



HABITAT CONSERVATION PLAN ENROLLMENT FORM

This Enrollment Form conforms with the requirements of Section 6.3.3 of the CPS Energy Habitat Conservation Plan (CPS Energy HCP). CPS Energy or its Agents will submit this form to the United States Fish and Wildlife Service (USFWS) at least 30 days before initiating clearing or other land-use activities that would result in incidental take of a Covered Species. In the event of an Emergency Response (as defined by the CPS Energy HCP Glossary) that caused or is likely to cause take of covered species, CPS Energy or its Agents will provide to the USFWS basic notification (email or phone call) of the Emergency Response within 5 business days of the Emergency Response and will submit this form within 30 days following the Emergency Response.

DATE: 6/28/2023

PROJECT NAME: Loop 1604 Non-Joint Bid Segment 1 (WR# 40465710) (CSJ 2452-02-083)

PROJECT CONTACT:

Name: Bruce Wik

Title, Company: CPS Energy, Environmental Analyst

Email: bdwik@cpsenergy.com

Phone: 210-353-6205

PROJECT LOCATION:

1. Street Address or Describe Location:

The project site is located in San Antonio, Texas between La Cantera Parkway and Valero Way within Texas Department of Transportation (TxDOT) right-of-way (ROW).

2. Legal Description:

a. If platted property (if multiple, include in appendix):

i. **Subdivision:** Not Applicable (N/A)

ii. **Lot(s):** N/A

iii. **Block:** N/A

iv. **Phase:** N/A

v. **Section:** N/A

vi. **Volume:** N/A

vii. **Page No:** N/A

b. If un-platted property (attach a legible survey and metes and bounds description of the property prepared by a registered public licensed surveyor):

i. **Enrolled Acres:** 0.5 acres (of which 0.38 acre is within Critical Habitat Unit [CHU] 9)

- ii. **Total Property Acreage:** 0.5 acres (total disturbance within non-joint bid project)
- iii. **Survey No:** N/A

3. Tax Parcel ID(s) of property (attach a recent County appraisal map with the subject property highlighted)

The project is located directly north of Bexar County Appraisal District Parcel 561729 which is owned by the University of Texas System. However, the project is located wholly within TxDOT right of way. Attached to this enrollment form is a county appraisal map that highlights the parcel south of the subject property as a frame of reference (**Attachment 1**, BCAD Parcel Identification).

4. Other:

- a. If possible, locate any property pins or monuments with GPS and include the processed coordinate data.

N/A

- b. Include a list of all impacted Landowners; if the Landowner is different from the Applicant, please provide evidence of authority to the Applicant.

Impacted landowners include TxDOT for the project which is located within the ROW.

PROJECT DESCRIPTION

1. General Project Description:

CPS Energy is currently upgrading an existing 12-inch supply-pressure gas main to a 16-inch main separate from the construction contract for the TxDOT Loop 1604 Segment 1 Project (CSJ 2452-02-083). The proposed gas line upsizing is located within an environmentally sensitive area identified as CHU 9—an area designated as critical habitat for certain federally-listed karst invertebrate species in Bexar County (**Attachment 2**, CPS Biological Assessment Memo). Approximately 0.38 acre of the non-joint bid project is located within CHU 9, with the remaining acreage (0.12 acre) located outside CHU 9. Due to the work now proposed to occur within CHU 9 under the non-joint-bid contract, TxDOT has required CPS Energy to independently ensure Endangered Species Act (ESA) compliance in connection with the gas main work to continue construction within TxDOT ROW.

The entirety of this work will occur within an existing co-location zone as defined by the CPS Energy HCP within existing CPS Energy ROWs. Following the CPS Energy HCP and associated karst enrollment flow chart (see CPS Energy HCP), the project will be required to mitigate using the potential habitat – direct habitat modification mitigation ratio set at 0.25 to 1. Christina Williams (USFWS) confirmed via email that additional minimization / mitigation measures would not be required for this enrollment. Please see the attached Biological Assessment memo to the USFWS for additional details, attached as **Attachment 2** and email correspondence with the USFWS.

2. Type of Project (Check all that apply):

Significant Upgrades (see Section 3.2.3 of the CPS Energy HCP for detail)

3. Anticipated Project Timeline

- a. Projected Start Date: 7/1/2023
- b. Projected End Date: 10/31/2023

HABITAT IMPACT ASSESSMENT

Table 1 and Table 2, below, set forth the amount of incidental take anticipated in connection with the Project, which has been calculated in accordance with Chapter 6 of the CPS Energy HCP.

For detailed information concerning habitat impacts associated with the Project, please refer to the CPS Energy Environmental Gas Checklist, attached as **Attachment 3**, CPS Energy HCP, or Other Environmental Assessment.

Although within 300 feet of potential golden-cheeked warbler habitat, historic survey data for golden-cheeked warblers do not indicate that the area is occupied by golden-cheeked warblers. Additionally, no potentially occupied habitat will be removed in the project area.

WATERS OF THE U.S. IMPACT ASSESSMENT

Impacts to waters of the U.S. are anticipated at one crossing within the HCP enrollment area. However, the effects to covered species and critical habitat have already been evaluated and addressed in this enrollment form, as the enrollment area accounts for impacts at the waters of the U.S. crossing. Section 7 consultation will be required for the single crossing subject to the jurisdiction of the U.S. Army Corps of Engineers.

MINIMIZATION MEASURES

*The Project will implement the general minimization measures set forth in Section 6.4 of the CPS Energy HCP and attached hereto as **Attachment 4**, CPS Energy Minimization Measures Checklist.*

[For projects that impact karst invertebrates, please confirm whether the additional minimization measures set forth in Section 6.6.3 of the CPS Energy HCP (relating to impacts to occupied and assumed occupied karst features) will be followed. For projects that impact golden-cheeked warblers, please confirm whether the additional minimization measures set forth in Section 6.5.3 of the CPS Energy HCP (related to impacts to occupied and assumed occupied habitat) will be followed.]

MITIGATION MEASURES

Mitigation for the Project is provided by (Check all that apply):

Purchase of conservation credits from USFWS-approved conservation bank

Additional mitigation details: The amount of take coverage requested will be subtracted from the CPS Energy Incidental Take Permit allocated take amount. Therefore, a check for \$125 will be sent to Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP).

If applicable, documentation demonstrating completion of the mitigation transaction(s) is attached as **Attachment 5**. N/A

The following mitigation is being provided in connection with the Project:

Incidental Take	Standard Mitigation Ratios	Existing Impacts Mitigation Ratios	In-season Clearing Mitigation Ratios
Direct Habitat Modification	2:1	1:1	4:1
Indirect Habitat Modification	0.5:1	0	1:1

Table 1: Golden-Cheeked Warbler Incidental Take and Mitigation

	Total Acres Impacted	Mitigation Ratio	Required Mitigation
Direct Impacts	# and type of acres	From CPS Energy HCP Table 27	# of acres
Indirect Impacts	# and type of acres	From CPS Energy HCP Table 27	# of acres
Total Mitigation	# of acres	N/A	# of acres

Incidental Take Scenario	Mitigation Ratios
Potential Habitat (Karst Zones 1—4 not associated with an Occupied or Assumed Occupied Karst Feature)	
Direct Habitat Modification	0.25:1
Indirect Habitat Modification	0.1:1
High Impact Zone (Karst Zone 1—4 within 345 or 750 feet of an Occupied or Assumed Occupied Karst Feature)	
Direct Habitat Modification	10:1
Indirect Habitat Modification	1:1
Critical Habitat and Approved or Potential KFAs (for Non-co-located Habitat Modification)	
Direct Habitat Modification	20:1
Indirect Habitat Modification	2:1

Note: See Appendix F for additional detail regarding the application of these mitigation ratios.

Table 2: Karst Invertebrate Incidental Take Mitigated through the CPS Energy HCP

	Acres of Impact	Mitigation Ratio	Total Mitigation
Potential Habitat (Karst Zones 1-4 not associated with an Occupied or Assumed Occupied Karst Feature)			
Direct Habitat Modification	0.5 Acres	0.25:1	0.125
Indirect Habitat Modification			
High Impact Zone (Karst Zone 1-4 within 345 or 750 feet of an Occupied Feature or Assumed Occupied)			
Direct Habitat Modification			
Indirect Habitat Modification			
Critical Habitat and Approved or Potential KFAs (for Non-co-located Habitat Modification)			
Direct Habitat Modification			
Indirect Habitat Modification			
TOTAL	0.5 Acres	N/A	0.125

AVAILABILITY OF THE CPS ENERGY HCP TO AUTHORIZE INCIDENTAL TAKE

The CPS Energy HCP has sufficient incidental take authorization available to address Project needs, as demonstrated below.

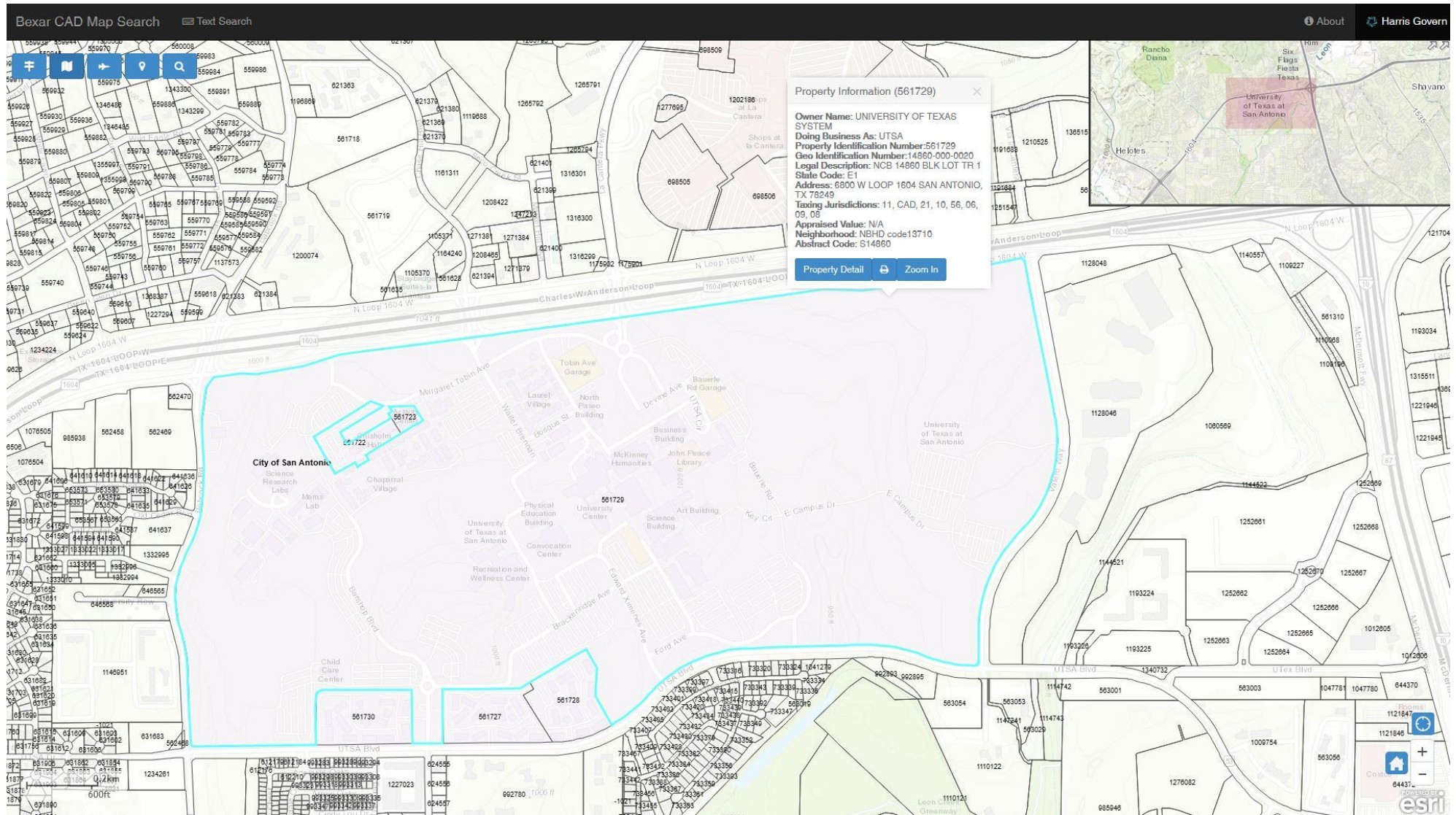
	Total Incidental Take Authorization (CPS Energy HCP)	Remaining Incidental Take Balance (before this enrollment)	Remaining incidental Take Balance (after this enrollment)
Golden-Cheeked Warbler	20,320.7 Acres	20,320.7 Acres	20,320.7 Acres
Madla's Cave Meshweaver	201.5 Acres	201.5 Acres	201.375 Acres
Robber Baron Cave Meshweaver	103.2 Acres	103.2 Acres	103.2 Acres
Government Canyon Bat Cave Meshweaver	89.8 Acres	89.8 Acres	89.8 Acres
<i>Rhadine exilis</i>	201.5 Acres	201.5 Acres	201.375 Acres
<i>Rhadine infernalis</i>	201.5 Acres	201.5 Acres	201.5 Acres
Government Canyon Bat Cave Spider	68.0 Acres	68.0 Acres	68.0 Acres
Cokendolpher Cave Harvestman	103.2 Acres	103.2 Acres	103.2 Acres
Helotes Mold Beetle	93.7 Acres	93.7 Acres	93.7 Acres

Attachments

Attachment 1

BCAD Parcel Identification

BCAD Parcel No. 561729



Attachment 2
CPS Energy Biological
Assessment Memo

TO: Chandler Peter, USACE Fort Worth District **DATE:** February 10, 2023
FROM: Valerie Collins, Associate Vice President **PROJECT NO.:** 12488-01
cc: Bruce Wik, P.G. CPS Energy
Christina Williams, USFWS AEFSO
RE: CPS Energy - Loop 1604 Non-Joint Bid Segment 1 – Biological Assessment Memo

The purpose of this memorandum is to describe certain construction and other activities to be undertaken by CPS Energy that are required to maintain the safe and reliable delivery of natural gas to CPS Energy customers in Bexar County, Texas; and to describe whether and to what extent CPS Energy activities may result in “take” of species listed as threatened or endangered under the federal Endangered Species Act (ESA) or impact areas designated by the U.S. Fish and Wildlife Service (USFWS) as critical habitat for certain karst invertebrate species.

