

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

**DATE:** May 9, 2011  
**LOCATION:** Scenic Loop Playground Club  
18249 Sherwood Trail  
Grey Forest, TX 78023

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

Kirby Brown called the meeting to order at 6:04pm.

## **2. Public comment (3 minutes per speaker)**

Mr. Steve Louder introduced himself as a Bexar County landowner and developer who has experience obtaining endangered species take authorization through individual permits and through the Balcones Canyonlands Conservation Plan. He stated his opinion that the proposed participation fees for the SEP-HCP would be too high and would discourage use of the plan. He also noted that the BCCP uses a tax increment financing approach, whereby the plan receives a portion of the increased tax income from properties that were enrolled in the plan.

Mr. Mike Luckey noted that five counties have passed resolutions opting out of the SEP-HCP and questioned why these counties continue to be included in the Plan Area. He noted that the need for the plan is entirely based in Bexar County. He also added that the SEP-HCP should simply provide a way to allow the purchase of conservation easements at a reasonable price. He noted that the current plan seems like a “land grab” in the rural counties by Bexar County and San Antonio.

Mr. Charlie Seale (Texas Exotic Wildlife Association) stated that he was a strong opponent of the SEP-HCP and was disturbed that Bexar County does not seem to care that other counties have opted out of the Plan. He stated that he believed the plan is really a means to deal with aquifer issues and to create a large preserve system. He added that individuals can make their own deals with the U.S. Fish and Wildlife Service and won't participate in the plan.

Mr. Earl Smith introduced himself as a Kendall County landowner in the real estate business. He stated his belief that the SEP-HCP will drastically lower land prices and will decrease tax revenues collected by school districts and other taxing entities. He urged the CAC to consider both sides of the issue and he stated his belief that people are stewards of the land.

## **3. Review and approval of draft minutes from the April 11, 2011 meeting – Jonathan Letz or Kirby Brown (CAC Co-chairs)**

Kirby Brown asked the CAC for comments or corrections on the draft minutes from the April 11, 2011 CAC meeting. No changes were suggested. MOTION (Michael Moore): Approve the draft minutes from the April 11, 2011 CAC meeting. SECOND (Eric Lautzenhizer). VOTE: voice vote carried without opposition.

**4. Presentation on another perspective of mitigation scenarios - Valerie Collins (BAT member) and Gene Dawson (Pape-Dawson Engineers, Inc.)**

Mr. Gene Dawson (representing Pape-Dawson Engineers, Inc. and invited to present pro bono by BAT member Valerie Collins) gave a presentation explaining simple examples of why someone would want to participate in a regional habitat conservation plan (HCPs), including a review of different mitigation scenarios. He noted that there have been only four individual HCPs approved for projects within Bexar County to date and noted that this low rate of compliance may have been due to a previously low awareness of endangered species issues in the San Antonio region.

Mr. Dawson explained that from a developer's perspective, simply avoiding all endangered species issues is not financially feasible on most properties if too much of the property was undevelopable. He added that regional HCPs can provide a streamlined way to obtain incidental take authorization without the time and cost of obtaining an individual permit from the Service. However, Mr. Dawson cautioned that high upfront mitigation costs can be difficult for developers to cover.

Mr. Dawson walked the CAC through an example of the financial implications (from a developer's perspective) of developing a hypothetical project under different mitigation ratios with a cost of approximately \$5000 per mitigation credit. His examples included consideration of on-site mitigation from remaining habitat within the project area.

Mr. Dawson also explained how the City of San Antonio's ordinances requiring consideration of endangered species issues, tree protection, and avoidance of steep slopes may contribute to reducing the amount of endangered species habitat that might be affected by development projects. He added that these ordinances also apply within San Antonio's extra territorial jurisdiction.

CAC members asked how purchasing preserve land in Bexar County might affect the financial viability of the plan. Mr. Dawson responded that a cost effective conservation easement might be difficult to find in Bexar County, and hypothesized that such easements could cost as much as \$35,000 or \$40,000 per acre to acquire.

Mr. Dawson explained that a 3:1 mitigation ratio may be economically feasible for plan participants under certain circumstances, assuming that actual land constraints and development restrictions may reduce the amount of habitat loss that would need to be mitigated.

