

**Balcones Canyonlands
Preserve
Land Management Plan
2007 Revisions**

**Austin City Council
November 8, 2007**

“The BCP Preserve System is to be managed to permanently conserve and facilitate recovery of the populations of target endangered species inhabiting western Travis County. This priority objective will govern preserve management activities to improve target species habitat, while protecting preserves against degradation caused by urbanization of surrounding lands and increased demand for recreation usage within preserve lands.”

-USFWS, Habitat Conservation Plan and Final
Environmental Impact Statement, 1996

The Balcones Canyonlands Conservation Plan

- The BCCP was the very first regional multi-species USFWS Habitat Conservation Plan In the nation, and was issued on May 2, 1996.
- The BCCP exists to balance our communities needs for economic growth and development with protection of our unique and irreplaceable native wildlife.
- The BCCP terms and conditions require that a minimum of 30,428 acres of endangered bird habitat and 62 important cave features be protected in a system of preserves known as the Balcones Canyonlands Preserve.

The Balcones Canyonlands Preserve

- The BCP today consists of 27,916 acres of endangered bird habitat and 44 protected
- Karst features
- This represents 92 % of the land and 71% of the cave protections required under the
- Federal permit
- The BCP is one of the largest urban preserve systems in the entire country
- The BCP is managed to conserve all of our native wildlife, to protect and recover Endangered species, and to protect source water areas for Austin's water supply.
- By setting aside and managing wildlife habitat, the BCP also provides a host of ecological services to our community such as air and water quality benefits.

The LMP to Date

- From 1996 to 1999, BCP tracts were managed under the “Land Management Plans and Guidelines” found in the Habitat Conservation Plan
- Partners were directed to create a comprehensive Plan to guide management of the Preserve
- The first BCP LMP was submitted to USFWS in 1999 after 3 years of work by the BCP Partners to craft a consensus based document
- BCP Partners: City of Austin, Travis County, Lower Colorado River Authority, The Nature Conservancy of Texas, and the Travis Audubon Society

The LMP to Date

(continued)

- USFWS attended and advised the Partners throughout the creation of the original Land Management Plan
- The document was approved by the Coordinating Committee in 1999, and was approved with USFWS comments after a one year review period
- USFWS requested that the BCP Partners incorporate their comments and suggestions into the next revision of the Plan (current draft0
- Work began on the current LMP document in August 2004
- BCP Partners have been revising and updating the entire document to incorporate new Science, best management practices and describe lands newly incorporated into the Preserve
- The BCP Partners consider the LMP a "Living Document" intended to be regularly updated through a process of adaptive management

Organization of the LMP document

*Extensive rewriting and the addition of significant new material made "tracking changes" within the document impractical. Printed copies of the approved 1999 plan are available for review.

Three volumes comprising 1,000 pages.

*The tiered approach follows the outline of the existing LMP:

*Tier I: Overview

*Tier IIA: Management Handbook

*Tier IIB: Plan Administration

*Tier IIC: Macrosite Descriptions

*Tier III: Tract Management Plans

LMP Revision Timeline

- The Land Management Plan Working Group was formed in August of 2004
- Staff worked to revise and update the Plan for 15 months, incorporating USFWS comments, new science, best management practices, and describing lands newly incorporated into the Preserve
- A Draft Plan was presented to the Citizens and Scientific Advisory Committees and the Public in early November 2005

Public Review and Comment Process

*Updates on the Land Management Plan revisions were reported at every Coordinating Committee, Scientific Advisory Committee and Citizens Advisory Committee meeting. Since the inception of the Land Management Plan Working Group there have been 36 meetings where public comment could be received.

*Citizens Communications were recorded at each of these meetings and incorporated into the record

*A website was created in November of 2005 with the entire text of the draft Plan, Providing and opportunity for citizens to submit their comments directly to the Advisory Committees

*Public notices were placed in the Austin American Statesman, the Austin Chronicle, on The City of Austin and the Travis County websites, and in other widely available media sources

*The Citizens Advisory Committee hosted two public hearings over the course of a four Month public review and comment period

*Print and digital copies of the draft Plan were provided at the Austin History Center, the Austin Central Library, and at various copy shops throughout the community

*Public comments were also received via postal service and e-mail

Advisory Committee Review and Comment Process

*The BCCP Citizens and Scientific Advisory Committees were presented the draft plan in November of 2005

*Over the course of nine months, the Committees convened to review and discuss the draft plan both independently and in a joint meeting

*The Advisory Committees had full access to all public comments received during the public review period

*The Scientific Advisory Committee invited comments from researchers and recognized experts in endangered species management from across the country

*The Citizens and Scientific Advisory Committee each submitted their recommendations to the Coordination Committee on July 24, 2006

Land Management Plan Working Group Review

- *The Land Management Plan Working Group (representatives from City of Austin, Travis County and LCRA) reviewed the comments received from each of the Advisory Committees and the public for compliance with the BCCP permit
- *The LMPWG worked to incorporate changes to the plan that met the terms and conditions of the federal permit based upon the comments received
- *Comments were then sorted by topic and responses addressing the most widely received concerns were drafted by the LMPWG
- *The full text of all comments received, as well as the recommendations of the Citizens and Scientific Advisory Committees and the LMPWG responses are found in Tier I Appendix C

The Land Management Plan Today

- The entire text of the Land Management Plan and the 1996 Habitat Conservation Plan/Final Environmental Impact Statement will be available on the BCCP Citizens Advisory Committee's website:

www.BalconesCanyonlands.org

- Links to the Citizen Advisory Committee website are available on the Travis County website:

www.Co.Travis.TX.US

- Additional copies are available at the City of Austin's Faulk Central Library and the Austin History Center

Changes from the 1999 Plan

Incorporates USFWS comments and suggestions

- Clarification of regulatory information
- Clarification of regulatory expectations
- Addresses new biological and ecological data resulting from scientific research and practical experience gained from managing the Preserve
- Changes in species taxonomy
- New information on species meta-populations and their dynamics
- Includes information provided by scientists and peer reviewed published research
- New information about how protected species are affected by threats
- New land management practices and monitoring protocols

Public Access Today

The City of Austin and Travis County currently manage over 2/3 of all lands that make up the BCP, and have always managed portions of the Preserve for year-round managed public access (including Travis County's Hamilton Pool Preserve, the City of Austin's Emma Long Park, Wild Basin Wilderness Preserve, and Westcave Preserve)

- 25% of the City's BCP is available for unrestricted access on sites jointly managed by BCP and the Parks and Recreation department.
- This includes more than 30 miles of authorized public trails
- The remaining preserve acreage is available for structured educational access guided by staff or trained volunteer interpretive guides
- In the last year this includes:
 - Fifty volunteer and educational events
 - Reaching 2349 citizens
 - Includes 1278 hours of citizen volunteer service to BCP (~1 productive FTE addition to staff)

Public Access Today

(continued)

- BCP staff has always endeavored to provide preserve appropriate public access in a manner consistent with the terms of the permit and within staff and budget constraints.
 - No publicly dedicated trail within the BCP has ever been closed or had grandfathered uses removed
 - Bull Creek preserve (Forest Ridge) seasonal Hiking permits – 672 since 1999
 - The 2007 BCP Hike and Lecture Series that provides monthly opportunities for the public to experience and learn about the preserve
 - Interpretive hikes for organized groups
 - Volunteer activities that provide wildland experiences in remote areas such as:
 - invasive species eradication
 - Monitoring of plants and animals Plant and seed collecting
 - Habitat restoration projects
 - Guiding others on interpretive hikes

Public Access Process

2007 REVISED

PLANS

- Tier IIA Chapter VII creates a “Public Access Process” that allows for activities within the Preserve that are managed, structured, monitored and mitigated in accordance with the terms and conditions of the federal permit.
- The “Public Access Process” encourages interested parties and user groups to work with staff to identify regulatory issues and agency constraints and provides a clear pathway to achieve a “yes” to their requests for additional access
- The “Public Access Process” applies to City of Austin and Travis County managed properties. For access issues on lands managed by other BCP Partners, interested parties should contact these organizations directly

Next Steps

- BCCP Secretary Certification that the Land Management Plan complies with the terms and conditions of the federal permit
- Additional public input during Coordinating Committee meetings in October and November 2007
- Public hearing on the plan conducted by Austin City Council and Travis County Commissioner's Court
- Approval by the BCCP Coordinating Committee
- Submittal to USFWS for final approval

For more information:

Austin Water Utility Wildlands Conservation Division:

- Daryl Slusher Assistant Director, Conservation Services –
972-0218 daryl.slusher@ci.austin.tx.us
- Willy Conrad Division Manager – 263-6430.
william.conrad@ci.austin.tx.us
- Scott Rowin BCP Program Manager (effective 10/1/07) – 263-
6431 scott.rowin@ci.austin.tx.us
- Gail McGlammery Conservation Program Coordinator
(outreach) – 263-6437 gail.mcglammery@ci.austin.tx.us

**BALCONES CANYONLANDS CONSERVATION PLAN (BCCP)
POLICIES
GOVERNING LAND USE AND ACTIVITIES ON THE
BALCONES CANYONLANDS PRESERVE (BCP)**

ABSTRACT

Note: Bold text in the following citations are the primary supporting basis for the abstract.

The overriding purpose of the Balcones Canyonlands Conservation Plan is to implement the terms and conditions of the Federal permit issued under the Endangered Species Act. This permit requires full implementation of the Habitat Conservation Plan including adherence to the Land Management Plans and Guidelines.

