



November 22, 2011

Also by email scan to
bpohl@pohlbrown.com and
nstrouder@pohlbrown.com

Board of Directors
As of April 20, 2011

Pct. 1 Commissioner
Lisa Birkman,
Board President
Williamson County, TX

Pct. 3 Commissioner
Valerie Covey
Board Vice President
Williamson County, TX

Ken Boyer, P.E.
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Round Rock, TX

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Maria Acosta
Cedar Park, TX

VACANT

Larry Quick
Don Quick & Associates
Round Rock, TX

c/o Parks and Recreation
350 Discovery Blvd
Ste 207
Cedar Park, TX 78613

T.S. – S.D. III, LTD.
c/o Pohl Partners, Inc.
Bill Pohl, General Partner
10800 Pecan Park Blvd., Suite 240
Austin, TX 78730

Re: A tract out of the Samuel Damon Survey No. 170, containing 76.52 acres, more or less; Williamson County Appraisal District reference tracts R031875 and R474925; WCCF Application #20111114.

Dear Mr. Pohl:

A review of the referenced tract and site plan has been completed in accordance with the Williamson County Regional Habitat Conservation Plan (RHCP). Based on the supporting documents you provided, the Williamson County Conservation Foundation (WCCF) makes the following determination as to your application:

- 1. The mitigation fee for the referenced project will be \$194,460.00 (One hundred ninety-four Thousand Four Hundred sixty Dollars and no hundredths Dollars). This amount ("Participation Fee") was determined based on the acreage of the tract, 25.21 acres of direct impact Golden-cheeked Warbler (*Setophaga chrysopari*) habitat and 5.14 acres of indirect impact habitat with mitigation values of \$7000/acre and \$3500/acre respectively. (A map outlining the referenced tracts is attached to this letter. Calculations were made to the nearest hundredth acre.) This amount will be reflected in Paragraph 2 of the Participation Agreement ("Agreement") to be issued as outlined below.**
 - a. This fee reflects a proforma mitigation for Golden-cheeked warbler habitat. This calculation is based on the formula as outlined in Section 6.2.2 of the Williamson County Habitat Conservation Plan (HCP). The fee as calculated under this Part 1 will be held in the funds of Williamson County, and interest accrued during any holding period (such period ending as per part 1c below) shall be considered a service fee for the purpose of this Determination.**
 - b. The Applicant, T.S. – S.D. III, LTD., shall direct the completion of a presence/absence survey as per current US Fish and Wildlife protocol for the referenced habitat and shall provide a copy of the report generated to the WCCF.**
 - c. Upon receipt of the report generated under 1b above, WCCF shall within a reasonable period, and at its sole discretion, have the report reviewed by a US Fish and Wildlife permitted**

biologist of its choosing and will, based on that review, adjust the mitigation fee as calculated under 1a above as follows:

- i. No indication of presence of permitted species – the fee calculated under “a” will be returned to the Applicant less reasonable and customary expenses for the review and interim interest accrual as noted under part “a”; or,
 - ii. Indication of presence of permitted species – the fee calculated under “a” will be a part of the mitigation for the Project Area. Please see footnote 88 of the HCP, page 6-8.
 - iii. No land clearing or construction activities may nor should be conducted in the project area prior to the presence/absence survey and the review as outlined in sections 1(c)i and 1(c)ii.
- d. It is recommended that Applicant notify purchasers, heirs and assigns of mitigation under this Determination Letter and subsequent Participation Agreement(s).
2. Please sign below and notify this office as soon as possible – by email scan to wccf@wilco.org or by fax to 512-943-1931 – of T.S. – S.D. III, LTD., agreement to these mitigation terms. The indicated fee may be wired as per instructions to be sent under separate cover or a check made payable to “WCCF”. Following receipt of the mitigation fee an agenda item will be prepared for the next available Williamson County Commissioner’s Court for consideration and acceptance.
3. Upon acceptance by the Commissioners Court a Participation Agreement will be prepared and sent to you covering incidental take for the referenced habitat. The cover documents for the Agreement will include instructions for filing in Williamson County deed records. If you wish for WCCF to file the documents and bill you for the filing fee please indicate below. Such billing will be due and payable upon receipt.

These actions will complete your application process in the RHCP for the referenced tract. When we receive confirmation of filing of the Agreement, this office will subsequently prepare and mail a participation certificate to you. Although the certificate is not an official document, it may be posted at the project site as notification of participation in the Williamson County RHCP.

Should you have any questions about this letter, please contact WCCF.

Sincerely,



Gary D. Boyd
Director, Environmental Programs
Williamson County Conservation Foundation

Re: WCCF Application #20111114

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Agreed as to both form and substance:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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Note:

If you wish the WCCF to handle document filing with the Williamson County Clerk
and bill you for the filing fee please initial here: _____



Pohl Brown Property Map

Williamson County, Texas



DISCLAIMER - PLEASE READ:
This map is provided for informational purposes only. The information contained on this map is not intended to be used as a legal document. Williamson County makes no representation or guarantee as to the content, accuracy, timeliness or completeness of the information contained on this map. Williamson County is not responsible for any damages arising out of the use or inability to use these materials.



Map Date: Jan 2011
Map Title: Pohl Brown Property Map
Map Scale: 1" = 100 Feet
Map Author: Williamson County
Map Contact: Williamson County
Map Phone: 512-440-1489
Map Fax: 512-440-1488
Map Email: pohl@co.williamson.tx.us