**5. Project schedule and CAC decision-making process – Amanda Aurora (Loomis Partners)**

Amanda Aurora summarized the anticipated project schedule through the rest of 2011, including important milestones for the HCP and NEPA processes and anticipated meeting dates and topics for the CAC and BAT. With respect to the HCP, Ms. Aurora noted that comments on the First Draft are due by June 1 and a revised Second Draft is anticipated in September 2011 for additional committee and public review. Ms. Aurora stated that NEPA scoping meetings are anticipated in early June 2011, with the close of the public scoping comment period scheduled for July 26, 2011. Ms. Aurora suggested a CAC meeting schedule with a June meeting to discuss a CAC-recommended alternative to the First Draft, a September meeting to discuss the Second Draft plan, and an October meeting to take action on a recommendation for approval or rejection of the Second Draft. Ms. Aurora stated that the schedule anticipates seeking action from the Bexar County Commissioners' Court in November 2011.

Eric Lautzenhizer (CAC member alternate) proposed having additional facilitated meetings to find consensus on a recommended plan. Annalisa Peace suggested that the comment period on the First Draft be extended until September 2011 and that Bexar County request an extension to the HCP planning grant. Ms. Peace also suggested that the CAC should form subcommittees to take up certain issues, such as funding.

Several CAC members noted that the First Draft does not incorporate the measures previously approved by the CAC regarding the BCV and karst conservation programs. Multiple CAC members stated that draft

plan should at a minimum include all of the CAC's approved recommendations. Delmar Cain noted that most of the draft plan is probably not controversial, and suggested that the CAC focus on only those issues that they disagree with.

Amanda Aurora (Loomis Partners) noted that the consultant team ran a funding analysis on the CAC "Group 1" alternative, which the CAC could use as a new starting point for discussions.

CAC members generally agreed that a two-day workshop should be scheduled to intensively focus on reaching consensus on a preferred alternative. The consultant team agreed to help schedule a workshop in June and provide facilitation for the workshop.

Robert Brach (Bexar County) noted that the County expected the CAC to identify specific points of difference at this meeting and asked how many CAC members had read the complete text of the First Draft. A brief show of hands indicated that no more than five CAC members had read through the First Draft as of the meeting. Kirby Brown stated that all CAC members attending the June workshop must have read the complete First Draft.

**6. Questions and answers and discussion of member's comments on the First Draft SEP-HCP – Jonathan Letz or Kirby Brown (CAC Co-chairs)**

Kirby Brown asked if there were any other items of the First Draft that should be discussed. Amanda Aurora presented a revised table comparing the alternatives considered in the First Draft with a version of the CAC "Group 1" alternative. CAC members questioned why this alternative was not the one used in the First Draft and asked why the funding estimated in the table did not match the figures shown in the "dot exercise". Ms. Aurora responded that the expanded Group 1 alternative in the revised alternatives analysis table includes a karst conservation program identical to the measures used in the proposed plan and that the funding model used in the First Draft is much refined from the model used in the "dot exercise".

**7. Discussion and possible action on the components of a preferred CAC alternative for the SEP-HCP - Jonathan Letz or Kirby Brown (CAC Co-chairs)**

This agenda item was considered in the above discussion.

**8. Review and discuss revised SEP-HCP brochure – Amanda Aurora (Loomis Partners)**

Amanda Aurora introduced a revised version of the general information brochure for the SEP-HCP. She asked that CAC members send any additional comments on the brochure to the consultant team as soon as possible.

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

Kirby Brown announced that the next CAC meeting would be a two-day workshop in June and that the consultant team would help identify an appropriate date.

A CAC member asked if the CAC-recommended alternative plan would also be put out for public comment. Amanda Aurora responded that a CAC recommendation would be given to Bexar County for review and consideration. Ms. Aurora added that the County would release the full set of comments received on the First Draft as soon as possible after the comment period ends.

CAC members asked if any outreach to the other counties would be forthcoming. Amanda Aurora noted that the SEP-HCP brochure could be distributed in other counties to support outreach and Sonia Jimenez (Ximenes & Associates, consultant team) added that public NEPA scoping meetings were being planned in the rural counties.

