

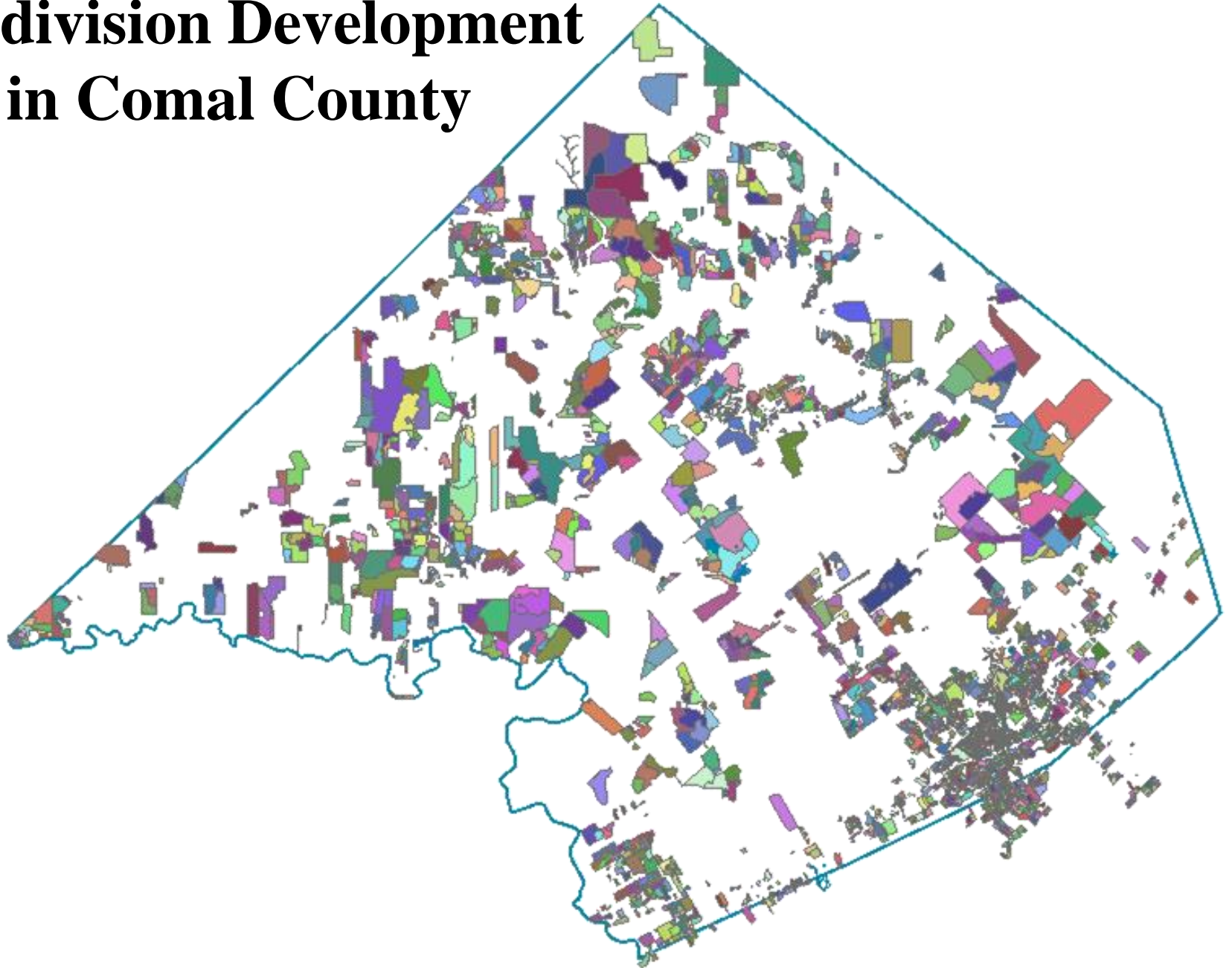


# COMAL COUNTY

## Regional Habitat Conservation Plan



# Subdivision Development in Comal County



## **History of the Comal County RHCP**

- **In 2006 the County received an ESA section 6 HCP Planning Assistance Grant of \$612,852; a 25% local match was required for this Federal grant**
- **Funds have been used to convene and seek input from a Citizens Advisory Committee and a Biological Advisory Team and to prepare a draft RHCP and EIS**
- **In 2007 the County received a Federal Recovery Land Acquisition Grant of \$652,312 for purchase of the 288-acre Morton tract**
- **A public scoping meeting was held on October 16, 2008, to help identify issues to be addressed in the EIS**
- **Two USFWS workshops with the consulting team were held in 2008 and 2009**