The Balcones Canyonlands Preserve System is intended to permanently preserve and contribute to the recovery of targeted Endangered Species. Uses other than species and habitat management may be considered as long as they are compatible with the primary species preservation and habitat management goals. Compatible is defined as either being beneficial or neutral in effects to species of concern and their habitat, and not competing significantly for financial or staff resources.

Management of the preserves is guided by the following prioritized goals. First is to fully comply with the terms and conditions of the Federal Permit. Second is to acquire or protect the habitat lands and karst features specified in the Habitat Conservation Plan and Shared Vision Document. Third is management of this land for the benefit of the protected species. And fourth, is to consider any other compatible uses.

- 1) There are three policy documents that serve as the source of authority for decision making on BCP tracts:
 - (a) U. S. Fish and Wildlife Service Endangered Species Act Section 10(a)1B Permit Number PRT 788841, Issued to the City of Austin and Travis County May 2 1996 (Federal permit)
 - (b) Habitat Conservation Plan and Final Environmental Impact Statement March 1996 (HCP)
 - (c) Interlocal Agreement between Travis County and the City of Austin Implementing the Balcones Canyonlands Conservation Plan – Shared Vision August 3, 1995 (Interlocal Agreement)
 - (d) Additionally covenants for City of Austin Bonds approved by voters in Austin, Proposition 10, May 2, 1992 (Bonds), carry significant weight in decisions on how land purchased by the City of Austin with Bond proceeds will be managed.
- 2) The Purpose of BCP is well defined throughout these documents:
 - (a) Federal permit
 1. **Condition C states that authorizations in the permit are subject to compliance with implementation of the HCP, Biological Opinion, and all permit conditions. Where there discrepancies between the requirements of these documents, the requirements in the Federal permit prevail. (p2)**
 2. Species specific condition for Golden-cheeked Warblers and Black-capped Vireos require “...partners control human activities to eliminate or mitigate any

adverse impacts to of human activities to the (*Warbler, Vireo ed.*) on these ... acres" (P6 and p7)

(b) HCP

1. Defines the primary mitigation for "Incidental Take" of protected species as the establishment of the BCP System (p2-23)
2. **Land management Plans and Guidelines specify:**
 - i. "the BCCP preserve is to be managed to permanently conserve and facilitate the recovery of the populations of target endangered species inhabiting western Travis County" (p2-31)
 - ii. "A multiple use management approach may be appropriate on some tracts, whereby other uses may be compatible with the primary habitat protection and species management goals, as long as these uses either benefit or have no negative effects on the species of concern and do not significantly compete with other management efforts for personnel or financial resources. (p2-33)
 - iii. "... the design and implementation must follow the guidelines set forth in the following section (*Land Management Guidelines ed.*)" (p2-33)
 - iv. "Long term monitoring of both the environmental quality of the preserve and of its populations of endangered species is necessary part of this endeavor. This is primarily because the basic biology of most local federally listed-species is not sufficiently well understood to allow prediction of the level of impact on those species of specific management activities or use-intensity levels for public recreation." (p2-34)

(c) Interlocal Agreement

1. "the BCCP Shared Vision will ensure the protection of Endangered Species under the Act, while providing a mechanism for continued economic development in the region..." (p1 of 15)
2. **Goals of the plan:**
 - i. "To ensure protection of the habitat of species of concern in Travis County by acquiring and setting aside public preserves..." (p1 of 15)
 - ii. "to manage the habitat preserve system so as to continue to support viable populations of species of concern." (p1 of 15)
3. **Land management –**
 - i. "all BCCP-Shared Vision preserves systems lands will be managed in a manner which will not jeopardize the permit and in accordance with the land management guidelines ..." (p10 of 15)
 - ii. "Land management guidelines which identify minimum standards and limitations for land management were submitted to USFWS for its review and approval prior to execution of this agreement." (p11 of 15)
 - iii. "Once approved by USFWS, the approved land management guidelines shall be used in land management of all BCCP-Shared Vision preserve system lands" (P11 of 15)
4. Shared Vision, Land Management – "The Goal of operating and maintaining the preserves should be to contribute to recovery of the species of concern in an affordable way, which includes public education. All other uses of the preserves must be compatible with the primary goal of habitat preservation..." (p5)

(d) City of Austin Bonds

1. "Shall the City council...issue and sell general obligation bonds...for the purpose of paying costs...for acquisition and improvement of land to protect water quality,

conserve endangered species ...and provide open space for passive public use..." (City of Austin Proposition 10 Bond Caption May 1992.)

- 3) Public Access – While all four policy documents specify that some form of public access is provided for, they also clearly convey that this is secondary to providing for protection or recovery of species protected by BCCP. Furthermore, these documents also clearly define constraints that must be met when allowing initial or continued public access on any BCP property.

(a) General access policies

1. Federal Permit - Species specific condition for Golden-cheeked Warblers and Black -capped Vireos require " ...partners control human activities to eliminate or mitigate any adverse impacts of human activities to the (*Warbler, Vireo ed.*) on these ... acres" (P6 and p7)
2. HCP
 - i. **Any other uses of BCP preserves may be compatible with species protection if they "...either benefit or have no negative effects on the species of concern and do not significantly compete with other management efforts for personnel or financial resources."** (p2-33)
 - ii. Therefore no negative effect must be predicted with some certainty before additional public access may be permitted.
 - iii. Furthermore, BCP managers are prohibited from diverting management resources away from species protection management to public access management.
 - iv. Land Management Guidelines
 - v. **Public Access may be allowed where and when such access does not threaten the welfare of target species of concern, which is the overriding goal of the preserve system, nor cause degradation of soil vegetation, or plant resources."** (p2-36)
 - vi. Further defines protection of species and habitat base resources as overriding purpose.
 - vii. Plan Amendment Procedures
 - viii. Major Federal Permit Amendments are required with "Changes in habitat conservation, monitoring, compliance, or enforcement programs which are likely to increase the level of incidental take of a species of concern:" (p2-53)
 - ix. Incidental take is defined as harm, harass, or kill in the Act.
 - x. Failure to assure no negative affect as part of decision to allow increased public access would likely trigger requirement of a major permit amendment.
 - xi. Environmental consequences
 - xii. The intent for public access is to develop "the educational potential of the preserves and appreciation for the environment and species." (p4-77)
 - xiii. "The nature of use for some facilities may change with the creation of the preserve system." (p4-77)
 - xiv. "Development and Improvement of facilities within the preserve will be monitored, and as appropriate, restricted for the benefit of the species of concern. In some cases existing roads and trails may be decreased." (p4-77)
 - xv. "Public uses of species sites will not be promoted, except as is compatible with the adopted management guidelines and standards." (p4-77)
 - xvi. "Intense uses of sites will be prohibited, ..." (p4-77)

- xvii. "Within the proposed preserve, existing resources will each be affected in slightly different ways. In general, all facilities within the preserve will have some limitation placed on improvements that will be allowed. Acreage designated for preserve, although not currently used for active recreational purposes, may have been designated for expansion of active recreational purposes. The planned expansion will not be able to occur if the proposed activities conflict with the adopted management guidelines.: (p4-79)
- 3. Interlocal Agreement – "Each proposed land management plan... shall be approved by the Coordinating Committee Secretary only if the plan is in compliance with the approved land management guidelines." (p11 of 15)
- 4. City of Austin Bonds –
 - i. Public uses are limited only to passive uses
 - ii. Public use appears as the third priority in language in the bond caption.
- (b) Public Access Constraints
 - 1. Federal Permit –Eliminate or mitigate any adverse impacts to Warblers or Vireos from human activities
 - 2. HCP
 - i. **"(The) priority objective will govern preserve management activities to improve target species habitat, while protecting preserves against degradation caused by ... increased public demand for recreation usage within preserves." (p2-31)**
 - ii. Degradation of habitat, soil, vegetation, or water may not result from public access (p2-36)
 - iii. "Demonstration over time of effectively implemented management strategies on preserve tracts may justify increased public access opportunities. Demonstrated non effectiveness or habitat degradation justifies less public access for a particular tract." (p2-36)
 - iv. "Creation of new roadways, trails, and cleared right-of-ways that open canopies of woodland and shrubland communities, create additional impervious cover, or facilitate public use of preserve interiors or high quality sites occupied by target species should be discouraged." (p2-36)
 - v. Pages 2-37 through 2-39 establish specific guidelines for fifteen different potential uses on BCP
 - vi. Measures to mitigate "take" – reads: "habitat management will emphasize the protection of large blocks of unfragmented land which have the potential to grow into warbler habitat." (p4-24)
 - 3. Interlocal Agreement Shared Vision provides that "...compatible public uses should be allowed, specifically if they can be a source of revenues to pay the operations and maintenance costs." (p6)

Prepared by William Conrad, BCCP Secretary; Don Koehler COA BCP staff; Rose Farmer, TC BCP Staff; Kevin Connally, TC BCP Staff. Reviewed by BCCP Scientific Advisory Committee 5/19/06

BALCONES CANYONLANDS CONSERVATION PLAN (BCCP)
RULES
GOVERNING PUBLIC USE AND RECREATION ON THE
BALCONES CANYONLAND PRESERVE (BCP)

