



Bell/Coryell County Regional Habitat Conservation Plan Interlocal Agreement

***Presented by
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What is a Habitat Conservation Plan?

- **Planning document designed to accommodate economic development to the extent possible by authorizing the limited and unintentional take of listed species when it occurs incidental to otherwise lawful activities.**
- **Post-listing agreement**
- **Regulatory Certainty**



Why develop a HCP for Bell and Coryell Counties?

- **2021 National Cave and Karst Research Institute Report**
 - **Extended North Williamson Karst Faunal Zone into Bell County**
 - **Identified two new Karst Faunal Zones**
 - **South Bell County – Bell County**
 - **South Fort Hood – Bell and Coryell Counties**
- **USFWS intent to include Bell and Coryell Counties in Karst Species Counties of Interest**
 - **ESA impacts to construction and development**



Karst (aka troglobite) Species

- **Species that live life entirely underground**
- **Sixteen Texas karst species are federally protected under the Endangered Species Act (ESA)**
 - **Beetles**
 - **Harvestmen (daddy long-legs)**
 - **Spiders**
 - **Pseudoscorpion**



Bone Cave Harvestman



ESA Impacts on Similar Issues

- **Bexar County Invertebrates Economic Impact Study**
 - Cost of Section 7 consultations estimated to be approximately \$33.4 million over the next ten years (Gordon, 2018)
- **Permian Highway Pipeline**
 - Plaintiffs began filing ESA lawsuits and injunctions in January 2020 before agency consultations completed and permits issued (*City of Austin, et al. v. Kinder Morgan Texas Pipeline LLC*)
 - In March 2021, federal judge dismissed the case without prejudice
 - Lawsuits also filed in state courts against Railroad Commission, also eventually dismissed



ESA Impacts on Similar Issues

- **Mountain Valley Pipeline**
 - **2014 - Project proposed**
 - **2015 - Permit application submitted to FERC**
 - **2017 – Federal and State Agencies issue permits**
 - **2018 – U.S. District Court judge grants right of eminent domain and lawsuit filling frenzy begin**
 - **Most lawsuits filed cited the Endangered Species Act and other environmental regulations**
 - **2022 - Federal politicians get involved**
 - **2023 – Fiscal Responsibility Act of 2023 enacted**
 - **Provisions requiring permitting for energy projects be made easier, specific provisions made for Mountain Valley Pipeline**
 - **August 2023 – The Fourth Circuit ruled that Fiscal Responsibility Act stripped the court of jurisdiction to consider any further litigation related to the pipeline**



HCP History

- **2021 Bell County Judge forms coalition to develop strategy for karst species**
- **November 2021 – BRA Board approves Interlocal Agreement and BRA contribution of \$31,250**
- **2022 – Coalition hires consultant**
 - **Scope of Work and Cost Estimate for HCP development**
 - **USFWS Grant Application**
- **2023**
 - **Grant awarded**
 - **Consultant presents scope and cost estimate for Phases 2 and 3**
 - **Amend Interlocal to match estimated costs through Phase 3**



Karst Coalition Members

- **Bell County**
- **Coryell County**
- **Brazos River Authority**
- **Clearwater Underground Water Conservation District**
- **Middle Trinity Groundwater Conservation District**
- **City of Gatesville**
- **City of Copperas Cove**
- **City of Killeen**
- **City of Harker Heights**
- **City of Belton**
- **City of Temple**
- **Village of Salado**



HCP Phases

- **Phase 1 – Grant application and hire consultant**
- **Phase 2 – Development of HCP Foundations**
- **Phase 3 – Draft HCP Document**
- **Phase 4 – USFWS negotiations**
- **Phase 5 – NEPA Environmental Impact Statement**
- **Phase 6 –**
 - **Finalize and file HCP**
 - **USFWS issues Incidental Take Permit**



Financial

- **All participant financial contributions fulfill local match requirements for the federal grant**
- **BRA contributions for Phases 1-3 = \$42,022.50**
 - **Increase of \$10,772.50 from what was originally anticipated**
- **Too early to estimate costs for Phases 4-6**
- **Amendment to Interlocal only commits BRA to participate through Phase 3**
- **Will return to BOD with amendment for additional phases as needed and recommended**



“BE IT RESOLVED that the Board of Directors of the Brazos River Authority hereby authorizes the General Manager/CEO to execute an amendment with Bell County and other local governmental entities for the development of a Regional Habitat Conservation Plan in Bell and Coryell Counties. The total Brazos River Authority contribution for participation in Phases 1 through 3 of the Regional Habitat Conservation Plan is \$42,022.50.”



Brazos

RIVER AUTHORITY