



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

ARD Signature:

ARD - ECOLOGICAL SERVICES

Date 1/19/18

Permittee:

Mr. Robert R. Puente, President/CEO
San Antonio Water System
2800 U.S. Hwy 281 North
San Antonio, Texas 78212
Phone: 210/233-3299

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

Location where authorized activity may be conducted: The proposed plan area is 218.03 acres situated in far western Bexar County. It is rural, south of U.S. Highway 90. North of US 90, the permit area crosses through the suburban areas expanding west in Bexar County.

Reporting requirements:

Annual REPORT DUE: 3/31
See permit terms and conditions for specific reporting requirements.

Conditions and Authorizations:

- A. 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.
- B. General conditions set out in 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. This permit's continued validity or renewal are subject to your complying with all applicable conditions, including filing all required information and reports, and fully implementing the SAWS Micron and Water Resources Integration Program Habitat Conservation Plan (Micron and WRIP HCP or HCP).
- C. Accepting the permit serves as evidence that the Permittee (San Antonio Water System) agrees to abide by this permit's terms and conditions and all applicable sections of Title 50 CFR Parts 13 and 17 pertinent to issued permits. The permit's terms and conditions are inclusive. Any activity, prohibited under 16 USC 1538, not specifically permitted, is prohibited. Permit terms and conditions violations could result in your permit being suspended or revoked. Permit terms and conditions violations that contribute to violating the Endangered Species Act of 1973, as amended (Act), could also subject you to criminal or civil penalties.
- D. The person listed above must sign for this permit to acknowledge receipt and signify agreement to fully abide by and implement this permit. An original signature copy must be returned to the Regional Office listed below in condition O.

Permittee Signature:

Date:

01-18-18



- E. The authorization granted by the Permit will be subject to full and complete compliance with, and implementation of, the SAWS Micron and WRIP HCP, and all specific conditions contained herein. The Permit terms and conditions shall supersede and take precedence over any inconsistent provisions in the HCP or other program documents.
- F. This permit only authorizes incidental take of the Madla's Cave meshweaver (*Cicurina madla*), Robber Baron Cave meshweaver (*Cicurina baronia*), Braken Bat Cave meshweaver (*Cicurina venii*), and two species of ground beetles with no common names (*Rhadine infernalis* and *Rhadine exilis*) and the unlisted *Cicurina loftini* (no common name) (collectively the covered species). The total take authorized is 67.8 acres (WRIP 66.4 acres and Micron 1.4 acres) within the 218.03 acre project area in Bexar County, Texas. Incidental take authorized by the permit is for a 15-year period. The permit may be renewed at the permit's period end, should the Permittee and the U.S. Fish and Wildlife Service (Service) agree.
- G. Covered Activities include:
- a. Vegetation removal or disturbance for the Micron and WRIP pipelines will be only to the extent necessary to allow for construction activities within the project area.
 - b. Excavation of open-cut trenches to a typical maximum width of 7 feet and to depths of between 10 and 20 feet. Exact trench measurements are contingent upon the substrate type at the surface (soil, concrete, or asphalt).
 - c. Excavation of bore pits for machinery access to tunneled segments of the proposed pipelines. Each bore pit would be generally 25 by 40 feet wide at the surface and dug to a depth of 10 to 40 feet. Exact pit measurements are subject to contractor discretion based on site conditions.
 - d. Excavation by bore, jack, or tunnel through the subsurface beneath streams, roads, or other sensitive resources approximately 5 to 35 feet below the surface grade. Such excavation could include the use of water for coolant/lubrication of the pipe or casing materials being tunneled. Excavated material would be removed and disposed of offsite in a manner that does not cause take and in accordance with all applicable laws. Temporary placement and storage of excavated material or clean fill material within the Micron and WRIP construction easements.
 - e. Application of water during construction to control dust within active construction areas.
 - f. Bank stabilization to control erosion and sedimentation prior to boring activities at stream crossings.
 - g. Permanent placement of sand or gravel pipe bedding and subgrade fill, filter fabrics, flowable fill, mortar, or grout, as specified by construction plans to encase and stabilize the pipe.
 - h. Restoration of disturbed areas as quickly as possible to their original or better condition. This will include replacement of temporarily stored topsoil and revegetation by seeding with native plant seeds and the utilization of a licensed arborist for any replanting of tree species.
 - i. Pipeline cleaning and hydrostatic pressure and leakage testing on all pipeline installed.
 - j. Movement of vehicles and heavy construction equipment within the project area.
- H. Conditions of the permit shall be binding on, and for the benefit of, the Permittee and any successors and/or assignees. 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 accomplished in accordance 50 CFR 13.23. The Covered Activities proposed or in progress under the original permit may not be interrupted provided the conditions of the permit are being followed.



