

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

## **AGENDA**

**DATE:** April 5, 2010  
**LOCATION:** Casa Helotes Senior Citizens Center  
12070 Leslie Road Helotes, Texas 78023

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

Jonathan Letz (CAC co-chair) called the meeting to order at 6:07pm. Meeting attendees briefly introduced themselves. Mr. Letz noted that the CAC co-chairs have been attending meetings of the Agency Oversight Group (AOG). Mr. Letz proposed to meet informally with small groups of CAC members in less than a quorum to promote open communication and make sure that stakeholder concerns are heard. Mr. Letz explained that future CAC meetings are likely to be more focused on particular topics or action items, rather than to receive general information, and that the agendas will be structured to avoid asking the CAC to take action on a new topic or issue without having at least one meeting to hear about and discuss the topic.

### **2. Review and approve minutes, with any appropriate changes, from the March 1, 2010 meeting.**

Jonathan Letz asked for discussion on the revised draft CAC minutes from the March 1, 2010 meeting. There was no discussion on the draft minutes or the suggested revisions.

MOTION (Michael Moore): Approve the draft minutes from the March 1, 2010 CAC meeting, as revised.  
SECOND (Robert Fitzgerald). VOTE: Motion carried unanimously by voice vote.

### **3. Public comments (3 minutes per speaker)**

Jonathan Letz called for public comments. None were received. Mr. Letz invited members of the public to join the CAC discussion during the rest of the meeting.

### **4. Report from consultant team – Clifton Ladd or Amanda Aurora (Loomis Partners)**

Clifton Ladd (Loomis Partners) briefed the CAC on current work by the consultant team on the baseline resource assessments and reviewed the overall project schedule. Mr. Ladd stated that the consultant team expects to complete internal drafts of resource assessments in April with reports for most major topics ready for committee review in May. Mr. Ladd noted that this schedule may make up for some prior delays from the originally anticipated schedule.

Mr. Ladd noted that the consultant team had not received any comments from the public via the website or by email since the March 1, 2010 CAC meeting.

Mr. Ladd announced that a field trip to Friedrich Park is scheduled for April 17 to view some of the habitats and species to be addressed by the SEP-HCP. Mr. Ladd stated that the field trip would be led by Jayne Neal (BAT member and City of San Antonio Parks and Recreation Department staff) and that additional details about the field trip would be sent out.

## **5. Presentation on Camp Bullis mission and biological issues – Jim Cannizzo (Fort Sam Houston)**

Mr. Jim Cannizzo (environmental attorney representing Camp Bullis) gave a presentation about the mission at Camp Bullis and the issues affecting the continued operation of the installation related to encroachment by land development activities. He indicated that light pollution, noise, and endangered species were some of the most important concerns, and that these issues have already restricted or limited some types of training activities on Camp Bullis. Mr. Cannizzo explained that the field training capacity of Camp Bullis, which contains mostly undeveloped land, is an essential component of the installation's mission and a key factor contributing to the recent expansion of training operations.

Mr. Cannizzo identified recent efforts to address concerns related to encroaching development, including the recently completed Joint Land Use Study (JLUS) that recommended specific activities to alleviate these concerns. He described solutions to minimize light pollution in the vicinity of Camp Bullis that would be applied to new developments and certain re-development projects and noted that dark sky lighting can also save landowners money. He also explained upcoming solutions that are anticipated to help avoid or minimize issues associated with noise for other landowners in the vicinity of Camp Bullis.

Mr. Cannizzo described that approximately 10,000 acres of Camp Bullis supported potential habitat for the endangered golden-cheeked warbler and that the amount of warbler habitat known to be occupied and the number of birds known to occur on the installation has increased steadily over the past two decades. He noted that biologists suspect that some of the increase is due to habitat loss in the vicinity of Camp Bullis, such as new subdivisions built in dense woodlands. Mr. Cannizzo stated that the City of San Antonio passed a requirement for species surveys that is expected to help stem the loss of golden-cheeked warbler habitat without compensatory mitigation.

Mr. Cannizzo described military efforts to acquire conservation credits as mitigation that would enable some habitat on Camp Bullis to be cleared or thinned in order to expand training activities. He noted that the U.S. Fish and Wildlife Service requires such mitigation to be in parcels (or groups of parcels) containing at least 500 acres. He described that the City of San Antonio recently transferred 1,100 golden-cheeked warbler conservation credits to the military that authorized 762 acres of Camp Bullis to be cleared for training purposes. About 604 acres of mostly unoccupied habitat were actually cleared in the past several months and the leftover 158 acres credits will be used the next thinning season.

