

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

DATE: March 7, 2011
LOCATION: Casa Helotes Senior Citizens Center
12070 Leslie Road, Helotes, Texas 78023

1. Call to order

Jonathan Letz called the meeting to order at 6:13pm.

2. Public comment

Bebe Fenstermaker commented that House Bill 1388 filed in the Texas Legislature would prohibit a city from regulating the planting, clearing, or harvesting of trees or vegetation in its extraterritorial jurisdiction. She urged others to oppose the bill because it would be detrimental to the region.

Andy Winter briefly described a proposed JW Marriott / Dierks Ranch land swap would help the Army in its golden-cheeked warbler mitigation efforts. He stated that the Bexar County Commissioners Court would be meeting tomorrow (March 8) including a public hearing on this matter.

3. Review and approval of draft minutes from the February 21, 2011 meeting

The committee reviewed the draft minutes of the February 21, 2011 meeting, and members offered corrections or clarifications. MOTION (Jennifer Nottingham): Approve the February 21, 2011 minutes as amended. SECOND (Ann Dietert). VOTE: Voice vote carried without opposition. .

4. Citizens Advisory Committee member comments

Jonathan Letz asked Jerry Webberman (SEP-HCP Attorney) to describe the Open Meetings Act as it pertains to CAC members who want to bring up items if they are not specifically on the agenda. Mr. Webberman stated that if a member wants to bring up an item for discussion, it needs to be on the agenda to allow the public an opportunity to attend the meeting and observe the discussion if they have an interest in the agenda item. Members may make comment, but can't raise an item for discussion because one of the purposes of the act is to give notice to the public. Andy Winter stated that the meeting agendas are posted in the Bexar County Courthouse.

Deirdre Hisler requested clarification regarding CAC members obtaining time-sensitive information after the agenda is set and being able to discuss and take action on those issues at the next meeting. Jerry Webberman explained that members can request an emergency meeting, but that an emergency must relate to a health or safety issue. Deirdre Hisler noted that committee members can make an announcement or offer a comment during public comment.

Jonathan Letz explained that the act exists to give the public enough time to be involved and know what will be discussed and that they've made a decision that if a CAC member needs to make a public comment, they can. However, the committee cannot go into discussion of an item that is not on the agenda.

5. Alternative GCW/BCV program scenarios based on priorities identified from CAC small group discussions

Jonathan Letz called on the consultant team to explain the dot voting exercise, as planned at the February 21 meeting. Sonia Jimenez explained how CAC members will use the dot voting method to choose GCW/BCV program priorities as developed during the small group discussions at the February 21 meeting and as shown on the chart titled "Alternative GCW/BCV Program Scenarios Based on Priorities Identified from CAC Small Group Discussions." Clifton Ladd described the four alternatives shown on the chart, as developed at the last meeting.

Bob Liesman asked how counties opting out might affect different components of the alternatives shown on the chart. Jerry Webberman explained that other counties won't be able to use the plan for county projects. Jonathan Letz commented that private citizens would still have options to use the plan for take or mitigation purposes, regardless of whether their county government had opted out. Developers in those counties will have the full cost on their shoulders; no Bexar County public funding for projects outside of Bexar County unless that county has taken on some of the burden of cost.

Andy Winter explained that the plan will be set up in such a way that won't force participation on anyone who doesn't want it, but will allow other counties to use it in the future; however, if that happens, there will need to be an interlocal agreement to take on some of the cost.

Jonathan Letz explained that the main purpose of the plan is to acquire take coverage for development inside Bexar County; one of the main reasons the other counties were included is because there may not be enough land to mitigate for the expected loss inside Bexar County and to create a broader regional plan. Take authorization for the plan was always geared toward development within Bexar County.

Some CAC members discussed that if a county resolution to opt out significantly affects the amount of take expected to be authorized, that it may affect their deliberation and recommendations. Jonathan Letz stated that the county resolutions to opt out do have a political effect. Jerry Webberman suggested that the political effect may change the level of participation and that authorizing take in those counties may be suspended until they opt in.

Andy Winter affirmed that the Commissioners have said they will not ignore wishes of other counties. The County intends to develop the plan in a way such that no one would be forced to participate; however, the county wants to fashion the plan such that if the other counties want to buy into the program at a later date, they can.

Delmar Cain discussed how if a developer in a county that has opted out wants to participate, then they would have to pay both the developer's portion and the public portion of the cost.

