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SECTION 6
HABITAT CONSERVATION PLAN
LAND ACQUISITION

Submitted under
Bastrop County HCP (Permit TE039544-0)

PROJECT STATEMENT

HERMS TRACT
BASTROP COUNTY, TEXAS

Prepared by

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David Wolfe, Senior Scientist, Environmental Defense

Dr. Michael R. J. Forstner, Professor,
Texas State University, San Marcos

on behalf of

Pines and Prairies Land Trust

NEED: The land acquisition proposed herein will serve to significantly enhance Houston toad (*Bufo houstonensis*) recovery prospects by preserving one of the larger remaining, privately owned tracts of forested land within the Critical Habitat designated by the United States Fish and Wildlife Service for this species in Bastrop County (Fig. 1). The tract (referred to hereafter as the Herms Tract) lies in an important habitat corridor that links the Griffith League Ranch and more southerly subpopulations on the west side of Highway 21. Protection of this property through purchase of fee title allows genetic exchange within the Houston toad population west of Highway 21 and provides for recolonization when local extinction of smaller choruses has occurred.

Given that Bastrop County supports the most robust remaining populations of Houston toads, and the precipitous increase in real estate development in this region, acquisition of large (>100 ac.) forested parcels for conservation figures prominently in the recovery outlook for this species (USFWS, Houston Toad Recovery Plan draft, 2002; Recovery Task 3). The Herms Tract, at approximately 210 ac., meets these criteria and expands the protected, forested reserve of Griffith League Ranch. In addition, the Herms Tract is essential to maintaining a critical, contiguously forested corridor: It serves as a vital habitat link with the Lost Pines Scout Reservation (currently protected by Safe Harbor agreement), Lower Colorado River Authority (LCRA) Lake Bastrop properties, and Bluebonnet Electric Cooperative properties to the south and east (Fig. 1).

This project satisfies four recovery tasks as stated in the Houston toad Recovery Plan (USFWS, Houston Toad Recovery Plan draft, 2002): 1) provides long-term protection of forested habitat (task 3.2); 2) facilitates monitoring of vegetation management regimes (reforestation, understory clearing, and prescribed fire, tasks 4.5 and 4.6); 3) allows assessment of toad dispersal in low-density residential developments (task 5.1); and 4) offers an outlet for community education and outreach (task 6.0).

The property is entirely forested with Loblolly Pines (*Pinus taeda*) and oaks (*Quercus* sp.); the only clearings of any kind on the property being the several jeep trails that cross the tract. There are no other improvements to the property, thus little remediation should be necessary. There is one pond in the northeast section, at which Houston toad chorusing was detected in auditory surveys from 2000-2008. Thus the Herms tract contains both wetland and riparian/upland habitats that are known to be suitable for and currently occupied by Houston toads.

The proposed Herms Tract will be owned and managed by Pines and Prairies Land Trust, with financial, scientific, and management contributions from Texas State University - San Marcos and Environmental Defense Fund. This partnership will allow scientific monitoring of toad movement and reproduction on the property. Further, acquisition of the Herms Tract represents a critical and irreplaceable piece of Houston toad connectivity planning for Bastrop County. Acquisition will directly facilitate analyses of Houston toad movement between high quality habitat (Herms tract to Lost Pines Scout Reservation) through lower quality (George Ross Lakes) habitat (Fig. 2). It will also allow direct tests of reforestation on toad movements, as reforestation is slated for the George Ross Lakes common area (implemented between Environmental Defense Fund and the Civic Association of Circle D Estates).

The proximity to Circle D Estates, increasing interest in Houston toad management by smaller (5-20 ac.) property owners, and ease of access act to make the Herms Tract an outdoor classroom for landowner education, and a valuable tool for community outreach.

OBJECTIVE: To acquire by fee simple purchase during 2008-2011, 210 acres (the proposed Herms Tract) of existing, occupied Houston toad habitat and its inherent value as a critical dispersal corridor among existing Houston toad conservation tracts.

EXPECTED RESULTS OR BENEFITS: Purchase of the Herms Tract ensures that a large, forested portion of Critical Habitat parcels, owned by the State of Texas, LCRA, Bluebonnet Electric Cooperative, and the Boy Scouts of America, remains intact and contiguous over the long term, thus ensuring the potential for genetic exchange among Houston toad subpopulations and recolonization of locally extirpated populations. The proposed tract shares its northern and eastern boundaries with Griffith League Ranch, thus expanding protected forest habitat in this targeted recovery area (recovery task 3.2).

The location of the Herms Tract between two areas under active management (Griffith League Ranch: prescribed burning 2008-2010; Circle D Civic Association George Ross Lakes Common Area: reforestation 2008; Fig 2) is optimal for assessing Houston toad response to various management regimes (recovery tasks 4.5 and 4.6). Similarly, the shared boundary of this tract with Circle D landowners permits evaluation of toad movement and habitat use across an interface of low-density residential development and more pristine forest reserves, thus enabling the characterization of connectivity properties of residential land use (recovery task 5.1).