# Citizen's Advisory Committee

Mr. Travis Wuest - Chair

Mr. Ben A. Appleby

Mr. Curtis W. Bremer

Mrs. Linda Laack

Mr. Carroll B. Lindeman

Mr. Roy Linnartz

Mrs. Jensie S. Madden

Mrs. Judy L. Myers

Mr. Mike Norris Vice Chair

Mr. Jack Ohlrich

Mr. Alan R. Stahlman

Ms. Cathy Crist Talcott

Mr. Terry Turney Texas Parks  
and Wildlife Department

Mr. David Welsch Guadalupe-  
Blanco River Authority

# Biological Advisory Team

Mr. Mike Quinn Texas Parks and Wildlife Department, Chair

Dr. John Baccus Texas State University

Dr. Michael Barrett University of Texas at Austin

Ms. Valerie Collins Texas Department of Transportation

Dr. Clay Green Texas State University

Mr. Hal Herbelin Texas Farm Credit System, (Landowner  
Appointee, Citizens Advisory Committee )

Dr. Randy Simpson Texas State University

Dr. Sandra West Texas State University

# **Purposes of the RHCP**

## **The Plan is 100% voluntary**



- **Preserve the open space heritage of Comal County while conserving endangered species**
- **Provide the County and affected landowners within the County a more efficient process for complying with the ESA compared to individual permitting through the Service**

# Comal County Regional Habitat Conservation Plan

- **Comal County has over 65,000 acres of potential endangered species habitat**
- **The Federal Endangered Species Act prohibits harming listed species**
- **The ESA provides for “take” permits or habitat conservation plans (HCP’s)**



## The Covered Species and Covered Actions



golden-cheeked warbler



black-capped vireo

- **Evaluation Species** – the Cagle’s map turtle and six species of invertebrates that have been petitioned to be listed by the Forest Guardians
- **The Covered Actions** – public infrastructure, public and private development projects, school development and improvement.





The **golden-cheeked warbler** is an insect-eating bird that is totally dependent on stands of mature ashe juniper in Texas for nesting habitat. **Warblers** arrive at their breeding grounds mid-March, returning to the same territories each year and nesting from April to May.

The **warbler's** population has declined dramatically in the last 20 years. In 1974, the population was estimated at 15,000 to 17,000 birds. In 1990, it had dropped to 2,200 to 4,600.

The **warbler** was listed as endangered under the [Endangered Species Act \(ESA\)](#) in the United States in December 1990.

Listing the species has led to controversy because landowners may be restricted in developing their property if it contains warbler habitat.



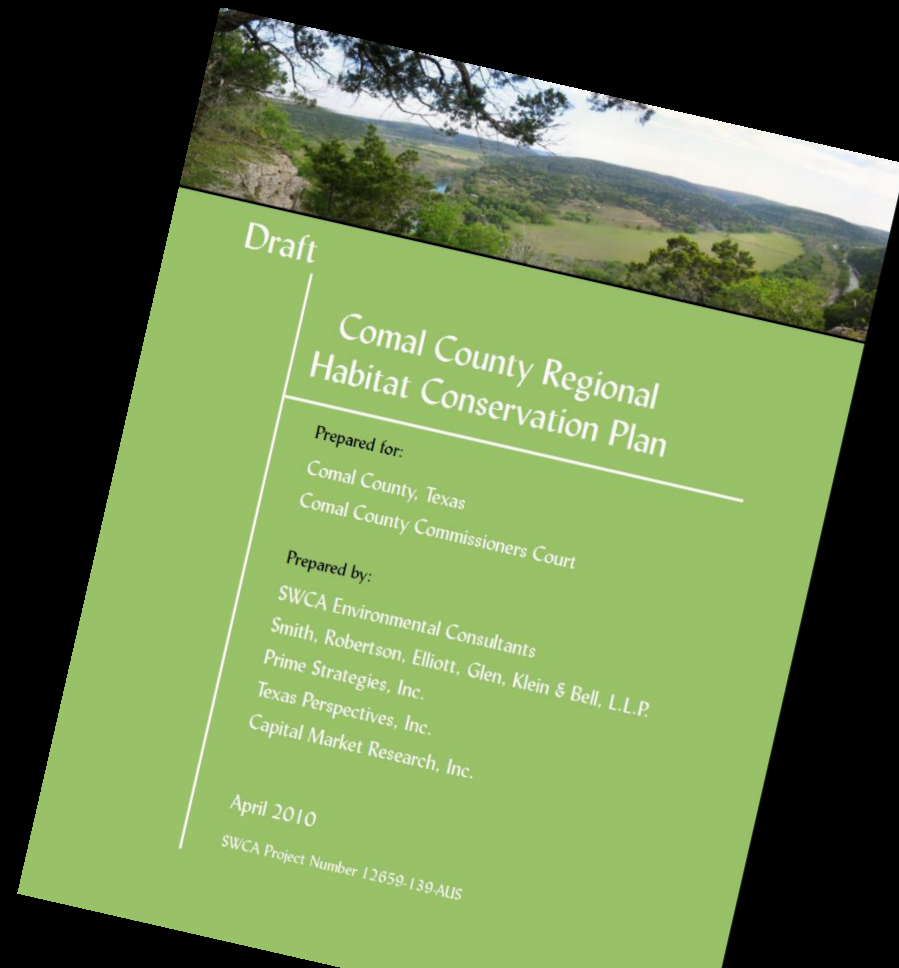
## **Protection Under the Endangered Species Act**

