



Issuing Office:

Department of the Interior
 U.S. Fish & Wildlife Service
 Endangered Species Permit Office
 500 Gold Avenue S.W.
 P.O. Box 1306, Room 6034
 Albuquerque, NM 87103-1306

Deputy Regional Director Signature:

[Handwritten Signature]
 DRD - Southwest Region
Acting

10-17-19
 Date

Permittee:

Patti Hershey
 LCRA Transmission Services Corporation
 3700 Lake Austin Boulevard
 Austin, Texas 78703
 512-578-3385
 Patti.Hershey@lcra.org

Authority: Statutes and Regulations: 16 USC 1539(a); 50 CFR 17.22, 17.32, 50 CFR 13.

Location where authorized activity may be conducted: 241 counties in Texas

Reporting requirements: Annual REPORT DUE: September 1

See permit terms and conditions for specific reporting requirements.

Conditions and Authorizations:

- A. General conditions set out in subpart D of 50 CFR 13, and specific conditions contained in Federal regulations cited above in Authority, are hereby made a part of this Permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal, of this Permit is subject to complete and timely compliance with all applicable conditions, including filing all required information and reports.
- B. Valid for use by Permittee named above. The validity of this Permit is also conditioned upon strict observance of all applicable foreign, state, local, or other federal law.

Acceptance of the Permit serves as evidence that the Permittee understands and agrees to abide by the terms and conditions of this Permit and all applicable sections of 50 CFR Parts 13, 17, and 21 pertinent to issued permits. Terms and conditions of the Permit are inclusive. Any activity not specifically permitted is prohibited. Violations of Permit terms and conditions could result in the Permit being suspended or revoked. Violations of the Permit terms and conditions that contribute to a violation of the Endangered Species Act (ESA) could also subject you to criminal or civil penalties.

- C. The person listed above must counter-sign the Permit to acknowledge receipt and signify agreement to fully abide by and implement this Permit. You must return an original signature copy to the Regional Office listed below in condition L.

Permittee Signature: *Patti Ann Hershey* **Date:** *10/31/2019*



D. Compliance

The authorization granted by this Permit will be subject to full and complete compliance with and implementation of the LCRA Transmission Services Corporation's Transmission System Habitat Conservation Plan (LCRA TSC HCP, incorporated herein by reference) and all specific conditions contained in this Permit. The Permit terms and conditions shall supersede and take precedence over any inconsistent provisions in the LCRA TSC HCP or other program documents.

E. Definitions

To the extent that the definitions incorporate covenants and agreements, such covenants and agreements shall bind the Permittee. Terms used in this Permit and specifically defined in the ESA or in regulations adopted by the Service under the ESA have the same meaning as in the ESA and those implementing regulations, unless this Permit expressly provides otherwise. Capitalized terms used in this Permit specific to the LCRA TSC HCP have the same meaning as in the LCRA TSC HCP.

F. Covered Species

The following is a list of the species covered under this Permit:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Federal Listing Status</u>
golden-cheeked warbler	<i>Setophaga (=Dendroica) chrysoparia</i>	Endangered
whooping crane	<i>Grus americana</i>	Endangered
red-cockaded woodpecker	<i>Picoides borealis</i>	Endangered
ocelot	<i>Leopardus pardalis</i>	Endangered
Houston toad	<i>Anaxyrus (=Bufo) houstonensis</i>	Endangered
Barton Springs salamander	<i>Eurycea sosorum</i>	Endangered
Comal Springs riffle beetle	<i>Heterelmis comalensis</i>	Endangered
Peck's cave amphipod	<i>Stygobromus pecki</i>	Endangered
Bee Creek Cave harvestman	<i>Texella reddelli</i>	Endangered
Tooth Cave spider	<i>Tayshaneta (=Neoleptoneta) myopica</i>	Endangered
Tooth Cave ground beetle	<i>Rhadine persephone</i>	Endangered
Madla Cave meshweaver	<i>Cicurina madla</i>	Endangered
Government Canyon Bat Cave spider	<i>Tayshaneta (=Neoleptoneta) microps</i>	Endangered
Helotes mold beetle	<i>Batrissodes venyivi</i>	Endangered
ground beetle, no common name	<i>Rhadine exilis</i>	Endangered
ground beetle, no common name	<i>Rhadine infernalis</i>	Endangered
piping plover	<i>Charadrius melodus</i>	Threatened
rufa red knot	<i>Calidris canutus rufa</i>	Threatened
Jollyville Plateau salamander	<i>Eurycea tonkawae</i>	Threatened
Salado Springs salamander	<i>Eurycea chisholmensis</i>	Threatened
San Marcos salamander	<i>Eurycea nana</i>	Threatened
Georgetown salamander	<i>Eurycea naufragia</i>	Threatened
spot-tailed earless lizard	<i>Holbrookia lacerata</i>	Petitioned



