

AMENDMENT

To The

Cibolo Canyon Master Phase II

Environmental Assessment and Habitat Conservation Plan

Associated with Issuance of an

Endangered Species Act Section 10(a)(1)(B) Permit

for the Golden-cheeked Warbler

in Bexar County, Texas

Prepared by

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Amended Cibolo Canyon Master Phase II Habitat Conservation Plan

TITLE: Amended Cibolo Canyon Master Phase II Environmental Assessment and Habitat Conservation Plan Associated with Issuance of an Endangered Species Act Section 10(a)(1)(B) Permit for the Golden-cheeked Warbler in Bexar County, Texas

PERMIT: TE-102437-0 (Cibolo Canyon Master Phase II), dated February 28, 2006

SPECIES: Golden-cheeked warbler (GCWA), *Setophaga chrysoparia*

PLANNING AREA: The Planning Area is located near the intersection of Evans Road and Bulverde Road in the northeastern portion of Bexar County, Texas and consists of the approximately 1,600-acre area identified in the original Cibolo Canyon Master Phase II Environmental Assessment and Habitat Conservation Plan (EA/HCP), including the 768-acre Cibolo Canyon Conservation Area.

APPLICANT: TF Cibolo Canyons, LP purchased the property in Spring 2018 from the previous permittee, Forestar Real Estate Group, Inc., formerly called Lumbermen's Investment Corporation.

TAKE: The U.S. Fish and Wildlife Service (Service) 10(a)(1)(B) incidental take permit (Permit) authorized take of the GCWA associated with development of approximately 846-acres of variable quality GCWA habitat, occupied by 8 GCWA territories. To minimize and mitigate the impacts of the authorized take to the maximum extent practicable, the Permittee was required to protect a minimum of 760 acres through a perpetual conservation easement of higher quality habitat containing all or part of 12 GCWA territories. The final Conservation Area comprised two tracts totaling 768 acres.

FUNDING PLAN: Subject to the limitations described in the EA/HCP, the Permittee will provide such funds as may be necessary to carry out its obligations under the EA/HCP. The Permittee shall notify the Service if the Permittee's funding resources have materially changed in a way that could affect the Permittee's ability to carry out its obligations under the Permit, including a discussion of the nature of the change.

MONITORING PLAN: Written annual reports of the year's activities, including presence/absence surveys for the GCWA, compliance with all terms and conditions described within the Permit and EA/HCP, and status of clearing and construction will be submitted by October 1 of each year to applicable Service offices.

DURATION OF AGREEMENT: This Agreement became effective on the date that the Service issued the Permit (February 28, 2006) and will remain in full force and effect for a period of thirty (30) years or until termination of the Permit, whichever occurs sooner, provided, however, that, if at the time of termination authorized "take" of the GCWA has occurred, the obligations with respect to establishment, operation, and maintenance of the Conservation Area shall be perpetual so as to ensure adequate mitigation of such authorized take. In the event that at the time of the termination or expiration of this Agreement the amount of GCWA habitat cleared under the Permit is materially less than that authorized to be cleared during the term of the

Permit, the parties will seek to negotiate an amendment to the obligations with respect to the establishment, operation, and maintenance of the Conservation Area, such that those obligations do not exceed what is necessary to fully compensate for the level of impacts that have actually occurred under the Permit.

INTRODUCTION

TF Cibolo Canyons, LP is proposing amendments to the Cibolo Canyon Master Phase II Permit, issued (effective February 28, 2006) to Forestar Real Estate Group, Inc. (Forestar), formerly called Lumbermen's Investment Corporation. An EA/HCP was completed in February 2006. TF Cibolo Canyons, LP purchased the property from Forestar in the Spring of 2018.

The ITP required a minimum of 760 acres to be preserved as mitigation in a perpetual conservation easement of higher quality habitat, containing all or part of 12 GCWA territories in exchange for development of approximately 846 acres of variable quality GCWA habitat, occupied by 8 GCWA territories. The final Conservation Area totaled 768-acres, comprised of two tracts.

The biological goals of the EA/HCP were to establish a preserve for the GCWA that will perpetually provide adequate resources to maintain a population of GCWAs and to improve the overall biological value of these lands for the GCWA. This will be accomplished through the following objectives: (1) to minimize to the maximum extent practicable all disturbances to the GCWA and its habitat, (2) to mitigate to the maximum extent practicable impacts to the GCWA by the perpetual preservation of 760-acres of relatively higher quality GCWA habitat, and (3) to create, enhance, maintain, and monitor the resulting GCWA preserve.

Section 6.4(e), Proposed Permit Terms and Conditions (page 65) of the EA/HCP states, "as development plans are perfected, slight modifications to the preserve/development line may be required. Additionally, efforts will be made to straighten this line thereby reducing the amount of edge. Modifications to the preserve line will be coordinated with the Service, and in no event will result in less than 760-acres."

The EA/HCP further states, "minor amendments involve routine administrative revisions or changes to the operation and management program and do not diminish the level or means of avoidance, minimization, and/or mitigation. Such minor amendments include correction in land ownership, minor revisions to surveys, property descriptions, monitoring or reporting protocols, and minor changes in the boundaries of the Conservation Area that result in no net loss of mitigation and do not otherwise alter the effectiveness of the EA/HCP. Such minor amendments do not alter the terms of the [ITP]. Upon written request [by the Permittee], the Service is authorized to approve minor amendments to this EA/HCP, if the amendments do not conflict with the primary purpose of the EA/HCP."

PROPOSED AMENDMENT

Due to the purchase of the property in Spring 2018, all reference to the Permittee, Applicant, or Owner will be changed from Forestar to the current owner, TF Cibolo Canyons, LP. In

Amended Cibolo Canyon Master Phase II Habitat Conservation Plan

accordance with Service regulations found at 50 C.F.R. 13.25(c), TF Cibolo Canyons, LP agrees to become a party to the EA/HCP and ITP, as amended.

For the proposed amendment, TF Cibolo Canyons, LP intends to revise the boundaries of the Conservation Area and development areas, to add 144 acres (Hilltops) of Master Phase II development area to the Conservation Area in exchange for development of a 30-acre portion of the 768-acre Cibolo Canyons Conservation Area. This boundary modification will result in an overall reduction of the development area to 732 acres and an increase in the Conservation Area total to 882 acres. The 144 acres being added to the Conservation Area has sufficient habitat to support breeding warblers periodically, while the 30 acres being removed no longer supports breeding GCWAs due to adjacent development. Additionally, the 144 acres will reduce the overall edge to area ratio of the Conservation Area and will provide contiguity between two occupied portions of the Conservation Area. There are no other proposed changes to the federally listed species or area covered, and no increase in the total amount of incidental take provided through the original combined EA/HCP that was approved February 28, 2006.

No other changes are proposed to the HCP portion of the previously approved EA/HCP combined document.