Clifton Ladd explained that the plan would be asking for take authorization up to a certain amount. The amount of take authorization to be included in the plan is not an assessment of how much participation would actually occur. Participation rates are being used to decide how much take authorization we should ask for, which will be an upper limit, but not necessarily the amount of take that would occur under the plan.

Clifton Ladd explained how the consultants filled in blanks or inconsistencies on the chart with the program scenarios. He explained that Loomis did their best to put down what they heard them say at the last meeting and that the plan would be scalable. He proceeded to explain the four group options on the chart in detail. He reminded everyone that Group 4 had expressed interest in more mitigation in Bexar County than is reflected on the chart (60% Bexar Co./40% rural counties).

Bebe Fenstermaker pointed out differences between the chart and the Group 4 discussion about preserve ratios. Eric Lautzenheiser pointed out that Group 3's discussion concluded that participation in Bexar County would be more expensive and that they didn't want to spread it out as reflected on the chart. He explains that they juggled to get to \$0 public cost, and that the meeting minutes reflect that but the chart does not. Clifton Ladd asked Sonia Jimenez to note those changes with Group 3 and Group 4 on the chart.

Delmar Cain stated his group made a decision, but his opinion was a minority opinion because he wanted to go with the BAT recommendation; however, there may have be others who would agree with him but they were spread over the four groups so that view wasn't reflected. By dividing them up, their opinion got lost. He felt he did not have a place to put his dots to go with BAT recommendations. Jonathan Letz responded that the BAT didn't make recommendations on many of the numbers, only mitigation ratios and preserve size.

Michael Moore ran through some numbers using a 3:1 mitigation ratio and a \$16,500 participation fee in Bexar County as proposed by Group 1, which resulted in a mitigation fee \$49,500 per acre. He further stated that higher mitigation ratios/fees would not work because there would be no participation.

Jenna Terrez Anguiano recommended that the committee try voting on three of the nine categories because the committee was having difficulty reaching a consensus. She identified mitigation ratios, preserve distribution, and participation fees as the issues of most concern to most members of the committee. After further discussion about that suggestion, Jonathan Letz asked the group for a show of hands regarding their preferences for continuing. The results were Option 1 (vote on 3 categories) – 10 votes, Option 2 (vote on all 9 categories) – 5 votes.

The CAC members were then each given three dots (one for each issue) and were asked to place one dot next to their preference for the 3 categories of mitigation ratios, preserve distribution, and participation fees. The results are shown below and on the attached copy of the chart.

Mitigation Ratios

- Group 1 – 11 votes
- Group 2 – 7 votes
- Group 3 – 0 votes
- Group 4 – 0 votes
- Group 5 (BAT recommendation) – included in total for Group 1

Preserve Distribution

- Group 1 – 13 votes
- Group 2 – 3 votes
- Group 3 – 2 votes
- Group – 0 votes
- Group 5 (BAT recommendation) – included in total for Group1

Participation Fees

- Group 1 – 8 votes
- Group 2 – 6 votes
- Group 3 – 0 votes
- Group 4 – 4 votes
- Group 5 (BAT recommendation) – was not included in the BAT recommendations

After the results were tallied, Jonathan Letz reminded the CAC of Michael Moore's comment regarding higher mitigation ratios and participation fees within Bexar County. Clifton Ladd asked the CAC members to provide their recommendations regarding the public funding ratio as well. CAC members discussed the possibility of increasing sales tax and other tax revenues to fund the plan. Jonathan Lets requested CAC members conduct one more round of Dot Census voting to gather a recommendation regarding the ratio of public funding for the plan. CAC members placed their dots next to their preferred funding scenario. The results are shown below and on the attached copy of the chart.

Public Funding ratio

- Group 1 – 7
- Group 2– 4
- Group 3 – 5
- Group 4 – 1
- Group 5 (BAT recommendation) – was not included in the BAT recommendations

6. Announcements, next meeting, future meeting schedule, and requested agenda items

Jonathan Letz began a discussion about when they can schedule their next meeting to complete their recommendation process. Clifton Ladd reminded the CAC that the first draft plan is due to the County by April 1st and that the county will probably want time to review the first draft before sending it to the CAC. He suggested that they plan to skip the April meeting and meet again in May. He stated that the consulting team needs time to put together a draft, allow county staff a chance to make comments, then go back to the CAC for further review and deliberation.

