

BIOLOGICAL ADVISORY TEAM OF THE SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN MINUTES

DATE: June 18, 2010
LOCATION: Texas A&M University
Institute of Renewable Natural Resources
2632 Broadway, Suite 301 South
San Antonio, Texas 78215

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

Richard Heilbrun called the meeting to order a little after 9am.

2. Review and approve minutes, with appropriate changes, from May 28, 2010 BAT meeting.

The BAT discussed corrections to the minutes of the May 28, 2010 meeting.

MOTION (Andy Gluesenkamp): Approve the May 28, 2010 meeting minutes, as amended.
SECOND (Jackie Poole). VOTE: Voice vote carried unanimously.

3. Public comments (3 minutes per speaker)

Public comments requested by Richard, none were made

4. CAC Update – Richard Heilbrun and Clifton Ladd

Clifton Ladd explained the materials that were sent out before the meeting, including the timeline of action items. Loomis is advancing some of the items for discussion, including the participation process, management and monitoring, and public access and funding strategy. These are scheduled for initial CAC discussion in July. As a result, the BAT will move its schedule up. Richard said the CAC liked our format of giving them a straw man recommendation before voting on items. The BAT reviewed a summary of what the CAC voted on at its June 7 meeting.

5. Discussion and possible action on resource assessment reports

Richard discussed the Resource Assessments (RAs) review process. So far, there has been at least two weeks for comments on the warbler, vireo and karst; comments will then be compiled into one document (probably 30-40 page pdf). Andy G. requested that there be a way to reference other people's comments. So far, comments have been received in stand-alone formats, and not submitted as tracked changes or comments embedded in the individual RAs. Clif said the comments will not all be addressed by the next 7 July 2010 meeting. Andy G. mentioned that he made comments on an early draft of the salamander RA. Richard asked for BAT input into the RA review process.

Jayne motioned that the BAT vote to accept or otherwise amend/reconsider each RA (rather than to leave the documents open as a living document). Andy G. seconded the motion. Richard mentioned that it will increase the BAT workload if new info comes out that will have to be reconsidered and then re-voted on the new RA. For example if USFWS issues new info that affects the RA's, they will need to be amended and re-discussed and re-voted. Clif clarified that we just need a smooth process to move forward. He said Loomis got very good comments on RA's, and that Loomis will use all comments to revise the RA's for inclusion of the information into the HCP and EIS. Clif said that the BAT will also be reviewing the HCP, so there will be another chance to review this same material. Richard clarified that the BAT wants this early check, even knowing there will also be a chance later. Andy G. and Tom agreed that this early check was needed. Clif clarified that the consultant team will not have time to make a formal summary and response of all comments, but they will only make a revised version that addressed the comments, but not necessarily make all changes recommended if they are, for example, out of scope or conflicting with another comment. Also Loomis will send out a copy of everyone's comments. **Motion was made to require BAT approval for all Resource assessments.** All were in favor, motion passed.

Andy G. questioned why species were included in category 5. Jackie suggested a letter code for each reason, and putting that code by each species. Andy G. wanted all those, plus to be sure to put an "other" category with verbal explanation, if needed. Loomis will add a column showing this information. Jayne wanted to know why the white-faced ibis was missing from the revised species list. Clif remembers expecting something from USFWS about the ibis. Richard reported that USFWS said that the ibis shouldn't be on there unless we want to cover marshes and swamps, and that this species should thus be in category 5.

Richard asked for more feedback on RA's. Tom suggested that a parallel model should be used on GCWA habitat mapping. USFWS recommends the BAT approach the bird habitat on a county-by-county basis because the Recovery Team doesn't have an answer for what the new recovery regions will look like. Richard asked for all comments by June 25, 2010. Tom mentioned that to expedite it they will present lots of data for Bexar County, but may not have lots of narrative. Tom said they did their methods already in a few other counties. Habitat loss and fragmentation are things they (Tom and GEAA) are looking at. Richard asked when Kendall County would be done. Tom mentioned the types of data they are using. Clif said lots of groups are getting data, and maybe we'd need a whole meeting just for dealing with all of this data. Richard's vision is to be sure that the users of the permit have what info they need to make the HCP work. Richard mentioned that Tom and Clif could get together on this topic outside of the meeting. Basically Tom said that his group can't do all the analyses and that he expects Loomis or others to be working with similar methods for all of the counties in the plan area. Julie asked whether there needs to be some cut-off date for accepting new data. Clif said that it depends on the data, but he needs stuff sooner than later. Julie mentioned there were lots of things being done at Texas A&M, but stuff won't really be available until six months from now, at the earliest. Jayne asked if things just need to be clarified should she just call Clif or make a formal change. Clif said if it's something that needs clarification, then make a formal comment, otherwise just call.