Mr. Cannizzo briefly discussed concerns related to karst invertebrates and noted that Camp Bullis does not have authorization to take karst habitats.

Mr. Cannizzo summarized that light pollution issues have been largely resolved and that noise concerns are expected to be resolved with the likely passage of a new City of San Antonio ordinance. He also expressed optimism that the recent efforts to obtain conservation credits will address the endangered species issues for Camp Bullis in a few years.

Annalisa Peace (CAC member) asked if there was a requirement for real estate professionals to disclose potential encroachment concerns to the purchasers of property near Camp Bullis and Mr. Cannizzo responded that some voluntary measures were recently put in place but that there were no mandatory requirements to do so.

Kirby Brown (CAC co-chair) noted that some vegetation thinning activities on Fort Hood did not require mitigation and asked whether that situation applied to the activities proposed for Camp Bullis. Mr. Cannizzo replied that the constraints for that particular type of brush management used at Fort Hood were too restrictive for Camp Bullis to achieve its training goals.

Robert Fitzgerald (CAC member) asked how Camp Bullis was addressing karst invertebrate issues and Mr. Cannizzo responded that it was often very costly and difficult to find appropriate mitigation for the loss of karst habitat, but that karst species pressures on training were a less significant issue because the Camp has only 2,500 acres of karst preserves.

## **6. Report on independent legal counsel – Andy Winter (Bexar County)**

Andy Winter (Bexar County) updated the CAC on efforts by the Bexar County District Attorney to obtain independent legal counsel for the SEP-HCP. Mr. Winter expected the District Attorney to reach a decision on a legal firm in the next week, and that after contract negotiations the SEP-HCP independent legal counsel might be in place by the end of May. Clifton Ladd noted that the consultant team had asked Allison Elder (Braun & Associates) to assist with the project until independent legal counsel was available, noted that Ms. Elder was well respected in the region, and stated that the consultant team fully supports efforts by the County to obtain independent assistance with legal matters.

Annalisa Peace asked if the budget for the independent legal counsel would be paid for through the grant and Andy Winter responded that a portion of the grant funds have been reserved for legal services. Andy Winter also stated that if Braun & Associates were selected as the County's independent legal counsel that they would resign from the consultant team. Mr. Winter explained that the legal consultant would be tasked with helping to ensure that the project documents were legally sufficient. Mr. Winter stated that other regional HCPs in Texas did not have independent legal counsel, and that the consultants provided legal review of the project documents. Amanda Aurora and Clifton Ladd (Loomis Partners) clarified that other county-wide or regional HCP's did have legal teams that worked directly for the counties and not for the HCP consultants.

Annalisa Peace commented that the CAC should have oversight of the project budget and asked if funds were set aside for new biological studies. Clifton Ladd responded that the overall project budget reserved funds for legal services and unallocated contingencies. Jonathan Letz suggested that the consultant team give a presentation on the project budget at the next meeting. Susan Wright (CAC member) stated that it was important for the County's legal counsel to be knowledgeable about endangered species issues and Andy Winter responded that the decision on legal counsel would rest entirely with the Bexar County District Attorney, but that Loomis Partners helped to define an appropriate scope of work for such services.

### **BREAK (10 minutes)**

The CAC opted to continue through the scheduled break.

## **7. Presentation: Basic Biology of Golden-cheeked Warblers and Black-capped Vireos – Richard Heilbrun (TPWD, BAT Chairperson)**

Richard Heilbrun gave presentations on the biology of the golden-cheeked warbler and the black-capped vireos and encouraged CAC members to visit and become familiar with habitats for these two species.

Mr. Heilbrun described the endangered status, distribution, migratory behavior, and habitat requirements for the black-capped vireo. He noted that the vireo uses early successional, quasi-open canopy, shrubby habitat that forms approximately 5 years after vegetation disturbance and remains suitable for approximately 5 to 10 years before becoming too overgrown for the species. He described suitable nesting habitat as shrubby cover approximately 0 to 8 feet tall and composed of a variety of woody plants. He noted that nest parasitism by brown-headed cowbirds was an important threat to the reproductive success of the species and that cowbird trapping was an effective management tool. Mr. Heilbrun also noted that deer management and brush management were also important for maintaining suitable vireo habitat. Mr. Heilbrun offered to conduct a cowbird trapping certification class for interested CAC members.