Jonathan Letz began a discussion about review of the draft plan and whether the draft would go to the County and the CAC at the same time. Andrew Winter and Clifton Ladd responded that it will not be going to the Commissioner Court, but only to county staff for comments before it comes back to the CAC. Several CAC members stated their desire to see the draft plan at the same time it goes to County staff. Andrew Winter affirmed that the CAC would have a chance to review and comment on the draft before it goes to the Commissioners Court. Kyle Cunningham reminded the CAC that the County and Loomis have contractual requirements for delivery of a draft plan to the County.

Clifton Ladd stated that the consulting team would like to make sure that the County accepts the first draft as the basis for continued discussion before it goes out for additional review. Andy Winter again stated to the CAC that they will have a chance to comment on it before it goes to Commissioner's Court and that the Commissioners Court is interested in the CAC's recommendations.

The next meeting was set for May 9.

7. Adjourn

Jonathan Letz adjourned the meeting at 8:23pm.

Alternative GCW/BCV Program Scenarios Based on Priorities Identified from CAC Small Group Discussions.

Alternative Priorities:	Group 1	Group 2	Group 3	Group 4
Participation Rate / Authorized Habitat Loss	<ul style="list-style-type: none"> - Lower authorized habitat loss - High participation fees to discourage habitat loss - Moderate public funding is acceptable - Large total preserve - Large Boxar County preserve 	<ul style="list-style-type: none"> - Lower authorized habitat loss - High levels of public participation is important - Low Boxar County preserve size - Public funding acceptable to acquire Boxar County preserves - Moderate participation fees that market can bear 	<ul style="list-style-type: none"> - Slightly larger amount of authorized habitat loss - Even mitigation ratios across Plan Area - Moderate to large total preserve system - Small to moderate Boxar County preserve system - No or low public funding 	<ul style="list-style-type: none"> - Large total preserve system - Large Boxar County preserve system - Substantial public funding acceptable - Participation fees within ability of market to bear
Participation Rate / Authorized Habitat Loss GCW - Boxar County GCW - Rural Counties GCW - Total BCV - All Counties Mitigation Ratios GCW - Boxar County GCW - Rural Counties BCV - All Counties Preserve Distribution GCW - Boxar County or 5 miles GCW - Rural Areas BCV	33% / 4,911 ac 15% / 1,968 ac 25% / 6,877 ac 25% / 2,319 ac 3:1 2:1 2:1 60% 40% assumed to be rural	20% / 2,977 ac 20% / 2,621 ac 20% / 5,597 ac 20% / 1,874 ac 2:1 1:1 1:1 20% 80% assumed to be rural	50% / 7,442 ac 35% / 4,558 ac 43% / 12,000 ac 43% / 4,000 ac 2:1 2:1 2:1 10% 90% assumed to be rural	50% / 7,442 ac 20% / 2,621 ac 36% / 10,062 ac 36% / 3,396 ac 3:1 2:1 2:1 40% 60% assumed to be rural
Preserve Size (based on Participation Rate, Mitigation Ratio, and add 25% acreage for buffers and habitat variation) GCW - Boxar County or 5 miles GCW Rural Areas GCW - Total BCV - Total GCW/BCV Total	11,051 ac 12,281 ac 23,332 ac 5,797 ac 29,129 ac	1,468 ac 9,229 ac 10,718 ac 2,343 ac 13,060 ac	1,860 ac 28,209 ac 30,070 ac 10,102 ac 40,172 ac	11,162 ac 23,295 ac 34,458 ac 4,245 ac 38,703 ac
Estimated GCW/BCV Program Costs (includes costs for preserve acquisition and estimated 30% additional for management and administration) Total Cost	\$377,608,947	\$78,405,974	\$135,254,014	\$384,491,718
Participation Fees (shown below as total fee portion of habitat loss - i.e. the per acre fee) GCW - Boxar County GCW - Rural Counties BCV - All Counties	\$16,500 \$11,000 \$11,000	\$6,000 \$3,000 \$3,000	\$6,000 \$9,000 \$6,000	\$7,500 \$5,000 \$2,500
Participation Fee Revenue (based on full use of Authorized Habitat Loss) GCW BCV Total Fee Revenue	\$144,306,536 \$35,854,728 \$180,161,265	\$36,156,921 \$7,902,737 \$44,059,659	\$101,444,328 \$34,078,763 \$135,523,091	\$96,872,843 \$11,934,933 \$108,807,776
Public Funding (based on the amount necessary to fill the gap between Total GCW/BCV Program Costs and Participation Fee Revenue) Amount (over 20 years) Private - Public Funding Ratio Participation Fees % Public %	\$197,447,683 48% 52%	\$34,346,315 56% 44%	\$0 100% 0%	\$275,683,942 20% 72%

