

CITIZENS ADVISORY COMMITTEE OF THE SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN MINUTES

DATE: August 2, 2010
LOCATION: Casa Helotes Senior Citizens Center
12070 Leslie Road Helotes, Texas 78023

1. Call to order – Kirby Brown or Jonathan Letz (CAC Co-chairs)

Comm. Jonathan Letz called the meeting to order at 6:05pm.

2. Public comment (3 minutes per speaker)

Comm. Jonathan Letz called for public comments. None were received.

3. Review and approve minutes, with any appropriate changes, from the July 12, 2010 meeting - Kirby Brown or Jonathan Letz (CAC Co-chairs)

Comm. Letz asked the CAC for comments on the draft minutes from the July 12, 2010 meeting. There were no suggested revisions.

MOTION (Michael Moore): Approve the draft minutes from the July 12, 2010 meeting. SECOND (Bob Fitzgerald). VOTE: Voice vote carried without opposition.

4. Report on project budget – Andy Winter (Bexar County)

Andy Winter (Bexar County) did not have a formal budget report, but noted that they started receiving invoices from the legal team and project spending is generally on track with expectations.

CAC members discussed whether budget reports were still necessary since Bexar County and the Agency Oversight Group regularly review invoices and budgets. The CAC requested that a short budget report be included with the meeting materials.

5. Report from consultant team – Clif Ladd or Amanda Aurora (Loomis Partners)

Clifton Ladd (Loomis Partners) reported that the consultant team is working with the USFWS, the County's legal team, and subconsultant Jacobs Engineering to develop a communications protocol and scope of work for the EIS. Jonathan Letz added that the USFWS is asking the County to use separate consultants to prepare the HCP and the EIS and that the legal team is drafting the appropriate contractual agreements to accommodate this request.

Jonathan Letz asked Loomis to review the timeline for CAC deliberations and actions. Mr. Ladd reported that the schedule for discussion or action on some topics has been accelerated. Comm. Letz added that some new topics may be introduced for consideration before the BAT has been able to issue a

recommendation, but that a vote would not be expected until the BAT has provided guidance to the CAC. Annalisa Peace (CAC member) expressed concern that the timeline for action was going faster than the available information and studies needed to support such decisions. Comm. Letz responded that the consultants and the BAT are both pushing as fast as possible to get this information out to the CAC. He added that the goal is to complete deliberations on major decisions by the end of November. Mr. Ladd stated that the accelerated schedule is due in part to the deadlines imposed by the federal grant that funds the project and that a plan needs to be submitted to USFWS by September 2011 to meet these deadlines.

6. Discussion and possible action on permit holder – Kirby Brown or Jonathan Letz (CAC Co-chairs)

Jonathan Letz reported that the AOG discussed the issue of who would hold the permit and agreed that Bexar County, the City of San Antonio, and the SEP-HCP committees can't make much more progress on this issue until there is a better understanding of the financial commitment associated with being a permittee.

CAC members asked whether other counties had been approached as possible permit holders and how their decisions might affect the overall scope of the plan. Comm. Letz and Kirby Brown responded that they have had some information conversations with leaders in other counties, but that real discussions could not take place until more details are known about the plan. They also noted that from the perspective of county government, the biggest consideration will be dealing with the political implications of the plan, since participation issues would largely be an issue for private landowners. Comm. Letz also noted that other counties could use the plan to achieve Endangered Species Act compliance for county-sponsored projects such as building roads or schools. He suggested that other counties might also be concerned with land acquired for preserves being taken off county tax rolls. Michael Moore (CAC member) questioned how preserve acquisitions for the SEP-HCP would be any different than other private land mitigation transactions involving willing sellers. Charlotte Kucera (USFWS) stated that other counties could be involved in the plan as participants or could also share some of the administrative functions of the plan, which would have different obligations. Comm. Letz suggested that the most likely alternatives for a permit holder would be Bexar County, the City of San Antonio, and/or a third-party non-governmental organization. Comm. Letz emphasized the need to maintain good communications with other jurisdictions regarding the plan.