G. Incidental Take Authorized

We are authorizing the following amounts of incidental take for the Covered Species. These amounts are the total amount of take authorized from Direct or Indirect Habitat Modification impacts, defined separately for each Covered Species in Appendix D of the LCRA TSC HCP, that are anticipated to result from the Covered Activities:

1. No more than 8,396 acres of golden-cheeked warbler habitat may be adversely affected;
2. No more than 1,973 acres of whooping crane wintering habitat may be adversely affected;
3. No more than 528 acres of red-cockaded woodpecker habitat may be adversely affected;
4. No more than 129 acres of piping plover wintering habitat may be adversely affected;
5. No more than 129 acres of rufa red knot wintering habitat may be adversely affected;
6. No more than 230 acres of ocelot habitat may be adversely affected;
7. No more than 1,024 acres of Houston toad habitat may be adversely affected;
8. No more than 5 acres of Barton Springs salamander habitat may be adversely affected;
9. No more than 16 acres of Jollyville Plateau salamander habitat may be adversely affected;
10. No more than 1 acre of Salado Springs salamander habitat may be adversely affected;
11. No more than 3 acres of Georgetown salamander habitat may be adversely affected;
12. No more than 88 acres of Bee Creek Cave harvestman habitat may be adversely affected;
13. No more than 14 acres of Tooth Cave ground beetle may be adversely affected;
14. No more than 10 acres of Tooth Cave spider habitat may be adversely affected;
15. No more than 10 acres of Madla Cave meshweaver habitat may be adversely affected;
16. No more than 10 acres of Government Canyon Bat Cave spider habitat may be adversely affected;
17. No more than 10 acres of Helotes mold beetle habitat may be adversely affected;
18. No more than 10 acres of *Rhadine exilis* habitat may be adversely affected;
19. No more than 10 acres of *Rhadine infernalis* habitat may be adversely affected;
20. No more than 1 acre of Comal Springs riffle beetle habitat may be adversely affected;
21. No more than 1 acre of Peck's cave amphipod habitat may be adversely affected;
22. No more than 2 acres of San Marcos salamander habitat may be adversely affected; and
23. No more than 1,750 acres of spot-tailed earless lizard habitat may be adversely affected.

If actions associated with implementation of the LCRA TSC HCP are shown to result in incidental take of listed species not covered by this Permit or incidental take is caused by activities not covered by this permit, those activities that are shown to cause unauthorized take must cease immediately and any take that has occurred must be reported to the Austin Ecological Services Field Office (ESFO) at 512-490-0057 within 48 hours.

H. Covered Activities

The Covered Activities of the LCRA TSC HCP are those specific instances of one or more LCRA TSC Activities performed within a specific geographic area during a specific time, and for which LCRA TSC desires to use the HCP and ITP to authorize incidental take of one or more Covered Species. The Covered Activities may include the construction, operation, upgrade, decommissioning, repair, and maintenance of LCRA TSC electrical transmission lines, substations, access roads, and related infrastructure and facilities and includes both surface and subsurface disturbances. The Covered Activities are grouped in the LCRA TSC HCP as: 1) New Construction; 2) Upgrading and Decommissioning; 3) Operations and Maintenance; and 4) Emergency Responses on previously modified or unmodified lands.



I. Conservation Program

LCRA TSC will implement the following conservation measures intended to minimize and mitigate the impacts of the authorized incidental taking of the Covered Species that will result from the Covered Activities. A detailed description of these conservation measures is in Chapter 6 and Appendix D of the LCRA TSC HCP.