Background and need for CPS Energy activities

CPS Energy is currently upgrading an existing 12-inch supply-pressure gas main to a 16-inch main separate from the construction contract for the Texas Department of Transportation (TxDOT) Loop 1604 Segment 1 Project (CSJ 2452-02-083). Completion of the gas main work requires swift coordination between CPS Energy, United States Army Corps of Engineers (USACE) and the USFWS.

The proposed gas line upsizing is located within an environmentally sensitive area identified as Critical Habitat Unit (CHU) 9—an area designated as critical habitat for certain federally-listed karst invertebrate species in Bexar County (**Attachment 1**). Due to the work now proposed to occur within CHU 9 under the non-joint-bid contract, TxDOT has required CPS Energy to independently ensure ESA compliance in connection with the gas main work in order to continue construction within TxDOT right-of-way (ROW). Additionally, CPS Energy activities would cross the waterbody known as the University of Texas at San Antonio (UTSA) Tributary to Leon Creek. Under the Fort Worth USACE Regional Conditions, a project located within karst zones 1 or 2 in Bexar County is required to notify the appropriate USACE District Engineer in accordance with Nationwide Permit (NWP) General Condition 32. In addition, certain CPS Energy activities would trigger the need for a USACE preconstruction notification (PCN) under General Condition 18 as the project is located within CHU 9, karst Zone 1 (an ecologically unique and sensitive area that is located within waters of the United States (UTSA Tributary to Leon Creek)), and in the vicinity of caves known to be occupied by federally listed karst invertebrates.

Anticipated Impact Values

CPS Energy anticipates approximately 0.50 acres of disturbance would occur within the non-joint bid portion of the Loop 1604 project. Approximately 0.38 acres of the 0.50 acres of total disturbance would occur within CHU 9. The closest occupied features (Mastodon Pit and F-50), are situated approximately

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400 feet to the south of the proposed gas transmission alignment. Proposed activities would not fall within the 345-foot Occupied Zone A buffer. However, activities would be within the 750-foot Occupied Zone B buffer (**Attachment 1**). The area where UTSA Tributary to Leon Creek is located does not fall within either of the occupied zone buffers.

It has been determined that approximately 0.004-acres of the project alignment intersect with the UTSA Tributary to Leon Creek. The amount of stream identified within the project alignment that falls within CHU 9 was calculated to be approximately 0.002-acres (**Attachment 1**).

Existing Disturbances in the Area

The existing disturbances in the area include but are not limited to a San Antonio Water System (SAWS) 20-inch water line in 36-inch casing running north to south along Valero Way, a telecommunication duct bank running east to west along the encroaching Loop 1604 curb line and a newly constructed TxDOT curb and storm inlet. In addition, a Grey Forest natural gas line runs parallel and partially outside of the TxDOT ROW in an easement on property owned by UTSA.

By law (43 TAC Section 21.32), public utilities have been granted the right to occupy State ROW, provided that the utility will not interfere with safety of the traveling public and will maintain compliance with the utility accommodation rules (UAR). Per TxDOT's UAR the gas main must be at a minimum 5-feet bury depth.

In order to limit the risk of potentially encountering habitat for federally listed karst invertebrates that could occur if CPS Energy were to bore greater than 5 feet deep into solid intact limestone not previously disturbed by other utility activities within CHU 9, CPS Energy has, instead, chosen to practice karst invertebrate avoidance measures by electing to do an open cut option for pipe installation. The aforementioned measure selected by CPS Energy, will be undertaken in order to avoid the potential for encountering federally listed karst invertebrates in previously undetected voids in intact limestone.

Communications with USFWS

On October 31, 2022, a meeting with the USFWS, CPS Energy, USACE, and TxDOT was held to discuss ESA compliance in connection with CPS Energy's proposed modification to the gas distribution line including modifications that would result in encroaching on CHU 9.

During those discussions, the USFWS indicated enrolling the gas main relocation project in the CPS Energy Habitat Conservation Plan (CPS Energy HCP) may be appropriate if take of listed species would occur. Should CPS Energy enroll the project in the CPS Energy HCP, it would be the first enrollment under that plan. The enrollment process would follow the provisions of the CPS Energy HCP, as described more fully on **Attachment 2** attached hereto. Enrollment of the project in the CPS Energy HCP will require documenting and confirming enrollment by notifying the USFWS.

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Path Forward

Karst Invertebrates

Based on Pape Dawson's review of the CPS Energy HCP and knowledge of the work to be performed by CPS Energy in connection with relocation of the gas main, CPS Energy's proposed activities would occur in a "colocation zone" as described by the CPS Energy HCP. A colocation zone is defined by that plan as an "area within or immediately adjacent to prior soil or subsurface disturbances, where "immediately adjacent" means within 25 feet of the edge of the prior disturbance" (CPS Energy HCP 2021, page 88). The new gas distribution line would be installed within a colocation zone, specifically the area of prior disturbance from several existing utilities. Photos taken during the emergency tie-in excavation clearly depict how close other utilities are to the new CPS Energy gas distribution line. These existing utilities were noted to be within 25 feet of the edge of existing disturbances. A photo log depicting existing utilities adjacent to the proposed CPS Energy distribution line trench has been attached as **Attachment 2**.

The likelihood of "take" is diminished because work would occur within a previously disturbed area outside of an occupied feature zone, and CPS Energy has incorporated a special project action aimed at further reducing the likelihood of take associated with encountering previously undetected voids.

With respect to impacts to CHU 9, CPS Energy's proposed work will affect a negligible portion (0.38 acres) of areas within CHU 9 that have already been previously disturbed. As a result, it is unlikely that the project would result in a direct or indirect alteration of CHU 9 in a way that appreciably diminishes the value of critical habitat for both the survival and recovery of listed species. Although take is not reasonably certain to occur and, in fact, is unlikely, CPS Energy nevertheless will enroll the project in the CPS Energy HCP to account for any remaining uncertainty. Appendix F of the CPS Energy HCP contains a karst participation flow chart which details the level of mitigation required for enrolled projects that is based on project specific questions. According to the flow chart, even though the CPS Energy gas distribution line project occurs within critical habitat, the project occurs within an area of existing impacts to which jeopardy/adverse modification is unlikely to occur (**Attachment 3**).

"Covered activities occurring within a colocation zone are not subject to the mitigation ratios for critical habitat" (CPS Energy HCP 2021, page 88). The proposed construction would, therefore, fall under the general potential habitat incidental take mitigation scenario per the CPS Energy HCP, requiring a mitigation ratio of 0.25 to 1 (CPS Energy HCP 2021, page 90). Should CPS Energy opt to purchase conservation credits from a USFWS-approved third-party conservation bank such as the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) for the proposed covered activities, mitigation within the general habitat area is \$1,000/acre. CPS Energy proposes to submit a payment of \$125.00 to the SEP-HCP to pay for the mitigation of work activities in the colocation zone within CHU 9.

Waters of the U.S.