The CAC discussed issues involving USFWS enforcement of the Endangered Species Act and how to achieve high levels of participation in the plan. Some CAC members expressed concern about developers not complying with the Act. Michael Moore noted that developers who are invested in a tract of land typically want biologists to determine if there are endangered species issues associated with the property and that they (and their investors) typically do not want to risk non-compliance and possible delays to a project in process. Richard Heilbrun (BAT chair) explained that if endangered species habitat is removed without authorization from USFWS, then that may be a violation of the Act. He added that even with the plan in place, individuals can still choose to not seek Endangered Species Act compliance and risk an enforcement action by the USFWS. Charlotte Kucera added that the plan would reduce some of the uncertainty and time associated with getting a permit and would make it easier to comply with the Act and result in more conservation for these species. She also explained that the USFWS has an enforcement branch to handle possible violations. CAC members also briefly discussed how to establish whether or not take has occurred. Kirby Brown stated that most developers want this plan to help comply with the law and noted that citizens can notify the USFWS of potential Endangered Species Act violations. The CAC requested a presentation on Endangered Species Act enforcement at the next meeting.

7. Discussion and possible action on conservation strategy and goals & objectives – Kirby Brown or Jonathan Letz (CAC Co-chairs)

Clifton Ladd stepped the CAC through a draft proposal for the general conservation strategy for the SEP-HCP. He explained that the proposal was based on what the consultant team had been hearing from the committee thus far. Richard Heilbrun stated that the BAT had reviewed the draft and, with a few changes, generally agreed with its content. Amanda Aurora (Loomis Partners) explained that the purpose of the document was to identify the broad goals and objectives of the plan from the community's perspective, and that the BAT was working on a detailed set of species-specific biological goals and objectives for the CAC's consideration.

The CAC generally agreed that modifying phrases, such as "to the maximum extent practicable," were not needed for this statement of goals and objectives. The CAC also requested clarification on the specific meaning of relative terms, such as "significant" or "large-scale." Clifton Ladd and Amanda Aurora explained that these goals and objectives would be further defined in the biological goals and objectives and the specific conservation commitments that would become the SEP-HCP conservation program. They stated that this general conservation strategy would provide guidance to the consultant team when drafting the specific conservation measures. Deirdre Hisler suggested that the language be simplified to just reference attainment of an incidental take permit for the covered species. Kirby Brown stated that the community might have other concerns or priorities, in addition to conservation of the covered species.

CAC members discussed the goal of regional conservation. Tom Hornseth (CAC member) noted that the main focus of the plan was to create habitat preserves for the covered species. Susan Wright (CAC member) suggested that the priorities for conservation be clarified, with habitat protection for the covered species as the top priority, followed by contributions to recovery and conservation of non-covered species.

CAC members discussed the goal of supporting Camp Bullis, and whether the community wanted to do more conservation than might otherwise be needed to help alleviate endangered species issues at the installation. Amanda Aurora gave an example of how the plan might include a targeted conservation commitment to help create a new focal area preserve near Camp Bullis, with an emphasis on creating new habitat or restoring degraded habitat. Such a preserve might not immediately contain enough suitable habitat to serve as mitigation for plan participants, but would have long-term recovery benefits for the region. CAC members generally agreed to remove an objective pertaining to targeted conservation measures for Camp Bullis (i.e., actions that might be beyond what is needed to obtain a permit). Kirby Brown noted that the CAC can still choose to do more conservation to support species recovery and Camp Bullis. Richard Heilbrun suggested that the BAT can help provide recommendations for conservation actions that support Camp Bullis.

CAC members discussed the goal of stakeholder involvement and were generally supportive of the objectives for achieving this goal. Clifton Ladd explained that this set of goals and objectives contemplates ongoing stakeholder involvement during plan implementation, after the permit is issued. Michael Moore suggested that the text be revised to indicate that the plan will establish a permanent advisory group for plan implementation, to avoid just seeking such guidance in an *ad hoc* fashion.

