FINAL REPORT

As Required by

THE ENDANGERED SPECIES PROGRAM

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Grant No. E-1-11

Endangered and Threatened Species Conservation

Project No. 80: Community-based Conservation Strategies For Rural Hill Country Residents

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November 30, 1999

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PREPARED BY: Linda Campbell 15 November 1999

APPROVED BY: _____ _____

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Texas Parks & Wildlife Department

Attachment A.

Central Texas Rare Species Conservation Plan

The purpose of this project was to develop, with input from landowners and landowner organizations, a written document that could serve as a "tool chest" of voluntary options available to landowners in Texas wishing to manage their lands for conservation of rare resources. Furthermore, our goal was to facilitate implementation of tools chosen by landowners and their communities to help achieve local conservation. In order to do this, a regional conservation plan was developed for central Texas.

Two drafts of the Central Texas Rare Species Conservation Plan (CTRSCP) were completed under the guidance of the Steering Committee (see attached document). On October 16, 1997 we invited a group of Hill Country landowners and representatives of landowner and conservation organizations, state and federal agencies, and policy makers to begin the process of formalizing the plan. A Steering Committee was formed to direct the drafting and review of the conservation plan document. The Steering Committee selected a list of biologists to serve as a Scientific Advisory Committee during development of the conservation plan. Over the next several months, the Steering Committee reviewed the first draft of the plan and made comments to Texas Parks and Wildlife Department. The Department took the lead in facilitating the planning process. A second meeting of the Steering Committee was held on February 10, 1998 near Mason. As a result of the input received at that meeting, a second working draft of the regional conservation plan was completed. Serious criticism and a misinformation campaign by the Competitive Enterprise Institute (CEI) and the American Land Foundation (ALF) resulted in a great deal of confusion about safe harbor in general and the draft conservation plan in particular. A final meeting of the Steering Committee was held on April 23, 1998 in Austin. Representatives from CEI and ALF were invited to speak to the committee about their concerns. Although many on the Steering Committee wanted to continue the planning process, the confusion generated by these property rights groups ultimately led to Texas Parks and Wildlife's decision to discontinue its role in the CTRSCP planning process.

CENTRAL TEXAS RARE SPECIES CONSERVATION PLAN

Prepared By:
Central Texas Rare Species Conservation Plan Steering Committee in cooperation with
Texas Parks and Wildlife Department

Date

(Submitted to U.S. Fish and Wildlife Service: date)
(Final Draft Prepared: date)
(Third Draft Prepared: date)
(Second Draft Prepared: February, 1998)
(First Draft Prepared: October, 1997)

Suggested Members of the Steering Committee for the Central Texas Rare Species Conservation Plan

Mr. Bob Ayers, Shield Ranch, Travis County
Mr. David Bamberger, Bamberger Ranch, Blanco County
Mr. Kirby Brown, Texas Parks and Wildlife
Ms. Linda Campbell, Texas Parks and Wildlife
Mr. Paul Garrison, III, Cazey Creek Enterprises, Bandera County
Ms. Catriona Glazebrook, J.D., Texas Audubon Society
Dr. Gary Graham, Texas Parks and Wildlife
Mr. Steve Haverlah, Rancher, Llano County
Mr. Ray Johnson, The Nature Conservancy of Texas
Mr. David Langford, Texas Wildlife Association
Ms. Barbara Loe, Lone Star Chapter, Sierra Club
Mr. Ray Mathews, Texas Organization for Endangered Species
Ms. Dorothy Mattiza, Gunsight Mountain Ranch
Mr. Mike McMurray, Texas Department of Agriculture
Mr. Don Petty, Texas Farm Bureau
Mr. Desmond Smith, Hill Country Heritage Association
Dr. Don Steinbach, Department of Wildlife and Fisheries, TAMU
Ms. Melinda Taylor, J.D., Environmental Defense Fund
Mr. Gary Valentine, USDA, Natural Resources Conservation Service
Mr. Roy Welch, Texas Parks and Wildlife

Suggested Members of the Scientific Advisory Board for the Central Texas Rare Species Conservation Plan

Mr. Bill Armstrong, Texas Parks and Wildlife
Mr. William Carr, The Nature Conservancy of Texas
Mr. Fielding Harwell, Texas Parks and Wildlife
Mr. David Hernandez, Texas Parks and Wildife
Ms. Gena Janssen, Texas Parks and Wildlife
Mr. Mike Krueger, Texas Parks and Wildlife
Mr. Clifton Ladd, Travis County Department of Natural Resources
Mr. Steve Nelle, USDA Natural Resources Conservation Service
Ms. Lisa O'Donnell, U.S. Fish and Wildlife Service
Ms. Jackie Poole, Texas Parks and Wildlife
Mr. David Riskind, Texas Parks and Wildlife
Ms. Susan Rust, Stewardship Services, Inc.
Dr. Chuck Sexton, U.S. Fish and Wildlife Service
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PREFACE

This conservation plan is intended to promote the conservation of rare species occurring in central Texas, while offering various management options for private landowners whose property may have rare species or their habitats. The plan addresses conservation strategies for four federally-listed species: the golden-cheeked warber (*Dendroica chrysoparia*), black-capped vireo (*Vireo atricapillus*), tobusch fishhook cactus (*Ancistrocactus tobuschii*), and Texas snowbells (*Styrax texanus*), all listed as endangered. Unlisted (but considered rare) species of concern addressed in this conservation plan include big red sage (*Salvia penstemonoides*), bracted twistflower (*Streptanthus bracteatus*), and Rydberg's scurfpea (*Pediomelum humile*).

The plan presents various options available to landowners for the conservation of rare species and their habitats. The plan also provides voluntary options for private landowners and local governments designed to reduce liability associated with having listed species, or those species that may be listed in the future, on or near their property. These options are 1) the "Safe Harbor" program for federally-listed animals, and 2) Conservation Agreement program for federally-listed plants and unlisted candidate species.

The Safe Harbor program is unique because it offers landowners an incentive to provide habitat for endangered or threatened species in advance of any specific activity that may harm the species. In contrast, standard habitat conservation plans are typically designed to offset or "mitigate" some adverse impact to endangered species. The primary objective of the Safe Harbor conservation program is to encourage voluntary habitat restoration or enhancement activities for the golden-cheeked warbler (GCW) and black-capped vireo (BCV). This will be accomplished by relieving a landowner who enters into a cooperative agreement with the Texas Parks and Wildlife Department (TPWD) from any additional responsibility under the Endangered Species Act (Act) beyond that which exists at the time a landowner enters into the agreement, i.e., to provide a "Safe Harbor".

Landowners who voluntarily choose to participate in the Safe Harbor program would be required to protect and maintain any GCW or BCV habitat that currently exists on their property at the time they enter into the Safe Harbor program. The habitat that currently exists is called baseline habitat. Maintaining baseline habitat is the responsibility of the landowner for his/her property. Landowners are under no obligation to protect any additional habitat that is created as a result of the management practices carried out under their individual wildlife management plan. Participating landowners will enter into a cooperative agreement with TPWD and receive a "Certificate of Inclusion" under a permit issued to TPWD that authorizes the future removal, alteration, or elimination of GCW or BCV habitat resulting from the habitat improvements carried out by individual landowners implementing their wildlife management plans (habitat created above baseline). Thus, as long as a landowner carries out the agreed upon habitat improvements and maintains their baseline habitat responsibilities, they may alter vegetation, change land use, or make any other lawful use of the property, even if such use incidentally results in the loss of GCW

or BCV habitat and its associated birds. The participating landowner will only be required to notify TPWD concerning such actions.

Under the ESA, landowners are under no obligation to protect listed plants or unlisted candidate species. Tobusch fishhook cactus, Texas snowbells, and other unlisted candidate plant species are included in this regional conservation plan to encourage recognition of these species and their habitat needs while promoting beneficial conservation actions.

The purpose of the Conservation Agreement program is to encourage voluntary habitat restoration or enhancement activities for federally-listed plants and unlisted species of concern, while providing assurances to landowners that, if covered species are eventually listed, property owners would not be required to do more than those actions agreed to in the Conservation Agreement. If a species covered under the Agreement is eventually listed, property owners would be allowed to implement management activities that may result in loss of individuals or modification of habitat consistent with levels agreed upon and specified in the Agreement. By entering into a Conservation Agreement with TPWD, participating landowners will have the opportunity to help stabilize and recover declining species and their habitats, contribute to keeping species "off the list", and receive certainty relative to their future obligations under the Act.

Finally, additional tools available to landowners for the conservation of wildlife resources, including rare species and their habitats, are discussed. These voluntary options include technical guidance, development of wildlife management plans, open space tax valuation for wildlife, financial incentives for conserving and managing habitats for rare species, conservation easements and leases, standard incidental take permit under the ESA, and community-based local conservation planning.

I. Background

The golden-cheeked warbler (GCW) is a migratory songbird that nests in the juniper-oak woodlands of central Texas and winters in the pine-oak woodlands of southern Mexico and Central America. This colorful songbird was listed as endangered by the U.S. Fish and Wildlife Service in 1990. Reasons for listing include loss of habitat due to urban development, agricultural clearing, reservoir construction, and fragmentation of habitat. The Recovery Plan for the golden-cheeked warbler designates 8 recovery regions (Appendix 5). Criteria for recovery are discussed in the Recovery Plan.

Listed as endangered by the U.S. Fish and Wildlife Service in 1987, the black-capped vireo (BCV) is a migratory songbird nesting in the shrublands of the Edwards Plateau, Cross Timbers, and eastern Trans-Pecos ecoregions. Reasons for listing include population decline, low reproductive success, low recritment (number of young entering the breeding population), nest parasitism by cowbirds, habitat loss, and habitat deterioration due to control of natural processes such as fire. The Recovery Plan for the BCV designates six recovery regions (Appendix 5) with a goal of achieving at least one viable population in each of six recovery regions throughout the vireo's current breeding range.

Tobusch fishhook cactus and Texas snowbells are both federally-listed as endangered in Texas. Although plants and animals are treated differently under the ESA (i.e., landowners are not required by the ESA to protect habitat where plants occur), the listed plants are included in this conservation plan to encourage proactive management that benefits these species. With the active involvement of private landowners, it may be possible to delist in the future, especially with regard to Tobusch fishhook cactus.

Since 97% of the land in Texas is privately-owned, conservation of these and other listed species cannot succeed without the voluntary cooperation of private landowners. Although there are a number of important public lands providing habitat for GCWs and BCVs, most of the habitat for these songbirds in central Texas is on private land. Texas Parks and Wildlife Department is convinced that a voluntary, incentive-based approach to the conservation of rare species in Texas is the only way to achieve real long-term conservation and recovery of listed species.