CAC members and members of the public asked questions about brown-headed cowbird population trends, vireo nest characteristics, vireo site fidelity, and vireo habitat characteristics. Mr. Heilbrun responded that cowbird populations seem to be increasing and exhibiting more stationary behaviors due to their association with stationary cattle herds (instead of migratory buffalo herds). He described vireo nests as only large enough to contain the vireo's body, with their head and tails sticking out of the nest and that black-capped vireo nests are similar to white-eyed vireo nests. He also noted that overgrazing can reduce vegetation structure between 0 and 8 feet from the ground and affect vireo habitat, but that the height of grasses in vireo habitat was not a significant factor in habitat use.

Mr. Heilbrun described the endangered status of the golden-cheeked warbler and noted that this species only nests in central Texas. He described the species habitat as a mature Ashe juniper-oak woodland complex with a closed canopy (at least 70% closure is ideal), but noted that the species is also known to use more open woodlands with canopy cover less than 30%. Mr. Heilbrun suggested that the warbler may use slightly more open woodlands in the San Antonio area than in other parts of its range. He described that the warbler feeds on arthropods in juniper and live oak trees early in the season and switches to foraging on deciduous oak trees later. Mr. Heilbrun described that habitat for the warbler is frequently found on slopes and in canyons, but that the species may also occur in suitable woodlands on upland areas. He stated that the key habitat component for the species seems to be tied to canopy cover and the presence of mature Ashe juniper (the peeling bark of mature juniper trees is essential for warbler nest construction).

Bob Liesman (CAC alternate) noted that some believe that Ashe juniper (a.k.a. "cedar") was historically found only in canyons and asked whether the warbler was increasing due to the expansion of habitat onto upland areas. Richard Heilbrun responded that the species may be losing habitat to development and similar activities faster than it is expanding onto uplands and that the size of the warbler population today is probably less than it was historically. Mr. Heilbrun also noted that new research suggests that habitat in the southern third of the warbler range may be particularly important for the species.

Mr. Heilbrun explained that habitat fragmentation and loss, as well as nest parasitism by brown-headed cowbirds, are serious threats to the golden-cheeked warbler. He stated that the CAC would be tasked with identifying some of those threats and deciding how to lessen or mitigate for them, in particular the activities that the SEP-HCP would cover and the size and configuration of the preserve system. He also noted that the CAC would need to consider how to maintain the biological integrity of the preserve system after acquisition, such as dealing with the impacts of recreation).

CAC members asked questions about what activities harm the bird species, the possible implications of new research about the species' tolerance to human activities, the protection of priority habitats, and the possible benefits of the City of San Antonio's tree ordinance. Richard Heilbrun responded that the BAT will help identify how certain activities may affect the species and help determine the appropriate level of mitigation to balance the impacts of the activities covered under the SEP-HCP. He also advised that the CAC take a conservative approach to protecting the biological integrity of preserves for the benefit of the species, and that a focus on only prime habitat may result in the loss of much habitat that is also important to the species. Mr. Heilbrun also noted that San Antonio's tree ordinance could have some benefit to the golden-cheeked warbler.

Richard Heilbrun agreed to arrange for a presentation on the endangered karst species at the next CAC meeting.

## **8. Report and discussion on coordination with Comal County - Kirby Brown or Jonathan Letz (CAC Co-chairs)**

Jonathan Letz briefed the CAC on recent coordination efforts with Comal County and reported that the Comal County Regional Habitat Conservation Plan is going forward as currently written, but that ongoing coordination is still important. He explained that Comal County would be responsible for permitting incidental take within that county, but that the SEP-HCP could cooperate with respect to conservation opportunities in Comal County. He noted that it would be important to avoid creating competition for potential mitigation properties in Comal County. Tom Hornseth (CAC member) stated that the Notice of Availability for the draft Comal County Regional Habitat Conservation Plan and draft Environmental Impact Statement would likely be published in the Federal Register in the next 3 weeks.

