

- SUBJECT:** Authority for regional habitat conservation plans
- COMMITTEE:** Land and Resource Management — favorable, with amendments
- VOTE:** 7 ayes — Saunders, Mowery, Hamric, Hilderbran, Howard, Krusee,  
B. Turner
- 0 nays
- 2 absent — Alexander, Combs
- WITNESSES:** For — Bill Powers, Texas Farm Bureau; Ed Small, Texas Southwestern  
Cattle Raisers Association; Dan Byfield, Farm Credit Band; Jack Fickessen,  
Texas Water Partnership; and Robert Brandes
- Against — Scott Royder, Lone Star Chapter of the Sierra Club
- BACKGROUND:** Current law permits cities, counties and the Texas Parks and Wildlife  
Department (TPWD) to participate in creating a regional habitat  
conservation plan for protecting endangered species. Such plans are  
submitted to the U.S. Fish and Wildlife Service. Regional habitat  
conservation plans (HCPs) are designed to form a compromise between  
protection of endangered species and land development.
- DIGEST:** HB 2712 would eliminate authority for cities and counties to participate  
with TPWD in creating a regional HCP. Regional HCPs would have to be  
submitted to the Legislature for review and comment prior to being  
submitted to the U.S. Fish and Wildlife Service.
- TPWD would have to work with other state agencies and local  
governments that may be affected by the plan, including the Texas Natural  
Resource Conservation Commission, Water Development Board,  
Department of Commerce, Department of Agriculture, Department of  
Transportation, General Land Office and Texas Railroad Commission.
- As amended, the bill would take effect immediately if approved by two-  
thirds of the membership of each house.

**SUPPORTERS  
SAY:**

Local governments should not be allowed to submit regional habitat conservation plans (HCPs), because they lack technical expertise and a statewide perspective. HCPs involve issues that extend beyond local jurisdiction, for example, local governments are not obligated to protect the property rights of those outside of their corporate jurisdiction who would be affected by the local government's HCP.

HB 2712 would not exclude local governments from the HCP planning process, and it would add participation of state agencies whose resources and policy concerns need to be considered. Review of HCPs by the Legislature is necessary because HCPs impact state lands, resources and land use policies.

**OPPONENTS  
SAY:**

HB 2712 would strike a blow against local control and influence and by taking away city and county authority to create a regional HCP. The bill would create state-mandated plans that would give local residents less input than they have now. Most meetings required under this bill would be between agencies and held in Austin rather than in the community trying to reach agreement on a plan.

Local communities that are planning HCPs utilize plenty of expertise. They receive technical support from the U.S. Fish and Wildlife Service and other agencies and benefit from resident biologists who are often the leading experts on the local endangered population. In addition, current law permits any agency affected by the HCP to get involved in the HCP planning process.

Taking away local control and requiring legislative approval would add to the delay and expense of individual property owners desiring development permits and local services for their developments. Individuals would no longer be allowed to attempt development of their land under the guidelines of a local government's HCP. They would instead have to apply through the TPWD to the federal government for a permit for each action they want to take. The current process of local control and input, unlike the process proposed by this bill, reduces bureaucracy for private citizens and saves them money.

NOTES: The original bill was amended to add the General Land Office, Railroad Commission and Departments of Transportation and Agriculture to the list of state agencies to be involved in habitat conservation plans. The original's emergency clause was amended to provide for immediate effect.