

Hays County Habitat Conservation Plan

Phase 1 Progress Report

November 8, 2006

In September 2005, the U.S. Fish and Wildlife Service (USFWS) awarded Hays County a \$753,750 federal grant to develop and process a Regional Habitat Conservation Plan (RHCP). The County subsequently issued separate Requests for Statements of Interest and Qualifications (RSOIQs) for legal services and environmental consultant services for the County's RHCP, and the Commissioners Court selected Smith|Robertson (SR) as outside counsel and Loomis Austin, Inc. (LAI) as environmental consultant in April 2006 and September 2006, respectively. On October 24, 2006, the Commissioners' Court approved a Work Plan for the Hays County Habitat Conservation Plan identifying tasks necessary to complete the RHCP and an estimated schedule and budget for the project. The Work Plan divides these tasks into six phases to develop and complete the RHCP. Progress reports prepared at the conclusion of each phase document actual progress towards completion of the Hays County Habitat Conservation Plan and issuance of an Endangered Species Act Section 10 incidental take permit by the USFWS.

This progress report summarizes work completed during Phase 1 of the project. Phase 1 of the Work Plan involved a variety of project organization tasks, such as contracting, selecting consultant teams, compiling initial reviews of legal/statutory requirements, making initial contact and coordination with stakeholders and agencies, and development of a detailed work plan for the project.

1.0 Completed Activities and Deliverables

The Work Plan identifies the following deliverables for Phase 1: a stakeholder outreach summary, legal requirements summary, and an updated work plan (tasks, schedule, and budget). The project team has completed the following work during Phase 1 of the project:

- **Assistance with Interlocal Agreement** – The Texas Parks and Wildlife Department (TPWD) administers the federal grant through an Interlocal Agreement with Hays County. SR reviewed the draft agreement proposed by TPWD and negotiated with USFWS to obtain certain modifications, including those to offer more flexibility to the County. On May 9, 2006 the Hays County Commissioners' Court approved the final Interlocal Agreement (Contract No. 157923).
- **Request for Statements of Interest and Qualifications for Environmental Consultant** – SR coordinated with County staff to develop a Request for Statements of Interests and Qualifications for environmental consulting services

for the project. The RSOIQ (#2006-P06) was issued on June 6, 2006. LAI was selected by the Hays County Commissioners' Court as the environmental consultant for the project on September 12, 2006.

- **Stakeholder Outreach Summary** – SR coordinated with County staff and others in conducting public outreach to potential stakeholders in the development of a county-wide Habitat Conservation Plan in Hays County. The Stakeholder Outreach Summary was delivered to Hays County during Phase 1 of the project.
- **Legal Requirements Summary** – SR developed a “Major Milestones” project schedule, along with the following documents: “Legal Requirements for Regional HCPs in Texas”, “Preliminary Work Plan, Hays County Conservation Plan,” and “Summary of State Law Applicable to Citizens Advisory Committee.” Copies of the legal summaries are attached to this progress report.
- **Initial Agency Coordination** – LAI and SR have made initial contact with USFWS and TPWD to discuss preliminary concepts and issues related to the project. USFWS assigned Ms. Allison Arnold as its representative to this project, and TPWD initially assigned Kathy Boydston as its representative for early coordination for this project, though the state agency has not yet formally designated its representatives to the project pursuant to Texas law. This early coordination fulfills Task 1 of the Interlocal Agreement.
- **Updated Work Plan** – LAI and SR developed a detailed work plan for the project (“Work Plan for the Hays County Conservation Plan” dated October 2006), which included tasks grouped into six project phases, a schedule anticipating permit issuance in December 2008, and a budget of \$1,000,000. The Work Plan was unanimously approved by the Hays County Commissioners' Court on October 24, 2006. LAI's contract with Hays County was amended to implement the approved Work Plan, and also approved by the Court on October 24, 2006.
- **Project Overview Presentation** – LAI and SR also prepared a Microsoft PowerPoint presentation describing the purpose and need for a county-wide Habitat Conservation Plan, opportunities and benefits of developing a plan, the requirements of the Endangered Species Act, the project participants, and the work plan. The presentation (“Hays County Conservation Plan: Project Overview” dated October 2006) was shared with the Hays County Commissioners' Court on October 24, 2006.

2.0 Project Schedule

Phase 1 formally began with the signing of the Interlocal Agreement between Hays County and the Texas Parks and Wildlife Department on May 8, 2006 and concluded with Commissioners' Court approval of the Work Plan on October 24, 2006. Phase 1 was completed on schedule with respect to the timetable established by the Work Plan.

Table 1. Phase 1 Timeline 2005-2006.

Completion Date	Major Task/Milestone
September 2005	Grant award announced by USFWS.
October 24, 2005	Federal-State Grant agreement between USFWS and TPWD signed (Grant No. E-75-HP; expires October 30, 2007).
April 2006	SR engaged as outside legal council.
May 8, 2006	Interlocal Agreement between TPWD and Hays County signed (Contract No. 157923; expires July 31, 2007).
September 12, 2006	LAI engaged as environmental consultant.
October 24, 2006	Work Plan approved by Commissioners' Court. End of Phase 1.

3.0 Budget

Phase 1 set forth a total estimated budget of \$85,000 for work performed by LAI and SR. Phase 1 was completed for slightly less than the estimated budget established in the Work Plan. Note that the dollar amounts set forth in the initial estimated budget for each phase were approximate, and subject to reallocation among phases.

Table 2. Project Budget and Billings.

	Budgeted and Invoiced Costs*					
	LAI	SR	Economist	Hays County (in kind)	Contingency	Total
Total Invoiced To Date	\$10,750**	\$70,000	\$0	(unreported)	\$0	\$80,750
Total Budgeted To Date	\$15,000	\$70,000	\$0	(unreported)	\$0	\$85,000

(*All dollar amounts are approximate and subject to reallocation. Subconsultants to LAI and SR are included in the reported dollar amounts.)

Total Project Budget	\$474,000	\$325,000	\$80,000	\$51,000	\$70,000	\$1,000,000
Remaining Budget (%)	\$463,250 (98%)	\$255,000 (78%)	\$80,000 (100%)	(unreported)	\$70,000 (100%)	\$919,250*** (92%)

**LAI Invoiced Total includes \$1,270 for Phase 1 that was not yet billed at the time of this progress report since Phase 1 was completed in the middle of a billing cycle.

***Does not account for expenses that may have been incurred by Hays County.

4.0 Comments and Recommendations

Phase I was completed on time and under the budgeted level, with respect to the estimated schedule and budget presented in the Work Plan. LAI and SR are prepared to move onto Phase 2 of the Work Plan, which involves the establishment of advisory committees and a public outreach program, National Environmental Protection Act (NEPA) scoping, and development of a general framework and conservation strategy for the Habitat Conservation Plan.