In August 1996, TPWD's Endangered Resources Branch hosted a meeting to gain input on several new initiatives focused on conserving rare species by offering private landowners incentive-based approaches. Agencies and groups represented at the meeting included the U.S. Fish and Wildlife Service, U.S. Natural Resources Conservation Service, Texas Department of Agriculture, Texas Agricultural Extension Service, Texas Farm Bureau, Texas Wildlife Association, Hill Country Heritage Association, The Nature Conservancy of Texas, and Texas Audubon Society, and several private landowners with property in central Texas. The participants at this meeting had lively discussions concerning how best to conserve rare species in Texas. One of the key points from the meeting was a recommendation for TPWD to explore

further the feasibility of developing a Safe Harbor conservation plan for the Hill Country. Those in attendance agreed strongly that, 1) participation in conservation programs must be voluntary, 2) incentive-based approaches are badly needed, 3) economic incentives are very important, 4) landowners need assurances and certainty with regard to responsibilities under the ESA, 5) private property rights must be respected, 6) conservation strategies must address the overall needs and desires of rural landowners and communities, 7) landowners need a variety of practical conservation options and the information necessary to effectively implement these options, and 8) the most effective conservation efforts are locally-driven with government in an assistance role. With this input, TPWD began to develop several incentive-based initiatives for the conservation of rare species in Texas. Development of a regional conservation plan for central Texas and implementation of the Landowner Incentive Program, a financial assistance program to conserve rare species, are two of these initiatives.

To ensure that this regional conservation plan is developed with adequate participation and input from central Texas landowners, landowner representatives, and appropriate state and federal agencies, a Steering Committee was formed to develop the plan. This Steering Committee consists of several landowners with property in central Texas, along with representatives from Texas Parks and Wildlife Department, Texas A&M University Agricultural Extension Service, U.S. Natural Resources Conservation Service, Texas Department of Agriculture, Texas Farm Bureau, Texas Wildlife Association, The Nature Conservancy of Texas, and Texas Audubon Society. The U.S Fish and Wildlife Service is represented as advisor to the Steering Committee. Additionally, a Scientific Advisory Committee was formed with representatives from Texas Parks and Wildlife Department, The Nature Conservancy of Texas, Travis County Department of Natural Resources, U.S. Natural Resources Conservation Service, U.S. Fish and Wildlife Service, Texas A&M University Department of Wildlife and Fisheries, and private consulting. The role of the Scientific Advisory Committee is to make recommendations to the Steering Committee concerning their experience with the biology and management of the rare species considered in this plan.

A significant component of this regional conservation plan is the development of a program under Section 10(a)(1)(A) of the ESA that encourages voluntary enhancement and restoration of GCW and BCV habitat on private land in return for protection - a "Safe Harbor" - from any additional future liabilities under the ESA. Texas Parks and Wildlife Department will be the formal permit holder under the requested Section 10(a)(1)(A) permit. The central Texas Regional Biologist for the Endangered Resources Branch, based in Austin, Texas will be the TPWD staff person responsible for coordinating the implementation of this regional conservation plan.

II. Purpose and Need

The purpose of this regional conservation plan is to encourage and facilitate the restoration and enhancement of habitat for listed and candidate species on privately-owned land in central Texas. There are a number of management actions that landowners could implement to provide suitable

nesting habitat for GCWs or BCVs. Many landowners already are managing their lands to maintain and/or create suitable habitat for these birds. These management actions could result either in the use by GCWs or BCVs of currently unused areas or in use by greater numbers of birds on lands that already support one or more breeding pairs. Not only do landowners have little legal or economic incentive to undertake these management actions at present, they actually may have a disincentive to do so. The use (or increased use) of a landowner's property by GCWs or BCVs brings with it a responsibility to avoid harming the species or its habitat. These responsibilities, depending on the number of breeding pairs, tract size, and land management objectives, can limit or modify a landowner's land use alternatives. To minimize these responsibilities under the ESA, private landowners have often refrained from taking the types of actions that would benefit these listed songbirds. Some landowners may in fact be taking actions designed to reduce the likelihood that their land will be used by GCWs or BCVs in the future, such as clearing woodland or altering the vegetative structure of shrublands.

Some central Texas landowners may be willing to implement actions that would benefit rare species on their property if the possibility of future land use limitations can be reduced or eliminated. These actions could include protection of juniper-oak woodlands, control of browsing pressure, prescribed burning, selective brush management, and cowbird control. This habitat conservation plan encourages the voluntary cooperation of private landowners by addressing some of the disincentives that thus far have worked against conservation of rare species on private land.

III. Geographic Scope

The geographic scope of this conservation plan encompasses the counties, within the Edwards Plateau and Llano Uplift Ecoregions of Texas, where the GCW and BCV are known to occur. It also includes counties within these ecoregions with known occurrences of tobusch fishhook cactus and Texas snowbells.

The purpose of this plan is to encourage conservation of rare species on privately-owned rural lands in Texas. Lands within rapidly developing urban fringe areas, i.e. within the city limits and ETJs of metropolitan areas, are not eligible. Priority will be placed on securing conservation agreements with rural landowners willing to conserve and manage habitats that support the rare species of concern.

IV. Species and Habitats Covered By The Safe Harbor and Conservation Agreement Programs

Federally-listed Species

The following habitat descriptions, from Campbell (1995), will be used to designate baseline habitat for the golden-cheeked warbler and the black-capped vireo. These habitat descriptions were extensively reviewed by biologists familiar with the GCW and BCV in Texas, and are the

agreed upon standard used by both Texas Parks and Wildlife Department and the U.S. Fish and Wildlife Service. The habitat descriptions below for Texas snowbells and tobusch fishhook cactus were developed by TPWD Endangered Resources Branch staff in consultation with the USFWS. The habitat descriptions for the two listed plants will be used for conservation planning within the range of these species. Additional information on description, distribution, life history, threats, and recovery activities for these four federally-listed species is presented in Appendix .

GOLDEN-CHEEKED WARBLER (*Dendroica chrysoparia*)

Habitat Types Where GCW Are Expected To Occur

Woodlands with mature Ashe juniper (cedar) in a natural mix with oaks, elms, and other hardwoods, in relatively moist (mesic) areas such as steep canyons and slopes, are considered habitat types that are highly likely to be used by warblers. These areas generally will have a nearly continuous canopy cover of trees with 50 to 100 percent canopy closure. This habitat type is also important for deer, turkey, songbirds, and a variety of other wildlife due to the diversity of vegetation and topography and, in many cases, proximity to water. Woodlands of this description should be retained wherever they occur, especially along creeks and draws, and on steep slopes and generally rough terrain.

Habitat Types That May Be Used By Warblers

It is relatively easy to recognize habitat types where Golden-cheeked Warblers are likely to occur. However, there are a number of other vegetation types that may also be used by warblers, depending on the location, size of tract, land use, adjacent landscape features, and vegetation structure. These habitat types are most often used by warblers when they are located adjacent to or near areas of high quality habitat.

The four habitat types discussed below are associated with a variety of tree canopy cover, ranging from 35 to 100 percent. Although not representative of what is typically thought of as the "best" warbler habitat, these areas may support Golden-cheeked Warblers, especially fledglings (young birds that have left the nest). These habitats may be relatively more important to warblers nesting in the western and northern portions of the species' breeding range, or in areas where optimal habitat no longer exists. Although these habitat types may occupy a large geographic area within the Hill Country, only a small amount is known to be occupied by warblers when the sites are not close to the optimal habitat types.

1. Stands of mature Ashe juniper (trees with shredding bark), over 10 feet in height, with scattered live oaks (at least 10% total canopy cover), where the total canopy cover of trees exceeds 35 percent.

2. Bottomlands along creeks and drainages which support at least a 35 percent canopy of deciduous trees, with mature Ashe juniper growing either in the bottom or on nearby slopes.

3. Mixed stands of post oak and/or blackjack oak with scattered mature Ashe juniper (10-30%

canopy cover), where the total canopy cover of trees exceeds 35 percent.

4. Mixed stands of shin (scalybark) oak with scattered mature Ashe juniper (10-30% canopy cover), where the total canopy cover of trees exceeds 35 percent (See Table 1).

BLACK-CAPPED VIREO (*Vireo atricapillus*)
Habitat is found on rocky limestone soils of the Edwards Plateau, Cross Timbers and Prairies, eastern Trans-Pecos and, to a limited extent, on igneous soils in the Chisos Mountains. Although Black-capped Vireo habitat throughout Texas is highly variable with regard to plant species, soils, temperature, and rainfall, all habitat types are similar in vegetation structure; i.e. the "overall look" is somewhat similar although the plant species vary. Vireos require shrub vegetation reaching to ground level for nesting cover. They typically nest in shrublands and open woodlands with a distinctive patchy structure. Typical habitat is characterized by shrub vegetation extending from the ground to about 6 feet and covering about 30 to 60 percent or greater of the total area. In the eastern portion of the vireo's range, the shrub layer is often combined with an open, sparse to moderate tree canopy. Open grassland separates the clumps of shrubs and trees.

In the Edwards Plateau and Cross Timbers Regions, vireo habitat occurs where soils, topography, and land use produce scattered hardwoods with abundant low cover. Common broad-leaved plants in vireo habitat include: Texas (Spanish) oak, Lacey oak, shin oak, Durand (scaleybark) oak, live oak, mountain laurel, evergreen sumac, skunkbush sumac, flameleaf sumac, redbud, Texas persimmon, mesquite, and agarita. Although Ashe juniper is often part of the plant composition in vireo habitat, preferred areas usually have a low density and cover of juniper.

In the western Edwards Plateau and Trans-Pecos Regions, on the western edge of the vireo's range, the birds are often found in canyon bottoms and slopes where sufficient moisture is available to support diverse shrub vegetation. Dominant woody plants in this habitat type include sandpaper oak, vasey shin oak, Texas kidneywood, Mexican walnut, and fragrant ash, mountain laurel, and guajillo.

For all habitat types, the plant composition appears to be less important than the presence of adequate broad-leaved shrubs, foliage to ground level, and mixture of open grassland and woody cover. Deciduous and broad-leaved shrubs and trees throughout the vireo's range are also important in providing habitat for insects on which the vireo feeds.

TEXAS SNOWBELLS (*Styrax texanus*)
Texas snowbells grows out of crevices on steep limestone bluffs or cliff faces along streams and dry creek beds. It can also grow in the dry gravels of streambeds or on thin soils overlying limestone ledges. Texas snowbells is often found growing with Texas ash, sycamore, little walnut, Mexican silktassel, Lacey oak, Texas oak, Mexican-buckeye, Texas mountain laurel, Texas persimmon, guajillo, and Ashe juniper.

