

Hays County Regional Habitat Conservation Plan

Phase 2 and Phase 3 Progress Report

June 9, 2008

On October 24, 2006, the Commissioner's Court approved a Work Plan for the Hays County Regional Habitat Conservation Plan (RHCP) identifying tasks necessary to complete the Plan and an estimated schedule and budget for the project. The Work Plan grouped the tasks into six phases. Phase 1 of the RHCP was completed in October 2006, with the approval of the Work Plan. Progress towards completing Phase 2 of the Work Plan was summarized in an interim progress report dated December 21, 2007. Major Phase 2 milestones completed in 2007 included the launching of the project website, formation of the Biological Advisory Team and the Citizens Advisory Committee, and the addition of economic advisors to the project team headed by Mr. Joseph Lessard.

This progress report summarizes work completed since the December 21, 2007 interim Phase 2 progress report. Both Phase 2 and Phase 3, as described in the Work Plan, have now been completed. Phase 2 of the Work Plan involved tasks related to initial project development and early community guidance that guided the preparation of a first conceptual draft RHCP as part of Phase 3.

1.0 Completed Activities and Deliverables

Between December 2007 and June 2008, the project team has completed the following work during Phase 2 of the project:

- **Interim Progress Report for Phase 2** – Loomis and SR prepared an interim progress report for Phase 2 of the project. This interim progress report was delivered to Hays County via email on December 21, 2007.
- **Develop Public Outreach/Public Participation Protocol** – The RHCP website continues to be updated on an approximately biweekly basis. Loomis reorganized portions of the website to improve access to information about the BAT and CAC and update contact information for the project. The email distribution list for public notices currently includes 85 subscribers.
- **Baseline Data Acquisition and Preliminary Analysis** – Work completed since the interim Phase 2 progress report includes updates to the karst habitat map and report by Zara Environmental (latest draft dated May 14, 2008). Initial population and land development trends were developed by Loomis to support a preliminary estimate of habitat loss (i.e., “take”) in Hays County during the term of the permit (preliminary analysis completed February 13, 2008). Ongoing

baseline work by the economic team has included revised population projections and estimates of land development trends and potential take.

- **Initial Strategy/Framework Development** – Loomis and S|R assisted the BAT with the preparation of a document summarizing their recommendations for which species should be addressed in the RHCP and how to incorporate these species into the Plan (initial recommendations dated January 8, 2008; most recently updated June 3, 2008). The BAT recommended that Hays County seek incidental take coverage for 2 species (the golden-cheeked warbler and black-capped vireo), but may also provide some conservation benefits to 56 other species. The economic team presented an initial summary of funding options and potential funding sources for the RHCP to the CAC on January 10, 2008. The consultant teams prepared a “Summary of Possible Plan Alternatives” for presentation to and discussion by the CAC, BAT, and Hays County (February 20, 2008). The summary included a list of common plan elements, such as permit duration, species covered, and estimates of the amount of possible habitat loss. Three alternatives were described that differed in the size of the preserve system (3,500 acres to 32,000 acres), and the strategy for preserve acquisition (up-front preserve design and acquisition; a rolling conservation banking acquisition strategy; or a mixed approach). The summary also included the estimated cost to acquire each alternative preserve system. The Commissioner’s Court reviewed the recommendations for species inclusion in the Plan and the summary of possible Plan alternatives at a work session on February 26, 2008. The CAC recommended by consensus at the March 27, 2008 CAC meeting that Hays County pursue a hybrid conservation strategy featuring a moderately sized initial up-front preserve (to be acquired within the timeframe required by state law) and a rolling conservation bank to be assembled as needed to generate additional mitigation credit with an ultimate goal of protecting 32,000 acres of habitat in Hays County. The Work Plan anticipated achieving consensus on the RHCP scope and strategy by June 19, 2007.

Phase 2 of the Work Plan was completed with the recommendations from the BAT and CAC regarding the species to include in the plan and the preferred conservation strategy. Phase 3 of the Work Plan involved work by the consultant teams to prepare a preliminary draft RHCP based on the species and conservation strategy recommendations from the advisory committees.