Based on the evaluation of the anticipated impacts, CPS Energy proposes to move forward with the usage of NWP 12 – Oil or Natural Gas Pipeline Activities. The usage of this NWP will be accompanied by a PCN and compliance with General Condition 18 to the NWPs. CPS Energy will comply with the NWP General Conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division

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CPS Energy - Loop 1604 Non-Joint Bid Segment 1 – Biological Assessment Memo

February 10, 2023

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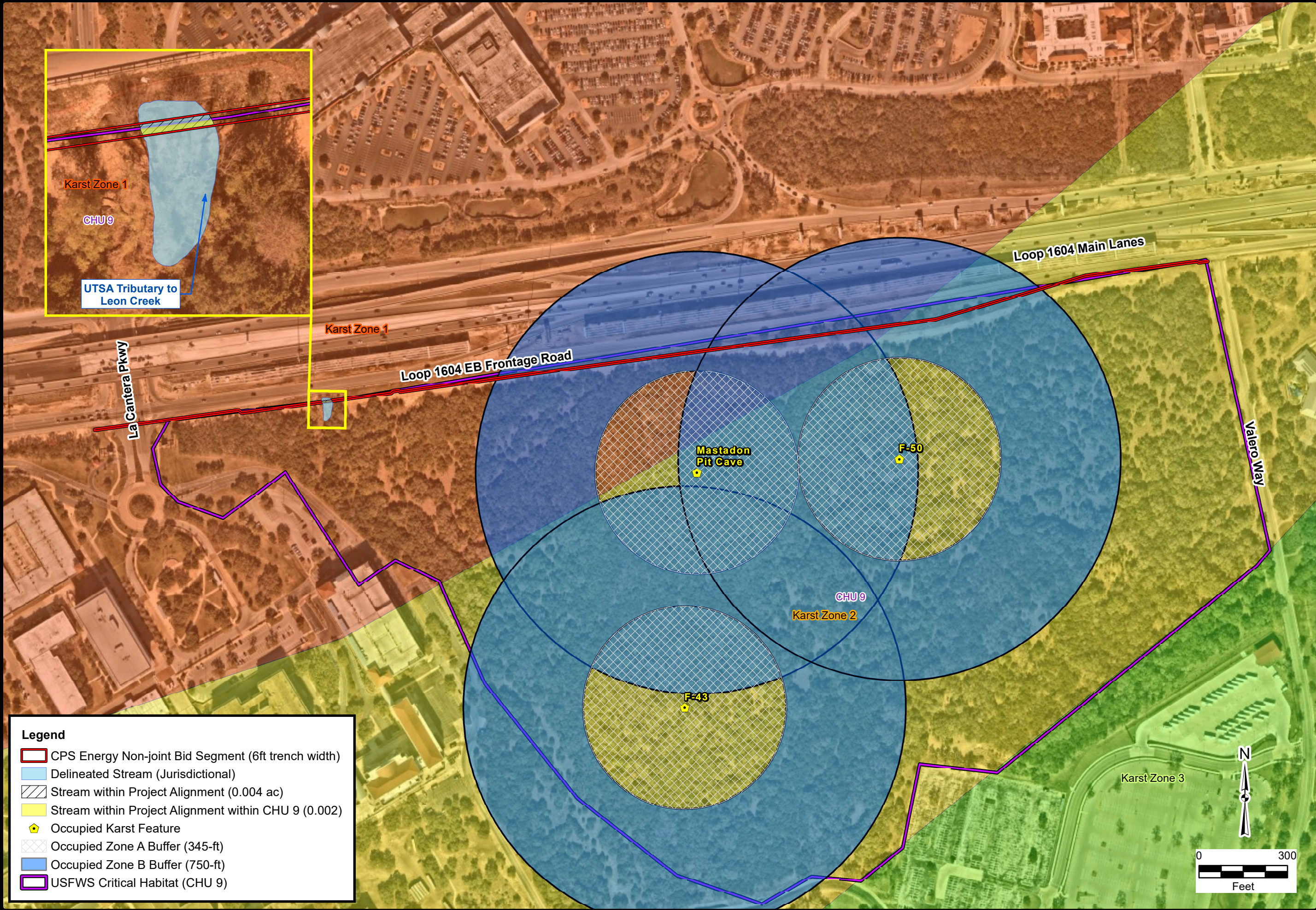
engineer or district engineer. CPS Energy has elected to comply with ESA section 9 by enrolling the project in the CPS Energy HCP. Pursuant to General Condition 18 to the NWPs, USACE will coordinate with USFWS to confirm that impacts to listed karst invertebrates and critical habitat were considered by USFWS in the agency's internal ESA section 7 consultation conducted in connection with the CPS Energy HCP. Should USFWS confirm that impacts to listed karst invertebrates and critical habitat were considered in the HCP-related consultation, USACE is not required to conduct a separate ESA section 7 consultation for the non-joint bid portion of the project.

Based on discussions with the USFWS, the project will move forward with enrolling the non-joint bid portion of the project (La Cantera Parkway to Valero Way) into the CPS Energy HCP pursuant to the colocation zone provisions of that plan is appropriate. It is estimated that the appropriate mitigation ratio the project would be subject to are 0.25 to 1. The Loop 1604 non-joint bid segment is approximately 0.50 acres, it has been calculated that total mitigation costs would equate to \$125.00 to cover proposed activities. As noted above, the proposed gas transmission line is crucial to protect utility existing service and must be commenced expeditiously.

Attachments

Attachment 1
Environmentally Sensitive
Areas Map

Date: Jan 10, 2023 11:55:25 AM User: wjago
File: P:\12488\107\ENV\Non-Joint Bid BA Memo\GIS\12488-01-EX2 Impact Areas.mxd
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PAPE-DAWSON
ENGINEERS

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TPE FIRM REGISTRATION #470 | TPELS FIRM REGISTRATION #10028800

LOOP 1604 SEGMENT 1 GAS TRANSMISSION LINE

SAN ANTONIO, TX

ENVIRONMENTALLY SENSITIVE AREAS MAP

JOB NO. **12488-01**

DATE **Jan 2023**

DESIGNER **-**

DRAWN **WL**

CHECKED **VC**

SHEET **EX 01**

Attachment 2

Site Photographs

CPS ENERGY – LOOP 164 NON-JOINT BID SEGMENT 1 – BIOLOGICAL ASSESSMENT MEMO

Site Photographs



CPS ENERGY – LOOP 164 NON-JOINT BID SEGMENT 1 – BIOLOGICAL ASSESSMENT MEMO

Site Photographs



CPS ENERGY – LOOP 164 NON-JOINT BID SEGMENT 1 – BIOLOGICAL ASSESSMENT MEMO

Site Photographs



**CPS ENERGY – LOOP 164 NON-JOINT BID SEGMENT 1 – BIOLOGICAL
ASSESSMENT MEMO**
Site Photographs

Photo No. 7	Date: 12/01/2022
Description: View of the western portion of the gas transmission trench post excavation associated with the emergency tie-in. No voids were encountered during the excavation of this portion of the project. Photo was taken facing west.	

A photograph showing a deep, narrow excavation trench at a construction site. The trench is filled with loose soil and gravel. A worker in a blue shirt and safety vest is visible on the left side of the trench. In the background, there are orange safety cones, a white pickup truck, and a concrete bridge structure. The trench is filled with loose soil and gravel, and a blue pipe is visible on the left side. The trench is deep and narrow, and the soil is brown and loose. The background shows a construction site with various equipment and vehicles.

Attachment 3
CPS Energy HCP Enrollment
Information

6.3.3 **Documenting and Confirming HCP Enrollment**

CPS Energy will document Covered Activities and confirm that the Covered Activities conform to applicable requirements of the HCP and ITP. The documentation process will ensure that both CPS Energy and the USFWS have a record of all Covered Activities and that the total amount of take associated with all Covered Activities does not exceed the amount of take authorized by the ITP.