In the United States, it is illegal to “take” (kill, capture, wound, harass, or harm) a species that is on the Endangered Species Act’s list of threatened or endangered species. Harm to the species includes destroying habitat if doing so kills or injures members of the species.



## Two options for compliance:

1. **Individual Consultation with the USFW Service.**
2. **Obtain a permit from a County with a Regional Habitat Conservation Plan.**




# What's in the Plan and the Permit?

1. Voluntary development of preserves.

2. Ability to permit “incidental take” within Comal County.



 DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE <b>FEDERAL FISH AND WILDLIFE PERMIT</b>		3-201 (1/97)	
		2. AUTHORITY-STATUTES 16 USC 1539(a)(1)(B) REGULATIONS (Attached) 50 CFR §§ 13 & 17	
1. PERMITTEE  Comal County, Texas 199 Main Plaza New Braunfels, Texas 78130 Phone: 830/221-1105 e-mail: cctdrs@co.comal.tx.us		3. NUMBER TE-223267-0	
		4. RENEWABLE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	5. MAY COPY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		6. EFFECTIVE February 18, 2014	7. EXPIRES February 18, 2044
8. NAME AND TITLE OF PRINCIPAL OFFICER: (if #1 is a business) Danny R. Scheel, Comal County County Judge.		9. TYPE OF PERMIT: Endangered Species – Incidental Take	
10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED: Comal County, Texas.			
11. CONDITIONS AND AUTHORIZATIONS: <ul style="list-style-type: none"> <li>A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2, ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORDANCE WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.</li> <li>B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW. THIS PERMIT DOES NOT WAIVE THE OBLIGATION TO ABIDE BY OTHER APPLICABLE FOREIGN, STATE, LOCAL OR FEDERAL LAW IN CARRYING OUT AUTHORIZED ACTIVITIES.</li> <li>C. VALID FOR USE BY PERMITTEES NAMED ABOVE.</li> <li>D. ACCEPTANCE OF THIS PERMIT SERVES AS EVIDENCE THAT THE PERMITTEE UNDERSTANDS AND AGREES TO ABIDE BY THE "GENERAL CONDITIONS FOR NATIVE ENDANGERED AND THREATENED WILDLIFE SPECIES PERMITS" (copy enclosed).</li> </ul>			
12. REPORTING REQUIREMENTS Annual report due each January 1 throughout the life of the permit.			
ISSUED BY: <i>EM 10 0</i>	TITLE: <i>Regional Director</i>	DATE: <i>04/08/10</i>	



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

**FEDERAL FISH AND WILDLIFE PERMIT**

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<input type="checkbox"/> NO	<input type="checkbox"/> NO

6. EFFECTIVE February 18, 2014	7. EXPIRES February 18, 2044
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Comal County, Texas  
199 Main Plaza  
New Braunfels, Texas 78130  
Phone: 830/221-1105  
e-mail: cctdrs@co.comal.tx.us

8. NAME AND TITLE OF PRINCIPAL OFFICER: (if #1 is a business)

Danny R. Scheel, Comal County County Judge.

