

BIOLOGICAL ADVISORY TEAM
OF THE
SOUTHERN EDWARDS PLATEAU
HABITAT CONSERVATION PLAN

MEETING 12 MINUTES

DATE: October 20, 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 9:07am.

2. Review and approve minutes from September 24, 2010

Richard Heilbrun asked BAT members for any comments on the revised draft minutes from the September 24 and October 8 BAT meetings.

MOTION (Justin Dreibelbis, Texas Wildlife Association): Approve the draft minutes from the September 24, 2010 BAT meeting, as revised. SECOND (Richard Heilbrun). VOTE: Voice vote, carried unanimously.

MOTION (Jayne Neal): Approve the draft minutes from the October 8, 2010 BAT meeting, as revised. SECOND (Jackie Poole). VOTE: Voice vote, carried unanimously.

3. Public comments (3 minutes per speaker)

Richard Heilbrun called for comments from the public. No public comments were received.

4. PRESENTATION and discussion: Funding Issues: Renee Green and Christopher Allison

Christopher Allison (M.E. Allison) and Renee Green (County of Bexar) presented issues regarding funding the plan. Christopher Allison described the funding model and summarized seven different scenarios using different values for assumptions on mitigation ratios, acquisition areas, acquisition cost, balance between fee simple acquisition and conservation easement, participation rate, and mitigation fees. All the different scenarios considered cover golden-cheeked warbler habitat protection only; program administration and management and black-capped vireo and karst conservation will be considered separately.

Mr. Allison presented one scenario with a 3:1 ratio, land acquisition costs would be about 80% of the plan's cost over 30 years. The land protection costs in Bexar County would average \$21,000/acre, within the growth area (edges of counties surrounding Bexar County) it would average about \$8,250/acre and in rural areas it would average \$1,150/acre.

Mr. Allison explained that the estimates are based on the assumption that not only will land cost more, but there will be fewer willing conservation easements in the Bexar County area and that the willingness to create conservation easements will increase as you move out from there. In Bexar County, it is believed that most people will pursue fee simple; however, in rural areas it is believed that there would be about 90% conservation easement participation and that reduces costs significantly. Mr. Allison also described a scenario that protects more land and includes mitigation fees paying for a substantial cost of the plan.

Renee Green requested the BAT consider the importance of mitigation ratios and location, compared with total preserve size. Ms. Green explains to the BAT that the high price tag won't be feasible considering Bexar County's yearly budget.

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Richard Heilbrun requested an analysis taking the cost of “no action.” Ms. Green answered that would not be possible to do. Mr. Allison acknowledged that it would be a huge number, but there’s no way anyone could justify the numbers. Richard Heilbrun also stressed the importance of presenting funding strategies whenever cost scenarios were given.

The U.S. Fish and Wildlife Service* (represented at the meeting by Allison Arnold and Charlotte Kucera) stated that Camp Bullis has said they would move somewhere else if they can’t accomplish their mission and that they alone bring in about 5 billion dollars a year.

Ms. Green asked the BAT to decide which is more important – the amount of land to protect or the mitigation ratios. Mr. Heilbrun stated that they might not be able to prioritize one over the other; that the birds don’t care about numbers and that they need to give a full recommendation to the CAC. Ms. Green replied that any numbers she presents to the Commissioners Court will have to be financially defensible. Richard Heilbrun reminded Ms. Green that the totality of the economic situation must be presented whenever cost of this program is presented to Commissioners Court.

5. Discussion and action: GCW Mitigation and Preserve Standards: Take Request, Preserve Sizes and Spatial Configuration

Richard Heilbrun tabled this item to take up item #6 first. After the BAT considered item #6, Mr. Heilbrun presented information discussed during the subcommittee (Jayne Neal, Tom Hayes, Richard Heilbrun, and Julie Groce) meeting held on October 15, 2010 regarding GCW mitigation and preserve standards. Mr. Heilbrun described two proposed starting points.

For Starting Point 1, the subcommittee considered having focal areas for preserves, with a minimum acreage of 5,000 per focal area. The subcommittee suggested there be at least four focal areas near Bexar County with at least one focal area in every county except Blanco County, and with at least one focal area largely falling within Bexar County. Mr. Heilbrun explained that Blanco was left out because there are only two areas focal areas could possibly fit: around Pedernales Falls and on one ranch, and they didn’t want to do that. The total recommended was 8 or 9 focal areas, totaling about 40,000-45,000 acres.