CPS Energy will prepare such documentation and submit it to the USFWS at least 30 days before initiating clearing or other land-use activities associated with a Covered Activity (excepting Emergency Responses) that would result in incidental take of a Covered Species. CPS Energy will develop and use standard templates (HCP Enrollment Form) to facilitate this reporting and USFWS reviews. CPS Energy will provide the USFWS an opportunity to review and comment on the template form. The content and format of the HCP Enrollment Form will be subject to USFWS approval. For Covered Activities involving Emergency Responses, CPS Energy will provide to USFWS basic notification (anticipated to occur via email or telephone message) of the activity within 5 business days and will provide a completed HCP Enrollment Form to USFWS within 30 days following the Emergency Response. CPS Energy will only provide a completed HCP Enrollment Form for Emergency Responses that caused, or are likely to cause, incidental take of a Covered Species.

The HCP Enrollment Form will include:

- The type, location, extent (limits), and anticipated schedule of the Covered Activity.
- The amount of delineated habitat for each Covered Species (see Chapters 6.5.1 and 6.6.1) associated with the Covered Activity.
- Demonstration of incidental take avoidance or use of other ESA compliance options (including participation in the Southern Edwards Plateau HCP) for addressing incidental take of one or more Covered Species, where applicable.
- The amount of incidental take for each Covered Species, not otherwise addressed through an alternate compliance method, that will be caused by the Covered Activity, as quantified by the Habitat Surrogate and the assessment methods explained in Chapters 6.5.2 and 6.6.2.
- Demonstration that the amount of incidental take associated with the Covered Activity is within the limits authorized by the ITP, considering the amount of incidental take authorization already utilized by previous enrollments of CPS Energy Activities.
- The minimization and mitigation measures CPS Energy will apply to offset the impacts of the taking associated with the Covered Activity.
- Demonstration that CPS Energy has mitigation for the Covered Activity in place prior to clearing activities.

6.4 **General Minimization Measures**

CPS Energy will implement the following measures that minimize the impacts caused by its Covered Activities:

1. **HCP Training:** CPS Energy will conduct periodic education and training sessions for CPS Energy project designers on federal, state, and local environmental requirements and HCP/ITP requirements.

species. CPS Energy expects that USFWS will provide any such recommendations within 30 business days of receipt of the notice. Where USFWS has made recommendations within 30 business days of receiving notice, CPS Energy will, to the extent possible (for activities within 50 feet of the feature) or practicable (for activities between 50 feet and 345 feet or 750 feet of the feature, as applicable based on the activity type), implement the recommendations of the USFWS or provide a detailed response as to why such recommendations are not possible or practicable, as applicable. These measures do not apply when impacts to such features associated with the Covered Activity are authorized through other means, such as participation in another HCP or ESA Section 7 interagency consultation.

6.6.4 Mitigation Ratios

CPS Energy will provide mitigation to offset the impacts of take resulting from Covered Activities. CPS Energy proposes mitigation ratios that address the anticipated variation in the impacts of the taking. CPS Energy expects that these mitigation ratios, in concert with the minimization measures described in Chapter 6.4 and 6.6.3, fully offset the impacts of its authorized incidental take and are practicable to achieve. The mitigation ratios applicable to a particular Covered Activity (or part of a Covered Activity) will depend on the location of the habitat modification related to features important to the conservation of the Covered Karst Invertebrates, such as Critical Habitat, Approved or Potential KFA, Occupied or Assumed Occupied Karst Features, and Karst Zones 1 through 4. CPS Energy is also defining a Colocation Zone applicable to Covered Activities inside of Critical Habitat or Approved or Potential KFAs. The Colocation Zone is the area within or immediately adjacent to prior soil or subsurface disturbances, where “immediately adjacent” means within 25 feet of the edge of the prior disturbance. Covered Activities occurring within a Colocation Zone are not subject to the mitigation ratios for Critical Habitat and Approved or Potential KFAs.

CPS Energy will apply the mitigation ratios shown in Table 28 to the acres of Direct Habitat Modification or Indirect Habitat Modification for the Covered Karst Invertebrates under the applicable scenario.

Table 28. Covered Karst Invertebrate Mitigation Ratios

Incidental Take Scenario	Mitigation Ratios
Potential Habitat (Karst Zones 1—4 not associated with an Occupied or Assumed Occupied Karst Feature)	
Direct Habitat Modification	0.25:1
Indirect Habitat Modification	0.1:1
High Impact Zone (Karst Zone 1—4 within 345 or 750 feet of an Occupied or Assumed Occupied Karst Feature)	
Direct Habitat Modification	10:1
Indirect Habitat Modification	1:1
Critical Habitat and Approved or Potential KFAs (for Non-co-located Habitat Modification)	
Direct Habitat Modification	20:1
Indirect Habitat Modification	2:1

Note: See Appendix F for additional detail regarding the application of these mitigation ratios.

APPENDIX F

Covered Karst Invertebrate Enrollment Flow Chart

Covered Karst Invertebrate Enrollment Flow Chart

Clarifications

For the Covered Karst Invertebrates, if a CPS Energy Activity is eligible to participate in the Southern Edwards Plateau HCP and participation is available, CPS Energy will preferentially enroll the Activity in the Southern Edwards Plateau HCP. See Chapter 6.3.2

CPS Energy will perform the applicable portions of the USFWS Karst Feature Survey Protocol within Covered Activity ROW. CPS Energy may assume occupancy of features with potential habitat. CPS Energy will also review records from USFWS for known Occupied Karst Features within 1,500 feet of the Covered Activity ROW.

See definitions for Direct and Indirect Habitat Modification included in Take Assessment – Chapter 6.6.2

The CPS Energy HCP uses tiered mitigation ratios, as shown in Table 29: Suitable Habitat (lowest ratios for general karst zone impacts), High Impact Zone (moderate ratios for impacts near Occupied Karst Features), Critical Habitat/Special Circumstances (highest ratios for the most important areas)

See Additional Minimization Measures in Ch 6.6.3 that are applicable to Covered Activities performed within 750 feet of an Occupied Karst Feature or Assumed Occupied Karst Feature, in three parts:

- Paragraph 1 = avoid to maximum extent practicable subsurface disturbances within 50 feet of entrance or footprint of the Occupied Karst Feature (50-ft Avoidance)
- Paragraph 2 = coordination with USFWS with submittal of a Covered Activity brief and proposed mitigation measures (USFWS Briefing)
- Paragraph 3 = USFWS additional recommendations to avoid Jeopardy/Adverse Modification (Additional Measures)

See Changed Circumstances for situations where there are No Practicable Opportunities for Karst Preserve Establishment. Options for alternate crediting and timing of mitigation. With USFWS coordination and approval.

Selected Definitions

Existing Impacts = Areas with prior subsurface disturbances to soil or rock (i.e., such as trenching, excavation, surface grading, landscaping, impervious cover added, etc.) plus the adjacent 25 feet (the maximum typical ROW for CPS Energy distribution lines).

Suitable Habitat (Karst Zone) Mitigation = Mitigation credit for each relevant karst species may be stacked as described in Chapter 6.7.3. Mitigation credit will be awarded for protection and management of undeveloped lands over Karst Zones 1 or 2. No demonstration of occupancy is needed.

High Impact Zone Mitigation = Should be the protection and management of land that is within 1,200 feet of an Occupied Karst feature with similar set of reported species or that otherwise contributes to creation or expansion of an approved KFA or potential KFA for a similar set of reported species.

