



# City of San Antonio

## Agenda Memorandum

**File Number:**16-5510

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**Agenda Item Number:** 1.

**Agenda Date:** 12/7/2016

**In Control:** City Council B Session

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

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

**SUBJECT:**

A briefing on the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) and potential Interlocal Agreement between COSA and Bexar County.

**SUMMARY:**

In an effort to protect Camp Bullis the SEP-HCP offers projects that must remove habitat a more expedient way to comply with the Endangered Species Act. The SEP-HCP preserves habitat in advance and then sells habitat credits to project developers so that they can remove habitat and proceed with their project. The proceeds from the sale are used to purchase more habitat.

**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 - **Implementation in discussion**

The Regional Habitat Conservation Plan was another initiative that began in 2009. The objective was to conserve natural communities 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-cheeked 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 (*Batrisesodes ventyivi*)

The plan will provide for local administration of the ESA and help to streamline the process for achieving 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 the Interlocal Agreement the City and County will establish an organizational structure and allocation of shared responsibilities for the coordination, administration, implementation, and funding of the SEP-HCP and jointly manage the Permit. Creation of a SEP-HCP Coordinating Committee 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.

## **POLICY DISCUSSION:**

The Interlocal Agreement proposes specific roles and responsibilities of each co-Permittee, the City of San Antonio participation discussion includes:

1. Should City participate in the plan management?
  - An organizational structure must be created to decide which projects and preserved land to be included in the plan.

Recommendations:

- The City and County should equally participate in the management of the plan.
- Subject matter experts should serve as advisors to a management committee.

2. Should City participate in funding the plan?
  - Funding will be needed for land management and monitoring of preserve land.

Recommendations:

- City and County should participate in funding of the plan.
- Projects using the plan should be charged a maintenance fee.
- Fund and hire a 3<sup>rd</sup> party for the daily management of the land preserved.

3. Should City property be used as preserves for the plan?
  - Proposition 1 and 3 land and other City property and open space are eligible to participate in the plan as preserve land.

Recommendations:

- Do not use existing land acquired through the Prop 1 and 3 processes.
- Use future land acquired through Prop 1 process.
- Use other City Property and Open Space land.

4. If yes to #3, should credits from City property be used for both Public and Private projects?
  - City property is eligible to be used to support both Public and Private projects.

Recommendations:

- Only use City credits for Public projects with a priority to City projects.

5. Should **plan** support both Public and Private projects?
  - Both Public and Private projects are eligible to participate in the plan.

Recommendations:

- Plan should allow both private and public projects. The goal is to encourage compliance with the Act.
- Financially the more projects allowed will increase funding for the plan.

6. Should plan exclude projects over the Recharge and Contributing Zones?
- Projects over the zones are eligible to use the plan.
  - SA Tomorrow encourages land intensive development patterns to locate outside of the recharge and contributing zones.

Recommendations:

- Plan should not exclude projects over the zones. However, projects in these zones should contribute at a higher rate to the plan.
- These projects will take place regardless of the plan and the plan will encourage compliance with the Act.

7. Should plan limit preserves to Bexar County?

- Permit is issued to allow preserves in Bexar County and surrounding 6 Counties.
- Camp Bullis recommends preserving land near the base.

Recommendations:

- Plan should set as a goal a minimum of 30% of Golden Cheeked Warbler Habitat to be preserved within Bexar County or 5 miles from Camp Bullis.
- Karst Preserves are only found in Bexar County.

## 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. Development activity has increased and will continue if there are no set standards to assess project impacts on the endangered species and natural habitats. Currently, 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, and in turn pass these onto the potential buyers. 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:

The City may provide an annual contribution of approximately \$30,000 a year from the general fund, bonds, private donations, or other funding mechanisms. Contributions may be made through in-kind services or staff support provided that such services are clearly delineated in the City's operating budget. The goal is to make this plan self-sustaining so the City's annual contribution may be reduced in future years.

**RECOMMENDATION:**

Staff recommends that negotiations begin regarding the Interlocal Agreement with Bexar County and proceed to City Council for consideration.

- a. Appoint Coordinating Committee Members
- b. Establish long term funding for the plan.