- 1) There are four policy documents that serve as the source of authority for public use and recreation decision making on the BCP tracts:
 - a) U.S. Fish and Wildlife Service Endangered Species Act Section 10(a) 1B permit Number PRT 788841, Issued to the City of Austin and Travis County May 2, 1996 (Federal permit), and
 - b) Habitat Conservation Plan and Final Environmental Impact Statement March 1996 (HCP).
 - c) Biological Opinion for the Issuance of a Section 10(a) (1) (B) Permit for the Balcones Canyonlands Conservation Plan April 29, 1996
 - d) The Interlocal Agreement between Travis County and the City of Austin Implementing the Balcones Canyonlands Conservation Plan – Shared Vision, August 3, 1995 (Interlocal Agreement)
- 2) Additionally covenants for the City of Austin Bonds approved by voters in Austin, Proposition 10, May 2, 1992 (Bonds) carry significant weight in decisions on how land purchased by the City of Austin with Bond proceeds will be managed.
- 3) The guidelines for public use and recreation are well defined throughout these documents.
 - a) Federal Permit
 - i) Condition C states that authorizations in the permit are subject to compliance with implementation of the HCP and all permit conditions (p2).
 - ii) Species specific conditions for golden-cheeked warbler and black-capped vireo require "...partners control human activities to eliminate or mitigate any adverse impacts of human activities to the (*Warbler, Vireo ed.*) on these...acres" (p6 and p7).
 - b) HCP
 - i) "The BCCP preserve system is to be managed to permanently conserve and facilitate the recovery of the populations of target endangered species inhabiting western Travis County. This priority objective will govern preserve management activities to improve target species habitat, while protecting preserves against degradation caused by urbanization of surrounding lands and increased public demand for recreation usage within preserves." (p2-31).
 - ii) "Long-term monitoring of both the environmental quality of the preserve and the health of its populations of endangered species is a necessary part of this endeavor. This is primarily because the basic biology of most local federally-listed species is not sufficiently well understood to allow prediction of the impact on those species of specific management activities or use-intensity levels for public recreation. Consequently, management practices should be prescribed and monitored with an appropriate multi-species emphasis and overall ecosystem approach". (p2-34)
 - iii) The welfare of target species (species of concern) will be the overriding influence on all decisions regarding activities on preserve lands (p2-32).

- iv) Decisions about activities within preserves should be made cautiously, so as to meet biological objectives to protect and enhance target species and minimize risk of damage to the habitat (p2-32).
- c) Biological Opinion
 - i) Section 9 of the Act prohibits take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct) of federally-listed species without a special permit or exemption (p4).
 - ii) Within the context of this definition, harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns such as breeding, feeding, or sheltering (p4).
 - iii) Additionally, harass is defined as actions that create the likelihood of injury to a listed species to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering (p4).
- d) The Interlocal Agreement
 - i) The City of Austin pledged to designate 11,578 acres and Travis County to designate 507 acres of land that they owned at the time to be part of the Preserve.
 - ii) Funds from Participation Certificate sales would be used for BCCP preserve system land acquisition to complete the land acquisition requirement of approximately 30,428 ac. plus the requirement of protection of additional karst habitat.
- e) City of Austin Proposition 10
 - i) "Shall the City Council of the City of Austin, Texas, be authorized to issue and sell general obligation bonds of said city in the aggregate principal amount of \$22,000,000, for the public purpose of paying costs incurred and to be incurred in the acquisition and improvement of land to protect water quality, conserve endangered species, ..., and providing open space for passive public use and other costs of implementing the Balcones Canyonlands Conservation Plan...".
- 4) Additional direct and indirect guidance on managing public access and recreation has been provided prior to and following the issuance of the HCP and Federal permit.
 - a) Comprehensive Report of the Biological Advisory Team (BAT), January 1990.
 - i) The BAT recognizes that public access and use of the preserves for such activities as education, hiking, birding and hunting are important adjuncts to habitat conservation and could be used to help build public support for the ARHCP (=BCCP). These uses of the preserves should not compromise the primary purpose of the preserves, which is to protect the rare and endangered species encompassed by the ARHCP (p54).
 - ii) One concern is that human activities could cause failed nesting attempts of the black-capped vireo and golden-cheeked warbler (p54).
 - iii) Finally, buildings, trails, roads, blinds and other structures constructed for human access and use will increase fragmentation of a preserve. Although footpaths will probably not be a problem, many other structures built to aid public access will increase fragmentation. These considerations are a

particular concern within golden-cheeked warbler habitat because of evidence showing that warblers can be severely impacted by even small amounts of habitat fragmentation, and for karst invertebrates because of their vulnerability to imported fire ants (p55).

- b) October 25, 1991 letter from Andrew Sansom, Executive Director, Texas Parks and Wildlife Department to the Honorable J.J. Pickle, U.S. House of Representatives and to the Honorable Bruce Todd, Mayor of the City of Austin.
 - i) Item 1: In general the Department found the biological information developed by the Biological Advisory Team (BAT) and contained within the BCCP sound.
 - ii) Item 2: Other than possibly Post Oak Ridge, the potential preserve areas are small and while that is of concern they can meet the needs of the plan. Assuring their success is not simply a matter of making them larger; the habitat is just not there to do so. It will require careful and intensive management to make the preserves viable.
- c) Biological Assessment of the Balcones Canyonlands Conservation Plan by Texas Parks and Wildlife Department.
 - i) Forward by Dr. Larry McKinney, Director, Resource Protection.
 - (1) Without a BCCP we will continue to see fragmentation of habitat within the plan area to the point that the species with which we are concerned will all but disappear.
 - (2) The BCCP, in its scope, strikes to the heart of what the Endangered Species Act contemplates, but in practice has most often failed to achieve: Biodiversity. The concept includes the conservation of population, species, and ecosystem diversity within the framework of maintaining systems integrity (the latter referring to functions like the hydrological cycle, carbon cycle, etc., water quality).
- d) BCCP Scientific Advisory Committee Recommendations Regarding Recreational Use of BCCP Non-Grandfathered Preserves, November 1998.
 - i) The Scientific Advisory Committee (SAC) recommends that all forms of recreational activity be curtailed and further prohibited on the non-grandfathered preserve sites during the golden cheeked warbler (GCWA) and black-capped vireo (BCVI) nesting season until adequate studies can be completed to demonstrate that all or certain recreational activities do not result in detectable negative effects on the abundance and productivity of the target species of concern (p1).
 - ii) If any negative effects are demonstrated by the studies for any or all types of recreational activities, those recreational activities should be permanently prohibited on all non-grandfathered preserve tracts and held to pre-preserve designation limits or levels on all grandfathered tracts (p1).
 - iii) The SAC believes that recreational activities that do not adversely alter the terrain or natural vegetation can be conducted on BCCP preserve sites during the non-nesting (September 1 to March 1) (p1).
 - iv) If this benefit (long-term viability of the preserve areas, Ed. from p1) to economic development in the county is to be preserved for its maximum utility, secondary uses and benefits of the preserve areas, such as recreational

use, should be considered only when there is no demonstrable detriment to the long-term viability of the preserve areas' capacity to support the species of concern at levels at least commensurate with current populations and productivity (p1 and 2).

- v) Based on the existing literature, it is the opinion of the Scientific Advisory Committee (SAC) that some level of negative effect may occur to certain target species of concern within the preserve areas as a result of existing or potential future recreational activities (p4).
- 5) Current access and recreational activities in non-grandfathered preserve lands is limited to passive, wildlife compatible and wildlife dependent activities, which may include on designated tracts hiking and nature observation and in more restricted access tracts, guided educational tours and volunteer projects designed to conserve and enhance the natural resources and habitats of Balcones Canyonlands Preserve.
- 6) The types of activities allowed or excluded within the non-grandfathered preserve lands is based on the policy documents that serve as the source of authority for public use and recreation, current scientific literature, on-going academic research projects in preserve lands, and monitoring and observation of the species of concern and their habitats over the last ten years in accord with the BCCP permit.
- 7) It has been recognized by the SAC (1998), the BAT (1990), and the USFWS (Golden-cheeked Warbler Recovery Plan, 1992) that BCP and GCWA specific research and literature does not exist for all types of recreation that occurs in the BCCP permit area. However, the SAC, the BAT, and the USFWS recognize a body of literature addressing various types of recreation effects on wildlife and avian species populations and that, in general, many forms of recreation have been demonstrated to have negative effects on wildlife and avian behavior and productivity.
- 8) Currently, within the City of Austin BCP lands, one area is open to controlled and regulated public access. The Bull Creek Preserve trail system through portions of the Forest Ridge, Jester and 3M tracts is open to foot traffic only from August 1 through the last day of February each year and by Bull Creek Preserve permit-holders March 1 through July 31 of each year. No bicycles are allowed at anytime in the Bull Creek Preserve as directed by the Land Management Guidelines in the HCP (p 2-37). Additionally, recent research in the City's BCP lands has indicated that biking may have a negative impact on golden-cheeked warblers (Graber, Davis, and Leslie, Jr. 2003). Foot traffic activity, walking or running, is restricted to group sizes of three or less. This restriction is also based on the Land Management Guidelines in the HCP (p 2-37) that state "Unsupervised group access should not be allowed within 100 meters of occupied songbird habitat..." Moreover, peer reviewed scientific literature assessing ecological impacts of recreational use of trails has demonstrated that disturbance from recreation (noise and motion) "clearly has at least temporary effects on behavior and movement of birds", and that "rapid movement by joggers was more disturbing than slower hikers" (Bennett and Zuelke 1999; Jordan 2000). Other ecological effects on natural resources have been noted when large groups use woodland trails for recreation, such as, trampling (compaction of leaf litter and soil), decrease of plant species along trails, and widening of trails (Jordan 2000). The

literature base on recreational effects on wildlife and natural resources is far larger than the few works cited here.

