

BIOLOGICAL ADVISORY TEAM
OF THE
SOUTHERN EDWARDS PLATEAU
HABITAT CONSERVATION PLAN

MEETING 11 MINUTES

DATE: October 8, 2010

**LOCATION: San Antonio Botanical Garden
Education Building
555 Funston
San Antonio, TX 78209**

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

Richard Heilbrun called the meeting to order at 9:05am.

2. Review and approve minutes from September 10, 2010 BAT meeting.

Amanda Aurora (Loomis Partners) stated that the draft minutes for the September 10, 2010 BAT meeting were rewritten with the assistance of the audio recording to address comments on the first draft. She added that Loomis had received no comments on the revised draft.

MOTION (Jackie Poole): Approve the draft minutes from the September 10, 2010 BAT meeting, as revised. SECOND (Andy Gluesenkamp). VOTE: Voice vote carried with 5 "aye" votes.

3. Review and approve minutes from September 24, 2010 BAT meeting

Amanda Aurora stated that Loomis received comments on the draft September 24, 2010 BAT meeting minutes from Charlotte Kucera (U.S. Fish and Wildlife Service) and Valerie Collins (BAT member). Clifton Ladd (Loomis Partners) reviewed the suggested changes with the BAT.

MOTION (Andy Gluesenkamp): Approve the draft minutes from the September 24, 2010 BAT meeting, as revised. SECOND (Jackie Poole). VOTE: Voice vote received 2 "aye" votes; motion did not carry.

BAT members asked for additional time to review this set of draft minutes before they are approved.

4. Public comments (3 minutes per speaker)

No public comments were received.

5. Public Access and Habitat Conservation Plans – William Conrad, City of Austin

William Conrad (City of Austin Wildlands Conservation Division manager) introduced himself and noted that he is responsible for managing several thousand acres of endangered species and watershed protection lands in and around the City of Austin. He stated that these lands include many individually negotiated conservation easements, each with different terms and conditions, which can be a challenge to enforce.

Mr. Conrad explained that HCPs serve both conservation and public policy purposes (including economic growth, public safety, and public service functions), and that preserves may be affected by different land uses inside and outside of its boundaries (including grandfathered and future uses). He suggested that it is important for the HCP to have enough organizational capacity to adequately deal with significant

management challenges. Mr. Conrad stated that these challenges may include ensuring that regulatory requirements are met and dealing with public expectations for the use and management preserve lands. He emphasized that HCPs are intended to balance competing interests for conservation and growth.

Mr. Conrad described management challenges related to the multiple uses of Austin's conservation lands. He explained that Austin's preserve lands are subject to a number of pre-existing land uses, including unauthorized "social uses" of many tracts, and pressure from the community to allow additional new recreational uses. He also noted that the Balcones Canyonlands Conservation Plan (BCCP) contemplated and provided for future infrastructure needs. Mr. Conrad stated that there could be strong political pressure to open preserves to more public use, particularly when public recreation and general open space values are used to help get public support and funding for land acquisitions.

Mr. Conrad stated that the public may be naïve about the science behind conservation issues; and that biological baseline data is useful for evaluating the effects of various land uses on conservation properties. He cautioned that the plan will be subject to interpretation after it is in place. Based on lessons learned from the BCCP, Mr. Conrad recommended that the SEP-HCP carefully document baseline data and monitor effects on preserve lands. He also emphasized that the plan should focus on setting good public policy by clearly defining goals and objectives and identifying a public process for evaluating and making decisions about new information or issues. He stated that the plan should be prepared to address changing expectations, perceptions, values, and information. He also emphasized the value of collaborative outcomes and open information exchanges when dealing with preserve use and management.

Mr. Conrad advised the BAT that it should focus on those issues it can control, understand that the plan will not be focused entirely on conservation, that they should anticipate public policy commitments and associated conservation challenges. He suggested that the plan have a clear process for correlating social needs with conservation needs in a manner that assures that conservation values are preserved. He gave examples of how Austin has managed requests for more public access to preserve lands and collaboration between preserve managers, regulatory authorities, and user groups to arrive at a mutually agreeable solution.

Specific issues that Mr. Conrad suggested the BAT to consider included transportation and infrastructure needs, challenges at the wildland-urban interface associated with fire, nuisance wildlife, and trespassing, and managing a spectrum of expectations.

Jayne Neal commented that the CAC should hear Mr. Conrad's presentation.

