

SUBJECT: Acquisition deadlines for designated habitat preservation property

COMMITTEE: Culture, Recreation, and Tourism — committee substitute recommended

VOTE: 5 ayes — Hilderbran, Kuempel, Dunnam, Gallego, Phillips
0 nays
2 absent — Baxter, Dukes

WITNESSES: For — David Hays, Williamson County Conservation Foundation and
Williamson County Commissions Court

Against — None

BACKGROUND: Parks and Wildlife Code, ch. 83, governs agreements between Texas and the federal government regarding various conservation agreements.

The federal Endangered Species Act authorizes habitat conservation plans to protect the habitat of endangered species by reserving private land for the use of one or more species. These plans create habitat preserves for endangered species through agreements between landowners, who voluntarily reserve portions of their property, and one or more local governmental entities (“plan participants”), such as counties or municipalities.

Regional habitat conservation plans create habitat preserves through the acquisition and regulation of private land by one or more plan participants. These participants must receive a permit from the U.S. Secretary of the Interior to create regional plans.

DIGEST: CSHB 2052 would allow a regional habitat conservation plan or the size of a proposed habitat preserves to be based on a recovery plan after a plan participant had provided notice and hearing on the plan.

A plan participant could designate a landowner's land as a proposed habitat preserve on or after issuance of a federal permit. If a participant did so, that participant would have to make an offer to the landowner based on fair market value for the land no later than the fourth anniversary of the

date on which the land was designated as a proposed habitat preserve. Acquisition of the land would have to be completed within five years of the date on which the land had been designated as a proposed habitat preserve.

Unless it had acted under the previous provision, the participant would have four years after the issuance of a federal permit or six years after initial application for a federal permit to make an offer on land designated in a regional habitat conservation plan. Acquisition would have to be completed within six years of the date on which the permit had been issued.

The bill would eliminate a prohibition preventing a participant from applying for a federal permit until TCEQ had verified that amendments it had made to the plan had been implemented. The bill also would delete a provision preventing a participant from submitting an application before TCEQ had addressed pending grievances related to the plan.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005. The bill would apply only to applications for permits on or after the effective date.

NOTES:

As filed, the bill would have required acquisition of land within five years of the date a federal permit was issued.