

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 69-2022**

**A RESOLUTION SUPPORTING THE GUADALUPE-BLANCO
RIVER AUTHORITY AND ITS ACTIONS TOWARD THE
DEVELOPMENT OF A HABITAT CONSERVATION PLAN; SAID
PLAN BEING DEVELOPED IN RESPONSE TO THE
POTENTIAL LISTING OF FRESHWATER MUSSELS WITHIN
PORTIONS OF THE GUADALUPE RIVER AS ENDANGERED
SPECIES BY THE U.S. FISH AND WILDLIFE SERVICE**

WHEREAS, beginning in 2015, the U.S. Fish and Wildlife Service (“USFWS”) provided notice to the public and stakeholders along the Guadalupe River that it had begun the process, pursuant to the federal Endangered Species Act (“ESA”), of determining whether to list several species of freshwater mussels as endangered or threatened; and

WHEREAS, under the ESA, the USFWS is authorized to “list” endangered species and critical habitats, to assess potential “takes” of such species, and to approve permits and plans (e.g., Incidental Take Permits and Habitat Conservation Plans (“HCP”) proposed by the regulated community as to how they proposed to respond to and address such “listings” and/or takes; and

WHEREAS, based upon this notice, the City began monitoring the USFWS’s actions and prepared to 1) oppose or at least comment on the potential listing; and 2) address possible or alleged impacts to the City and its water supply, recreational activities, and other uses of the river if there were such a designation; and

WHEREAS, the City’s general practice with these types of issues is to find whether a coalition exists either with other public entities, such as the Upper Guadalupe River Authority (“UGRA”) and the Guadalupe-Blanco River Authority (“GBRA”), or private landowners and other interested parties as a way of finding widespread support for the City’s position and a way to share costs and other work necessary to participate fully in response to any potential USFWS findings; and

WHEREAS, one public entity that has very similar interests to the City is the GBRA, which is a water conservation and reclamation district pursuant to Texas law; and

WHEREAS, GBRA has, in part, begun developing a multispecies HCP for the entire Guadalupe River watershed, received federal grant funds to help pay for the estimated cost of developing an HCP, and sought the participation of other Guadalupe River stakeholders to participate in its work; and

WHEREAS, representatives from GBRA recently made a presentation to City Council regarding the USFWS's noticed intent, the mussel species and critical habitat involved, and GBRA's plans and strategies to address these issues; and

WHEREAS, City staff believes that it would be beneficial for the City to partner with GBRA as to its work toward creating an HCP; and

WHEREAS, City Council believes it to be in the City's and the public's interest to formally participate with GBRA and its efforts to develop an HCP;


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. City Council supports GBRA and its efforts toward the creation of an HCP and other actions to address the potential listing of mussels as an endangered species on portions of the Guadalupe River as critical habitat.

SECTION TWO. City Council authorizes the City Manager and the City Attorney to advise GBRA of the action authorized by this Resolution and to participate in GBRA's process toward the development of the Guadalupe River HCP.

SECTION THREE. The City Manager and City Attorney shall keep Council apprised of its work and the development of the HCP, with the understanding that Council may need to take future action with respect to these issues.

PASSED AND APPROVED ON this the 25 day of OCTOBER, A.D., 2022.


Judy Eychner, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary