



United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. Box 1306
Albuquerque, New Mexico 87103



FEB 14 2005

Governor Rick Perry
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Perry:

The U.S. Fish and Wildlife Service (Service) is excited that the first phase of our joint project to provide a new level of "one-stop shopping" is complete. Our joint goal was to develop guidelines to the Edwards Aquifer Protection Program that if voluntarily followed, would satisfy scientific information available and result in "no take" of covered species.

The Service concurs that the voluntary water quality measures protect the following species from potential water quality impacts that may have otherwise resulted from development over the Edwards Aquifer region (Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties):

Barton Springs salamander (*Eurycea sosorum*)

fountain darter (*Etheostoma fonticola*)

Georgetown salamander (*Eurycea naufragia*)

San Marcos salamander (*Eurycea nana*)

San Marcos gambusia (*Gambusia georgei*)

Non-Federal landowners and other non-Federal managers using these practices would have the support of the Fish and Wildlife Service that no "take" under the Endangered Species Act would occur unless projects: (1) occur outside the area operating under the Edwards Aquifer rules that may affect Federally-listed species; (2) result in water quality impacts that may affect Federally-listed species not specifically named above; (3) result in impacts to Federally-listed species that are not water quality related; or (4) projects occur within one mile of spring openings that provide habitat for Federally-listed species.

Our concurrence is not a delegation of the Service's responsibilities under the ESA, but rather an acknowledgment that the TCEQ rules address known threats to the identified species. TCEQ and the Service share the goal of protecting the quality of Edwards Aquifer water for both human

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and biological needs. Listed species represent a means to reflect water quality for both species and human uses. The voluntary water quality protection measures reflect our common goals while satisfying the regulatory missions of both the State of Texas and the Service.

The Service is committed to collaborating with TCEQ in a monitoring and adaptive management program. Recently, staff from the Service and TCEQ met with many of the groups that are currently monitoring Edwards Aquifer water quality, and in some cases, biological resources. These groups have committed to sharing the results of their monitoring which will be used for trend analyses. My understanding is that if the analysis of Edwards Aquifer monitoring information indicates water quality degradation that may impact the aforementioned species, then TCEQ and the Service would meet to evaluate the causes and, if necessary, take additional actions. This adaptive management program assures that the optional technical guidance measures (applied in conjunction with Edwards Rules) will protect listed species.

Thank you for your continued commitment to conservation, and I look forward to further enhancing the partnership between the State of Texas and the U.S. Fish and Wildlife Service. If you have questions or need assistance, please contact Robert Pine, Supervisor of our Austin Ecological Services Field Office at (512) 490-0057.

Sincerely,



H. Dale Hall
Regional Director