

**CITIZEN’S ADVISORY COMMITTEE (“CAC”)
to the
Hays County
Regional Habitat Conservation Plan (“RHCP”)**

**NOTICE OF OPEN MEETING
(also available at <http://www.hayscountyhcp.com>)**

A meeting of the Citizen’s Advisory Committee (CAC) to the Hays County RHCP will be held as follows:

WHEN: February 20, 2008

TIME: 6:00 p.m.

**WHERE: Wimberley Community Center, Blanco Room
14068 Ranch Road 12, Wimberley, Texas 78676**

Members of the Hays County Commissioner’s Court may attend, but no action will be taken by the Court.

Members of the Hays County Regional Habitat Conservation Plan Biological Advisory Team (BAT) may attend, but no action will be taken by the BAT.

At this meeting, the following business may be considered and recommended for CAC action:

1. Call to Order
2. Approve Minutes from October 11, 2007 and January 10, 2008 CAC Meetings.
3. Citizens’ Comments.
4. Receive Presentation Regarding Status of Hays County Parks and Open Space Bond, Hays County Citizens Park Advisory Team, Hays County’s Memorandum of Agreement with the Trust for Public Land, and Possible Coordination with RHCP Effort.
5. Receive Presentation Regarding RHCP Completion, Anticipated Tasks, and CAC Input Necessary for RHCP Completion.
6. Receive Presentation Regarding Possible RHCP Scenarios and Potential Cost.
7. Discuss and Take Appropriate Action Regarding Possible RHCP Scenarios and Potential Cost.
8. Discuss and Take Appropriate Action Regarding Agenda Items for Next CAC Meeting
9. Adjourn

**CITIZENS ADVISORY COMMITTEE (“CAC”)
to the
Hays County
Regional Habitat Conservation Plan (“RHCP”)**

Minutes

A meeting of the Citizen’s Advisory Committee to the Hays County RHCP was held as follows:

WHEN: October 11, 2007

TIME: 6:00 p.m.

WHERE: Price Senior Center, 222 West San Antonio Street, San Marcos, Texas 78666

In Attendance:

CAC Members:

- Bill Avera
- David Baker
- Kathy Boydston
- Henry Brooks
- Chris Carson
- David Goodrum
- Melani Howard
- Chuck Lemmond
- Catherine Livingston
- Dr. Glenn Longley
- Melinda Mallia
- Melanie Pavlas Snyder
- Dr. Todd Votteler
- Dianne Wassenich

Hays County Representatives:

- Commissioner Will Conley
- Steve Floyd (GIS)

HCP Consultant Team:

- Smith|Robertson: Alan Glen, Melinda Taylor, Rebecca Hays
- Loomis Austin, Inc.: Clifton Ladd, Jennifer Williams, Peter Sprouse (Zara Environmental)

Other:

- Joseph Lessard

Agency Representatives:

- Kathy Boydston (TPWD)

1. Call to Order. Chair Melinda Mallia called the meeting to order.

2. Approve Minutes from September 13, 2007 CAC Meeting. Minutes from September 13, 2007 CAC meeting were unanimously approved. Commissioner Conley announced that Brent Tuttle has been appointed to the CAC to replace Eddie Gumbert.
3. Citizens' Comments. Clay Schultz commented that the first question on the Hays County species chart should be whether a species is endemic to Hays County.
4. Presentation Regarding Edwards Aquifer Recovery Implementation Program. Anna Munoz gave an overview of the Edwards Aquifer Recovery Implementation Program.
5. Presentation Regarding the Balcones Canyonlands Conservation Plan from Kevin Connally, Travis County Environmental Specialist, Balcones Canyonlands Preserve Program. Kevin Connally gave a presentation regarding the Balcones Canyonlands Conservation Plan.
6. Report Regarding Provisions of Other RHCPs. Alan Glen (Smith|Robertson) addressed the provisions of RHCPs around the country.
7. Report and Discussion Regarding Draft Hays County RHCP Outline. Clif Ladd (Loomis Austin) gave report on the draft Hays County RHCP outline.
8. Report and Discussion Regarding Options for Hays County Species. Clif Ladd (Loomis Austin) gave a report on options for Hays County species. Craig Farquhar reported on Hays County RHCP Biological Advisory Team progress.
9. Presentation Regarding Options for RHCP Development. Melinda Taylor (Smith|Robertson) gave a brief presentation on options for RHCP development. Ms. Taylor will give more in-depth presentation at the November CAC meeting.
10. Discuss and Take Appropriate Action Regarding Agenda Items for Next CAC Meeting. The next CAC meeting will be Thursday, November 8, 2007. Commissioner Conley will secure a meeting location in Wimberley.
11. Adjourn. Chair Melinda Mallia adjourned the meeting.