Richard clarified that the CAC didn't vote specifically on karst aquatic species, but rather on surface water species. Andy G. suggested that taxonomic experts could discuss this issue at a later date. Andy G. suggested that plants and salamanders in category 5 should be put there for similar reasons. Tom mentioned that in the last meeting he was suggesting a more

consistent methodology for treating each species. Richard and Andy G. discussed that species with little known about them (e.g. *Eurycea robusta*), having them specifically addressed in the plan may help prioritize their future research needs. Jean said that some of the cave crustaceans will fall into the same category. Julie said that some of the species on the lists were not covered in the RA's.

We can put on next agenda to deal with *Eurycea* and karst aquatic (maybe some crustaceans).

6. Discussion and possible action on Permit Duration

Richard started the discussion by saying that 30 years were used in all other Texas regional HCPs. Andy G. asked why and Justin mentioned that it had to do with funding cycles. Clif said that it matches with things like population projections that go by decade, and longer than 30 years it's harder to estimate amounts of take coverage needed farther into the future. Tom said that the length of the permit is tied into the method for the mitigation land purchasing. If land purchasing is paid for up-front, the permit could be shorter. Valerie mentioned that it is also related to how long it takes to 'use up' the take allotments. Clif and Richard discussed that if the take allotments were used up early on in the plan duration, the permit would be exhausted and a new one would be needed. Richard is concerned that if we get to the end of the permit duration and still have take to 'give out', then that's bad. Clif asked Tom about his forthcoming analyses- if they were based on projections or not. Tom said they did a trend analysis for habitat loss in recent years.

Valerie mentioned doing a 30 year permit with 5 year reviews (aka "stop-gaps"). Clif said that the BCCP has a 30 year permit, and was supposed to get all the land in 20 years. They have had a hard time doing their periodic reviews (stop-gaps). Clif said that annual monitoring and reporting is good, but you need to clarify what's reported annually versus in the bigger (e.g. 5-year, 10-year) reviews. Andy G. suggested a 30 year, with more reviews up front. Jayne said that there was really no biological reason to consider different permit durations. Clif said we're really trying to figure out if we feel comfortable planning for population growth, take needs, etc., for 30 years or less or more. Jayne said to put into the BATs recommendation that our reasoning behind the plan duration is socioeconomic, not biological.

Tom mentioned that enforcement is an issue, without it the plan won't be successful. Clif clarified that local governments cannot enforce the Endangered Species Act. Richard asked to clarify if we were talking about enforcement of the plan internally, in which case the issue was pertinent to the discussion. Valerie said that the reason for the reviews (aka "stop-gaps"), was to check in on the progress and performance of the HCP. Tom clarified that we're not talking about the HCP enforcing the ESA, but using this as a method for education because 95% of take is unauthorized in Bexar Co. So Richard defined his idea of the stop-gaps, which is just to check in on how much mitigation land (percentage) was purchased compared to how much take was authorized. Different counties had assumed different percentages of participation, usually between 20-50 %.

Diane Bartlett asked about subpermittees harming one of the other species (besides the ones that take is authorized for).

Valerie made a motion for a 30-year duration permit; Andy seconded it. Jayne said the permit duration was not really a biological issue. The BAT sees no biological reason for a duration other than 30 years. After some discussion about this, Richard offered the following

amendment: **“The decision on permit duration is not a biological issue. That said, the BAT does not object to a 30-year duration.”** Valerie and Andy G. accepted this amendment, and the motion was approved.

