

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

DATE: March 1, 2010
LOCATION: Casa Helotes Senior Citizens Center
12070 Leslie Road Helotes, Texas 78023

A training workshop on the Texas Open Meetings Act and the Public Information Act was conducted for CAC members and alternates between 3:45pm and 6:00pm. Attendees watched two videos prepared by the Texas Attorney General regarding procedures for compliance with the Texas Open Meetings Act and the Public Information Act. At the end of the workshop, attendees were given codes to enter into the Attorney General's website to obtain training certificates.

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

Kirby Brown called the meeting to order at 6:05pm. Mr. Brown stated that he would chair the meeting and initiated introductions around the meeting table.

2. Review and approve minutes, with any appropriate changes, from the January 19 and February 18, 2010 meetings.

The CAC discussed comments on the draft February 18, 2010 minutes, including the availability of independent legal counsel for the plan and proposed edits regarding legal advice pertaining to CAC discussions outside of posted meetings and quorums for subcommittee. Deirdre Hisler (CAC Member) clarified that Allison Elder (Braun & Associates) directly represents the consulting team as a subconsultant to Loomis Partners, and that the CAC will have access to independent legal counsel that will be selected by the Bexar County District Attorney.

MOTION (Randy Johnson): Approve minutes from January 19 and February 18, 2010 meetings, as amended. SECOND (Annalisa Peace). VOTE: Voice vote carried unanimously.

3. Public Comments (3 minutes per speaker)

Kirby Brown called for public comments. No public comments were received.

4. Report from consultant team – Clifton Ladd or Amanda Aurora (Loomis Partners)

Clifton Ladd reported that the BAT met on Monday, March 1 and that Richard Heilbrun (BAT Chair) would report on the meeting. He stated the intention of the consultant team to coordinate with the CAC Co-chairs to lay out a roadmap for completion of the plan and to have the CAC provide guidance to the consultant team on recommendations for the overall goals and objectives of the plan. CAC Co-chairs also stated their desire to be involved in future AOG meetings.

5. Report on Texas Open Meetings Act questions – Allison Elder (Braun & Associates)

Allison Elder (Braun & Associates) addressed CAC questions regarding prior Open Meetings Act/Public Information Act training and stated that no continuing education for these acts was required, so that if training was completed before, then additional training would not be needed. Ms. Elder also addressed questions regarding discussions by CAC members outside of posted meetings and clarified that such discussions must include less than a quorum of CAC members. She also clarified that small groups of CAC members meeting outside of a posted meeting must also not have been delegated decision making

authority by the CAC and that the purpose of such meetings could not be to avoid Open Meetings Act compliance through “walking quorums.”

6. Discussion and appropriate action on adopting operational procedures – Kirby Brown or Jonathan Letz (CAC Co-chairs)

The CAC discussed using an abbreviated version of Robert’s Rules of Order to avoid establishing a cumbersome process for conducting committee business. The CAC requested that written public and CAC comments submitted to the County and/or consultant team be distributed to the CAC with the materials for meetings. The consultant team reported that a comment posting box on the SEP-HCP website was under development. The CAC discussed simplifying and clarifying the process for submitting written comments by CAC members. Allison Elder cautioned the CAC from starting discussions via email that could violate the Open Meetings Act. The CAC discussed procedures for receiving comments and input from members of the public during meetings. The CAC discussed procedures for tracking who is authorized to vote on CAC motions. CAC members also noted that the committee’s operational procedures could be amended in the future.

MOTION (Bob Fitzgerald): Approve the CAC operational procedures, as amended. SECOND (Randy Johnson). VOTE: Voice vote carried unanimously.

7. Discussion and appropriate action on adopting a charge – Kirby Brown or Jonathan Letz (CAC Co-chairs)

Andy Winter (Bexar County) reported that the City of San Antonio requested adding language to the CAC charge regarding Camp Bullis. He also noted that Bexar County is seeking the CAC’s opinions and recommendations for the plan, but the County can not delegate plan approval or adoption to the CAC. The CAC discussed the proposed edits and clarifications to the charge.

MOTION (Susan Wright): Approve the CAC charge, as amended. SECOND (Bebe Fenstermaker). VOTE: Voice vote carried unanimously.

8. Discussion regarding coordination with Comal County – Kirby Brown or Jonathan Letz (CAC Co-chairs)

Jonathan Letz suggested that the committee authorize the Co-chairs to engage in further discussions with Comal County and including representatives of U.S. Fish and Wildlife Service (USFWS), Texas Parks and Wildlife Department, Bexar County/City of San Antonio, and consultant teams, as appropriate, to identify potential issues and opportunities for coordination.

The CAC discussed getting a better understanding of the potential issues and opportunities related to coordinating the two plans, including current timelines, potential costs for achieving adequate coordination between the plans, the specific conflicts involved, and possible solutions.

