

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

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

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

Jonathan Letz called the meeting to order at 6:03pm and asked for CAC members and guests to introduce themselves.

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

Jonathan Letz called for public comments and noted that the CAC would accept comments from the public at any time during the meeting.

Mr. Mike Luckey (Kendall County landowner) addressed the CAC and explained that he had several concerns about the direction of the SEP-HCP, particularly regarding his opinion that the plan would not be truly voluntary. Mr. Luckey also expressed concern that stakeholders have not really been involved in the SEP-HCP process and that the plan is being developed without much outreach or involvement by the broader community. Mr. Luckey was concerned that Bexar County and the City of San Antonio would be extorting rural landowners in other counties to give them money or land in order to be able to use their own property. Mr. Luckey cited the Maverick Ranch conservation deal as truly voluntary conservation action.

Mr. Charles Seale (Exotic Wildlife Association) addressed the CAC and stated that he was a strong opponent of the SEP-HCP. Mr. Seale expressed concern that the U.S. Fish and Wildlife Service was trying to use local governments to enforce the federal Endangered Species Act. Mr. Seale stated his opinion that the SEP-HCP was about developing northwest Bexar County and mitigating somewhere else and stated that there were truly voluntary methods for achieving conservation.

Ms. Joan Bushong (Kerr and Real county landowner) addressed the CAC and noted that in 1994 citizens marched in Austin to oppose endangered species issues and fought against a central Texas rare species plan. Ms. Bishan stated that their opposition to these efforts was to protect against a loss of private property rights and stated that she sees the SEP-HCP as a similar threat. Ms. Bishan stated that she was strongly opposed to the SEP-HCP.

## **3. Review and approval of draft minutes from the January 10, 2011 meeting – Jonathan Letz or Kirby Brown (CAC Co-chairs)**

Jonathan Letz asked the CAC for any comments or edits to the revised draft minutes from the January 10, 2011 CAC meeting. No additional comments were offered. MOTION (Eric Lautzenhiser): Approve the draft minutes from the January 10, 2011 CAC meeting, as revised. SECOND (Ann Dietert). VOTE: Voice vote carried without opposition.

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**4. Discuss and comment on draft SEP-HCP brochure and feedback from recent presentations – Andy Winter (Bexar County)**

Andy Winter (Bexar County) introduced a draft brochure about the SEP-HCP prepared to give facts about the plan and asked for feedback from the CAC. Delmar Cain (CAC member) suggested that the brochure should be simpler with short bullet points addressing common questions. Michael Moore (CAC member) suggested that there should be more explanation of the rationale behind the 7-county plan area. Eric Lautzenheiser (CAC member alternate) suggested that the information should be highlighted differently. Tom Hornseth (CAC member) suggested that the brochure should point out that the Endangered Species Act has been in place since 1973 and the GCW/BCV have been listed as endangered species since the early 1990's. Mr. Hornseth added that the the SEP-HCP would simply be a way to comply with a law that is already on the books and would not change a landowner's responsibilities under the existing law. Jonathan Letz directed CAC members to provide their comments on the brochure to Andy Winter.

Andy Winter stated that he recently gave presentations about the SEP-HCP to the Comal County Republicans and to the Texas Land Brokers Association. Mr. Winter also said that he was scheduled to speak with the Boerne Chamber of Commerce in March 2011. Mr. Winter stated that he believed these groups were satisfied that the plan would be voluntary; however, some people were concerned about the proposed 3:1 mitigation ratio for the GCW.

Randy Johnson (CAC member) asked for clarification about what it means for a county to "opt out" of the SEP-HCP. Jonathan Letz stated that for Kerr County, the governmental body voiced their position that they don't intend to use the plan but left the option open for individuals to use the SEP-HCP, if they wanted to. Commissioner Letz noted that Bexar County (as the applicant) is the entity that will ultimately be making the final decisions about how to move forward with the SEP-HCP. Andy Winter added that the City of San Antonio would be an important partner with Bexar County for implementation of the SEP-HCP.

**5. Update on National Environmental Policy Act (NEPA) scoping – USFWS and Jacobs**

Leonard Voellinger (Jacobs Engineering) introduced himself as the NEPA contractor working with the U.S. Fish and Wildlife Service for the SEP-HCP project. Mr. Voellinger gave a presentation on the NEPA process, the purpose of an Environmental Impact Statement (EIS), the roles and responsibilities under NEPA, and how the CAC can have a part in the NEPA process.

Mr. Voellinger stated that NEPA sets a policy to create and maintain conditions for humans and nature to coexist and establishes a process for the development of projects involving the federal government. He described the publishing of a Notice of Intent, establishing the purpose and need for the project, scoping out the issues and alternatives to address in the EIS, processes for public involvement, reviewing and analyzing the environmental impacts of alternatives, and the need for concise documentation of findings. Mr. Voellinger also stated that NEPA acts as an umbrella that ensures that all relevant local, state, and federal laws are addressed.

