

BIOLOGICAL ADVISORY TEAM OF THE SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

MINUTES

DATE: May 28, 2010
LOCATION: Bass Pro Shops
17907 IH-10 West
San Antonio, TX 78257

1. Call to order - Richard Heilbrun, Texas Parks and Wildlife Department (TPWD)

Richard Heilbrun called the meeting to order at 9:12am.

2. Review and approve minutes, with appropriate changes, from February 22, 2010 BAT meeting.

Richard Heilbrun opened discussion on the draft minutes from the February 22, 2010 meeting, as revised based on comments received by the consultant team. BAT members offered no comments on the revised draft minutes. The BAT unanimously moved to accept the draft minutes, as revised.

3. Public comments (3 minutes per speaker)

Richard Heilbrun called for comments from the floor. Krystal Smith (City of San Antonio) commented that the BAT should act in more of an advisory capacity and make recommendations to the CAC, rather than just present data to the CAC. Richard Heilbrun agreed that the BAT should provide preliminary direction to the CAC on discussion topics.

4. Preliminary results of Aquatic Species Research – Tom Hayes

Richard Heilbrun noted that only CAC members and other representatives of the County, City of San Antonio, CAC, and the consultant team were present at the meeting and did not implement the closed executive session. Mr. Heilbrun asked that meeting attendants not pass on copies of draft reports on several Texas freshwater mussels distributed by Tom Hayes (BAT member).

Tom Hayes described research being conducted on six species of Texas freshwater mussels and stated that three lines of study are being pursued, including a status review for six mussels occurring on the Edwards Plateau (prepared with collaboration from the USFWS and TPWD), surveys to discover additional populations of mussels (conducted in cooperation with Texas Tech University), and an examination of museum records for these species (conducted in cooperation with the University of North Texas).

Mr. Hayes distributed copies of draft status reviews by Robert Howells for 6 species: false spike, golden orb, smooth pimpleback, Texas fatmucket, Texas fawnsfoot, and Texas pimpleback, and cautioned that these drafts should not be distributed since some of the locality information for these species is sensitive. Mr. Hayes also noted that the draft status reviews were completed by

unbiased, outside researchers. Mr. Hays noted that this research will be publicly available within the next 6 months, with specific location information removed, thus the need for confidentiality.

Mr. Hayes described some of the threats to these mussels as including shell collecting and direct physical habitat alteration (such as from transmission line construction, bridge construction, right-of-way maintenance, mining activities).

Tom Hayes proposed that the SEP-HCP should include the Golden Orb, Texas fatmucket, and Texas pimpleback as future covered species. However, he noted that there were currently no known living populations of the false spike and Texas pimpleback in the Plan Area, but researchers had observed recently dead shells of these species. Christina Williams (USFWS) noted that if there are no known populations of a species, then there may be nothing for the USFWS to list. Allison Arnold (USFWS) also noted that authorizing incidental take for severely limited species would require a carefully designed mitigation strategy and it might not be possible to avoid a jeopardy determination.

Mr. Hayes stated that the smooth pimpleback and the Texas fawnsfoot are primarily distributed outside of the SEP-HCP Plan Area and may not be priorities for this plan. He also noted that the historic range of the golden orb included a wide portion of the Plan Area, but that the species was only known to occur in the Kerrville area currently.

5. Discussion and ACTION on aquatic species.

Richard Heilbrun asked the BAT to consider how they would propose making a recommendation to the CAC and noted that Bexar County has determined that addressing aquatic species is outside the scope of the SEP-HCP grant. The BAT discussed options for addressing aquatic species in the plan, including the option of the BAT volunteering to complete the necessary work to prepare a conservation strategy, best management practices, or a Candidate Conservation Agreement with Assurances for incorporation into the SEP-HCP. Other options discussed included initiating a separate process for addressing aquatic species or not addressing aquatic species in the SEP-HCP at all. The BAT also discussed the amount of work that might be needed to achieve regulatory assurances for impacts to these species and the mechanism by which such assurances might be provided. Allison Arnold offered to have the USFWS give a presentation to the BAT on Candidate Conservation Agreements with Assurances. Christina Williams explained that the USFWS could work with the BAT and other non-federal partners to develop a CCAA conservation strategy for these species, even if they are not currently identified as candidates for federal listing. Allison Arnold indicated that the Service may not be in a position to develop such an agreement at this time due to lack of information on current populations rendering an inability to develop a comprehensive conservation strategy as prescribed by CCAA documents.

