



City of San Antonio

Agenda Memorandum

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Agenda Item Number: 29.

Agenda Date: 1/19/2017

In Control: City Council A Session

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICTS IMPACTED: Citywide, Bexar County, Extraterritorial Jurisdiction (ETJ)

SUBJECT:

Discussion and possible action on the Interlocal Agreement, between COSA and Bexar County on the implementation of the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP).

SUMMARY:

This ordinance authorizes an Interlocal Agreement between the City of San Antonio and Bexar County to implement the SEP-HCP; authorizes the creation of a Special Revenue Fund to account for the revenues and expenses of the SEP-HCP; appropriates \$175,000 from the Development Services Fund as a loan to seed the SEP-HCP; and authorizes and accepts \$175,000 from Bexar County into the Special Revenue Fund as a loan to seed the SEP-HCP. The SEP-HCP was developed to help preserve habitats in Bexar County and six surrounding counties through the U.S. Fish and Wildlife Service. In exchange, the U.S. Fish and Wildlife Service will provide the Plan marketable habitat credits that can be sold to projects seeking to develop on or close to property with habitats. The revenues from the sale of the credits will be used to reimburse the Development Services Fund for the loan and purchase more property with habitat. The Plan will assist in preserving the mission of Camp Bullis.

BACKGROUND INFORMATION:

The City of San Antonio is home to several military installations including Fort Sam Houston and its training facility at Camp Bullis. Implementation of recommendations made in 2005 by Defense Base Closure and Realignment Commission (BRAC) transformed Fort Sam Houston into a leading military medical education training facility and made the military training missions at Camp Bullis vital to national security. In August 2008, in an effort to support the military's mission City Council approved several initiatives based on the Joint Land Use Study that was created to address, support, and protect Camp Bullis.

The Camp Bullis final Joint Land Use Study was accepted by City Council in June 2009 to preserve and protect the quality and quantity of the training conducted at the military installation. Since then Development Services Department has coordinated and implemented several ordinances to support the Military's Mission, which

include:

- Military Notification Area - Implemented December 2008
- Military Lighting Overlay District - Implemented December 2008
- Habitat Compliance Ordinance - Implemented August 2009
- Environmentally Sensitive Area (ESA) Ordinance - Implemented October 2009
- Strengthened the tree ordinance (Canopy) - Implemented May 2010
- Military Sound Attenuation Overlay District - Implemented June 2010
- Regional Habitat Conservation Plan - **January 2017**

The Regional Habitat Conservation Plan was another initiative that began in 2009. The objective was to conserve natural habitats while accommodating compatible uses around military bases. To begin the process of creating a Habitat Plan, an Interlocal Agreement was entered into on November 2009 between the City of San Antonio and Bexar County.

In December 2009, preparation of the Southern Edwards Plateau - Habitat Conservation Plan (SEP-HCP) was led by Bexar County and began with the creation of a Citizens Advisory Committee and a Biological Advisory Team, both appointed by Bexar County Commissioners Court and comprised of land owners, developers, government agencies, conservationists and biologists to ensure that the plan met the needs of the local community and regulatory requirements of the Endangered Species Act (ESA), National Environmental Policy Act and Chapter 83 of the Texas Parks and Wildlife Code. Subcommittees were also created representing stakeholder groups, landowners, business/real estate interests and government/utility providers. The first draft of the SEP-HCP was released in 2011 and again in 2015 to seek input from the advisory committees, agencies and the general public.

In December 2015, U.S. Fish and Wildlife services approved the final Southern Edwards Plateau - Habitat Conservation Plan and on January 18, 2016, a Joint 30- year Incidental Take Permit was issued to the City of San Antonio and Bexar County. The permit authorizes a limited amount of “incidental take” of federally listed endangered species within the City of San Antonio and Bexar County. The covered federally listed endangered species include:

1. Golden-checked Warbler
2. Black-capped Vireo
3. Covered Karst Invertebrates:
 - a. Government Canyon Bat Cave Spider (*Neoleptoneta microps*)
 - b. Madla Cave Meshweaver (*Cicurina madla*)
 - c. Braken Cave Meshweaver (*Cicurina venii*)
 - d. Government Canyon Bat Cave Meshweaver (*Cicurina vespera*)
 - e. *Rhadine exilis* (a beetle with no common name)
 - f. *Rhadine internalis* (a beetle with no common name)
 - g. Helotes Mold Beetle (*Batrisodes venyivi*)

The Plan will provide for local administration of the ESA and help to streamline the process for achieving ESA compliance for landowners, developers, the City of San Antonio, Bexar County and anyone conducting non-federal activities within the jurisdiction of the Plan area. Compliance with the ESA is required when potential development activity threatens endangered species or their habitats and therefore requires conservation actions to help offset the harm that may be caused by the development. Participation in the Plan is voluntary for anyone seeking to comply with the ESA.

In addition to the adopted JLUS the City’s SA Tomorrow Comprehensive Plan, lists the SEP-HCP as a policy that should be supported and implemented. The SA Tomorrow Plan also recommends that we continue our

support of San Antonio Water Systems (SAWS) programs relating to water quality, specifically the Edwards Aquifer, the Sensitive Land Acquisition Program, and SAWS programs that support growth and sustainability. With most of the endangered species habitat occurring over areas within the recharge and contributing zones of the Edwards Aquifer implementation of the Plan would also offer additional protection for properties over the aquifer.