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Endangered Species – Incidental Take

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ISSUED BY:

*Joy E. Nicholopoulos*

TITLE

Deputy Regional Director

DATE

2/18/2014

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Smith, R

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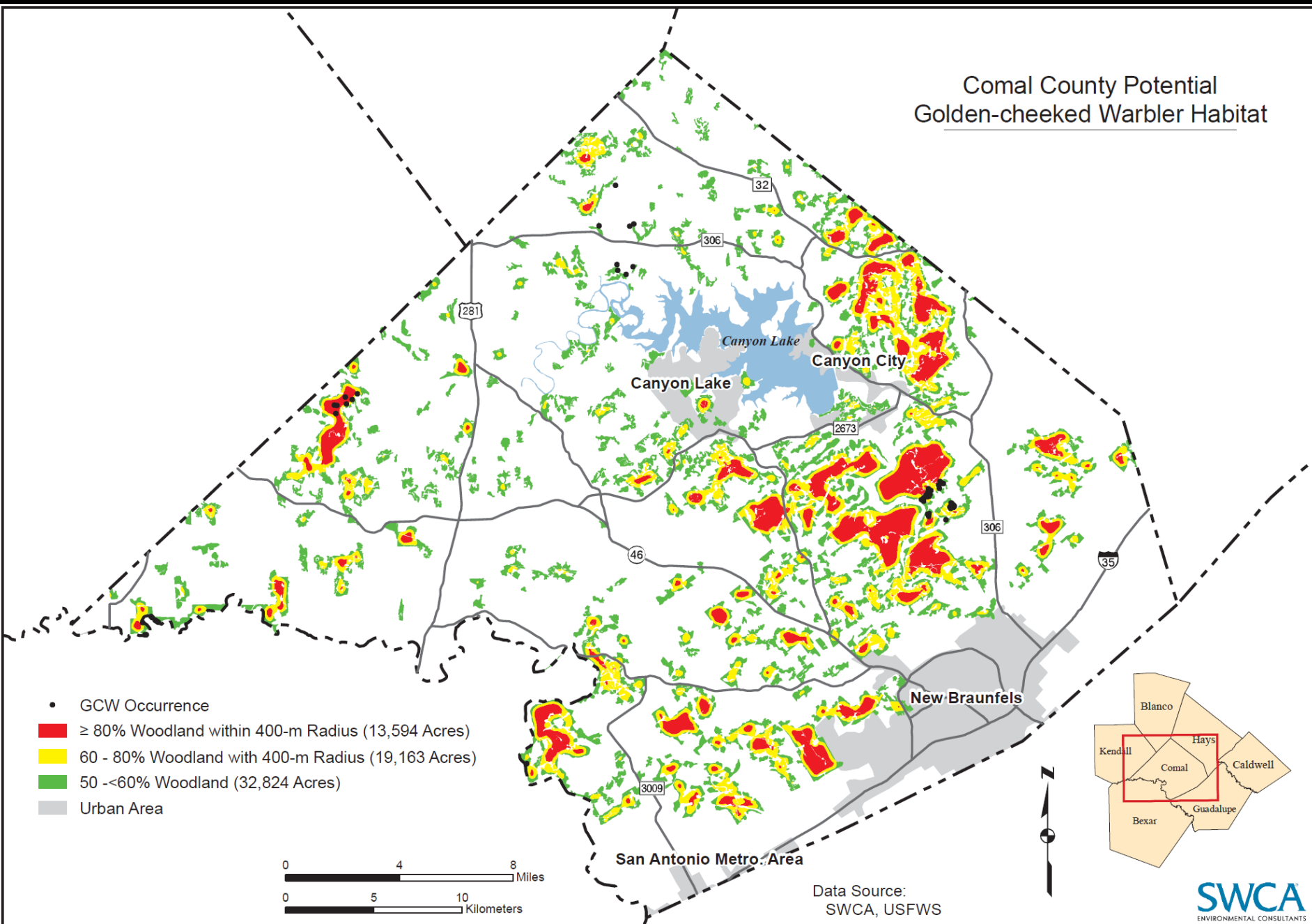
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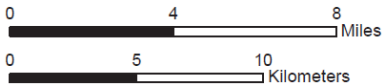
April 2010

SWCA Project Num

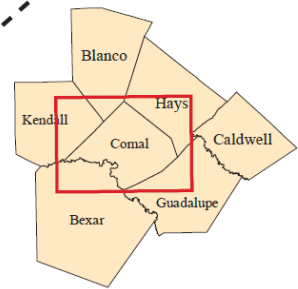
# Comal County Potential Golden-cheeked Warbler Habitat