Since it is readily eaten by deer, goats, and exotic ungulates, over-browsing is a serious threat to its survival. Young seedlings are often eaten by browsing animals or insects. When Texas snowbells is protected from browsing animals, it will grow on relatively level sites with deeper soils. It is quite possible that cliffsides are not necessarily preferred habitat, but simply represent areas free from browsing pressure.

TOBUSCH FISHHOOK CACTUS (*Ancistrocactus tobuschii*)
Tobusch fishhook cactus habitat consists of patchy openings scattered within a mosaic of woodlands, shrublands, and grasslands. Tobusch fishhook cactus tends to occur on very shallow gravely soil over flaggy limestone within openings among live oak-juniper rangelands. Such sites are usually open with only herbaceous cover such as grasses and forbs, although individual Tobusch fishhook cacti may be somewhat protected by rocks, grasses, or spikemoss (*Selaginella* spp.). The soils are moderately alkaline, rocky loams, clay loams, or clays classified as the Tarrant, Ector, or Eckrant series. Habitat geology tends to be fractured limestone, usually of the Edwards or an equivalent formation. Typical plant communities at these sites are curly mesquite-sideoats grama, Ashe juniper-oak, and pinyon pine-oak. Habitat sites are usually on level to slightly sloping hill or ridge tops, and occasionally on ledges or other relatively level areas on steeper slopes. Infrequently, this species also occurs along floodplains and gravels along creek bottoms.

Unlisted Candidate Species Covered Under Conservation Agreements

Habitat management, restoration, and enhancement for certain unlisted candidate species will be implemented as part of this conservation plan for central Texas. A description of each species and its habitat requirements are presented below. Landowners wishing to enter into a Conservation Agreement will be expected to carry out agreed upon management actions designed to benefit candidate species which occur on their property. In return for proactive participation in the conservation of unlisted species, landowners will receive assurance that, if covered species are eventually listed, they would not be required to do more than those actions agreed to in the Conservation Agreement.

BIG RED SAGE (*Salvia penstemenoides*)
This tall perennial herb occurs within moist to seasonally wet clay or silt soils along creek beds and seepage slopes of limestone canyons. Associated plants include Ashe juniper, Texas oak, baldcypress, sycamore, sugarberry, and elm. Big red sage flowers from June to October with basal leaves conspicuous for much of the year. It is known from Bandera, Bexar (historically), Gillespie (historically), Guadalupe (historically), Kendall, Kerr, Real, Travis (introduced), and Wilson (historically) Counties.

BRACTED TWISTFLOWER (*Streptanthus bracteatus*)
This attractive annual herb occurs on shallow, well-drained gravely clays and clay loams over limestone in oak-juniper woodlands and associated openings. It occurs on steep to moderate

slopes and in canyon bottoms. Bracted twistflower is often found amid dense shrub growth where some protection from browsing animals is afforded. It flowers from mid April through mid to late May, with fruit maturing and foliage withering by early summer. Dead but erect stems may persist until mid-winter. Bracted twistflower is known from Bandera, Comal, Medina, Real, Travis, and Uvalde counties.

RYDBERG'S SCURFPEA (*Pediomelum humile*)
This small perennial herb occurs within shortgrass grasslands on shallow, stony soils on dry, open limestone hills. It has been found in Val Verde County and in Coahuila, Mexico. Rydberg's scurfpea flowers in April and May.

V. Establishment and Monitoring of Baseline Conditions for Safe Harbor Option

Individual landowners who voluntarily choose to participate in the Safe Harbor program will be responsible for maintaining the current acres of habitat for golden-cheeked warblers and black-capped vireos that exist on their property at the time they enter into the agreement to participate in Safe Harbor. A Department biologist, working with the landowner, or a group of landowners in the case of a wildlife cooperative, will inventory the property to determine the location and acres of currently suitable habitat for each species. The habitat descriptions in Section IV will be used to delineate suitable habitat. Habitat types that may be used by GCW or BCV, which are not easily classified by inspection, may be reviewed by contract consultants or other qualified biologists, to determine presence or absence of birds for delineation of baseline acreage. Suitable habitat for federally-listed plants and candidate species also will be determined and noted in the wildlife management plan. Baseline conditions will be monitored through followup technical assistance visits by the local or regional biologist. At least one site visit per year will be scheduled at a time mutually convenient for the landowner and the biologist.

Texas Parks and Wildlife biologists will work with their partners in other agencies to promote communication and cooperation among landowners participating in the Safe Harbor program. The goal of these efforts will be to promote community and regional support and cooperation in the restoration of habitats and recovery of listed species.

VI. Management Actions To Accomplish Net Conservation Benefits

Conservation of rare species will be accomplished through implementation of individual wildlife management plans developed by the landowner with technical assistance from TPWD biologists. Wildlife management plans for participating landowners will provide specific recommendations and plan of action for the protection, enhancement, and restoration of habitats for federally-listed and candidate species, as well as other game and nongame wildlife. Wildlife management plans will be designed to integrate with existing livestock operations or other planned management activities and developed to meet the landowner's overall goals and objectives for his/her property.

Landowners wishing to participate in the Safe Harbor or Conservation Agreement programs of the Central Texas Rare Species Conservation Plan will make a written request to TPWD for a wildlife management plan. The biologist and landowner will assess the need for and benefits of participation in the Safe Harbor and/or Conservation Agreement programs for the property. If the landowner chooses to sign an agreement, he voluntarily agrees to: 1. implement the wildlife management plan to the best of his ability, 2. maintain baseline habitat conditions for GCW and/or BCV (for Safe Harbor), 3. periodically allow site visits by TPWD biologists (with proper notification) to assess habitat and provide followup recommendations, and 3. notify TPWD of plans to eliminate habitat of GCW or BCV (permitted incidental take under Safe Harbor program).

The purpose of this regional plan is to encourage participation in the management and restoration of habitat for listed species by as many landowners as possible, regardless of their comfort level with regard to endangered species issues. We encourage landowners to openly share information about listed species and habitats which occur on their property. However, we also recognize that many landowners are concerned about privacy issues and would prefer to keep information about their property confidential. Two options exist for landowners who want to participate in Safe Harbor: 1) develop a wildlife management plan with TPWD and choose to share site specific information on rare species; i.e. record the information for public review, or 2) develop a wildlife management plan with TPWD and choose to have the site specific information kept confidential as part of their wildlife management plan.

The following management guidelines for the golden-cheeked warbler and the black-capped vireo were developed jointly by Texas Parks and Wildlife and the U.S. Fish and Wildlife Service, with review by scientists and land managers in Texas most familiar with these species (Campbell, 1995). In developing individual wildlife management plans with landowners, biologists will use these guidelines, along with relevant site specific information, to make specific recommendations concerning protection and enhancement of habitats for the GCW and BCV.

FEDERALLY-LISTED SPECIES
GOLDEN-CHEEKED WARBLER

Management Practices in Golden-cheeked Warbler Habitat (areas outside of identified GCW habitat are excluded from these recommendations)

Disruption of the tree canopy should be avoided when planning ranch improvements or maintenance work in golden-cheeked warbler habitat. It is recommended that new fencelines and livestock watering facilities (pipelines, storage tanks, ponds) be planned to avoid areas of habitat whenever possible. However, narrow linear openings, such as those needed for traditional agricultural management (fencelines, ranch roads, livestock water pipelines) will not harm golden-cheeked warblers. Typically, fencelines and other linear openings of about 16 feet are large enough to allow for maintenance, while permitting the hardwood tree canopy to grow over the gap. New developments in permanent electric fencing may enable landowners to crossfence areas

of rough terrain with little or no disturbance to the tree canopy. Fencing and other ranch improvement work in golden-cheeked warbler habitat should be done during the non-nesting period (September-February).
Dozing or handcutting in habitat with closed tree canopy and steep slopes not only destroys warbler habitat, but mechanical disturbance also can create serious soil erosion problems. In addition, clearing these areas is generally not cost effective due to higher clearing costs, lower forage production potential, and grazing distribution problems associated with steep slopes. Selective removal of young "bushy" juniper less than 10 feet in height within habitat is not a problem as long as the tree canopy is not disturbed. Any selective removal of juniper within or adjacent to habitat should be done during the non-nesting period (September-February).

When mature juniper trees are abundant in the habitat, incidental removal of juniper for use as fenceposts on the ranch will have little impact on warbler habitat. The number of trees cut depends on the density of Ashe juniper in the habitat. For example, more trees could be removed from an area with a high density of juniper compared with the density of hardwoods. The idea should always be to provide a mix of juniper and hardwoods. When posting is done, trees should be selected to avoid disturbance to the tree canopy. One way to do this is to select trees with a relatively small individual canopy and scatter your tree selections over the area. Posting should not occur in habitat during the nesting period (March-August).

In habitat areas and on rangelands immediately adjacent to habitat, it is important to manage grazing pressure by deer and livestock to prevent overbrowsing of broad-leaved shrubs and trees, and to maintain plant diversity and productivity. Controlling the number of browsing animals (deer, exotic animals, and livestock) is important to maintain hardwood seedlings and ensure eventual replacement of deciduous trees in the canopy. Range condition improvement in and adjacent to habitat areas, through proper grazing management and planned deferment, will likely prove beneficial to livestock and wildlife, including the golden-cheeked warbler.

Reducing Impacts from Predation and Cowbird Parasitism
Reducing the impacts of predation and nest parasitism by brown-headed cowbirds may be important for successful reproduction in some populations of golden-cheeked warblers. This may be particularly true where warblers nest near grazed land or grain crops. Research is currently underway to better understand the impacts of cowbirds on golden-cheeked warblers.

Planned grazing systems designed to rotate livestock away from known nesting areas as much as possible during the breeding season (March 15-June 30) may be desirable to reduce cowbird impacts. Periodic rest also has important benefits for improving range condition and productivity. Since cowbirds are attracted to easily available food sources, spilling or scattering grain should be avoided. Supplemental feeding areas should be moved frequently, located away from nesting habitat, and kept free from accumulations of waste grain.

Leaving woodland vegetation adjacent to golden-cheeked warbler habitat is often desirable to

reduce predation and nest parasitism by brown-headed cowbirds. Woodland strips of 300 feet or more are preferable.

Finally, controlling cowbirds through trapping may be effective in reducing warbler nest parasitism. Mounted mobile traps, placed near watering sites as livestock are rotated through pastures, have been used successfully to reduce cowbird numbers.

Habitat Restoration

The following suggestions are offered for landowners wishing to restore or create habitat for the golden-cheeked warbler in areas that currently do not support warblers. One type of restorable habitat is the relatively mesic (moist) area, with a diversity of deciduous trees, where junipers have been previously removed. Allowing the reestablishment of juniper on these sites would eventually result in the mature oak-juniper woodland preferred by golden-cheeked warblers.

