

# City of San Antonio



## AGENDA

### Southern Edwards Plateau Habitat Plan Coordinating Community Meeting

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**Tuesday, February 11, 2025**

**3:30 PM**

**Development and Business  
Services Center, 1901 S.  
Alamo**

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At any time during the meeting, the Southern Edwards Plateau Habitat Conservation Plan Coordinating Committee may meet in executive session for consultation with the City Attorney's Office concerning attorney-client matters under Chapter 551 of the Texas Government Code.

It is the intent of the City that the presiding officer will be in attendance at this location.

**Livestream: [www.sanantonio.gov/DSD/Boards/MeetingVideos](http://www.sanantonio.gov/DSD/Boards/MeetingVideos)**

**Telephone Access: 210 206 LIVE (5483)**

#### COORDINATING COMMITTEE MEMBERS

A majority of members shall constitute a quorum

Melissa Ramirez, Chair – COSA Development Services Department | Stan Jordan, Vice  
Chair – Bexar County Environmental Services Department | Rudy Nino – COSA Planning Department |  
Homer Garcia – COSA Parks and Recreation Department |  
Robert Brach – Bexar County Public Works Department | Ken McGlamery – Bexar County Parks  
Department

Members of the public may provide comment on any agenda item, consistent with procedural rules governing the Southern Edwards Plateau Habitat Conservation Plan Coordinating Committee meetings and state law. Public comment may be provided as follows:

1. Submit written comments by email or mail to 1901 S. Alamo by 8:00 AM the day of the meeting to the plan secretary. Please include your full name, home or work address, item # and / or address of the request. Written comments will be part of the official written record only.
2. Leave a voice message of a maximum two minutes by dialing 210-206-9664 by 8:00 AM the day of the meeting. Your message will be played during the meeting. Please include your full name, home or work address, item # and / or address of the request.

### **3:30 P.M. Call to Order**

#### **Roll Call**

#### **Public Comments**

#### **Approval of Minutes**

1. Approval of the minutes from the Southern Edwards Plateau Habitat Conservation Plan Coordinating Committee meeting on November 19, 2024

#### **Public Comments**

#### **Briefing and Possible Action on the following items**

2. Discussion and possible action on SEP-HCP application for PROXIMA PIPELINE LLC – FAR EAST (LAND-SEP-APP24-46900016), located off of Dancing Clouds; Emory Peak, and Verdis Valley, San Antonio, TX 78245. Staff recommends Approval. (Monique Kormann, Policy Administrator, Development Services Department, (210-207-5016), Monique.Kormann@sanantonio.gov; Jenny Blair, Blair Wildlife Consulting.)
3. Discussion and possible action on SEP-HCP application for PROXIMA PIPELINE LLC – FAR WEST (LAND-SEP-APP24-46900017), located off of SH 211, Arcadia Path, W Groesenbacher Rd, and FM 1957, San Antonio, TX 78245. Staff recommends Approval. (Monique Kormann, Policy Administrator, Development Services Department, (210-207-5016), Monique.Kormann@sanantonio.gov; Jenny Blair, Blair Wildlife Consulting.)

#### **ADJOURNMENT**

At any time during the meeting, the Southern Edwards Plateau Habitat Plan Coordinating Community

Meeting may meet in executive session for consultation with the City Attorney's Office concerning attorney client matters under Chapter 551 of the Texas Government Code.

#### **ACCESS STATEMENT**

**The City of San Antonio ensures meaningful access to City meetings, programs and services by reasonably providing: translation and interpretation, materials in alternate formats, and other accommodations upon request. To request these services call (210) 207-7720 or Relay Texas 711 or by requesting these services online at <https://www.sanantonio.gov/gpa/LanguageServices>. Providing at least 72 hours' notice will help to ensure availability.**

Posted on: 02/06/2025 01:33 PM

**City of San Antonio**



**MINUTES**

**Southern Edwards Plateau Habitat Conservation Plan  
Coordinating Committee**

<b>Tuesday, November 19, 2024</b>	<b>10:00 AM</b>	<b>Development and Business Services Center, 1901 S. Alamo</b>
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At any time during the meeting, the Southern Edwards Plateau Habitat Conservation Plan Coordinating Committee may meet in executive session for consultation with the City Attorney's Office concerning attorney client matters under Chapter 551 of the Texas Government Code.

It is the intent of the City that the presiding officer will be in attendance at this location.

**10:00 A.M. Call to Order**

**Roll Call – Present: Ramirez, Garcia, Jordan, McGlamery, Brach  
Absent: Nino**

**Public Comment** – No public comment

**Briefing and Possible Action on the following items:**

**Item #1**

Discussion and possible action on SEP-HCP application for CPS Energy Scenic Loop Transmission Line (LAND-SEP-APP24-469000010), located along Scenic Loop Road and the surrounding vicinity, in the northwestern Bexar County, Texas. Staff recommends Approval. (Monique Kormann, Interim Development Services Administrator, Development Services Department, (210) 207-5016. Monique.Kormann@sanantonio.gov; Jenny Blair, Blair Wildlife Consulting.)

Emily Garcia, Planner, stated this project consist of approximately 54.6 acres and is located in along Scenic Loop Road and the surrounding vicinity. CPS Energy is considering future development of the project area and wishes to enroll in the SEP-HCP to mitigate impacts to the SEP-HCP Covered Species from the development activities. CPS Energy project area includes 28.8 acres of golden-cheeked warbler (GCW) habitat with the project area and 170.7 acres of GCW habitat within 300 feet of the project area. The CPS Energy project area will require a total of 199.5 GCW conservation credits. The CPS Energy project area does not have any black-capped

vireo (BCV) habitat and will not require any BCV conservation credits. The CPS Energy project area is located over Karst Zone 3 and Karst Zone 4. A total of 8.46 acres occurs within Karst Zone 3 and a total of 46.14 acres occurs within Karst Zone 4. The project area is not located within any Critical Habitat Units, nor it is within 750-ft of an occupied feature. Staff recommends approval.

### **Motion**

A motion was made by Committee Member Brach and was seconded by Committee Member McGlamery to approve as presented.

A verbal vote was taken, and all voted in affirmative.

### **MOTION PASSES**

#### **Item #2**

Discussion and possible action on SEP-HCP application for PEDCOR INVESTMENTS, LLC (LAND-SEP-APP24-46900013), located off of US HWY 281 N, San Antonio, Texas 78260. Staff recommends Approval. (Monique Kormann, Interim Development Services Administrator, Development Services Department, (210) 207-5016. Monique.Kormann@sanantonio.gov; Jenny Blair, Blair Wildlife Consulting.)