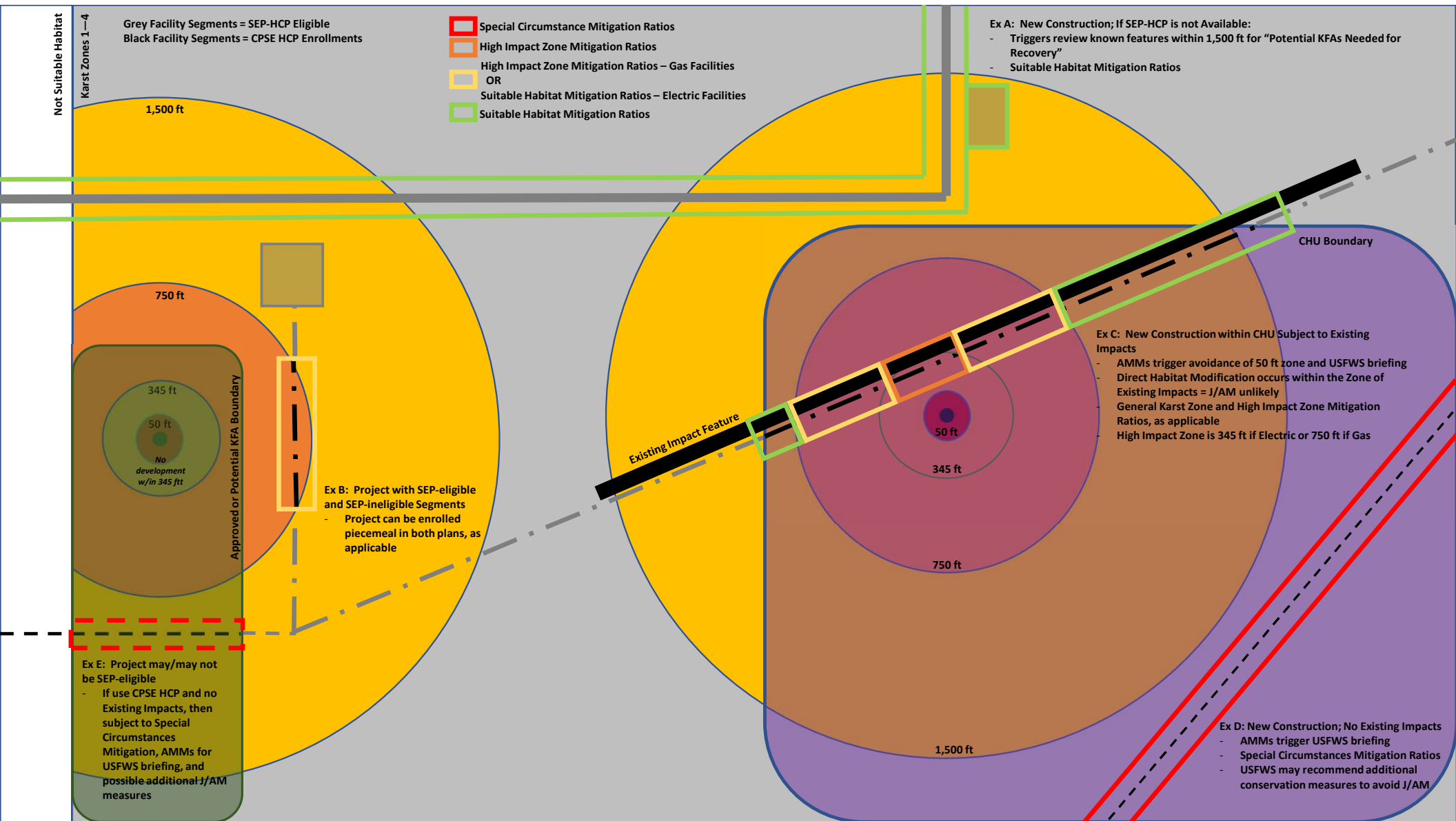
Potential KFA Needed for Recovery = Occupied Karst Feature lacking development within 345 feet of entrance or footprint (if known) and having at least 100 acres or 40 acres of undeveloped land contiguous

with the undeveloped core. Acreage threshold depends on the current conservation baseline status of the species involved. Limits of the Potential KFA only include the undeveloped lands needed to achieve the applicable acreage threshold, prioritizing acres closest to the feature.

Karst Participation Flow Chart

1. Is Project over **Suitable Habitat** in Karst Zones 1—4?
 - a. No—END. Impacts to Covered Karst Invertebrates are not likely.
 - b. Yes—Go to #2
2. Will Project involve **O&M with no new Direct or Indirect Habitat Modification**?
 - a. YES—END. Impacts to Covered Karst Invertebrates are not likely.
 - b. No—Go to #3
3. Does CPS Energy desire incidental take coverage for karst invertebrates (e.g., **Negative P/A Surveys**)?
 - a. No—END
 - b. Yes—Go to #4
4. Will Project impacts to Covered Karst Invertebrates be addressed through **participation in the Southern Edwards Plateau HCP** or other available compliance program?
 - a. Yes—END. Take and impacts to Covered Karst Invertebrates are addressed through other means.
 - b. No—Go to #5
5. Is the Project within a **CHU, Approved KFA, or Potential KFA** needed for recovery?
 - a. No—No Special Circumstances. Go to #6
 - b. Yes—Special Circumstances may apply. Go to #8
6. Does Project involve **Electric or Gas activities**?
 - a. Electric—High Impact Zone distance is 345 feet from feature entrance or footprint (if known). Go to #7
 - b. Gas—High Impact Zone distance is 750 feet from feature entrance or footprint (if known). Go to #7
7. Does Project involve Direct or Indirect Habitat Modification within a **High Impact Zone**?
 - a. No—General Karst Zone Impacts. Suitable Habitat Mitigation Ratios apply.
 - b. Yes—
 - i. High Impact Zone Mitigation Ratios apply.
 - ii. Additional Minimization Measures apply. (see paragraphs 1 and 2 of Ch 6.6.3 for 50-ft Avoidance and USFWS Briefing)
8. Does Project occur within an area of **Existing Impacts**?
 - a. Yes—Jeopardy/Adverse Modification are unlikely. Go to #6.
 - b. No—
 - i. Coordinate with USFWS during Annual Coordination Meeting or at least 60 days before beginning the Project. (see paragraph 2 of Ch 6.6.3 for USFWS Briefing)
 - ii. Go to #9
9. Does the USFWS recommend additional conservation measures to **avoid the likelihood of Jeopardy/Adverse Modification**?
 - a. No—USFWS accepts impact analysis and mitigation proposal. Jeopardy/Adverse Modification are unlikely.
 - i. Special Circumstances Mitigation Ratios apply.
 - ii. Additional Minimization Measures apply. (see paragraph 1 of Ch 6.6.3 for 50-ft Avoidance)



- b. Yes—Go to #10
- 10. Can CPS Energy adopt the additional conservation measures recommended by USFWS?
 - a. Yes—With additional measures, Jeopardy/Adverse Modification are unlikely.
 - i. Additional Minimization Measures apply. (see paragraph 1 of Ch 6.6.3 for 50-ft Avoidance)
 - ii. Special Circumstances Mitigation Ratios apply.
 - iii. USFWS Additional Measures apply.
 - b. No—CPS may elect to proceed with the Covered Activity without implementing some or all of the additional recommended conservation measures.
 - i. USFWS may assert that Jeopardy/Adverse Modification is likely and issue a formal notification to CPS Energy presenting its assessment of jeopardy or destruction or adverse modification of critical habitat.
 - ii. USFWS may begin its permit suspension or revocation process.