Other situations where restoring habitat may be a possibility include relatively mesic areas dominated by juniper, where heavy browsing pressure by deer or livestock has prevented the establishment of hardwood seedlings. In these areas, control of deer numbers and planned deferment from livestock grazing would promote reestablishment of broad-leaved shrubs and trees, eventually resulting in a mature juniper-oak woodland.

In mesic areas where small junipers (10 ft. or less) are dominant, small junipers could be thinned to favor faster growth of remaining trees. Thinning would encourage hardwood regeneration, especially if some slash is left in place to provide protection for hardwood seedlings. If large junipers are dominant, several small openings per acre would encourage hardwood regeneration. These openings should be protected from browsing and left to regenerate naturally, or planted to native hardwoods. In each of these examples, the idea is to restore areas that may once have provided habitat to the natural oak-juniper woodland capable of growing on the site.

Further Guidance

Good range management practices such as proper stocking, rotational grazing, prescribed burning, periodic deferments, carefully planned brush control, and attention to plant and animal resource needs will help prevent loss of golden-cheeked warbler habitat. Habitat where golden-cheeked warblers are likely to occur should be protected from activities that significantly alter the composition or structure of trees and shrubs. Likewise, management activities in areas that may be used by warblers should be carefully planned to avoid altering vegetation structure and timed to avoid the breeding season.

Landowners participating in the safe harbor program will be required to develop a wildlife management plan for their property with technical assistance from TPWD. An on-site visit and breeding season survey by a biologist can determine if the birds are using certain areas, and how planned activities might affect them. The survey should be conducted at the beginning of the breeding season (March 20-May 15) when males are most vocal. Together, the landowner and

biologist will assess important habitat components for GCW, such as the ratio of mature juniper to deciduous trees, along with canopy structure and height. Suitable habitat will be delineated and recorded on an aerial photograph retained in the landowner's confidential wildlife management plan. This initial delineation of habitat, recorded at the time the landowner signs the agreement, will be considered the baseline habitat. As long as the landowner retains the baseline habitat, there are no further restrictions under the ESA.

BLACK-CAPPED VIREO

Prescribed Burning

Prescribed burning is an excellent tool used to maintain the desired vegetation structure for vireo nesting; i.e. a mosaic of shrubs and open grassland with abundant woody foliage below 6 feet. Cool season burns, conducted prior to March 15, are often recommended to control small juniper, thus maintaining the relatively open shrublands preferred by vireos. Prescribed burns conducted during late spring and early fall, under hotter conditions, can be used to set back plant succession in order to create vireo habitat; however, warm season burns should be done only in areas that do not currently support black-capped vireos. On grazed rangeland, prescribed burns should be coordinated with livestock rotation to allow for needed deferments. It is best to avoid burning relatively small areas within large pastures to prevent heavy grazing pressure by livestock and/or deer on burned areas.

Desirable burn intervals for cool season burns vary throughout the state, depending on rainfall and vegetation type. Field experience shows that, for much of the Hill Country, a burning interval of 4 to 7 years is considered desirable to keep Ashe juniper (cedar) invasion in check and to allow regrowth of broad-leaved shrubs. Maintaining open grassland areas between clumps of shrubs is important for good vireo habitat. Research is needed to better understand the use of prescribed burning to maintain and create vireo habitat, and to develop guidelines on desirable burn intervals throughout the vireo's range in Texas.

Assistance from people experienced with the use of prescribed burning is highly recommended. Landowners are encouraged to have a complete written prescribed burn plan addressing the objectives of the burn, required weather conditions, grazing deferments, fireguard preparations, personnel and equipment needed, a detailed map showing how the burn will be conducted, and notification and safety procedures.

Fire is a natural component of Texas rangelands, and prescribed burning has many range and wildlife management benefits. These include improved forage quality and availability for livestock and deer, and maintenance of desirable plant composition and structure. Technical assistance is available from Texas Parks and Wildlife Department, U.S. Natural Resource Conservation Service, or Texas Agricultural Extension Service for help in developing and implementing a prescribed burning program designed specifically for your property and management objectives.

Selective Brush Management

Increases in juniper (cedar) and other woody species can easily cause the vegetation to grow (succeed) out of the patchy, low shrub cover that provides suitable habitat. In the eastern portion of the vireo's range, good nesting habitat generally has between 30 and 60 percent shrub canopy. Selective brush removal with herbicides or mechanical means can be used to keep the habitat favorable for vireo nesting. For example, the selective removal of juniper, mesquite, or pricklypear (less desirable to the vireo and to the rancher) serves to maintain a relatively open shrub canopy and encourages growth of associated broad-leaved shrubs. Selective brush removal should strive to maintain the low shrubby structure. Also, radical changes in shrub canopy from one year to the next over large areas should be avoided. Western Edwards Plateau rangelands comprised primarily of mesquite, often referred to as mesquite flats, are not considered black-capped vireo habitat; therefore, mesquite control in these areas will not affect vireos.

When using herbicides, careful attention to the kinds, amounts, timing, and application technique will achieve the best control of target species at minimum cost. Precise application also reduces the risk of environmental contamination and off-site effects. It is best to choose highly selective individual plant treatment methods, whenever practical, to avoid damage to desirable shrubs such as live oak, shin oak, Texas oak, hackberry, Texas persimmon, sumac, redbud, and elm. Herbicides should always be used in strict accordance with label directions, including those for proper storage and disposal of containers and rinse water. Herbicide applications should not occur during the breeding season, except for basal applications or individual plant treatment of prickly pear pads.

Handcutting or carefully planned mechanical methods of brush management such as chaining, roller chopping, or shredding can be used to stimulate basal sprouting of key woody species in order to maintain, enhance, or create vireo habitat. Mechanical methods should only be used during the non-breeding season (October-February). Good grazing management and moderate stocking rates can reduce woody plant invasion and therefore the need for expensive brush control practices.

Grazing and Browsing Management

Excessive browsing by goats, exotic animals, and white-tailed deer destroys the thick woody growth needed for nest concealment. Livestock and deer management, which allows woody plants such as live oak, shin oak, sumac, Texas persimmon, elbowbush, redbud, and hackberry to make dense growth from 0 to 6 feet, is needed. On ranches throughout Texas, moderate stocking, rotation of livestock, controlling deer numbers, and proper use of desirable browse plants will benefit deer and livestock as well as black-capped vireos.

To provide adequate nesting cover for vireos, woody plants should receive only limited browsing during the spring and summer. If animals numbers (livestock, deer, and exotics) are well-managed and kept within recommended stocking rates, this can easily be achieved. since deer and

cattle tend to select forages other than browse during the growing season. Experience has shown that, in general, ranges stocked with cattle and deer tend to maintain better vireo nesting cover than ranges stocked with goats and exotic animals. Browsing surveys should pay more attention to stem growth than leaf growth, since leaf production in many shrubs varies widely, depending on season and weather conditions. Also, the amount of leaf production depends in part on the amount of stem and bud growth available on the plant. Research is lacking concerning how various levels of browsing pressure affect habitat structure and nesting use. However, based on field experience, a conservative approach would be to limit browsing pressure, especially during the growing season, to no more than 50% of the total annual growth (young, tender twigs) within reach of animals on any given plant. This will maintain plants that are already vigorous and allow for improvement of those with less that ideal structure. As a rule of thumb, if you can "see through" a browse plant, then too much stem and leaf growth has been removed. Careful management of woody plants will not only provide for the habitat needs of black-capped vireos, but will also create high quality habitat for deer and other wildlife as well as livestock.

Reducing Impacts From Cowbirds

Brood parasitism by brown-headed cowbirds poses a serious threat to successful reproduction in some populations of black-capped vireos. Research is currently underway to better understand the impacts of cowbirds on vireos. Because cattle attract cowbirds, management to reduce cowbird impacts is important on grazed land.

Because cowbirds are attracted to easily available sources of food, avoid spilling or scattering grain. Supplemental feeding areas should be moved frequently and kept free from accumulations of waste grain. This would help to prevent sparsely vegetated areas of compacted soils, which also tend to attract cowbirds.

Grazing management can be used to remove cattle from areas where vireos nest. For example, cattle can be rotated away from prime nesting habitat during the breeding season. Another option is to graze stocker cattle during the fall and winter, resting pastures during the spring/summer nesting season. Resting pastures periodically improves range condition and may also help reduce nest parasitism.

Finally, eliminating cowbirds by trapping or shooting can be effective in reducing vireo brood parasitism. Mounted mobile traps, placed near watering sites as livestock are rotated through pastures, have been used successfully to reduce cowbird numbers. Shooting cowbirds at places where they congregate is another option, although this method is often not selective for the cowbirds responsible for the parasitism and requires proficient identification skills to prevent mortality of nontarget species. Contact Texas Parks and Wildlife Department or the U.S. Fish and Wildlife Service for assistance with implementing a cowbird control program for your property.

Habitat Restoration

For landowners wishing to restore or create habitat for the black-capped vireo in areas currently unoccupied by vireos, the following suggestions are offered. One type of restorable habitat is an open shrubland capable of growing a diversity of woody plants, where much of the low growing cover has been removed through overbrowsing by livestock or deer. Controlling browsing pressure by reducing animal numbers and providing pasture rest will allow the natural reestablishment of low growing shrub cover needed by vireos.

Habitat restoration may also be possible in areas where the shrub layer has become too tall or dense to provide good vireo habitat. In these areas, well-planned use of controlled fire can reduce overall shrub height, stimulate basal sprouting of shrubs, and reduce shrub density to produce more favorable habitat for vireos.

Also, in areas where the brush has become too dense, selective thinning could be done to produce a more open habitat. Carefully planned brush management could be used to encourage regeneration and lateral branching of desirable shrubs by allowing sunlight to reach the ground. In each of these examples, the idea is to restore areas that may once have provided habitat to the relatively open, low growing shrub/grassland vegetation preferred by vireos.

Finally, because management for high quality white-tailed deer in the Hill Country often creates high quality habitat for black-capped vireos, landowners managing for deer have added incentive for participating in the safe harbor program. Again, as long as landowners maintain the habitat determined to be suitable for black-capped vireos at the time the agreement is signed (baseline responsibility), there are no further obligations under the ESA if additional habitat is created or black-capped vireos occupy additional areas as the result of the landowner's management of his property.

TEXAS SNOWBELLS

This beautiful shrub has a limited range and low population numbers. It is a highly palatable browse plant selected by livestock, exotic ungulates, and deer. Landowners can help by learning more about this plant and its habitat, and by controlling browsing pressure by domestic and wild ungulates. Remember that the key identifying features include white bell-like flowers and large, round leaves that are shiny green on top and white, fuzzy underneath.