1. General Minimization Measures

Permittee will implement measures that minimize the impacts of take caused by its Covered Activities. Some minimization measures generally apply to all Covered Activities and may benefit many or all Covered Species. These measures are briefly described below and detailed in LCRA TSC HCP Chapter 6.4.1.

- a. Provide annual training to staff and contractors working on Covered Activities regarding the implementation of the LCRA TSC HCP;
- b. clear or manage vegetation using aboveground means when practicable;
- c. mark those sections of transmission lines that cross major rivers when Covered Activities involve New Construction or Significant Upgrades;
- d. limit herbicide applications to woody vegetation that is a potential threat to the reliability of LCRA TSC Facilities and observe the Service's Southwest Region guidance for pesticide applications;
- e. to the extent practicable, considering reasonable landowner preferences, use seed mixes composed solely of seeds of native plant species;
- f. restore preconstruction contours and revegetate construction sites and any other places where soil is disturbed;
- g. to the maximum extent practicable, avoid causing subsurface disturbances to wetlands, riparian areas, and aquatic habitats;
- h. use erosion and sedimentation controls as required by the Texas Commission on Environmental Quality or local ordinances to address storm water discharges during construction;
- i. request from the Service information on previously documented locations of the Covered Species, and make such requests in advance of enrolling LCRA TSC Activities in the LCRA TSC HCP;
- j. avoid making subsurface disturbances within 50 feet of: 1) the entrance or footprint (if known) of a karst feature known or assumed to be occupied by one or more of the Terrestrial Karst Invertebrates, or 2) a spring outlet or associated spring run or lake or, where applicable, a well with known or assumed occupancy by one or more of the Aquatic Covered Species; and
- k. request a meeting with the Service each year to discuss upcoming LCRA TSC Activities, updated distribution or occurrence information for Covered Species, opportunities for Advance Mitigation, and other concerns.

2. Mitigation Measures

- a. Mitigation ratios (described in detail in Chapter 6.6.8 and enumerated in Appendix D of the LCRA TSC HCP for each Covered Species) will be applied at varying levels depending on the type of habitat modification (i.e., Direct or Indirect Habitat Modification), applicable Enrollment Scenario (i.e., impact assessments based on Suitable Habitat with Assumed Occupancy, Occupied Habitat with Demonstrated Occupancy, or Special Cases), and applicable Mitigation Factors (i.e., Existing Impacts, Relaxed Restrictions, or Post-Enrollment Mitigation).
- b. Permittee will provide mitigation in accordance with Chapter 6.5 of the LCRA TSC HCP through one or more of the following means:
 - i. a Service-approved conservation bank with priority given to banks that have the Covered Activities within their service area,
 - ii. Service-approved in-lieu fee programs,



