

**EXHIBIT “C”  
TO PARTICIPATION AGREEMENT**

**Special Terms and Conditions in Connection  
with 10(a) Permit #TE -48571B**

1. On property covered by this Participation Agreement, vegetation clearing activities within 300 feet of habitat will be conducted outside the GCWA or BCVI breeding seasons, as applicable, unless breeding season surveys in accordance with U.S. Fish & Wildlife Service approved protocols for Presence / Absence Surveys are performed by an Endangered Species Act section 10(a)(1)(A)-permitted biologist and indicate that no GCWA or BCVI are present within 300 feet of the desired activity, or as otherwise approved on a case-by-case basis by the Service. The breeding season for GCWA is March 1 to August 1. The breeding season for BCVI is March 15 to September 1.
2. Construction activities within, or within 300 feet of, GCWA or BCVI habitat may be conducted year round as long as construction follows permitted clearing, as referenced above, in a reasonably prompt and expeditious manner indicating continuous activity.
3. Clearing and construction activities authorized under the Permit shall be consistent with the current practices recommended by the Texas Forest Service to prevent the spread of oak wilt.
4. If a Karst feature is discovered on the Participant's property then all construction within 50 feet of the feature must stop. The feature must be covered with a tarp, sandbags, or other water-proof materials and the Permittees must be notified with 24 hours of the new feature being identified. Suspended construction within the 50 feet of the feature must be for a period of seven days after notification has been made to the Permittees. During this suspension period, the Participant must make the feature available for investigations. The Participant will be responsible for the completion of investigations, studies, and/or surveys to be conducted on the Karst feature and reporting to the Permittees the results of the investigations, studies, and/or surveys. Immediately following the suspension period for features that may provide habitat for Karst fauna, if the Karst feature will not be completely removed by planned construction activities:
  - a. The Participant must design a feature closure plan that incorporates a minimal amount of blockage of mesocavernous (small openings that are not humanly enterable) connections in the subsurface. The design will create a zone of tunnels among large rocks at the bottom of the feature of at least 3 inches in diameter around large, irregularly shaped rocks that will mimic natural mesocaverns. At a minimum, closure of the feature to exposure from outside elements will use natural materials (i.e., rocks and pebbles) from the immediate vicinity that are grouted together with a brick-mortar substance or comparable substance, pursuant to TCEQ 2007, Appendix A. Materials used to close the feature will not include metal or plastic of any kind. The closure “wall” will be designed to resemble as closely as possible the existing conditions within the feature prior to discovery and will be sturdy enough to prevent any backfill from entering the feature.
  - b. Where features are divided by construction activities, to the extent practicable, a small conduit will be constructed to maintain an ecological connection between the two sides of the feature. The conduits will be constructed using natural materials (i.e. rocks and pebbles) from the immediate vicinity that are grouted together with a brick mortar substance.

- c. Drainage will be graded away from the feature such that the first flush of storm water runoff from surrounding area will not likely enter the void.
- d. The use of silt fences and other standard Edwards Aquifer BMP's, including designating a buffer where vehicles are not stored or re-fueled will be required during construction activities.
- e. Reasonable caution will be exercised when working around features to avoid spilling oil, grease, or any other foreign substance on the ground within 50 feet of the feature or in the feature.
- f. A summary report describing how the feature was closed will be prepared by the Participant and submitted to the Permittees within 10 business days of completing the closure measures.

If a discovered karst feature does not provide habitat FOR Karst fauna upon review of the survey reports and assessments provided by the Participant to the Permittees, then the Permittee may notify the Participant that the activities may resume prior to the expiration of the seventh day of the suspension period and must follow all applicable closure restriction in place at the time of discovery.

- 5. Upon locating a dead, sick, or injured GCWA or BCVI or any other Covered Species in connection with road construction or other activities conducted by the Participant that are covered by the Permit, the Participant is required to contact the U.S. Fish and Wildlife Service's Law Enforcement Office, in Georgetown, Texas, (512) 863-5972, for care and disposition instructions. Extreme care should be taken in handling sick or injured individuals to ensure effective and proper treatment. Care should also be taken in handling dead specimens to preserve biological materials in the best possible state for analysis of cause of death. In conjunction with the care if sick or injured endangered/threatened species, or preservation of biological materials from a dead specimen, the Participant and their contractor/sub/contractor have the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.