- 9) Graber, A.E., C.A. Davis, and D.M. Leslie, Jr. 2003. Can Mountain Bikers and Golden-cheeked Warblers Coexist? Poster Presentation, The Wildlife Society, Vermont.
- 10) Bennett, K.A. and E. Zuelke 1999. The effect of recreation on birds: a literature review. Delaware Natural Heritage Program, Smyrna, DE 19977.
- 11) Jordan, M. 2000. Ecological Impacts of Recreation Use of Trails: A Literature Review. The Nature Conservancy, Cold Spring Harbor, New York.

12) Grandfathered Tracts or Grandfathered Activities

- 13) Since the BCCP Permit was issued in 1996, the term “grandfathered” has become a term used to describe tracts that were owned by the City of Austin or Travis County pre-1996 and incorporated into the BCP when the 10(a) permit was issued. The term “grandfathered” has become a term used to describe the activities that were allowed by the HCP on these tracts incorporated into the BCP.
- 14) In the HCP, these types of pre-permit tracts owned by the City of Austin or Travis County are referred to as “Recreational Areas” and the term “grandfathered” is not used in this document. These “Recreational Areas” are shown on maps in Exhibit “B” of the Interlocal Agreement. These “Recreational Areas” included in the BCP total 2,562 acres of City of Austin land and 507 acres of Travis County land.
- 15) These maps in Exhibit “B” of the Interlocal Agreement show that even within a “Recreational Area”, there may be both a Preserve portion and a Non-preserve portion of the tract. Different levels or types of recreational activities are allowed in the preserve portion of a “Recreation Area” than are allowed in the non-preserve portion.
- 16) The concept of “Recreation Areas” and activities allowed within these areas is a concept used throughout the BCCP permit and Interlocal Agreement, but the term “grandfathered” does not appear in the BCCP 10(a) permit or Interlocal Agreement. The term “grandfathered” first appeared in the SAC’s 1998 comments to the draft BCP Land Management Plan. The term was also used in the 1999 BCP Land Management Plan to refer to these “Recreation Areas” included in the BCP and the activities allowed to continue in them.
- 17) Each individual “Recreation Area” is listed in Table 26 of the HCP and is named and described by agency (Travis County, City of Austin, and LCRA). The allowed activities and management on each tract is described in the HCP on p3-93 through p3-101. This section includes Management Rules, Guidelines, and Standards for each “Recreational Area” by agency. These management rules “vary from park to park depending on the types of activities allowed or encouraged. However, there are some guidelines that are consistent for all facilities, including the prohibition of firearms and hunting, fires in designated areas only, and animals under direct control of owner except when in a posted no-leash area. The preserve areas have restricted access and more stringent use regulations. The (Austin) Parks and Recreation Department is developing consolidated park rules and regulations; this document is currently in draft form and has not been formally adopted.”(HCP, p3-99)

18) Stated benefits of including the "Recreation Areas" in the BCP:

- a) "Cumulative impacts to recreational facilities in the region will be positively affected by the proposed action (*referring to issuance of the permit*); the proposed preserve maintains existing activities in parks incorporated into it and provides additional acreage for specified types of public recreation." (HCP, p4-104)
- b) "The preserve will also increase the opportunity for minimum-impact activities engaged in by individuals and small groups, developing the educational potential of the preserve and appreciation for the environment and species. The nature of use of some facilities may change with the creation of the BCCP preserve system (*referring to both the non-grandfathered newly acquired tracts and also the grandfathered tracts*)." (HCP, p4-77).
- c) The "Land Management Plans and Guidelines" lists the requirements for management of all preserve tracts including the "Recreation Areas", with implied exceptions for activities previously allowed in "Recreation Areas" included in the BCP if there are conflicts between activities allowed in some "Recreation Areas" and some of the requirements of the Land Management Plans and Guideline (HCP, p2-31 through p2-44).

19) **A Short Listing of BCP management challenges and basic scientific research used as the basis for management decisions.**

a) Habitat Loss and Fragmentation

- i) "Habitat destruction is the underlying reason that the species encompassed by the ARHCP (**i.e., BCCP**) are in danger of extinction."
(1) BAT 1990. Comprehensive Report of the Biological Advisory Team."
- ii) "Loss of habitat is the most important threat to the existence of the GCW."
(1) USFWS 1992. Golden-Cheeked Warbler Recovery Plan. Region 2, Albuquerque, New Mexico.
- iii) "Since golden-cheeked warblers have limited and specific habitat requirements, direct habitat loss has resulted in population reduction..."
(1) TPWD 1995. Endangered and Threatened Animals of Texas, Their Life History and Management by Linda Campbell.
- iv) "The golden-cheeked warbler (*Dendroica chrysoparia*) is a neotropical migrant songbird which was federally listed as endangered in 1990, primarily because of loss of breeding habitat."
(1) Alldredge, M.W., J.S. Hatfield, D.D. Diamond and C.D. True 2002. Population Viability Analysis of the Golden-cheeked Warbler. Final Report to USFWS.
- v) "Microclimatic changes have been documented within the edges of forests adjacent to clearings and similar effects probably could occur along a forest trail wide enough to open up the canopy. Several references document negative impacts on breeding birds on recreational trails as narrow as 1-3m wide in forests and grasslands."

(1) Jordan, M. 2000. Ecological Impacts of Recreational use of Trails: A Literature Review. The Nature Conservancy, Cold Spring Harbor, New York.

(2) Numerous other references

b) Natural Threats

i) "Based on coincidence of adult stem recruitment with low deer populations, we hypothesize that intense browsing pressure of the interaction between fire suppression and intense browsing pressure is limiting adult recruitment of *Q. buckleyi* (i.e., Spanish oak)."

(1) Russell, F.L. and N.L. Fowler 2002. Failure of Adult Recruitment in *Quercus buckleyi* Populations on the Eastern Edwards Plateau, Texas. *Am. Midl. Nat.* 148:201-217.

ii) "Texas oak (*Quercus buckleyi*), found throughout the Hill Country is a preferred browse species of white-tailed deer (*Odocoileus virginianus*) and an important component of golden-cheeked warbler (*Dendroica chrysoparia*) habitat. Degradation of Texas oak populations by overabundance of white-tailed deer will most likely affect the structure of Hill Country forests by curtailing recruitment of Texas oak, thus reducing the replacement of older trees and ultimately altering golden-cheeked warbler habitat."

(1) Mostyn, C. 2003. White-tailed Deer Overabundance: A Threat to Regeneration of Golden-cheeked Warbler Habitat. M.S. Thesis, Texas State University at San Marcos.

iii) "Nest parasitism by Brown-headed Cowbirds may threaten successful reproduction of Golden-cheeked Warblers, although the degree of impact of cowbird parasitism on warbler productivity is not fully understood."

(1) TPWD 1995. Endangered and Threatened Animals of Texas, Their Life History and Management by Linda Campbell.

c) Human Impacts

i) "Thus far, some evidence gathered suggests that mountain biking may be having an effect on golden-cheeked warblers while other evidence suggests otherwise. For example, **behavioral observations appear very similar (at least graphically) in biking and non-biking sites, while nesting success at biking sites are lower and territory sizes larger.** The latter suggesting that golden-cheeked warblers may be displaced in biking sites and perhaps foraging in areas outside of their typical territories or exhibiting flight responses to mountain biking."

(1) Graber, A.E., C.A. Davis, and D.M. Leslie, Jr. 2003. Can Mountain Bikers and Golden-cheeked Warblers Coexist? Poster Presentation, The Wildlife Society, Vermont.

ii) "Past studies have shown that mountain biking can have significant effects on habitat quality by causing fragmentation, erosion, and changing vegetation composition and density."

- (1) Graber, A.E., C.A. Davis, and D.M. Leslie, Jr. 2003. Can Mountain Bikers and Golden-cheeked Warblers Coexist? Poster Presentation, The Wildlife Society, Vermont.
 - iii) "Based on an extensive review of recreation effects on birds. Bennett and Zuelke (1999) concluded that disturbance from recreation clearly has at least temporary effects on behavior and movement of Birds."
 - (1) Jordan, M. 2000. Ecological Impacts of Recreational use of Trails: A Literature Review. The Nature Conservancy, Cold Spring Harbor, New York.
 - (2) Bennett, K.A. and E. Zuelke 1999. The effects of recreation on birds: a literature review. Delaware Natural Heritage Program, Smyrna, DE.
 - iv) "Direct approaches caused greater disturbance than tangential approaches, rapid movement by joggers as more disturbing than slower hikers, children and photographers were especially disturbing to birds, horses did not seem to disturb birds, and passing or stopping vehicles were less disturbing than people on foot."
 - (1) Jordan, M. 2000. Ecological Impacts of Recreational use of Trails: A Literature Review. The Nature Conservancy, Cold Spring Harbor, New York.
 - v) "(trail) Width increases linearly with logarithmic increase in number of users (width doubles with 10-fold increase in use)."
 - (1) Jordan, M. 2000. Ecological Impacts of Recreational use of Trails: A Literature Review. The Nature Conservancy, Cold Spring Harbor, New York.
 - vi) "*Does intruder group size and orientation affect flight initiation distance in birds?*...this study examined the effects of intruder number and orientation on FID (i.e., flight initiation distance). Three different group size treatments (solitary person, two people side-by-side, two people one-behind-the-other) ...Rosellas flushed at significantly greater distances when approached by two people compared to a single person."
 - (1) Geist, C., J. Liao, S. Libby & D.T. Blumstein 2005. Does intruder group size and orientation affect flight initiation distance in Birds. *Animal Biodiversity and Conservation* 28.1.
 - vii) "Recreational activities can change the habitat of an animal. This, in turn, affects the behavior, survival, reproduction, and distribution of individuals."
 - (1) Cole, D.N., and P.B. Landres 1995. Indirect Effects of Recreation on Wildlife, *In* knight R.L., Gutzwiller, K.J., eds. 1995. Wildlife and Recreationists – Coexistence through Management and Research. Washington, DC: Island Press.
 - viii) "Bird species composition was altered adjacent to trails in both ecosystems (i.e., forest and mixed-grass prairie). Generalists species were more abundant near trails, whereas specialist species were less common."
- d) Domestic Dogs in Wildlife Habitats