- **Prepare Conceptual Draft of HCP** – The consultant teams prepared a nearly complete draft of the RHCP (the “preliminary draft” RHCP) that was distributed to the CAC, BAT, Commissioner’s Court, Hays County staff, and the consultant teams on May 23, 2008. Major sections left incomplete in the

preliminary draft included detailed take estimates, preserve management criteria, adaptive management provisions, a funding plan, No Surprises provisions, and the alternatives assessment. The Work Plan anticipated the release of a first draft of the Plan by August 31, 2007.

- **Financial Impacts and Funding Plan for HCP** – The economic team prepared a supplement to the preliminary draft RHCP (“Preliminary Funding Plan Scenarios”) that described alternative population growth forecasts, land development estimates, and possible take/mitigation estimates for the Plan. The preliminary assessment included estimated costs for preserve acquisition and long-term operation and maintenance of the preserve system. The funding plan scenario described alternative scenarios for the anticipated major funding source for the plan (Tax Benefit Financing) and potential cash flow generated by these alternative funding strategies. The Work Plan anticipated the development of a funding plan for the RHCP by August 31, 2007.
- **NEPA Scoping Process and PDEIS Development** – NEPA scoping was deliberately postponed to Phase 3 of the project, to allow more time for RHCP development. Loomis, Lopez Garcia Group (a member of the environmental consultant team) and S|R drafted a NEPA scoping notice for the U.S. Fish and Wildlife Service. The Service published the notice in the Federal Register on May 16, 2008. A public scoping meeting is scheduled for June 18, 2008 at the San Marcos Activity Center, and the public comment period closes July 18, 2008. The consultant teams are preparing additional newspaper notices (submitted for publication June 2, 2008) and media packets in advance of the public scoping meeting. The Work Plan anticipated the NEPA scoping process to be complete by June 19, 2007.
- **Miscellaneous Project Activities** – The consultant teams developed a revised project schedule on February 20, 2008 that covers the period between November 2007 and June 2009. The revised schedule includes updated dates for major project milestones, such as the release of draft RHCP and EIS documents, the submittal of the final application package to the Service, and the issuance of the incidental take permit. The revised schedule also identifies the input needed from the CAC, BAT, and Hays County during the remainder of the project. A copy of the February 20, 2008 “Basic Schedule of Major Milestones and Decision Points” is attached.

2.0 Project Schedule

Phase 2 formally began after the approval of the Work Plan on October 24, 2006 and was completed with the recommendation from the BAT of list of species to include in the

RHCP (including which species should be fully covered by the Plan) and the recommended conservation strategy for the Plan from the CAC on March 27, 2008. Phase 3 was completed on May 27, 2008 with the release of the Preliminary Draft RHCP and the supplemental Preliminary Funding Plan Scenarios. The completion of Phase 2 and Phase 3 were approximately eight months behind the Work Plan schedule that was approved by the previous Commissioner's Court at the beginning of the project. However, the consultant teams reevaluated the overall project schedule in February 2008, and proposed a new timeline for major project deliverables (see the attached "Basic Schedule of Major Milestones and Decision Points"). The revised schedule extends the overall project schedule by approximately 6 months and adds a third round of draft document review and revision to the schedule. The new estimate for project completion (i.e., permit issuance) has been revised from December 2, 2008 to June 2009. The project is currently on schedule.

Table 1 sets forth the completed activities and deliverables of Phase 2 and Phase 3.

Table 1. Phase 2 and Phase 3 Timeline – December 2007 to date.

Completion Date	Major Task/Milestone
January 8, 2008	BAT provides initial recommendations for species to be included in the RHCP.
January 10, 2008	Initial presentation to CAC on possible funding options for RHCP.
February 20, 2008	Summary of Possible Plan Alternatives prepared for CAC, BAT, and Hays County review and discussion.
February 26, 2008	Commissioner's Court work session to review species included in the Plan, habitat mapping, Plan alternatives, and funding options.
March 27, 2008	CAC recommends hybrid conservation strategy with a moderately sized initial up-front preserve and a rolling conservation bank with an ultimate goal of protecting 32,000 acres of habitat in Hays County.
May 23, 2008	Delivery of Preliminary Draft RHCP to CAC, BAT, and Hays County.
May 27, 2008	Delivery of Preliminary Funding Plan Scenarios to CAC, BAT, and Hays County.