Group 5
BAT Recommendations

12,000
4,100

3:1
2:1
2:1
60%
40%

7,442
2,621
10,062
3,396

3,000
1,500
1,500

Not a BAT Recommendation

Not a BAT Recommendation

3
4

4

1

5

4

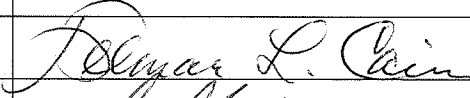


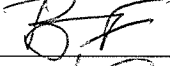
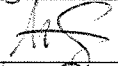
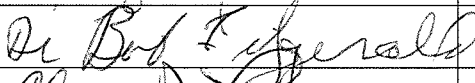
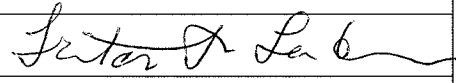

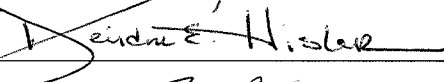

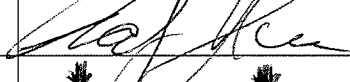

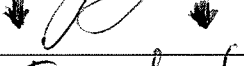
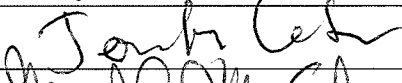
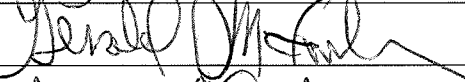



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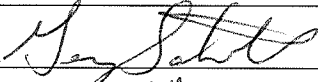

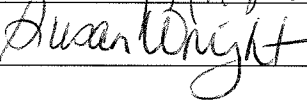

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CAC MEMBER SIGN-IN SHEET

CAC MEMBERS			CAC ALTERNATE (FOR VOTING PURPOSES)	
	NAME	SIGNATURE (IF PRESENT)	ALTERNATE NAME (PRINTED)	ALTERNATE SIGNATURE
1	Bradshaw, Mary (Bexar County landowner)			
2	Brown, Kirby (Texas Wildlife Association)			
3	Cain, Delmar (Kendall County landowner)		CHUCK JANZOW	
4	Cude, Ian (Cude Engineering)			
5	Dietert, Ann (Kerr County landowner)			
6	Fenstermaker, Bebe (Bexar County landowner)			
7	Fenstermaker, Mary (Hill Country Planning Association)			
8	Fitzgerald, Bob (Medina County landowner)		LEE LANDRUM	
9	Forster, Charles ("Frosty") (Pape-Dawson Engineers)			
10	Hisler, Deirdre (Texas Parks and Wildlife Department)			
11	Hornseth, Tom (Comal County)			
12	Jenkins, Sandy (City of San Antonio)		ERIC LAUTZENHEISER	
13	Johnson, Randy (Bexar County landowner)			
14	Letz, Jonathan (Kerr County)			
15	McFarlen, Gerald (Cibolo Nature Center)			
16	Moore, Michael (Ironstone Development)			
17	Nottingham, Jennifer (City of Grey Forest)			
18	Peace, Annalisa			

	(Greater Edwards Aquifer Alliance)			
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
Megan Bluntzer	Jackson Walker LLP/ Bexar County	mbluntzer@jw.com	(610) 978-7700
Mike Lockey	Landowner	on file	
Karen Schneider	landowner	kds@gvrc.com	(830) 229-5451
Diane Bartlett	Bexar County	dbartlett@bexar.org	(830 ²¹⁰) 335-3810
Tom HALLSTRAAD	MAJESTIC RANCH ARTS FON	on file	on file
DARREL L. Lox	Kendall County		830-336-2881
Kyle Cunningham	SAMHD/COSA	On file	
Frank Wherman	COSA OTHA	on file	
Scott Ralt	SAWS	on file	
Jesus A. GARZA	COSA Planning.	on file	201-7950
Christen Ladd			
Sean Ovaline	AANK		

GENERAL SIGN-IN SHEET

NAME	AFFILIATION	EMAIL ADDRESS	PHONE NUMBER
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Mike Barr	SAWS	—	—
Christopher Allison	M.E. Allison & Co		
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Randy Schott	Lundgren	rp.schott@outdoors.net	210-213-6247

GENERAL SIGN-IN SHEET

NAME	AFFILIATION	EMAIL ADDRESS	PHONE NUMBER
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