Jennifer Nottingham asked for the consultant team to provide a review of different funding options for the SEP-HCP. Christopher Allison (ME Allison, consultant team) noted that it would be very difficult to find politically viable alternatives to the proposed funding plan.

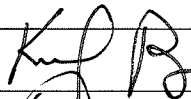
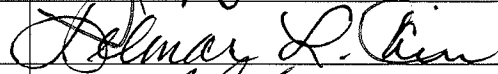
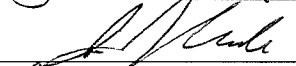
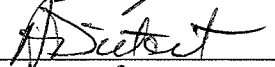

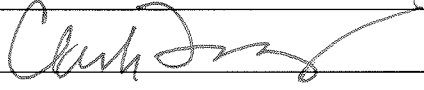
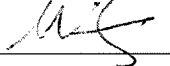
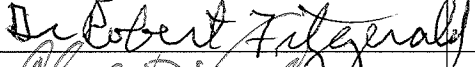
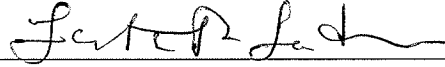

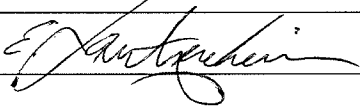

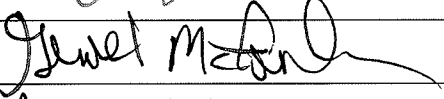



Christina Williams (U.S. Fish and Wildlife Service) introduced herself as the Service's new point of contact for the SEP-HCP.

Robert Fitzgerald (CAC member) asked for the next meeting agenda to include a discussion of the issues raised in the "opt out" resolutions passed by several of the rural Plan Area counties. He believed strongly that these resolutions were misleading and strongly requested that a response be prepared.

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

Kirby Brown adjourned the meeting at 8:06pm.

# 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)		Lottie Millsaps	Lottie E. Millsaps
2	Brown, Kirby (Texas Wildlife Association)			
3	Cain, Delmar (Kendall County landowner)			
4	Cude, Ian (Cude Engineering)			
5	Dietert, Ann (Kerr County landowner)			
6	Fenstermaker, Bebe (Bexar County landowner)		Clark Terrell	
7	Fenstermaker, Mary (Hill Country Planning Association)			
8	Fitzgerald, Bob (Medina County landowner)		LESTER 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)		Weyl	
20	Terrez, Jenna (CPS Energy)		Anguiano	
21	Wright, Susan (Susan Wright & Associates)		Wright	

Judith Green

# 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
Amanda Aurora	Loomis Partners	aaurora@loomis-partners.com	512-672-8977	
MIKE BARR	GROWS	—	—	
Christopher Allison	M.E. Allison & Co.	callison@mcallison.com	210-930-4000	
Valerie Collins	BAT	(on file)		
Gene Dawson	Pd	gdawson@pope-clausen.com	210-375-9000	
Clifton Ladd	Loomis	on file	—	
Steve Howard	MDC / Orgin Ind	S.HOWARD@SMBELL.NET	214 522-9115	✓
George Myles			495 8274	
BETTY MYLES			11	
Peter Sprouse	Zara Environmental	peter@zaraenvironmental.com	512-415-2994	

# 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
Karen Schneider				
Jack Phillips				
Joan Bushong				
Susan Deaven				
Charlotte Kucera	USFWS	-	-	
<del>Mike</del> Mike Luckey				✓
JAMES GROVE	ARM			
Kye Cunningham	COSA			
Darrel L. Lux	Kendall County			
Bob + Karen Reinartz	KENDALL CITY			



# 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
Christina Williams	USFWS			
Charly Seale	EXOTIC WILDLIFE ASSN			<del>X</del>
Juan Sandoval	CPS Energy			
Jay Wethman	Jackson Walker			
Scott Half	SAWS			
Earl Smith	CITIZEN/VOTER			✓
Richard Kelbra	TPWD			
Meghan Bluntzer	Jackson Walker			
Rachel Barlow	Zaca			
Lanna Zebehozy	Loomis			

# 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>Ximenez + Assoc.</i>			