- GCW Occurrence
- ≥ 80% Woodland within 400-m Radius (13,594 Acres)
- 60 - 80% Woodland with 400-m Radius (19,163 Acres)
- 50 - <60% Woodland (32,824 Acres)
- Urban Area

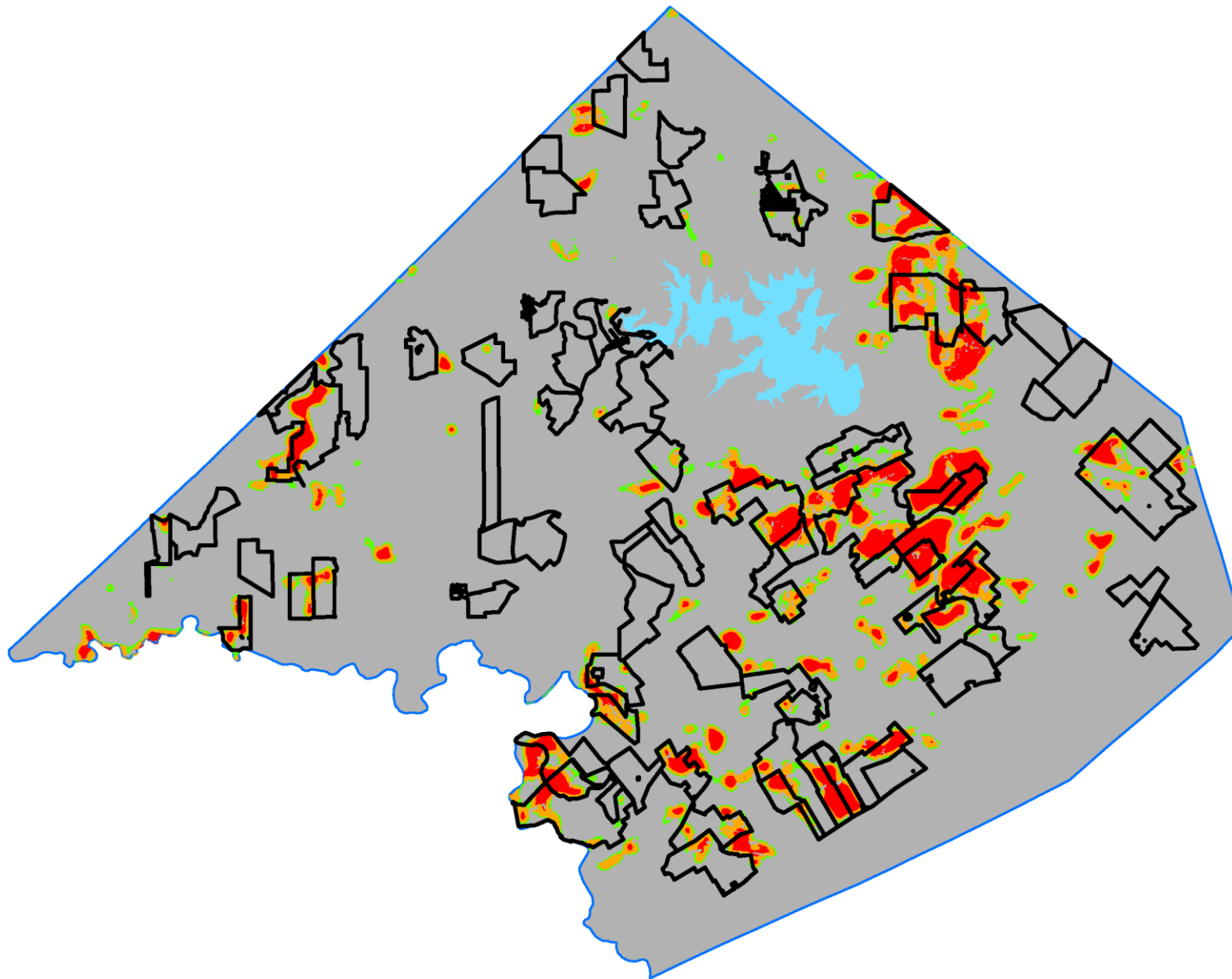


Data Source:  
SWCA, USFWS









# POTENTIAL CONSERVATION EASEMENT LOCATIONS

Golden-cheeked Warbler Habitat in Relation to 500 Acres or Greater Parcels



## Legend

### Parcel

-  Parcel 500 Acres or Greater
-  Habitat 60% or Greater
-  Habitat 60 - 80%
-  Habitat 50 - 60%
-  Canyon Lake
-  Comal County