Ownership and management of the Herms Tract by Pines and Prairies Land Trust offers an excellent opportunity for community education and outreach. This organization operates two reserves (Yegua Knobbs Preserve and Colorado River Refuge) that host education and outreach events. The Herms Tract would offer similar outreach possibilities, and could serve as an outdoor classroom for demonstrating the most effective and up-to-date management techniques to landowners interested in participating in Houston toad conservation (recovery task 6.0).

APPROACH:

- Notification received of grant approval.
- Willing seller letter obtained from owner of Herms Tract prior to transfer of funds.
- Property is appraised in order to determine value of fee simple purchase.
- Pines and Prairies Land Trust drafts a management and monitoring plan for review by U.S. Fish and Wildlife Service. Cooperating partners (listed below) will assist with development of the management and monitoring plan.
- Boundary survey of property is conducted.
- Closing is scheduled based on date of receipt of grant funds.
- Management and monitoring of Houston toads and their habitat use are ongoing through this process.
- Education and outreach efforts are ongoing through this process.
- Annual reports, which will include both the results of Houston toad surveys/management activities and outreach efforts, will be submitted on or before August 31 each year.

CONTACT INFORMATION:

| Key Project Personnel and Cooperators | Relationship to Project |
|---|--|
| Tom Dureka Executive Director, Pines and Prairies Land Trust (512) 308-1911 | |
| tdureka@pplt.org | Title holder and manager |
| David Wolfe Senior Scientist, Environmental Defense (512) 478-5161 | |
| dwolfe@environmentaldefense.org | Coordinator of habitat restoration and enhancement activities |
| Michael Forstner, Ph.D. Professor, Texas State University (512) 245-3362 | |
| mf@txstate.edu | Principal Investigator; Coordinator of Houston toad monitoring activities. |
| Tim Schumann U.S. Fish and Wildlife Service (512) 490-0057 | |
| Tim_schumann@fws.gov | Participant in design and implementation of prescribed fire and wetland/pond management. |

LOCATION:

The Southeast corner of the Herms Tract is located approximately 1 mi. northeast of the intersection of Old Firetower Road and FM 1441, on Old Firetower Road, approximately 5.75 mi. northwest of the City of Bastrop in Bastrop County, Texas.

BUDGET:

| Item # | Budgeted Item | Federal Share | Non-Federal Share | Total |
|---------------|---|----------------------|--------------------------|-------------------|
| 1 | Personnel | | | |
| | Tom Dureka, Director 200 hrs/yr x 2yrs @\$20/hr | 0 | 8,000 | 8,000 |
| 2 | Travel | | | |
| | Bastrop area (40 trips @ 40 miles x 0.505/mile) | 0 | 808 | 808 |
| 3 | Equipment | 0 | 0 | 0 |
| 4 | Supplies | 0 | 0 | 0 |
| 5 | Contractual | | | |
| | Jim Jeffries Appraisal | 0 | 5,000 | 5,000 |
| | Boundary Survey | 2,500 | 0 | 2,500 |
| | Title, Alamo Title Co. | 0 | 250 | 250 |
| | Legal fees | 0 | 2,000 | 2,000 |
| | Phase 1 EA, Loomis Austin | 0 | 4,500 | 4,500 |
| | Pines and Prairies Land Trust Management fees | 0 | 41,000 | 41,000 |
| | Initial site evaluation, monitoring, and GIS | 4,000 | 10,500 | 14,500 |
| 6 | Other | | | |
| | Land (\$4,000/acre) 210 acres | 630,000 | 210,000 | 840,000 |
| 7 | Totals | \$ 636,500 | \$ 282,058 | \$ 918,558 |
| | Percentages | 69% | 31% | 100% |

MILESTONE SCHEDULE:

- September 2008 Submission of completed grant application
- April 2009 Notification of grant approval
- May 2009 Notify landowners and begin process of purchase/acquisition
- July 2009 Completion of Appraisal and Title documents
- October 2009 Transfer of title to Pines and Prairies Land Trust
- November 2009 Initiation of Phase I Environmental Assessment
- January 2010 Completion of Ecological Laboratory agreement with TX State University
- January 2010 Begin mark-recapture study of Houston toads on the tract
- July 2010 Provide habitat management plan and objectives to USFWS for review
- September 2010 Initiate approved forestry management/habitat improvements

LITERATURE CITED:

U.S. Fish and Wildlife Service. 2002. Draft Houston toad (*Bufo houstonensis*) recovery plan (revised). Albuquerque, New Mexico. 129 pp.