- iii. third-party conservation providers implementing Service-approved conservation actions, or
 - iv. Permittee-implemented conservation actions approved by the Service.
 - c. In the unlikely event that no practicable opportunities exist for carrying out mitigation obligations in connection with a Covered Activity, the Permittee will work with the Service to identify other types of practicable mitigation solutions for the Covered Species which may include, but are not limited to:
 - i. Approval of alternate means of mitigation delivery, such as translocating or repatriating Covered Species, enhancement of functional habitat for Covered Species, or restoration of degraded habitat for Covered Species.
 - ii. Approval of methods to reduce or eliminate other threats to the Covered Species.
 - iii. Funding for research or studies regarding the Covered Species that further scientific understanding of how to manage and conserve those species.
 - d. If the Permittee starts a Covered Activity prior to providing the requisite mitigation for a Covered Species, a Changed Circumstance will have been triggered. At that time the Permittee will calculate the Post-Enrollment Mitigation Factor, which is the Standard Mitigation Ratio applied to the Covered Activity plus 5 percent for each year of delay (LCRA TSC HCP Chapters 6.6.8.2, 9.1.9 and Appendix D). The Standard Mitigation Ratio is the base level of mitigation for a given Enrollment Scenario adjusted for Mitigation Factors (defined in LCRA TSC Chapter 6.6.8.1 and Appendix D). Such delay will not exceed 5 years.
 - e. The Service will review and approve all mitigation as described in Chapter 6.5.1 of the LCRA TSC HCP, except approval shall not be required where Covered Activities occur within the Service Area of a conservation bank for the impacted Covered Species and credits are purchased from that conservation bank.
 - f. If a Covered Activity will take more than one Covered Species within the same location, then:
 - i. the mitigation can also count towards those species, if they are all present within the same location on the mitigation lands (i.e. stacked); and
 - ii. a stacked mitigation credit can only be used once regardless if all of the species within the mitigation were impacted by the Covered Activity.
3. Special Cases - To the extent practicable, LCRA TSC will avoid performing Covered Activities in areas that are of particular importance to a Covered Species, for example, in designated critical habitat, certain protected conservation areas, or important breeding sites. LCRA TSC identifies the Special Cases that are applicable to each Relevant Covered Species in Appendix D of the LCRA TSC HCP. From time to time, LCRA TSC may need or be required to perform Covered Activities in such areas. LCRA TSC will provide a greater level of mitigation for Direct and Indirect Habitat Modification that occur in areas that represent a Special Case, which is described in detail in Chapter 6.6.7 and Appendix D of the LCRA TSC HCP. The following language replaces item 2(e) in Chapter 6.6.7 of the LCRA TSC HCP to read: The conservation easement or other instrument demonstrating the status of the subject property was in place and disclosed by the Service to LCRA TSC no later than 30 days after the date LCRA TSC makes a request for such information to the Service, which will be anytime LCRA TSC initiates a routing study, regardless of whether the project is new or is a previously paused or cancelled project.

J. Species Specific Conditions

Direct versus Indirect Habitat Modification, Suitable versus Occupied Habitat, Existing Impacts, and Special Cases are defined for each Covered Species in Appendix D of the LCRA TSC HCP. Except where specifically stated otherwise, the following represents a summary of the measures described in Appendix D for each Covered Species.

1. Golden-cheeked Warbler
 - a. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee will implement the following Specific Minimization Measures when performing Covered Activities that affect Suitable or Occupied Habitat for the golden-cheeked warbler:



- i. Avoid clearing during the breeding season from March 1 through July 31;
- ii. may conduct construction activities (as opposed to clearing) within 300 feet of Suitable or Occupied Habitat during the breeding season (March 1 through July 31), as long as those activities promptly follow permitted clearing and/or were initiated before initiation of the breeding season;
- iii. follow established LCRA TSC corporate oak wilt prevention policies, based on Texas Forest Service and Texas AgriLife Extension Service recommendations, in areas where oak wilt is known to occur; and
- iv. avoid stringing transmission lines (conductor and shield wires) during the breeding season from March 1 through July 31 across golden-cheeked warbler habitat unless using a land-based tensioning system that will prevent transmission lines from sagging into treetops.

2. Whooping Crane

- a. The General Minimization Measures described in Chapter 6.4.1 of the LCRA TSC HCP contain measures specific to the whooping crane (i.e., portions of item 3 pertaining to line marking). This Permit replaces the second sentence of item 3 of Chapter 6.4.1 of the LCRA TSC HCP to read: When Covered Activities involve New Construction or Significant Upgrades, LCRA TSC will also mark those sections of transmission lines that occur within 1 mile of potential migration stopover habitat for whooping cranes, limited to Covered Activities that overlap with portions of the Plan Area that occur within the whooping crane “80-mile” migration corridor, and those sections of transmission lines that occur within Critical Habitat for the whooping crane or the piping plover (SWCA 2019).
- b. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee will implement the following Specific Minimization Measures when performing Covered Activities that affect Suitable or Occupied Habitat (defined in terms of wintering habitats only) for the whooping crane:
 - i. Avoid Covered Activities during the overwintering period (October 15 through April 14) without the presence of an environmental monitor;
 - ii. during the overwintering period (October 15 through April 14), embed environmental monitors with construction crews, during active construction, to ensure minimization measures are implemented as intended;
 - iii. temporarily cease Covered Activities when environmental monitors detect a whooping crane within 1,000 feet of the Covered Activity, and resume Covered Activities when whooping cranes have moved beyond 1,000 feet of the Covered Activity; and
 - iv. avoid application of pesticides and herbicides.