- i) "One extension of human recreation in wildlife habitats is the effect of disturbance, harassment, displacement, or direct mortality of wildlife attributable to domestic dogs that accompany recreationists. At some level, domestic dogs still maintain instincts to hunt and/or chase. Given the appropriate stimulus, those instincts can be triggered in many different settings. Even if the chase instinct is not triggered, dog presence in and of itself has been shown to disrupt many wildlife species."
 - (1) Sime, C.A. 1999. Domestic Dogs in Wildlife Habitats. *In*: G. Joslin and H. Youmans, coordinators. Effects of recreation on Rocky Mountain wildlife: A Review for Montana. Montana Chapter of The Wildlife Society.
- ii) "Bird species are variously affected by human disturbance. In many cases, pedestrians generated the most negative responses (Hanson and Grant 1991), and the presence of dogs may intensify bird responses to pedestrians. Dogs themselves can disrupt habitat use, cause similar displacement response, and injure or kill birds."
 - (1) Sime, C.A. 1999. Domestic Dogs in Wildlife Habitats. *In*: G. Joslin and H. Youmans, coordinators. Effects of recreation on Rocky Mountain wildlife: A Review for Montana. Montana Chapter of The Wildlife Society.
 - (2) Numerous case studies on human and dog disturbances to wildlife are detailed in this chapter.

1.0 INTRODUCTION

The Balcones Canyonlands Preserve (BCP) Land Management Plan (LMP) is required under the Balcones Canyonlands Conservation Plan (BCCP) 10(a)1(B) permit to be regularly revised and updated. To accomplish this goal the Permit Holders (City of Austin and Travis County) worked with all BCP Managing Partners to revise the 1999 Land Management Plans approved by the U.S. Fish and Wildlife Service (USFWS). While working to revise the BCP LMP from 2004 – 2007, revisions and progress were reported and discussed at regular quarterly meetings of the BCCP Coordinating Committee, Citizens Advisory Committee (CAC), and Scientific Advisory Committee (SAC). These meetings are open to the public and agendas are posted at City Hall and on the CAC website prior to each meeting. All meetings include a Citizens Communications period and committee members were available to receive public comments at each meeting throughout the LMP Update process.

The 2007 BCP Land Management Plan Update includes:

- USFWS changes to the approved 1999 Land Management Plan,
- New biological and ecological information resulting from years of research and practical experience obtained while managing the preserve,
- Information gained from scientific experts,
- New information from scientific papers,
- Additional Tier III individual tract plans created as new tracts were acquired,
- Revisions to Tier II-A, Chapter XII. Public Access Management creating a process facilitating structured, managed, and mitigated public access in the preserve that does not conflict with the goals of the BCCP permit or cause “take” of endangered species or their habitat.
- Recommendations for the revisions were also received from the BCCP CAC, the SAC and the general public from Public Hearings held November 10, 2005 and February 15, 2006. All comments by the Advisory Committees and general public were considered and included in the BCP Land Management Plan revision if they were determined not to conflict with the BCCP 10(a)1(B) permit requirements.

The following LMP Update schedule lists major milestones toward completion of the revised Plan.

LAND MANAGEMENT PLAN UPDATE

COMPLETION SCHEDULE MILESTONES 2004 – 2007:

Land Management Plan Working Group (LMPWG) formed to complete required revisions to BCP Land Management Plan (LMP).	August 2004
BCCP staff completed draft of LMP, consensus documents of BCCP managing partners, planned presentations for Coordinating Committee, SAC, CAC and started public comment process.	August 2004 - November 2005
Draft LMP was informally sent to USFWS for any early comments.	Nov. 1, 2005
LMPWG conducted presentations on draft LMP to CAC and SAC, and started public comment period. Notified general public about CAC public hearings schedule and draft LMP availability for review and comment through the CAC website and made hard copies available at the Austin public library and 3 copy stores around the county for public review and comment.	Nov. 10, 2005
The CAC hosted a website (http://www.bcpcac.org/) to receive public comments, to provide draft LMP information, and provide basic BCCP and BCP information. (In 2007, the information from this website was consolidated with other CAC information for the public on: www.balconescanyonlands.org/)	Nov. 10, 2005 – March 10, 2006
The CAC received public comments on the draft LMP from the website, public hearings and in writing.	Nov. 10, 2005 – March 10, 2006 (4 months)
The CAC held Public Hearings to receive public comments on the draft LMP.	Nov. 10, 2005 and Feb. 15, 2006
Final day for submittal of public comments to CAC.	March 10, 2006
The CAC and SAC each met several times and discussed the public comments.	March 10, 2006 – July 24, 2006
The CAC and SAC each submitted recommendations on the LMP to the BCCP Coordinating Committee.	July 24, 2006
LMPWG reviewed all recommendations from CAC and SAC and	July 24, 2006 -

public comments for compliance with BCCP permit. Revised draft LMP documents to have consensus on text and formatting. Prepared responses to public comments for inclusion in draft LMP.	April 26, 2007
LMP submitted to BCCP Coordinating Committee (this committee makes decisions on the next steps of the review and approval process).	August 15, 2007
Submitted the revised LMP to the CAC and SAC for their review (CAC and SAC also make decisions on next steps of review and recommendation process).	August 15, 2007
Next Steps - Final approval by BCCP Coordinating Committee and submittal to USFWS. Distribution of Final LMP to all agencies, CAC, SAC, libraries, etc.	To be determined.

This document, Appendix C: "Land Management Plan Comments", provides and lays out the public involvement process that was conducted for revisions to the approved 1999 BCP Land Management Plan including recommendations from USFWS, from both the CAC and SAC and the general public. All comments received on the draft LMP Update are reported here and summarized with responses. The proceeding sections are as follows:

Sections 2.0 and 3.0 provides the recommendations by the CAC and SAC on the Nov. 2005 Draft Land Management Plan Update as presented to the BCCP Coordinating Committee on July 24, 2006.

Section 4.0 provides a summary of the "Public Comments" received and the staff "Responses" to the most frequently made comments and questions.

Due to the numerous comments received relating to public access two documents, or white papers, were created that provide detailed responses about the policies and procedures prescribed by the BCCP permit including descriptions of the regulatory framework by which the permit holders are bound. These white papers have been included here as Section 5.0: "Balcones Canyonlands Conservation Plan Policies Governing Land Use and Activities on the Balcones Canyonlands Preserve" and "Balcones Canyonlands Conservation Plan Rules Governing Public Use and Recreation on the Balcones Canyonlands Preserve".

Section 6.0 provides the complete text of all 294 comments received by the CAC during the four month (120-day) public comment period on the Nov. 2005 Draft Land Management Plan Update. These comments were received from the CAC Land Management Plan Revision website (formerly <http://www.bcpcac.org/>, and recently changed to www.balconescanyonlands.org), by mail, and at the two public hearings hosted by the CAC.

2.0 BCCP CITIZENS ADVISORY COMMITTEE RECOMMENDATIONS

MEMORANDUM

To: **BCCP Coordinating Committee**

Mayor Will Wynn, Chair

Commissioner Gerald Daugherty, Member

Bob Pine, Member (Ex-Officio)

From: **Ted Siff, Chair**

Citizens Advisory Committee

CC: **Willy Conrad, Secretary, BCCP**

Date: **July 24, 2006**

Subject: **Recommendations from the Citizens Advisory committee regarding revisions to BCP land Management Plans**

On November 1, 2006 the Citizens Advisory Committee (CAC) initiated a 120 day long initiative to solicit public input into the revision of land management plans for the Balcones Canyonlands preserve (BCP). This initiative included two public meetings as well as a CAC

administered website (<http://www.bcpcac.org/> [Ed. Note: The website address has now been changed to www.balconescanyonlands.org]). Following this public input period the CAC met three times from March 2, 2006 through June 2006 to incorporate over 300 public comments as well as our own input into a set of recommendations for you to consider as BCP land management plans are revised and presented to you for approval.