Emily Garcia, Planner, stated this project consists of approximately 37.729 acres and is within the City of San Antonio city limits, in western Bexar County, Texas. Pedcor Investments, LLC is considering the future development of the project area. As such, the applicant wishes to enroll in the SEP-HCP to mitigate impacts to the SEP-HCP Covered Species from the development activities. The Pedcor Investments, LLC project area includes 27 acres of golden-cheeked warbler (GCW) habitat with the project area and 33 acres of GCW habitat within 300 feet of the project area. The Pedcor Investments, LLC project area will require a total of 70.5 GCW conservation credits. The Pedcor Investments, LLC project area does not have any black-capped vireo (BCV) habitat and will not require any BCV conservation credits. The Pedcor Investments, LLC project area is located over Karst Zone 2 and Karst Zone 4. A total of 6.0 acres occurs within Karst Zone 2 and a total of 31.729 acres occurs in Karst Zone 4. The project area is not located within any Critical Habitat Units, but it is within 750-ft of an occupied feature. Staff recommends approval.

### **Motion**

A motion was made by Committee Member Jordan and was seconded by Committee Member McGlamery to approve as presented.

A verbal vote was taken, and all voted in affirmative.

### **MOTION PASSES**

**Item #3**

Approval of the minutes from the Southern Edwards Plateau Habitat Conservation Plan Coordinating Committee meeting on October 22, 2024.

**Motion**

A motion was made by Committee Member McGlamery and was seconded by Committee Member Garcia to approve as presented.

A verbal vote was taken, and all voted in affirmative with Committee Member Brach abstaining.

**MOTION PASSES**

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:07 a.m.

APPROVED

Melissa Ramirez, Chair

ATTEST:

Monique Kormann, Executive Secretary





3B

CULEBRA ANTICLINE

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- 24-46900016 ENROLLMENT AREA
- 2024 USFWS KARST ZONES
  - Karst Zone 1
  - Karst Zone 3b
- KARST FAUNA REGIONS
  - Culebra Anticline





# City of San Antonio

## Agenda Memorandum

**File Number:**  
**25-205328**

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**Agenda Item Number:** 2

**Agenda Date:** February 11, 2025

**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:** ETJ

**SUBJECT:**

SEP-HCP Application LAND-SEP-APP24-46900016 – PROXIMA PIPELINE LLC – FAR EAST

**SUMMARY:**

Discussion and possible action on SEP-HCP application for PROXIMA PIPELINE LLC – FAR EAST (LAND-SEP-APP24-46900016).

**BACKGROUND INFORMATION:**

This project is located off of Dancing Clouds; Emory Peak, and Verdis Valley, San Antonio, TX 78245. The project consists of approximately 4.87 acres and is located outside of the City of San Antonio city limits, in western Bexar County, Texas.



Council District: ETJ  
Owner: PROXIMA PIPELINE LLC – FAR EAST  
Consultant: Pape-Dawson Engineers  
Acreage: 4.87 acres

PROXIMA PIPELINE LLC is considering the future development of the Project Area. As such, the Applicant wishes to enroll in the SEP-HCP to mitigate impacts to the SEP-HCP Covered Species from the development activities. The draft mitigation determination detailing the project is attached and a summary of the mitigation needs is included below.

The PROXIMA PIPELINE LLC – FAR EAST Project Area includes 0 acres of golden-cheeked warbler (GCW) habitat with the Project Area and 0 acres of GCW habitat within 300 feet of the Project Area. The PROXIMA PIPELINE LLC – FAR EAST Project Area will require a total of 0 GCW conservation credits (direct impacts at 2 credits:1 acre mitigation ratio = 0 conservation credits and indirect impacts at 0.5 credits:1 acre mitigation ratio = 0 conservation credits).

The PROXIMA PIPELINE LLC – FAR EAST Project Area does not have any black-capped vireo (BCV) habitat and will not require any BCV conservation credits.

The PROXIMA PIPELINE LLC – FAR EAST Project Area is located over Karst Zone 3a. A total of 4.87 acres occurs within Karst Zone 3a. The Project Area is not located within any Critical Habitat Units, but it is within 750-ft of an occupied feature.

Participation in the SEP-HCP for this application will require the following:

- Karst Zone 3 & 4 participation fee of \$4,870.00
- Plan Administration Fee of \$487.00
- Total Karst Zone 1 & 2 Enrollment Acres needed for this project : 0 acres
- 0.06 Karst Zone 1 and 2 enrollment acres are currently left in the Panther Springs Preserve
- 0.0 Karst Zone 1 and 2 enrollment acres are currently left in the Northern Preserve
- 240.4 Karst Zone 1 and 2 enrollment acres are currently left in the Crane Bat Cave Preserve

#### **ISSUE:**

The property subject to this application is located entirely in Karst Zone 3a. Therefore, the property is eligible for enrollment in the Southern Edwards Plateau Habitat Conservation Plan.

#### **FISCAL IMPACT:**

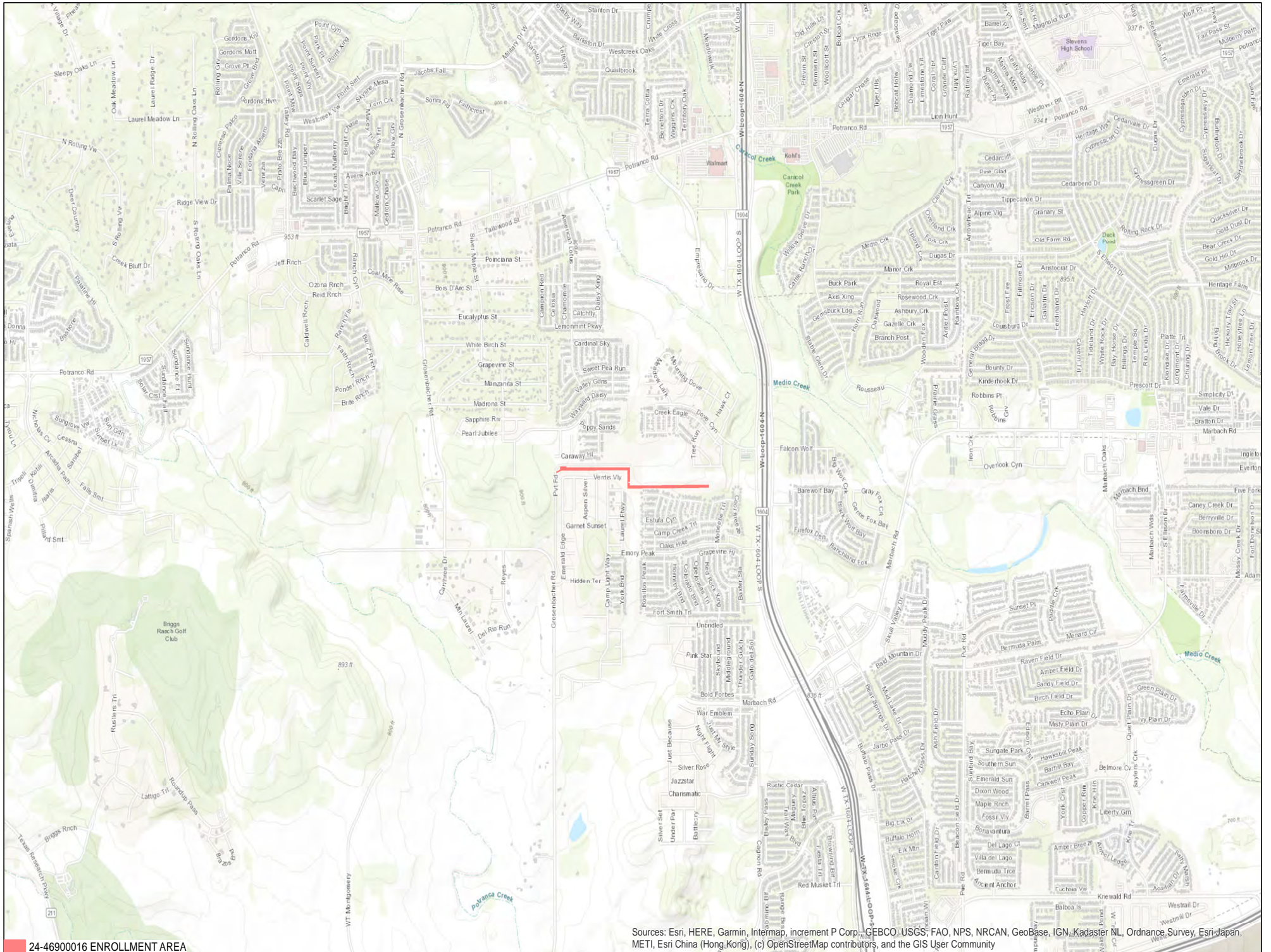
**The applicant has paid the \$2,500 application fee. The applicant will be required to pay the full mitigation fee of \$5,357.00 prior to completing enrollment in the plan.**

