

BIOLOGICAL ADVISORY TEAM OF THE SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

MEETING 6 MINUTES

DATE: July 7, 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 9:14am.

2. Review and approve minutes, with appropriate changes, from June 18, 2010 BAT meeting.

Richard Heilbrun asked BAT members for comments on the revised draft minutes from the June 18, 2010 BAT meeting. Some BAT members indicated that they had comments on the draft minutes and wanted more time to review the draft minutes. Mr. Heilbrun offered to give BAT members more time to prepare suggested revisions to the draft minutes and tabled approval of the draft minutes until the next BAT meeting.

3. Public comments (3 minutes per speaker)

Richard Heilbrun called for public comments. None were received.

4. Discussion and possible action on resource assessment reports

Richard Heilbrun opened discussion by referring to the set of collected comments from BAT members and the U.S. Fish and Wildlife Service on the resource assessments currently available for review.

BAT members discussed the overall purpose of the resource assessments. Amanda Aurora (Loomis Partners) stated that the purpose of these documents was to collect the necessary background information to support the preparation of impacts assessments and conservation strategies for the plan. She noted that the purpose was not to provide a complete status review of the species present in the Plan Area. BAT members discussed how the resource assessments might be used during plan implementation. Richard Heilbrun noted that the maps and data in the resource assessments would be useful for plan implementation and Clifton Ladd (Loomis Partners) indicated that the digital data used in the planning documents would be available to the applicants. Amanda Aurora also noted that actual plan participation would likely not be based solely on the maps used for development of the regional plan, but would likely include on-site habitat assessments.

Several BAT members requested that the analyses for the covered bird species be presented on a county-by-county basis. Valerie Collins (BAT member) noted that some consideration of species recovery regions might also be needed to complete the jeopardy analysis.

BAT members discussed the categorization of species considered in the plan and reviewed the definitions of the coverage categories. Charlotte Kucera (USFWS) clarified that the USFWS will require that take and mitigation for covered karst species would be assessed on a case-by-case basis, particularly for Category 2 karst species since there is not currently a sufficient number of known populations to warrant authorizing incidental take. Ms. Kucera hoped that implementation of the plan would result in the discovery of more known populations of these species. She also clarified that the USFWS would not authorize take for the Category 3 or 4 species, and that those causing incidental take of any listed species in these categories would need their own incidental take permit.

Andy Gluesenkamp (BAT member) requested that the BAT review the classification of the *Eurycea* salamanders. He noted that new information is becoming available for some of these species that is not yet published, such as new localities and gene flow studies. Mr. Gluesenkamp recommended that many of the *Eurycea* salamanders be moved to Category 3 or 4. Richard Heilbrun noted that the CAC voted to not consider aquatic species in the plan, but stated that he believed this action only applied to surface water species and not karst aquatic species. He asked that BAT members be mindful of the CAC's prior action with respect to aquatic species. Mr. Gluesenkamp stated that the biology of the *Eurycea* salamanders make them more similar to karst aquatic species than surface water species.

BAT members agreed that *Eurycea nana* (San Marcos salamander) should be moved to Category 4 (i.e., species incidentally benefitted by the plan) and that the decision to reclassify this species is directly related to the species' dependence on karst habitats (not surface water habitats).

BAT members discussed the possible reclassification of the other *Eurycea* salamanders in the Plan Area and the types of actions that might be considered a targeted conservation action for Category 3 inclusion. Amanda Aurora clarified that including species in Category 3 would mean a commitment of resources through the plan for the specific benefit of species that are unlisted or for which take authorization is not available (i.e., for listed plants) and that these costs might not be able to be passed on to voluntary plan participants. Several BAT members indicated that the plan should contribute to new research on these species. Some BAT members also noted that conducting research or monitoring studies are not actions that actually improve the status of a species.

Andy Gluesenkamp described that some of the remaining *Eurycea* species occur deep in the aquifer and others occur in shallow karst aquatic habitats such as springs and cave streams, and might be analyzed differently because of these habitat differences. Some BAT members noted that other karst aquatic species might also warrant reconsideration, due to the same types of habitats and threats pertaining to the *Eurycea* salamanders.