Justin Dreibelbis asked how Austin deals with fire risks and prescribed burning in an urban preserve system. Mr. Conrad responded that good relations with preserve neighbors are essential and emphasized building trust through communication and coordination. He stated that Austin conducts prescribed burns on approximately 1,000 to 2,000 acres each year. Richard Heilbrun noted that even if acquired properties have no history of public use, the public may still have an expectation for access to preserve lands and that the plan has a biological responsibility to protect the integrity of the preserves for the species.

Mr. Conrad stated that managing seasonal access restrictions on preserves can be difficult and expensive, but that carefully managed facilities can encourage people to use certain areas of the preserve. He recommended the National Mountain Biking Association "Trail Solutions" trail design handbook as a good reference for the design and construction of sustainable trails in preserves. Mr. Conrad stated that it may not be possible to avoid the public expectation for access to preserves and recommended that the SEP-HCP plan for public access by building a process for evaluating proposals and addressing conservation concerns.

Mr. Conrad explained that Austin does not allow public hunting on its preserves and that hunting is only used as a tool by preserve managers and staff on certain tracts with strict limitations and processes for ensuring safety.

6. Public Recreation in Environmentally Sensitive Areas – Deirdre Hisler, TPWD

Deirdre Hisler (TPWD Superintendent at Government Canyon State Natural Area) talked to the BAT about managing recreation on environmentally sensitive lands. She reported that the City of San Antonio's upcoming bond proposition for aquifer protection includes language supporting other ecological benefits, such as endangered species habitat, and provided handouts for the bond proposition and maps identifying the tracts that make up Government Canyon State Natural Area (GCSNA). Ms. Hisler explained that recreation is a key component of the mission at GCSNA, with areas specifically designated for certain uses and managed in accordance with a master plan. She also noted that GCSNA has some areas dedicated specifically for GCW protection and management. Ms. Hisler stated TPWD uses public education about the purpose and goals of GCSNA to help balance recreation and resource protection.

Ms. Hisler explained that GCSNA has a staff of approximately 12 to 15 people (including peace officers) and additional community volunteers to manage and patrol approximately 11,000 acres. However, Ms. Hisler noted that unauthorized access still occurs and that a consistent staff presence is key to managing such uses. She described that some trails on GCSNA have only seasonal access. Ms. Hisler also stated that TPWD conducts prescribed burns on parts of GCSNA (and that she hopes to expand this program with good neighbor relations) and conducts public hunts on the property. William Conrad added that the BCCP has a staff of approximately eight people, with additional support staff in other departments, to manage approximately 13,000 acres.

Ms. Hisler stated that some GCSNA tracts are conservation easements (some held by the City of San Antonio), and that TPWD is starting to see enforcement issues with some easement properties.

Jayne Neal asked about issues involving seasonal limitations on trail use. William Conrad responded that seasonal limitations can be controversial and hard to enforce, and that's why they have installed 8 ft fence in many areas, but Ms. Hisler responded that on GCSNA, closing trails on a seasonal basis was not a big issue. Ms. Hisler added that the availability of on-site peace officers to help enforce GCSNA rules was very helpful and likely a powerful deterrent to potential violators. Ms. Hisler also stated that the GCSNA volunteer trail patrol is closely tied to area neighborhood associations and that TPWD encourages good relations with its neighbors.

Regarding public hunting, Ms. Hisler stated that hunting is only allowed on days that GCSNA is typically closed to the public. She also stated that GCSNA has collected some baseline environmental information, and will be collecting more detailed information in 2011 or 2012.

Mr. Conrad noted that administration of conservation easements is a big issue for Austin, since they want to maintain good relationships with their easement owners but also ensure that easements are properly enforced. He recommended that the plan budget for easement enforcement and litigation in order to defend the conservation value of any easements it acquires.

Richard Heilbrun asked about the management of "social" or unauthorized trail issues. Mr. Conrad suggested that the plan deal with public access upfront and provide a way to allow people to use the properties in a way that protects their conservation value. He noted that designation of preserve lands in accordance with TPWD Chapter 26 regulations can be helpful for protecting preserves from other uses, since it requires a public process to identify prudent alternatives to such uses. Mr. Conrad suggested that political pressures for public access of preserves could be stronger than the regulatory authority for keeping such uses out of the preserves, and that anticipating a process to deal with these issues is the only way to keep control of that situation and find common ground with stakeholders.

Regarding the designated infrastructure corridors within the Balcones Canyonlands Preserve, Mr. Conrad stated that the BCCP planners anticipated that there would be some infrastructure needs and pre-mitigated these corridors at a ratio of 5:1.