**ALTERNATIVES:**

The Southern Edwards Plateau Habitat Conservation Plan is voluntary. Should the applicant not enroll, the property owner could consult directly with the United States Fish and Wildlife Department (USFW) for Endangered Species Act (ESA) compliance.

**RECOMMENDATION:**

Staff recommends Approval of application LAND-SEP-APP24-46900016 – PROXIMA PIPELINE LLC – FAR EAST and issuance of the mitigation determination to the Applicant.



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community





**Southern Edwards Plateau Habitat Conservation Plan  
Mitigation Determination**



**January 29, 2025**

**Project Name:** Proxima Pipeline LLC – Far East

**SEP-HCP Application No.:** LAND-SEP-APP24-46900016

Mr. Brian Best  
Proxima Pipeline LLC  
2310 N. Henderson Ave., Suite 1010  
Dallas, Texas 75206

Dear Mr. Best,

The Permittees have determined that the Applicant, property to be enrolled, and the planned activity are eligible to participate in the SEP-HCP.

- a. The Applicant is a non-federal entity conducting Covered Activities that are non-federal actions; and
- b. The property to be enrolled is consistent with the geographic limitations of the Covered Activities.

The Permittees have determined that the biological information submitted with the application meets the established standards.

Date of On-site Habitat Determination: October 2024

On-site Habitat Determination Conducted by: Pape-Dawson Engineers – Valerie Collins

USFWS Permit Number: ESPER2325252

The Permittees have completed the participation assessment for the GCW and BCV and determined the level of mitigation needed to compensate for anticipated impacts to these species as follows:

	<b>Acres</b>	<b>Mitigation Ratio (credits: acres)</b>	<b>Preservation Credits</b>
GCW Habitat - Directly Impacted	0	2:1	0
GCW Habitat - Indirectly Impacted	0	0.5:1	0
BCV Habitat - Directly Impacted	0	2:1	0
BCV Habitat - Indirectly Impacted	0	0.5:1	0
<b>Total</b>	<b>0</b>		<b>0</b>

The Permittees have determined sufficient GCW Preservation Credits **are** currently available for purchase from the SEP-HCP to cover the mitigation needs for the property to be enrolled through a USFWS-approved 3<sup>rd</sup> party mitigation bank.

The Permittees have determined sufficient BCV Preservation Credits **are not** currently available for purchase from the SEP-HCP to cover the mitigation needs for the property to be enrolled through a USFWS-approved 3<sup>rd</sup> party mitigation bank.



**Southern Edwards Plateau Habitat Conservation Plan  
Mitigation Determination**



The Permittees have completed the participation assessment for the Covered Karst Invertebrates and determined that the property occurs southwest of the **Culebra Anticline Karst Faunal Regions** and the level of mitigation needed to compensate for anticipated impacts to these species:

	<b>Acres</b>	<b>Mitigation Ratio</b>
Karst Zone 1	0.0	per acre
Karst Zone 2	0.0	per acre
Karst Zone 3	4.87	per acre
Karst Zone 4a	0.0	per acre
Karst Zone 4b	0.0	per acre
<b>Total</b>	<b>4.87</b>	

	<b>Occupied Features</b>	<b>Avoided</b>	<b>Access</b>
<i>Cicurina madla</i> Occupied Cave Zone A	0	0	0
<i>Cicurina madla</i> Occupied Cave Zone B	0	0	0
<i>Cicurina vespera</i> Occupied Cave Zone A	0	0	0
<i>Cicurina vespera</i> Occupied Cave Zone B	0	0	0
<i>Cicurina venii</i> Occupied Cave Zone A	0	0	0
<i>Cicurina venii</i> Occupied Cave Zone B	0	0	0
<i>Batrisodes venyivi</i> Occupied Cave Zone A	0	0	0
<i>Batrisodes venyivi</i> Occupied Cave Zone B	0	0	0
<i>Tayshaneta microps</i> Occupied Cave Zone A	0	0	0
<i>Tayshaneta microps</i> Occupied Cave Zone B	0	0	0
<i>Rhadine infernalis</i> Occupied Cave Zone A	0	0	0
<i>Rhadine infernalis</i> Occupied Cave Zone B	0	0	0
<i>Rhadine exilis</i> Occupied Cave Zone A	0	0	0
<i>Rhadine exilis</i> Occupied Cave Zone B	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

The Permittees have coordinated with the USFWS to determine whether or not the Conservation Baselines have been met for the Covered Karst Invertebrates associated with any Occupied Caves Zones within the property to be enrolled. The Permittees have determined that the Conservation Baselines **have not** been met for the Covered Karst Invertebrates associated with any Occupied Caves Zones within the property to be enrolled.

