EXECUTIVE SUMMARY

The Hays County Regional Habitat Conservation Plan ("RHCP") was developed by the Hays County Commissioners' Court with the assistance of the Citizens' Advisory Committee, Biological Advisory Team, County staff, and a team of environmental, legal, and economic consultants. The RHCP was developed in connection with the County's application for an Endangered Species Act (ESA) Section 10(a)(1)(B) incidental take permit authorizing the take of two federally endangered songbirds, the golden-cheeked warbler and the black-capped vireo. The ESA requires that an applicant for an incidental take permit prepare a habitat conservation plan that describes, among other things, how the impacts caused by take authorized by the permit will be minimized and mitigated to the maximum extent practicable. Pursuant to ESA Section 10(a)(1)(B), the RHCP describes a locally controlled approach for compliance with the ESA. The County's permit would authorize incidental "take" of the golden-cheeked warbler and black-capped vireo, an the RHCP describes the mitigation provided for the impacts of such take. The RHCP is also designed to benefit a host of other wildlife species, water resources, and people. The conservation program of the RHCP is based on a phased conservation banking approach with a goal of assembling between 10,000 and 15,000 acres of preserve land over the 30-year duration of the RHCP. The RHCP will help the County serve the needs of its growing population and will promote responsible economic development, good public infrastructure, and open space preservation.

1.0 PURPOSE AND NEED FOR THE HAYS COUNTY RHCP

- The population of Hays County is expected to increase 150% to 300% over the next 30 years, making it one of the fastest growing populations in Texas. Population growth will drive new private land development and public infrastructure projects in the county.
- Projected development and infrastructure projects could cause the loss of approximately 22,000 acres of potential habitat for the federally endangered golden-cheeked warbler in Hays County over the next 30 years. Similarly, the county could lose approximately 3,300 acres of potential black-capped vireo habitat.
- The ESA prohibits the "taking" of federally endangered or threatened species. Take includes activities that result in significant habitat modification or degradation resulting in actual death or injury of listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.
- The ESA allows for take of listed species that is incidental to otherwise lawful activities by issuance of an incidental take permit. Application to the U.S. Fish and Wildlife Service (USFWS) for such a permit requires the development of a habitat conservation plan. As

noted above, these plans describe the measures a permit applicant will take to minimize and mitigate the impacts to the listed species to the maximum extent practicable.

- The RHCP will allow the County and other public and private entities to obtain ESA incidental take authorization in a more efficient, streamlined, and timely manner. Processing individual incidental take authorizations (i.e., authorization where a RHCP is not available) typically take 1 to 2 years. Under the RHCP, incidental take authorization could be obtained within a matter of weeks and potentially at less cost than obtaining individual incidental take authorization.

2.0 BENEFITS TO HAYS COUNTY AND THE COMMUNITY

- Implementing the RHCP will benefit Hays County in the following ways:
  - The RHCP will provide a streamlined process for ESA compliance for County-sponsored projects, such as the construction or improvement of roads, bridges, and other County infrastructure. The RHCP was initiated in response to a need for ESA compliance during the planning and construction of Winters Mill Parkway near Wimberley. With the passage of the 2008 Road Bond program and the general obligation of the County to provide services to its growing population, other County projects are likely to require permitting through the ESA in the coming years. The RHCP will reduce the time and potentially the cost associated with obtaining incidental take authorization for future County projects by streamlining tasks such as assessing impacts and providing appropriate mitigation.
  - The RHCP is compatible with other County initiatives to protect open spaces, such as described in the Parks and Open Space Master Plan and envisioned by the 2006 Parks and Open Space bond program. The RHCP preserve system may create opportunities for compatible, nature-based recreational uses and will contribute to water quality protection by permanently protecting large blocks of open space.
  - The RHCP may give the County a means to secure other funding opportunities for land conservation, such as federal grants for endangered species habitat protection.
- Private landowners, business entities, organizations, and other municipalities may also benefit by implementation of the RHCP, including:
  - The RHCP provides a locally created solution to endangered species issues that incorporates stakeholder concerns and gives long-term ESA permitting assurances to the County and RHCP participants.

