

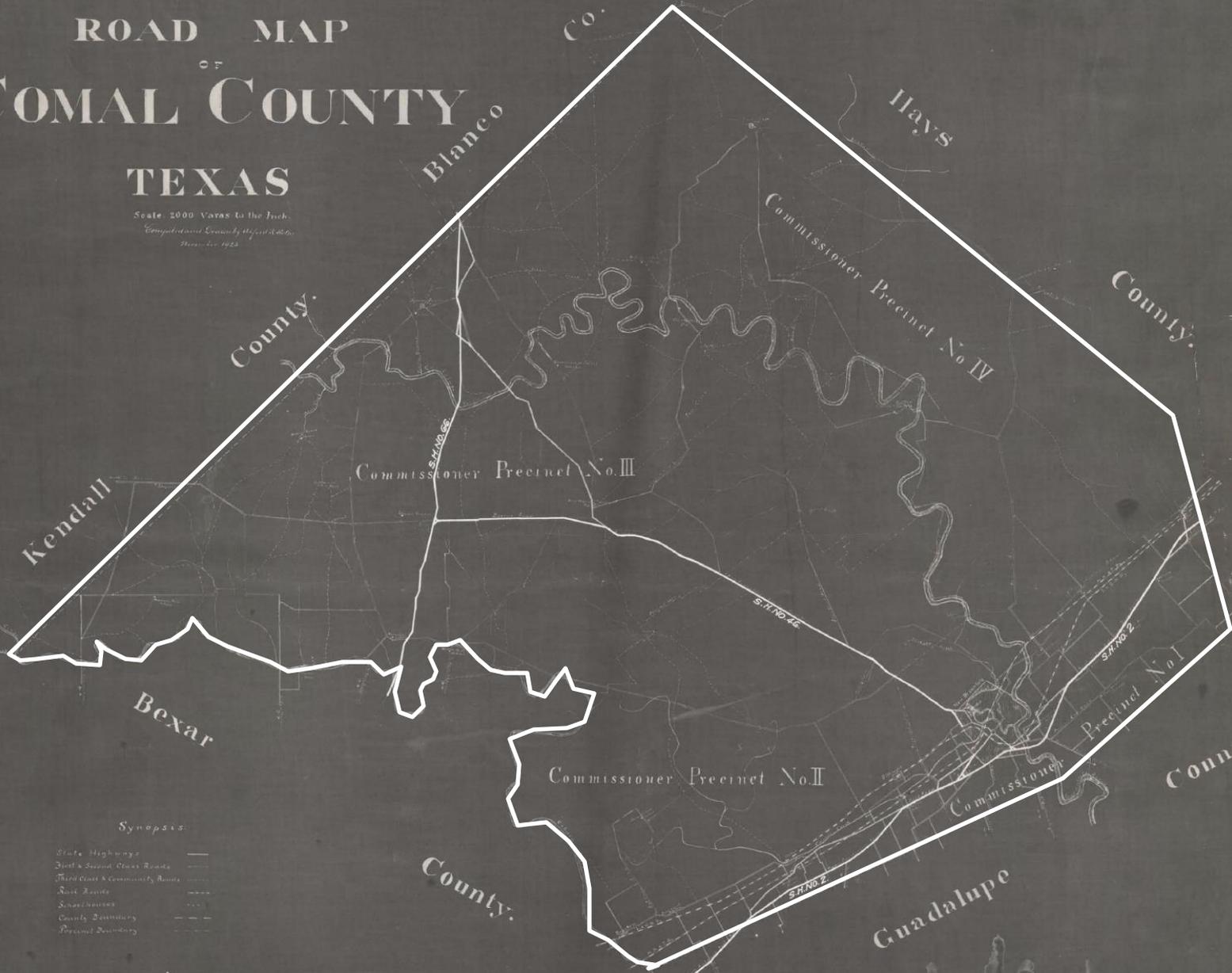


COMAL COUNTY
Regional Habitat Conservation Plan

Tom Hornseth, Comal County Engineer

ROAD MAP OF COMAL COUNTY TEXAS

Scale 2000 Yards to the Inch.
Compiled and Drawn by W. C. B. B. Co.
November, 1925



Synopsis:

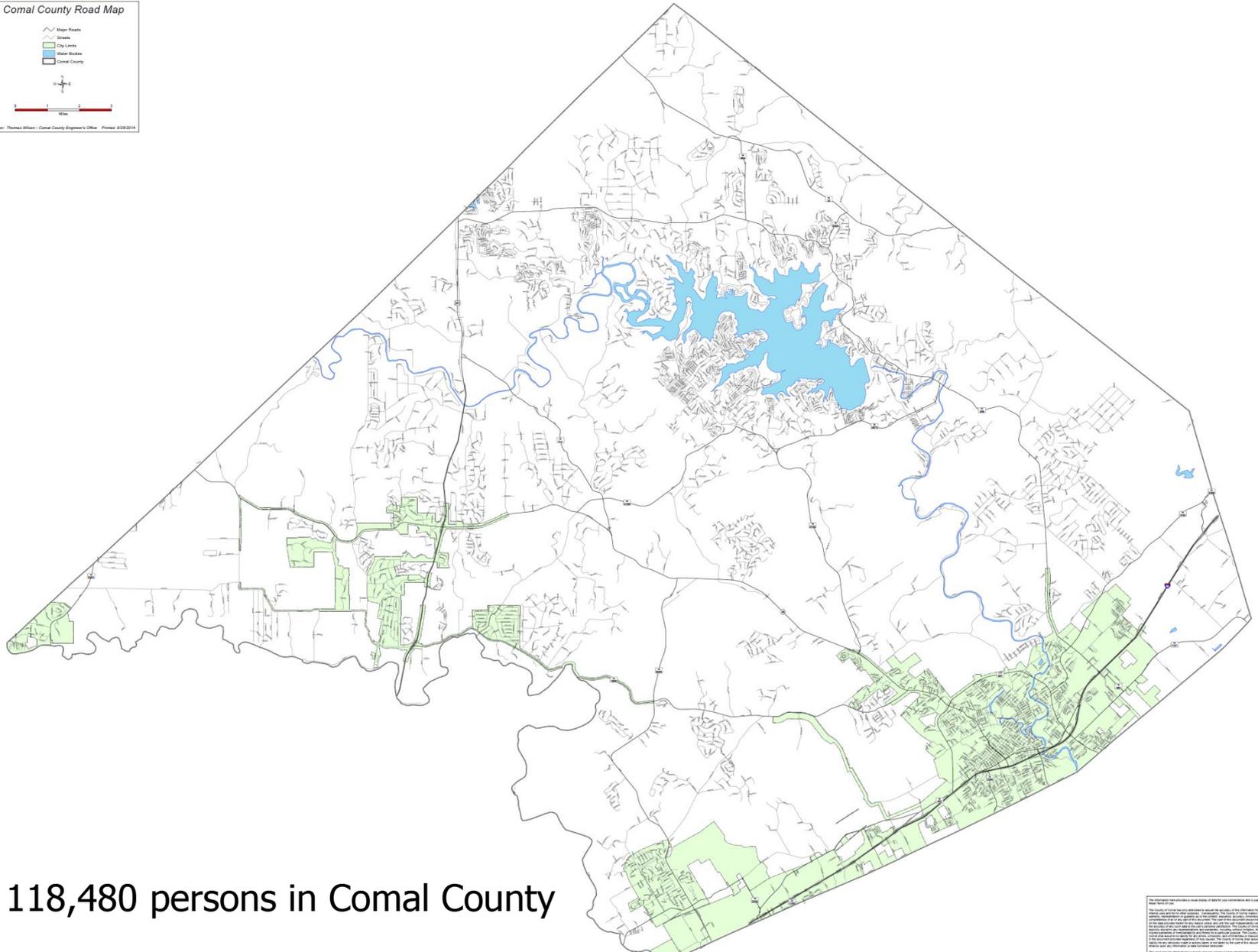
- State Highways ————
- First & Second Class Roads ————
- Third Class & Community Roads ————
- Road Routes ————
- Schoolhouses ————
- County Boundary ————
- Precinct Boundary ————

Comal County Road Map

- Major Roads
- Streets
- City Limits
- Water Bodies
- Comal County



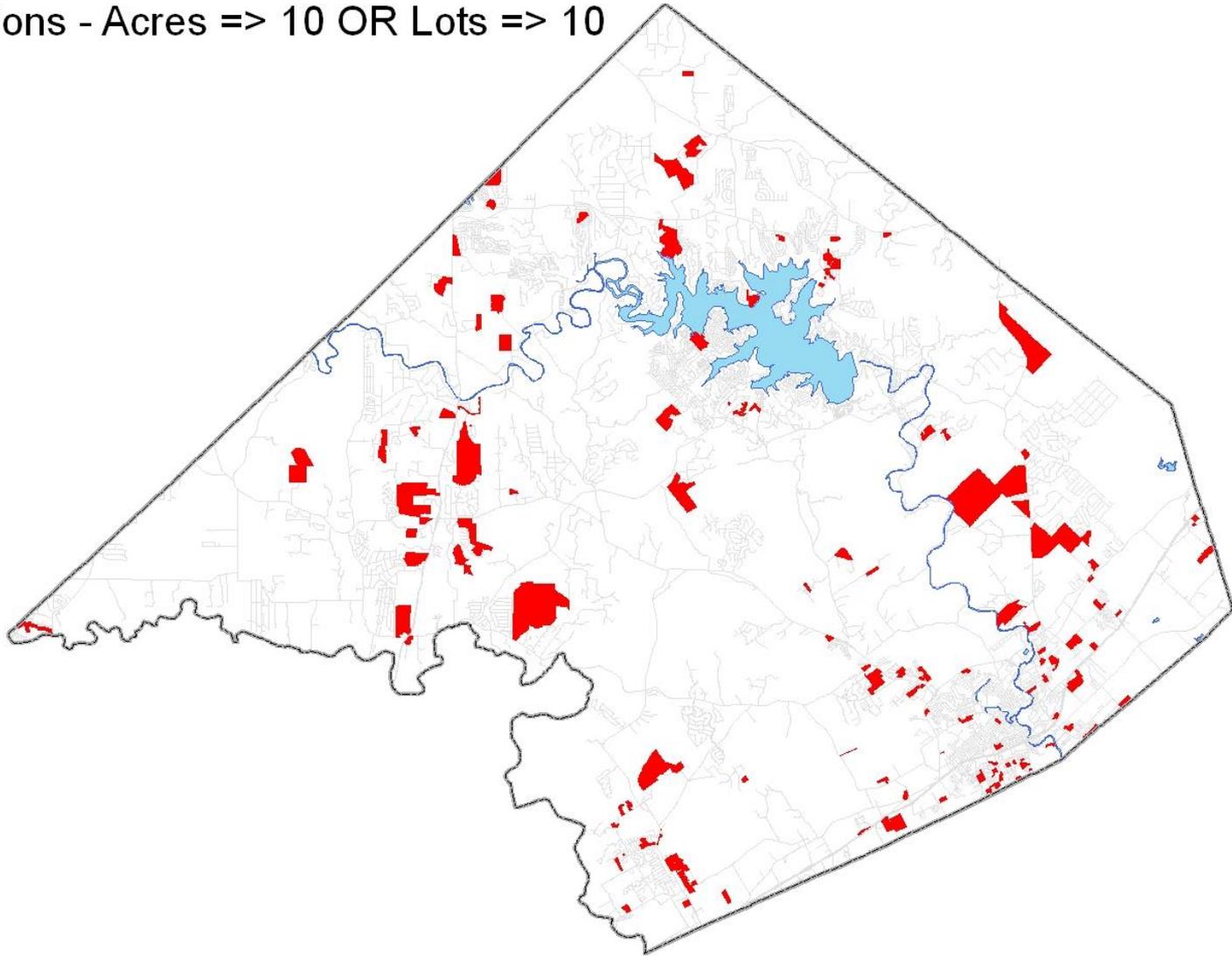
Author: Thomas Wilson - Comal County Engineer's Office Printed: 8/28/2014