The property to be enrolled **does not** contain designated Critical Habitat for the Covered Karst Invertebrates. The Permittees have verified with the USFWS whether or not the USFWS will allow enrollment within a designated Critical Habitat unit. The Permittees have determined that the USFWS **will not** allow enrollment within a designated Critical Habitat Unit.

The Permittees have determined that the SEP-HCP **may** allow new enrollment within areas of Karst Zones 3 and 4 at this time. The Permittees have determined that the SEP-HCP **may** allow new enrollment within areas of Karst Zones 1 and 2, **upon the establishment of a USFWS-approved karst preserve.**





## Southern Edwards Plateau Habitat Conservation Plan Mitigation Determination



The Permittees have determined **to** extend an invitation at this time to complete the enrollment process on **February 11, 2025**, by motion of the SEP-HCP Coordinating Committee.

The Permittees, at their discretion, offer Applicants the following ways of providing the mitigation for the proposed activity: (1) the purchase of GCW or BCV Preservation Credits from the SEP-HCP, (2) the payment of karst participation fees, or (3) the provision of suitable preserve land in lieu of Preservation Credit purchases or fees. A combination of these forms of mitigation may also be acceptable, depending on the Applicant's proposed activity.

In lieu of purchasing Preservation Credits from the SEP-HCP, Applicants may offer occupied preserve land for the GCW or BCV as full or partial mitigation for the impacts of their incidental taking. The Permittees will have the discretion to accept or reject all offers of preserve land in lieu of Preservation Credit purchases on a case-by-case basis. Any preserve land offered in lieu of Preservation Credit purchases must meet the minimum standards for GCW or BCV preserves and be approved by the USFWS. The level of mitigation provided by an offer of preserve land will be established in the same manner as for other SEP-HCP preserves and will be expressed in terms of the number of Preservation Credits created for each species.

If the Permittees accept an offer of preserve land from an Applicant and the offered preserve land creates more Preservation Credits than are needed to offset the impacts of the Applicant's activity, the excess Preservation Credits may be treated as follows:

- Option 1: The excess Preservation Credits may be added to a special account of the SEP-HCP and reserved for the future use of that Applicant/Participant or its assigns.
- Option 2: The Permittees may negotiate the acquisition of the excess Preservation Credits from the Applicant/Participant and make the excess Preservation Credits available for purchase by other Applicants.

In lieu of paying karst participation fees to the Permittees (fees associated with impacts to Occupied Cave Zones A or B), an Applicant may offer new karst preserves as mitigation for incidental take. The offered karst preserve in lieu must be occupied by one or more of the Covered Karst Invertebrates and can be from within the Enrolled Property or the Applicant can seek to find occupied karst preserves outside of the Enrolled Property. All karst preserves accepted in lieu of participation fees are subject to the same standards and approval process as other SEP-HCP karst preserves and must fulfill an unmet need towards achieving the Conservation Baseline for at least one of the Covered Karst Invertebrates. For each unmet Conservation Baseline need that is fulfilled by an accepted in-lieu karst preserve, an Applicant may apply the Preservation Value<sup>1</sup> as mitigation for one (1) occupied karst feature within the Enrolled Property, assuming the Conservation Baseline for that (those) species has been met in that KFR. For example, an Applicant may offer one karst preserve in an area that would protect two of the Covered Karst Species for which the Conservation Baselines have not yet been met and use the in-lieu preserve as mitigation for obtaining take authorization for two on-site features that contain species for which the regional Conservation Baselines have been met. Any excess Preservation Value from such transactions may not be carried over or applied to other Enrolled Properties<sup>2</sup>.

<sup>1</sup> For the purposes of the SEP-HCP, Preservation Value is the assessed level of mitigation required for obtaining take authorization for one (1) occupied karst feature within the Enrolled Property for which the regional Conservation Baselines have been met through the fulfillment of an unmet need towards achieving the Conservation Baseline for at least one of the Covered Karst Invertebrates in an in-lieu transaction. For each unmet Conservation Baseline need that is fulfilled by an accepted in-lieu karst preserve, an Applicant may apply the Preservation Value as mitigation for one (1) occupied karst feature within the Enrolled Property. Any excess Preservation Value from such transactions may not be carried over or applied to other Enrolled Properties.

<sup>2</sup> For example, an Enrolled Property would generate excess Preservation Value during a karst transaction if the Applicants in-lieu preserve offers one (1) karst preserve in an area that would protect two (2) of the Covered Karst Species for which the Conservation Baselines have not yet been met and would be used by the Applicant as mitigation for obtaining take authorization for one (1) on-site feature that contain species for which the regional Conservation Baselines have been met. The in-lieu mitigation for the Enrolled Property would generate an excess Preservation Value of one (1) on-site feature containing species for which the regional Conservation Baselines have been met.



## Southern Edwards Plateau Habitat Conservation Plan Mitigation Determination



The Permittees will have the discretion to accept or reject all offers of preserve land in lieu of karst participation fees for project impacts to occupied karst zones on a case-by-case basis. All offers of preserve land will also require the approval of the USFWS.

If the balance of the SEP-HCP GCW or BCV Preservation Credits is insufficient to meet the mitigation needs for the property to be enrolled, the Permittees encourage the Applicant to offer preserve land in lieu of the purchase of Preservation Credits. If that option is unavailable or is not mutually accepted by the Permittees and the Applicant, the Permittees will suspend the invitation to complete enrollment until sufficient Preservation Credits have been established.

Similarly, if the SEP-HCP is temporarily unable to provide incidental take authorization within Occupied Cave Zones that may occur within the property to be enrolled, the Permittees encourage the Applicant to offer karst preserves that would then achieve Conservation Baselines for the affected species. Such conservation actions could also provide mitigation in lieu of participation fees. **If incidental take authorization is not available for an Occupied Cave Zone or designated Critical Habitat area on the property to be enrolled, then the Applicant is not authorized under the SEP-HCP to disturb these areas.**

The Permittees have determined the participation fees that would be needed to provide mitigation for impacts for the property to be enrolled for incidental take authorization as follows:

	Acres / Features	Mitigation Ratio (credits per acre)	Mitigation Form (Preservation Credits / Acres / Feature)	Mitigation Fee (per Credit / Acre / Feature*)	Total Fee
GCW Habitat - Directly Impacted	0	2:1	0	\$4,000/credit \$8,000/acre	\$0.00
GCW Habitat - Indirectly Impacted	0	0.5:1	0	\$4,000/credit \$2,000/acre	\$0.00
BCV Habitat - Directly Impacted	0	2:1	0	\$4,000/credit \$8,000/acre	\$0.00
BCV Habitat - Indirectly Impacted	0	0.5:1	0	\$4,000/credit \$2,000/acre	\$0.00
Karst Zones 1 & 2	0	per acre	0.0	\$1,000/acre	\$0.00
Karst Zones 3 & 4a	4.87	per acre	4.87	\$1,000/acre	\$4,870.00
Number of occupied karst features with Occupied Cave Zone A access	0	per feature	0	\$400,000/feature	\$0.00
Number of occupied karst features with Occupied Cave Zone B access	0	per feature	0	\$40,000/feature	\$0.00
<b>Enrollment Subtotal</b>	-	-	-	-	<b>\$4,870.00</b>
GCW Preserve In Lieu	-	per acre	-	\$2,500/acre	-
BCV Preserve In Lieu	-	per acre	-	\$2,500/acre	-
Karst Preserve In Lieu	-	per feature	-	\$2,500/acre	-
<b>In Lieu Subtotal</b>	-	-	-	-	-
<b>Enrollment &amp; In Lieu Subtotal</b>	-	-	-	-	<b>\$4,870.00</b>
<b>Plan Administration Fee</b>	-	-	-	<b>10% total fee (enrollment + in lieu)</b>	<b>\$487.00</b>
<b>TOTAL</b>	-	-	-	-	<b>\$5,357.00</b>

\*(approved fees through September 30, 2025)

This Mitigation Determination will be valid for a period of no more than one year from the date of issuance by the Permittees. After one year, the findings of this Mitigation Determination will be deemed to have expired and a new application (complete with new or updated biological information) would be necessary to continue with the enrollment process.



**Southern Edwards Plateau Habitat Conservation Plan  
Mitigation Determination**



Applicant understands that by entering into a Participation Agreement with the Permittees, the Applicant will also be required to comply with all of the special conditions and other applicable laws pertaining to activities conducted on their Enrolled Property that could result in the taking of Covered Species. Furthermore, as a third-party to the Participation Agreement, the USFWS retains the right to enforce the terms of the Participation Agreement and any related applicable laws.

A copy of this Mitigation Determination and a copy of the associated application package will be submitted to the U.S. Fish & Wildlife Service at the time the Mitigation Determination is sent to the Applicant.

If you have any questions pertaining to this Mitigation Determination, please contact:

Southern Edwards Plateau Habitat Conservation Plan  
DSD-Policy Administration  
1901 South Alamo Street  
San Antonio, TX 78204  
Phone: (210) 207-1111  
Email: DSDSEPHCP@sanantonio.gov

Sincerely,

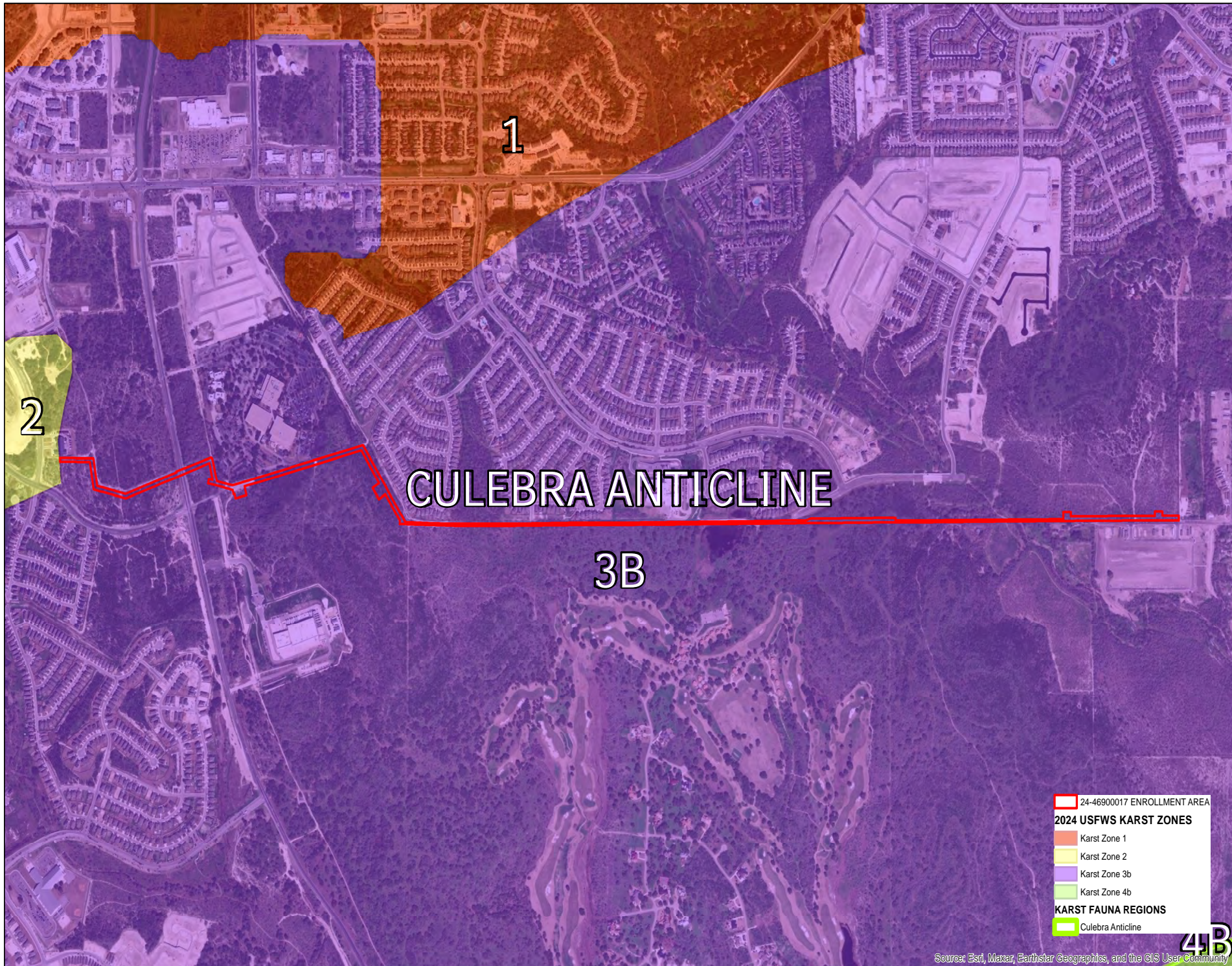
**SEP-HCP SECRETARY**

**ACCEPTED BY APPLICANT:**

By: \_\_\_\_\_

\_\_\_\_\_  
Date









# City of San Antonio

## Agenda Memorandum

**File Number:**  
**25-205329**

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**Agenda Item Number:** 3

**Agenda Date:** February 11, 2025

**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:** ETJ

**SUBJECT:**

SEP-HCP Application LAND-SEP-APP24-46900017 – PROXIMA PIPELINE LLC – FAR WEST

**SUMMARY:**

Discussion and possible action on SEP-HCP application for PROXIMA PIPELINE LLC – FAR WEST (LAND-SEP-APP24-46900017).