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**CITIZEN'S ADVISORY COMMITTEE ("CAC")
to the
Hays County
Regional Habitat Conservation Plan ("RHCP")**

**MINUTES
(also available at <http://www.hayscountyhcp.com>)**

A meeting of the Citizen's Advisory Committee (CAC) to the Hays County RHCP was held as follows:

WHEN: January 10, 2008

TIME: 6:00 p.m.

**WHERE: Wimberley Community Center, 14068 Ranch Road 12, Wimberley, Texas
78676**

In Attendance:

CAC Members:

- Chris Carson
- Glenn Longley
- David Baker
- Todd Votteler
- Melani Howard
- Melinda Mallia
- Henry Brooks
- David Goodrum
- Chuck Lemmond
- Kathy Boydston
- Dianne Wassenich
- Bill Avera
- Melanie Pavlas-Snyder
- Catherine Livingston
- Kathy Boydston

Hays County Representatives:

- Commissioner Will Conley
- Commissioner Karen Ford
- Steve Floyd
- Jerry Pinnix
- Sandy Irvin

BAT representatives

- Craig Farquhar
- Linda Laack

HCP Consultant Team:

- Smith|Robertson: Melinda Taylor, Rebecca Hays, Alan Glen
- Loomis Austin, Inc.: Clifton Ladd, Amanda Aurora, Jean Krejca (Zara Environmental), Melinda Clary (Lopez Garcia Group)
- Joseph Lessard

Agency Representatives:

- Kathy Boydston (TPWD)
- Craig Farquhar (TPWD)

1. Call to Order. Chair Melinda Mallia called the meeting to order.
2. Approve Minutes from November 8, 2007 CAC Meeting. The CAC unanimously approved minutes from the November 8, 2007 meeting.
3. Citizens' Comments. There were no citizens' comments.
4. Receive Report from BAT Chair Regarding BAT Activities. Craig Farquhar presented the BAT's draft species recommendation and reported on other BAT activities. The BAT recommended that the Hays County RHCP cover the black-capped vireo and golden-cheeked warbler for take and listed 56 other species as either evaluation species or additional species under the plan for which take coverage would not currently be sought.
5. Discuss and Take Appropriate Action Regarding Species Coverage Under the RHCP. The CAC discussed the BAT recommendation regarding covered, additional, and evaluation species. Motion to accept the BAT recommendation with the ability to make changes carried. CAC members Henry Brooks and Chuck Lemmond abstained.
6. Receive Presentation Regarding Williamson County, Texas RHCP. Alan Glen (Smith|Robertson) introduced former Williamson County Commissioner David Hays and Dr. Steve Carothers of SWCA Environmental Consultants, Inc. Mr. Hays and Dr. Carothers each gave brief presentations regarding Williamson County's plan and took questions from CAC members regarding same.
7. Receive Presentation from Joseph Lessard Regarding RHCP Conceptual Options, Potential Cost, and Possible Funding Mechanisms. Joseph Lessard, Hays County's RHCP economic consultant gave a presentation regarding the potential cost and possible funding options for various plan scenarios.
8. Discuss and Take Appropriate Action Regarding RHCP Conceptual Options. Discussion and action on this item was tabled.
9. Discuss and Take Appropriate Action Regarding Agenda Items for Next CAC Meeting. CAC members requested that Mr. Lessard return to the February meeting. Additionally,

several CAC members requested that, at the next meeting, the consultants discuss what steps need to be taken in the coming months, and what the CAC needs to do to continue moving the plan forward. Rebecca Hays (Smith|Robertson) will look at alternate meeting dates as the next CAC meeting falls on Valentine's Day.