Mr. Heilbrun indicated that the subcommittee is comfortable with the focal areas being combined with other public areas, such as Kerr WMA (6400 acres); that there are 5,000+ acres of protected habitat currently existing in every county. He asked the BAT to decide how much they want to exercise the option of utilizing existing protected lands for their focal areas. Clifton Ladd (Loomis) noted that many private areas with some degree of protection (conservation easements or land trusts) are not displayed on the maps due to landowner requests.

Mr. Heilbrun introduced Starting Point 2. Instead of at least four 5,000 acre focal areas, Starting Point 2 would require 15,000 acres somewhere in Bexar County. This starting point could also utilize existing protected land. Mr. Heilbrun indicated that there may be room for flexibility regarding mitigation ratios. For example, if all the land needed for mitigation in Bexar County is acquired in the first decade, then they could get a mitigation ratio as low as 1:1. Depending on what they recommend, the mitigation ratios can be adjusted and made more economically feasible.

Mr. Heilbrun stated that the CAC has not heard the BAT subcommittee’s recommendation yet because he wanted to present them to the BAT first. He then presented what the CAC has requested regarding preserve standards. Some CAC members requested that the lands be over the Edwards Aquifer recharge zone, others requested that preserve lands be anchored with existing protected lands. Another CAC recommendation is that the preserve tracts be smaller in size because they would be easier to acquire, yet other members suggested larger preserves because they would be easier to manage.

Mr. Heilbrun communicated what the CAC wanted answered by the BAT such as: How much development is acceptable in or around the preserve? How much recreation is acceptable in the preserve? What would the BAT tolerate for preserve design and what would be the gold standard?

The BAT discussed how small they would tolerate preserves. Andy Gluesenkamp reminded the BAT that they have discussed how smaller preserve pieces could be pieced together and made into larger blocks later. Mr. Heilbrun stated that smaller pieces would be okay as long as they can be put into larger blocks and suggested that at the next BAT meeting, they break up into subcommittees for karst, birds, etc. to come up with specific recommendations along with take requests.

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Jayne Neal suggested that BAT members attend CAC meetings to answer questions, so that the biologists can explain where they are coming from regarding their recommendations. Ms. Neal stated that members of the CAC had good questions regarding the biology of the species. Dr. Gluesenkamp stated that it serves everyone to have the CAC up to speed and that it is important to show them the nuts and bolts so they understand the issues at stake. Mr. Heilbrun noted that these are reasons he would like to get them recommendations and that the CAC seems to be depending on the BAT for these decisions. Mr. Heilbrun stated that he would like to get a nice, defensible well-explained recommendation to them so they can digest it.

The BAT further discussed incorporating existing protected lands into the preserve system and how much credit they could get from each. Ms. Neal reminded the BAT that the Service will only give credit for half of the acreage if they go that direction. Mr. Ladd asked the BAT if any of the existing preserved areas in the plan area target the GCW for protection. Mr. Heilbrun informed him that they do on the state-owned properties. Mr. Ladd suggested that the BAT consider how much the existing protected lands protect the warbler and what the plan can do to increase that protection to establish a better case for including them. Ms. Neal informed the BAT that the CAC indicated that they may not be willing to go as far as what is required for recovery. Jackie Poole stated that the TPWD properties need conservation easements because they are subject to being sold.

The BAT discussed how much preserve land should be in Bexar County and in what configuration. Jerry Webberman asked the BAT if there is protection required in Bexar County for biological reasons. Richard Heilbrun emphatically declared that if we can promise to get a big chunk wrapped up or conserved at the beginning of this plan, we can focus on other areas after that. But the idea of changing ratios is inappropriate. It doesn't advance the objectives of either committee. We have to get 15,000 acres in Bexar County over the 30 years. If we can preserve areas close to the areas of take, the Service says we can get as low as 1:1. Ms. Neal informed the BAT that the subcommittee also discussed including neighboring areas just outside the Bexar County line because it gives the plan more leeway and there will be more of an area to purchase.