TOBUSCH FISHHOOK CACTUS

Currently, we know little about how common range management practices affect this species. Studies are underway in Texas to assess the effects of prescribed burning and brush management on survival and reproduction of this cactus. Recently, TPWD began receiving reports that this species may not be as rare as once thought. Botanists have increased efforts to work with willing landowners to assess the status of this cactus in the Hill Country. As we learn more and new populations are verified, we move closer to being able to recover and delist this species.

UNLISTED CANDIDATE SPECIES

BIG RED SAGE

Anecdotal evidence suggests that this species may be sensitive to grazing, browsing, and/or trampling. The current populations are either on highway right-of-way or hanging from cliffs at Lost Maples State Natural Area, and are adjacent to water sources. While it is not clear that grazing is detrimental, average or light stocking rates coupled with consistent, frequent monitoring of the plant, could help determine the effects of grazing or trampling. Heavy browsing pressure from exotic animals, goats, and overabundant white-tailed deer could also affect big red sage. If the populations of browsing animals are high, plants enclosure cages could be used to supplement observations concerning the effects of browsing. While big red sage occurs in mesic sites, prolonged inundation causes death of at least the above ground stems. In June 1997, the Boerne population was inundated for several days. Most of the above ground stems in this population died, and only time will tell if the below ground parts survived. Thus, it is important to maintain the hydrologic regime in areas where this plant grows, i.e., dams, stock ponds, or other water diversion should be avoided. Effects of fire are unknown, but due to its mesic habitat, fire was probably an infrequent, and destructive, element of the community in which big red sage occurs.

BRACTED TWISTFLOWER

Botanists believe this plant is highly palatable to deer and other herbivores. Conservation measures should include maintaining native vegetation in habitats where it occurs and controlling grazing pressure from deer and livestock. As an annual, this species relies heavily on producing a good seed crop as many years as possible. Often, drought reduces the seed crop, and thus any outside or beyond normal damage of the seed set could quickly extirpate a population. In natural settings, bracted twistflower is often seen growing up through brush piles, thus acquiring some protection from browsers. Fencing has been used to reduce browsing pressure at some sites near Austin. Where browsing/grazing pressure is substantial, enclosures for bracted twistflower may be necessary. Effects of fire on this species are unknown; however, this species forms a basal rosette in the winter. The naturally occurring fires of the summer, after the plant has gone to seed and completed its life cycle, may not be harmful; however, the effect on the soil seed bank could be detrimental.

RYDBERG'S SCURFPEA

Very little is known concerning this species. During dry weather, the scurfpea often drops all its leaves and remains below ground. The effects of grazing and browsing on this plant are totally unknown, although none have been noted. Because of its low-growing habit, it is easily shaded out by taller vegetation. It seems to prefer areas with little vegetation, or where the site is frequently mowed. Thus if sites with Rydberg's scurfpea become overgrown with taller vegetation, mowing might be beneficial. Effects of fire are unknown, and the community within which the scurfpea occurs is not a fire-maintained community. Intensive monitoring is needed for this species to uncover more features of its life history and the factors that might threaten its

continued survival.

In general, effects of herbicides on or in the vicinity of these species would be detrimental as would be land clearing/pasture improvement activities.

VII. Anticipated Results of Management Actions

As private landowners in central Texas become aware of the opportunity to gain increased certainty as to their responsibilities under the ESA, we anticipate increasing participation in this regional conservation plan. As more landowners participate, and more wildlife management plans are developed, we will see more habitat conservation and enhancement activities implemented on ranches throughout central Texas. Conservation of rare species in central Texas will likely increase due to: 1. more well-integrated, on-the-ground management for rare species and their habitats, 2. better informed landowners, 3. improved knowledge of the listed species and their habitats, and 4. better cooperation and communication with and among landowners concerning management of rare species.

It is anticipated that as landowners feel more comfortable and confident about managing for rare species without fear of future land use restrictions, they may voluntarily report occurrences of rare species on their property. If this happens, TPWD will confirm reports and maintain confidential records of occupied habitat that will be summarized by county. This data can then be used to assess recovery progress by county and region. Once landowners know they can be part of the recovery and perhaps delisting process without fear of penalty, voluntary cooperation will likely increase.

In time, we believe that many more landowners will see that integrating management for rare species into their overall wildlife management program is not as difficult as many think. As consideration for rare species becomes a common part of wildlife management planning on private lands in Texas, we will begin to see real progress toward recovery and delisting goals.

VIII. Assurances to Property Owners

Safe Harbor Program

The GCW and BCV baseline for any participating landowner will be determined according to the habitat descriptions presented in Section IV of this document. So long as a participating landowner's future land use practices maintain the GCW and BCV habitat baseline established at the time the cooperative agreement was signed, any subsequent incidental taking of GCWs or BCVs (or their habitats) by the landowner will be authorized by the Section 10(a)(1)(A) permit granted to Texas Parks and Wildlife Department with inclusion of participating landowners. Participating private landowners who enter into cooperative agreements with TPWD, as well as their successors in interest (should they choose to become involved), will be included within the scope of the permit by Certificates of Inclusion. A participating landowner will only be subject to one set of guidelines during the life of the agreement - those in effect at the time the agreement is

signed.

Conservation Agreements for Federally-listed Plants and Unlisted Candidate Species
When a participating landowner enters into a Conservation Agreement with TPWD, he/she agrees to carry out certain management actions that will protect and/or enhance habitat for specified federally-listed plants and unlisted species of concern (formerly categorized as C1 Candidate species by the U.S. Fish and Wildlife Service). In return for voluntary proactive management designed to benefit unlisted rare species, the landowner is granted assurance that, if covered species are eventually listed, he would not be required to do more than those actions agreed to in the Conservation Agreement. In addition, even if a species covered under the Agreement is eventually listed, property owners would be allowed to implement management activities that may result in loss of individuals or modification of habitat consistent with levels agreed upon and specified in the Conservation Agreement. Management plans will be reviewed periodically to accommodate new knowledge with regard to beneficial management actions.

Wildlife Management Plans
Landowners wishing to participate in the Safe Harbor or Conservation Agreement program may choose to develop a wildlife management plan with technical assistance from a TPWD biologist. This wildlife management plan serves as the document of record for delineating baseline responsibilities, recording agreed upon decisions concerning management actions, and assessing progress toward goals and objectives. Planned habitat protection and enhancement activities for the golden-cheeked warbler and black-capped vireo will be recorded in the wildlife management plan for those landowners choosing to participate in the Safe Harbor program. Similarly, actions designed to benefit tobusch fishhook cactus, Texas snowbells or other rare but unlisted species will also be recorded in the management plan for those landowners wishing to enter into a Conservation Agreement with TPWD. Landowners may wish to participate in the Safe Harbor program, the Conservation Agreement program, or both. Wildlife management plans are reviewed at least annually by the landowner and the assisting biologist to allow for incorporation of new knowledge gained through monitoring and/or research.

Under state law in Texas, an individual's wildlife management plan is considered a confidential document, not subject to open records or review without written permission from the landowner. Only one copy of the wildlife management plan will be kept by the TPWD biologist primarily responsible for working with the landowner. Specific site locations of listed species will be entered into databases only with the written permission of the landowner, as per state law.

IX. Returning to Baseline Conditions - Notification Requirement and Description of Permitted Incidental Take

A landowner participating in the Safe Harbor program who plans to carry out an action likely to result in loss of GCW or BCV habitat (i.e. an action that would not be permissible, except for this regional plan and permit) can do so only in the nonreproductive season (September through

February) unless otherwise authorized by TPWD. The participating landowner must give a 30 day advance notice to TPWD of plans to eliminate habitat. After notification, the biologist assisting the landowner will schedule a site visit within the next 30 days to identify and discuss with the landowner the location and extent of habitat alteration in comparison to the baseline habitats. The landowner and biologist will discuss the type of action planned and how such action would impact the listed species or their habitats. If TPWD does not respond with a scheduled site visit to the landowner within 30 days, the landowner may carry out the planned activities on schedule. The type and extent of permitted incidental take will be recorded in the wildlife management plan. Total acres of habitat removed by landowners under the Safe Harbor program will be compiled by county for each species.

Although incidental taking of GCWs or BCVs is to be authorized as part of this Safe Harbor program, it is important to note that such taking may or may not necessarily occur. The expectation underlying this program is that the management actions to be undertaken on participating land will result in the use of at least some of the newly created habitat by GCWs and/or BCVs, and that without those management actions such habitat will not otherwise be enhanced or utilized by these species. While landowners will be permitted under this program to carry out activities that could result in the incidental taking of GCWs or BCVs on their land, they may choose not to do so at all or not to do so for many decades.

Because the landowner agreements proposed for this Safe Harbor program are of limited duration and are revocable by the participating landowner, the program's benefits for the listed songbirds may appear quite transitory. However, the favorable habitat conditions created through the program will not necessarily cease to exist upon expiration or termination of the individual agreements. Those conditions may persist for many years thereafter, unless the affected landowner elects to eliminate them. If the program continues for an extended period of time (e.g., 30 years), with new properties constantly coming under agreement as agreements covering other lands expire, the net effect will be a shifting matrix of land being managed for GCW and BCV conservation, with a net beneficial impact upon the status quo. Even if all the landowners who participate in the program eventually drop out, their responsibility to maintain their baseline habitat will mean, at the very least, a return to the same circumstances that would have existed without the Safe Harbor plan. Even in this worst-case scenario, the program will have had the potential to provide interim benefits in the form of habitat maintenance throughout its duration. Such benefits would include temporarily halting or reversing the fragmentation of overall GCW and BCV habitat, creating or strengthening dispersal corridors, contributing some offspring that may occupy new areas of habitat. In short, it will have provided a hiatus in the long-term decline in nesting habitat for GCWs and BCVs in central Texas and thereby will have "bought time" for other conservation strategies to be tested or implemented.

X. Responsible Parties

Texas Parks and Wildlife Department will be the formal permittee under the requested Section

10(a)(1)(A) permit. The Central Texas Regional Biologist with the Endangered Resources Branch of TPWD will take the lead in implementing this regional conservation plan. Other TPWD biologists, particularly technical guidance biologists with TPWD's Private Lands Enhancement Program, as well as biologists with the Natural Resources Conservation Service and Texas A&M University Extension, also will play a role in providing technical assistance to participating landowners. TPWD biologists working in central Texas will be responsible for assisting landowners in developing a wildlife management plan, determining baseline conditions, monitoring maintenance of baseline conditions, assisting landowners in implementing agreed upon management actions, and recording any permitted incidental take associated with the Safe Harbor program.