7. DISCUSSION: Conservation strategies, goals and objectives

Richard said we are supposed to make a decision on this in July. Clif said in the materials for today’s meeting is a 2-page handout on mitigation strategy guidance. Loomis prepared a summary of what other HCPs in Texas have done, and that BCCP didn’t explicitly state biological goals. Clif reviewed three possible alternatives for biological goals. First, Regional recovery – if we meet that standard, we could mitigate all other take in the area. This is what the BCCP did. Clif went over the pros and cons on the handout. Especially the ‘green-lining’ issue. Richard asked for clarity in paying for something like this which will have financial needs outside of those fundable by permit fees. Clif said that the BCCP still hasn’t got all their land after 16 years, even with the benefit of very cheap land up front.

Jayne asked about Camp Bullis. Clif specified that Camp Bullis would probably benefit most from the first two options because it covers take from actions outside of those of plan participants. Valerie clarified that federal entities (FHWA, Camp Bullis) will have their own section 7 consultation but will want to be able to mitigate through the plan. Annalisa Peace asked if there would be adaptive management. Clif said yes, that’s expected. Richard clarified that in option 3 the mitigation will equal the take while in the other two there will be more mitigation than take. Richard asked what would happen if there were no plan participants and more take happened than the permit holder mitigated. Clif said those were some of the details that would be worked out in the plan, and the legal team would make sure it is specifically clarified in the final document. Richard asked Clif about clarification in what the BAT was supposed to do – the ultimate question relates to biology and other risk factors (e.g. financial). Clif suggested to also consider these issues when thinking about these three options: we have existing preserve lands (70,000 acres in Bexar Co according to Tom in Prop 1 and Prop 3 both) and how do we connect those? We can buy fee simple and use easements. We can do green-lining and identify specific properties. We can generally target areas (e.g. southern Blanco County), and also target types of habitat. Tom said we don’t have to green- line. He also said that mitigation needs to be close to the effect, and that he supports the first two options, and the third is a low bar.

Valerie suggested there could be a “2.5” option where we use overall the third option but expand it to include use by Federal entities (FHWA and Camp Bullis). Tom reminded us about alleviating concerns for Camp Bullis.

Andy G. asked about mitigation issues, for example a sliding scale of mitigation ratio depending on distance from take. For example with karst the mitigation shouldn’t be far away, particularly considering taxonomic uncertainties, we need to be sure to mitigate apples to apples.

Tom mentioned doing mitigation ratios based on appraised values as a method to keep the mitigation close to the take. Clif said that with all this stuff we need to get the legal team in on the decision. Richard mentioned Tax Increment Financing as a funding source. This is when property goes from Ag to Commercial. Valerie and Richard both mentioned that probably doing mitigation based on appraised values was outside of the scope of the BAT – we’re supposed to focus on biology.

Richard roughed out some numbers of how much habitat would be needed for recovery. He thought getting approximately 75,000 acres is not unreasonable; therefore option 1 may be possible. Jayne asked to clarify about double-dipping on existing Prop 1 and Prop 3 lands, Clif clarified there will be no double-dipping. Tom asked about what quantifiable objectives will be achieved in which goals. We don't have that yet, and these details may be relevant to what option the BAT decides on. Richard suggested everyone go on their own and outline some objectives. Andy G. suggested avoidance and minimization strategies need to be deeply entwined with our strategy. Jayne clarified that category 2 species cannot get any take – they occur in too few localities.

Clif asked what the consulting team could do to help the BAT make a decision. Richard asked Clif to come up with a starting point for some of these criteria. Andy G. asked for some guidance on 'avoidance' and 'minimization' – what are the issues, where do you draw the exact line of take? Valerie suggested the consultants gather info from other HCPs about how they assessed take and applied mitigation.

8. DISCUSSION: Preserve size and strategies

Topic acknowledged, but no significant discussion.

9. Report from consultant team.

Clif stated that all major current issues had been discussed under earlier agenda items.

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

Richard asked about future agenda items. Everyone felt like we had done that throughout this meeting. Richard wants to set a standard date for these meetings. Tom asked if we need to keep the meetings 2x/month, Richard said yes. Richard suggested 1st and 3rd Fridays. Jackie said she had already third Fridays committed. Richard agreed to set meetings with a Doodle poll.

11. Adjourn

Adjourned at 12:32 pm.