

National Environmental Policy Act (NEPA)**Screening Form****And****Environmental Action Statement****I. HCP Information**

A. HCP Name: Environmental Assessment/ Habitat Conservation Plan for the Cibolo Canyon Master Phase II, Bexar County, Texas

B. Affected Species: Golden-cheeked warbler (*Setophaga chrysoparia*)

C. HCP Size: Approximately 1,600 acres

D. Brief Project Description (including minimization and mitigation plans): TF Cibolo Canyons, LP has requested to amend the incidental take permit (TE102437-0; ITP), and the Cibolo Canyon Master Phase II Environmental Assessment/Habitat Conservation Plan (HCP) that was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and Endangered Species Act of 1973, as amended (16 U.S.C. §1531-1544; ESA). The original 30-year ITP was issued on February 28, 2006, and authorized take of the golden-cheeked warbler (GCWA) in Bexar County, Texas. TF Cibolo Canyons, LP purchased the property from the previous Permittee, Lumbermen's Investment Corporation (now Forestar Real Estate Group), in 2018. The primary purpose of the amendment request is to revise the boundaries of the original 768-acre GCWA preserve, which was placed under conservation easement as mitigation for the HCP. TF Cibolo Canyons, LP requests to exchange 30 acres of current preserve for 144 acres of Master Phase II development area. This boundary modification will result in an overall reduction of the development area from 846 acres to 732 acres, and an increase in the Conservation Area from 768 to 882 acres, which will reduce the amount of habitat loss and take of the GCWA. The 144 acres being added to the preserve has sufficient habitat to support warblers periodically, while the 30 acres being removed has not been shown to support nesting GCWAs since adjacent development has been encroaching. Additionally, the 144 acres will reduce the overall edge to area ratio of the preserve and will provide contiguity between two occupied portions of the preserve. Information concerning the species baseline, beneficial management activities, and monitoring plan are included in the HCP dated January 9, 2006, and are incorporated herein by reference.

II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP?

Yes. The effects of the proposed amendments do not increase the amount of take because

GCWAs no longer nest in the 30-acre area proposed for the swap. However, the addition of the 144-acre tract into the Conservation Area will now buffer edge effects that were expected from the proposed development, reduce the edge to area ratio of the overall preserve, perpetually maintain a connection between the western and eastern portions of the current Conservation Area with nesting GCWAs, and is expected to continue to mature into high quality GCWA habitat over time by providing sufficient cover, continuity, and forage. Habitat that is connected and not fragmented is necessary for successful GCWA nesting and foraging. Therefore, the effects due to the amendments are considered negligible. The proposed amendment will benefit the GCWA to a greater extent when compared to the original HCP and Permit due to the expansion of the preserve.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g., air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), after implementation of the minimization and mitigation measures?

Yes. Components of the human environment to include environmental values and resources such as air quality, geology and soils, water quality and quantity, and socioeconomic and cultural resources have already been analyzed in the original NEPA associated with the HCP. We would expect development of a 30-acre parcel compared to a 144-acre parcel to potentially be less of an impact on these resources than previously analyzed. For example, the 144 acres encompasses five hilltops ranging in 800 to 1,700 feet from each other across canyons, which would be expected to contain the majority of the development and would be visible from the surrounding area. Whereas the 30-acre parcel consists of a single plateau adjacent to the existing golf course. Therefore, implementation of the proposed amendments is negligible and will not impact the original NEPA analysis in a way that it will be considered significantly changed.

C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) not result, over time, in a cumulative effect to the human environment (the natural and physical environment), which would be considered significant?

Yes. Incremental impacts due to implementation of the proposed amendment will not result, over time, in cumulative effects to the human environment, which would be considered significant. The incremental impacts of this HCP have been previously analyzed and discussed in the HCP dated January 9, 2006. The approval of the original HCP and issuance of the ITP were found not to have significant environmental effects as determined by the Environmental Assessment (EA) and Finding of No Significant Impact. Because the proposed amendment will add the 144-acre tract into the Conservation Area, this area will now buffer edge effects that were expected from the proposed development, reduce the edge to area ratio of the overall preserve, perpetually

maintain a connection between the western and eastern portions of the current Conservation Area with nesting GCWAs, and continue to mature into high quality GCWA habitat over time. Thus, no additional effects warranting separate analysis are anticipated.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?

All answers for questions A-L in 43 CFR 46.215 are “no.” The actions considered herein are minor adjustments to those discussed in the original HCP and EA, which have been analyzed. The proposed amendments to the HCP and associated ITP are minor and are not considered an exception to categorical exclusions listed in 43 CFR 46.215.

Would implementation of the HCP:

A. Have significant impacts on public health or safety?

No.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?

No.

D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?

No.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No.

G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?

No.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

No.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

No.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

No.

ENVIRONMENTAL ACTION STATEMENT (EAS)

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), as well as other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record. In addition, I have determined that the action of issuing and amended Permit to Cibolo for their EA/HCP in Bexar County, Texas, qualifies as a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service Habitat Conservation Planning Handbook:

XX is a categorical exclusion as provided by 516 DM 8 C(2) and no further NEPA documentation is necessary.

_____ is found not to have significant environmental effects as determined by the attached Environmental Assessment and Finding of No Significant Impact.

_____ is found to have significant effects, and therefore further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.

_____ is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policies, regulations, or procedures.

_____ is an emergency action within the context of 40 CFR 1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting documents:

XX Environmental Assessment

XX Biological Opinion

XX Findings Document

Branch Supervisor, Environmental Review

Date

Program Lead, Environmental Review

Date

Assistant Regional Director,
Ecological Services

Date

Deputy Regional Director,

Date