Jesus Garza (City of San Antonio) asked the BAT to focus on the original purpose of beginning the SEP-HCP process, which was to help protect the mission at Camp Bullis by addressing concerns about golden-cheeked warblers, black-capped vireos, and karst invertebrates. He suggested that it may be more appropriate to deal with aquatic issues separately from the SEP-HCP.

MOTION (Richard Heilbrun): Add three mussels to the list of voluntarily conserved species in the SEP-HCP (Category 3) with the BAT taking responsibility for developing the conservation measures. SECOND (Jayne Neal). VOTE: motion carried by a vote of 5 "Yeah" and 1 "Nay". Richard Heilbrun encouraged the dissenting vote to prepare a dissenting opinion for the CAC to consider.

BAT members considered how to address other types of aquatic species in the SEP-HCP. BAT members informally agreed to add the other federally listed aquatic species known to occur in the Plan Area to the list of species considered by the BAT, but not recommended for inclusion in the SEP-HCP (i.e., Category 5 species). Jayne Neal asked the consultant team to expand the description of Category 5 species to note the reasons why species were not recommended for inclusion. Ms. Neal was ok with this description being a general list at the beginning of the section, and not listed individually for each species.

Tom Hays requested that the resource assessments being prepared by the consultant team be revised to follow the format used for the mussel status reports, and that more information be included on threats.

BREAK – 10:37am to 10:52am

6. Report from consultant team.

Clifton Ladd (Loomis Partners) reported on the consultant team's work on the resource assessments and updates to the project schedule.

Clifton Ladd stated that the consultant team developed a schedule for major discussion topics and action times at the request of the CAC. He further described a desire expressed by the County and some CAC members to have the BAT consider action item topics before the CAC, and for the BAT to provide more guidance to the CAC on action items. Mr. Ladd stated that the action item schedule through December 2010 was revised to allow for BAT review of topics prior to CAC action and that many topics require very fast consideration and action to keep the project schedule on track. Richard Heilbrun noted that the BAT may decide to not weigh in on certain topics.

Clifton Ladd reported that the resource assessments are currently underway and that several are completed, with the socioeconomic reports being the next critical path items. He stated that the purpose of these assessments is to collect background information at the level of detail that will be necessary to prepare the HCP and the EIS documents. Mr. Ladd requested that BAT members provide comments on the draft resource assessments, but stated that specific BAT action on these documents was not necessary.

7. Discussion and possible action on resource assessment reports

Richard Heilbrun requested that BAT members send comments on the draft resource assessment reports to Loomis within 2 weeks (particularly for the reports on the covered species), with a copy to the BAT chair.

The BAT discussed the reports for the golden-cheeked warbler and black-capped vireo. Richard Heilbrun questioned why the golden-cheeked warbler report referenced the 1992 recovery regions, instead of the proposed revised recovery regions, while the BCVI report used the proposed revised regions instead of the original recovery regions. Amanda Aurora (Loomis Partners) responded that the USFWS has not officially adopted any proposed changes to the GCWA recovery regions, so the 1992 version are still official. Allison Arnold of the USFWS indicated that the golden-cheeked warbler recovery team is deliberating on this issue and is it very likely that the current recovery unit boundaries will be revised. Julie Groce (BAT member) recommended that the BAT analyze golden-cheeked warbler population data on a county-by-county basis within the Plan Area rather than rely on current or proposed recovery unit boundaries as those are likely to change in the near future. Allison Arnold agreed with this recommendation. Ms. Aurora also explained that for the black-capped vireo report, the most

recently available status information on the species is organized in terms of proposed new recovery regions, instead of the current official version. Allison Arnold asked that the vireo report be revised to only include references to the current black-capped vireo recovery regions citing that current data support the existing recovery unit boundaries.