Allison Arnold (USFWS) noted that the agency is currently reviewing the Comal County application package. The Service will review the package to determine if the Service’s requested corrections were accommodated in this most recent draft. At that time, the Service will determine if the package meets issuance criteria. The Service has received requests from developers in northeastern Bexar County interested in using the Comal County Plan, if appropriate, should it become available in the near future. Otherwise, those developers would have to wait until the SEP is issued to comply with the ESA if there is no Federal nexus associated with their projects. The Service is interested in facilitating collaboration between the two RHCPs in order to increase ESA compliance in Bexar County between now and when the SEP is issued. She also noted that due to the grant deadline for the Comal County RHCP, there may not be enough time to accommodate this arrangement. Jonathan Letz noted that there may also be issues regarding how to address properties that cross county boundaries and regarding the species covered for take under the Comal County plan. Allison Arnold stated that coordination discussions need to be between the two permit applicants and other entities as appropriate, and that the two Citizens Advisory Committees should take the lead on the plans. Allison Arnold also noted that the USFWS has already suggested that Comal County address these issues.

The CAC also discussed receiving a report on the outcome from the initial meetings with Comal County and discussed issues regarding consistency in the biological analyses presented in the two plans. Allison Arnold emphasized the USFWS' desire for biological consistency between the two plans, but noted that the plans will be administered differently. Clifton Ladd noted that Bexar County/City of San Antonio and Comal County are the grant recipients and permit applicants for the two plans and suggested that these entities take the lead on coordination discussions. He also noted that the consultants and CACs are advisors to these entities.

Andy Winter asked whether lands in Comal County can be used to mitigate for impacts at Camp Bullis if the SEP-HCP does nothing to partner with Comal County. Allison Arnold responded that this would not be possible and that mitigation can only occur with the defined Plan Area for a plan unless there is a specific agreement to allow such actions.

MOTION (Jennifer Nottingham): Allow the CAC Co-chairs to engage in discussions with Comal County and other entities as appropriate to identify issues regarding plan coordination and report back to the CAC for further discussion. SECOND (Gary Schott). VOTE: Voice vote carried unanimously.

9. Report from the BAT and discussion on draft recommendations for species to address in the SEP-HCP – Richard Heilbrun (BAT Chair)

Richard Heilbrun gave a presentation on BAT deliberations regarding the list of species to be addressed in the SEP-HCP. He described the BAT adoption of four categories for species inclusion, including Covered Species, Future Covered Species, Voluntarily Conserved Species, and Additional Species. Mr. Heilbrun listed the species provisionally assigned to each category and noted that the BAT evaluated and rejected several species from consideration in the SEP-HCP. The CAC discussed the definitions of the species categories and matters such as additional species studies, reasons to address non-listed species, issues pertaining to coverage for listed plants, jeopardy standards, incidental conservation benefits to non-covered species, and concerns regarding including too many species and related land use restrictions in the plan.

Richard Heilbrun also summarized BAT discussions to date regarding the treatment of aquatic species in the plan and stated that Bexar County and the consultant team are assembling additional guidance about the scope of the project with respect to aquatic species and the potential costs for including aquatic species in the plan.

CAC members requested a briefing from the BAT on the biology and life history of the species tentatively included in the plan.

10. Next Meeting and Requested Agenda Items – Kirby Brown or Jonathan Letz (CAC Co-chairs)

For the next meeting, CAC members requested a report on the species to be addressed by the plan and a report on coordination with Comal County.

The CAC discussed adopting a regular meeting date and options for a meeting location.

MOTION (Annalisa Peace): Adopt the first Monday of the month as a regular meeting date. SECOND (Randy Johnson). VOTE: Voice vote carried unanimously.

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

Meeting adjourned at 7:59pm.

Attachments: 1) Adopted CAC charge; and 2) Adopted CAC operational procedures.

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>Mary Bradshaw</i>		
2	Brown, Kirby (Texas Wildlife Association)	<i>Kirby Brown</i>		
3	Cain, Delmar (Kendall County landowner)	<i>Delmar S. Cain</i>	CHUCK JANZOW	<i>Chuck Janzow</i>
4	Cude, Ian (Cude Engineering)	<i>Ian Cude</i>	Bob Lresman	<i>Bob Lresman</i>
5	Dietert, Ann (Kerr County landowner)	<i>Ann Dietert</i>	KATHY WARD	<i>Kathy Ward</i>
6	Fenstermaker, Bebe (Bexar County landowner)	<i>Bebe Fenstermaker</i>		
7	Fenstermaker, Mary (Hill Country Planning Association)	<i>Mary Fenstermaker</i>	Susan Beavin	<i>Susan Beavin</i>
8	Fitzgerald, Bob (Medina County landowner)	<i>Dr. Bob Fitzgerald</i>		
9	Forster, Charles ("Frosty") (Pape-Dawson Engineers)	<i>Charles Forster</i>		
10	Hisler, Deirdre (Texas Parks and Wildlife Department)	<i>Deirdre Hisler</i>	Nic Maloukis	<i>n/a (not present)</i>
11	Hornseth, Tom (Comal County)	<i>Tom Hornseth</i>		
12	Jenkins, Sandy (City of San Antonio)	<i>Sandy Jenkins</i>	Eric Lautzenheiser	<i>E. Lautzenheiser</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)	<i>G. Schott</i>	Madelyn Schott	Madelyn Schott
20	Terrez, Jenna (CPS Energy)	<i>Jenna Terrez</i>		
21	Wright, Susan (Susan Wright & Associates)	<i>Susan Wright</i>		