Attachment 3
CPS Energy Environmental
Compliance Gas Checklist

Environmental Compliance Checklist for GAS

This checklist is required to be completed for every project. If any answers are "Yes", the checklist shall be submitted to EnvGasDesignReview@cpsenergy.com along with a design for further review prior to being released to construction. The completed checklist shall be attached to Task 2650 in Work Manager. If all answers are "No", project is not required to be submitted to the Environmental Services Department for further review and Designer can bypass Tasks 2125, 2650, 11060, and 16130 and attach "generic" EPIC Sheet in Work Manager in accordance with current procedures.

Project Name:	LOOP 1604 SEG # 1 (Non-Joint Bid) (CSJ 2452-02-083)		
Work Request #:	40465710	Construction Start Date:	6/1/2021
Project Contact: <i>Include CPS Energy PM</i>	John Mooneyham, P.E. (CEC) Thomas Hurst, P.E. (CPS)	Area of Soil Disturbance: $L(ft) \times W(ft) / 43,560$ (acres) <i>(Please account for all soil disturbances)</i>	$4,000' \times 15' = 60,000$ ft ² / 43,560 acres = 1.4 acres
Other CPS Energy Dept:		Volume of Trenching: $L(ft) \times W(ft) \times D(ft)$	$6,000' \times 2' \times 8' = 96,000$ CF
Other Entities (Bexar Cty, TxDOT, COSA, etc.)-Indicate if Joint Bid Project with entity	Installation to occur in TxDOT ROW (Non Joint-Bid)		
Construction Contractor (CPS Energy, other entity)	CPS Energy Contractor		
Is work near or within the area of a CPS Energy Electrical Substation Property or Power Generation Property?			(Yes/ No)
 Elec Substation Checklist.docx	 Power Generation Environmental Check	If yes for substation property, complete substation checklist, submit to EnvEDSDesignReview@cpsenergy.com and sdlyssy@cpsenergy.com If yes for power generation property, complete power generation checklist, submit to PG-EnvironmentalProjects@cpsenergy.com	
No			
Waters of the U.S./Floodplain (GIS Floodplain Boundary and if in creek/water body)			(Yes/ No)
Will project boundaries include drainage areas, surface waters, ditches, tributaries (including dry or intermittent drainages), and/or potential wetlands?			Yes
Is project located within the 100-year floodplain?			Yes
Threatened or Endangered Species			(Yes/ No)
Will soil disturbance occur in Karst Zones 1, 2, 3 or 4?			Yes (Zone1)
Will any part of project occur in or within 300 ft of documented areas known to have endangered songbirds?			Yes
Cultural Resources			(Yes/ No)
Will any construction activity be on publicly owned land (i.e. park property, city, county, state property), CPS Energy property, or Port of San Antonio property?			No
Will the project include more than 50 ft of trenching in the right-of-way or CPS Energy easements?			Yes
Will any site activity be near a Historic Landmark Site; within a Historic District, Historic Landmark, RIO District, CRAG Area, Downtown Area; along the San Antonio River; or other known cultural resource (i.e. cemetery or acequia)?			No
Stormwater			(Yes/ No)
Will project soil disturbance be 1 acre or greater (this includes the total area of the Common Plan of Development – including disturbances by all CPS Energy and other contractors working on all aspects of the project/development)?			Yes
Edwards Aquifer			(Yes/ No)
Is the project located within the Edwards Aquifer Recharge, Contributing, or Transition Zone?			Yes
Tree Ordinance			(Yes/ No)
Will project involve tree trimming or tree removal?			Yes
Will any on-site construction activity occur in close proximity of tree's root system or tree canopy?			Yes
Hydrostatic Testing			(Yes/ No)
Do gas lines need hydrostatic testing?			No
Pipe Materials			(Yes/ No)
Will coal tar wrapped pipe/fittings or asbestos pipe be removed?			Yes
Waste/Chemical/Product Storage			(Yes/ No)
Will any waste be generated (i.e. gas condensate, paint/blast waste, etc.) or chemicals/products be stored (i.e. gas odorizer, etc.)?			No
National Environmental Policy Act			(Yes/ No)
Will any construction activity involving soil disturbance occur on Federally-owned Property (including Military Bases, JBSA), require Federal Permitting, or involve Federal Funding? If JBSA project, add "JBSA" to the email subject line and copy Juan Sandoval (JASandoval@CPSEnergy.com)			No

Attachment 4
CPS Energy Minimization
Measures Checklist

Minimization Measures Checklist

CPS Energy will implement the following measures that minimize the impacts caused by its Covered Activities:

**Please put a check in the circle for those minimization measures that apply to the project.*

Note: CPS Energy will also implement other minimization measures that are specific to one or more Covered Species, as specified in Chapters 6.5.3 and 6.6.3.

General Minimization Checklist:

☐ **1. HCP Training:** CPS Energy will conduct periodic education and training sessions for CPS Energy project designers on federal, state, and local environmental requirements and HCP/ITP requirements.

☒ **2. Vegetation Management:** CPS Energy will clear or manage vegetation within ROWs using aboveground means when practicable. Clearing or managing vegetation using aboveground means (e.g., mowing, hydro-ax, manual cutting; as opposed to scraping, grading, and ripping) minimizes subsurface disturbances and impacts to Covered Karst Invertebrates from soil disturbances. CPS Energy conducts vegetation management as necessary to create and maintain safe and reliable conditions.

☒ **3. Oak Wilt Prevention:** CPS Energy will direct its work crews to follow the City of San Antonio Oak Tree Ordinance and Texas A&M Forest Service (TFS) prevention of oak wilt measures (TFS 2015). The TFS recommends eliminating diseased red oaks, handling firewood properly, and painting wounds on healthy oaks to prevent the spread of oak wilt (TFS 2015). Work crews will treat all trimming cuts or other wounds to oak trees, including freshly cut stumps and damaged surface roots immediately (within one hour) with a wound paint or latex paint to prevent exposure to contaminated insect vectors (TFS 2015).

☐ **4. Herbicide Use:** CPS Energy work crews will apply all pesticide and herbicides pursuant to label requirements for dilution, application, disposing of rinse water, and disposing of empty containers.

☒ **5. Revegetation:** CPS Energy will restore disturbed areas to preconstruction contours, where practical, and revegetate disturbed areas with native species following completion of a Covered Activity.

☒ **6. Waterway Protection:** CPS Energy work crews will install and maintain all appropriate erosion and sedimentation controls in accordance with local and state regulations and industry best practices.

☐ **7. Line Markers:** CPS Energy will mark those sections of existing transmission lines that become subject to Significant Upgrades and that are within 1 mile of potential migration stopover habitat for whooping cranes that occurs within the "80-mile" migration corridor for the whooping crane. Markers will be

Minimization Measures Checklist

traditional marker balls, spiral vibration dampeners, air flow spoilers, or similar technologies. CPS Energy will install markers on the shield wires, with spacing dependent on the type of marker used, and the marked area will extend from the river or waterway limits or boundary of the stopover habitat out to a distance of 300 feet. CPS Energy will inspect and replace markers as necessary as part of routine O&M activities.

