

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

**MEETING MINUTES**

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

**WHEN: March 3, 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:

- Terry Turney
- Carroll Lindeman
- Jensie Madden
- Alan Stahlman
- Ben Appleby
- Travis Wuest
- Mike Norris
- Jack Ohlrich
- Curtis Bremer
- Cathy Talcott
- Roy Linnartz
- Linda Laack

Comal County Representatives:

- Commissioner Jay Millikin
- Tiffany Groff

RHCP Consultant Team:

- Smith|Robertson: Alan Glen, Rebecca Hays
- SWCA Environmental Consultants: Dr. Steve Carothers

Agency Representatives:

- Terry Turney (Texas Parks and Wildlife Department)

1. Call to Order. Chair Travis Wuest called the meeting to order.
2. Approve Minutes from January 7, 2008 Meeting. Ms. Madden moved to approve the January CAC minutes and Ms. Talcott seconded the motion. Minutes were approved unanimously.

3. Citizens' Comments. There were no citizens' comments.
4. Report on Status of Comal County RHCP Website (SWCA). Dr. Carothers reported on the status of the website. Mr. Wuest requested that SWCA post the website as a "test site" so that CAC members could look at and comment on the site. Dr. Carothers agreed to Wuest's request.
5. Report on BAT Activities (SWCA). Dr. Carothers reported on the draft BAT recommended species list and explained how the BAT arrived at its recommended approach to species coverage. Dr. Carothers also noted that Bill Seawell of the U.S. Fish and Wildlife Service (Service) indicated that all listed aquifer species found in Comal County would be addressed by the Edwards Aquifer Authority Recovery Implementation Program (EAARIP) and that was why the BAT did not recommend that any listed aquifer species be covered for take under the Comal County RHCP. Commissioner Millikin noted that he agreed with Dr. Carothers' recommendation that the County only deal with above-ground species and to allow the EAARIP to deal with below-ground species. Commissioner Millikin also asked why the Comal County RHCP should cover black-capped vireo if there is little information about that species occurring in Comal County. Dr. Carothers stated that the lack of information is due to a lack of studies and surveys and that it was better to request coverage for that species and if take coverage is not needed, then the County does not have to provide mitigation for the vireo. Dr. Carothers also described how vireo coverage might work under the RHCP. Mr. Appleby asked whether there was a downside to covering the vireo in the RHCP. Dr. Carothers said there was not. Mr. Glen noted that this would not be the CAC's last opportunity to comment on the species list but, rather, allows the consultants to begin drafting a preliminary RHCP document so that the CAC can review something more meaty. Mr. Stahlman asked whether the County would be able to enforce the RHCP such that the County can tell a landowner what he can and cannot do with his land. Mr. Glen pointed out that the County could not "enforce" the RHCP in that way because State law prohibits the County from basing any approvals or permitting upon endangered species. Mr. Norris stated that he first was opposed to the BAT recommendation because he thought that the more species were included in the RHCP, the more difficult it would be for landowners. Mr. Norris went on to state that he now understood that the more species the RHCP includes, the easier ESA compliance becomes for landowners. Mr. Norris then asked why the list of "covered" species was not longer. Mr. Glen explained that there was both a cost and predictability issue. Mr. Glen then explained the requirements the ESA places on any application for an incidental take permit and habitat conservation plan. Mr. Linnartz then asked what happens if the County buys some preserve land that has both endangered bird habitat and karst features on it. Particularly, Mr. Linnartz wanted to know whether the County had to pay twice for that land. Mr. Glen pointed out that, although the County would be benefited from acquiring a preserve with both bird and karst habitat, the County would only need to pay once for that land. Because there are currently no listed karst species in Comal County, Mr. Glen pointed out that, should a karst species

be listed at a later date, the County could take credit for any preserve land with endangered karst present on the property. Mr. Stahlman then asked what happens if the County wants to add additional species to the “evaluation species” category. Mr. Glen explained that the RHCP document will include a statement that allows the County to add additional evaluation species if and when it sees fit to do so. Madden asked whether the species currently in the evaluation species category were the most likely to get listed, in the BAT’s opinion. Dr. Carothers said “yes.” Mr. Lindemann asked whether the evaluation list could be considered an “act of good will” towards the Forest Guardians and perhaps slow down the ESA petition process. Dr. Carothers stated that one of the Service’s criteria for listing a species is that the species in question currently has no protective mechanism, and that the inclusion in the evaluation species category could be seen as a form of protection. Mr. Appleby asked why the County would and a landowner would look favorably on the BAT’s recommended list of species and why the list is good for the environment. Dr. Carothers stated that the RHCP is beneficial to the County and landowners because it is an efficient alternative to individual permitting (and thus, benefits landowners and the County) and also creates the following environmental benefits: open space, heritage of Comal County, preservation of high-quality golden-cheeked warbler habitat, and additionally contains an educational component including videos and access and learning opportunities for school children. In addition, Dr. Carothers addressed the benefit of protecting karst species. Finally, Dr. Carothers noted that some landowners can preserve their land in perpetuity rather than sell it to developers. Mr. Linnartz asked how the appraisal district valued mitigation bank property. Mr. Glen stated that, at a minimum, the appraisal district should look at banked property as agricultural land. Mr. Glen also noted that the owner of banked property could also get a habitat management plan tax benefit. Mr. Glen noted the bump in value of properties surrounding preserve land that is able to recapture some portion of tax dollars lost when the land is banked.

6. Discuss and Take Appropriate Action on BAT Recommendation for Species Coverage (SWCA). Mr. Norris moved to accept the most recent version of the BAT recommendation and Mr. Olrich seconded the motion. The motion approved unanimously.
  
7. Discuss and Take Appropriate Action on Agenda Items for Next Meeting (SWCA and Smith|Robertson). Prior to the next meeting, SWCA will overlay County plats with a habitat “hot spot” map. Mr. Glen pointed out that Chapter 83 of the Texas Parks and Wildlife Code puts limits on being too specific when putting properties on a habitat map. Commissioner Millikin noted that a lot of education regarding the RHCP is needed for the citizens and landowners of Comal County. Commissioner Millikin also stated that he would like the consultants to put together a very detailed and explanatory Executive Summary of the draft RHCP so that the public can see that the County, consultants and committees are not out to devalue people’s property. Mr. Wuest noted that it is important to explain the same thing on the RHCP website. Mr. Turney stated that the Service looks

favorably on HCPs and will be behind the County's plan. Ms. Madsen requested a full and final list of those people serving on the Comal County BAT. Dr. Carothers said that he would mail out a final list as well as put the list on the test website.

8. Adjourn. Mr. Wuest adjourned the meeting.