~~FRANK SHERMAN~~ *Frank Sherman*

Bob Liesman

Bob Liesman

Alternate

GENERAL SIGN-IN SHEET

NAME	AFFILIATION	EMAIL ADDRESS	PHONE NUMBER
Terry Dudley	Hill Country Area Naturalists Naturalists & Consultants	terryd9992@skcglobal.net	422-3751
Susan Beaver	HCPA	on file	
Allison Arnsper	USFWS	allison-arnsper@fws.gov	
Charlotte Kucera	USFWS	charlotte_kucera@fws.gov	
Jim Cannizzo	US Army	james.cannizzo@us.army.mil	295-9830
Kathleen O'Connor	ZARA ENVIRONMENTAL		
Steve Webb	AAMN	webb@life@sbceglobal.net	416-7789
Mateya Schott			
MIKE BAUV	SAWS	—	—
Susan Ovalline	AAMN		
Kyle Cunningham	SAMHD	Kyle.Cunningham@swca.com	532-5471
Christine Westerman	SWCA	cwesterman@swca.com	877 2847

GENERAL SIGN-IN SHEET

NAME	AFFILIATION	EMAIL ADDRESS	PHONE NUMBER
FRANK V SHERMAN	Office of Military COSA Affairs		707-1337
Scott R Halty	SAWS		

CHARGE TO THE SEP-HCP CAC

Bexar County proposes to charge the Citizens Advisory Committee (CAC) of the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) with the following tasks:

- Recommend the overall vision, goals, and objectives of the SEP-HCP, including assistance with the recovery of threatened and endangered species; and reducing the associated pressures on Camp Bullis and aid in maintaining its training mission.
- Recommend a preferred alternative for each of the SEP-HCP major framing issues, including:
 - Boundaries of the Plan Area
 - Species to be Covered for Incidental Take
 - Activities to be Covered for Incidental Take
 - Conservation Strategy, and
 - Funding Strategy.
- Recommend the form and level of mitigation required of plan participants, and the methods for determining such requirements.
- Recommend a plan for consideration by Bexar County and the City of San Antonio prior to its submittal to the U.S. Fish and Wildlife Service as the basis for a permit application.

The landowner members of the CAC will appoint one member of the Biological Advisory Team.

OPERATIONAL RULES FOR THE SEP-HCP CAC

Actions of the CAC

- A quorum of 11 CAC members must be present to deliberate or take action.
- Due to the provisions of the Texas Open Meetings Act, unappointed alternates or proxies for appointed CAC members will not be recognized.
- A motion and second from the CAC is required before action is taken on an issue.
- The CAC will follow Roberts Rules of Order (abbreviated).
- Any CAC member can call for a roll-call vote.
- The CAC will strive for consensus, but a super-majority of 65% of the CAC members present for a vote is sufficient to carry a motion.
- Dissenting opinions may be submitted for the record, at the discretion of the dissenter.
- Bexar County and the City of San Antonio will be informed of the vote count for CAC actions.

Minutes and Records

- The consultant team will take notes at meetings and prepare draft minutes for CAC consideration, amendment (if necessary), and approval at the subsequent meeting.
- Approved minutes will be posted on the SEP-HCP website.
- An audio recording of CAC meetings will be captured and archived for the record.
- All materials will be distributed to the CAC for consideration via email or the SEP-HCP website.

Public Comments

- Each CAC meeting will include an opportunity for public comment identified on the agenda.
- Individuals will be limited to 3 minutes of speaking time per meeting during dedicated public comment agenda items. Citizens will be asked to sign a sign-in sheet.
- The CAC will not engage in discussion during the public comment agenda item.

- At the Chairs's discretion, the public can be recognized to speak on any item under discussion during the meeting.
- The public may provide written comments to the CAC at any time via info@sephcp.com, and all comments will be posted on the web site.

Communications

- Less than a quorum of CAC members may discuss SEP-HCP business outside of a posted meeting, provided that they have not been delegated decision-making authority and further provided that they are not meeting with an intent to circumvent the Texas Open Meetings Act.
- Email to and among CAC members will only be used to disseminate information.
- Written comments, suggestions, and other written communications from CAC members regarding SEP-HCP business outside of a posted meeting should be sent to the Bexar County or City of San Antonio SEP-HCP representatives, or the consultant team.