3. Red-cockaded Woodpecker

- a. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee will implement the following Specific Minimization Measures when performing Covered Activities that affect Suitable or Occupied Habitat for the red-cockaded woodpecker:
 - i. Avoid Covered Activities requiring mechanical equipment within 50 feet of a cavity tree or 200 feet of a cavity tree during the breeding season (April 1 through July 31),
 - ii. avoid clearing habitat during the breeding season (April 1 through July 31),
 - iii. avoid performing Covered Activities within one hour after sunrise and one hour before sunset inside an Active Cluster, and
 - iv. restrict vehicle use to existing access roads and avoid construction of new access roads outside of rights-of-way within Active Clusters.

4. Piping Plover

- a. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee will implement the following Specific Minimization Measures when performing Covered Activities that affect Suitable or Occupied Habitat



for the piping plover:

- i. Conduct Covered Activities during the breeding season (March 1 through August 31), when the species is not typically present in Texas;
- ii. establish 15-mile-per-hour speed limits within habitat during the overwintering period (September 1 through February 28 or 29);
- iii. restore surface elevations after any ground disturbance, including smoothing out any deep ruts in habitat following construction; and
- iv. avoid altering topography and naturally vegetated dunes adjacent to habitat to the maximum extent practicable.

5. Rufa Red Knot

- a. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee will implement the following Specific Minimization Measures when performing Covered Activities that affect Suitable or Occupied Habitat for the rufa red knot:
 - i. Conduct Covered Activities in habitat during the breeding season (April 1 through November 31) when the species is not typically present in Texas;
 - ii. establish 15-mile-per-hour speed limits within habitat during overwintering period (December 1 through March 31);
 - iii. restore surface elevations after any ground disturbance, including smoothing out any deep ruts in habitat following construction; and
 - iv. avoid altering topography and naturally vegetated dunes adjacent to habitat to the maximum extent practicable.

6. Ocelot

- a. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee will implement the following Specific Minimization Measures when performing Covered Activities that affect Suitable Habitat for the ocelot:
 - i. Conduct Covered Activities during daylight hours to avoid light and noise disturbances during the night;
 - ii. direct artificial lighting on facilities towards the facility and shield them to minimize nighttime disturbance;
 - iii. contain and remove all garbage and foodstuff daily from work sites to prevent attracting prey species;
 - iv. establish 25-mile-per-hour speed limits within, or within 500 feet of, habitat; and
 - v. embed environmental monitors with construction crews, during active construction, to ensure minimization measures are implemented as intended.

7. Houston Toad

- a. This Permit replaces the Specific Minimization Measures for the Houston toad as set forth in the LCRA TSC HCP, which the Permittee will implement except when applying the Relaxed Restrictions Mitigation Factor, to read:
 - i. Install and maintain standard erosion control silt fencing or similar material, with flexible construction access gates, to temporarily exclude Houston toads from areas of Suitable Habitat, prior to and for the duration of mechanized vegetation clearing or ground-disturbing construction activities involving heavy machinery or equipment, limited to portions of the right-of-way that are not subject to Existing Impacts;
 - ii. perform daily inspections of and make repairs, as needed, to exclusionary fencing for the duration of the mechanized vegetation clearing or ground-disturbing construction activities involving heavy machinery or equipment to maintain the integrity of the fencing;
 - iii. deploy a Service-permitted Houston toad biologist to visually inspect the exclusion areas immediately



prior to the installation of the exclusion fencing and after any over-night breach of the exclusion fencing to collect and remove to Suitable Habitat outside of the right-of-way any Houston toads found to be within the exclusion area;

- iv. avoid application of pesticides or herbicides within Suitable Habitat; however, if necessary, it shall be limited to application by hand with individual plant treatment;
- v. within Suitable Habitat and during the breeding season (January 1 through June 30), establish 25-mile-per-hour speed limits within rights-of-way; and
- vi. to the maximum extent practicable, avoid clearing and ground-disturbing activities from the toad breeding season (1 January to 30 June).

