

*Government Canyon State Natural Area and Camp Bullis*

The benefits of designating as critical habitat the State-owned GCSNA lands in proposed Units 1a, 1b, 1c, and 1d, and the DOD-owned Camp Bullis lands in proposed Units 10 and 11, are small to none. As previously stated, the listed species and their habitat on both Camp Bullis and the GCSNA already are being managed and protected under Service-approved karst management plans. These management plans provide long-term conservation benefits to the listed species on these properties. The only additional protection for the primary constituent elements that could occur on GCSNA would be the requirement for Federal agencies to consult on any action they permit, fund, or carry out, that may affect designated critical habitat, were it designated, on the State-owned lands. However, all of the caves on the Natural Area that could have been included in the designation are known to be inhabited by one or more species of the endangered karst invertebrates. Therefore, the section 7(a)(2) jeopardy standard for Federal agency actions already is in place and Federal agencies are required to consult with the Service on any action that may affect a listed species. Since take of the species would almost certainly be a result of harm to the habitat, no added section 7(a)(2) protections would be provided by designation of critical habitat in this situation.

Also, the primary purpose for GCSNA is for the protection and stewardship of outstanding natural attributes of statewide significance under Policy, TAC 59.61–59.64. Given this stated purpose, it is highly unlikely that the State would allow any federally funded or permitted project that would harm the habitats associated with the caves on the Natural Area. Therefore, it is highly unlikely that section 7(a)(2) consultation would ever be required. Also, GCSNA's karst management plan stipulates that TPWD intends to coordinate with the Service on any activities on GCSNA that may impact listed species or their habitat. Further, in the unlikely event that the State should ever propose an action that lacks Federal agency involvement and that might result in incidental take of the listed karst invertebrates on the Natural Area, an incidental take permit would be required under section 10(a)(1)(B) of the Act. Section 10(a)(1)(B) requires that the applicant minimize and mitigate, to the maximum extent practical, the impacts to listed species. While the Service would have to complete an intra-Service section 7(a)(2) consultation to ensure

that issuing the permit did not jeopardize the listed species or adversely modify critical habitat, were it designated, it is highly unlikely that the designation of critical habitat on the Natural Area would add any measures that would increase the minimization and mitigation of harm to the habitat.

Camp Bullis' mission is to provide field training and support for military activities in south Texas. The mission requirements demand the presence of large tracts of undeveloped land for training operations. The management plan discussed above represents the cumulative efforts of Camp Bullis to eliminate, mitigate, and prevent harm to the federally and state-listed karst species. Camp Bullis has an approved and signed Integrated Natural Resource Management Plan (INRMP). This INRMP provides yet another layer of protection for the natural resources on Camp Bullis. The INRMP includes specific goals for managing the karst resources on Camp Bullis to ensure protection and enhance understanding. This includes: (1) Management of water resources on Camp Bullis, including wetlands, that protects the Edwards Aquifer Recharge Zone; (2) supporting research to measure the relationship between species diversity and the amount of water flowing into the recharge zones; and (3) continuing to support work done by the U.S. Geological Survey. Given these layers of protection for the habitats associated with the occupied caves, inclusion of Camp Bullis lands in this designation of critical habitat would have little or no benefit to the listed karst species.

The benefits of excluding areas within GCSNA and Camp Bullis from designation are significant. If special management and protection plans were not implemented as called for in the GCSNA conservation plan, the State would be required to complete section 10(a)(1)(B) habitat conservation planning for any action that might result in incidental take of the listed species. In the case of Camp Bullis, section 7(a)(2) consultation would be needed on any action likely to result in the destruction or adverse modification of designated critical habitat. However, since both areas are implementing special management and protection plans that preclude take of listed species and harm to the associated habitat, no HCPs or consultations are needed. Completion of section 10(a)(1)(B) permits can require extensive lengths of time, in some cases, years and thousands of hours. Likewise, completion of formal section 7(a)(2) biological opinions may require completion of biological assessments

that can require extensive lengths of time and thousands of hours to complete. Both processes may require the employment of consultants. Thus, by having special management and protection plans in place that preclude actions that might harm species and associated habitat, there is a great savings, in terms of both money and time, and a great benefit, to the Service, the State, and the DOD.

In the situations of GCSNA and Camp Bullis, the State and the DOD assumed the additional cost of putting in place and implementing special management for endangered species in their resource management plans. The special management far exceeds the protections that would be afforded by designation of critical habitat. If these areas were included in the critical habitat designation, the cooperative partnership that motivated these two agencies to assume the cost and work would be damaged. Since the added special management and protection measures for endangered karst invertebrates on the part of the State is voluntary, the designation could result in an adverse change to the cooperative partnership with the Service and changes to future management and protection. The primary constituent elements and species will greatly benefit from the implementation of these plans.

We believe recovery of listed species is best accomplished through partnerships and voluntary actions. If areas that are subject to adequate management plans are not excluded from designations of critical habitat, there will be a chilling effect on other potential partners. There is a great incentive to not having Federal regulations encumbering non-Federal land. It is likely that many potential partners will not assume the cost and work associated with implementing voluntary special management and protection if critical habitat is designated regardless of their efforts. As a result, listed species and their habitat will not have the benefits of voluntary special management. We believe that the benefits of excluding these areas already under special management as a result of voluntary action by the landowners greatly outweighs the benefits of including such areas as part of critical habitat. We believe that excluding these areas is beneficial to these and other species.

In the case of Camp Bullis, there also are national security benefits from exclusion of Units 10 and 11 from critical habitat designation which exceed any benefits from including these areas. In a prior consultation under section 7 of the Act, the Service