Through the execution of this Interlocal Agreement the City and County are establishing an organizational structure, administration, implementation, and funding of the SEP-HCP. This Interlocal Agreement creates an SEP-HCP Coordinating Committee which will carry out the purposes and goals of the SEP-HCP by making budget recommendations, permit management, provide policy oversight, and develop and administer guidelines for the purchase and management of all the lands in the preserve system. Staff recommends that City Council assign an Assistant Director of Development Services Department, Assistant Director of the Planning Department, and the Director of the Parks Department to the Coordinating Committee.

POLICY DISCUSSION:

The Interlocal Agreement proposes specific roles and responsibilities of the City and County which include:

1. Plan Management

The City and County will co-manage the plan through the appointment of the Coordinating Committee. The Coordinating Committee will consist of six (6) voting members with the City and County each appointing three (3) members. The City will appoint the Chair and Secretary with the Secretary serving as the chief administrative officer to the Committee.

2. Plan Funding

The City and County will equally participate in the funding of the Plan. An initial contribution, of up to \$175,000 will be provided by both the City and the County. Also, Plan participants will pay an application surcharge to offset the costs and thereby create a self-sustaining Plan. The total \$350,000 will fund the costs associated with surveying Government Canyon, management of the Plan and associated consulting fees.

The goal for the Plan is to be self-sustaining. With the implementation of the Plan, the City and County will be able to purchase land with endangered habitat and work with the U.S. Department of Fish and Wildlife to preserve that land. Once the land is preserved, the City will receive habitat credits from the U.S. Fish and Wildlife. These credits can be sold to land owners, or anyone conducting non-federal activities which may encroach on a habitat. With the revenues from the sale of the credits, the City can purchase additional land to receive more credits. Also, plan participants will pay an application surcharge to offset the costs and thereby create a self-sustaining plan. The Plan will reimburse the City and County's initial contribution. A Special Revenue Fund will be created to account for the activities related to the implementation of this plan.

3. City Property

Proposition 1, 2 and 3 land and other City property and open space are eligible to participate in the Plan as preserve land. City staff will bring any City land to be used by the Plan to City Council for approval. This Interlocal Agreement does not commit the City to use land acquired through the Proposition Program.

4. Credits from City Property

City property is eligible to support both public and private projects. City staff will take these properties to City Council for consideration for participation in the Plan and at that time will ask Council for direction on how those credits are to be used.

5. Public and Private Projects

Both public and private projects will be allowed to participate in the Plan.

6. Projects over the Recharge and Contributing Zones

Projects over the recharge and contributing zones are allowed to participate in the Plan. These projects will occur regardless of the Plan and participation in the Plan will encourage compliance with the Endangered Species Act. It is also important to note that U.S. Fish and Wildlife will permit projects to create their own habitat conservation plan as long as they comply with the aquifer protection regulations.

7. Preserved Property

The City aspires to reach a goal of a minimum of 30% of Golden Cheeked Warbler Habitat to be preserved within Bexar County or 5 miles from Bexar County. This will not be a hard rule for the Plan to follow.

ISSUE:

As the population of San Antonio and surrounding areas has increased over the past 30 years the loss of habitats for endangered species has also increased. Currently, there are no set standards to assess project impacts on the endangered species and natural habitats. The ESA process, time, and costs associated with achieving compliance hinder participation resulting in developments forgoing any conservation actions. Developments that comply with the ESA face the same issues, time and cost. The Plan will help to streamline, and shorten the process for ESA permits and reduce any regulatory uncertainty for participants and increase the level of conservation for the Plan area. The Plan will also provide pre-determined mitigation ratios and fee structures to offset impacts.

ALTERNATIVES:

City Council could elect not to participate and defer all responsibilities and associated costs to Bexar County through the execution of the Interlocal Agreement.

FISCAL IMPACT:

This ordinance authorizes an interlocal agreement between the County and City to implement the SEP-HCP and authorizes the creation of a Special Revenue Fund to account for the activities related to the implementation. Funds in the amount of \$175,000 are authorized to be appropriated from the Development Services Fund FY 2017 Adopted Budget and loaned to the Special Revenue Fund. Additionally, funds in the amount of \$175,000 are authorized to be receipted from the County into the Special Revenue Fund. This ordinance further appropriates the funds loaned and receipted from Bexar County to be used to survey Government Canyon, manage the Plan, and fund costs associated with consultants.

As the City purchases and preserves land with habitats, the City will receive habitat credits which can be sold to land owners interested in developing on or near land with protected habitats. The sale of these credits will generate additional revenues in the Special Revenue Fund for the City to purchase additional land with protected habitats.

The City may provide an annual contribution of up to \$30,000 a year from bonds, private donations, or other funding mechanisms to include in-kind services or staff support provided that such services are clearly delineated in the City's operating budget. It is anticipated that once the fund is operating and receiving revenues sufficient to perform activities it will reimburse the Development Services Fund and County for their initial

contribution of \$175,000 each.

RECOMMENDATION:

Staff recommends approval of the Interlocal Agreement between the City of San Antonio and Bexar County to implement the SEP-HCP; appoint the following City staff to the Coordinating Committee: Melissa Ramirez, Rudy Nino and Xavier Urrutia; appropriate \$175,000 from Development Services Fund to loan to the Special Revenue Fund; receipt \$175,000 from Bexar County to record in the Special Revenue Fund; and appropriate funding in the Special Revenue Fund to be used to survey Government Canyon, manage the Plan, and fund costs associated with consultants.