7. Update from 4 Oct CAC meeting

Richard Heilbrun reported on the discussions from the October 4, 2010 meeting of the Citizens Advisory Committee (CAC) and welcomed CAC members in attendance to comment, as well. Mr. Heilbrun stated

that he gave a presentation to the CAC similar to his presentation to the BAT on September 24, 2010 that identified different scenarios for determining golden-cheeked warbler (GCW) preserve size. He reported that his presentation included discussion of a "Biological Method" scenario based on recovery criteria (a preserve size recommendation of approximately 84,000 acres) and a "Take/Mitigation Method" scenario based on an amount of authorized take and mitigation ratios of 3:1 or 2:1 (a preserve size recommendation of approximately 87,000 to 96,000 acres).

Mr. Heilbrun reported that he discussed with the CAC the need to use 2010 imagery for analysis of GCW impacts and mitigation needs, and the need to compare the results of multiple habitat models. He stated that the CAC urged the County to ensure that this data was available. Mr. Heilbrun reported that he met with Bexar County, Texas Parks and Wildlife Department legal counsel, and the consultant team to discuss the issue of current data. He also noted that Tom Hayes (BAT member), representing the Greater Edwards Aquifer Alliance (GEAA) submitted updated data on GCW habitat estimates for Bexar County to the BAT and that GEAA prepared a proposal to prepare similar information for other counties in the Plan Area. Mr. Heilbrun reported that GEAA proposed to digitize areas of GCW habitat loss using 2010 imagery for a cost of approximately \$83,000. Mr. Heilbrun stated that Bexar County did not have the funds to commission this additional study and that the County was concerned about potential conflicts of interest associated with GEAA producing this work for the County while sitting on the SEP-HCP advisory committees. Tom Hayes stated that he offered to resign from the BAT in order to avoid the appearance of a conflict of interest, but Mr. Heilbrun responded that he would rather have Dr. Hayes' on the committee. Mr. Heilbrun stated that Loomis developed other options for achieving updated GCW habitat information for the BAT to consider. Richard Heilbrun asked the BAT to provide guidance to Bexar County on an appropriate approach for obtaining updated habitat information.

Amanda Aurora reported that the consultant team sought assistance from the Missouri Resource Assessment Program (MoRAP) to identify workable approaches for achieving updated GCW habitat information based on 2010 data. She described three alternatives that utilized 2010 satellite data, aerial imagery, and/or appraisal district land use data. Ms. Aurora explained that the consultant team recommended an approach based on an analysis of 2010 satellite data to remove areas of "non-forest" from the predictions of the existing GCW habitat models, with limited aerial photo verification of the results using a sample of randomly distributed points. She stated that this analysis could be completed within approximately four to six weeks and would cost substantially less than the GEAA proposal. Ms. Aurora also explained that Loomis had serious concerns about the ability of the aerial photo interpretation study proposed by GEAA to achieve quality results, particularly with respect to the accuracy, consistency, and repeatability of the resulting habitat analysis.

Tom Hayes responded that GEAA proposed to update a subset of GCW habitat "Model C" in two ways (looking for errors in the original classification and to identify areas of habitat loss since the time period of the original model) and that he was concerned about the validity of a quick "forest/not forest" interpretation. He suggested using a "biomass change" method to identify habitat losses. Dr. Hayes also noted that the amount of habitat reported by Loomis for Model C differed from the amount of habitat reported by GEAA and that estimates of habitat loss also differed. Amanda Aurora suggested that the differences in the reported output of Model C may be due to different data formats or other processing used to extract the information. Dr. Hayes added that habitat loss in unmanaged areas appears to be four times greater than in managed areas.

8. Discussion and possible action: Take Request, Preserve Size and Spatial Configuration for Golden-cheeked Warblers

Richard Heilbrun requested that the BAT make a recommendation to the CAC on a total preserve size for the GCW, but noted that any such recommendation would be preliminary and subject to revision based on updated GCW habitat information. He also stated that the BAT needed to know the total amount of habitat currently available in the Plan Area in order to make a final recommendation on preserve size. Mr. Heilbrun explained that Loomis proposed to use an updated version of Model C prepared using satellite data from 2005-2006, with additional updates to the model as proposed earlier.

Tom Hayes noted that the literature shows that fragmentation of GCW habitat occurs with gaps as narrow as 15 meters, but Julie Groce (BAT member) stated that GCWs are known to cross gaps larger than this and that more research was needed to address that question. Andy Gluesenkamp (BAT member) suggested that the BAT form a subcommittee to address these issues. Jayne Neal (BAT member) noted that the BAT's preliminary preserve size recommendations are based on multiple approaches and produced similar estimates, and questioned why updated habitat information was needed to estimate an appropriate preserve size. Andy Winter (Bexar County) also questioned why habitat loss estimates over the past decade were necessary to address the question of recommended preserve size. Richard Heilbrun responded that the BAT needed to know where available habitat was located in order to identify focal areas for habitat protection.

