



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 24

**Agenda Date:** January 26, 2023

**In Control:** City Council A Session

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Transfer of operations and management of the Crane Bat Cave preserve from the Edwards Aquifer Protection Program (EAPP) to the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) and conveyance of a conservation easement to the Edwards Aquifer Conservancy.

**SUMMARY:**

Consideration of an ordinance authorizing the transfer of operations and management of the Crane Bat Cave preserve from the Edwards Aquifer Protection Program (EAPP) to the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) and conveyance of a conservation easement to the Edwards Aquifer Conservancy.

These actions also authorize the execution of necessary documents to accomplish said acquisitions.

**BACKGROUND INFORMATION:**

The Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) is a tool to assist landowners, the City, Bexar County, and others conducting non-federal activities with compliance with the Endangered Species Act (ESA). The purposes of the SEP-HCP are to:

- Promote regional conservation;
- Provide support for Camp Bullis;

- Involve local stakeholders in conservation planning;
- Streamline endangered species permitting;
- Implement locally appropriate and cost-effective permitting and conservation strategies

In December 2015, US Fish and Wildlife Service approved the final Southern Edwards Plateau - Habitat Conservation Plan. 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.

In accordance with the Plan, there have been three Regional Conservation Preserves that include Government Canyon (2017), Norther Preserve (2017), and Panther Springs (2018). If this action is approved it would create an additional preserve with Crane Bat Cave.

The Crane Bat Cave preserve was purchased through the 2015 Proposition 1 for protection of Edwards Aquifer recharge quality and quantity for \$2,059,144.18 in 2020. While this property was purchase by EAPP, it can be used under the SEP-HCP program to offset development that will encroach upon a sensitive area.

TxDOT has started the Loop 1604 expansion project. The right of way needed to complete this project may encroach upon environmentally sensitive areas. As a result, the City may use a portion of the Crane Bat Cave preserve, approximately 75 acres which is eligible for Karst Fauna Area (KFA) mitigation to offset the impact of the project. TxDOT has already applied to the SEP HCP program and has been approved to participate in the plan. They have also paid the applicable application and administrative fees to the SEP-HCP fund. Of the 75 acres, 40 acres would off set the impact of the TxDOT Loop 1604 program and the remaining 35 acres will continue to be preserved and would be available for SEP-HCP mitigation. This preserved area would generate approximately 358 karst enrollment acres for future project enrollments.

US Fish and Wildlife expressed support for the proposal in March 2022. The Southern Edwards Plateau Habitat Conservation Plan Coordinating Committee and Conservation Advisory Board considered this proposal on May 24th and 25th, 2022 respectively. Both boards recommended approval of the transfer. The Community, Health, Equity, and Culture Committee recommended approval on December 13, 2022.

## **ISSUE:**

This ordinance would reimburse the EAPP the full investment of Prop 1 funding (\$2,059,144.18) for the transfer of operations and management of the Crane Bat Cave preserve. SEP-HCP accepts that the transfer will require a conservation easement placed on the property and held by the Edwards Aquifer Conservancy, a non-profit organization serving Edwards Aquifer Authority which is qualified to hold conservation easements in accordance with Chapter 183 of the Texas Natural Resources Code. An aquifer protection layer via the conservation easement will remain on the land in perpetuity even with the management transfer. Moving forward, this property would benefit from two layers of protection: EAPP conservation easement and SEP-HCP requirements. SEP-HCP would then be responsible for maintenance and management.

The current ordinance requires the SEP-HCP to share 50 percent of its revenues generated from enrollments on Prop 1 property with the EAPP. Alternatively, SEP HCP reimbursing the Prop 1 program the full initial investment results in substantially greater funding for the Prop 1 program. Additionally, this method is more administratively efficient and provides the Prop 1 program the ability to preserve more land by future purchases.

Approval of this proposal will require City Council to authorize this alternative funding arrangement in lieu of revenue sharing and conveyance of a conservation easement to Edwards Aquifer Conservancy.

#### **ALTERNATIVES:**

Should this not be approved, the SEP-HCP will need to identify other methods to generate karst enrollment acres and will not be able to allow applicants to participation in the program. The SEP-HCP program could utilize the existing funding structure and share revenues for enrolled properties with the EAPP. This alternative would result in significantly less funding for EAPP.

#### **FISCAL IMPACT:**

This ordinance appropriates \$2,059,144.18 from Southern Edwards Plateau Habitat Conservation Plan Fund and authorizes the reimbursement to the 2015 Proposition 1 for the initial purchase of the Crane Bat Cave. This ordinance also transfers the operations and management of the Crane Bat Cave preserve from the Edwards Aquifer Protection Fund to the Southern Edwards Plateau – Habitat Conservation Plan.

#### **RECOMMENDATION:**

Staff recommends approval of the transfer of operations and management of the Crane Bat Cave preserve from EAPP to the SEP-HCP and conveyance of a conservation easement for perpetual aquifer protection on the Crane Bat Cave property to Edwards Aquifer Conservancy.