



# DEVELOPMENT SERVICES

## RULE INTERPRETATION DETERMINATION

**Determination #:** 2026-002

**Title:** *Habitat Compliance Form Update*

**Drafted by:** *Land Development Division, Policy Administration Section*

**Rule in Question:** *Figure 35-B133-1 Habitat Compliance Form*

**Department Action:** *This RID is to update the Habitat Compliance Form to replace the link to the 2011 Final Recovery Plan for Bexar County Karst Invertebrates and includes suggested UDC amendment for the next Unified Development Cycle.*

A handwritten signature in blue ink, appearing to read "Amin Tohmaz".

Amin Tohmaz, PE, CBO  
Development Services Director

May 27, 2026  
Date

**Effective Date of Determination:** *Immediately*

*Please note RIDs often result in direct or related UDC amendments to codify the clarification addressed within the RID. RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.*

**Staff Analysis:** In 2024, US Fish and Wildlife Service announced a new version of the San Antonio Area Karst Zones and Karst Fauna Regions data sets for public use, which includes the PDF link to the 2011 Final Recovery Plan for Bexar County Karst Invertebrates:  
[https://ecos.fws.gov/docs/recovery\\_plan/Final%202001%20Bexar%20Co%20Invertebrates%20Rec%20Plan\\_1.pdf](https://ecos.fws.gov/docs/recovery_plan/Final%202001%20Bexar%20Co%20Invertebrates%20Rec%20Plan_1.pdf)

**Staff Position and Interpretation:** Staff finds it is beneficial to the development community to have access to the current Final Recovery Plan for Bexar County Karst Invertebrates provided by US Fish and Wildlife Service.

**Future UDC Amendments:** Staff proposes to remove reference to the 2008 Draft and remove Figure 35-B133-1 Habitat Compliance Form from the Unified Development Code so staff can make updates to the required form as needed.

- (a) The owner of property subject to this chapter who submits an application to the City of San Antonio for development on/of a tract of land greater than two (2) acres in area shall submit a Habitat Compliance Form in accordance with the provisions of this section.
- (b) A property owner shall, through a signed and completed Habitat Compliance Form:
  - (1) Indicate obtainment of a section 10(a) permit, section 7 biological opinion, participation in a Regional Habitat Conservation Plan or submittal of an endangered species survey to the U.S. Fish and Wildlife Service for properties located in Karst zones 1 or 2 as outlined in the ~~2008 Draft~~ Recovery Plan for Bexar County Karst Invertebrates, available on U.S. Fish and Wildlife Service's website; or for properties identified as potential Golden-Cheeked Warbler Habitat as outlined in Texas Parks and Wildlife Department Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes, available on their website; or,
  - (2) Complete a signed, sworn, and notarized affidavit indicating a biologist survey was either not completed, or not provided to the U.S. Fish and Wildlife Service.

The application to the City of San Antonio shall be deemed incomplete if the Habitat Compliance Form, and affidavit if applicable, is not completed and signed, and/or the information provided is deemed to be inaccurate.

- (c) The Habitat Compliance Form shall include an indication of coverage under the Endangered Species Act or where there is no coverage an indication of any development greater than two (2) acres in areas known to provide habitat for Golden-Cheeked Warblers or Karst Invertebrates. The Habitat Compliance Form shall be updated by staff to reflect any changes made by US Fish and Wildlife Service's website. ~~substantially in the form of Figure 35-B133-1.~~

*Commentary: For information on endangered species habitat within the City of San Antonio's jurisdiction and any Military Influence Areas as may be established, see for example ~~March 2008 Draft~~ Recovery Plan for Bexar County Karst Invertebrates, available on U.S. Fish and Wildlife Service's website, Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes by Texas Parks and Wildlife Department and available on their website.*

- (d) After the completeness review (section 35-402) of an application subject to subparagraph (a), the director shall provide a copy of the Habitat Compliance Form to the U.S. Fish and Wildlife Service and Texas Parks and Wildlife Department.