- I. If, during the tenure of the permit, the project design and/or the extent of the habitat impacts is altered, such that there may be an increase in the anticipated take of the covered species, the Permittee is required to contact the Service's Austin Ecological Services Office (ESFO) and obtain an amendment to this permit before commencing any construction or other activities that might result in take beyond that authorized by the permit. If authorized take is exceeded, all activities that are shown to cause take must immediately cease and any take above that authorized shall be reported to the Austin Ecological Services Field Office (512-490-0057) within 48 hours. This situation will require an amendment of the permit and HCP and shall be processed as a major amendment in accordance with 50 CFR 13.23 (a) and (b), and shall require an amended HCP, an updated analysis under NEPA, and reinitiation of the biological opinion.
- J. If actions associated with implementation of the SAWS Micron and WRIP HCP are shown to result in incidental take of listed species not covered by the permit, those activities that are shown to cause take must immediately cease and any take that has occurred shall be reported to the Austin ESFO (512-490-0057) within 48 hours.
- K. The HCP (Chapter 9) describes procedures the Permittee has agreed to undertake to address changed circumstances. To qualify for No Surprises Assurances, the Permittee must implement all provisions included in the HCP and the incidental take permit that addresses such changed circumstances. If a changed circumstance has not been addressed by the HCP or incidental take permit, the Service will not require additional conservation or mitigation measures of the Permittee, provided that the terms of the HCP and incidental take permit are being fully implemented.

To fully implement the HCP, the following species-specific avoidance, minimization, and mitigation measures are required:

- L. The Permittee is authorized to impact no more than 67.8 acres of karst habitat from construction of the Micron (1.4 acres) and WRIP (66.4 acres) pipelines.
- M. Mitigation Measures:
- The Permittee will permanently preserve 57.6 acres of occupied karst invertebrate habitat on the Anderson Pump Station (APS) Preserve.
 - Incidental take is also authorized on the APS Preserve. Such take would occur as part of a Service approved management plan and would be considered temporary or beneficial in nature. Additionally, all work that could result in take of the Covered Species will be done by a biologist holding a section 10(a)(1)(A) enhancement of survival permit. Examples include; installation of cave gates or other protective measures in or around an occupied karst feature and the occasional need to construct or maintain boundary fencing, access roads, fire breaks, and other similar infrastructure that facilitates effective and responsible preserve management.
 - The APS Preserve will be perpetually protected and managed for the benefit of the endangered karst invertebrates.
 - The Permittee will provide the Service with an opportunity to review and approve the proposed language of the deed restrictions prior to recording.
 - The deed restrictions will be recorded prior to the conduct of Covered Activities and a copy provided to the Service.
 - No other uses for the APS Karst Preserve will be permitted and ongoing use of existing on-site access trails will be limited to preserve management and monitoring purposes.
 - If the Permittee elects to grant a conservation easement on the proposed APS Karst Preserve, the Permittee will coordinate with the Service to obtain approval for the conservation entity chosen to hold the easement and the specific language of the easement terms and conditions.



- h. The Permittee will provide for an adaptive management and monitoring program for the APS Karst Preserve that will be consistent with the most current Service "Karst Preserve Management and Monitoring Recommendations."
 - i. The Permittee will review management and monitoring data every 5 years and propose revisions as needed to help ensure that available funding is spent effectively towards achieving the biological goals and objectives of the HCP. The Permittee will submit any proposed changes to the management and monitoring activities described below to the Service for review and approval prior to implementation.
- N. 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/threatened species, or preservation of biological materials from a dead specimen, the Permittee and any contractor/subcontractor has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.
- O. An annual report will be submitted by March 31 of each year through build-out to the Austin Ecological Services Field Office at the address below and will describe the previous calendar year's activities and compliance with this permit and the HCP (as described in the HCP). Upon completion of construction, a final annual report will be submitted summarizing full compliance with the permit and HCP.

U.S. Fish and Wildlife Service
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, Texas 78758
Telephone (512) 490-0057
Facsimile: (512) 490-0974

A copy of the cover letter (or e-mail) 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
FW2_HCP_Permits@fws.gov

----- Permit # TE36242C-1 Terms and Conditions End -----