Please accept the attached recommendations respectfully submitted to you today for your consideration. The following document is attached:

2.1 Balcones Canyonlands Conservation Plan Citizens Advisory Committee

RECOMMENDATIONS BALCONES CANYONLANDS CONSERVATION PLAN

COORDINATING COMMITTEE FROM

THE CITIZENS ADVISORY COMMITTEE

REGARDING

ADDITIONS OR CHANGES TO REVISED

LAND MANAGEMENT PLANS OR BCCP POLICIES

Approved by the Citizens Advisory Committee on June 12, 2006

Ted Siff, Chair, Citizens Advisory Committee

1. Based on its experience, with input for BCP staff and the public, the Citizens Advisory Committee believes that the BCP is under-resourced. The Citizens Advisory Committee strongly supports City of Austin BCP and Travis County BCP proposals for staff and budget increases and asks the BCCP Coordinating Committee to re-assess staffing needs after Land Management plans are revised.
2. The Citizens Advisory Committee recommends that there be an educational kiosk or other public display, installed at every access point into BCP tracts, with information advising the public that the site is BCP land. It should also provide educational information about BCP.
3. The Citizens Advisory Committee encourages City of Austin BCP staff and Travis County BCP staff to participate in and facilitate more public/private partnerships to enhance education, public access, and other BCP goals.
4. The Citizens Advisory Committee recommends development of an integrated BCCP public involvement program. This program should include education/information and public/private partnership initiatives that support the long term success and development

of the BCP. Travis County and the City of Austin should provide funding and dedicated staffing for this program

5. After completing the Balcones Canyonlands Preserve, the BCCP's most pressing issue is the protection of the preserve land's ecological values given its urban setting. Unauthorized or inappropriate access, including overuse, by humans and domestic pets pose the greatest risk to damage or loss of the public's investment in the preserves and the related USFWS endangered species permit. It is imperative that the BCCP develop a plan to protect the preserves from the negative impacts such access can create on the species of interest. Development of this plans should include consideration of the following items or actions:

- Adequate security measures such as fencing and warden patrol should be provided and prioritized based on the an assessment of the potential for unauthorized or inappropriate access;

- Likely locations where public access can be accommodated without negative impact should be identified along with the conditions for such access;

- Alternative off-site locations that can accommodate public access should be identified and acquired if necessary.

- Mitigation should be provided in those instances where public access (authorized and unauthorized) will negative impact the preserves ecological value.

6. The BCCP staff should develop a set of specific guidelines to assist those wishing to submit proposals for public access in the BCP. Such guidelines should be based on the best scientific information available and should identify the criteria under which public access can be considered. The guidelines should include a timely evaluation and update process to assure the preserve's protection and to the extent practicable, public access.

3.0 BCCP Scientific Advisory Committee Recommendations:

MEMORANDUM

To: BCCP Coordinating Committee

Mayor Will Wynn, Chair

4.0 Commissioner Gerald Daugherty, Member

Bob Pine, Member (Ex-Officio)

From: David Steed, Chair

Scientific Advisory Committee

CC: Willy Conrad, Secretary, BCCP

Date: July 24, 2006

**Subject: Recommendations from the Scientific Advisory committee regarding
revisions to BCP Land Management Plans**

In the fall of 2005 the Scientific Advisory Committee (SAC) received and reviewed a draft copy of the Revised BCP Land management Plan from the BCCP Secretary's Land Management Plan Working Group. Following the close of the public comment period conducted by the Citizens Advisory Committee (CAC), we also reviewed the nearly 300 public comments received.

Additionally, we met in a joint meeting with the CAC to discuss those comments in light of our understanding of the biology of the species protected by the Joint Fish and Wildlife Federal Permit. As a result of this extensive review and consideration the SAC prepared two recommendations you to consider as BCP land management plans are revised and presented to you for approval.

Please accept the attached recommendations respectfully submitted to you today for your consideration. They Include:

- **RECOMMENDATIONS FOR RESEARCH PRIORITIES FOR REVISED LAND MANAGEMENT PLANS FOR BALCONES CANYONLANDS PRESERVE** approved by the Scientific Advisory committee during its called meeting 5/19/06
- **RECOMMENDATIONS FOR PUBLIC ACCESS PROVISIONS FOR REVISED LAND MANAGEMENT PLANS FOR BALCONES CANYONLANDS PRESERVE** approved by the Scientific Advisory committee during its called meeting 5/19/06

David Lewis Steed, Chair

Scientific Advisory Committee

3.1 Balcones Canyonlands Conservation Plan Scientific Advisory Committee

RECOMMENDATIONS FOR PUBLIC ACCESS PROVISIONS FOR REVISED LAND MANAGEMENT PLANS FOR BALCONES CANYONLANDS PRESERVE

The Scientific Advisory Committee notes and continues to fully endorse the following critical policies for the implementation of the Balcones Canyonlands Conservation Plan and for the operation of Balcones Canyonlands Preserve:

- The Balcones Canyonlands Preserve were established in 1995 through an Interlocal Agreement and Shared Vision between Travis County and the City of Austin as mitigation under a federal permit issued by US Fish and Wildlife Service in accordance with section 10 (a) of the Endangered Species Act.
- The goals of the Interlocal Agreement and Shared Vision include protecting and managing habitat to support viable populations of species of concern.
- The US Fish and Wildlife Service issued permit requires compliance with and implementation of terms and conditions of the Habitat Conservation Plan/Final Environmental Impact Statement.
- The Habitat Conservation Plan/Final Environmental Impact Statement asserts that conservation and recovery of targeted Endangered Species is the guiding principle of management for the Balcones Canyonlands Preserve.
- The Habitat Conservation Plan/Final Environmental Impact Statement only provides for multiple use management when monitoring and assessment of uses beyond species protection and habitat management can be clearly demonstrate that these uses either benefit the protected species and their habitat, or do not harm them or their habitat.

- Land management Guidelines in the Habitat Conservation Plan/Final Environmental Impact Statement provide for use of “Experimental Sites” to provide for monitoring the effects of the proposed activity on protected species and their habitat, in order to determine if these activities may be considered beneficial or neutral to protected species.

In support of these policies the Scientific Advisory Committee makes the following observations and recommendations for consideration in revising BCP land Management plans:

- Experimental Access activities have the potential to result in “Take” of protected species as defined in the Endangered Species Act.
- Experience by preserve managers demonstrates the difficulty of stopping any access activity found to be detrimental to protected species or found to degrade habitat, once that activity is initiated whether authorized or not.
- No additional open public access may occur unless there is strong scientific evidence to support the conclusion that the activity is beneficial or neutral in its effect on protected species.
- All proposals for new public access must include detailed plans for activities that are highly structured, intensively managed, and are monitored for their effects on protected species and provide for mitigation of adverse effects.
- “Experimental Sites for Public Access” must be in areas outside the boundaries of Balcones Canyonlands Preserve but within the Balcones Canyonlands Conservation Plan permit area containing suitable habitat for protected species similar to what might be found within preserve boundaries.
- Preserve staff, members of the Scientific Advisory Committee, and/or researchers or scientists serving advocates for public access activities must collaborate to monitor and assess, within these Experimental Sites, the effects of public access activities on species protected by the Balcones Canyonlands Preserve to determine whether those activities may be deemed beneficial or neutral in their effects on those species or their habitat.
- The Scientific Advisory Committee defines passive public use activities within the context of the Balcones Canyonlands Conservation Plan as only hiking, photography, nature observation, and guided educational tours where these activities do not compromise the primary purpose of the preserve, which is to protect the rare and endangered species encompassed by the habitat Conservation Plan/Final Environmental Impact Statement. All other activities are defined as active.

3.2 Balcones Canyonlands Conservation Plan Scientific Advisory Committee

RECOMMENDATIONS FOR RESEARCH PRIORITIES FOR REVISED LAND MANAGEMENT PLANS FOR BALCONES CANYONLANDS PRESERVE

The Scientific Advisory Committee recognizes and continues to support these key concepts that serve as the basis for the Balcones Canyonlands Conservation Plan and operation of the Balcones Canyonlands Preserve:

- The Balcones Canyonlands Preserve was established in 1995 through an Interlocal Agreement between Travis County and the City of Austin as mitigation under a federal permit issued by US Fish and Wildlife Service in accordance with section 10 (a) of the Endangered Species Act.
- Bonds issued by the City of Austin for purchase of more than 11,000 acres of preserve land require full implementation of the Habitat Conservation Plan/Final Environmental Impact Statement, Interlocal Agreement and Shared Vision.
- Both the Interlocal Agreement and Shared Vision specifically state that recovery of protected species is the prime mission of the BCCP and preserves.
- The Habitat Conservation Plan/Final Environmental Impact Statement asserts that conservation and recovery of targeted Endangered Species is the guiding principle of management for the Balcones Canyonlands Preserve.
- The Habitat Conservation Plan/Final Environmental Impact Statement notes that the basic biology and management needs of protected species are not sufficiently understood.

- Land management guidelines allow for research to improve the understanding of the ecology of preserve species, plant communities, and aquatic and subterranean environments.

In light of these concepts the Scientific Advisory Committee recommends that:

- The priorities for research on Balcones Canyonlands Preserve must first address the biology and ecology of listed species in order to assure successful adaptive management of preserves for the benefit of protected species.
- The priorities for research on Balcones Canyonlands Preserve must be based on the ability of that research to address goals and needs of recovery plans for species protected by the Balcones Canyonlands Conservation Plan.
- Any research to address effects of recreational activities on protected species must not take priority over the conservation or management priorities stated above and they must not divert staff or financial resources from the primary research priorities, species monitoring, or land management.

4.0 SUMMARY OF PUBLIC COMMENTS AND BCCP RESPONSES

There were 294 comments received by the CAC during a 120 day (four month) public review and comment period. Comments were received during two public hearings, by mail, and from a website that provided the complete text of the draft documents. Copies of the draft Land Management Plan Update were provided to all members of the Citizens and Scientific Advisory Committees during public meetings, posted to the publicly available website, digital and paper copies were made available through the City of Austin Main Library and various branch library locations, and draft documents were available for the public to copy at multiple print shops in different areas of the local community.