***Part 1. Commentary***

~~For information on endangered species habitat within Bexar County as may be established, see 2008 Final Recovery Plan for Bexar County Karst Invertebrates, available on US Fish and Wildlife Service's website, [https://www.fws.gov/southwest/es/AustinTexas/ESA\\_Sp\\_KarstInverts.html](https://www.fws.gov/southwest/es/AustinTexas/ESA_Sp_KarstInverts.html), and Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes by Texas Parks and Wildlife Department available on their website, [https://tpwd.texas.gov/publications/pwdpubs/media/pwd\\_bk\\_w7000\\_0013\\_golden\\_checked\\_warbler\\_mgmt.pdf](https://tpwd.texas.gov/publications/pwdpubs/media/pwd_bk_w7000_0013_golden_checked_warbler_mgmt.pdf).~~

***Part 2. Applicant Contact Information:***

|                      |       |                        |                    |
|----------------------|-------|------------------------|--------------------|
| Project Name:        | _____ |                        |                    |
| Property Owner:      | _____ | E-mail:                | _____              |
| Address:             | _____ | Zip code:              | _____ Phone: _____ |
| Agent:               | _____ | E-mail:                | _____              |
| Address:             | _____ | Zip code:              | _____ Phone: _____ |
| Contact Person Name: | _____ | E-mail:                | _____              |
| Company:             | _____ | Relationship to Owner: | _____              |
| Address:             | _____ | Zip code:              | _____ Phone: _____ |

**Part 3. Property Location:**

Property address or nearest street intersection if address not available: \_\_\_\_\_  
Aeres: \_\_\_\_\_ Ferguson map grid: \_\_\_\_\_ USGS Grid: \_\_\_\_\_  
*In addition to this form, please submit an aerial map designating property boundaries based on the most recently available imagery. Maps can be obtained from [www.sanantonio.gov/dsd](http://www.sanantonio.gov/dsd) and saved into a PDF format.*

**Part 4. Application Type (check one):**

|                                                        |                                                              |
|--------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Master Development Plan (MDP) | <input type="checkbox"/> Tree Permit                         |
| <input type="checkbox"/> Major Plat                    | <input type="checkbox"/> Planned Unit Development (PUD) Plan |
| <input type="checkbox"/> Development Plat              | <input type="checkbox"/> Minor Plat                          |

**Part 5. Endangered Species Act Coverage (check one):**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> The activity subject to the application to the City of San Antonio is covered under an existing individual Section 10(a) permit or an individual Section 7 Biological Opinion analyzing the activity as proposed, and the activity is identical or very similar to the activity proposed in permit and located in the same geographic location. Applicants checking this box must provide either the Section 7 consultation number ( _____ ) or the individual Section 10(a) permit number ( _____ ). <i>Complete part 7 of this form, no affidavit required.</i> |
| <input type="checkbox"/> The activity subject to the application to the City of San Antonio is covered by participation in the Southern Edwards Plateau Habitat Conservation Plan (SEP HCP) or another approved Regional Habitat Conservation Plan. Applicants checking this box must provide a copy of the Participation Certificate. <i>Complete part 7 of this form, no affidavit required.</i>                                                                                                                                                                                         |
| <input type="checkbox"/> The activity subject to the application to the City of San Antonio is not covered by an existing Section 10(a) permit or a Section 7 Biological Opinion nor participation in an approved Regional Habitat Conservation Plan. <i>(Complete parts 6, 7 and 8 of this form (if applicable))</i>                                                                                                                                                                                                                                                                      |

