

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

A meeting of the CAC to the Comal County RHCP was held as follows:

WHEN: October 13, 2008

TIME: 10:00 a.m.

**WHERE: Comal County Courthouse, Commissioners Court Board Room
199 Main Plaza, New Braunfels, Texas 78130**

In Attendance

CAC Members

- Travis Wuest
- Judy Myers
- Roy Linnartz
- Curtis Bremer
- Jack Ohlrich
- Terry Turney
- Mike Norris
- Ben Appleby
- David Welsch
- Carroll Lindeman

Consultants

- Alan Glen, Rebecca Hays, Brooke Marcus (Smith|Robertson)
- Steve Carothers, Gary Galbraith (SWCA)

County Personnel

- Commissioner Millikin
- Tom Hornseth

Citizens

- Mr. and Mrs. Carey

1. Call to Order. CAC Chair Travis Wuest called the meeting to order.
2. Approve Minutes from August 25, 2008 CAC Meeting. The minutes, with revisions, were unanimously approved.
3. Citizens’ Comments. There were no citizens’ comments.
4. Discuss and Take Appropriate Action Regarding Draft RHCP. Mr. Wuest noted that the biggest revisions to the draft RHCP were found in the Executive

Summary and Section 7. Steve Carothers explained that changes to the mitigation ratio were anticipated from both the U.S. Fish and Wildlife Service (USFWS) and Biological Advisory team (BAT). Mr. Wuest commented that the definition of “incidental take” needed to be included in the Executive Summary. Dr. Carothers noted that he agreed with the comments submitted by Jensie Madden’s prior to the meeting. CAC members agreed with Ms. Madden’s comments and rewording on p. viii. Mike Norris noted an inconsistency in numbers on p. x and p. xii and suggested they be made consistent. Dr. Carothers explained that the numbers on those pages were describing different things. Page x describes higher quality habitat that may require a higher mitigation ratio than 1:1 whereas p. xii describes the minimum preserve size the USFWS may require. Each provision does mention a threshold of 250 acres. Tom Hornseth commented that the “high, highest mitigation ratio” language may confuse readers. Dr. Carothers suggested clarifying revisions. Dr. Carothers addressed Mr. Norris’ question regarding not receiving full credit when the land parcel does not meet minimum size requirements. Dr. Carothers explained that USFWS may not give full credit for less than the minimum unless the parcel is adjacent to another preserve or large area of unimpacted habitat. Dr. Carothers further explained that smaller tracts affect Golden-cheeked Warbler density and credit may thus be reduced accordingly. Mr. Norris expressed a concern that people may be dissuaded to donate smaller parcels. CAC members agreed that this is a concern. Dr. Carothers stated that accepting smaller parcels would be acceptable, but the amount of mitigation credits the County would generate by any such donation would need to be determined by USFWS on a case-by-case basis. CAC members agreed that preserving open space is important and donations of parcels should be encouraged regardless of size. Dr. Carothers agreed to add text in Section 3 that would address the County’s ability to accept a preserve smaller than 250-500 acres and to suggest that the County may not receive full credit for that preserve until other land is added that would allow the preserve to meet any minimum size requirement. Mr. Hornseth suggested adding a bullet that would read, “The County will always accept habitat as open space, but may need USFWS separate approval for purposes of receiving mitigation credit.” The CAC then discussed Ms. Madden’s comments on page xii. A summary will be added to p. xiii and xiv to discuss the presence of the RHCP budget deficit in the early years of the plan. Dr. Carothers explained to CAC members that the price of the participation fees is calculated to encourage developer participation in the RHCP and noted that, to date, there have been no individual habitat conservation plans in Comal County. Alan Glen provided examples of other counties and their pricing. He explained this pricing is an attempt to balance the developer’s risk of enforcement versus the cost of compliance. Mr. Wuest expressed a preference for a \$10,500 participation fee knowing it can fluctuate with market conditions. Dr. Carothers noted that other numbers are relevant in addition to the mitigation fee. CAC members requested that the funding plan not reflect a deficit. Discussion turned to alternative methods of reducing deficit, including tax benefit financing and issuance of general obligation bonds. Commissioner Millikin noted that bonds may not be ideal in the current economic state. CAC members agreed that the economic consultants should explore the possibility of a county-wide tax benefit program with various pricing options. Mr. Wuest opined that the CAC members

may not be the best qualified to tackle funding decisions for the draft RHCP. Carroll Lindeman asked whether there is a RHCP starting date or if funding implementation can be delayed until the economy changes. Dr. Carothers explained that the timetable is flexible and the most important showing for USFWS is that the plan is feasible in both a strong and weak economy. Dr. Carothers also explained that a deficit is a reality for the first few years of implementation of the RHCP. Dr. Carothers requested that the CAC members allow him to adjust the numbers using an ultimate preserve size of less than 10,000 acres and see what numbers result. Dr. Carothers agreed to return with a spreadsheet showing different numbers and budgetary impacts. Mr. Glen expressed that the goal at this point is for the CAC to recommend that the Commissioners Court approve the RHCP for further processing. Mr. Wuest responded that, other than funding, he is satisfied with the draft RHCP. Mr. Wuest also expressed that the remaining funding issues may be better addressed by the Commissioners Court. Mr. Appleby asked whether any of the ranchers present at the meeting see a benefit to participating in the RHCP. Jack Ohrlich noted that the RHCP was not likely to affect the ranching community. Mr. Wuest directed the same question to developers. Mr. Norris responded in the affirmative and explained that the RHCP makes sense to developers that want to comply with the laws. Mr. Appleby asked how builders would feel about the mitigation fee. Mr. Norris responded that building continues to get more and more costly; this is just another factor. CAC members expressed that the process of reviewing the draft RCHP has raised awareness. The CAC members also agreed that the emphasis on open space and conservation will put the County ahead. Mr. Lindeman requested that Dr. Carothers return with a funding plan that assumed a \$8,500 or \$9,000 participation fee rather than \$10,500 fee. Dr. Carothers agreed to return with a new budget and cautioned that some funding methods will be criticized as “county subsidizing.” Mr. Glen pointed out that while that criticism may occur, the criticism is misguided and that the status quo is non-compliance. Commissioner Millikin noted that there are benefits for farmers and ranchers in addition to open space. CAC members agreed that it would like to review a new funding plan before sending the draft RHCP to the Commissioners Court.

5. Discuss and Take Appropriate Action on Agenda Items for Next Meeting. CAC will meet on December 1 to review the changes made to the funding plan.
6. Adjourn.