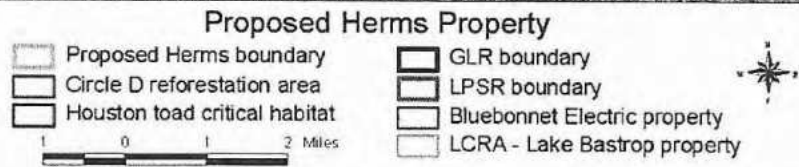
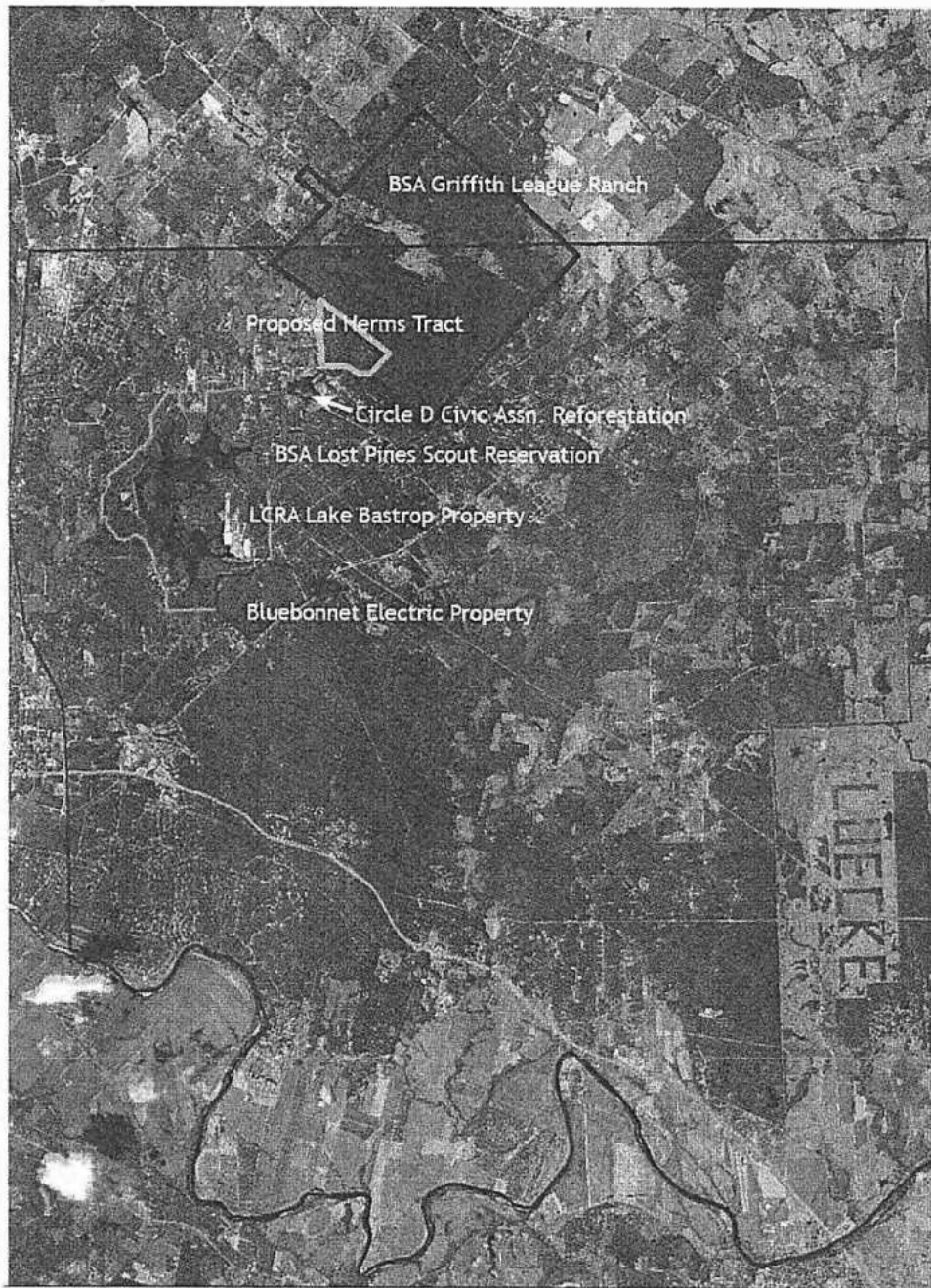


Figure 1: Location of proposed Hems Tract within the USFWS defined Critical Habitat



Figure 2: Proposed Herms Tract showing proximity to the Circle D Civic Association reforestation project, scheduled for fall 2008.