This summary organizes the comments received into general topics, as many comments were duplicative or addressed different aspects of a single concern. The following list combines multiple comments addressing a single topic into general categories. Responses from the BCCP Partners are provided to the most frequently made comments. The following sections (Section 5.0 and 6.0) provide supporting documentation. Section 5.0 summarizes the regulatory framework of the federally issued BCCP 10(a)1(B) permit and details the standards and constraints related to compliance with the permit. Section 5.0 also describes policies and regulations related to the permit in two documents: "Balcones Canyonlands Conservation Plan Policies Governing Land Use and Activities on the Balcones Canyonlands Preserve" and "Balcones Canyonlands Conservation Plan Rules Governing Public Use and Recreation on the Balcones Canyonlands Preserve". Section 6.0 contains the full text of all public comments received.

4.1 Comments related to the BCCP Permit

Public Comments about what is allowed under the BCCP Permit

Who wrote the Environmental Impact Statement/Habitat Conservation Plan (EIS/HCP)? What are the challenges and constraints under the BCCP Permit about Public Access? The BCCP should not limit Public Access. What is the standard that the agencies must meet under the permit?

BCCP Response

The EIS/HCP was prepared by a consulting firm hired by the City of Austin and Travis County (Regional Environmental Consultants, 7460 Mission Valley Road, San Diego, CA 92018) and approved by each partner agency and the U.S. Fish and Wildlife Service (USFWS) in 1996.

The 10(a) permit (the Balcones Canyonlands Conservation Plan, or BCCP) issued by the USFWS to the City of Austin and Travis County in 1996 required creation of the Balcones Canyonlands Preserve (BCP) to mitigate for endangered species habitat impacted due to development or other changing land uses in Travis County. The goal of the BCP is to set aside and manage one acre of habitat within the preserve for each acre impacted by otherwise lawful activities that result in “take” or “harm” to endangered species within the permit area covering approximately 561,000 acres in western Travis County. “Take” was defined by Congress in the Endangered Species Act as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect any threatened or endangered species”. “Harm” may include habitat modification that impacts a listed species through impairment of essential behavior (e.g., nesting or reproduction).

The preserves are required to be managed to protect and enhance populations of and habitat for federally listed species and only activities that do “not threaten the welfare of the target species of concern, which is the overriding goal of the preserve system, nor cause the degradation of the soil, vegetation or water resources” may be allowed (USFWS, HCP/EIS 1996). In the EIS/HCP, some activities such as recreational off-road vehicle riding, horseback riding and bicycling were prohibited within the preserve because these uses may result in “take” or “harm” and thereby threaten populations and recovery of the protected species. Because the preserves serve to offset acre for acre habitat loss outside the BCP with protected habitat within the preserve, no activities which result in “take” or “harm” can be allowed in these areas.

To comply with the USFWS approved EIS/HCP and the federal permit, the BCP Partners limit access and activities that result in “take” or “harm”, that cannot be managed or that violate terms and conditions of the federal permit. If USFWS

determines that "take" is occurring within the preserve or that the species are not recovering, the permit could be revoked or amended which could result in reinstituting the development moratorium that existed in Western Travis County before the BCCP was created.

The standard or test for preserve success is recovery of the species. In accordance with the terms and conditions of the federal permit, biologists regularly survey populations of the endangered birds and cave invertebrates protected by the BCP to determine their distribution and abundance and report these findings to the USFWS. The USFWS is the federal Agency charged with administering the Endangered Species Act and determining recovery status.

Public Comments about effects of development vs. public access

Isn't development the real problem for endangered species protection rather than public access? Don't threats from habitat loss from development and the presence of non-native animals such as feral house cats, deer, pigs, and cowbirds pose a far greater threat to the golden-cheeked warbler than mountain bikes or hikers?

BCCP Response

Loss of habitat is widely regarded as the most important factor in the loss of endangered species in the Austin/Travis County area. The BCP was created specifically to provide a refuge for remaining populations of these species and to foster their recovery. The widespread loss of habitat throughout Travis County makes protecting the remaining quality habitat within the preserves even more important for survival of the species. The Habitat Conservation Plan clearly states that intensive management to protect the habitat for the benefit of the listed species will be required in perpetuity (See Section 5.1).

The BCCP 10(a) permit allows for the loss of approximately 75% of the golden-cheeked warbler habitat and 50% of black-capped vireo habitat in Travis County in

exchange for establishing the Balcones Canyonlands Preserve. To meet permit obligations, the BCP must consist of a minimum of 30,428 acres of habitat for these two rare songbirds and of 64 karst, or cave locations that contain rare or endangered invertebrates. The BCP is the compensation for the loss of other habitat throughout the County, and no "take" or "harm" may therefore take place within the preserve.

Wildlife in Travis County continues to lose habitat to development and other land use changes. Many other factors create additional habitat impacts within the preserve, including feral house cats, overabundant white-tailed deer populations, feral hogs, predation from brown-headed cowbirds, non-native red imported fire ants, invasive and non-native plants, and many others. Uncontrolled public access and the resulting disturbance, trail compaction, erosion, and other impacts are another pressure on the endangered species that the BCP was established to protect.

Public Comments on the need to protect the preserve

The BCP is legally obligated to put the welfare of the golden-cheeked warbler first and foremost when managing this preserve land. Continue to reserve the BCP for its intended purpose: habitat for endangered species, and other wildlife. The local and federal funding to acquire these tracts is to preserve endangered species and their habitats. It was never intended as public recreation areas or community parks. They are not public places. There should not be any recreational activities in the BCP other than supervised field trips for scientific or educational purposes. This access that many people propose may "harass, maim, and destroy" the endangered species that the preserves were purchased to protect and may undermine the legal framework under which the BCCP was set up, thereby possibly causing problems for those landowners that are mitigating for their development under the BCCP permit. If we allow public access there, it should be done with a great deal of caution. It should be allowed only in locations and during seasons that can be demonstrated to be of little to no impact to wildlife or habitat. Place restrictive covenants on the preserve parcels so that the long-term viability of the preserve tracts is not threatened by potential changes in preserve ownership due to development pressures.

BCCP Response

The BCP consists of dedicated preserve land as defined by Chapter 26 of the Texas Parks and Wildlife Code due to the in perpetuity dedication of these lands for

protection of endangered species. This dedicated use is documented in the federal permit, the HCP/Final EIS, and the BCCP Interlocal Agreement. These three documents provide policy direction for all actions regarding BCCP and BCP (See Section 5.1).

Chapter 26 of the Texas Parks and Wildlife Code forbids changing land uses within dedicated parks and preserves unless elected officials with appropriate jurisdiction and authority find after posting 30 days notice and holding public hearings that that there is no other feasible or prudent alternative; that the program or project proposing the change includes all reasonable planning to minimize harm resulting from the taking; and that clearly enunciated local preferences have been considered. Elected officials must find that all three of these legal tests have been met before a change of use can be approved on any dedicated parkland or preserve.

The governing policies for BCP, however, provide for some conditionally grandfathered public access as well as opportunities for new types of access. These policies ensure that activities within the preserve do “not threaten the welfare of the target species of concern, which is the overriding goal of the preserve system, nor cause the degradation of the soil, vegetation or water resources” (USFWS, HCP/EIS 1996). Any impact to preserve land or habitat suitability must be considered in light of the habitat value of each BCP tract, its continuity within the larger preserve design, and the commitment that the Permit Holders made to the USFWS in 1996 to protect the integrity of the “unique and irreplaceable” preserve system (Interlocal Agreement, Article V, 5.1 (b) and Article VII, 7.1 (d)). For grandfathered uses, managers are required to modify or curtail those uses when threats to species or changes to habitat are observed. New or changed uses must be determined to pose no threat or harm before they may be authorized within the preserve.

Public Comments on needing more open space

Public open space is in short supply and more public land needed for access. The BCP lands can help the effort to encourage the public to enjoy and conserve natural areas and lead to continued political support for protecting open space. There is a need for additional trails for recreational opportunities for the human health benefits, quality of life benefits and economic benefits since it draws people to Austin for its outdoor qualities. There aren't many places that parents can take children into the woods for biking, hiking, walking dogs, to encourage them to appreciate the outdoors, and increased land access would help. When the public is allowed access to these preserve lands through responsible use of trails, more people will feel compelled to protect them in general, protect them from development pressures, and support protection of conservation lands in the community.

BCCP Response

The governing bodies that oversee the BCCP recognize the public demand and widespread support for additional parks and open space and recreational opportunities in Travis County. Voters in Austin and Travis County have repeatedly demonstrated their desire to set aside land for parks, preserves, open space and water quality protection by supporting bond elections to fund these programs.

The City of Austin and Travis County have continued to acquire new acreage to meet these demands, and today provide more than 230 parks, greenbelts and recreation centers for the public. The City of Austin and Travis County today provide more than 200 sports fields, over 100 tennis courts, better than 100 miles of hike and bike trails, six public golf courses, boat ramps, windsurfing areas, primitive and improved camping areas, natural as well as man made rock climbing areas, picnic tables, disc golf courses, playgrounds, catch and release fishing ponds, access to rivers and lakes for additional fishing and boating opportunities, museums, amphitheaters, senior activity centers, a bicycle veloway, a nature and science center, an archery range, an art center, and a sports complex for the public.