The BAT discussed how far out from the area of take would be biologically defensible for 1:1 mitigation. Mr. Heilbrun pointed out that the BAT doesn't have to worry themselves with the mitigation ratios, to allow the regulatory agencies to deal with it, and concentrate on where the preserved land will be, or they could go with ratios. Jerry Webberman interjected that State Law requires that the possibility of harm be what's taken into consideration. Ms. Neal pointed out that ratios and what the Service wants is not a biological issue and that the biological issue is "What does the bird need?".

The BAT discussed including a buffer around Bexar County to count in the 15,000 acre requirement for Bexar County. Richard Heilbrun stated that he believes it's feasible to acquire 20,000-25,000 acres in the Bexar County/buffer area over the next 10-15 years. The BAT asked the Service to weigh in on including a buffer around Bexar to reach the 15,000 acre requirement. The Service* informed them that it's hard to weigh in on it at this point, that mitigation has to be commensurate with take, but there is room for negotiation.

Ms. Neal then asked the Service to weigh in on using other public lands for mitigation. The Service* responded that they could possibly do that for a fraction of the credit. That the Service doesn't support this idea as a significant strategy because you would be allowing take of what is habitat now and then counting what's already protected. The Service can give some credit for that, but not much.

Mr. Heilbrun asked the Service what distance they could go outside of Bexar County for the buffer of inclusion for the 15,000 acre requirement. The Service* responded that the distance has to be reasonable and biologically sound. The Service* offered that option to other counties but they weren't interested. Mr. Heilbrun asked if the Service could supply the BAT with an idea of the distance. The Service* responded that they are leaning more toward something measured in miles.

Andy Gluesenkamp stated that he was leaning toward favoring Starting Point 2 and receiving 10% credit for already existing public lands. Mr. Heilbrun asks him if he has an opinion about focal area size. Dr. Gluesenkamp responded that the plan should take them where they can be had, but they could offer a non-binding goal of focal areas. Mr. Webberman observed that there will likely be a market effect once they begin acquiring land around a focal area. Dr. Gluesenkamp pointed out that they can't afford to turn away any property who wants to join in. Mr. Dreibelbis suggested that the BAT make it a goal to have focal areas, but to make it non-binding and that they include a buffer around Bexar for the 15,000 acres requirement.

6. Discussion and action: Approved Method to estimate currently available warbler habitat

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Jayne Neal reported that the BAT GCW subcommittee (Jayne Neal, Tom Hayes, Richard Heilbrun, and Julie Groce) felt really good about what they had reviewed, and that they recommended option #1 from the list considered. Clifton Ladd (Loomis Partners) described the three different methods that could be used to generate new estimates of existing warbler habitat, as stipulated by the Service. Loomis had described the three methods in an October 7, 2010 memo to the County, and the BAT GCW subcommittee discussed the merits of each at its meeting on October 15, 2010. The subcommittee chose option #1: 2010 Landsat 5 update. This approach would include three basic steps, as follows: a) create a basic forest / not forest land cover classification from 2010 Landsat 5 data (most recent data available are from August and October 2010); b) remove clusters of "not forest" from the existing habitat models to approximate habitat loss since the time period of the model; and c) create a randomly distributed set of verification points (constrained to the extent of habitat identified by the original model) and compare the updated results to a visual interpretation of the 2010 NAIP aerial photography.

BAT members discussed what would be required to complete option #1. Mr. Ladd stated that David Diamond (Missouri Resource Assessment Partnership) would be contracted to re-run his GCW habitat model C with 2005-2006 land cover data. He would then use 2010 imagery to identify forested/non-forested areas. The non-forested areas would then be removed from the habitat model generated from the 2005-2006 imagery. Because of concerns about the need for ground-truthing, option #1 would include 250 points for a desk-top review for accuracy. Additionally, Tom Hayes and Richard Heilbrun have volunteered to do some ground-truthing of the 250 points that are visible from public roads. A drawback was noted that option #1 would not identify any potential habitat that has matured since the mid-2000's, but since it takes so long to grow into habitat and the data is only 4-5 years old, the BAT didn't think this was a major issue.