Annalisa Peace asked whether the SEP-HCP could cover incidental take for species in Comal County that were not covered by the Comal County plan. Jonathan Letz suggested that this might be possible. Randy Johnson suggested that the SEP-HCP might need to be structured very similarly to the Comal County plan to avoid big differences for properties that may cross the county line. Kirby Brown and Jonathan Letz responded that the plans would likely be similar, but that the SEP-HCP would be tailored to the needs of the San Antonio community. Kirby Brown suggested that the Comal County plan would include a good example of the types of activities that the SEP-HCP could cover.

## **9. Discussion and appropriate action on inclusion of aquatic species – Kirby Brown or Jonathan Letz (CAC Co-chairs)**

Kirby Brown referred to the March 26, 2010 memo prepared by Loomis Partners regarding aquatic species issues. He noted that the SEP-HCP grant application did not include coverage of aquatic species in the scope of the project, but that some developers have expressed a desire for the SEP-HCP to be a “one-stop-shop” for local endangered species issues. He explained that water quality impacts were the primary threat to most of the aquatic species in the Plan Area, but that comprehensive solutions to water quality issues might be difficult to achieve due to the different regulatory authorities of the various jurisdictions in the Plan Area. He also noted that most of the aquatic species in the Plan Area were not currently listed as threatened or endangered. Mr. Brown asked the CAC to discuss aquatic issues and provide guidance as to whether the BAT should continue to look into addressing aquatic species in the SEP-HCP.

Annalisa Pease recommended tabling action on this topic until the CAC receives a presentation from the BAT on karst and aquatic species in the Plan Area. Richard Heilbrun stated that the BAT has already had consideration discussion about aquatic species and did not want to spend more time on the topic if the CAC was not enthusiastic about pursuing the issue.

Several CAC members (including Annalisa Pease, Bebe Fenstermaker, Robert Fitzgerald) and members of the public commented that the Plan Area includes some important watersheds, that aquatic species were important conservation targets, that aquatic species in the Plan Area were poorly studied, and that the community can't have a strong conservation plan without addressing water issues. Kirby Brown, Jonathan Letz, and Andy Winter agreed that aquatic resources are a very important to the region and that the challenge for the CAC was to explore whether/how to address these issues as part of the SEP-HCP or to possibly recommend a separate conservation effort for aquatic resources. A public commenter suggested that the CAC issue a strong resolution that the community will take up this issue.

Jonathan Letz asked for input from the development community as to whether a one-stop-shop is desired. Michael Moore (CAC member) noted that the SEP-HCP effort started in response to bird and karst issues and that the developer community may not be looking for a one-stop-shop since they already deal with multiple agencies for permitting. CAC members discussed how the EARIP was dealing some aquatic issues for the region. Annalisa Pease suggested that priority could be given to potential preserve areas that include multiple conservation targets, including aquatic resources.

Jonathan Letz suggested that the BAT give a presentation on aquatic species at the next CAC meeting.

Delmar Cain (CAC member) asked about the impacts of not including aquatics in the SEP-HCP at this time. Richard Heilbrun responded that one of the main considerations is the type of activities that would be covered by the SEP-HCP and how that list of activities would affect the scope of the plan. Frosty Forster (CAC member) cautioned that if the scope of the SEP-HCP expands too far that the County could run out of time to accomplish anything. He suggested that since most of the aquatic species are not currently listed as threatened or endangered that the plan be focused on what can reasonably be achieved within the current schedule.

Jonathan Letz asked the U.S. Fish and Wildlife Service to review the possible options for addressing aquatic species (particularly aquifer species) at the next CAC meeting.

No action was taken on whether to address aquatic species in the SEP-HCP.

## **10. Next Meeting and Requested Agenda Items – Kirby Brown or Jonathan Letz (CAC Co-chairs)**

Annalisa Pease asked to review the SEP-HCP grant application and Loomis Partners agreed to post the application on the website.

Jonathan Letz asked Loomis to prepare a review of the project budget for the next CAC meeting.

Allison Arnold (U.S. Fish and Wildlife Service) offered to give a presentation on the HCP process at the next CAC meeting.

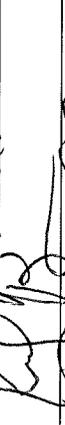
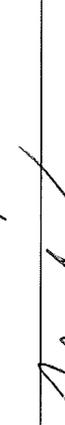
Jonathan Letz stated that covered activities will be a topic for the next CAC meeting.

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

Jonathan Letz adjourned the meeting at 7:59pm.

