

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
10711 BURNET ROAD, SUITE 200
AUSTIN, TEXAS 78758

FINDING OF NO SIGNIFICANT IMPACT

ISSUANCE OF A SECTION 10(a)(1)(B) PERMIT FOR THE INCIDENTAL TAKE OF THE GOLDEN-CHEEKED WARBLER (*Setophaga [=Dendroica] chrysoparia*) TO Carma Paso Robles, LLC., CLEARING AND CONSTRUCTION FOR PHASE II OF THE PASO ROBLES DEVELOPMENT, HAYS COUNTY, TEXAS

An environmental assessment (EA) and habitat conservation plan (HCP) have been prepared for the issuance of a section 10(a)(1)(B) permit for the incidental take of the federally listed endangered golden-cheeked warbler (GCWA) during the clearing of 114.4 acres of GCWA habitat during the construction of Phase II of the Paso Robles Development in Hays County, Texas. This action will provide for the preservation and management of 114.4 acres of high quality GCWA habitat in a Service-approved habitat conservation bank.

Preferred Alternative

The proposed action includes the issuance of a permit under section 10(a)(1)(B) of the Endangered Species Act (Act) to authorize incidental take of the affected species during the removal or modification of vegetation in preparation for construction of a mixed use residential subdivision on approximately 114.4 acres within the Paso Robles Development.

A conservation plan has been developed as mitigation for the incidental take of GCWAs. This plan includes the following features:

- All clearing of vegetation in the permit area will occur outside of the breeding season (March 1 through July 31).
- Carma Paso Robles, LLC and its contractors and subcontractors, will follow the Texas Forest Service's or professional arborist's guidelines for the prevention or spread of oak wilt.
- Carma Paso Robles, LLC will mitigate for expected impacts to GCWA by purchasing 114.4 GCWA acres of high quality habitat from a Service-approved habitat conservation bank.
- The mitigation will occur prior to Covered Activities being implemented. The Service will be notified in writing of the purchase of conservation credits prior to commencement of construction.

Other Alternatives Considered

The Service analyzed a No Action alternative in addition to the proposed alternative. Under a No Action alternative, the Service would not issue the requested Incidental Take Permit (ITP) for the Phase II of the Paso Robles Development. Therefore, the Applicant would not implement the minimization measures described in the HCP and would not protect approximately 144.4 acres of GCWA habitat in perpetuity.

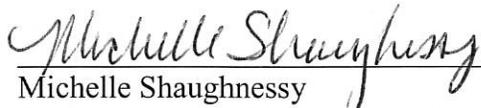
Public Participation

Notice of Availability of the draft EA, draft HCP, and permit application was published in the *Federal Register* on September 16, 2015 (80 FR 55638). Public comments were accepted through November 16, 2015. No comments were received.

Determination

Based upon information contained in the EA and HCP and supporting data in the Service's files, we have determined that issuance of this ITP is not a major federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA). Accordingly, the preparation of and Environmental Impact Statement on the proposed action is not warranted. Therefore, the Service has made a finding of no significant impact as allowed by NEPA regulation and supported by Council on Environmental Quality (CEQ) guidance, therefore an Environmental Impact Statement will not be prepared.

It is my decision to issue the section 10(a)(1)(B) permit for the Phase II of the Paso Robles Development, Hays County, Texas.



Michelle Shaughnessy
Assistant Regional Director - ES



Date