Valerie Collins asked if research priorities for Category 3 and Category 4 species would be specifically identified in the plan and asked whether the administrator of the Plan would be obligated to carry out those actions. The response from the consultant was that a section in the HCP would include "research species" that would identify needed research but would not obligate the operator to fund the research during the life of the permit. Jean Krejca (Zara Environmental) noted that other Texas regional plans have included consideration of these types of species in preserve acquisition priorities for their covered species. Jayne Neal (BAT member) also noted that the Comal County plan provides a dedicated budget for research on their non-covered species. Andy Gluesenkamp stated that his preference for including many of the

remaining *Eurycea* salamanders in Category 3 so that the likelihood for possible future listings might be reduced. Other BAT members suggested that Category 4 would be a more appropriate classification, provided that the plan identifies research priorities for these species.

BAT members did not reach agreement on the possible reclassification of the *Eurycea* salamanders (except for *Eurycea nana*) or other karst aquatic species and emphasized the need for consistent classification of species in all taxa. Richard Heilbrun tabled the issue of species inclusion in the plan.

5. Discussion and possible action on Conservation strategies, goals and objectives

Richard Heilbrun referred BAT members to a graphic slide to help guide discussion on biological goals and objectives. He noted that there is a range of alternatives varying from achieving the minimum required level of conservation needed to obtain an incidental take permit to achieving species recovery.

BAT members began with discussing issues related to karst species conservation. Andy Gluesenkamp noted that there is not a lot of information available to robustly analyze impacts to karst species and that there is a high level of uncertainty associated with the impacts to and conservation of karst species. As such, he recommended that karst preserves be located close to the location of the impacts. Jean Krejca noted that creating a requirement for very near-by mitigation might severely limit, or eliminate, possible opportunities for mitigation. BAT members generally agreed that karst mitigation needs to be a confirmed location for the species to be taken. BAT members also expressed a general preference that mitigation should occur in the same Karst Faunal Region as the impact, but acknowledged that this might not be a hard requirement.

Richard Heilbrun suggested that there might be different mitigation standards after certain goals have been achieved (i.e., species recovery). BAT members discussed the possibility of phased mitigation for karst impacts, and the possible requirement for achieving a certain level of mitigation before take could be allowed. Valerie Collins questioned whether a requirement for upfront mitigation would be problematic from a funding perspective. Clifton Ladd noted that USFWS is likely to require at least some level of mitigation to occur before impacts can be authorized. Tom Hayes (BAT member) noted that the plan is not obligated to provide take authorization to everyone who requests it at any given time. BAT members discussed the concept of generally maintaining a positive balance of conservation credits over impact debits for karst species.

BAT members discussed preferences for the design of karst preserves, but acknowledged that USFWS may evaluate all karst preserves on a case-by-case basis. Meeting participants identified species richness, size, surface and subsurface drainage basins, cave cricket foraging areas, and other factors listed in the draft Bexar County Karst Invertebrates Recovery Plan as possible design considerations for karst preserves. Valerie Collins suggested that karst preserve design considerations should be recommendations and not requirements, since there may be a situation where a valuable cave might not meet all of the suggested criteria for a preserve but could still be of biological value.

BAT members also discussed possible mitigation ratios for karst impacts. Andy Gluesenkamp noted that mitigation ratios should be flexible for negotiation with USFWS due to varying levels of available information and species status differences. BAT members generally agreed that the amount of karst mitigation provided by the plan should contribute towards recovery of the karst species, and not just be the bare minimum necessary for permit issuance. BAT members also

generally preferred for the plan to address at least some of the impacts that might occur from projects that do not seek to participate in the plan, but acknowledged that full recovery of some karst species might not be achievable through this plan. Richard Heilbrun summarized that the general guidance from the BAT is that the CAC should err on the side of conservation when they take up the topic of conservation strategies.

BAT members moved on to discussing considerations for the covered birds. Meeting participants generally discussed participation rates for other regional plans in Texas, which vary from approximately 10 percent for the BCCP to an expected 50 percent participation rate projected for the Comal County plan. Clifton Ladd explained that the participation rate helps identify how much of the anticipated impacts to the species might seek to be covered under the plan and is an important component developing the funding plan for the project. He also explained that if the estimated participation rate is too low, that the plan might run out of incidental take authorization before the expiration of the permit. Charlotte Kucera clarified that the plan is not responsible for mitigating for incidental take that occurs without plan participation; however, if the overall impacts to the species become too great, a jeopardy determination could result in the suspension or revocation of all incidental take permits for that species. BAT members generally agreed that the standard for conservation for the covered bird species should be to contribute to recovery and not just the minimum required for permit issuance.

