributaries
- 5.2.9 Reduction of Non-Native Species Introduction and Live Bait Prohibition
- 5.2.10 Litter Collection and Floating Vegetation Management
- 5.2.11 Management of Golf Course Diversions and Operations
- 5.6.1 State Scientific Areas
- 5.7.2 Water Quality Monitoring
- 5.7.5 Management of Household Hazardous Wastes



What we would like to ask from the Science Committee?

- What is the biological rationale for the benefits when implemented, and negative impacts when ceased, to the Covered Species and their habitats by these activities? This biological rationale will be used to demonstrate to USFWS the need to continue these activities at all flows and ultimately will be incorporated as language in the clarification to the Incidental Take Permit.
- What “safety” precautions (i.e. additional best management practices) should the City of San Marcos/Texas State University and the City of New Braunfels employ when they implement these activities at lower flows?



Next steps:

- Review the restoration activities in each system that should be included in the clarification.
- Discuss the rationale to continue the activities.
- Discuss the safety precautions.