

Whereas....on June 23rd, 1998, Austin City Council, after recommendation from the Balcones Canyonlands Coordinating Committee (hereinafter referred to as the “Coordinating Committee”) and concurrence from the City of Austin, approved revising the fee structure for participation in the Balcones Canyonlands Conservation Plan (hereinafter referred to as “BCCP”); and

Whereas.... pursuant to the terms of the section 10(a)1(b) regional permit held by the Travis County and City of Austin, the above mentioned revision of the fee structure was certified for approval by the United States Fish and Wildlife Service, effective on July 15th of 1998 for a period of one year; and

WHEREAS.... the revised fee was extended by Travis County and the City of Austin from July 15, 1999 to July 14, 2000, from July 15, 2000 to July 14, 2001, from July 15, 2001 to July 14, 2002, from July 15, 2002 to July 14, 2003, from July 15, 2003 to July 14, 2004, from July 15, 2004 to July 14, 2005, from July 15, 2005 to July 14, 2006, and from July 15, 2006 to July 14, 2007 with the approval of the United States Fish and Wildlife Service; and

WHEREAS.... the Coordinating Committee has recommended that a revised fee structure for participation in the BCCP be implemented; and

WHEREAS.... the revised fee structure expires on July 14, 2007, unless extended by the parties; and

WHEREAS....the Austin City Council desires that the revised fee structure for participation in the BCCP be implemented.

NOW THEREFORE, BE IT RESOLVED THAT THE Austin City Council APPROVES THE REVISED FEE STRUCTURE FOR PARTICIPATION IN THE BALCONES CANYONLANDS CONSERVATION PLAN AS FOLLOWS:

1. From July 15, 2007 to July 14, 2008, simple participation in the Plan based on the BCCP fee zone map the fee shall be \$4,000/acre in GCWA Zone 1, \$2,000/acre in GCWA Zone 2, \$4,000/acre in BCVI habitat, and \$750/acre in Karst Zones 1 and 2. The Single Family Lot Provision fee shall be \$2,000 and Agriculture Provision shall be \$1,500/acre.
2. From July 15, 2007 to July 14, 2008, participation though the alternative method the fee shall be \$5,000/acre. The fee shall be calculated on a United States Fish and Wildlife Services (USFWS) determination of take – both indirect and direct – multiplied by the appropriate habitat quality factor.
3. From July 15, 2008 to July 14, 2009, simple participation in the Plan based on the BCCP fee zone map the fee shall be \$5,500/acre in GCWA Zone 1, \$2,750/acre in GCWA Zone 2, \$5,500/acre in BCVI habitat, and \$1,000/acre in Karst Zones 1 and 2. The Single Family Lot Provision fee shall be \$2,000 and Agriculture Provision shall be \$1,500/acre.
4. From July 15, 2008 to July 14, 2009, participation though the alternative method the fee shall be \$6,500/acre. The fee shall be calculated on USFWS determination of take – both indirect and direct – multiplied by the appropriate habitat quality factor.

5. When land within the Preserve, or land which has been determined by USFWS to be acceptable as part of the Preserve, is offered as mitigation in lieu of payment of the fee using the alternative approval method, USFWS shall determine the amount of mitigation credit that is received for land offered in mitigation credit that is received for land offered in mitigation.
6. Upon certification of approval of this amendment by USFWS, this extension of the revised fee structure will expire on July 14, 2009, subject to further action by the Coordinating Committee.
7. The intent of this Resolution is to prevent the new fee structure from having the effect of depressing the value of mitigation land.

IN WITNESS WHEREOF, WE HAVE HERE UNTO SET OUR HANDS ON THIS