

BIOLOGICAL ADVISORY TEAM
OF THE
SOUTHERN EDWARDS PLATEAU
HABITAT CONSERVATION PLAN

MINUTES

Date: April 1, 2011
Location: TAMU Institute of Renewable Natural Resources
2632 Broadway Suite 301
South San Antonio, Texas 78215

All items are subject to potential ACTION.

1. Call to order – Richard Heilbrun, Texas Parks and Wildlife Department (TPWD)

Richard Heilbrun called the meeting to order at 9:00am.

2. Approve minutes from previous meetings (Feb and March)

MOTION (Jayne Neal): Approve the draft minutes of the February 11, 2011 BAT meeting, as revised.
SECOND (Julie Groce). VOTE: Voice vote carries with no opposition.

MOTION (Jayne Neal): Approve the draft minutes of the March 11, 2011 BAT meeting, as revised.
SECOND (Julie Groce). VOTE: Voice vote carries with no opposition.

3. Public comments (3 minutes per speaker)

Richard Heilbrun called for public comments. None were received

4. Subcommittee work or updates

BAT members reviewed a summary of the January 31, 2011 karst subcommittee meeting.

Richard Heilbrun stated that Bexar County is reviewing a draft of the SEP-HCP and expressed a desire for the County to incorporate any changes to the BAT's draft recommendations into the next version of the plan.

With respect to the BAT's recommendations for karst conservation, Andy Gluesenkamp (BAT member) questioned whether or not the subcommittee recommended removing the requirement for void inspections in Karst Zones 1 and 2 once the U.S. Fish and Wildlife draft downlisting criteria are achieved. Dr. Gluesenkamp stated that he would not agree with such a recommendation. Tom Hayes (BAT member) expressed concern about how the relatively rare "Category 2" karst species would be affected if accidentally discovered voids were not inspected. Dr. Gluesenkamp stated that requiring investigations of voids discovered during construction could be the only way to do something positive for the conservation of the Category 2 karst species and/or achieve the goal of 2x the preserves required by the draft downlisting criteria. Dr. Hayes agreed that requiring investigations of accidentally discovered voids supports the goal of conducting research for these species. Clifton Ladd clarified that the measures proposed in the draft SEP-HCP only lift the requirement for void investigations after the draft downlisting criteria have been achieved for all listed karst species known to occur in a given Karst Fauna Region (KFR), and that requiring participants to continue such investigations after the draft downlisting criteria have been achieved could drive down participation in the plan.

The U.S. Fish and Wildlife Service (represented at the meeting by Allison Arnold and Charlotte Kucera) expressed concern* about how to assess incidental take if accidentally encountered voids are not investigated. Mr. Ladd explained that the draft plan would seek take authorization for all 9 of the listed karst invertebrates, but that the plan would not cover activities occurring within 345 feet of a known

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occupied cave until the draft downlisting criteria were achieved within an individual KFR for the species within that cave. He further explained that the requirement for investigating accidentally encountered voids would remain in place until the draft downlisting criteria were achieved for all of the listed karst species known to occur within a given KFR. The Service noted* that achieving the draft downlisting criteria might be very difficult to achieve for some species. Mr. Ladd stated that the County is seeking the flexibility to cover as many types of activities as possible, consistent with the level of conservation that has been achieved, without triggering the need for a major permit amendment later on. He added that the plan would require participants to seek additional consultation and approvals from the Service to continue with a covered activity if Category 2 karst species are found to be present in accidentally encountered voids before the draft downlisting criteria have been achieved.

The BAT discussed how much effort and time it typically takes to conduct a karst fauna survey. Rachel Barlow (Zara Environmental) stated that the Service's standard protocol requires 3 weeks of surveys, with 1 survey performed each week. However, she explained that the draft plan proposes an alternate survey protocol that includes 5 survey visits over 1 week. The Service noted* that they accept the concept of this alternate survey protocol. Clifton Ladd notes that the County is trying to meet the Service's requirement for not precluding the recovery of a species, and yet offer a plan that people will utilize. Andy Winter (Bexar County) makes note that in most cases, backhoe drivers are instructed to quickly fill in holes they encounter during construction.

Dr. Gluesenkamp asked the BAT to consider what incentives the plan might offer to motivate people to look into previously undetected voids once the requirement to conduct such investigations has been lifted. Clifton Ladd cautioned that the County may be open to this idea, but that they need to consider the potential costs of any incentives. Mr. Ladd suggested that the Plan Administrator could have staff on stand-by to conduct such investigations, but that participants could incur additional costs with construction equipment sitting idle on a project site.