10. Adjourn. Chair Mallia adjourned the meeting.

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**Overview of Citizens Advisory Committee (CAC) Tasks
and Projected Meeting Schedule**

February CAC Meeting (February 20, 2008)

- Review CAC schedule for remainder of RHCP process
- Receive presentation regarding RHCP scenarios
- Begin discussion on RHCP scenarios

March CAC Meeting (March 13, 2008)

- Discuss RHCP scenarios in detail
- Select RHCP preferred alternative
- Receive presentation regarding RHCP funding mechanisms and options

*** There will be no CAC meetings in April or May. During this time, the consultant team will complete the first draft of the RHCP. The CAC will be provided at least two weeks to review the draft RHCP before the June CAC meeting

June CAC Meeting (June 12, 2008)

- Discuss funding options
- Discuss and comment on draft RHCP

*** There will be no CAC meetings in July or August. During this time, the consultant team will complete the second draft of the RHCP, incorporating CAC and other comments. The CAC will be provided at least two weeks to review the draft RHCP before the September CAC meeting.

September CAC Meeting (September 11, 2008)

- Discuss RHCP funding
- Discuss and comment on second draft RHCP

*** If requested by the CAC, an additional CAC meeting may be held in November 2008.

HAYS COUNTY

REGIONAL HABITAT CONSERVATION PLAN

SUMMARY OF POSSIBLE PLAN ALTERNATIVES



Prepared by:

Loomis Austin, Inc.,

Smith, Robertson, Elliott, Glen, Klein & Bell, LLP,

and

Joseph Lessard

Photos courtesy of the US Fish and Wildlife Service and the Texas Parks and Wildlife Department

COMMON ELEMENTS FOR ALL SCENARIOS

IMPORTANT NOTE: This document summarizes some of the major components of and alternatives for a possible regional habitat conservation plan (RHCP) for Hays County, Texas. No preferred conservation strategy for the Hays County RHCP, including details regarding the mitigation needs, participation process, or other specifics, have been determined at this time. *All aspects* of this document and other alternatives are draft and are subject to change.

1. **Plan Area:** Hays County
2. **Permit Duration:** 30 years from date of RHCP approval (approximately 2040)
3. **Species Covered:**
 - For Incidental Take: golden-cheeked warbler, black-capped vireo
 - Evaluation Species: unlisted karst species, Cagle's map turtle
 - Additional Species: several currently listed aquatic species, unlisted plants, unlisted surface aquatic species
4. **Potential Habitat Loss During the Permit Term¹:**
 - Governmental Projects and Infrastructure: Approximately 6,000 to 7,000 acres of estimated habitat loss (includes projects by State and County governments, Municipalities, School Districts, and other governmental and quasi-governmental entities)
 - Private Development Needs: Approximately 67,000 to 73,000 acres of estimated habitat loss
 - Based on the experience of the Balcones Canyonlands Conservation Plan, it is anticipated that not all projects resulting in habitat loss will seek participation in and receive coverage under the RHCP.
5. **Acquisition Strategy:** Mix of easements and fee simple acquisition (approx. 50%-50%)
6. **Cost Recovery:** The preliminary estimated acquisition costs do not yet include any income off-sets associated with the anticipated collection of mitigation fees and sale of participation certificates.
7. **Acquisition Criteria:** Minimum preserve size of 500 acres for golden-cheeked warbler and 40 acres for black-capped vireo ²

¹ These estimates are preliminary numbers and are being refined as additional data become available.

² The County may choose to place a higher priority on preserving property with higher quality habitat.