**BACKGROUND INFORMATION:**

This project is located off of SH 211, Arcadia Path, W Grosenbacher Rd, and FM 1957, San Antonio, TX 78245. The project consists of approximately 14.42 acres and is located outside of the City of San Antonio city limits, in western Bexar County, Texas.



Council District: ETJ  
Owner: PROXIMA PIPELINE LLC – FAR WEST  
Consultant: Pape-Dawson Engineers  
Acreage: 14.42 acres

PROXIMA PIPELINE LLC is considering the future development of the Project Area. As such, the Applicant wishes to enroll in the SEP-HCP to mitigate impacts to the SEP-HCP Covered Species from the development activities. The draft mitigation determination detailing the project is attached and a summary of the mitigation needs is included below.

The PROXIMA PIPELINE LLC – FAR WEST Project Area includes 0 acres of golden-cheeked warbler (GCW) habitat with the Project Area and 0 acres of GCW habitat within 300 feet of the Project Area. The PROXIMA PIPELINE LLC – FAR WEST Project Area will require a total of 0 GCW conservation credits (direct impacts at 2 credits:1 acre mitigation ratio = 0 conservation credits and indirect impacts at 0.5 credits:1 acre mitigation ratio = 0 conservation credits).

The PROXIMA PIPELINE LLC – FAR WEST Project Area does not have any black-capped vireo (BCV) habitat and will not require any BCV conservation credits.

The PROXIMA PIPELINE LLC – FAR WEST Project Area is located over Karst Zone 3. A total of 14.42 acres occurs within Karst Zone 3. The Project Area is not located within any Critical Habitat Units, but it is within 750-ft of an occupied feature.

Participation in the SEP-HCP for this application will require the following:

- Karst Zone 3 & 4 participation fee of \$14,420.00
- Plan Administration Fee of \$1,442.00
- Total Karst Zone 1 & 2 Enrollment Acres needed for this project : 0 acres
- 0.0 Karst Zone 1 and 2 enrollment acres are currently left in the Panther Springs Preserve
- 0.0 Karst Zone 1 and 2 enrollment acres are currently left in the Northern Preserve
- 240.4 Karst Zone 1 and 2 enrollment acres are currently left in the Crane Bat Cave Preserve

#### **ISSUE:**

The property subject to this application is located entirely in Karst Zone 3. Therefore, the property is eligible for enrollment in the Southern Edwards Plateau Habitat Conservation Plan.

#### **FISCAL IMPACT:**

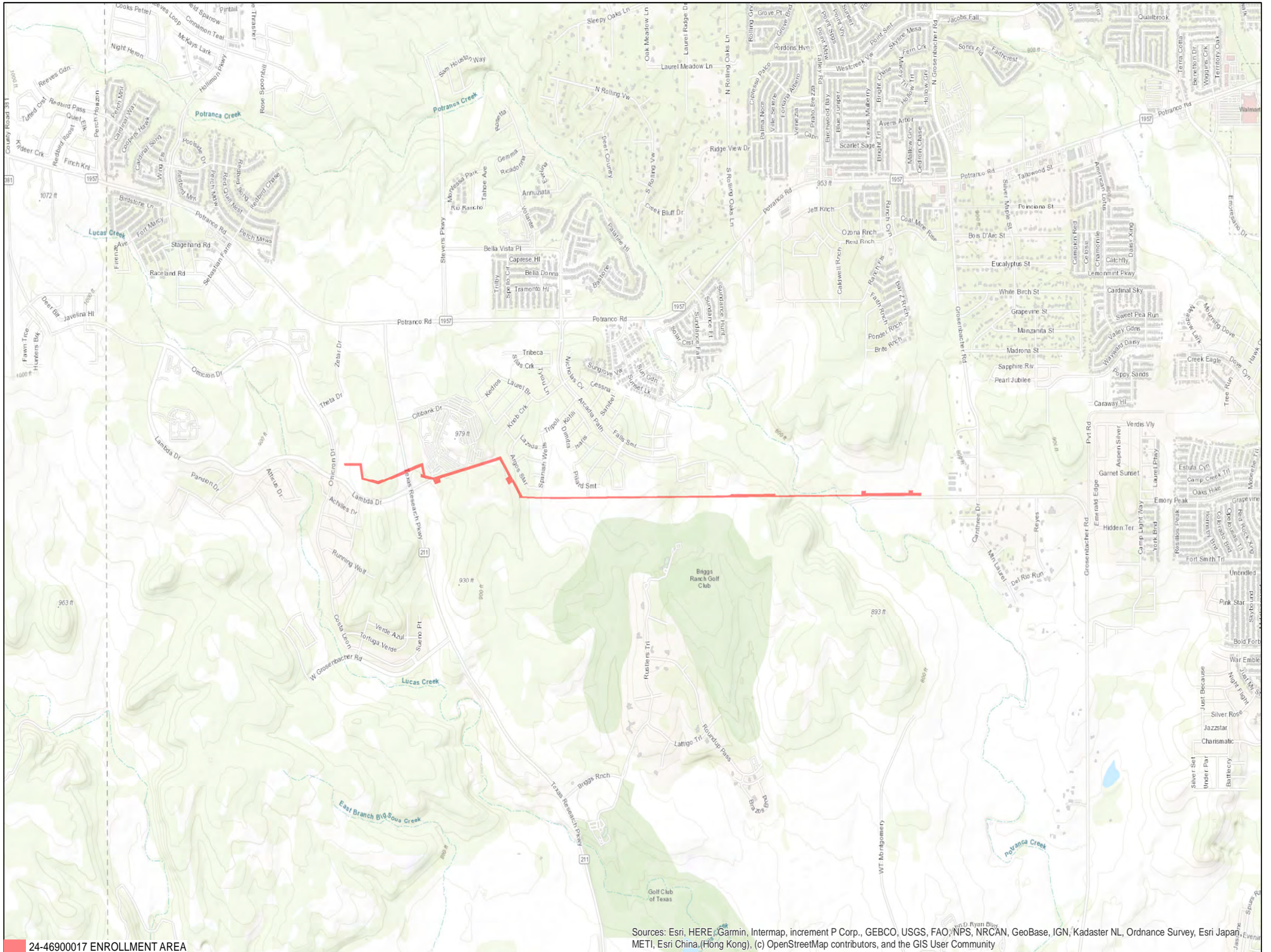
**The applicant has paid the \$2,500 application fee. The applicant will be required to pay the full mitigation fee of \$15,862.00 prior to completing enrollment in the plan.**

**ALTERNATIVES:**

The Southern Edwards Plateau Habitat Conservation Plan is voluntary. Should the applicant not enroll, the property owner could consult directly with the United States Fish and Wildlife Department (USFW) for Endangered Species Act (ESA) compliance.

**RECOMMENDATION:**

Staff recommends Approval of application SEP-LAND-SEP-APP24-46900017 PROXIMA PIPELINE LLC – FAR WEST and issuance of the mitigation determination to the Applicant.