8. Barton Springs Salamander and San Marcos Salamander

- a. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee will implement the following Specific Minimization Measures when performing Covered Activities that affect the Barton Springs salamander or San Marcos salamander:
 - i. Erect erosion and sediment controls, such as silt fencing, at the boundary of the 50-foot avoidance zone around an Occupied Spring Feature or Assumed Occupied Spring Feature that will remain for the duration of the construction and any post-construction restoration;
 - ii. schedule grading and earthmoving operations to expose the smallest practical area for the shortest possible time in Suitable Habitat;
 - iii. implement a materials management plan to address the safe handling, storage, treatment, and disposal of materials brought into Suitable Habitat;
 - iv. avoid applying pesticides and herbicides within Occupied Habitat;
 - v. embed environmental monitors with construction crews, during active construction, to ensure minimization measures are implemented as intended; and
 - vi. reclaim and restore the footprint of any existing Structure that is removed and not occupied by a replacement Structure, when located in designated critical habitat for these species, to a condition substantially consistent with any immediately adjacent land cover, with a priority for matching natural cover types and native plants.

9. Jollyville Plateau, Salado, and Georgetown Salamanders

- a. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee will implement the following Specific Minimization Measures when performing Covered Activities that affect the Jollyville Plateau, Salado, or Georgetown salamanders:
 - i. Erect erosion and sediment controls, such as silt fencing, at the boundary of the 50-foot avoidance zone around an Occupied Spring Feature or Assumed Occupied Spring Feature that will remain for the duration of the construction and any post-construction restoration;
 - ii. schedule grading and earthmoving operations to expose the smallest practical area for the shortest possible time in Suitable Habitat;
 - iii. implement a materials management plan to address the safe handling, storage, treatment, and disposal of materials brought into Suitable Habitat;
 - iv. avoid applying pesticides and herbicides within Occupied Habitat;
 - v. embed environmental monitors with construction crews, during active construction, to ensure minimization measures are implemented as intended; and
 - vi. reclaim and restore the footprint of any existing Structure that is removed and not occupied by a replacement Structure, when located in designated critical habitat for these species, to a condition substantially consistent with any immediately adjacent land cover, with a priority for matching natural cover types and native plants.



10. Karst Invertebrates

- a. Authorized incidental take of the Government Canyon Bat Cave spider, Helotes mold beetle, Madla's Cave meshweaver, Rhadine exilis, and Rhadine infernalis is limited to Medina County.
- b. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee will implement the following Specific Minimization Measures when performing Covered Activities that affect the Karst Invertebrates:
 - i. Avoid application of pesticides and herbicides within Suitable Habitat;
 - ii. apply and monitor erosion and sediment control best management practices before, during, and after construction to prevent sediment from flowing into Occupied or Assumed Occupied Karst Features;
 - iii. schedule grading and earthmoving operations to expose the smallest practical area for the shortest possible time in Suitable Habitat; and
 - iv. implement a materials management plan to address the safe handling, storage, treatment, and disposal of materials brought into Suitable Habitat.

11. Comal Springs Riffle Beetle and Peck's Cave Amphipod

- a. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee will implement the following Specific Minimization Measures when performing Covered Activities affecting Suitable Habitat for the Comal Springs riffle beetle or Peck's cave amphipod:
 - i. Erect erosion and sediment controls, such as silt fencing, at the boundary of the 50-foot avoidance zone that will remain for the duration of the construction and any post-construction restoration;
 - ii. schedule grading and earthmoving operations to expose the smallest practical area for the shortest possible time;
 - iii. implement a materials management plan to address the safe handling, storage, treatment, and disposal of materials;
 - iv. avoid applying pesticides and herbicides;
 - v. embed environmental monitors with construction crews, during active construction, to ensure minimization measures are implemented as intended; and
 - vi. reclaim and restore the footprint of any existing Structure that is removed and not occupied by a replacement Structure, when located in Critical Habitat for these species, to a condition substantially consistent with any immediately adjacent land cover, with a priority for matching natural cover types and native plants.