Mr. Ladd noted that the GCW habitat update is out-of-scope, but the consultant team has discussed it with the County and is continuing on the work for the benefit of the planning effort.

MOTION (Jayne Neal): Task Loomis Partners to proceed with option #1, 2010 LandSat 5 Update to update GCW habitat. SECOND (Justin Dreibelbis). VOTE: Voice vote, carried unanimously.

7. Discussion and action: Karst Mitigation and Preserve Standards

Andy Gluesenkamp provided the BAT with a summary of the karst subcommittee meeting on October 19, with members Valerie Collins, Jayne Neal, and Dr. Gluesenkamp. He explained that they came up with two ways of measuring impacts.

Dr. Gluesenkamp identified the first method as the "bull's-eye method": if a project falls within Karst Zone 1 and 2, then do surveys as per Service guidelines (2006), and if no species caves are known or found during the survey, then the participant would pay a medium (\$\$) flat fee per acre. For Karst Zones 3 and 4, then do surveys as per Service guidelines, and if no species occupied caves are known from the property, then the participant would pay a very low (\$) flat fee per acre.

If a species-occupied cave is found, regardless of which zone it falls in, the fee structure would be based on two impact zones: 0-150 feet from the cave entrance will incur a very high fee/acre (\$\$\$\$) and 150-1500 feet from the entrance will be a high fee/acre (\$\$\$).

The second method is the Survey Method. If a landowner wants to reduce their potential acreage of impact (for example, if the cave is very small) by doing site-specific surveys delineating the surface/subsurface drainage basin, cricket foraging range, etc, then they would have the option to do so.

Mr. Webberman asked Mr. Gluesenkamp that if a participant is not actually taking a species, then how do you justify charging them a fee? Dr. Gluesenkamp responded that it covers for things like trenching, etc. that could hit karst features during construction. Mr. Webberman questioned if that would give sufficient incentive to participate in the plan. Mr. Heilbrun and Dr. Gluesenkamp suggested that it would be a type of insurance; that it would give a participant protection if while they are trenching, they find something. Dr. Gluesenkamp stated that the subcommittee agreed that the flat rate for zones be low. Dr. Krejca pointed out that the subcommittee would like to see the inner circle of the bull's-eye method to be extremely high-priced like they did in the Williamson County HCP, to encourage development to stay away from that area.

Dr. Gluesenkamp continued his summary of the meeting and presented what they discussed mitigation and conservation measures. He explained that participation permits will only be issued in KFRs where 3 caves are preserved (at least one high quality and two medium) for each covered species. This would include protection in

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perpetuity. He explained that the total preserve size goal for the plan should include six caves per KFR per species. He explained that this is twice the goal of recovery; however they believe it is necessary to be conservative because of a lack of information about the species and the high probability of taxonomic and range shifts. This would also be an issue if the cave system crashes or some other reason like an act of God. He further explained that the six caves per KFR will include two high-quality preserves and four medium-quality preserves.

Dr. Gluesenkamp told the BAT that the subcommittee was waiting on upcoming guidance that should be available soon regarding preserve design.

Mr. Heilbrun reminded the BAT that if we have a list of known caves, like we do on some CHU's or Camp Bullis, and we try to include them for protection for the plan, that it would activate Chapter 83. Dr. Gluesenkamp pointed out that they don't have to draw a line for what they are suggesting. Dr. Krejca interjected that the maps already exist and lines have already been drawn and that those areas can be referenced but not stated that we want to buy land there.

Mr. Heilbrun asked the subcommittee what is needed from the rest of the BAT. Dr. Krejca responded that they need buy in from them about what they feel is an appropriate strategy. For instance, the team needs to be in agreement about recommending doubling what's required in the recovery plan and that they need to agree on the argument to defend it.

Mr. Webberman asked the subcommittee if the recovery plan didn't contemplate the issue of changing taxonomy or catastrophic events when they came up with the recovery criteria. Dr. Krejca responded that while the preserve is being established, every other cave could be taken in the county. Protecting only three caves per KFR means that you could be taking up to 600 caves and only saving 24; the subcommittee considered that ratio and agreed it wasn't biologically acceptable.