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



**Southern Edwards Plateau Habitat Conservation Plan  
Mitigation Determination**



**January 29, 2025**

**Project Name:** Proxima Pipeline LLC – Far West

**SEP-HCP Application No.:** LAND-SEP-APP24-46900017

Mr. Brian Best  
Proxima Pipeline LLC  
2310 N. Henderson Ave., Suite 1010  
Dallas, Texas 75206

Dear Mr. Best,

The Permittees have determined that the Applicant, property to be enrolled, and the planned activity are eligible to participate in the SEP-HCP.

- a. The Applicant is a non-federal entity conducting Covered Activities that are non-federal actions; and
- b. The property to be enrolled is consistent with the geographic limitations of the Covered Activities.

The Permittees have determined that the biological information submitted with the application meets the established standards.

Date of On-site Habitat Determination: October 2024

On-site Habitat Determination Conducted by: Pape-Dawson Engineers – Valerie Collins

USFWS Permit Number: ESPER2325252

The Permittees have completed the participation assessment for the GCW and BCV and determined the level of mitigation needed to compensate for anticipated impacts to these species as follows:

	<b>Acres</b>	<b>Mitigation Ratio (credits: acres)</b>	<b>Preservation Credits</b>
GCW Habitat - Directly Impacted	0	2:1	0
GCW Habitat - Indirectly Impacted	0	0.5:1	0
BCV Habitat - Directly Impacted	0	2:1	0
BCV Habitat - Indirectly Impacted	0	0.5:1	0
<b>Total</b>	<b>0</b>		<b>0</b>

The Permittees have determined sufficient GCW Preservation Credits **are** currently available for purchase from the SEP-HCP to cover the mitigation needs for the property to be enrolled through a USFWS-approved 3<sup>rd</sup> party mitigation bank.

The Permittees have determined sufficient BCV Preservation Credits **are not** currently available for purchase from the SEP-HCP to cover the mitigation needs for the property to be enrolled through a USFWS-approved 3<sup>rd</sup> party mitigation bank.





**Southern Edwards Plateau Habitat Conservation Plan  
Mitigation Determination**



The Permittees have completed the participation assessment for the Covered Karst Invertebrates and determined that the property occurs southwest of the **Culebra Anticline Karst Faunal Regions** and the level of mitigation needed to compensate for anticipated impacts to these species:

	<b>Acres</b>	<b>Mitigation Ratio</b>
Karst Zone 1	0.0	per acre
Karst Zone 2	0.0	per acre
Karst Zone 3	14.42	per acre
Karst Zone 4a	0.0	per acre
Karst Zone 4b	0.0	per acre
<b>Total</b>	<b>14.42</b>	

	<b>Occupied Features</b>	<b>Avoided</b>	<b>Access</b>
<i>Cicurina madla</i> Occupied Cave Zone A	0	0	0
<i>Cicurina madla</i> Occupied Cave Zone B	0	0	0
<i>Cicurina vespera</i> Occupied Cave Zone A	0	0	0
<i>Cicurina vespera</i> Occupied Cave Zone B	0	0	0
<i>Cicurina venii</i> Occupied Cave Zone A	0	0	0
<i>Cicurina venii</i> Occupied Cave Zone B	0	0	0
<i>Batrisodes venyivi</i> Occupied Cave Zone A	0	0	0
<i>Batrisodes venyivi</i> Occupied Cave Zone B	0	0	0
<i>Tayshaneta microps</i> Occupied Cave Zone A	0	0	0
<i>Tayshaneta microps</i> Occupied Cave Zone B	0	0	0
<i>Rhadine infernalis</i> Occupied Cave Zone A	0	0	0
<i>Rhadine infernalis</i> Occupied Cave Zone B	0	0	0
<i>Rhadine exilis</i> Occupied Cave Zone A	0	0	0
<i>Rhadine exilis</i> Occupied Cave Zone B	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

The Permittees have coordinated with the USFWS to determine whether or not the Conservation Baselines have been met for the Covered Karst Invertebrates associated with any Occupied Caves Zones within the property to be enrolled. The Permittees have determined that the Conservation Baselines **have not** been met for the Covered Karst Invertebrates associated with any Occupied Caves Zones within the property to be enrolled.

The property to be enrolled **does not** contain designated Critical Habitat for the Covered Karst Invertebrates. The Permittees have verified with the USFWS whether or not the USFWS will allow enrollment within a designated Critical Habitat unit. The Permittees have determined that the USFWS **will not** allow enrollment within a designated Critical Habitat Unit.

The Permittees have determined that the SEP-HCP **may** allow new enrollment within areas of Karst Zones 3 and 4 at this time. The Permittees have determined that the SEP-HCP **may** allow new enrollment within areas of Karst Zones 1 and 2, **upon the establishment of a USFWS-approved karst preserve.**





## Southern Edwards Plateau Habitat Conservation Plan Mitigation Determination



The Permittees have determined **to** extend an invitation at this time to complete the enrollment process on **February 11, 2025**, by motion of the SEP-HCP Coordinating Committee.

The Permittees, at their discretion, offer Applicants the following ways of providing the mitigation for the proposed activity: (1) the purchase of GCW or BCV Preservation Credits from the SEP-HCP, (2) the payment of karst participation fees, or (3) the provision of suitable preserve land in lieu of Preservation Credit purchases or fees. A combination of these forms of mitigation may also be acceptable, depending on the Applicant's proposed activity.

In lieu of purchasing Preservation Credits from the SEP-HCP, Applicants may offer occupied preserve land for the GCW or BCV as full or partial mitigation for the impacts of their incidental taking. The Permittees will have the discretion to accept or reject all offers of preserve land in lieu of Preservation Credit purchases on a case-by-case basis. Any preserve land offered in lieu of Preservation Credit purchases must meet the minimum standards for GCW or BCV preserves and be approved by the USFWS. The level of mitigation provided by an offer of preserve land will be established in the same manner as for other SEP-HCP preserves and will be expressed in terms of the number of Preservation Credits created for each species.

If the Permittees accept an offer of preserve land from an Applicant and the offered preserve land creates more Preservation Credits than are needed to offset the impacts of the Applicant's activity, the excess Preservation Credits may be treated as follows:

- Option 1: The excess Preservation Credits may be added to a special account of the SEP-HCP and reserved for the future use of that Applicant/Participant or its assigns.
- Option 2: The Permittees may negotiate the acquisition of the excess Preservation Credits from the Applicant/Participant and make the excess Preservation Credits available for purchase by other Applicants.