12. Spot-tailed Earless Lizard

- a. Except when applying the Relaxed Restrictions Mitigation Factor, Permittee implement the following minimization measures when performing Covered Activities affecting Suitable or Occupied Habitat for the spot-tailed earless lizard:
 - i. Avoid application of pesticides or herbicides within or within 50 feet of Suitable or Occupied Habitat; and
 - ii. establish 25-mile-per-hour speed limits within or within 50 feet of Suitable or Occupied Habitat.

13. During the conduct of Covered Activities, the Permittee will avoid jeopardizing the continued existence of the federally listed or proposed for listing plant species and destroying or adversely modifying designated or proposed critical habitats for such species.

- a. Permittee will coordinate with the Service annually to determine if any federally listed or proposed for listing plant species will overlap with Covered Activities.
- b. To the extent practicable, Permittee will avoid subsurface disturbances within 50 feet of any previously documented locality of federally listed or proposed for listing plant species, limited to those localities where continued occupancy by the plant species is likely (i.e., the site retains potentially suitable habitat for the listed plant).



- c. To the extent practicable, Permittee will implement the Specific Avoidance and Minimization Measures detailed in Item 11 of Chapter 6.4.1 of the LCRA TSC HCP for the following species:

Scientific Name	Common Name	Listing Status
<i>Echinocereus reichenbachii</i> var <i>albertii</i>	black lace cactus	Endangered
<i>Abronia macrocarpa</i>	large-fruited sand verbena	Endangered
<i>Spiranthes parksii</i>	Navasota ladies'-tresses	Endangered
<i>Hoffmannseggia tenella</i>	slender rush-pea	Endangered
<i>Ambrosia cheiranthifolia</i>	South Texas ambrosia	Endangered
<i>Astrophytum asterias</i>	star cactus	Endangered
<i>Ayenia limitaris</i>	Texas ayenia	Endangered
<i>Leavenworthia texana</i>	Texas golden glade cress	Endangered
<i>Callirhoe scabriuscula</i>	Texas poppy-mallow	Endangered
<i>Hymenoxys texana</i>	Texas prairie dawn-flower	Endangered
<i>Styrax texanus</i>	Texas snowbells	Endangered
<i>Phlox nivalis</i> ssp. <i>texensis</i>	Texas trailing phlox	Endangered
<i>Sclerocactus brevihamatus</i> ssp. <i>tobuschii</i>	Tobusch fishhook cactus	Endangered
<i>Manihot walkerae</i>	Walker's manioc	Endangered
<i>Physaria</i> [= <i>Lesquerella</i>] <i>pallida</i>	white bladderpod	Endangered
<i>Hibiscus dasycalyx</i>	Neches River rose-mallow	Threatened

- d. When the Permittee determines that the avoidance or minimization measures specified in Item 11 of Chapter 6.4.1 of the LCRA TSC HCP are not practicable, Permittee will provide notice to and engage with the Service in advance of enrolling LCRA TSC Activities to identify what other minimization measures, if any, may be reasonable and prudent to avoid the likelihood of jeopardizing the continued existence of the federally listed or proposed for listing plant species.

K. Changed Circumstances

The LCRA TSC HCP (Chapter 9) addresses several changed circumstances. These include: Covered Species collisions with structures, new listing or critical habitat designation within the Plan Area, adding a Covered Species, delisting of a listed Covered Species or listed plant species (including special rules for threatened species and taxonomic changes), failure of a conservation provider to deliver mitigation, catastrophic natural events, and post-enrollment mitigation.

L. Monitoring and Reporting

The majority, if not all, of the Permittee's mitigation will be to or through other parties, including conservation banks, in-lieu fee programs, or third-party conservation providers, and, therefore, the monitoring and reporting for that mitigation will be the responsibility of another party. If Permittee does procure mitigation, Permittee will be responsible for the management, monitoring, and reporting of those mitigation actions. An annual report will be submitted by Permittee by September 1 each year to the Austin ESFO, preferably by email, at the address below and will describe the previous calendar year's activities, including compliance with all conservation measures, issues with implementation of conservation measures, how issues were resolved, an accounting for the incidental take that occurred, mitigation that was put in place, and any other compliance issues in implementing this Permit and the LCRA TSC HCP (reporting requirements are described in detail in LCRA TSC HCP Chapter 8). Upon expiration of



the Permit, the Permittee must submit a final annual report summarizing full compliance with the Permit and LCRA TSC HCP.