Julie Groce (BAT member) added that the status review for the golden-cheeked warbler may be available in approximately 3 months. Tom Hayes stated that the Greater Edwards Aquifer Alliance has been working on a trend analysis of golden-cheeked warbler habitat loss and may have information to share with the BAT in approximately 2 weeks. He also suggested using David Diamond's model of GCW habitat, instead of Loomis' model. Allison Arnold of the USFWS recommended that multiple models, as well as other available information, be utilized to estimate golden-cheeked warbler habitat in the Plan Area due to the varying perspectives, data, and methodologies used in the existing models,

8. Discussion and possible action on Activities, Permit Applicants, Permit Duration

The BAT discussed the activities that should be covered for incidental take by the plan, including agricultural practices, drilling, transportation projects, construction activities, mining and quarries, and similar activities. Richard Heilbrun suggested that the BAT provide the CAC a list of activities that they should absolutely cover for incidental take. Amanda Aurora noted that there was no reason to have to limit the list to specific activities, and that most of the current or proposed RHCPs in Texas essentially cover incidental take from any type of activity. BAT members generally agreed that the document should list examples of activities that cause take, but should also include a phrase such as "including, but not limited to" to avoid leaving something out.

The BAT agreed that Richard Heilbrun would create a rough draft list of recommended covered activities for CAC consideration at their June meeting.

The BAT also discussed alternatives for the permit duration. Richard Heilbrun noted that all the Texas RHCPs in place or under development have a permit duration of 30 years. Allison Arnold of the USFWS explained that 30 years is a common planning horizon, but the USFWS recommends that the plan to have mechanism for reevaluating and adapting to changed circumstances on a ten or so year schedule throughout the life of the permit. Clifton Ladd added that a 30 year duration is largely based on available trend data and planning documents. Allison Arnold also added that the permit duration could be shorter/longer depending on how the mitigation was achieved and how close the species is to jeopardy.

The BAT generally agreed that it was not ready to issue a recommendation on permit duration to the CAC, and this matter needs to be discussed in the context of the mitigation strategy.

9. Request for future agenda items and next meeting - Richard Heilbrun, TPWD

Valerie Collins (BAT member) and Jayne Neal generally noted that they would appreciate more guidance on alternatives for various topics, including information on the implications (i.e., pros and cons) of various options.

Richard Heilbrun requested a schedule of action items for the next 5 BAT meetings. He also offered to send out a list of possible meeting dates for June and July.





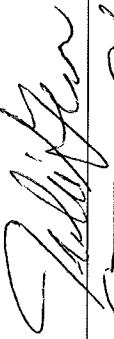

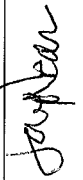
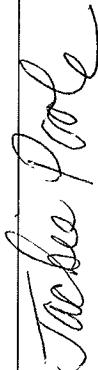
10. Adjourn

Richard Heilbrun adjourned the meeting at 12:21.

11. Open Meetings Act Training

No training was held.

BAT MEMBER SIGN-IN SHEET

BAT MEMBERS	
	SIGNATURE (IF PRESENT)
1	<p>Heilbrun, Richard (CHAIR – Texas Parks & Wildlife Department)</p> 
2	<p>Collins, Valerie (Pape-Dawson Engineers)</p> 
3	<p>Dreibelbis, Justin (Texas wildlife Association)</p> 
4	<p>Gluesenkamp, Andy (Texas Parks & Wildlife Department)</p> 
5	<p>Groce, Julie (Texas A & M University)</p> 
6	<p>Hayes, Tom (Greater Edwards Aquifer Alliance)</p> 
7	<p>Neal, Jayne (City of San Antonio)</p> 
8	<p>Poole, Jackie (Texas Parks & Wildlife Department)</p> 

GENERAL SIGN-IN SHEET

NAME	AFFILIATION	EMAIL ADDRESS	PHONE NUMBER	PLEASE NOTE IF YOU WOULD LIKE TO SPEAK DURING THE PUBLIC COMMENT PORTION OF THE AGENDA
Chifton Ladd	Loomis partners			
Amanda Arora	"			
Diane Battley	Bever Co			
Aurion Anorip	USFWS			
Charlotte Kucera	USFWS			
MIKE BAVV	SAGWS			
Susan Beavin	HCPA			
Bette Fenstermaker	CAC			
Andres wink	Boxa Co			