  - The RHCP offers a new, voluntary option for ESA compliance that would be available to private landowners, businesses, and other entities in Hays County. This new compliance option would reduce the time and cost associated with obtaining incidental take authorization under the ESA, particularly with respect to developing individual HCPs, waiting for applications to be processed by the USFWS, and obtaining appropriate mitigation for project impacts.
  - The RHCP will facilitate the protection of open spaces that represent the rural tradition of Hays County and contribute to a high quality of life for all citizens.
- The RHCP is a conservation plan for endangered species, but is anticipated to have broader environmental benefits such as:
  - Coordinated conservation planning with a long-term focus over a regional scale to take better advantage of conservation opportunities in a rapidly changing landscape.
  - Long-term protection and management of natural resources vital to the health of the region's Hill Country ecosystems, including wildlife, woodlands, and water.

3.0 BASIC ELEMENTS OF THE RHCP

- The "permit area" for the RHCP includes all of Hays County, and the County's Permit will have a term of 30 years (i.e., 2010 through 2039).
- The RHCP and Permit will cover incidental take of the endangered golden-cheeked warbler and endangered black-capped vireo (the warbler and vireo are the "covered species" in the RHCP). The RHCP may also intended to benefit 56 other potentially rare or sensitive species in Hays County and will provide funding to study one or more of these species.
- Activities that could cause take of the covered species and that would be covered by the Permit include construction, operation, and maintenance of public projects and infrastructure and residential, commercial, and industrial development.
- The RHCP will cover up to 9,000 acres of acres of habitat loss for the warbler and up to 1,300 acres of habitat loss for the vireo resulting from participating projects over 30 years. The 10,300 acres of take authorization will be sufficient to provide ESA compliance for the amount of anticipated participation in the RHCP.
- To mitigate for take of the covered species authorized by the Permit, Hays County will create a preserve system and operate a "phased" conservation bank. Under the phased conservation bank approach, habitat protection would always occur in advance of authorized impacts through the RHCP.

- The preserve system will be assembled on a phased basis as needed to create mitigation credits for the conservation bank and as potential preserve parcels become available from willing partners.
- The ultimate goal is to preserve between 10,000 and 15,000 acres by the end of the 30-year permit duration; however, there is no pre-determined preserve system size, location, or configuration.
- Habitat for the covered species protected within the preserve system will create mitigation credits for the conservation bank.
- Banking mitigation credits allows an equivalent amount of take authorization to be accessed. Therefore, mitigation will always be provided before an equivalent amount of take authorization can be used by the County or issued to RHCP participants.
- Defined processes for habitat determinations and mitigation assessments, and defined mitigation ratios, provide the basis for ensuring that mitigation is commensurate with impacts.

- Preserve system acquisitions may include fee simple land purchases, conservation easements with landowners, or similar agreements.
- Hays County will be committed to manage and monitor the preserve system for the benefit of the covered species, in accordance with the RHCP and terms of the Permit, in perpetuity.
- The County will implement various measures to avoid or minimize impacts to the covered species, including disseminating maps of potential habitat for the covered species, requesting subdivision or development applicants to provide information about endangered species within their project areas, requiring RHCP participants to implement measures that help prevent the spread of oak wilt and to observe seasonal restrictions on clearing and construction in or near habitat for the covered species, and implementing a public education and outreach program.