BAT members briefly discussed the preferred frequency of “stop gap” reviews of the plan, but noted that this topic would be addressed in more detail when the BAT takes up the management and monitoring program for the plan. Valerie Collins suggested that such reviews could happen more frequently early in the plan implementation period and less frequently later. Justin Driebelbis (BAT member) also suggested that the reviews be linked to USFWS status reviews of the species.

BAT members generally agreed to a preference for phased mitigation for the covered birds with mitigation generally in place before impacts are authorized.

BAT members discussed factors related to preserve design for the covered birds, particularly the possible trade-offs between large preserves and the broad distribution of preserves. Amanda Aurora and Clifton Ladd stated that they believed larger preserves were more important to the long-term conservation of the species than having preserves be very close to the location of the impacts. Amanda Aurora and Julie Groce suggested that a “large” preserve might be in the range of 5,000 to 10,000 acres. Tom Hayes stated that he strongly preferred that mitigation be close to the impacts, such that if all the impacts are occurring in Bexar County, the mitigation should also occur in Bexar County. Julie Groce (BAT member) also indicated that information about dispersal distances might also suggest that mitigation should be located close to impacts (but did not know what distance was needed). Valerie Collins noted that the golden-cheeked warbler recovery plan recommends protection of two large focal areas with smaller areas of protected connecting habitats per recovery unit. She noted that a focal area elsewhere in the recovery unit could be just as valuable to the recovery of the warbler as one in Bexar County according to the current plan, and may be more plausible. BAT members also considered how to incorporate existing conservation lands in the plan, and generally agreed that building upon or connecting existing conservation lands should be a priority. Jayne Neal cautioned that not all current conservation lands may be protected to the same degree.

BAT members considered various tools for acquiring preserve lands, including fee simple acquisitions and conservation easements. Several members noted that the plan would have more control over the management and use of fee simple lands, but that conservation easements are also a valid tool for acquisitions. Justin Driebelbis suggested that the plan should remain flexible

with respect to acquisition tools. Richard Heilbrun tabled in-depth discussion on the details of how conservation easements might be used in the plan.

The BAT discussed whether and how to allow federal partners to use the plan. Charlotte Kucera clarified that the plan can not authorize incidental take for federal actions or projects (federal actions require a Section 7 consultation), but that federal partners could voluntarily seek to obtain mitigation for project impacts from the plan. She also noted that federal partners could opt to incorporate by reference the impacts analysis presented in the plan and its associated Environmental Impact Statement plan (provided that the analysis covered potential federal projects), but that federal agencies would not be bound to do so and could decide to do independent impacts analyses for their projects. The BAT generally agreed that the plan should be crafted to allow federal projects to voluntarily obtain mitigation for impacts to the covered species.

Richard Heilbrun requested that the consultant team craft a draft statement of goals and objectives for the plan that encompasses the ideas discussed at this meeting.

6. Discussion and possible action on Preserve strategies

The BAT generally discussed preserve strategies in conjunction with the prior agenda item.

7. Introduction to issues surrounding management and monitoring

Richard Heilbrun stated that he would like to bring in speakers to talk to the BAT about issues surrounding preserve management and monitoring.

8. Introduction to issues surrounding public access

The BAT did not specifically address this agenda item.

9. Report from consultant team.

Clifton Ladd stated that he did not have any additional information to discuss with the BAT other than what had already been addressed.


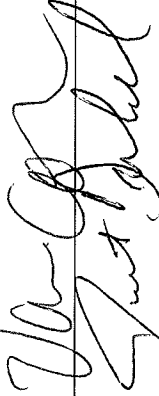





10. Future agenda items and next meeting - Richard Heilbrun, TPWD

Andy Gluesenkamp requested that the consultant team provide information on avoidance and minimization measures. He also suggested that the BAT confer with the TPWD entomologist regarding the species list for the plan.

11. Adjourn

Richard Heilbrun adjourned the meeting at 12:48pm.

BAT MEMBER SIGN-IN SHEET

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

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
Andres Wintz	Bexco	Awinter@Bexm.org	335-6700	
Amanda Aurora	Loomis Partners			
Susan Beavin	HCPA	on file		
Charlotte Kucera	USFWS	-	512-490-0057	
Vanna				
Clifton Cadd	Loomis Partners			
Babe Fenstermaker	CAC	mavericktex@peoplepc.com		
Bill Ward		wckaw@aol.com		
Mary Fenstermaker	CAC	mavericktex@gmail.com		
JEAN KRESKA	ZARA	jean@zaraenvironmental.com	512-791-4555	

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
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