Dr. Krejca told the BAT that there were some issues the subcommittee didn't have time to get to, such as the level of take authorized, which will be different than the warbler. She then reiterated that they will have to do land acquisition before take permits can be authorized for karst. She suggested that up-front purchasing would be beneficial, so the plan can start issuing permits. The plan is pretty limited with regards to the geographical extent to protect occupied caves. She stated that the subcommittee needs buy-in from the BAT and the Service.

The BAT then discussed what should be done after three caves have been protected and they begin issuing permits, but before the six have been protected. They contemplated what would happen if they were unable to meet their goal. Mr. Heilbrun suggested that the goal be a requirement in the plan. Dr. Gluesenkamp indicated that the goal is attainable. Mr. Heilbrun contemplated the CAC rejecting their recommendation and cutting the requirement below three caves protected per KFR. The Service* interjected that karst is a really big issue for Camp Bullis that restricts how the military can use the installation. The Service* suggested that, in the interest of community economic development and protecting the mission at Camp Bullis, the plan should try to achieve recovery for karst species.

Mr. Heilbrun suggested that when they present their recommendations, they temper it with how much money they will generate with the fee structure and how much it will cost if they don't do it. Ms. Neal suggested that they give the rational before they give the number. Mr. Webberman stated his belief that it will be a hard sell. Dr. Krejca stated that if the team does something less than recovery, then you will get very little take authorization. She gave an example of recent projects where the mitigation was very high to take one area with caves. Dr. Krejca suggested that they could have a provision that the additional three caves they want to protect past recovery could be bought within five years or something; that the idea would be probably be accepted by the Service.

The BAT continued to debate the idea of doubling what's required for recovery. Dr. Gluesenkamp indicated that, for him, there was no room for haggling; six would serve as a minimum number. Dr. Krejca reminded the BAT that they are only talking about protecting 24-30 caves, because some caves have more than one species.

Mr. Heilbrun asked the subcommittee if two more hours would be enough time to finish a recommendation for preserve design. Dr. Gluesenkamp responded that they will need the Service for that. The Service* let the BAT know that their recommendations are close to being released; that she would try to get at least the part they need released before the next BAT meeting.

Richard Heilbrun called for an action item for the karst subcommittee to provide a framework for the HCP document, so that a strawman could be created. Mr. Ladd indicated that they could do that, but it would be early next week before they would have something put together. Mr. Ladd asked for clarification from Mr. Heilbrun; he asked if they

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wanted him to provide a framework in order to finish the biological rationale so the ideas could be presented to the CAC with enough detail to explain their recommendations. Mr. Heilbrun agreed and suggested that it be something that can be used for the HCP document. Dr. Krejca suggested that because the document will be shared with the CAC after the next BAT meeting, she gets a chance to review it to make sure she hasn't missed anything and that all of the blanks are filled in. Mr. Ladd stated that the document will be shared with her in one week so there will be a week to review it before the November 4th BAT meeting; that Loomis Partners will take care of this.

8. Future agenda items and next meeting(s) - Richard Heilbrun, TPWD






No action on this item.

9. Adjourn

Richard Heilbrun adjourned the meeting at 12:40 PM.

BAT MEMBER SIGN-IN SHEET

10-20-10

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
Susan Beavin	HCPA	m file	695-6677	
MIKE BAY	SAWS	---	---	
Terry Webberman	Tekin Walker	jwebberman@jw.com	512.236.2270	
RENEE D. GREEN	BEXAR Co.	green@bexar.org	210-335-6707	
Judith Green	T.P.W.D.	Judith.Green@pwd.state.tx.us	688-6444	
A wish	Bexar co	on file	---	
Nicole lake	TPWD	Niki.lake@tpwd.state.tx.us	688-9055	
Behr Fenstermaker	CAC	mavericktext@peoplepc.com	830-981-4477	
Mary Fenstermaker	HCPA	mavericktex@gmail.com	830-981-4207	

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
Allison Arnold	USFWS	allison-arnold@fws.gov	512-203-5145	
Clifton Ladd	Loomis	cladd@kenis-pro-taxis.com	512-327-1180	
JEAN KRESKA	ZARA	jean@zaraenvironmental.com	512-291-4555	
RACHEL BARLOW	ZARA	rachel@...	11	