Each year TPWD will provide a report to the USFWS identifying: 1. total acres of habitat for each species protected and under a management plan in each county, 2. total acres of enhanced or created habitat for each species in each county, and 3. total acres of GCW or BCV habitat removed by landowners under the Safe Harbor program (by county for each species).

Texas Parks and Wildlife Department and the U.S. Fish and Wildlife Service will cooperate in a strategy to address law enforcement issues within the constraints of state confidentiality laws. If the USFWS receives a complaint concerning habitat destruction or take of species under the ESA within the area covered by this regional plan, they will contact the Endangered Resources Branch of TPWD concerning the location of the reported violation. A TPWD biologist will be assigned to determine if the landowner is covered under the Safe Harbor program, whether he is complying with his baseline responsibilities, and therefore determine whether or not the landowner is operating legally within permitted incidental take. If the landowner is covered by the Safe Harbor program and is operating within the bounds of the agreement, TPWD will inform the USFWS of this fact and no other action will be needed. If TPWD finds that the landowner is not covered under Safe Harbor or is violating his agreement, the complaint becomes a law enforcement issue to be addressed by the USFWS. Landowners covered by Safe Harbor who choose to violate their agreement concerning maintenance of baseline habitat will have their Certificate of Inclusion revoked by TPWD.

XI. Additional Measures

Neighboring Landowners and Transfer of Ownership

The clear purpose of the Safe Harbor program is to encourage beneficial action by landowners who are willing to voluntarily carry out actions that are not required of them by law and that are expected to result in the use of their land by listed species that may not otherwise use it. To achieve this purpose, it is necessary not only to relieve the landowner from certain land use limitations but also to extend this relief to his/her neighbors and successors in interest as well. Otherwise, participating landowners, in order to ensure that the land was unencumbered by endangered species land use limitations in the event of their death or sale of the property to another owner, would have an incentive to eliminate the habitat they had restored or enhanced

prior to transferring the land. In order to increase the likelihood that participating landowners will continue to manage their land to benefit the listed species, the Certificate of Inclusion will be extended to both the participating landowner and to interested successors in interest. The participant will be asked to notify TPWD of a transfer of ownership. Upon transfer of the property to another owner, TPWD will attempt to contact the new owner, explain the baseline responsibilities applicable to the property, and seek to interest the new owner in signing a new cooperative agreement to benefit the listed species on the property.

The permit and certificate of inclusion extends to successors and assigns (should they choose to participate) the same right to incidentally take GCWs or BCVs (and associated habitats) that the original landowner had been granted. The successors and assigns can establish their baseline at the same level specified in the original agreement.

A related issue pertains to neighboring landowners. For the purposes of this Safe Harbor program, GCW and/or BCV habitat, or additional nesting territories, established above baseline impose no additional land use restrictions on the participant or their neighbors.

Shifting Baseline Responsibilities to New Areas of Habitat

Ordinarily, a landowner's baseline responsibilities attach to specific areas of habitat in existence at the time they enter into an agreement to participate in the Safe Harbor program. In certain limited circumstances, however, participating landowners may, with agreement from TPWD, shift their baseline responsibilities to new areas of habitat established on their property subsequent to the cooperative agreement. Specifically, when a new area of habitat is established on a participating landowner's land after they have entered into a cooperative agreement, and where the landowner agrees to maintain and manage the new area of habitat for the benefit of the listed species, the new habitat area may replace habitat of similar quality that was within the landowner's original baseline responsibility.

The above possibility can be illustrated with the following example. A landowner has 200 acres of suitable BCV nesting habitat on his/her property at the time he/she enters into the cooperative agreement. The baseline responsibility, then, is to maintain the vegetation composition and structure on this 200 acres for the benefit of nesting BCV. If, as a result of participation in the Safe Harbor program, an additional 200 acres of comparable nesting habitat is established on another part of the landowner's property, the landowner may, with TPWD concurrence, switch the baseline responsibilities from the original 200 acres to the new area of habitat. This flexibility may be to the landowner's advantage if, for example, he/she wants to change the land use on the portion of the property where the original habitat occurred. The reason for requiring TPWD concurrence prior to the landowner's shifting baseline requirements from one habitat area to another is that there may be circumstances in which maintenance of the original habitat is necessary to maintain contiguity of habitat, dispersal habitat, or other desirable features of the landscape or population. When a landowner receives TPWD concurrence to transfer baseline responsibilities, the landowner will be provided a written statement describing the revised baseline

responsibilities.

XII. Funding

Program Administration

The implementation of this plan will require the services of qualified biologists to provide technical assistance to landowners, write cooperative agreements, identify areas of suitable habitat, and respond to questions concerning Safe Harbor and Conservation Agreements. It is anticipated that the program will be implemented with current funding and staffing levels. Five full-time biologists with TPWD's Wildlife Division will be available to assist landowners who wish to participate in either the Safe Harbor or Conservation Agreement programs. The central Texas Regional Biologist for the Endangered Resources Branch will take the lead in coordinating efforts to contact landowners to determine whether there is interest in the programs and will be responsible for monitoring compliance of cooperative agreements signed with landowners. Copies (only one copy for each landowner will be kept by TPWD as per state law) of wildlife management plans and cooperative agreements developed with landowners will be kept by the biologist headquartered nearest to the land under agreement. Additional funds and staffing will be sought based on the level of interest and participation by landowners.

Funds Available to Landowners for Management Actions

Funding from at least three existing sources may be available to landowners who are willing to participate in the Safe Harbor or Conservation Agreement programs but require financial assistance before they can implement conservation actions. One source of funds is Texas Parks and Wildlife's Landowner Incentive Program. Through this program, qualified landowners can receive up to $10,000 per year to implement management or conservation measures that directly benefit rare species. The program is flexible and strives for a diversity of projects throughout Texas. It is available to all private landowners with a desire to voluntarily manage for rare species on their land. Participating landowners sign a project agreement or management plan with TPWD. Project duration is generally one to five years. The Landowner Incentive Program is administered by the Endangered Resources Branch of TPWD (512-912-7011).

A second funding source is the U.S. Fish and Wildlife Service's Partners for Wildlife program. Through this program, cost-share assistance is available to enhance or restore wildlife habitat on private land. For more information about this program, landowners may contact the Partners for Wildlife Coordinator, USFWS Regional Office, Albuquerque, New Mexico (505-766-2914).

Other sources of funds include USDA programs authorized by the 1996 Farm Bill and administered by the USDA, Natural Resources Conservation Service. One of these programs, the Wildlife Habitat Incentives Program (WHIP), provides both financial and technical assistance to manage fish and wildlife habitat on private lands. Fifty million dollars have been authorized to be spent nationally over the next five years. To participate in WHIP, landowners enter into cost-share agreements with USDA for 5 to10 years. USDA provides technical assistance and pays up

to 75% of the cost of implementing habitat management improvements. Generally, USDA's share of each contract will not exceed $10,000. Another 1996 Farm Bill program, the Environmental Quality Incentives Program (EQUIP), offers financial, educational, and technical help to install or implement structural, vegetative, and management practices called for in 5- to 10-year contracts for most agricultural land uses. EQUIP eligibility is limited to persons who are engaged in livestock or agricultural production. Under EQUIP, total cost-share and incentive payments are limited to $10,000 per person per year and $50,000 for the length of the contract. For more information about the 1996 Farm Bill programs, contact your local office of the USDA, Natural Resources Conservation Service.

ADDITIONAL TOOLS FOR WILDLIFE CONSERVATION, INCLUDING RARE SPECIES, IN CENTRAL TEXAS

I. Introduction

The purpose of this section is to provide central Texas landowners with information concerning a variety of conservation tools currently available for those managing land to benefit wildlife populations. The intention is to provide useful information about the programs in Texas that provide or facilitate technical and planning assistance, financial and tax incentives, cost-sharing assistance, ESA permitting, and regional/local conservation planning efforts. Recognition programs for landowners doing an outstanding job of caring for the state's wildlife resources are also discussed. The premise is that landowners, armed with knowledge of the "tool chest" of options available to them, will be in a better position to make land management decisions that enable them to achieve both economic and conservation goals.

II. Information, Technical Guidance, and Development of Wildlife Management Plans

Wildlife management planning assistance is available to private landowners in Texas through Texas Parks and Wildlife Department and the USDA Natural Resources Conservation Service (formerly the Soil Conservation Service). These agencies provide information as well as on-the-ground assistance to landowners in developing site specific management plans for their property. Information and publications concerning Texas wildlife also is available from the Texas Agricultural Extension Service. The services offered by each agency and program, along with contact persons, are listed below:

Texas Parks and Wildife Department, Wildlife Division - Private Lands Enhancement Program

The theme of this program is wildlife habitat management, conservation and development. The program was initiated to allow experienced biologists to work directly with public and private landowners for the purpose of disseminating information on wildlife habitat and wildlife population management.

Under this program, technical guidance biologists work one-on-one with landowners and land managers in a voluntary management effort. The biologists provide recommendations and prepare written management plans to be used as guidelines. Technical guidance biologists work with individual landowners and managers or with groups of cooperating landowners wishing to accomplish similar goals. Technical guidance biologists also assist the public through group contacts such as seminars, workshops and field days.

Biologists with The Private Lands Enhancement Program have been assisting landowners for years. More than 10 million acres of private land in Texas are currently being managed under a wildlife management plan developed with assistance from TPWD. To obtain assistance, landowners submit a written request to TPWD for wildlife management planning assistance.

Under state law, written permission from the landowner is required for TPWD biologists to enter private land. Also, wildlife management plans, as well as any written recommendations, are considered confidential documents under state law, and can not be released for public review without the written permission of the landowner. Written permission from the landowner is also required for TPWD biologists to enter site-specific data onto maps or into databases, or to report data specific to a particular property. For assistance with on-site recommendations and development of site-specific wildlife management plans within central Texas, landowners should contact:

Mr. Roy Welch
Texas Parks and Wildlife Department
1601 East Crest
Waco, Texas 76705
(254)799-2564

Texas Parks and Wildlife, Wildlife Division - Endangered Resources Branch
The staff of this program are primarily responsible for providing information, technical assistance, planning, administration, monitoring, and review concerning endangered resources in Texas. Biologists with the Endangered Resources Branch works closely with the technical guidance biologists serving central Texas to provide recommendations and planning assistance with regard to rare species. Landowners are invited to contact the central Texas regional biologist with the Endangered Resources Branch for information and technical assistance concerning rare species and their habitats in central Texas.

