



## NEWS RELEASE

### Exotic Wildlife Association

*"An Association Supporting the Propagation of Native and Non-Native Wildlife"*

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## The Real Purpose of County-Wide Habitat Plan

Bexar County and the City of San Antonio are leading the charge to create a regional land-use plan that will potentially include tens of thousands of private acres in Bexar, Medina, Bandera, Kerr, Kendall, Blanco, and Comal Counties.

The plan is known as the Southern Edwards Plateau Habitat Conservation Plan (SEP-HCP) and is described as an “effort to balance the conservation needs of rare plants and animals with the demand for economic growth and development.”

In other words, the U.S. Fish and Wildlife Service, a federal agency, is creating a funding mechanism to pay for the protection of endangered species in Central Texas. To accomplish this goal, they have enlisted “stakeholders” like Bexar County, the City of San Antonio, Texas Parks and Wildlife, several environmental and agricultural organizations, along with developers and other local governments to create their plan for them. It’s a common scheme throughout the country, but only used sparingly in Texas mainly because we’re a private property state and most people won’t stand for this kind of land-use planning.

Proponents of this scheme claim Habitat Conservation Plans (HCPs) were created as a means to give incentives to non-federal land managers and private landowners to help protect listed and unlisted species, while allowing economic development to occur that may harm (“take”) a species.

However, what most involved with this plan don’t understand is the federal government needs the local governments to implement their “zoning” plan because they don’t have the statutory authority to implement land use nor do they have the money or the manpower to enforce the Endangered Species Act on all those communities. The way they “enforce” the ESA now is to find the most egregious violators and make examples out of them. But, this SEP-HCP is their stealth way of gaining more federal control over private property by enlisting “local” help.

The Endangered Species Act is an extremely penalizing and oppressive federal act that has both civil and criminal penalties should anyone “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species” or even attempt to do those things. According to Texas Parks and Wildlife’s own website, “violators of the Endangered Species Act are subject to fines up to \$100,000 and one year’s imprisonment.”

This is the “hammer” the federal government uses to persuade local communities to form these types of conservation plans, plans that are predicated on the fear of the ESA’s ability to hinder land-use punishable by fines and prison time to gain “voluntary” cooperation.

In Central Texas, two infamous birds known as the golden-cheeked warbler and the black-capped vireo have caused havoc ever since 1994, when over 5,000 ranchers and landowners marched down Congress Avenue in Austin, Texas to protest the federal government’s stated goal of designating 33 counties as critical habitat for the two birds. This SEP-HCP is just another swipe at that same goal, but it’s wrapped in a different package.

However, this plan is much more detailed and is being orchestrated by hired professionals who are using local “stakeholders” as their cover to implement a federal plan.

In fact, minutes from the May 28, 2010 meeting of the Biological Advisory Team (BAT) for the SEP-HCP discuss “activities that should be covered for incidental take by the plan, including agricultural practices, drilling, transportation projects, construction activities, mining and quarries, and similar activities.” The minutes continue saying: “BAT members generally agreed that the document should list examples of activities that cause take, but should also include a phrase such as ‘including, but not limited to’ to avoid leaving something out.”

They are determining which actions on private property are to be covered that warrant a “take” of endangered species and will then decide how much each action will cost someone to utilize his own land.

Landowners in these seven counties need to wake up and understand that a group of un-elected, appointed technocrats are making plans that will determine your future and your ability to use your private property.

They will claim it’s voluntary, but if it’s anything like all the other habitat conservation plans, a map will be drawn to include thousands of acres. Right now, the group making this plan has said there is between 840,060 to 970,043 acres, nearly one million acres of golden-cheeked warbler habitat in these seven counties alone. They claim in the future (here’s the “crisis”), we will lose nearly 3,196 acres of habitat a year to development. And, these acres are just for one bird. There are several other endangered species they are looking at and those numbers haven’t even been included in their plan yet. Out of these acres, they will decide how many will be needed to be preserved. That’s how they are going to extort from landowners.

To create a preserve big enough, in their minds, to “save” endangered species, they will have to figure out ways to make everyone pay for it. This is the age-old argument about taking private property without just compensation as required by the Fifth Amendment of the U.S. Constitution. The federal government can’t buy all the land they want, so they’ve devised ways to make individual landowners pay for it and this SEP-HCP is exactly that devise.

Once this plan goes into effect, landowners will learn that they can’t subdivide or build anything, maybe even perform any agricultural activities, without first checking with the managers of this

plan. And, that won't be the federal government, it will more than likely be the City of San Antonio and Bexar County who will be issued the "take" permit that will allow them to collect fees and grant permits to use land that has habitat.

They will decide how much each acre is worth and you will have a choice as to how you can pay. The methods have yet to be decided, but the normal options include: a fee, which they will determine; the purchase of other land to replace what you want to utilize (the ratio is normally three acres for every one that you want to use); a set-aside, which means they will require you to set aside a certain amount of your own private acres as a preserve just to be able to use a few on your own land, or place a conservation easement on part or all of your land. They call that mitigation. In Texas, we call it extortion or "greenmail."

The money collected from these fees will be used to manage the plan and to purchase land for a gigantic preserve yet to be determined. Those landowners don't stand a chance because their land will be targeted and they will have to sell so the federal government can have their preserve.

A good example of this is in Austin where the City of Austin and Travis County created a similar plan called the Balcones Canyonlands Conservation Plan. The two entities were given the authority by the federal government to determine the amount of fees that landowners and homeowners have to pay to utilize their land. The current fees are \$2,500 to \$5,500 per acre if you have golden-cheeked warblers, \$5,500 per acre if you have black-capped vireos, and \$1,000 for cave bugs or what they call Karst invertebrates. Those fees are reviewed and updated annually by the City of Austin and Travis County commissioners and are being used to amass a huge preserve as a way of saving the two birds and several cave bugs.

Will the City of San Antonio and Bexar County be able to determine fees like that for the seven counties? How is this plan going to function unless they can force extortion in the form of mitigation from landowners? And, how can these un-elected people determine taxation without representation?

The proponents of this plan will say that this is streamlining the process and it's all entirely "voluntary." But, what they are doing is allowing a federal agency to gain power over private property where they are unable to do so now because they don't have the authority, money or manpower.

Ultimately, they will be able to control all the aquifers because of "activities" they will define as being detrimental to endangered species in the limestone formations. They will also be able to control development and construction of homes and new businesses over the areas that supposedly harm any of the listed species. And, for all of these "activities," they will be able to charge fees to pay for their plans to control your lives, your land and your local economies.

Why are our elected officials allowing this un-elected group to determine our future? Are they being blackmailed by our federal government like Austin was 15 years ago?

Call your county commissioners, county judges, city mayors and council members and tell them you don't want your land included in this unconstitutional taking. Call your state legislators and your U.S. Congressmen and Senators to complain loudly about this abuse of power in our state.

If they want your land, tell them they will have to pay you for it. This is Texas and we're not going to stand by and allow this group of social planners to determine our future.