



# City of San Antonio

## Agenda Memorandum

**File Number:** 17-6695

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**Agenda Item Number:** 38.

**Agenda Date:** 12/13/2017

**In Control:** Planning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon, PE, CBO

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

### **SUBJECT:**

Discussion and action on an Interlocal Agreement between the City of San Antonio, Bexar County, and Texas Parks and Wildlife Department to collectively implement management and monitoring requirements for the six (6) Karst Fauna Areas (KFAs) within Government Canyon State Natural Area (GCSNA).

### **SUMMARY:**

The SEP-HCP provides for local administration of the Endangered Species Act (ESA) and helps to streamline the process for achieving compliance for property owners, the City of San Antonio, Bexar County and anyone conducting non-federal activities within the jurisdiction of the plan area. An Interlocal Agreement is being pursued to continue the long term maintenance, management, monitoring of the endangered species.

### **BACKGROUND INFORMATION:**

The City of San Antonio is home to several military installations. 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 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 included:

- 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 - Implemented January 2017

In 2009, City Council passed Ordinance authorizing an Inter-local Agreement (ILA) with Bexar County to begin the process of establishing and submitting the Southern Edwards Plateau-Habitat Conservation Plan (SEP-HCP). Bexar County created a Citizens Advisory Committee and a Biological Advisory Team comprised of land owners, developers, government agencies, conservationists and biologists to develop the plan and ensure the SEP-HCP met the needs of the local community and regulatory requirements.

In December 2015, U.S. Fish and Wildlife Service approved the final SEP-HCP, and in January 2016, a joint 30-year Incidental Take Permit was issued to 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 (*Batrisodes venyivi*)

In January 2017, City Council passed Ordinance executing another ILA between the City and County that established the organizational structure and allocation of shared responsibilities for the coordination, administration, implementation, and funding of the approved SEP-HCP and Permit.

The Plan provides for local administration of the Endangered Species Act (ESA) and help to streamline the process for achieving compliance for property owners, the City of San Antonio, Bexar County and anyone conducting non-federal activities within the jurisdiction of the plan area. SEP-HCP facilitates the creation of a large preserve system that would provide permanent protection for endangered species in Central Texas. In order for the SEP-HCP efforts to proceed, the SEP-HCP was required to improve protection for seven (7) SEP-HCP Covered Karst Invertebrate species (Covered Karst Invertebrates) prior to allowing Participants whose projects are located over karst zones to enroll in the SEP-HCP.

In May 2017, a Memorandum of Understanding (MOU) was entered into between the City of San Antonio, Bexar County (SEP-HCP Permittees) and Texas Parks and Wildlife Department (TPWD) to establish the coordination, administration, implementation, funding, and performance of obligations in accordance with the incidental take permit (ITP). The ITP required the completion of Initial Conservation Actions for the Covered Karst Invertebrates prior to allowing enrollment of projects located over karst zones. In order for the SEP-HCP efforts to proceed, the Permittees must improve protections for the Covered Karst Invertebrate species.

The MOU was pursued as the funding was allocated in the original ILA between the City of San Antonio and Bexar County to implement the plan. The MOU expired on September 20, 2017, and an amendment was approved to extend the term of the MOU until December 31, 2017, to allow staff to work towards an Interlocal Agreement.

The intent of the ILA is for the City of San Antonio, Bexar County and Texas Parks and Wildlife Department to collectively implement management and monitoring requirements for the six (6) Karst Fauna Areas (KFAs) present in GCSNA as set forth in the USFWS-approved SEP-HCP GCSNA KFAs Management and Monitoring

Plan for 2017. The contributions made towards the recovery of the karst will not contribute towards the mitigation obligation of the ITP, which requires the establishment of a minimum of one thousand (1,000) acres of new recovery-quality karst habitat.

Each party shares the common goal of facilitating the biological objectives set forth in the SEP-HCP by contributing to the recovery of the seven (7) Covered Karst Invertebrates through the management and monitoring of six (6) Karst Fauna Areas (KFAs) within GCSNA and satisfying a component of the SEP-HCPs Initial Conservation Actions requirements. This agreement that will set out the management of Conservation Actions for GCSNA in accordance with the SEP-HCP ITP continuing through the life of the plan ending on September 30, 2032.

This ILA was considered and approved by the SEP-HCP Coordinating Committee and a briefing was given to the Conservation Advisory Board.

#### **ISSUE:**

A failure to uphold the permittees responsibilities for funding, implementation, protection, and management of the Plan would negatively impact the Plan including termination of the approved Permit.

#### **ALTERNATIVES:**

The Planning Commission could elect not to approve the Interlocal Agreement and the SEP-HCP would not meet the requirements of the Incidental Take Permit. The lack of action will negatively impact the Plan and may terminate the approved Permit.

#### **FISCAL IMPACT:**

The SEP-HCP Permittees (COSA and Bexar County) will allocate \$50,000.00 each to provide an annual contribution of \$100,000 per year for fifteen (15) years with \$35,000.00 each year allocated to that years management and monitoring obligations, and the remaining \$65,000.00 each year will be allocated to funding the perpetual management and monitoring endowment.

#### **RECOMMENDATION:**

Staff recommends approval of the Interlocal Agreement between the City of San Antonio, Bexar County, and Texas Parks and Wildlife Department.