FW2_AUES_Consult@fws.gov
U.S. Fish and Wildlife Service
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, Texas 78758
512/490-0057
512/490-0974

A copy of the cover letter must be submitted to the Service's Regional Office, preferably by e-mail to FW2_HCP_Permits@fws.gov, or to the following address:

U.S. Fish and Wildlife Service, Region 2
Branch of Environmental Review
P.O. Box 1306, Room 6034
Albuquerque, New Mexico 87103

GENERAL TERMS AND CONDITIONS

M. No Surprises Assurances

The Covered Species listed above are considered adequately addressed under the LCRA TSC HCP, and are therefore, covered by "No Surprises" assurances. If the Service demonstrates that unforeseen circumstances exist during the life of the Permit and additional measures are deemed necessary to respond to those circumstances, the Service may require additional measures of the Permittee where the LCRA TSC HCP is being properly implemented, but only through coordination with Permittee and only if such measures are limited to modifications to the LCRA TSC HCP's operating conservation program for the Covered Species, and maintain the original terms of the LCRA TSC HCP to the maximum extent practicable. Notwithstanding the foregoing, the Service will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed upon for Covered Species without the consent of the Permittee.

N. Transferring

The terms and conditions of this Permit shall be binding on and inure to the benefit of the Permittee, including their successors and assigns, as provided in 50 CFR 13.24 and 13.25. If this Permit needs to be transferred due to a change in ownership, the transfer will be accomplished in accordance with 50 CFR 13.25. Any change in the names, addresses, or other administrative correction or alteration of the Permit will be in accordance with 50 CFR 13.23. The Covered Activities proposed or in progress under the original Permit may continue, provided the conditions of the Permit are being followed.

O. Amendments

This Permit may be amended in accordance with the provisions of 50 CFR 13.23. The Permittee must provide a written statement of the reasons for the proposed amendment and an analysis of its environmental effects, including its effects on Covered Species. The activities proposed or in progress under this Permit may continue, provided the required conditions of this Permit are being followed. The Service may amend the Permit at any time for just cause,



and upon written finding of necessity.

If the Covered Activities or the extent of the impacts described in the LCRA TSC HCP are altered during the life of the Permit, such that there may be an increase in the anticipated take of Covered Species, the Permittee is required to contact the Service and amend this Permit before commencing any activities that might result in take beyond that described in the HCP.

P. Suspension and Revocation

Suspension: The Service may suspend this Permit if the Permittee is not in compliance with the conditions of this Permit, the LCRA TSC HCP, or any applicable Federal laws and regulations. The procedures applicable to any suspension shall be in accordance with the Federal regulations in effect at the time of the suspension; provided, however, that, at a minimum, the Permittee shall be afforded the procedural rights set forth in 50 CFR 13.27 in existence on the effective date. The suspension shall remain in effect until the Service determines that the Permittee has corrected the deficiencies or the Permit is revoked.

Revocation: The Service shall not revoke this Permit for any reason except those listed in 50 CFR 13.28(a)(1)-(4), or unless the Covered Activities would be inconsistent with the criteria set forth in 16 U.S.C. § 1539(a)(2)(B)(iv) and this inconsistency has not been remedied. Notwithstanding the foregoing, this Permit will only be revoked if the Service, the Permittee, and other interested parties have not been successful in remedying any such inconsistency through other means.

Q. Renewals

The Permittee may apply for the renewal of the Permit prior to its expiration date in accordance with the provisions of 50 CFR § 13.22.

R. Disposition

Upon locating a dead, injured, or sick individual of the Covered Species, or any other endangered or threatened species, the Permittee is required to contact the Service's Law Enforcement Office in San Antonio, Texas, 210-681-8417, for care and disposition instructions. Extreme care should be taken in handling sick or injured individuals to ensure effective and proper treatment. Care should also be taken in handling dead specimens to preserve biological materials in the best possible state for analysis of cause of death. In conjunction with the care of sick or injured endangered or threatened species, or preservation of biological materials from a dead specimen, the Permittee and any contractor or subcontractor has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

***** End of Permit Terms and Conditions for Permit # TE42299D *****