In lieu of paying karst participation fees to the Permittees (fees associated with impacts to Occupied Cave Zones A or B), an Applicant may offer new karst preserves as mitigation for incidental take. The offered karst preserve in lieu must be occupied by one or more of the Covered Karst Invertebrates and can be from within the Enrolled Property or the Applicant can seek to find occupied karst preserves outside of the Enrolled Property. All karst preserves accepted in lieu of participation fees are subject to the same standards and approval process as other SEP-HCP karst preserves and must fulfill an unmet need towards achieving the Conservation Baseline for at least one of the Covered Karst Invertebrates. For each unmet Conservation Baseline need that is fulfilled by an accepted in-lieu karst preserve, an Applicant may apply the Preservation Value<sup>1</sup> as mitigation for one (1) occupied karst feature within the Enrolled Property, assuming the Conservation Baseline for that (those) species has been met in that KFR. For example, an Applicant may offer one karst preserve in an area that would protect two of the Covered Karst Species for which the Conservation Baselines have not yet been met and use the in-lieu preserve as mitigation for obtaining take authorization for two on-site features that contain species for which the regional Conservation Baselines have been met. Any excess Preservation Value from such transactions may not be carried over or applied to other Enrolled Properties<sup>2</sup>.

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<sup>1</sup> For the purposes of the SEP-HCP, Preservation Value is the assessed level of mitigation required for obtaining take authorization for one (1) occupied karst feature within the Enrolled Property for which the regional Conservation Baselines have been met through the fulfillment of an unmet need towards achieving the Conservation Baseline for at least one of the Covered Karst Invertebrates in an in-lieu transaction. For each unmet Conservation Baseline need that is fulfilled by an accepted in-lieu karst preserve, an Applicant may apply the Preservation Value as mitigation for one (1) occupied karst feature within the Enrolled Property. Any excess Preservation Value from such transactions may not be carried over or applied to other Enrolled Properties.

<sup>2</sup> For example, an Enrolled Property would generate excess Preservation Value during a karst transaction if the Applicants in-lieu preserve offers one (1) karst preserve in an area that would protect two (2) of the Covered Karst Species for which the Conservation Baselines have not yet been met and would be used by the Applicant as mitigation for obtaining take authorization for one (1) on-site feature that contain species for which the regional Conservation Baselines have been met. The in-lieu mitigation for the Enrolled Property would generate an excess Preservation Value of one (1) on-site feature containing species for which the regional Conservation Baselines have been met.



## Southern Edwards Plateau Habitat Conservation Plan Mitigation Determination



The Permittees will have the discretion to accept or reject all offers of preserve land in lieu of karst participation fees for project impacts to occupied karst zones on a case-by-case basis. All offers of preserve land will also require the approval of the USFWS.

If the balance of the SEP-HCP GCW or BCV Preservation Credits is insufficient to meet the mitigation needs for the property to be enrolled, the Permittees encourage the Applicant to offer preserve land in lieu of the purchase of Preservation Credits. If that option is unavailable or is not mutually accepted by the Permittees and the Applicant, the Permittees will suspend the invitation to complete enrollment until sufficient Preservation Credits have been established.

Similarly, if the SEP-HCP is temporarily unable to provide incidental take authorization within Occupied Cave Zones that may occur within the property to be enrolled, the Permittees encourage the Applicant to offer karst preserves that would then achieve Conservation Baselines for the affected species. Such conservation actions could also provide mitigation in lieu of participation fees. **If incidental take authorization is not available for an Occupied Cave Zone or designated Critical Habitat area on the property to be enrolled, then the Applicant is not authorized under the SEP-HCP to disturb these areas.**

The Permittees have determined the participation fees that would be needed to provide mitigation for impacts for the property to be enrolled for incidental take authorization as follows:

	Acres / Features	Mitigation Ratio (credits per acre)	Mitigation Form (Preservation Credits / Acres / Feature)	Mitigation Fee (per Credit / Acre / Feature*)	Total Fee
GCW Habitat - Directly Impacted	0	2:1	0	\$4,000/credit \$8,000/acre	\$0.00
GCW Habitat - Indirectly Impacted	0	0.5:1	0	\$4,000/credit \$2,000/acre	\$0.00
BCV Habitat - Directly Impacted	0	2:1	0	\$4,000/credit \$8,000/acre	\$0.00
BCV Habitat - Indirectly Impacted	0	0.5:1	0	\$4,000/credit \$2,000/acre	\$0.00
Karst Zones 1 & 2	0	per acre	0.0	\$1,000/acre	\$0.00
Karst Zones 3 & 4a	14.42	per acre	14.42	\$1,000/acre	\$14,420.00
Number of occupied karst features with Occupied Cave Zone A access	0	per feature	0	\$400,000/feature	\$0.00
Number of occupied karst features with Occupied Cave Zone B access	0	per feature	0	\$40,000/feature	\$0.00
<b>Enrollment Subtotal</b>	-	-	-	-	<b>\$14,420.00</b>
GCW Preserve In Lieu	-	per acre	-	\$2,500/acre	-
BCV Preserve In Lieu	-	per acre	-	\$2,500/acre	-
Karst Preserve In Lieu	-	per feature	-	\$2,500/acre	-
<b>In Lieu Subtotal</b>	-	-	-	-	-
<b>Enrollment &amp; In Lieu Subtotal</b>	-	-	-	-	<b>\$14,420.00</b>
<b>Plan Administration Fee</b>	-	-	-	<b>10% total fee (enrollment + in lieu)</b>	<b>\$1,442.00</b>
<b>TOTAL</b>	-	-	-	-	<b>\$15,862.00</b>

\*(approved fees through September 30, 2025)

This Mitigation Determination will be valid for a period of no more than one year from the date of issuance by the Permittees. After one year, the findings of this Mitigation Determination will be deemed to have expired and a new application (complete with new or updated biological information) would be necessary to continue with the enrollment process.



**Southern Edwards Plateau Habitat Conservation Plan  
Mitigation Determination**



Applicant understands that by entering into a Participation Agreement with the Permittees, the Applicant will also be required to comply with all of the special conditions and other applicable laws pertaining to activities conducted on their Enrolled Property that could result in the taking of Covered Species. Furthermore, as a third-party to the Participation Agreement, the USFWS retains the right to enforce the terms of the Participation Agreement and any related applicable laws.

A copy of this Mitigation Determination and a copy of the associated application package will be submitted to the U.S. Fish & Wildlife Service at the time the Mitigation Determination is sent to the Applicant.

If you have any questions pertaining to this Mitigation Determination, please contact:

Southern Edwards Plateau Habitat Conservation Plan  
DSD-Policy Administration  
1901 South Alamo Street  
San Antonio, TX 78204  
Phone: (210) 207-1111  
Email: DSDSEPHCP@sanantonio.gov

Sincerely,

**SEP-HCP SECRETARY**

**ACCEPTED BY APPLICANT:**

By: \_\_\_\_\_

\_\_\_\_\_  
Date