118,480 persons in Comal County

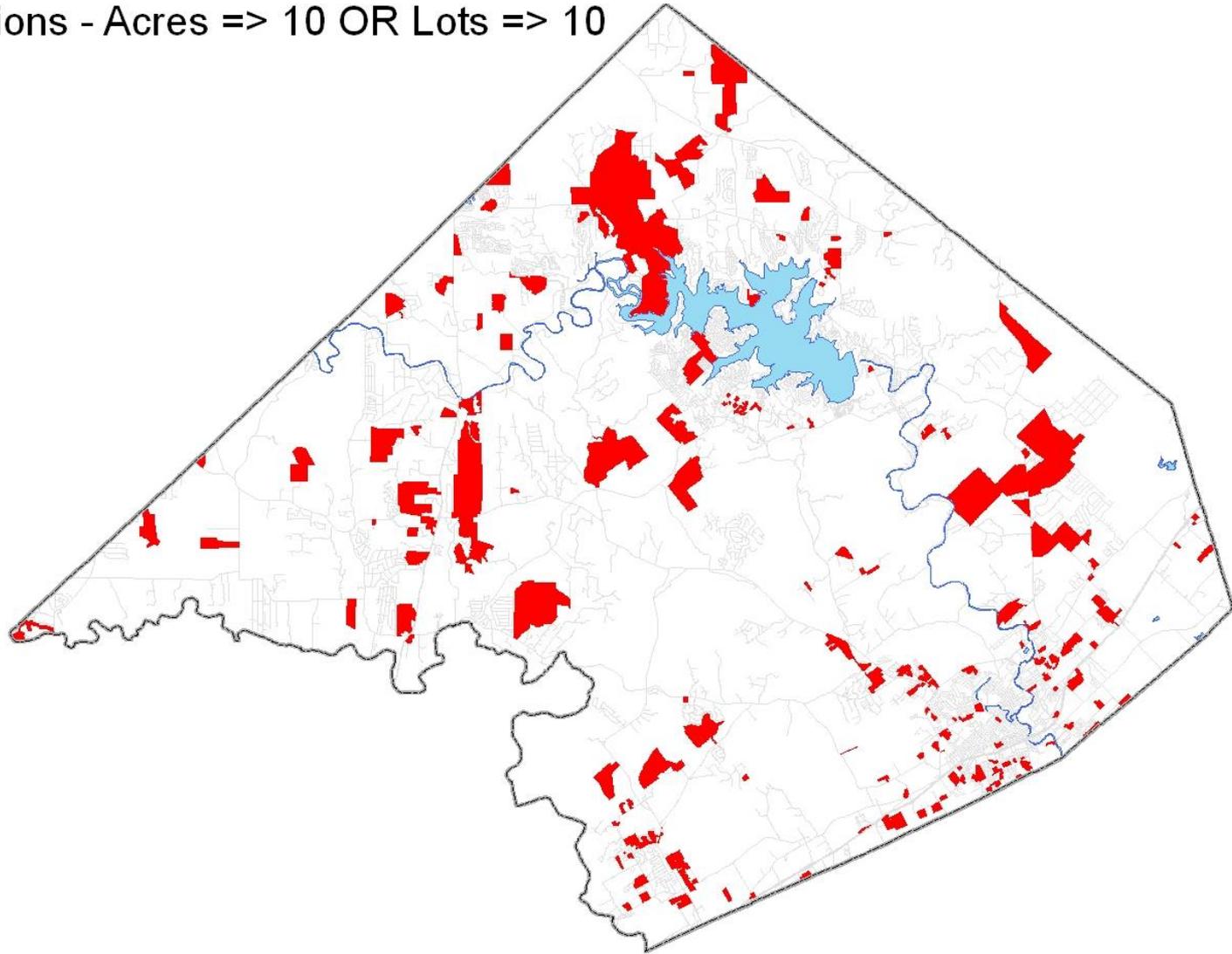
This document was prepared to assist the State of Texas in its administration of the State's public lands. The State of Texas and its agencies are not responsible for any errors or omissions in this document. The State of Texas and its agencies are not responsible for any damages or losses resulting from the use of this document. The State of Texas and its agencies are not responsible for any claims or liabilities arising from the use of this document. The State of Texas and its agencies are not responsible for any actions or inactions taken by any person or entity based on the use of this document. The State of Texas and its agencies are not responsible for any consequences or results arising from the use of this document. The State of Texas and its agencies are not responsible for any legal or financial consequences arising from the use of this document. The State of Texas and its agencies are not responsible for any other consequences or results arising from the use of this document. The State of Texas and its agencies are not responsible for any other actions or inactions taken by any person or entity based on the use of this document. The State of Texas and its agencies are not responsible for any other consequences or results arising from the use of this document.