Notes:  
1 ~ Data source for habitat from second party



4 Miles

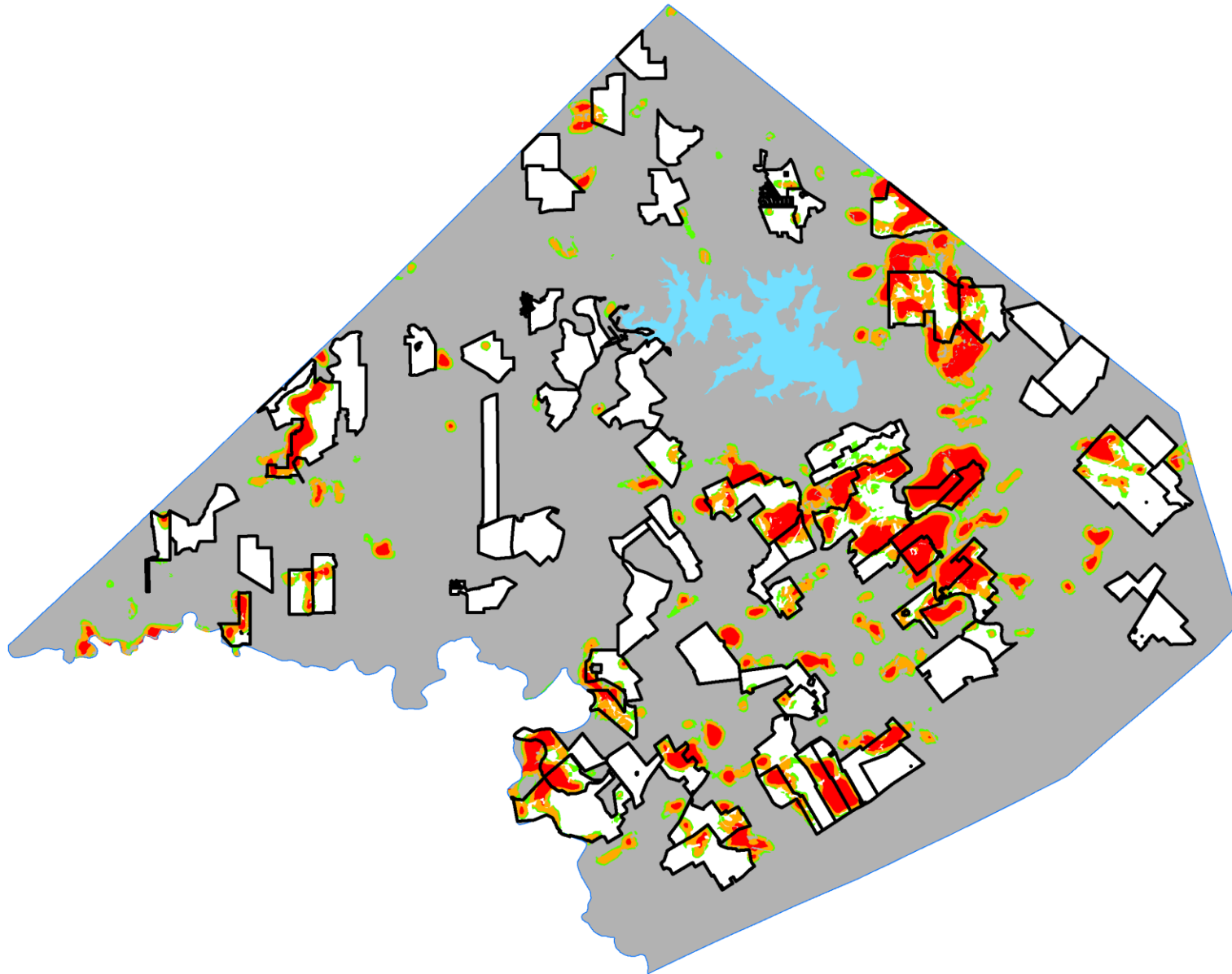
For information concerning the source of the data, please contact:  
Comal County Engineer's Office  
195 David Jones Dr  
New Braunfels, TX 78132  
(830)505-2090

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.









# POTENTIAL CONSERVATION EASEMENT LOCATIONS

Golden-cheeked Warbler Habitat in Relation to 500 Acres or Greater Parcels



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