



HAYS COUNTY REGIONAL HABITAT CONSERVATION PLAN

summary of major plan components



LOOMIS

PARTNERS

SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & BELL, L.L.P.



SMITH|ROBERTSON
Attorneys at Law

PRESENTATION TO THE

Hays County Commissioners' Court

DECEMBER 9, 2008

with contributions from:

JOSEPH LESSARD

TXP

CAPITAL MARKET RESEARCH

Species Covered

- Golden-cheeked Warbler
 - Covered for incidental take under Endangered Species Act
 - 18,000 acres of habitat loss anticipated over next 30 years
 - RHCP would cover up to 15,000 acres of impacts
- Black-capped Vireo
 - Covered for incidental take under Endangered Species Act
 - 2,700 acres of habitat loss anticipated over next 30 years
 - RHCP would cover up to 2,300 acres of impacts
- Evaluation and Additional Species
 - 56 karst and/or aquatic species (some listed, some not)
 - Not covered for incidental take, but RHCP provides voluntary conservation measures

Rolling Conservation Bank

- County would operate a rolling conservation bank to provide mitigation for impacts to covered species
- Process:
 - Protect habitat by acquiring preserve lands (fee simple acquisitions or conservation easements)
 - Bank “mitigation credits” based on the amount of habitat in the preserve
 - Use or sell mitigation credits to offset impacts from participating public or private development projects
 - Apply collected participation fees to help implement plan, acquire additional preserves, and create more credits
- County would commit to manage and monitor acquired preserves in perpetuity

Target Preserve Size

- Ultimate size of preserve system is flexible; with a rolling bank, there is no pre-determined commitment
- Target preserve size = approx. 11,300 acres
 - Should be sufficient to generate enough mitigation credits to cover approximately 50% of the anticipated habitat loss over 30 years
 - Approx. 9,000 acres of warbler credit
 - Approx. 1,300 acres of vireo credit

RHCP Costs

- Land Acquisition
 - \$130.7 million over 30 years (incl. inflation)
 - Assumes:
 - Approx. 375 acres acquired each year
 - 75% of acquisitions are by conservation easement (half the cost of fee simple acquisitions)
 - Does not include cost of an initial preserve acquisition to jump-start plan
- Preserve Management and Monitoring
 - \$12.1 million over 30 years (incl. inflation)
 - Includes non-staff labor and equipment
- Staffing and Program Administration
 - \$23.5 million over 30 years (incl. inflation)
- RHCP Programs and Contingency
 - \$1.3 million over 30 years (incl. inflation)
- **Total RHCP Implementation Cost**
 - **\$167.6 million over 30 years (incl. inflation)**
 - County will also need to provide for the on-going management and monitoring of preserves after the permit expires

RHCP Revenues

- Participation Fees
 - \$105.1 million over 30 years
 - Assumes:
 - County sells approx. 350 mitigation credits per year
 - Per credit fee = \$7,500; increases \$1,000 every 5 years
- General M&O Fund Revenue
 - \$64.9 million over 30 years
 - Benchmark = annual general fund contributions not to exceed 10% of the property tax revenue generated by new land development after permit issuance
- Application Fees, Grants, & Other Contributions
 - ???
 - Additional funds are likely to be available, but are not certain enough to include in funding plan
- County will also need to provide for the on-going management and monitoring of preserves after the permit expires
 - Continue general fund contributions? Create a management endowment?

Initial Land Acquisition

- Initial Acquisition
 - Approx. 650 acres of habitat needed to “jump start” the plan
 - Need to start the plan with a positive credit balance (County can’t sell credits if there are none in the bank)
 - Helps carry the plan through the first few start-up years
 - Should be achievable using approximately \$5 million of the remaining 2007 Parks and Open Space Bond funds

Next Steps

- Complete an “Application Draft” RHCP
 - Recommended edits:
 - Revise estimates of habitat loss based on new data from USGS (current estimate may be too low)
 - Revise the assumed participation rate (current assumption may be too high)
 - Clarify and strengthen sections regarding habitat assessments, biological monitoring protocols, and public access
 - Add provisions for a preserve management endowment
 - Check for consistency throughout (particularly related to revised estimates of mitigation need in the take assessment and funding plan)
- Complete the Preliminary Draft EIS

Next Steps

- January/February 2009
 - Submit application to U.S. Fish and Wildlife Service (includes RHCP and EIS)
- June 2009
 - Public Hearing on draft RHCP and draft EIS
- Summer & Fall 2009
 - Address comments and finalize RHCP and EIS
 - Assist Service with preparation of permitting documents
- Late 2009
 - Incidental Take Permit Issuance