Subdivisions - Acres => 10 OR Lots => 10



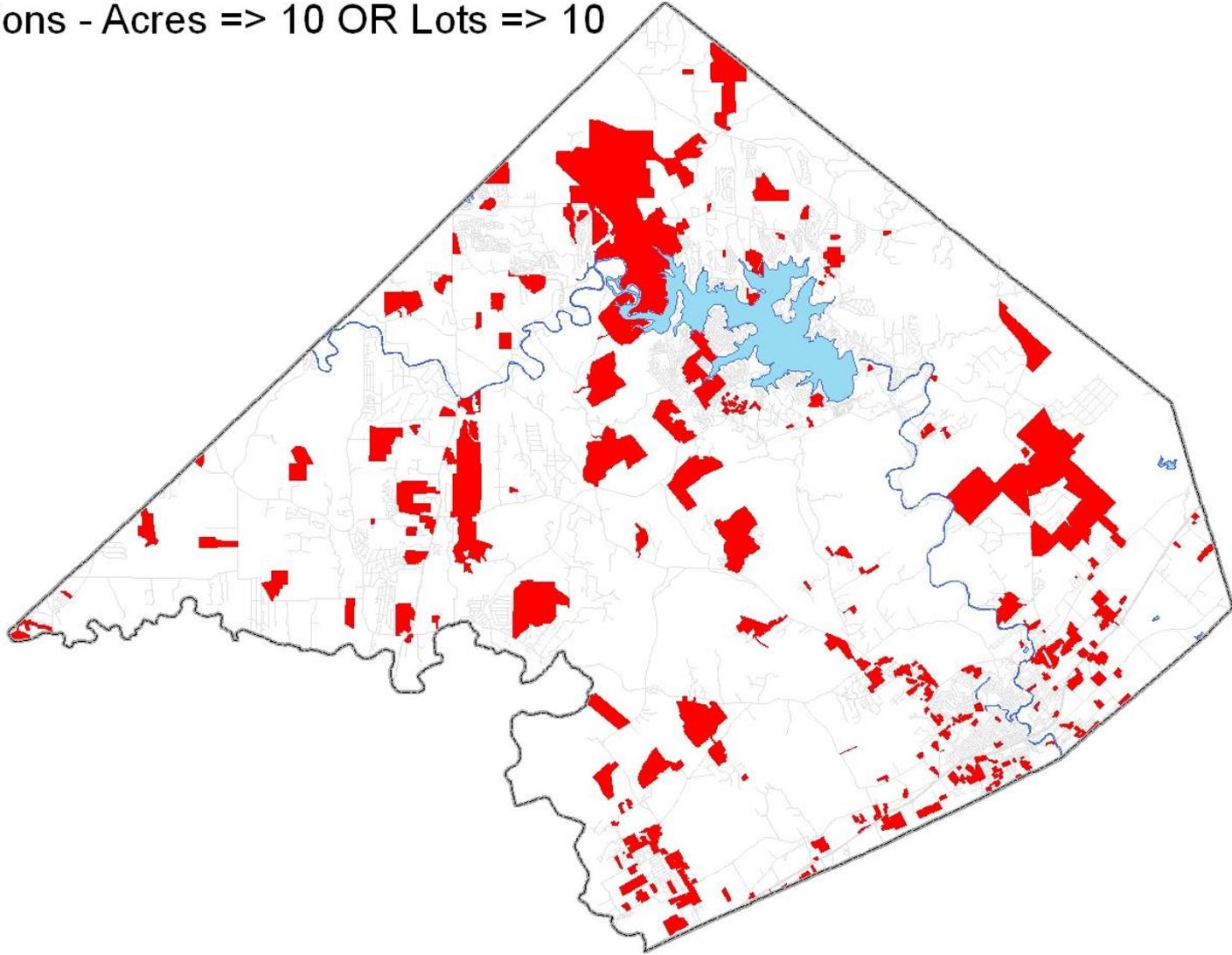
Starting in 1995, going to 2000.

Subdivisions - Acres => 10 OR Lots => 10



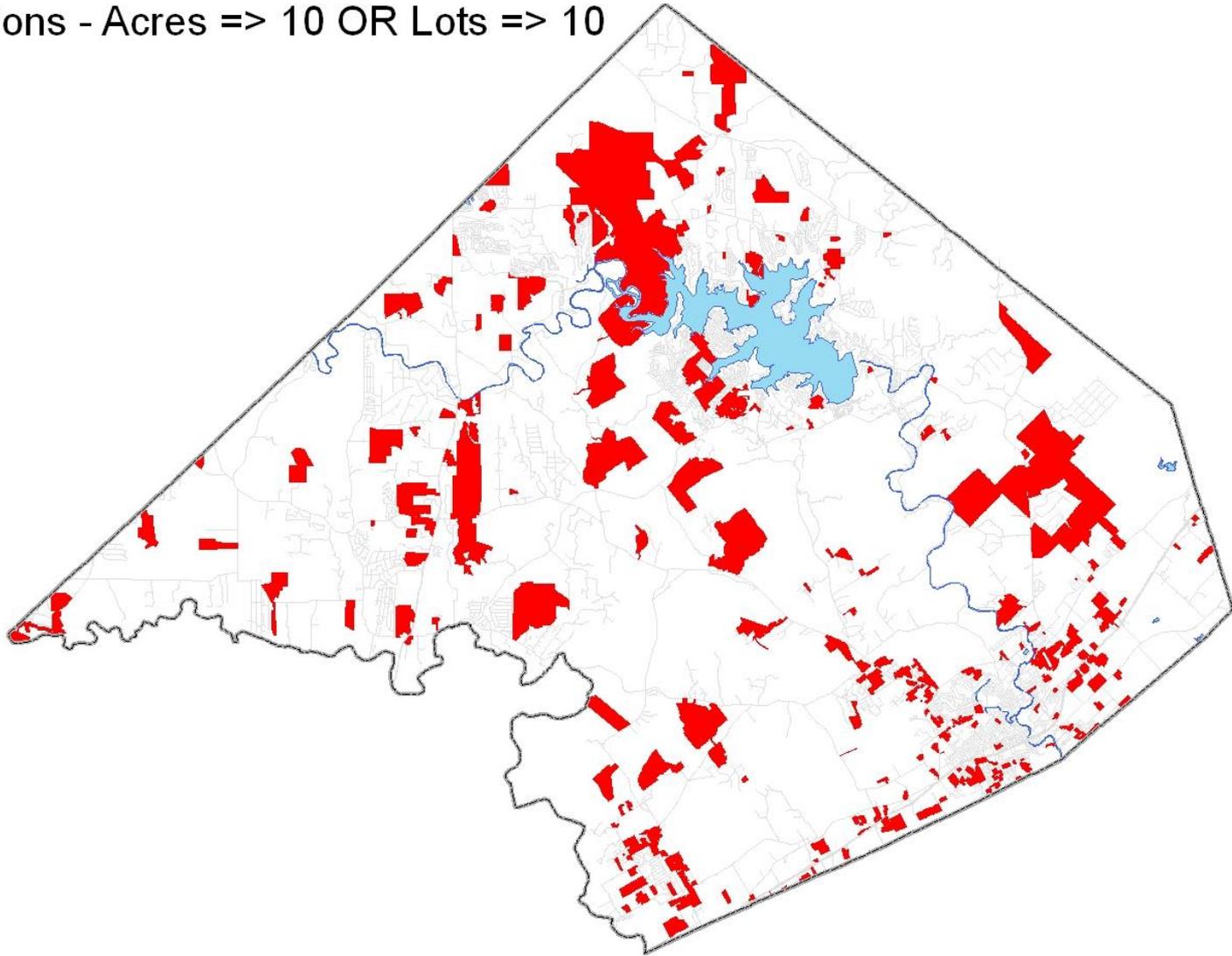
add 5 years, the 10 years between 1995 to 2005...