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8. **Monitoring and Management:** Perpetual monitoring and management of preserves will be required
9. **Public Access Issue:** The nature and extent of potential public access on preserve lands requires further evaluation and discussion
10. **Conservation Actions for Evaluation Species:** Some amount of money will be spent on research within the first five years of the RHCP. The BAT will recommend research priorities for the evaluation species.
11. **Mitigation Fees:** Amount paid based on number of acres to be impacted by a proposed project. Mitigation needs for each project will be determined by an on-site habitat/impacts assessment conducted by a RHCP biologist (either USFWS permitted County staff or approved contractor). The habitat/impacts assessment will identify acreage of warbler and/or vireo habitat that could potentially be impacted by the proposed project. The County may, on a case-by-case basis, accept dedication of conservation land in lieu of fees.
12. **Participation:** Participation in the plan will be voluntary and open to all project proponents whose projects could impact warbler and/or vireo habitat within Hays County.

ALTERNATIVE A

MODERATE PRE-DETERMINED PRESERVE SYSTEM/NO CONSERVATION BANK

1. **Preserve Size:** 3,500 acres
 - **Golden-checked warbler habitat:** 3,000 acres
 - **Black-capped vireo habitat:** 500 acres
2. **Acquisition Schedule:** Within four years of RHCP approval, as required by state law
3. **Mitigation Available:**
 - **Golden-checked warbler:** 1,500-3,000 acres, depending on the mitigation ratio approved by USFWS
 - **Black-capped vireo:** 500 acres
4. **Net Present Value (NPV) Preserve Acquisition Costs ³:**
 - **Fee Simple Acquisition:** \$22 million
 - **With 50% Conservation Easements:** \$17 million
5. **If additional take is needed, a permit amendment and additional financial commitments will be required.**

³ The fee simple acquisition cost estimates assume that 100% of the preserve land is purchased without use of conservation easements. Conservation easement cost estimates assume that 50% of preserve acquisitions will be by easement and 50% by fee simple. The price of land purchased in fee simple is based on the estimated 2007 average value for agriculture land of \$4,835 taken from the Hays Central Appraisal District records. The numbers presented above are only intended to provide early, very rough estimates of preserve land acquisition costs. It is anticipated that future, more detailed, analysis will substantially increase the per acre value of land and thereby could increase the cost estimates for preserve acquisition. To compensate for the assumed under valuation of land, the cost of land used in the above estimates is adjusted by a 6% annual growth in per acre land cost. The price of conservation easements is assumed to be one-half of the per acre cost of acquiring land in fee simple. The above cost numbers do not consider monitoring and management costs or administrative costs, but do include an adjustment for transaction costs (appraisals, environmental assessments, legal fees, etc.) of 6% of the land purchase price.

ALTERNATIVE B
INITIAL PRESERVE SYSTEM
AUGMENTED BY A
ROLLING CONSERVATION BANK

1. **Preserve Size:** 16,000 acres
 - **Golden-cheeked warbler habitat:** 15,000 acres
 - **Black-capped vireo habitat:** 1,000 acres
2. **Acquisition Schedule:** Initial preserve of 3,000 acres of warbler habitat and 500 acres of vireo habitat acquired within four years of RHCP approval. The balance of the preserve acreage would be acquired on a rolling basis, with take authorized as the habitat is protected.
3. **Mitigation Available:**
 - **Golden-cheeked warbler:** Up to approximately 15,000 acres depending upon negotiated mitigation ratio
 - **Black-capped vireo:** Up to approximately 1,000 acres
4. **NPV Preserve Acquisition Costs ³:**
 - Initial Preserve**
 - **Fee Simple Acquisition:** \$22 million
 - **With 50% Conservation Easements:** \$17 million
 - Remaining Preserve Acreage**
 - **Fee Simple Acquisition:** \$99 million
 - **With 50% Conservation Easements:** \$76 million
5. The County would establish a conservation banking program to create up to 16,000 acres of mitigation credit. Thereafter, a permit amendment and new financial commitments would be required.