Summary of RHCP Elements

Category	Criteria/Amount	Notes
Environmental Baseline		
Potential GCW Habitat	170,355 acres	estimated from Loomis GCW habitat model (all quality classes)
Potential BCV Habitat	23,855 acres	estimate reported in Wilkins et al. (2006)

Summary of RHCP Elements

Category	Criteria/Amount	Notes
Projected Land Development		
Private-sector Projects	48,095 acres	estimated by TXP and CMR (2008)
Public-sector Projects	9,600 acres	estimated as 20% of projected private-sector development, based on current distribution of public tax exempt lands vs. residential and commercial lands
Estimated Habitat Loss/Impact		
GCW	22,000 acres	estimates based on projections of land development and distribution of potential habitat across census tracts
BCV	3,300 acres	
Estimated RHCP Participation Rates		
Private-sector	33%	
Public-sector	75%	
Authorized Incidental Take		
GCW	9,000 acres	expressed as acres of impact to potential habitat; calculated from estimates of habitat loss and participation rates
BCV	1,300 acres	
Preserve System Goal	10,000 to 15,000 acres	assumes preserves will include some areas of non-habitat
Minimum Preserve Block Size (typical)	500 acres	smaller preserves may be allowed with USFWS approval
Mitigation Credit Creation (typical)		
GCW	1 acre of potential GCW habitat = 1 GCW mitigation credit	actual number of credits created by an acquisition determined by consultation with USFWS
BCV	1 acre of dedicated BCV management area = 1 BCV mitigation credit	
Standard Mitigation Ratios (actual mitigation ratios may be adjusted to account for existing impacts or exceptional habitat quality/importance)		
Direct Impacts	1 acre of direct impact = purchase of 1 mitigation credit	only assessed within project area boundaries
Indirect Impacts	1 acre of indirect impact = purchase of 0.5 mitigation credit	assessed out to 300 feet from edge of direct impact and may extend outside of project area boundary; may also be assessed on isolated remnant patches of habitat

Summary of RHCP Elements

Category	Criteria/Amount	Notes
Participation Fees (as illustrated in the Funding Plan)		
Application Fees	$500 to $5,000 per application	actual fee depending on level of service required to process application
Mitigation Fees	$7,500 per mitigation credit	estimated starting fee; may be adjusted at discretion of County

4.0 PRESERVE SYSTEM MANAGEMENT AND MONITORING

- All RHCP preserve lands will be managed in perpetuity in accordance with the terms of the Permit and the RHCP.
- The objectives of the RHCP preserve management and monitoring program are to maintain the biological value of the preserve system in perpetuity.
- The RHCP preserve management and monitoring program involves a cyclical, adaptive process including describing baseline conditions, evaluating threats, planning management activities to address threats, and monitoring management targets to evaluate results.
- The major tasks involved with the preserve system management and monitoring program include completing Baseline Preserve Evaluations and Land Management Plans and conducting surveys of the covered species and their habitats. Each of these major tasks will be repeated and/or updated at least once every five years.
- The County will submit annual reports to the USFWS documenting compliance with the terms and conditions of the Permit and the results of the management and monitoring activities within the preserve system.

5.0 PARTICIPATION PROCESS

- Participation in the RHCP by other public or private entities would be voluntary. A potential participant will have no obligation to pay mitigation fees or provide other compensation to Hays County related to the RHCP, unless incidental take authorization under the Permit is sought.
- The County may elect to withhold mitigation credits from sale to participants for its own use or if such participation would not comport with the goals and provisions of the RHCP.
- Potential participants may use habitat maps developed for the RHCP to provide a preliminary indication of whether mitigation may be needed.

- The County would determine the specific amount of mitigation needed to participate in the RHCP through an on-site habitat determination and project-specific impact assessment.
- Typically, each acre of potential habitat for the covered species that would be directly impacted by a participating project would require the purchase of one mitigation credit from the County. Indirect impacts to potential habitat would require the purchase of 0.5 mitigation credit.
- Potential RHCP participants would obtain incidental take authorization under the RHCP through the purchase of the required number of mitigation credits or (on a case-by-case basis at the discretion of the County) by providing preserve land in lieu of mitigation fees.
- Participation in the RHCP would be formalized by the execution of a Participation Agreement between Hays County and the applicant and the issuance of a Certificate of Participation by Hays County.
- Participants in the RHCP would be authorized to take covered species up to the amount specified by their Participation Agreement. Participants would also be required to abide by all other terms of the Participation Agreement, which will include minimization measures such as seasonal clearing and construction restrictions.