Dr. Gluesenkamp stated that his opinion is that the plan should at least require notification of accidentally encountered voids so that the Service can track what karst habitat may have been lost. Clifton Ladd suggested that a requirement for notification could be possible and that the plan could request an opportunity to conduct karst fauna surveys in the void, if the participant was not required to do so. BAT members discussed current guidelines and measures for void inspections that may be required by the Edwards Aquifer Authority and the Texas Commission on Environmental Quality.

BAT members discussed the possibility of allowing someone to participate in the plan after construction has begun so as to obtain coverage for accidentally discovering a void. Clifton Ladd suggested that this may be difficult to allow, since the plan would prescribe specific actions to obtain incidental take coverage. Dr. Gluesenkamp agreed that such "after-the-fact" participation may be problematic.

Dr. Hayes noted that allowing coverage of activities within Occupied Cave Zones before the draft downlisting criteria are achieved for all of the species known to occur in a KFR may be inconsistent with the requirements for investigating accidentally encountered voids. Rachel Barlow explained that participants will be required to conduct karst surveys of their project areas prior to construction so that the Service knows which species occur within a given cave. Ms. Barlow also explained that this approach was consistent with the Service's current practices for assessing take and mitigation for impacts to karst species.

BAT members questioned how the plan could allow incidental take authorization within Service-designated critical habitat. The Service explained* that restrictions regarding critical habitat have more to do with federal involvement, and that participants could be covered for such activities by the plan.

BAT members discussed the prospect of seeking incidental take coverage for all 9 of the listed karst invertebrates. The Service stated* that they may not be able to authorize take for some of the rare karst species. Clifton Ladd explained that the plan would seek the flexibility to offer such coverage, subject to the eligibility criteria defined in the plan and any case-by-case exceptions made by the Service. He stated that the draft plan would significantly restrict the types of activities would be eligible for coverage until

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certain conservation standards had been met. The Service indicated* that under this scenario, it may be able to authorize incidental take authorization for all of the listed karst species.

Richard Heilbrun questioned what entity would be responsible for making the case-by-case determinations suggested in the karst subcommittee's recommendations. Clifton Ladd explained that the Plan Administrator would have that responsibility, in consultation with the Service. Dr. Gluesenkamp suggested that there be a checklist of potential issues and a suggested response to those circumstances. He offered the example of when high fencing might be necessary for a karst preserve.

The BAT discussed recommendations for the frequency and protocols for monitoring fire ant populations in karst preserves. Dr. Gluesenkamp suggested that such monitoring occur at least twice per year, and that some of this responsibility could be assigned to preserve landowners. BAT members generally agreed that initial fire ant surveys should be conducted by the Plan Administrator and that subsequent surveys could be assigned to preserve landowners.

Clifton Ladd suggested that the plan should have flexibility with respect to protocols for certain management and monitoring tasks, with a process for review of proposed protocols with the Service. Richard Heilbrun stated that he would like to have the BAT discuss creating a structure for biological advice after the permit is issued.

Dr. Hayes stated that he did not agree with the definition of Occupied Cave Zones based on a set distance from a cave. He stated that such zones should be delineated to include the entire surface drainage basin of the feature. Dr. Gluesenkamp stated that such drainage basins could extend outside of project areas and that the entire surface drainage basin may not always be essential to the conservation of a cave's ecosystem. BAT members generally agreed to recommend defining Occupied Cave Zones using a 345 foot buffer, but requested a measure to expand that zone to include the surface drainage basin if appropriate. Dr. Gluesenkamp and Dr. Hayes agreed to work on drafting such language.

Richard Heilbrun asked Bexar County when any changes to the BAT's karst recommendations could be considered in the draft plan. Andy Winter and Clifton Ladd replied that the schedule for the County's review and revision of the draft plan was still uncertain.

Dr. Hayes noted that the karst subcommittee recommended excluding all recreation from karst preserves and Dr. Gluesenkamp agreed with this suggestion to set a high standard for the preserve system. BAT members generally agreed to recommend no allowances for recreation within the karst preserves.

BAT members discussed management of karst preserves and some members indicated that the plan should identify specific management standards with cost estimates before preserves are acquired. BAT members also questioned who would be responsible for developing the management plans for karst preserves. Rachel Barlow responded that this would be the responsibility of the Plan Administrator. The Service suggested* that individual landowners contributing preserve land should have some of this responsibility.

Richard Heilbrun questioned whether or not the responsibilities of the Plan Administrator are too extensive and Andy Winter added that he had heard similar concerns. Mr. Heilbrun suggested that more responsibility should be placed on the owners of preserve land and that the plan should prioritize available funds for acquisition of new preserves.