☐ 8. **Listed and Proposed for Listing Plant Species:** CPS Energy will request from USFWS information on previously documented locations of federally listed plants and plants proposed for federal listing. CPS Energy will make such requests in advance of enrolling CPS Energy Activities in the HCP during the Annual Coordination Meetings (see Chapter 8.3). CPS Energy will also request similar information from the TPWD through a query to the Texas Natural Diversity Database in advance of enrolling a CPS Energy Activity in the HCP.

CPS Energy will, to the extent practicable, avoid subsurface disturbances within 50 feet of any previously documented locality of such plant species, limited to those localities where continued occupancy by the plant species is likely. To minimize the impact of surface disturbances, CPS Energy will also, to the extent practicable, set mowing heights in such areas to the approximate aboveground height of the plant species. Specific to the endangered Tobusch fishhook cactus (*Sclerocactus brevihamatus* ssp. *tobuschii*), mowing height will be no less than 5 inches. If such measures are not practicable, CPS Energy will engage with the USFWS in advance of enrolling the CPS Energy Activity to identify what other minimization measures, if any, would be necessary to avoid jeopardizing the continued existence of the federally listed or proposed for listing plant species or avoid the destruction or adverse modification of designated or proposed critical habitat for listed plant species. CPS Energy anticipates that such additional measures would most often include performing surveys to map the locations of individual plants more precisely and inform more refined micro-siting of disturbances, salvage collection of individual plants from the ROW and relocation to a USFWS-approved site or repository, or avoidance of surface disturbances during the plant's flowering season.

Minimization Measures Checklist

Specific Minimization Measures:

***Note:** Please see Chapters 6.5.3 (for Golden-cheeked Warbler Specific Additional Minimization Measures) of the CPS Energy HCP.

Golden-cheeked Warbler Additional Minimization Measures:

☒ **GCWA 1: Seasonal Clearing Restrictions:** CPS Energy will, to the maximum extent practicable, perform vegetation clearing within GCWA habitat outside of the GCWA Breeding Season. CPS Energy will make all reasonable attempts to comply and anticipates that the substantial majority of vegetation clearing for its Covered Activities will be performed consistent with this minimization measure. However, it may not be practicable for CPS Energy to avoid vegetation clearing during the GCWA Breeding Season in all circumstances due to considerations essential to its obligations as a public utility provider or Emergency Responses that require urgent action regardless of the time of year.

In the relatively rare circumstances where CPS Energy determines that it is not practicable to perform vegetation clearing within GCWA habitat outside of the GCWA Breeding Season, CPS Energy will engage with the USFWS in advance of enrolling the CPS Energy Activity. As part of the HCP Enrollment Form, CPS Energy will provide to the USFWS an explanation of its need to clear GCWA habitat during the GCWA Breeding Season and will provide additional mitigation for those Direct and Indirect Habitat Modifications that occur as a result of vegetation clearing during the GCWA Breeding Season, as specified in Chapter 6.5.5.

☐ **GCWA 2: Seasonal Construction Measures:** With respect to Covered Activities involving New Construction or Significant Upgrades, CPS Energy may perform construction activities (not including clearing) within 300 feet of GCWA habitat during the GCWA Breeding Season, as long as those activities promptly follow permitted clearing and/or were initiated before March 1, therefore being a continuous activity (the specifics of what constitutes “continuous activity” will be determined on a case-by-case basis as described below). CPS Energy will make all reasonable attempts to comply and anticipates that the substantial majority of this set of Covered Activities will be performed consistent with this minimization measure. This measure does not apply to other types of Covered Activities (i.e., Operations and Maintenance and Emergency Responses), which may be performed during the GCWA Breeding Season.

If CPS Energy anticipates the need for performing construction activities for New Construction or Significant Upgrades during the GCWA Breeding Season in areas adjacent to GCWA habitat, it will request a meeting with the USFWS in advance of enrolling the CPS Energy Activity or as soon as practicable upon identifying the need. CPS Energy will provide to the USFWS an explanation of its need to perform construction activities within 300 feet of GCWA habitat during the GCWA Breeding Season and why alternatives to in-season construction are not practicable. CPS Energy and USFWS will determine the measures CPS Energy will take to minimize the duration of any necessary in-season construction and either ensure that the continuous activity standard is met or provide additional mitigation to ensure that any additional impact to the GCWA is fully offset. CPS Energy and USFWS will come to agreement on such measures before in-season construction activities begin.

Additional mitigation under this conservation measure, if required, will be assessed at a ratio of 0.1 : 1. This ratio is based on the unmitigated conservation value of indirectly affected GCWA Breeding Habitat

Minimization Measures Checklist

(0.5) times the potential disruption of 1 year of breeding activity in a presumed 5-year average GCWA life-span (0.2 of a presumed average life-span). The additional mitigation will be applied to all GCWA habitat within 300 feet of the location of the in-season construction. This additional mitigation will not be subject to the provisions for Post-enrollment Mitigation (see Chapter 9.1).

Minimization Measures Checklist

Karst Invertebrate Additional Minimization Measures:

***Note:** Please see Chapter 6.6.3 (for Karst Invertebrate Specific Additional Minimization Measures) of the CPS Energy HCP.

☒ **Karst 1: 50-ft Avoidance Zone:** CPS Energy will avoid making subsurface disturbances within 50 feet of the entrance or footprint (if known) of an Occupied Karst Feature or an Assumed Occupied Karst Feature. CPS Energy will make requests for updated information on the locations of known Occupied Karst Features during the Annual Coordination Meeting (see Chapter 8.3). CPS Energy will also minimize, to the extent possible, the removal of woody vegetation from the area within 50 feet of the entrance or footprint (if known) of an Occupied Karst Feature or Assumed Occupied Karst Feature. However, CPS Energy may need to remove or trim trees within such areas to ensure the safety and reliability of its facilities following applicable American National Standards Institute (ANSI), National Electrical Safety Code, and North American Electric Reliability Corporation standards for vegetation management. These avoidance measures will only apply to those karst features that the USFWS has not deemed “completely taken” by other actions, such as karst features subject to impacts within Occupied Cave Zone A of the Southern Edwards Plateau HCP or similar impacts addressed by an ESA Section 7 interagency Consultation 7.

☒ **Karst 2: Advance Coordination and Briefing:** CPS Energy will engage with the USFWS in advance of enrolling any CPS Energy Activity that meets the following criteria:

1. within 345 feet (if an electric-related activity) or 750 feet (if a gas-related activity) of the entrance or footprint (if known) of an Occupied Karst Feature or Assumed Occupied Karst Feature,
2. within designated Critical Habitat for the Covered Karst Invertebrates, or
3. within an Approved or Potential KFA.

CPS Energy will submit to the USFWS a brief (i.e., one to two pages long) description of its proposed Covered Activities within these zones and proposed measures to minimize (to the extent practicable) impacts to the Covered Karst Invertebrates. CPS Energy will submit this information to the USFWS as early as practicable, but at least 60 days before implementing Covered Activities in this zone (see Chapter 8.3 for notification procedures).

The USFWS will have the opportunity to review the proposed Covered Activities in this zone and recommend additional measures that may be reasonable and prudent to avoid the likelihood of jeopardizing the continued existence of a Covered Karst Invertebrate species or the likelihood of causing the destruction or adverse modification of critical habitat of a Covered Karst Invertebrate.

☐ **Correspondence with USFWS is attached to this submittal (Check box if correspondence included)**