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Version 7/03

APPLICATION FOR
FEDERAL ASSISTANCE

| | | | |
|--|---|--------------------------------------|---|
| 1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction | Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction | 2. DATE SUBMITTED 09/16/2008 | Applicant Identifier |
| | | 3. DATE RECEIVED BY STATE 09/01/2008 | State Application Identifier TX-W-20080915-0001-50 |
| | | 4. DATE RECEIVED BY FEDERAL AGENCY | Federal Identifier |

5. APPLICANT INFORMATION

| | |
|---|---|
| Legal Name: TEXAS PARKS AND WILDLIFE DEPARTMENT | Organizational Unit: Department: TEXAS PARKS AND WILDLIFE DEPARTMENT |
| Organizational DUNS: 806782256 | Division: WILDLIFE |
| Address: Street: 4200 SMITH SCHOOL ROAD | Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Dr. First Name: Charles |
| City: AUSTIN | Middle Name: Craig |
| County: TRAVIS | Last Name: Farquhar |
| State: TEXAS Zip Code: 78744-3291 | Suffix: NA |
| Country: U.S. | Email: craig.farquhar@tpwd.state.tx.us |

| | | |
|--|---|---|
| 6. EMPLOYER IDENTIFICATION NUMBER (EIN): 74-1680372 | Phone Number (give area code) (512) 389-4933 | Fax Number (give area code) (512) 389-8043 |
|--|---|---|

| | |
|--|---|
| 8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify) | 7. TYPE OF APPLICANT: (See back of form for Application Types) A. State Other (specify) |
|--|---|

| | |
|---|---|
| 10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 15-615 TITLE (Name of Program): COOPERATIVE ENDANGERED SPECIES | 9. NAME OF FEDERAL AGENCY: U.S. Department of Interior, Fish and Wildlife Service |
| 12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Travis County | 11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Herms Tract Habitat Conservation Plan Land Acquisition |

| | |
|--|--|
| 13. PROPOSED PROJECT Start Date: 04/01/2009 Ending Date: 04/01/2012 | 14. CONGRESSIONAL DISTRICTS OF: a. Applicant 25 b. Project 25 |
|--|--|

| | |
|---|---|
| 15. ESTIMATED FUNDING: a. Federal \$ 636,500.00 b. Applicant \$ c. State \$ 282,058.00 d. Local \$ e. Other \$ f. Program Income \$ g. TOTAL \$ 918,558.00 | 16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. Yes. <input checked="" type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: 09/16/2008 b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O: 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW |
| 17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No | |

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

| | |
|---|--|
| a. Authorized Representative Prefix Dr. First Name Charles Middle Name Craig | Last Name Farquhar Suffix NA |
| b. Title Endangered Species Grants Coordinator | c. Telephone Number (give area code) (512) 389-4933 |
| d. Signature of Authorized Representative | e. Date Signed |

NEPA COMPLIANCE CHECKLIST

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State: Texas Federal Financial Assistance Grant/Agreement/Amendment Number: New
 Grant/Project Name: Herms Tract Habitat Conservation Plan Land Acquisition

This proposal is; is not completely covered by categorical exclusion A.4 in 516 DM 2, Appendix 1; and/or 516 DM 6, Appendix _____.

(check (✓) one) (Review proposed activities. An appropriate categorical exclusion must be identified before completing the remainder of the Checklist. If a categorical exclusion cannot be identified, or the proposal cannot meet the qualifying criteria in the categorical exclusion, or an extraordinary circumstance applies (see below), an EA must be prepared.)

Extraordinary Circumstances:

Will This Proposal (check (✓) yes or no for each item below):

- | Yes | No | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Have significant adverse effects on public health or safety. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Have significant adverse effects 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); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas under Federal ownership or jurisdiction. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Have a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Have significant adverse effects on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office, the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, or a consulting party under 36 CFR 800. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 8. Have significant adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant adverse effects on designated Critical Habitat for these species. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Have the possibility of violating a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Have the possibility for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11. Have the possibility to 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). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Have the possibility to significantly 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). |

(If any of the above extraordinary circumstances receive a "Yes" check (✓), an EA must be prepared.)

Yes No This grant/project includes additional information supporting the Checklist.

Concurrences/Approvals:

Project Leader: [Signature] Date: 09/18/2008

State Authority Concurrence: [Signature] Date: 09/18/2008

(with financial assistance signature authority, if applicable)

Within the spirit and intent of the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the grant/agreement/amendment:

- is a categorical exclusion as provided by 516 DM 6, Appendix 1 and/or 516 DM 2, Appendix 1. No further NEPA documentation will therefore be made.
- is not completely covered by the categorical exclusion as provided by 516 DM 6, Appendix 1 and/or 516 DM 2, Appendix 1. An EA must be prepared.

Service signature approval:

RO or WO Environmental Coordinator: _____ Date: _____

Staff Specialist, Division of Federal Assistance: _____ Date: _____

(or authorized Service representative with financial assistance signature authority)