**Part 6. Description for Activities Without Coverage (check one box for both parts A and B):**

|                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>A. Golden-cheeked Warbler Endangered Species</b></p> | <p>1. <input type="checkbox"/> No part of the tract subject to the application to the City of San Antonio is located in the presumptive habitat area for Golden-cheeked Warblers as described below. While this requirement applies throughout the jurisdiction of the City of San Antonio, there is a presumption that areas located outside of Loop 1604, and north of U.S. Highway 90, and west of Interstate Highway 35 do contain habitat. If the property is located in the presumptive habitat area, as described, this box may not be checked.</p> <p>2. <input type="checkbox"/> The tract or portions of the tract subject to the application to the City of San Antonio is within a presumptive habitat area or contains habitat types that may be used by Golden-cheeked Warblers as set forth in <i>Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes, Texas Parks and Wildlife Department, available on their website</i> and an Endangered Species Survey or Habitat Assessment has been completed within the last 3 years by a Biologist permitted by U.S. Fish and Wildlife and copies have been sent or will be sent to:<br/>         U.S. Fish and Wildlife (USFWS) Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758</p> <p>Biologist Name and permit number _____<br/>         Date of Survey/Assessment _____<br/>         Biologist has been notified that their survey/assessment has been utilized <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. <input type="checkbox"/> The tract or portions of the tract subject to the application to the City of San Antonio is within a presumptive habitat area or contains habitat types that may be used by Golden-cheeked Warblers as set forth in <i>Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes, Texas Parks and Wildlife Department, available on their website</i>, and an Endangered Species Survey has NOT been submitted to U.S. Fish and Wildlife. (Selecting this box requires the applicant to complete the <i>Habitat Compliance Affidavit in part 8 of the form.</i>)</p> |
| <p><b>B. Karst Invertebrate Endangered Species</b></p>     | <p>1. <input type="checkbox"/> No part of the tract subject to the application to the City of San Antonio is located within karst zone 1 or 2 as identified by the USFWS. (Applicant must provide a map demonstrating that the tract is outside of karst zone 1 or 2)</p> <p>2. <input type="checkbox"/> The tract or portions of the tract subject to the application to the City of San Antonio is located within Karst Zone 1 or 2 as identified by the USFWS and a karst feature survey or Endangered Species Survey has been completed by a Biologist permitted by U.S. Fish and Wildlife and copies have been sent or will be sent to:<br/>         U.S. Fish and Wildlife (USFWS) Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758</p> <p>Biologist Name and permit number _____<br/>         Date of Survey/Assessment _____<br/>         Biologist has been notified that their survey/assessment has been utilized <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. <input type="checkbox"/> The tract or portions of the tract subject to the application to the City of San Antonio is located within Karst Zone 1 or 2 as identified by the USFWS and a karst feature survey or Endangered Species Survey has NOT been submitted to U.S. Fish and Wildlife. (Selecting this box requires the applicant to complete the <i>Habitat Compliance Affidavit in part 8 of the form.</i>)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**Part 7. Owner or Authorized Representative** (form is considered incomplete without this part of the

I certify that the information provided in this Habitat Compliance Form is true and accurate.

Print Name: \_\_\_\_\_ Title \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner

Authorized Representative

I affirm that I am authorized to sign this form on behalf of the owner.

Address: \_\_\_\_\_ City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

E-mail: \_\_\_\_\_

*form completed):*

**Part 8. Affidavit of Compliance** (required for properties in karst zones 1 or 2 or located in the area identified as potential habitat as set forth in Management Guidelines for the Golden-cheeked Warbler in Rural Landscapes, Texas Parks and Wildlife Department, available on their website when there is no Section 10(a) permit, Section 7 biological opinion, Regional Habitat Conservation Plan, nor endangered species survey submitted to US Fish and Wildlife):

**Affidavit of Compliance**

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_ ("Affiant") who, being first duly sworn, upon his/her oath states:

My name is \_\_\_\_\_ and I am the owner of the property that is the subject of this application to the City of San Antonio.

\_\_\_\_\_ A habitat assessment/survey was not conducted or I have elected not to provide the information.

Please explain below with an additional narrative why no survey has been conducted or why you have elected to not provide the information:

\_\_\_\_\_  
\_\_\_\_\_

I, as the owner, understand that I am responsible for the property's compliance with the Endangered Species Act.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signature: \_\_\_\_\_

STATE OF TEXAS \_\_\_\_\_ §

§

COUNTY OF BEXAR \_\_\_\_\_ §

Sworn to and subscribed to before me on \_\_\_\_\_, by \_\_\_\_\_,

\_\_\_\_\_  
Notary Public, State of Texas