Linda Campbell
Texas Parks and Wildlife
3000 IH 35 South, Suite 100
Austin, Texas 78704
(512)912-7044

USDA Natural Resources Conservation Service (formerly Soil Conservation Service)
Professionals with this USDA agency have been providing on-the-ground natural resource planning and management assistance since 1935. Currently in Texas, there are three staff biologists providing wildlife management planning assistance to landowners in central Texas. These biologists provide information, recommendations, and on-site planning assistance upon request. Assistance from the following biologists can be requested through your local NRCS field office (listed in the local telephone directory under U.S. Department of Agriculture):

Mr. Gary Valentine
Natural Resources Conservation Service
W.R. Poage Federal Building
101 South Main

Temple, Texas 76501
(254)742-9883

Mr. James Henson
Natural Resources Conservation Service
W.R. Poage Federal Building
101 South Main
Temple, Texas 76501
(254)742-9887

Mr. Steve Nelle
Natural Resources Conservation Service
33 East Twohig, Room 108
San Angelo, Texas 76903
(915)658-6269

Mr. Jerry Turrentine
Natural Resources Conservation Service
1022 Garner Field Road, Suite 101
Uvalde, Texas 78801
(830)278-7444 correct no.

Mr. Russell Castro
Natural Resources Conservation Service
808B West Moore Ave.
Terrell, Texas 75160
(972)563-6431

Texas Agricultural Extension Service - Texas A&M University, Department of Wildlife and Fisheries Sciences

Extension Wildlife Specialists with the Texas Agricultural Extension Service provide educational services to the public through publications, newsletters, multi-media communications, workshops and seminars, and field tours. Landowners may contact their local TAEX office (county agricultural agent) to request assistance. The wildlife specialist serving central Texas is:

Dr. Dale Rollins
Extension Wildlife Specialist
7887 North Highway 87
San Angelo, Texas 76901
(915)653-4576

III. Open Space Tax Valuation for Wildlife

In 1995, Texas voters approved Proposition 11, which amended Article VIII, Section 1-d-1 of the Texas Constitution to permit agricultural appraisal for land used to manage wildlife. House Bill 1358 implemented the constitutional amendment by making wildlife management an agricultural use that qualifies the land for agricultural appraisal.

The Tax Code, Chapter 23, Subchapter D, adresses the requirements for landowners to qualify their land for agricultural appraisal and also instructs county appraisal districts on how to appraise qualified agricultural land. Land used for wildlife management must meet all the legal requirements of land qualified for agricultural appraisal. The Tax Code, Section 23.51(1) defines qualified agricultural land as:

Land that is currently and principally devoted to agricultural use to the degree of intensity typical for the area and has been used for agricultural or timber for at least five of the preceding seven years. (At present, land qualified for timber appraisal is not eligible for wildlife management use.)

Section 23.51(2) of the Tax Code includes wildlife management in the definition of *agricultural uses* of land. Section 23.51(7) defines wildife management as:

Actively using land that at the time the wildlife management began was appraised as qualified open space land under this subchapter in at least three of the following ways to propagate a sustaining breeding, migrating, or wintering population of indigenous wild animals for human use, including food, medicine, or recreation:

a. Habitat control,
b. Erosion control,
c. Predator control,
d. Providing supplemental supplies of water,
e. Providing supplemental supplies of food,
f. Providing shelters, and
g. Making census counts to determine population.

It is important to note that the law restricts the land that may qualify for wildlife management use. To qualify for agricultural appraisal under the wildlife management use, land must be qualified for agricultural appraisal under Chapter 23, Subchapter D, Tax Code (also called 1-d-1 or open space agricultural appraisal) **at the time** the owner changes use to wildife management. For example, an owner who wishes to qualify for wildlife management use in 1997 must be able to show that the land was qualified for and appraised as agricultural land in 1996.

To qualify land for wildlife management use, a landowner must develop a Wildlife Management Plan. This plan gives information on the property's history and current use, establishes landowner

goals for the property, and provides a set of activities designed to integrate wildlife and habitat improvement. Having a wildlife management plan provides clear evidence that the owner's primary use of the land is to manage habitat for wildlife. Landowners may develop their own wildlife management plans. Assistance with plan development or review is available from Texas Parks and Wildlife Department, USDA Natural Resources Conservation Service, or Texas Agricultural Extension Service.

Detailed information on qualifying land for wildlife management use, as well as wildlife management activities, practices, and definitions are presented in the publication entitled *Texas Property Tax - Guidelines for Qualification of Agricultural Land in Wildlife Management Use*, available free from your county tax office or from Texas Parks and Wildlife Department. Texas Parks and Wildlife also has developed regional wildlife and habitat management plans, listing the activities and management information appropriate for each of Texas' ten ecological regions (Pineywoods, Gulf Prairies and Marshes, Post Oak Savannah, Blackland Prairies, Cross Timbers and Prairies, South Texas Plains, Edwards Plateau, Rolling Plains, High Plains, and Trans Pecos Mountains and Basins). To obtain information for your region, contact:

Ms. Barbara McBride-Turner
Texas Parks and Wildlife Department
Private Lands Enhancement Program
4200 Smith School Road
Austin, Texas 78744
(512)389-4765

IV. Financial Incentives for Conserving and Managing Habitat for Rare Species

Programs providing financial assistance to private landowners for wildlife management are discussed in Section XII, Part B of this document. These programs include Texas Parks and Wildlife's Landowner Incentive Program, Partners for Wildlife, administered by the US Fish and Wildlife Service, and the programs associated with the 1996 Farm Bill, administered by the USDA Natural Resources Conservation Service. In addition, landowners seeking financial assistance to restore or enhance wetlands may want to contact Texas Parks and Wildlife Department concerning monies that are occasionally available through mitigation fees paid by private industry. For more information concerning wetlands restoration, contact:

Ms. Julie Anderson
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744
(512)389-4328

V. Conservation Easements

A conservation easement is a legal agreement between a landowner and a land trust (a private, nonprofit conservation organization) that permanently limits uses of the land in order to protect its conservation values. It allows you to continue to own and use the land and to sell it or pass it along to heirs. When you donate a conservation easement to a land trust, you permanently give up some of the rights associated with land ownership. For example, you might give up the right to build additional houses, while retaining the right to raise livestock and manage for wildlife. Future owners also will be bound by the terms of the easement, and the land trust is responsible for making sure the easement's terms are followed.

To understand the easement concept, think of owning land as holding a bundle of rights. A landowner may sell or give away the whole bundle or just one or two of those rights. These may include, for example, the right to construct buildings, to subdivide the land, or to change agricultural land uses. An easement restricts development to the degree necessary to protect significant values of that property.

Conservation easements are flexible land protection tools. An easement may apply to just a portion of the property, and it need not require public access. In short, an easement must protect the land's conservation values, but it can also be tailored to meet the financial and personal needs of the landowner. Even the most restrictive easements typically permit landowners to continue traditional land uses such as ranching and wildlife-related recreation.

People grant conservation easements to protect their land from inappropriate development while retaining private ownership. By granting an easement in perpetuity, the owner may be assured that the resource values of his or her property will be protected indefinitely, no matter who the future owners are.

A conservation easement donation that meets federal tax code requirements, i.e., provides public benefit by permanently protecting important conservation resources, can qualify as a tax-deductible charitable donation. For income tax purposes, the value to the donation is the difference between the land's value with the easement and its value without the easement. Placing an easement on your property may also result in property tax savings.

Probably most important, a conservation easement can help you pass land on to the next generation. By removing the land's development potential, the easement lowers its market value, which in turn lowers estate tax. Whether the easement is donated during life or by will, it can make a critical difference in the heirs' ability to keep the land intact.

Texas Parks and Wildlife Department has sponsored a number of workshops and conferences on conservation options for landowners, including conservation easements. A folder of information entitled *Conserving Land and Resources - A Property Owners Guide for Protecting Land Values* is available free to interested landowners by contacting:

Ms. Carolyn Scheffer
Land Conservation Program
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744
(512)389-4779

VI. Standard Incidental Take Permit Under the ESA

In 1982 Congress amended the ESA to allow the Secretaries of the Interior and Commerce to issue a permit for the "incidental taking" of listed species by private individuals during otherwise lawful activities. With this amendment, Congress recognized that absolute restrictions on the taking of endangered species could greatly affect private and state land use decisions. The amendment, found in Section 10(a) of the Act, defines a permitting procedure which requires the following: 1) that the impact of the taking be minimized and mitigated to the maximum extent practicable, 2) that the taking "not appreciably reduce the likelihood of survival and recovery of the species in the wild", and 3) that the applicant submit a detailed plan to conserve the species to be taken with assurances of adequate funding for the implementation of the plan. These plans, typically referred to as Habitat Conservation Plans (HCPs), require approval from the US Fish and Wildlife Service.

In general, a Habitat Conservation Plan must specify the following:
* The impact that will likely result from the proposed incidental taking.
* What steps the applicant will take to monitor, minimize, and mitigate such impacts; the funding that will be available to implement such steps and the procedures to be used to deal with unforeseen circumstances.
* What alternative actions the applicant considered to such taking and reasons why such alternatives are not proposed.
*Such other measures that the Service may require as being necessary or appropriate for purposes of the plan.

Management actions that fall within the published guidelines (*Endangered and Threatened Animals of Texas*, Campbell, 1995) for federally-listed species are considered "no take" actions and no permit is needed. Landowners who plan management actions outside these guidelines, i.e. to remove or substantially alter habitat for federally-listed animals, should contact the US Fish and Wildlife Service for permitting information. Landowners participating in the Safe Harbor program for central Texas are obligated to maintain endangered species habitat existing on their property at the time the agreement was signed (baseline responsibility), but are free to remove or alter any additional habitat created as a result of their participation in the Safe Harbor program.

Any questions regarding incidental take permits should be directed to:

Field Supervisor
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, Texas 78758
(512)490-0057

VII. Landowner Recognition Programs

There are several conservation recognition programs in Texas, each developed to recognize and reward landowners who demonstrate a commitment to maintaining the diverse wildlife resources of the state. Some of the best known programs are listed below. Landowners are encouraged to learn more about these programs and become involved in efforts to recognize the excellent wildlife management accomplishments of the private landowners of Texas.

Lone Star Land Steward Award - Texas Parks and Wildlife Department
The purpose of this program, now in its second year, is to recognize and honor private landowners for their accomplishments in habitat management and wildlife conservation. The program is designed to educate landowners and the public and to encourage participation in habitat conservation.

Objectives of the Award are:
* To recognize private landowners for excellence in habitat management and wildlife conservation on their lands.
* To publicize the best examples of sound natural resource management practices.
* To encourage youth education and participation in promoting responsible habitat management and improved ecosystem health.
* To promote long-term conservation of unique natural and cultural resources.
* To promote ecosystem awareness and acknowledge the best conservation practices in the state's 10 ecoregions.
* To enhance relationships between private landowners and Texas' natural resource agencies.
* To illustrate the important role of Texas' private landowners in the future of our natural resources.

Rancher, farmers, foresters and other land managers and cooperatives may participate. Landowners may submit an application or be nominated by others, including Texas Parks and Wildlife and other agency biologists, or other landowners. Up to three landowners from each ecological region are awarded a plaque and a certificate. One landowner is selected for statewide recognition and receives a personalized work of art portraying his or her favorite location. This person's name is also engraved on a plaque at TPWD headquarters in Austin. All landowners selected for recognition receive a gate sign and stationery designating them as Lone Star Land Stewards. All of the selected landowners are honored at a special reception. For more information or to receive an application, contact Barbara McBride-Turner, Texas Parks and

Wildlife Department, Private Lands Enhancement Program, (512)389-4765.

Land Stewardship Award - Texas Chapter of The Wildlife Society
The Texas Chapter of The Wildlife Society represents over 500 wildlife and natural resource professionals across Texas. The mission of the organization is to promote sound wildlife and habitat management based on scientific and biological principles. Each year at their annual meeting, the Texas Chapter of The Wildlife Society presents a Land Stewardship Award. The award recognizes land managers who have been instrumental in the development, application, and promotion of sound wildlife conservation principles. Landowners are nominated by Texas Chapter members. For more information about the Texas Chapter of The Wildlife Society, contact Linda Campbell at (512)912-7044 or visit the organization's web page at http://texnat.tamu.edu/profsoc/tctws/tctws.htm.

Land Stewardship Award - Texas Organization for Endangered Species
The Texas Organization for Endangered Species was founded in the early 1970's to promote the conservation of Texas' rare plants and animals. Today, the organization represents over 200 resource professionals statewide. The Land Stewardship Award is given each year to land managers who contribute significantly to the conservation of rare species or their habitats in Texas. For more information about Texas Organization for Endangered Species, contact Gena Janssen at (512)912-7043.

VIII. Community-based Local/Regional Conservation Planning

There is a great need for new voluntary approaches to the conservation of wildlife resources in the Hill Country of Texas. Events of the recent past concerning the conservation of rare species point to the need for voluntary, flexible approaches that further conservation efforts yet also meet the economic and social objectives of individual landowners and local communities. We see many opportunities for local governments and citizen groups to facilitate the voluntary conservation of rare resources on private lands in central Texas in ways that sustain the economic and cultural integrity of the region while complying with endangered species laws. Government agencies, including Texas Parks and Wildlife Department and the Natural Resources Conservation Service, can play key roles as service providers, advisors, and facilitators for locally-driven conservation efforts.

We believe that community-based conservation planning, at scales chosen by the local community and the landowners involved, is the key to maintaining diverse wildlife populations in Texas. Community planning efforts often start with citizens organizing to solve a resource problem or resolve a conflict. For example, a group of landowners in Washington County became concerned about the fragmentation of wildlife habitat and a decline in wildlife numbers, including deer and quail. Having a strong commitment to the future of wildlife in their community, landowners from across the county organized to form the Washington County Wildlife Management and Conservation Society. The society's first order of business was to agree on a mission statement

that read "Washington County landowners individually and collectively adopt environmentally sound management and conservation practices for the enhancement, preservation and conservation of wildlife to improve the quality of life". This is just one example of the many local conservation efforts throughout Texas that are making a real difference for wildlife. We believe this type of action is needed to ensure the long term conservation of all wildlife in Texas.

APPENDIX 1

SAFE HARBOR HABITAT IMPROVEMENT PROGRAM FOR THE GOLDEN-CHEEKED WARBLER AND BLACK-CAPPED VIREO IN CENTRAL TEXAS - COOPERATIVE AGREEMENT BETWEEN THE U.S. FISH & WILDLIFE SERVICE AND THE TEXAS PARKS & WILDLIFE DEPARTMENT

This Agreement, dated _____, between the Texas Parks & Wildlife Department (Department) and the U.S. Fish & Wildlife Service (Service), pursuant to authority conferred by Permit No._____, issued pursuant to Section 10(a)(1)(A) of the Endangered Species Act of 1973, 16 U.S.C. 1539(a)(1)(A), is entered into in order to improve habitat for the golden-cheeked warbler (GCW) and black-capped vireo (BCV) on private land in central Texas.

Under Permit No. _____, the Department shall be given the authority to carry out, or give authority for private cooperators to carry out, any activity on the property that will or may result in the incidental taking of GCWs, BCVs or their habitat, subject to the following conditions: (1) the agreed-upon habitat improvements have been carried out by the cooperator; (2) Cooperator agrees to maintain applicable GCW and/or BCV baseline responsibilities; (3) activities expected to result in incidental taking of GCW and/or BCV habitat may be carried out only during the nonreproductive season (September through February); and (4) not less than 30 days prior to commencing any such activity, Cooperator or his or her successors and assigns shall notify Department of his/her intended actions.

This agreement shall be in effect until its expiration on date and may be amended at any time by mutual agreement of the parties.

Department assumes no jurisdiction or obligation over cooperators Property for the purpose of controlling trespass, controlling or eradicating noxious weeds, granting rights-of-way, and other incidents of ownership.

At expiration or termination of this agreement, Cooperator assumes full and complete responsibility for all habitat improvements on Property made during this agreement. The Department shall have no obligation under this agreement after it has been terminated.

Department will be responsible for securing any permits (e.g., Section 10(a)(1)(A) research permit) prior to activities such as monitoring nestlings or banding. The Department is prohibited by law from obligations that exceed available funds; and therefore can do only that work which is funded.

APPENDIX 2

CONSERVATION AGREEMENT FOR FEDERALLY-LISTED PLANTS AND CANDIDATE SPECIES IN CENTRAL TEXAS - COOPERATIVE AGREEMENT BETWEEN U.S. FISH AND WILDLIFE SERVICE AND THE TEXAS PARKS AND WILDLIFE DEPARTMENT

This Agreement, dated _____, between the Texas Parks & Wildlife Department (Department) and the U.S. Fish & Wildlife Service (Service), pursuant to authority conferred by Agreement No._____, is entered into in order to improve habitat for tobusch fishhook cactus, Texas snowbells and certain unlisted candidate species on private land in central Texas.

Under Agreement No. _____, the Department shall be given the authority to cooperate with private landowners in efforts to conserve rare plants. TPWD will assist private landowners in implementing, as part of the their wildlife management plan, activities that will enhance protection of or habitat for tobusch fishook cactus, Texas snowbells, and certain unlisted Candidate species.

This agreement shall be in effect until its expiration on date and may be amended at any time by mutual agreement of the parties.

Department assumes no jurisdiction or obligation over cooperators Property for the purpose of controlling trespass, controlling or eradicating noxious weeds, granting rights-of-way, and other incidents of ownership.

At expiration or termination of this agreement, Cooperator assumes full and complete responsibility for all habitat improvements on Property made during this agreement. The Department shall have no obligation under this agreement after it has been terminated.

Department will be responsible for securing any permits (e.g., Section 10(a)(1)(A) research permit) prior to activities such as monitoring nestlings or banding. The Department is prohibited by law from obligations that exceed available funds; and therefore can do only that work which is funded.

APPENDIX 3

SAFE HARBOR CERTIFICATE OF INCLUSION FOR PARTICIPATING LANDOWNERS

This certifies that the current and future owners of the following property [describe] are included within the scope of Permit No. _____, issued on [date] for a period of [30] years to the Texas Parks & Wildlife Department (Department) under the authority of Section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1539(a)(1)(A). Such permit authorizes certain activities by participating landowners as part of their overall wildlife management plan. These activities are designed to protect, restore and enhance habitat for the endangered golden-cheeked warbler and black-capped vireo. Pursuant to that permit and this certificate, the current and future owners of the above-described property are authorized to engage in any activity on such property that may result in the incidental taking of golden-cheeked warblers and/or black-capped vireos, subject only to the terms and conditions of such permit and the cooperative agreement entered into pursuant thereto by the Department and [name of cooperator] on [date].

_____

Texas Parks & Wildlife Department

Date: _____

This agreement to be included as part of the landowner's wildlife management plan, developed with assistance from a TPWD biologist.

APPENDIX 4

CONSERVATION AGREEMENT FOR FEDERALLY-LISTED PLANTS AND UNLISTED CANDIDATE SPECIES IN CENTRAL TEXAS - COOPERATIVE AGREEMENT BETWEEN TEXAS PARKS AND WILDLIFE DEPARTMENT AND PARTICIPATING LANDOWNER

This Agreement, dated _____, between the Texas Parks & Wildlife Department (Department) and [name of cooperator] (Cooperator), pursuant to authority conferred by Agreement No._____, is entered into in order to improve habitat for tobusch fishhook cactus, Texas snowbells, and certain unlisted candidate species on land owned by the Cooperator.

Cooperator agrees to undertake [or allow Department] and maintain, for the duration of this agreement, habitat improvements described in the wildlife management plan on Cooperator's property indicated on attached map (Property). Cooperator further agrees to allow the Department to enter onto the property, after contacting the landowner in advance and obtaining written permission, to provide recommendations concerning agreed upon habitat management actions.

This agreement shall be in effect until its expiration on _date_ and may be amended at any time by mutual agreement of the parties. Notwithstanding the foregoing, the agreement may be terminated by Cooperator by giving 30 days advance written notice to Department. In the event of Cooperator's termination of this agreement prior to its expiration date or completion of agreed upon habitat improvements, Cooperator agrees to return to Department any sums expended by it or paid by it to Cooperator to carry out specified habitat improvements.

Cooperator guarantees that he/she is sole owner of the property and warrants that there are no outstanding rights that will interfere with Department's rights under this agreement. In the event Cooperator transfers part or all of Property, he or she shall inform the Department and shall take such steps as are necessary to inform the purchaser of existence of this agreement.

Department assumes no jurisdiction or obligation over Property for the purpose of controlling trespass, controlling or eradicating noxious weeds, granting rights-of-way, easements, and other incidents of ownership, including access to and development of mineral interests.

At expiration or termination of this agreement, Cooperator assumes full and complete responsibility for all habitat improvements on Property made during this agreement. The Department shall have no obligation under this agreement after it has been terminated.

Cooperator will be responsible for securing any necessary permits incidental to specified work to be completed. Department will be responsible for securing any permits (e.g., Section 10(a)(1)(A)

research permit) prior to activities such as collecting federally-listed plants. Department is prohibited by law from obligations that exceed available funds; and therefore can do only that work which is funded.

_____ _____

Cooperator(s)

Texas Parks & Wildlife Department