Subdivisions - Acres => 10 OR Lots => 10



add 5 more years, the 15 years between 1995 to 2010...

Subdivisions - Acres => 10 OR Lots => 10



Finally, the 18 years between 1995 to 2013...

Comal County Regional Habitat Conservation Plan

Why are we here?

- **Comal County has over 65,000 acres of potential endangered species habitat**
- **Over 10,000 acres of this will likely be developed in the next 30 years**
- **The Federal Endangered Species Act prohibits harming listed species**
- **The ESA provides for “take” permits or habitat conservation plans (HCP), provided:**
 - 1. The take is incidental to otherwise lawful actions**
 - 2. The HCP demonstrates that impacts are minimized and mitigated to the maximum extent practicable**
 - 3. Funding is provided to implement the plan**

Purposes of the RHCP

The Plan is 100% voluntary

- **Preserve the open space heritage of Comal County while conserving endangered species**
- **Help conserve and obtain information on other species to assist the Service in precluding the need to list additional species in the County**
- **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**
- **Allow the County to apply for Federal Habitat Conservation Plan Enhancement funds**

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

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.

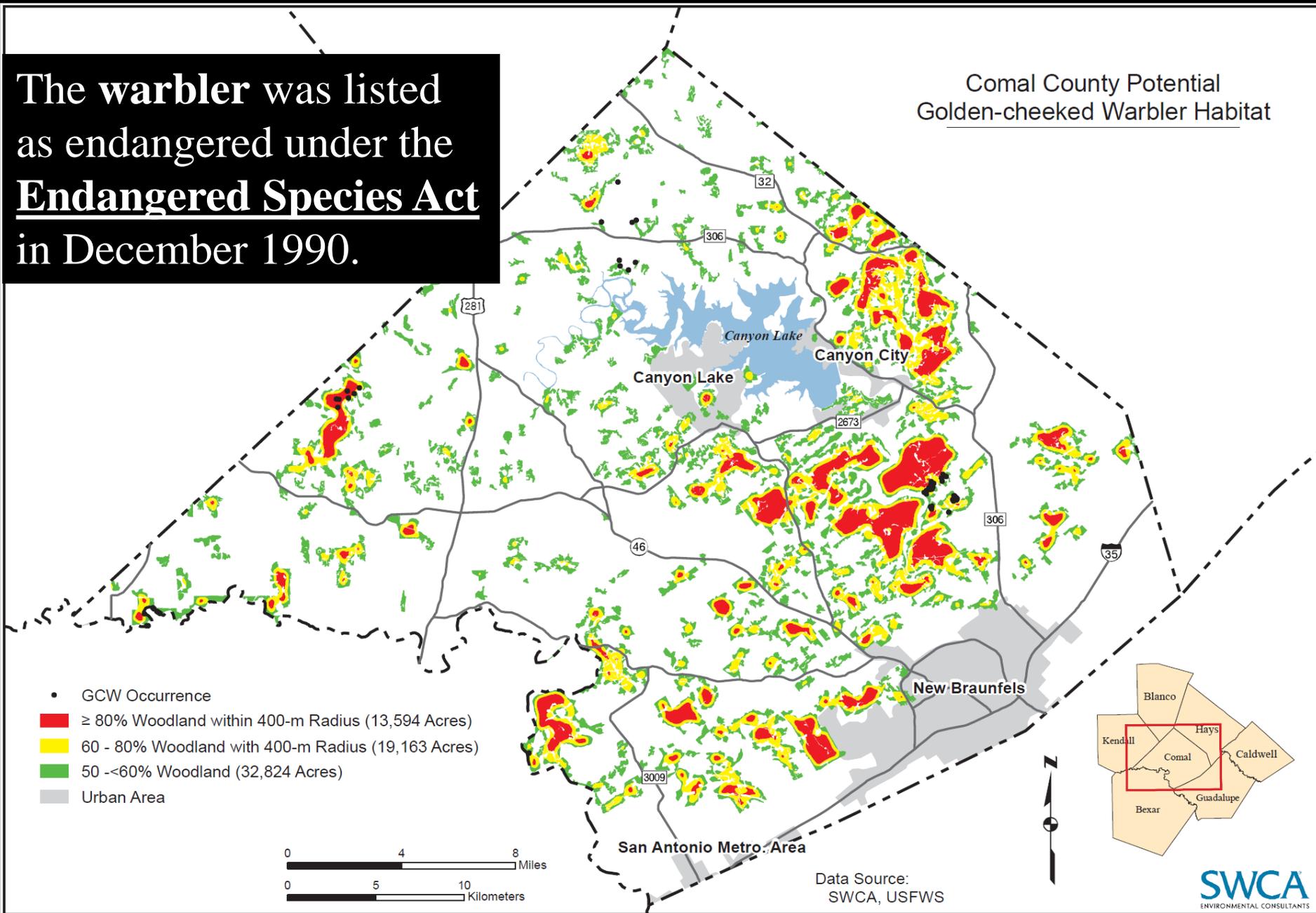
The **warbler** was listed as endangered under the **Endangered Species Act (ESA)** in the United States in December 1990.