CAC members discussed the goal of establishing a streamlined permitting process for endangered species compliance. CAC members were generally supportive of the draft language for this goal and its objectives. Clifton Ladd explained that the plan would establish the rules for obtaining an endangered species permit. Kirby Brown noted that creating a process that was also cost-effective was part of the committee's task.

CAC members discussed the goal of creating a plan that was sensitive to local government and landowner concerns. The CAC discussed phasing the plan with respect to the take allocation, preserve acquisitions, and adaptive management considerations. Amanda Aurora cautioned that periodically committing to renegotiation of take and mitigation could dilute the strength of the No Surprises assurances under the permit, whereby the USFWS can not require additional mitigation if the plan is being properly implemented. Charlotte Kucera stated that No Surprises assurances do not apply if a species is in danger of jeopardy. Tom Hornseth suggested revising to state that the plan would establish an implementation plan to provide opportunities to review progress and adapt to changing needs. Kirby

Brown suggested clarifying the objective to refer to phased creation and accounting of conservation credits and debits.

CAC members discussed the goal of leveraging resources and opportunities for conservation within the region. CAC members were generally supportive of the proposed goal and associated objectives.

Jonathan Letz asked the consultants to distribute the edited version of the draft general conservation strategy to the CAC for additional review and suggested that CAC members send any comments or suggestions to the CAC chairs (for distribution to the County and consultants). He cautioned that comments should not be shared with a quorum of other CAC members outside of a posted meeting to avoid potential problems with Open Meetings Act compliance, but that the compiled set of comments will be distributed to the CAC at the next meeting.

Jonathan Letz introduced the preliminary draft biological goals and objectives that the BAT is currently working on and Richard Heilbrun cautioned that the BAT considers the entire document to be draft and subject to change. Amanda Aurora briefly reported on the major components of the biological goals and species-specific objectives, including mitigation ratios, minimum preserve size, preserve configuration, monitoring, management, and research. Richard Heilbrun explained that the BAT is currently leaning toward recommending a base mitigation ratio of 2 acres of mitigation for each acre of take for the covered birds and a recovery standard for karst mitigation. Kirby Brown and Jonathan Letz suggested that CAC members send any comments or suggestions on this draft proposal to the BAT chair for their consideration. Andy Winter cautioned about wide distribution of comments to a quorum of CAC or BAT members outside of a posted meeting and emphasized the need to be mindful of the Open Meetings Act. Richard Heilbrun encouraged CAC members to attend the next BAT meeting to hear ongoing discussions on these goals and objectives.

8. Discussion and possible action on Resource Assessments and Impact Assessments – Kirby Brown or Jonathan Letz (CAC Co-chairs)

Clifton Ladd stated that the consultant team has posted draft assessments of various natural resources in the Plan Area on the SEP-HCP website. He noted that the BAT has been reviewing these drafts and that the consultants are currently addressing their comments and will update these documents in the coming weeks.

9. Next meeting, future meeting schedule and requested agenda items – Kirby Brown or Jonathan Letz (CAC Co-chairs)

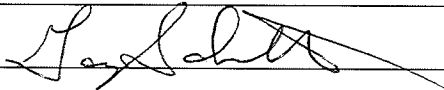
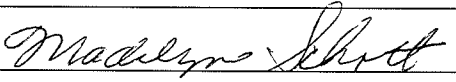
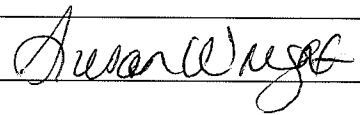
Jonathan Letz set the next CAC meeting for September 13th. He stated that two CAC meetings would be needed in October and November and that these meetings may need to be extended until 9pm. CAC meeting dates for October and November are: October 4, October 18, November 1, and November 15. Comm. Letz asked the consultant team to send out a schedule of upcoming meetings to the CAC members.

10. Adjourn - Kirby Brown or Jonathan Letz (CAC Co-chairs)

Jonathan Letz adjourned the meeting at 8:01pm.