Mr. Voellinger explained that the Service is the lead agency for this action and will supervise the NEPA process for the SEP-HCP. He added that the CAC may help recommend alternatives that should be analyzed in the EIS; although, it is ultimately the Service's responsibility to develop the set of alternatives for analysis in the EIS.

The Service (represented at the meeting by Allison Arnold and Charlotte Kucera) stated\* that they hope to publish the Notice of Intent to prepare an EIS in the Federal Register in February with public scoping meetings to be held in April, subject to Bexar County having a sufficiently well developed proposal for the SEP-HCP. Mr. Voellinger added that they expect to have an administrative draft of the EIS prepared in August 2011, with the final EIS completed in July 2012.

Bob Liesman (CAC member alternate) asked what the environmental impact of a conservation plan would be. Amanda Aurora (Loomis Partners) responded that NEPA requires a review of the impacts of a project

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on the entire human environment, including socioeconomic considerations, not just the natural environment. Mr. Voellinger added that the EIS must address public involvement and environmental justice issues, as well.

A member of the public noted that a regional HCP effort like the SEP-HCP can save individuals a lot of time and money by taking care of NEPA compliance on a regional scale, instead of individuals needing to prepare all of this environmental documentation and analysis. Another member of the public asked how the SEP-HCP might affect property values for non-participants and a different citizen responded that the SEP-HCP could improve property values by reducing some of the costs associated with Endangered Species Act compliance. Annalisa Peace (CAC member) suggested that the currently proposed participation fees were too low. Randy Johnson (CAC member) asked the Service if someone today needs to do a bird survey to develop their property. The Service responded\* that compliance with the Endangered Species Act is a current obligation for landowners, but asked for detailed questions to be submitted in writing.

#### **6. CAC sub-group work sessions (working through spreadsheet presented at January 10, 2011 meeting)**

Sonia Jimenez (Ximenes and Associates) and Jonathan Letz explained that the CAC would break into small groups to identify alternatives for the GCW and BCV conservation program that seek to balance the amount of take authorized, mitigation ratios and preserve size, the distribution of preserve land, and participation fees. Ms. Jimenez stated that the County is seeking to understand where the CAC's priorities are for the GCW and BCV conservation program.

Ms. Jimenez asked the CAC to identify some of the issues or concerns they may have about the proposed measures for the GCW and BCV conservation program. Frosty Forster (CAC member) stated that the BAT's recommendations were going to be very expensive to implement and that participants are not going to pay more than market value for mitigation. Mr. Forster added that he was not interested in having the public subsidize the plan and that the plan must be affordable. Bob Liesman (CAC member alternate) stated that he felt that the mitigation ratios were too high and that the plan needs to be affordable. Annalisa Peace (CAC member) stated that she felt it was not desirable to have a plan that enables more and higher density development over the Edwards Aquifer.

The CAC broke into four subgroups for additional discussion, using the simple budget model spreadsheet as a guide for crafting a balanced alternative for the GCW and BCV conservation program.

#### **7. Discussion of subgroup ideas for conservation program and funding**

The full CAC reconvened to discuss the exercise, and many groups noted that they did not have enough time to reach consensus within their groups. Some CAC members noted that the small work group format was helpful to talk through concerns, and other CAC members stated that the process was still very complicated and frustrating. Delmar Cain noted that the CAC has received a lot of information, but the group does not seem to be making decisions based on this information. Jonathan Letz responded that the BAT has provided recommendations based on biological considerations, and that the CAC consider their recommendations along with all other community needs and priorities. Annalisa Peace asked for additional information on the basis for the land values being used in the budget model. Susan Wright stated that it would be helpful to have BAT members present to help explain their recommendations.

Jonathan Letz suggested that the CAC hold another meeting focused only on continuing the small work group discussions.

Frosty Forster (CAC member) stated he was concerned that if the SEP-HCP gets approved and someone elects to not use the plan, that the Service will still require them to use the same mitigation ratios. The Service responded\* that no one would be trapped by the mitigation ratios used in the SEP-HCP and that any such ratios would be based on biological considerations, including the status of the species at the

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time the project was evaluated. Annalisa Peace suggested that the Service might reject the SEP-HCP if the mitigation ratios were too low and the Service added\* that the SEP-HCP must contribute to recovery of the species for the permit to be issued (although it does not have to achieve recovery). Frosty Forster noted that the CAC is trying to guess at what the Service would accept; Randy Johnson agreed.

Jonathan Letz stated his understanding that if the plan meets the issuance criteria, then the Service must approve it. The Service responded\* that issuance of the permit depends on how the issuance criteria are interpreted. Richard Heilbrun (Texas Parks and Wildlife Department, BAT chair) stated that the SEP-HCP is a community driven plan and that the Service may approve the plan, disapprove the plan, or ask for changes; but that the community needs to be the entity that puts the proposal forward, not the Service.

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

Jonathan Letz stated that the next CAC meeting would be scheduled for February 21, 2011 to continue the small work group discussions.

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

Jonathan Letz adjourned the meeting at 8:35pm.

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