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



The warbler was listed as endangered under the Endangered Species Act in December 1990.

Comal County Potential Golden-cheeked Warbler Habitat



Protection Under the Endangered Species Act

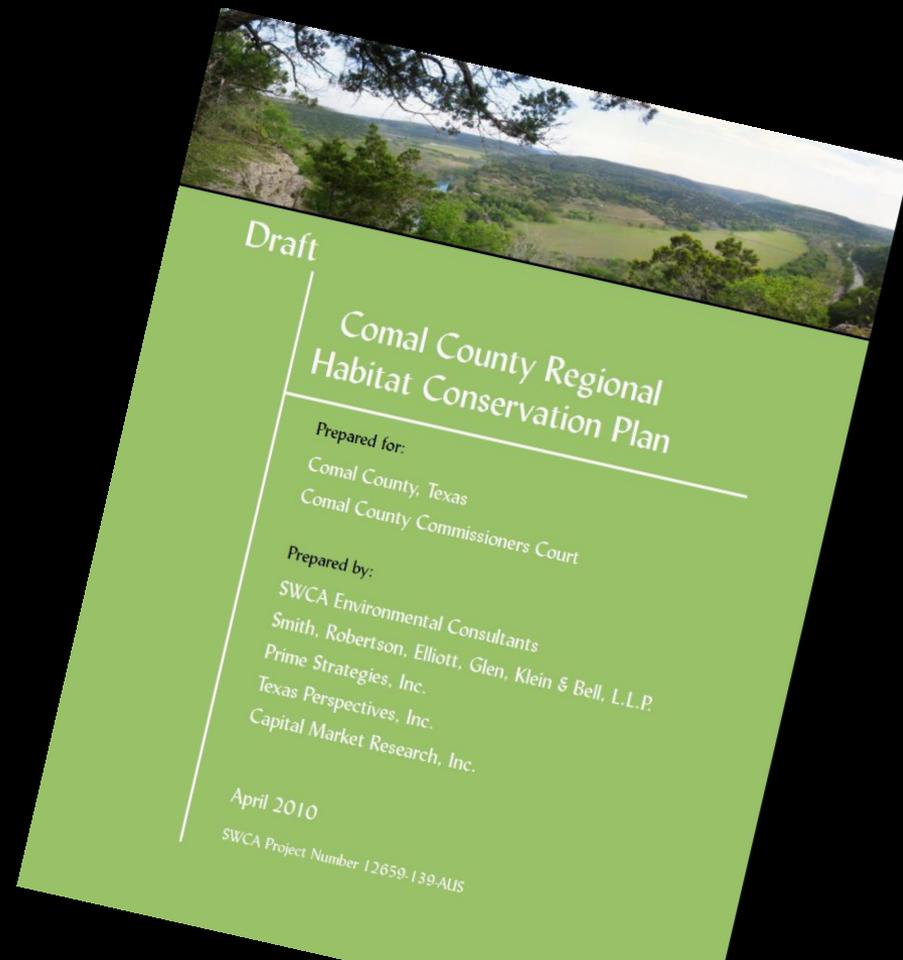
In the United States, it is illegal to “take” (kill, capture, wound, harass, or harm) a species that is on the Endangered Species Act’s list of threatened or endangered species. Harm to the species includes destroying habitat if doing so kills or injures members of the species.



Landowners who want to bulldoze warbler habitat on their land have to get permission from the government. To get permission, they must prepare a plan to help conserve the **warbler** on their property even though they are cutting down some of the habitat.

Two options for compliance:

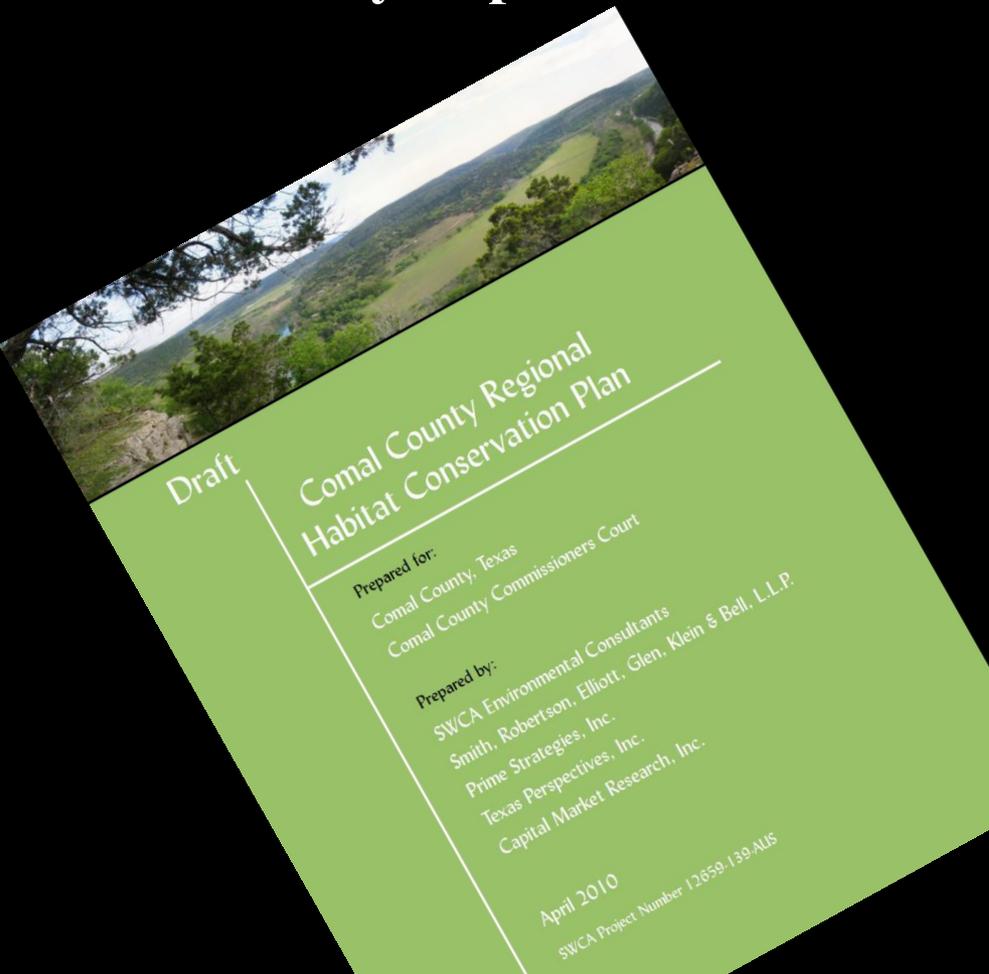
1. **Individual Consultation with the USFW Service.**
2. **Obtain a permit from a County with a Regional Habitat Conservation Plan.**



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 FEDERAL FISH AND WILDLIFE PERMIT		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 [X] YES [] NO	5. MAY COPY [X] YES [] 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"> 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. 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. C. VALID FOR USE BY PERMITTEES NAMED ABOVE. 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). 			
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

3-201
(1/97)

2. AUTHORITY-STATUTES
16 USC 1539(a)(1)(B)
REGULATIONS (Attached)
50 CFR §§ 13 & 17

3. NUMBER
TE-223267-0

4. RENEWABLE	5. MAY COPY
<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
<input type="checkbox"/> NO	<input type="checkbox"/> NO

6. EFFECTIVE February 18, 2014	7. EXPIRES February 18, 2044
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1. PERMITTEE

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.

9. TYPE OF PERMIT:

Endangered Species – Incidental Take

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12. REPORTING REQUIREMENTS

Annual report due each January 1 throughout the life of the permit.

ISSUED BY:

Joy E. Nicholopoulos

TITLE

Deputy Regional Director

DATE

2/18/2014

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SWCA

Smith, R

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Texas Pers

Capital Ma

April 2010

SWCA Project Num

2. Direct impacts are those areas where potential or occupied habitat is actually destroyed or significantly modified by Covered Activities, and indirect impacts are those that occur in GCWA habitat within 300 feet of direct impacts. Mitigation for direct and indirect impacts to habitat will be made at the following ratios:
 - a. Covered Activities that will impact GCWA habitat that is protected for the benefit of the GCWA shall be mitigated at 3 acres of preserved habitat for every 1 acre impacted.
 - b. Covered Activities that will impact GCWA habitat meeting the criteria for "habitat types where warblers are expected to occur" as described by Campbell (2003) and that is either: 1) in close proximity (within 300 feet) to lands protected for the benefit of the GCWA or 2) part of a contiguous patch of GCWA habitat that is greater than 500 acres shall be mitigated at 3 acres of preserved habitat for every 1 acre impacted.
 - c. Covered Activities that will impact GCWA habitat meeting the criteria for "habitat types where warblers are expected to occur" as described by Campbell (2003) and that is part of a contiguous patch of GCWA habitat that is 250-500 acres shall be mitigated at 2 acres of preserved habitat for every 1 acre impacted; and
 - d. Covered Activities that will impact GCWA habitat meeting the criteria for "habitat types where warblers are expected to occur" as described by Campbell (2003) and that is part of a contiguous patch of GCWA habitat that is less than 250 acres shall be mitigated at 1 acre of preserved habitat for every 1 acre impacted.
 - e. Covered activities that will impact GCWA habitat meeting the criteria for any other type of GCWA habitat as described by Campbell (2003), regardless of patch size or proximity to protected lands, shall be mitigated at 1 acre of preserved habitat for every 1 acre impacted.
 - f. Indirect impacts to GCWA habitat will be mitigated at half the ratio of direct impacts.
3. Any disturbance activity caused by an RHCP participant and authorized by the County with potential for direct and/or indirect effects to the GCWA, whether on or off of the project site, must be mitigated as appropriate. As the permit holder, the County is responsible for any take resulting from activities authorized under the RHCP (50 CFR 13.50), as well as for compliance monitoring, reporting, and corrective measures. Additionally, if an RHCP participant takes more than authorized within a participating project site, the County is responsible for seeking remedy, up to and including termination of participation.