Mr. Heilbrun also commented that karst species monitoring should be addressed in the karst subcommittee's recommendations. Dr. Gluesenkamp questioned the appropriateness of conducting species monitoring only once every 10 years after cave cricket populations crash. He suggested that such monitoring occur 3 or 4 times during the first year after such an event. BAT members discussed the difficulty of interpreting observed changes in cave cricket monitoring data and agreed to withhold a recommendation on this topic pending additional information.

BAT members discussed the frequency for other types of monitoring. Dr. Hayes stated that water quality monitoring should be conducted more frequently than every 5 years. However, Dr. Gluesenkamp

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suggested that not all bodies of water on a property have a substantial influence on the karst environment. BAT members generally agreed to postpone a recommendation on this topic pending additional information.

Dr. Hayes suggested that the plan should conduct outreach to adjacent landowners more frequently than once every 5 years and BAT members suggested that the plan sponsor open-houses and letter campaigns promoting karst conservation.

Richard Heilbrun asked how the BAT would recommend establishing and utilizing biological advisory groups during plan implementation. Clifton Ladd responded that the plan should remain flexible in this regard and suggested that the BAT submit ideas to the County for consideration. Mr. Ladd described his experience with the Scientific Advisory Committee for the Balcones Canyonlands Conservation Plan (BCCP), which meets quarterly, and stated that the BCCP did not explicitly require any such advisory committee. The Service advised* that the SEP-CHP should include a biological committee to help guide plan implementation.

5. Category 3-5 species lists

The BAT discussed how to address *Eurycea* salamanders in the SEP-HCP. Dr. Gluesenkamp presented written suggestions for including these salamanders in the plan as Category 3, 4, or 5 species.

MOTION (Richard Heilbrun): Recommend including the *Eurycea* salamanders in the SEP-HCP as proposed by Dr. Andy Gluesenkamp. SECOND (Jayne Neal).

Dr. Hayes questioned why *E. neotenes* is recommended as a Category 3 species, and not as a Category 2 species. BAT members noted that the issue of seeking incidental take for aquatic species has already been resolved by the CAC and the County. Dr. Gluesenkamp also explained that he felt it was unlikely for this species to become listed as threatened or endangered in the near future and that its wide range made a jeopardy determination unlikely. Dr. Hayes stated that he wants the plan to do some meaningful conservation for the Category 3 species and has not yet seen any specific commitments for such actions.

VOTE: Voice vote carried without opposition.

6. Other agenda items from committee

BAT members did not offer any other agenda items for discussion.

7. BAT review of first draft: Loomis

Clifton Ladd explained that the consultant team delivered the First Draft of the SEP-HCP to Bexar County on March 31, 2011. Mr. Ladd stated that Bexar County had not yet had an opportunity to review the draft and that he was not sure when the document would be released to the committees for review. Andy Winter stated that the First Draft is subject to change and that the County would like an opportunity to present the components of the draft to the committees prior to releasing the documents.

Richard Heilbrun stated that the BAT would require at least 30 to 45 days to review the draft plan and may need as long as 3 months to provide a response to the County.

Dr. Hayes asked if the CAC would approve the First Draft in its current form and Mr. Winter clarified that the Bexar County Commissioners' Court as the permit applicant has the sole responsibility for approving or rejecting the plan. Jayne Neal (BAT member) asked if the committees would review the First Draft in its current form, or after revisions have been made by the County. Mr. Winter responded that the County has not yet made a decision about when or how to release the draft plan.

Andy Winter asked the Service for clarification about how comments are addressed through the NEPA process. The Service responded* that the draft plan and NEPA documents go out for formal public comment at the same time and that the Service will notify the County if it receives comments that pertain to the draft plan.

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Susan Beavin (CAC member alternate) stated that the CAC wants to review the current version of the First Draft SEP-HCP, before the County revises it. She added that she believed most CAC members were very confident in the BAT's recommendations. BAT members stated that they also wanted to review the current version of the First Draft SEP-HCP.

Richard Heilbrun requested that the consultant team revise the karst subcommittee's draft recommendations, based on the discussions during this meeting.

8. Future Agenda Items

Richard Heilbrun asked BAT members for possible agenda topics for their next meeting. None were offered. He added that the BAT bird subcommittee would be meeting after the official BAT meeting was adjourned.

Richard Heilbrun adjourned the meeting at 12:00pm.

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Andy Winter	on File
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Susan Beavin	on file
Justin / Mitchell his	on file