



ENVIRONMENTAL CONSULTANTS

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**BIOLOGICAL ADVISORY TEAM (“BAT”)
TO THE
COMAL COUNTY
REGIONAL HABITAT CONSERVATION PLAN (“RHCP”)
DRAFT
MEETING MINUTES**

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

WHEN: May 19, 2008

TIME: 2:30 p.m.

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

In Attendance:

BAT Members

- John Baccus
- Michael Barrett
- Valerie Collins
- Hal Herbelin
- Clay Green
- Randy Simpson

Comal County

- Tom Hornseth

Consultants

- Smith\Robertson: Alan Glen
- SWCA Environmental Consultants: Steve Carothers, Gary Galbraith

Agency Representatives

- Bill Seawell, USFWS

1. Call to Order. In the absence of Chair Mike Quinn, Gary Galbraith called the meeting to order at 2:39 p.m.
2. Approve Minutes from February 25, 2008 BAT Meeting. Dr. Baccus moved to approve the February 25, 2008 minutes; second by Hal Herbelin. Motion carried.
3. Citizens Comments. No citizen's comments were received.
4. Discuss and take appropriate action regarding the amount of take of "Covered Species" to be authorized by the Comal County RHCP. This agenda item discussed concurrently with item 5.
5. Receive presentation on alternative mitigation options for the Comal County RHCP. Dr. Carothers presented the three proposed alternatives and described the differences between the alternatives. The alternatives presented included: 1) rolling conservation bank, 2) maximum mitigation with predetermined preserves, and 3) moderate mitigation with predetermined preserves.

The rolling conservation bank would authorize 1,000 acres golden-cheeked warbler (GCW) in Year 1 of the permit and would authorize additional take of the GCW on an as-needed basis, with a maximum amount of GCW take not to exceed 8,500 acres. Up to 2,000 acres of black-capped vireo (BCV) habitat may be taken over the 30-year permit term. This alternative would require the establishment of 1,000 acres of GCW preserves in Year 1, with addition preserves occurring on as needed basis commensurate with the amount of take.

The alternative requiring maximum mitigation with pre-determined preserves would authorize take of up to 50 percent of the GCW habitat in the County (21,000 acres). Take would only be allowed to occur outside the target area for preserve acquisition. Similar to the previous alternative, up to 2,000 acres of BCV habitat could be taken over the life of the plan. Under this alternative, 21,000 acres of GCW habitat and 2,000 acres of BCV habitat would need to be acquired by the end of Year 4 of the plan.

The moderate mitigation with predetermined preserves alternative would authorize take of up to 8,500 acres of GCW habitat and 2,000 acres of BCV

habitat. This alternative would allow take only in areas outside the proposed target area for preserve acquisition. Under this alternative, 8,500 acres of GCW habitat and 2,000 acres of BCV habitat would need to be acquired by the end of Year 4 of the plan.

All proposed alternatives assume a 1:1 mitigation ration, on average.

Following the presentation, several questions were raised concerning the proposed amount of take and mitigation required under the proposed alternatives.

Bill Seawell asked if the consultant team had considered indirect effects when calculating mitigation. Dr. Carothers responded that indirect effects had not been considered at this time, but will be included in the draft RHCP.

Dr. Baccus pointed out that recent studies have indicated that indirect effects may extend out a distance of 200 meters.

Valerie Collins asked if someone outside the County could participate in the plan. Bill Seawell indicated that we could not authorize take outside the County, but that mitigation could occur in Comal County as long as the take was occurring in the same recovery region as Comal County.

In terms of funding, Alan Glen indicated that there may be other funding opportunities for the County such as joint ventures with landowners or applying for Section 6 grant funds to supplement preserves.

Hal Herbelin asked if the County could exercise eminent domain to purchase properties within the preserve acquisition area. Alan Glen indicated that if the lands were to be acquired solely with County funds then they could possibly be subject to condemnation; however, if Section 6 funds were used then this would require authorizations by the Secretary of Interior.

Tom Hornseth mentioned that he thought there would be a need for more than 8,500 acres of take for the GCW based on the rate of development he has seen in the County. There was a subsequent discussion regarding the merits of raising the level of take and mitigation for the GCW. Following the discussion, Michael Barrett moved to increase the level of take of the GCW from 8,500 acres to 16,000; second by Hal Herbelin. The vote passed 5-1.

6. Discuss and take appropriate action regarding establishment of water quality measures for RHCP participants. Dr. Carothers gave a brief presentation on the Edwards Aquifer Optional Water Quality Rules and Dr. Barrett gave a brief history of how and why the rules were formulated. Dr. Barrett indicated that buffers and controlling the volume of runoff were the most important BMPs and he also suggested not linking water quality measures to listed aquatic species.

No action was taken on this item and it will be discussed at the next meeting.

7. Discuss and take appropriate action regarding the appropriate level of public access and uses of the Morton Tract. The Morton Tract is a 300-acre property that was recently purchased by the County for preservation of GCW habitat. Gary Galbraith informed the BAT that a joint CAC/BAT field trip to the property is scheduled for June 2, 2008 and asked that they consider appropriate levels of use when touring the property.

No Action was taken on this item.

8. Discuss and take appropriate action regarding date and agenda items for next meeting. The CAC/BAT field trip to the Morton Tract on June 2, 2008 will constitute the June BAT Meeting.
9. The meeting was adjourned at 4:43 P.M.