Attachments: 1) Sign-in Sheets

# CAC MEMBER SIGN-IN SHEET

CAC MEMBERS			CAC ALTERNATE (FOR VOTING PURPOSES)	
	NAME	SIGNATURE (IF PRESENT)	ALTERNATE NAME (PRINTED)	ALTERNATE SIGNATURE
1	Bradshaw, Mary (Bexar County landowner)		Lothe Millsaps	
2	Brown, Kirby (Texas Wildlife Association)			
3	Cain, Delmar (Kendall County landowner)			
4	Cude, Ian (Cude Engineering)			
5	Dietert, Ann (Kerr County landowner)			
6	Fenstermaker, Bebe (Bexar County landowner)		Clark P. L. L.	
7	Fenstermaker, Mary (Hill Country Planning Association)		Susan Beavin	
8	Fitzgerald, Bob (Medina County landowner)		LESTEN R. LANDRUM	
9	Forster, Charles ("Frosty") (Pape-Dawson Engineers)			
10	Hisler, Deirdre (Texas Parks and Wildlife Department)		NICHOLAS MALOUKIS	
11	Hornseth, Tom (Comal County)		<del>Tom Hornseth</del>	
12	Jenkins, Sandy (City of San Antonio)		→ KASTYL A M SMITH	
13	Johnson, Randy (Bexar County landowner)		Myke Moore	
14	Letz, Jonathan (Kerr County)			
15	McFarlen, Gerald (Cibolo Nature Center)			
16	Moore, Michael (Ironstone Development)			
17	Nottingham, Jennifer (City of Grey Forest)			
18	Peace, Annalisa (Greater Edwards Aquifer Alliance)			

19	Schott, Gary (Bexar County landowner)	<i>Jay Schott</i>	<i>Madelyn Schott</i>	<i>Madelyn Schott</i>
20	Terrez, Jenna (CPS Energy)	<i>Jenna</i>		
21	Wright, Susan (Susan Wright & Associates)	<i>Susan Wright</i>	<i>Bob Feamini</i>	

# GENERAL SIGN-IN SHEET

NAME	AFFILIATION	EMAIL ADDRESS	PHONE NUMBER	PLEASE NOTE IF YOU WOULD LIKE TO SPEAK DURING THE PUBLIC COMMENT PORTION OF THE AGENDA
Amanda Aurora	loomis Partners	aaurora@loomis-partners.com	772-8977	
ANDREW WINTER	BEXAR CO.	AWINTER@BEXAR.ORG	335-6487	
Clifton Ladd	loomis Partners	cladd@loomis-partners.com	512-672-8967	
Susan Belbin	HCFA	shebelbin@shglobal.net	210-695-6687	
Lottie Millage	NPST	L.Millage@ATT.net	210-696-0979	
MIKE BARR	—	—	—	
Christine Westerman	Suca	Cwesterman@suca.com	210 877 2847	
Jesus A. Garza	COSA	Jesus.Garza@cosatexas.gov	210-207-7950	
R. Muller	TPWD			
Scott R. Hatty	SAWS	shatty@saws.org	210-233-3534	

# GENERAL SIGN-IN SHEET

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Frank Fernandez	citizen	frankfernandez@ATT.NET	210-464-2627	
Betty C. Mayza	HCPA		210-695-8276	
Jack Mayza	HCPA		✓	
Ken Dill	SHADS	-	-	
FRANK SHERMAN	COSA OMA	-	-	
Ron Green	Su RI	rgreen@suvi.edu	316-9292	
Susan Ovaline	AARMN			
Diane Bartlett	ZARA Environmental			
Kathleen O'Connor	ZARA Environmental			
LEE GARRETT	TERRACON	d.l.garrett@terracon.com	674 2112 ext 1240	

# GENERAL SIGN-IN SHEET

NAME	AFFILIATION	EMAIL ADDRESS	PHONE NUMBER	PLEASE NOTE IF YOU WOULD LIKE TO SPEAK DURING THE PUBLIC COMMENT PORTION OF THE AGENDA
Arlison Arnold	USFWS			
Charlotte Kaseira	USFWS			
Bob Baret	BETA Co.			
Tough Daddy	Independent			
Kristen Bettis	SAMHD	Kristen.Bettis@senatorharris.gov	210 532 5521	
Kyle Cunningham	SAMHD		532-5765	
Alicia Crow	Eleanor Gays		✓	
Paul D Day	BX City landowner A11	clarkterrell@gmail.com	210 - 696-0076	