6.0 RHCP FUNDING PLAN

- The funding plan presented in the RHCP is based on a set of primary assumptions, including:
    - The RHCP will bank and either use or sell approximately 9,000 warbler mitigation credits and 1,300 vireo mitigation credits during the duration of the plan.
    - Parcels comprising the preserve system will include some areas that are not habitat for the covered species. The funding plan assumes that approximately 12,000 acres of preserve land will be acquired to create the needed 10,300 mitigation credits.
    - The cost to purchase potential preserve land in fee simple is approximately $11,500 per acre. The cost to purchase a conservation easement is approximately 50 percent of the fee simple cost.
    - Approximately 75 percent of the preserve system will be acquired via conservation easement and approximately 25 percent of the preserve system will be purchased by the County fee simple.
    - Mitigation fees begin at $7,500 per credit, and increase by $1,000 every 5 years.

  - The County will annually budget up to 10 percent of the taxable value created by new development within the County after Permit issuance to help fund RHCP implementation.
  - The County will contribute approximately 664 acres of preserve land to the RHCP prior to permit issuance, funded from the 2006 Parks and Open Space Bond, to create a positive initial mitigation credit balance for the RHCP.

- Hays County will fund or otherwise provide for the RHCP conservation program using three types of resources: 1) participation fees charged to RHCP participants; 2) annual contributions from County tax revenues; and 3) conservation investments from the County or other sources. Other funding sources, such as grants or debt financing may be available, but are not modeled in the funding plan.
- The County will evaluate and adjust the RHCP budget annually to adequately implement the program, fund preserve acquisitions, and manage the preserve system in accordance with the terms of the Permit.
- The funding plan demonstrates that sufficient funding is available to acquire the target preserve system under the phased conservation bank approach, to provide for the perpetual management and monitoring of the preserve system, and to supply the necessary staff, equipment, and materials to administer the RHCP. The funding plan is an illustration of the resources that would be needed to implement the RHCP as anticipated, based on the stated assumptions.

Approximate RHCP Budget Summary[1].

	Years 0 – 10	Years 11 – 20	Years 21 – 30	Term Total	Average Annual
Preserve Land	3,914 acres	4,040 acres	4,046 acres	12,000 acres	400 ac/yr
RHCP Costs					
Land Acquisition	$34.1 million	$48.2 million	$65.0 million	$147.5 million	$4.9 million/yr
Staffing & Administration	$1.9 million	$6.2 million	$14.6 million	$22.8 million	$0.8 million/yr
Preserve Management	$1.1 million	$3.1 million	$6.7 million	$11.0 million	$0.4 million/yr
Outreach & Research	$0.3 million	$0.1 million	$0.2 million	$0.6 million	$19,000/yr
Contingency	$0.1 million	$0.2 million	$0.4 million	$0.8 million	$27,000/yr
Total Costs	**$37.6 million**	**$58.0 million**	**$87.0 million**	**$182.6 million**	**$6.1 million/yr**
RHCP Revenue					
Application Fees	$0.1 million	$0.2 million	$0.2 million	$0.5 million	$17,000/yr
Mitigation Fees	$26.1 million	$32.6 million	$39.2 million	$97.9 million	$3.3 million/yr
Allocated Tax Revenue	$6.4 million	$25.2 million	$47.5 million	$79.2 million	$2.6 million/yr
County Conservation Investments	$5.0 million	$0	$0	$5.0 million	n/a
Total Revenues	**$37.6 million**	**$58.0 million**	**$87.0 million**	**$182.6 million**	**$6.1 million/yr**
Net Cost & Revenue	**$0**	**$0**	**$0**	**$0**	**$0**

[1]All dollar figures include 3 percent annual inflation.