3.0 Budget

The Work Plan set forth a total estimated budget of \$200,900 for work performed by the consultant teams during Phase 2 of the project. Phase 3 had an identified budget of \$171,880 for preparation of the first draft RHCP document by the consultant teams. The dollar amounts

set forth in the initial estimated budget for each phase were approximate, and subject to reallocation among phases.

A full assessment of the project billings and budget status was not completed as of the date of this report and will be addressed separately.

4.0 Comments and Recommendations

Schedule delays during Phase 2 were discussed in the December 21, 2007 interim progress report. The delays were important to allow the CAC and BAT sufficient time to fully review and discuss alternatives for major components of the RHCP, including which species to cover and how to structure the conservation program. The additional time allowed both committees to reach consensus on a recommended strategy for the RHCP. Both Phase 2 and Phase 3 were completed on time with respect to the revised February 20, 2008 project schedule.

Phase 4 of the project has begun and involves a process of review and revision of the draft RHCP and the Preliminary Draft EIS. June meetings of the BAT, CAC, and Commissioner's Court have already been scheduled to review and comment on the draft RHCP. The consultant teams will collect comments on the Preliminary Draft RHCP through mid-July and prepare a second draft RHCP for public review and a first draft of the Preliminary Draft EIS in early September 2008. Another revision of the RHCP and Preliminary Draft EIS is scheduled for November 2008, with the final drafts of these documents to be completed in December 2008. These final drafts will form the basis of the County's application to the Service for an incidental take permit.

Hays County HCP Basic Schedule of Major Milestones and Decision Points

	November - December 2007	January 2008	February 2008	March 2008	April - May 2008	June 2008	July - August 2008	September 2008	October 2008	November 2008	December 2008	January 2009	February - March 2009	April - May 2009	June 2009
Major Task or Milestone	Initial Conservation Strategy: Presentations, Background, and Early Discussion	Species List for RHCP	RHCP Alternatives and Initial Conservation Program Design	Funding Strategy	Prepare 1st Complete Draft HCP	Review 1st Draft HCP and Hold Public NEPA Scoping Meeting	Prepare 2nd Draft HCP and Prepare EIS	Review 2nd Draft HCP and First Draft EIS	Prepare 3rd Draft HCP and Draft EIS	Review 3rd Draft HCP and Draft EIS	Prepare Final Draft HCP and Preliminary Draft EIS	Submit Complete Application Package and Hold Public Hearing (rcqd' by TPWD Code)	NEPA Public Hearing and Respond to Public Comments	Prepare Final HCP and EIS; Review and Comment on FWS Documentation	Receive Incidental Take Permit
CAC Responsibilities or Actions		Reviewed and Provisionally Accepted Recommended Draft Species List	Review and Discuss RHCP Alternatives	Identify Preferred RHCP Alternative and Provide Feedback on Preferred Funding Mechanisms		Review and Provide Comment on Draft HCP		Review and Provide Comment on Draft HCP and Draft EIS		Possible Meeting to Review and Provide Comment on Draft HCP and Draft EIS					
BAT Responsibilities or Actions		Recommended Draft Species List	Review and Discuss Mitigation Assessments and Preserve Design Criteria	Provide Feedback on Adequacy of Mitigation Assessments and Preserve Design Criteria		Review and Provide Comment on Draft HCP		Review and Provide Comment on Draft HCP and Draft EIS		Possible Meeting to Review and Provide Comment on Draft HCP and Draft EIS					
Commissioner's Court Actions			Work Session to Review Species List, Habitat Maps, Draft Alternatives, and Funding Options							Review and Comment on Draft HCP and Draft EIS		Approve All Documents for Submittal to USFWS (Final Draft HCP and Preliminary Draft EIS)		Review and Approve Final HCP and EIS	Begin Program Implementation