



# City of San Antonio

## Agenda Memorandum

**File Number:**  
**{{item.tracking\_number}}**

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**Agenda Item Number:** {{item.number}}

**Agenda Date:** May 9, 2023

**In Control:** Southern Edwards Plateau Habitat Conservation Plan Coordinating Committee Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

SEP-HCP Breach-Determination of Fines

**SUMMARY:**

Briefing and action to establish fines associated with a breach of contract in accordance with an approved Participation Agreement. Staff recommends Approval. (Logan Sparrow, Policy Administrator, Development Services Department. (210) 207-8691, Logan.Sparrow@sanantonio.gov)

**BACKGROUND INFORMATION:**

Staff have been notified of two (2) properties that breached the terms and conditions of Participation Agreements for the Southern Edwards Plateau Habitat Conservation Plan.

In the event of a breach, SEP-HCP staff submit a Notice of Breach letter informing the participant

of the breach. Moreover, that letter includes the following language:

“The Administrator will prepare an impact assessment to determine the penalty amount associated with this Breach of Obligation”.

In order to provide predictability and standardization, SEP-HCP staff recommend the following fines to be applied in the event of a breach of contract. Generally, fines represent double the enrollment fees associated with the enrollment.

GCW Habitat-Directly Impacted  
Mitigation Fee – \$8,000/acre  
Proposed Breach Fine – \$16,000/acre

GCW Habitat-Indirectly Impacted  
Mitigation Fee – \$2,000/acre  
Proposed Breach Fine – \$4,000/acre

BCV Habitat-Directly Impacted  
Mitigation Fee – \$8,000/acre  
Proposed Breach Fine – \$16,000/acre

BCV Habitat-Indirectly Impacted  
Mitigation Fee – \$2,000/acre  
Proposed Breach Fine – \$4,000/acre

Karst Zones 1 & 2  
Mitigation Fee – \$1,000/acre  
Proposed Breach Fine – \$2,000/acre

Karst Zones 1 & 2  
Mitigation Fee – \$1,000/acre  
Proposed Breach Fine – \$2,000/acre

These fines will be applied if a violation is made, and confirmed, to Exhibit C: Special Terms and Conditions (Attached) in Connection with 10(a) Permit #TE-48571B” to the Participation Agreement (see attached).

**ISSUE:**

None.

**FISCAL IMPACT:**

Fees associated with a breach of contract will be applied to the land aquisition fund of the SEP-HCP.

**ALTERNATIVES:**

None.

**RECOMMENDATION:**

Staff recommends Approval of the fine schedule outlined above when a breach of Exhibit C of a Participation Agreement occurs.