CAC MEMBER SIGN-IN SHEET

CAC MEMBERS			CAC ALTERNATE (FOR VOTING PURPOSES)	
	NAME	SIGNATURE (IF PRESENT)	ALTERNATE NAME (PRINTED)	ALTERNATE SIGNATURE
1	Bradshaw, Mary (Bexar County landowner)	<i>M. Bradshaw</i>		
2	Brown, Kirby (Texas Wildlife Association)	<i>Kirby Brown</i>		
3	Cain, Delmar (Kendall County landowner)	<i>Delmar L. Cain</i>	CHUCK JANZOW	<i>Chuck Janzow</i>
4	Cude, Ian (Cude Engineering)			
5	Dietert, Ann (Kerr County landowner)	<i>Ann Dietert</i>		
6	Fenstermaker, Bebe (Bexar County landowner)	<i>Bebe Fenstermaker</i>		
7	Fenstermaker, Mary (Hill Country Planning Association)	<i>Mary Fenstermaker</i>	Susan Braun	
8	Fitzgerald, Bob (Medina County landowner)	<i>Dr. Bob Fitzgerald</i>	LESTER LANDRUM	<i>Lester Landrum</i>
9	Forster, Charles ("Frosty") (Pape-Dawson Engineers)			
10	Hisler, Deirdre (Texas Parks and Wildlife Department)	<i>Deirdre Hisler</i>	NICHOLAS MALOUKIS	<i>Nicholas Maloukis</i>
11	Hornseth, Tom (Comal County)	<i>Tom Hornseth</i>		
12	Jenkins, Sandy (City of San Antonio)		KRISTYL SMITH	<i>K. Smith</i>
13	Johnson, Randy (Bexar County landowner)	<i>Randy Johnson</i>		
14	Letz, Jonathan (Kerr County)	<i>Jonathan Letz</i>		
15	McFarlen, Gerald (Cibolo Nature Center)	<i>Gerald McFarlen</i>		
16	Moore, Michael (Ironstone Development)	<i>Michael D. Moore</i>		
17	Nottingham, Jennifer (City of Grey Forest)	<i>Jennifer Nottingham</i>		
18	Peace, Annalisa (Greater Edwards Aquifer Alliance)	<i>Annalisa Peace</i>		

19	Schott, Gary (Bexar County landowner)			
20	Terrez, Jenna (CPS Energy)			
21	Wright, Susan (Susan Wright & Associates)			

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
ANDREW WINTER	Bexar County	awinter@BEXAR.ORG	335-6700	
Nic Maloukis	TPWD-Alternate	on file	on file	
Christine Westerman	SWCA	cwesterman@swca.com	877 2847	
Amanda Aurora	Loomis	aaurora@loomis-partners.com	672-8977	
Clifton Ladd	Loomis	cladd@loomis-partners.com	512-672-8967	
Charlotte Kuehn	USFWS	Charlotte_Kuehn@fws.gov	512-490-0057	
John Kennerphy	Mebina Co	535 IR. 3501 Mico Tex 78056	930 426 2510	
ZEKE ROBERTSON		STARRRANKH@SBCGLOBAL.NET	210-219-2300	
KATHLEEN O'CONNOR	ZARA ENV.	on file	on file	
Terry Dudley	Inez.	terryd9992@sbcglobal.net	—	

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
Richard Heilbrun	TPWD	on file		
Kyle Cunningham	SAMHD	On file		
Kristen Bettis	SAMHD	Kristen.Bettis@sanantonio.gov	210-508-4424	
Mary Bradshaw	Andrews	MBW		
Megan Bluntzer	Jackson Walker/ Bexar Co	mbluntzer@jw.com	210-978-7700	
CHRISTY GONZALEZ	KEIBTEXAS	CHRISTYH@KEIBTEXAS.COM		
MIKE BARR	SAWS	_____	_____	
Susan Ovalline	AANW	ovalline@midaspig.com		
Scott Kelly	SAWS	_____	_____	
Valerie Collins	Pape-Dawson	on file		

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
<i>Sonia Jimenez</i>	<i>Xtreme + Assoc</i>	<i>on file</i>	<i>on file</i>	