



City of San Antonio

Agenda Memorandum

File Number:18-1078

Agenda Item Number: 16.

Agenda Date: 1/18/2018

In Control: City Council A Session

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon, PE, CBO

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

SUBJECT:

An ordinance authorizing 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) that contain endangered species within Government Canyon State Natural Area (GCSNA) as established by the Southern Edwards Plateau Habitat Conservation Plan.

SUMMARY:

The Southern Edwards Plateau-Habitat Conservation Plan (SEP-HCP) provides for local administration and compliance with the Endangered Species Act (ESA) and helps to streamline the process for property owners, the City of San Antonio (CoSA), Bexar County and anyone conducting non-federal activities within the jurisdiction of the plan area. An Interlocal Agreement (ILA) is being proposed to continue the long term maintenance, management, and monitoring of endangered species within the Government Canyon State Natural Area.

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 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, including:

- Military Notification Area - December 2008
- Military Lighting Overlay District - December 2008

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 Camp Bullis military installation. Since then, the Development Services Department has coordinated and implemented several ordinances to support the military's mission:

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

In 2009, City Council passed an Ordinance authorizing an ILA with Bexar County to begin the process of establishing and submitting the 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 (USFWS) approved the final SEP-HCP, and in January 2016, a joint 30-year Incidental Take Permit (ITP) was issued to the City of San Antonio and Bexar County (both agencies are Permittees). The covered, federally listed endangered species include (1) the Golden-cheeked Warbler (Endangered Bird), (2) Black-capped Vireo (Endangered Bird), and (3) seven species of Covered Karst Invertebrates (Endangered insects living underground).

In January 2017, City Council passed an 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 and compliance with the ESA and helps to streamline the process for property owners, CoSA, Bexar County and anyone conducting non-federal activities within the jurisdiction of the plan area. The 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 the seven species of 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, and Texas Parks and Wildlife Department (TPWD) to establish the coordination, administration, implementation, funding, and performance of obligations in accordance with the 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 funding was allocated in the original ILA (2016) between the CoSA 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 for development and approval of an ILA.

The intent of the ILA is for CoSA, Bexar County and TPWD to collectively implement management and monitoring requirements for the six (6) Karst Fauna Areas (KFAs) present in Government Canyon as set forth in the USFWS-approved plan 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 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 Covered Karst Invertebrates through the management and monitoring of six Karst Fauna Areas (KFAs) within GCSNA and satisfying a component of the SEP-HCP's Initial Conservation Actions requirements. This agreement will set out the management of Conservation Actions for GCSNA in accordance with the SEP-HCP ITP through September 30, 2032.

The Planning Commission and the City Council Intergovernmental Relations Committee both reviewed the proposed Interlocal Agreement on December 13, 2017.

ISSUE:

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

ALTERNATIVES:

City Council 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 \$100,000.00 per year for fifteen (15) years. Each year, \$35,000.00 will be allocated management and monitoring obligations and the remaining \$65,000.00 will be allocated to funding the perpetual management and monitoring endowment. Funding for the City's portion of the agreement is included in the FY 2018 Adopted Budget. Funding for future years is contingent upon annual appropriation subject to City Council approval of the annual budget.

RECOMMENDATION:

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