ALTERNATIVE C
FULL MITIGATION FOR ENTIRE COUNTY
WITH A
PRE-DETERMINED PRESERVE SYSTEM

1. **Preserve Size:** 32,000 acres
 - **Golden-cheeked warbler habitat:** 30,000 acres
 - **Black-capped vireo habitat:** 2,000 acres
2. **Acquisition Schedule:** Within four years from date of RHCP approval, as required by state law
3. **Mitigation Available:**
 - **Golden-cheeked warbler:** All take of golden-cheeked warbler habitat outside of the dedicated preserve system would be fully mitigated by the preserve system.
 - **Black-capped vireo:** All take of black-capped vireo habitat outside of the dedicated preserve system would be fully mitigated by the preserve system.
4. **NPV Preserve Acquisition Costs** ³:
 - **Fee Simple Acquisition:** \$ 203 million⁴
 - **With 50% Conservation Easements:** \$ 155 million⁴
5. **No need to request additional take authorization for golden-cheeked warbler and black-capped vireo.**

⁴ These numbers have been changed from the February 14, 2008 version that was distributed in advance to the CAC to correct an error in the calculations.

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Conceptual Options for Hays County RHCP



Pictures © TPWD

USFWS HCP Handbook

- No rules for conceptual framework; flexibility to design plan appropriate to circumstances
- Mitigation strategy must be “commensurate with the impacts”
- Plan must meet the ESA’s “maximum extent practicable” test

Conceptual Options

- Pre-determined Preserve Model
- Conservation Bank with Permitting Authority

Three Options for Hays RHCP

- Not the only choices
- Final plan could be a modified version of any of the three
- Numbers in the options are **draft** and will be refined further over the next several months

Three Options

- Moderate preserve (3,500 acres)
- Preserve + conservation bank (16,000 acres)
- Preserve system adequate to cover take in entire county (32,000)

Common Elements

- Plan area: Hays County
- Permit term: 30 years
- Species covered: Golden-cheeked warbler, Black-capped vireo
- Potential habitat loss during the permit term:
 - 6,000 – 7,000 acres from government projects
 - 67,000 – 73,000 from private development

Common Elements

- Acquisition strategy: 50/50 fee simple/easement
- Cost recovery: there will be some recouping of costs from collection of mitigation fees and sale of credits
- Acquisition criteria: minimum preserve size of 500 acres for warbler, 40 acres for vireo

Common Elements

- Perpetual monitoring and management
- Public access – has not been determined
- Conservation actions for evaluation species
- Mitigation fees
- Participation – voluntary and open to all project proponents within Hays County

Common Elements

- Price of land is based on 2007 average value for ag land of \$4,835 (Hays Central App. District)
- Assume 6% increase in per acre land cost annually
- Price of easements is assumed to be ½ of cost of buying land in fee simple

Option A

- Preserve size: 3,500 acres
 - Golden-cheeked warbler: 3,000
 - Black-capped vireo: 500
 - Acquisition within 4 years of RHCP approval (state law requirement)
- Mitigation available: 1,500 – 3,000 acres (GCW) and 500 acres (BCV)
- NPV Preserve Acquisition Costs: \$17 million - \$22 million

Option B

- Preserve size: 16,000 acres
 - GCW: 15,000 acres; BCV: 1,000
 - Acquisition schedule: 3,500 w/in 4 years; balance acquired on a **rolling basis**; take authorized as habitat is protected
 - Mitigation available: Up to 15,000 acres (GCW) and 1,000 acres (BCV)
 - NPV Acquisition costs: \$17 – 22 million initially; \$76 -99 million over time (with some portion funded by sale of credits and mitigation fees)

Option C

- Preserve size: 32,000 acres
 - GCW: 30,000 acres; BCV: 2,000
 - Acquisition schedule: w/in 4 years (state law)
 - Mitigation available: Take authorized throughout county, outside of preserves
 - NPV Preserve Acquisition Costs: \$189 million - \$248 million