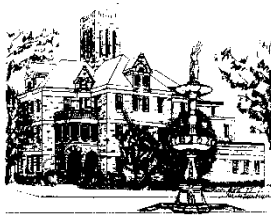


Donna Eccleston
Precinct #1

Scott Haag
Precinct #2



Kevin Webb
Precinct #3

Jen Crownover
Precinct #4

Sherman Krause
County Judge

Comal County Regional Habitat Conservation Plan

August 11, 2020

Dear Potential Participant,

Thank you for considering participation in the Comal County Regional Habitat Conservation Plan (RHCP). Approved in 2015, the RHCP provides a streamlined process for Endangered Species Act compliance for projects occurring within golden-cheeked warbler or black-capped vireo habitat in Comal County. Participation in the Comal County RHCP is completely voluntary. We have made every effort to ensure that this process is as simple as possible for potential participants. Please see below the steps and requirements for participation in the plan.

Step One: Initial Application

Potential RHCP participants will submit a completed application to the County for review. All application forms are available in the Comal County Engineer's Office (195 David Jonas Dr. New Braunfels, Texas). Upon request, the County has templates and existing data sources to assist with this documentation. Comal County staff is available to answer any questions that you may have during this process.

The application package includes the following components:

- Participation Certificate application form;
- detailed property information for the area to be enrolled in the RHCP, including boundary maps, legal descriptions, and/or GIS or CAD data;
- a detailed site plan for the property that shows the location and extent of all proposed land development and clearing activities and describes the uses of any proposed open spaces or easements;
- copies of any available biological resources studies previously conducted on the property; and
- an application fee.

Application fees are payable by check (payable to the Comal County Treasurer), credit card, or money order. Online payments are not currently accepted. The amount of the application fee is based on the size of the property and the associated costs incurred during the review process.

Potential participants have the option of submitting their own habitat determination, survey data, and mitigation assessment to Comal County for review, or they may rely on the County to provide this information for them. Any submitted habitat delineation, species surveys, or mitigation assessments must conform to the requirements specified in the RHCP and the County's Incidental Take Permit (Permit Number TE223267-2). The County will review the biological information and conduct a site visit for verification. The County will determine if the provided materials are sufficient for completing the enrollment process. If the provided materials are not sufficient, Comal County will notify the potential participant who may opt to provide the additional information necessary for a complete package or have Comal County conduct its own habitat delineation and mitigation assessment.

Please send all application materials and fees via U.S. postal service or hand-deliver to:

Thomas H. Hornseth
Comal County Engineer's Office
195 David Jonas Dr.
New Braunfels, TX 78132

Within 10 business days from the receipt of an application, Comal County will review the application for completeness and notify the Applicant of any missing information. Once the application package is complete, Comal County will provide verification that a complete application has been received.

Step Two: Issuance of Determination Letter and Participation Agreement

Comal County will review submitted application packages, conduct an on-site assessment of the property, and (if necessary) delineate potential habitat for the species. Based on information received and collected, the County will identify areas with direct/indirect project impacts and calculate the number of mitigation credits necessary to offset anticipated impacts using the mitigation ratios established in the County's Incidental Take Permit. The County may submit its determination to the United States Fish & Wildlife Service (USFWS) for review and the USFWS has ten federal working days to review and respond to the submitted determination. Following the USFWS review period, a determination letter identifying the County's findings will be provided to the potential participant along with a Participation Agreement. At that time, if the Applicant wishes to participate in the RHCP, they should execute and return the Participation Agreement to the County along with the mitigation payment identified in the determination letter. Upon receipt of a signed Participation Agreement and mitigation payment, the County will execute and record the Participation Agreement with Comal County real property records and provide the fully executed Participation Agreement and a Certificate of Participation to the participant.

Comal County may decline to issue a Participation Agreement if credits are currently unavailable, already allocated for other projects, or if such participation does not conform to the goals and provisions of the RHCP.

Step Three: Compliance with Participant Terms

Participation in the RHCP requires adherence to the terms and conditions of the Participation Agreement, including:

1. Clearing of woody vegetation in areas of golden-cheeked warbler habitat should be completed during the months from August through February. From March 1 to July 31, such work must cease since golden-cheeked warblers may have returned to the area to nest.
2. Clearing of woody vegetation in areas of black-capped vireo habitat should be completed during the months from September through mid-March. From March 16 to August 31, such work must cease since the vireo may have returned to the area to nest.

Thank you again for your consideration. Should you have any questions while navigating this process, please do not hesitate to contact the Comal County Engineer, Thomas Hornseth, at (830) 608-2090, or via email at rabthh@co.comal.tx.us. We look forward to receiving your application.

Sincerely,

Thomas H. Hornseth, P. E.
Comal County Engineer