BLACK-CAPPED VIREO

- P. Comal County is authorized to impact no more than 1,000 acres of BCVI habitat within Comal County, during the permit term. BCVI habitat is defined by Texas Parks and Wildlife Department's Endangered and Threatened Animals of Texas publication (Campbell 2003). The following conditions also apply:
1. Clearing and construction activities on participating parcels within 300 feet of or within BCVI habitat will occur from September 1 to March 15, avoiding the breeding season, with the following exceptions:
 - a. breeding season surveys, conducted by a Service permitted biologist for BCVIs,

Deleted: <#>If Comal County cannot avoid impacts to GCWA habitat, mitigation for direct and indirect impacts to habitat will be made at the following ratios:¶

¶ <#>impacts to GCWA habitat that are adjacent to or in close proximity (within 300 feet) to preserved lands benefitting GCWAs that are 500 acres or greater or are within a patch of habitat that is 500 acres or greater shall be mitigated at 3 acres of preserved habitat for every 1 acre impacted.¶

¶ <#>impacts to GCWA habitat that are adjacent to or in close proximity (within 300 feet) to preserved lands benefitting GCWAs that are 250-499 acres or are within a patch of habitat between 250-499 acres shall be mitigated at 2 acres of preserved habitat for every 1 acre impacted; and¶

¶ <#>impacts to GCWA habitat that are adjacent to or in close proximity (within 300 feet) to preserved lands benefitting GCWAs that are less than 250 acres or are part of a patch of habitat less than 250 acres shall be mitigated at 1 acre of preserved habitat for every 1 acre impacted.¶

¶ <#>Indirect impacts to GCWA habitat will be mitigated at half the ratio of the direct impacts assessed.¶

¶ <#>Mitigation will follow the Mitigation Strategies described below.¶

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2. Direct impacts are those areas where potential or occupied habitat is actually destroyed or significantly modified by Covered Activities, and indirect impacts are those that occur in GCWA habitat within 300 feet of direct impacts. Mitigation for direct and indirect impacts to habitat will be made at the following ratios:
 - a. Covered Activities that will impact GCWA habitat that is protected for the benefit of the GCWA shall be mitigated at 3 acres of preserved habitat for every 1 acre impacted.
 - b. Covered Activities that will impact GCWA habitat meeting the criteria for "habitat types where warblers are expected to occur" as described by Campbell (2003) and that is either: 1) in close proximity (within 300 feet) to lands protected for the benefit of the GCWA or 2)

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acre impacted,

<#>impacts to GCWA habitat that are adjacent to or in close proximity (within 300 feet) to preserved lands benefitting GCWAs that are 250-499 acres or are within a patch of habitat between 250-499 acres shall be mitigated at 2 acres of preserved habitat for every 1 acre impacted; and¶

<#>impacts to GCWA habitat that are adjacent to or in close proximity (within 300 feet) to preserved lands benefitting GCWAs that are less than 250 acres or are part of a patch of habitat less than 250 acres shall be mitigated at 1 acre of preserved habitat for every 1 acre impacted.¶

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<#>Mitigation will follow the Mitigation Strategies described below.¶

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Deleted: unauthorized

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Federal Fish and Wildlife Permit Application Form

[click here for return addresses](#)

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: Native Endangered and Threatened Species –

Incidental Take Permits Associated with a Habitat
Conservation Plan (HCP)

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1.a. Last name	1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Social Security No.	4. Occupation	5. Affiliation/ Doing business as (see instructions)
6.a. Telephone number	6.b. Alternate telephone number	6.c. Fax number	6.d. E-mail address

B. Complete if applying on behalf of a business, corporation, public agency, tribe, or institution			
1.a. Name of business, agency, tribe, or institution Comal County, Texas		1.b. Doing business as (dba)	
2. Tax identification no.		3. Description of business, agency, tribe, or institution Local government	
4.a. Principal officer Last name Krause	4.b. Principal officer First name Sherman	4.c. Principal officer Middle name/ initial	4.d. Suffix Mr.
5. Principal officer title Comal County County Judge		6. Primary contact name Tom Hornseth, County Engineer	
7.a. Business telephone number 830-221-1105	7.b. Alternate telephone number	7.c. Business fax number 830-608-2026	7.d. Business e-mail address rabthh@co.comal.tx.us

C. All applicants complete address information					
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes) 199 Main Plaza					
1.b. City New Braunfels	1.c. State Texas	1.d. Zip code/Postal code: 78130	1.e. County/Province Comal County	1.f. Country U.S.A.	
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable) c/o Tom Hornseth, County Engineer 195 David Jonas Drive					
2.b. City New Braunfels	2.c. State TX	2.d. Zip code/Postal code: 78132	2.e. County/Province Comal County	2.f. Country USA	

D. All applicants MUST complete	
1. Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount indicated on pages 2-3 (nonrefundable processing fee). Federal, tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – <i>attach documentation of fee exempt status as outlined in instructions.</i> (50 CFR 13.11(d))	
2. Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input checked="" type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: TE-223267-0 No <input type="checkbox"/>	
3. Certification: I hereby certify that I have read and am familiar with the regulations contained in <i>Title 50, Part 13 of the Code of Federal Regulations</i> and the other applicable parts in subchapter B of Chapter 1 of Title 50, and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.	
Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures)	Date of signature (mm/dd/yyyy)



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
P.O. Box 1306, Room 6034
Albuquerque, New Mexico 87103



In Reply Refer To:
FWS/R2/ES-ER/061742

NOV 18 2015

The Honorable Sherman Krause
Comal County Judge
195 David Jonas Drive
New Braunfels, Texas 78132

Dear Judge Krause:

Enclosed is your Fish and Wildlife Service–Endangered Species Act–Incidental Take Permit amendment (TE223267-2) that ensures that permit terms and conditions conform to the language in the approved Comal County Regional Habitat Conservation Plan. We would like to extend our sincere appreciation for your participation in the Habitat Conservation Program. Conserving, and ultimately recovering, endangered species must be a cooperative endeavor, and we thank you for your stewardship efforts.

If you have any comments or questions, please contact Adam Zerrenner, Field Supervisor at the Austin Ecological Services Field Office of the U.S. Fish and Wildlife Service at 512-490-0057. Thank you again for your commitment to the conservation of endangered species.

Sincerely,

Assistant Regional Director
Ecological Services

Enclosures