MOTION (Jayne Neal): Based on the species' biology, the BAT recommends a draft preserve size goal of 85,000 to 100,000 acres for the GCW. However, the actual amount and configuration of the preserve will depend on the locations of currently available habitat and anticipated habitat losses. SECOND (JD). VOTE: Voice vote carried without opposition.

Valerie Collins questioned whether this recommendation for GCW preserve size would be a requirement of the plan or a goal or target. Amanda Aurora suggested that the actual amount of take authorized through the plan would be the key determinant of the amount of mitigation required, and that the likely structure of the plan would involve an initial allocation of incidental take authorization that would be drawn upon or used by plan participants over time. Ms. Aurora added that if the plan does not use all of its allocated take authorization, then it would be required to provide a correspondingly smaller amount of mitigation. Charlotte Kucera stated that the Service would determine whether or not to approve the plan by evaluating the overall proposal for take authorization and mitigation and decide whether the proposal would result in jeopardy of the species.

9. Discussion and possible action: GCW and BCV mitigation ratios – recommendations for ratio structure

Richard Heilbrun stated that the BAT has been considering mitigation ratios for the GCW of 2:1 or 3:1 (mitigation : impact), and reported that he has heard concerns that these ratios may not be practical. He called for a subcommittee to determine appropriate mitigation ratios for plan participants and stated that he wanted the BAT recommendation to the CAC to be feasible. Tom Hayes volunteered for the subcommittee and stated that he felt 3:1 mitigation ratios were too low. Jayne Neal commented that costs are an important part of the equation and Valerie Collins noted that GCW habitat in Bexar County has been identified as highly threatened and that the Service wants mitigation to occur in similar areas as the take, which could become costly. Ms. Collins cautioned that the BAT should consider that some people may decide to not use the plan. Amanda Aurora suggested that the mitigation needs to be to the maximum extent practicable and that the committee may need to consider other options. Charlotte Kucera added that the plan could seek a reduced amount of take to reduce the amount of mitigation needed. Ms. Aurora stated that if the plan does not have enough take authorization to meet the needs of the community, then there is a higher likelihood that individuals would go to the Service for permits and negotiate different mitigation conditions. Richard Heilbrun stated that the full cost of the mitigation does not need to be passed on to the participants, rather the community at large could cover some of the costs.

Richard Heilbrun asked the following BAT and CAC members to serve on the GCW subcommittee: Tom Hayes, Julie Groce, Michael Moore (CAC Member), and Bebe Fenstermaker (CAC member). Amanda Aurora requested that Loomis be included in the subcommittee discussions and Andy Winter (Bexar County) requested that a representative of the real estate group of the CAC also be included.

Ms. Aurora walked the BAT through a mitigation ratio proposal for the GCW developed by Loomis that was designed to provide a variable amount of mitigation based on the degree of harm to the species and different types of available, site-specific data. The proposal (see Loomis handout "MITIGATION RATIOS and ASSESSMENTS - EXAMPLES AND ALTERNATIVES" dated August 13, 2010) includes mitigation ratios that vary from 3:1 to 0, based on considerations such as patch size and species occupancy. Mitigation ratios would be higher for habitat that is known to be occupied or that is configured in large

patches (which are likely to have a high probability for occupancy). Lower mitigation ratios would be reserved for more fragmented habitat or habitat that is shown to be unoccupied. Ms. Aurora presented three real-world applications of the mitigation ratio proposal, based on properties for which Loomis recently completed habitat assessments and species surveys. She also indicated that the specific details of the proposal could be adjusted to accommodate a variety of different factors.

10. Mitigation and Preserve standards for Karst

Jean Krejca (Zara Environmental) presented information to the BAT regarding the location of karst Critical Habitat Units (CHUs) and the amount of undeveloped land around each CHU. She reported that a quick evaluation based on aerial imagery indicated that some CHUs (more than 50% of CHUs) have hundreds of acres of undeveloped land around them, while others have none. She cautioned that this analysis did not consider the shape and ownership configurations of this undeveloped land, which could be important for conservation purposes.

Richard Heilbrun suggested that the BAT form a subcommittee to address karst conservation issues in detail, including preserve design, preserve quality, impact zones, and other matters, and asked for Andy Gluesenkamp, Valerie Collins, and Jayne Neal to be a part of the subcommittee.

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

Agenda item not discussed.

12. Adjourn

Richard Heilbrun adjourned the meeting at 1:03pm.