Additional public outdoor recreation opportunities in Travis County are provided by the Texas Parks and Wildlife Department, the Lower Colorado River Authority, and the U. S. Department of the Interior's National Wildlife Refuge System. Membership organizations such as the Ladybird Johnson Wildflower Center, the Travis Audubon

Society and the Nature Conservancy of Texas offer still more options for those that want to enjoy Travis County's great outdoors.

The lands that make up the BCP were set aside specifically to facilitate the conservation and recovery of endangered species, and all management decisions regarding the preserve must consider that "This priority objective will govern preserve management activities to improve target species habitat, while protecting preserves against degradation caused by urbanization of surrounding lands and increased public demand for recreation usage within preserves" (USFWS, HCP/EIS 1996).

The BCP does provide public access where these activities are conditionally grandfathered under the HCP/FEIS and where such uses can be managed to ensure that they do "not threaten the welfare of the target species of concern, which is the overriding goal of the preserve system, nor cause the degradation of the soil, vegetation or water resources" in accordance with the terms and conditions of the BCCP permit (See Section 5.1 and 5.2). Travis County's Hamilton Pool Preserve, the City of Austin's Emma Long Park, Wild Basin Wilderness Preserve and Westcave Preserve are all examples of BCP lands managed to accommodate year-round managed public access within the preserve.

Some lands within the preserve are owned by private individuals or others and managed by one of the BCP Partners through cooperative management agreements such as conservation easements. On these preserve tracts, the landowners have the right to restrict public access to lands that they own, just as landowners throughout Texas have the right to limit or control who is authorized to access their property. Though these tracts are managed for endangered species to the terms and conditions of the BCCP by one of the permit holders, the land managers in these instances may not have the ability to grant access to these privately owned lands.

Much of the acreage within the BCP was acquired with public funds that obligate local governmental bodies to hold these assets in public trust for their stated specific

purpose. To manage these lands for purposes other than those for which they were acquired would violate that public trust and limit the ability of public entities to enter into bonded debt to acquire additional parks or open space (See Section 5.2).

Public Comments on Active versus Passive Recreational Uses

Mountain biking and group trail running should be included in the definition as a “passive” recreational use, rather than listed as an “active” use.

BCCP Response

The BCCP Scientific Advisory Committee has reviewed the terms as they are used in the HCP/FEIS “Land Management Plans and Guidelines” and has further refined the definitions of passive and active recreation as they pertain to the BCP:

“Passive Recreation is defined as hiking, photography, nature observation, and guided educational tours where these activities do not compromise the primary purpose of the preserve, which is to protect the rare and endangered species encompassed by the Habitat Conservation Plan/Final Environmental Impact Statement. All other activities are defined as active.”

4.2 Comments about General Access such as Mountain Biking, Hiking, and Other Recreational Uses

Public Comments concerning desire for more public access

Appropriate public access use of the land within the BCP should be allowed. This preserve land and endangered species habitat is not now and will not be hurt by access by hikers, runners, mountain bikers, dog walkers, rock climbers, cavers, horse riders, and bird watchers. What good is setting aside land if humans can't enjoy it and interact with the wilderness? Everyone should be able to enjoy the preserve and interact with the wilderness and wildlife. The user groups are good stewards of the land (except for a few bad apples, the incidence rate is low). If built properly, a trail for these activities will not degrade the land and maintenance will be minimal. Access should continue to be allowed on the tracts that are already currently open for access and

new access locations or activities should be allowed on tracts such as Forest Ridge, Canyon Vista, and Jollyville.

BCCP Response

The BCCP allows for public access where activities can be controlled, monitored and where impacts can be managed in order to meet the permit goals and priorities.

The 10(a) permit and HCP/EIS defines the goals and priorities for the preserve (See Section 5.1). The plans and guidelines provided by USFWS state that "The BCCP preserve system is to be managed to permanently conserve and facilitate recovery of the populations of target endangered species inhabiting western Travis County. This priority objective will govern preserve management activities to improve target species habitat, while protecting preserves against degradation caused by urbanization of surrounding lands and increased demand for recreation usage within preserve lands." It later continues, "No activity will be allowed which results in take of endangered species, or which degrades or in any way harms the preserves."

The HCP/FEIS notes that the biology of most protected species is "... not sufficiently well understood to allow prediction of the impact on those species of ... use intensity levels for public recreation". The HCP also states that "A multiple use approach may be appropriate on some tracts, whereby other uses may be compatible with the primary habitat protection and species management goals, as long as these uses either benefit or have no significant effects on species of concern or do not compete with other management efforts for personnel or financial resources."

The challenge BCP Land Managers face is how to manage demands for public access in a manner consistent with all of the conditions provided in the HCP/EIS and the Land Management Plans and Guidelines (See Section 5.2). Eleven years of managing "grandfathered" tracts with various levels of public access has demonstrated that degradation of soil, water, and plant resources can quickly result from unmanaged uses. Erosion, trampling and sediment transport can be found on trails and facilities on every "grandfathered" tract.

The City of Austin and Travis County are responsible for over 2/3 of the current 27,852 acres that make up the BCP. The combined full time staff responsible for species monitoring, land management, research, law enforcement, education and outreach, volunteer programs, land acquisition, and administering the BCCP Public Participation Program totals fewer than 20 individuals.

Current staffing and budget constraints as well as the lack of basic infrastructure to support additional public access on most BCP lands (such as parking areas, restrooms, etc.) limit the amounts and types of activities and uses that can be accommodated on the preserve while upholding the permit holders' obligations under the federal permit. Any actions that reduce the amount or quality of protected habitat place the preserve and the federal permit in peril.

Public Comments supporting access during the non-nesting season

Hikers, runners, mountain bikers, dog walkers, rock climbers, cavers, horse riders, and bird watchers should be allowed access during the non-nesting season to minimize any impacts to the nesting endangered bird species. The limit on access should only be in place during the nesting season.

BCCP Response

The HCP/FEIS and sound conservation principals require that the preserve system be managed to ensure healthy ecosystems, thereby providing habitats capable of supporting all of our area's native plant and wildlife. The complex interconnected relationships found in nature require successful wildlife managers to consider entire systems, and not focus on single species management. To ensure the health of the system, it is simply not possible to manage the preserves only during the nesting season for our rare birds. Habitat impacts that negatively impact the protected species can occur at any time of the year. Focusing upon the time of year when the birds are present only addresses one of the concerns expressed by land managers, that of direct disturbance. Indirect and cumulative effects can create significant negative impacts for wildlife.

In the same way that cutting down a mature closed canopy oak-juniper-mixed hardwood forest to allow for new construction during the non-nesting season does not directly impact the birds (that is, no birds are actually killed or injured by these actions when they are on the wintering grounds in southern Mexico and Central America), USFWS has determined that the indirect and cumulative impacts of these actions harms the birds by modifying habitat needed for their essential behavior (e.g., nesting or reproduction). BCP Land Managers are responsible for ensuring the health of the entire system, including year-round management of protected habitats.

It is also important to consider that the BCP is much more than just a preserve for two rare birds. Of the 35 species that the permit holders are required to manage and protect, only two are migratory birds. Most of the species that the BCP Land Managers are charged with protecting are karst invertebrates and plant species that are found on the preserves year-round. Unmanaged access in the preserve that results in impacts such as trail compaction and resulting erosion, for example, may have a far greater impact to the thirty-three other species protected by the BCP than to the two migratory songbirds that rely on the preserve for nesting and rearing habitat.

The BCP public access policies ensure that activities within the preserve do “not threaten the welfare of the target species of concern, which is the overriding goal of the preserve system, nor cause the degradation of the soil, vegetation or water resources” (USFWS, HCP/EIS 1996). BCP Land Managers are required to modify or curtail activities or uses when threats to species or changes to habitat are observed. New or changed uses must be determined to pose no threat or harm before they may be authorized within the preserve.

Public Comments asserting that legitimate access leads to fewer problems

Unless the community has an interest in protecting these areas, efforts to close off and protect with fences, laws and other restrictions will ultimately fail. Legitimate access results in lower illegitimate activities such as dumping, illegal access, etc.

BCCP Response

The BCP Land Managers agree that authorized uses and activities within the BCP are important educational opportunities that help the community understand and support the mission of the BCCP. In an effort to meet the increasing demand for public access opportunities on the preserve the BCP Partners created the 2007 BCP Hike and Lecture Series. The Hike and Lecture Series consists of guided interpretive tours or presentations by recognized experts on topics concerning the preserve scheduled on the second Saturday of each month throughout the year. The Hike and Lecture Series was advertised in local newspapers, on area radio stations, by sharing press releases with various interest groups, and through internet links from the City of Austin and Travis County websites to the Series homepage (<http://www.balconescanyonlands.org/>).

Initial interest has surpassed expectations, each event has been well attended and feedback from participants has been overwhelmingly positive. The BCP Partners plan to discuss ways to expand the concept and offer additional opportunities within the staffing and budget constraints faced by the various BCP Partners.

Each of the BCP Partners also offers opportunities throughout the year for interested parties to visit and learn about the preserve. In the last year, for example, guided educational tours or volunteer events have provided opportunities for Home Owners Associations, scout troops, graduate student researchers, photographers, national scientific meetings, Advisory Committees, school children, after school science programs, preserve neighbors, law enforcement and emergency response personnel, eagle scouts, and many others throughout the preserve system. Over 100 education or outreach opportunities were provided for the public by the BCP Partners last year alone.

BCP Managers find that in locations with unmanaged "grandfathered" uses, unauthorized activities seem to occur at a much higher rate than on preserve lands where no open public access is permitted. On these grandfathered tracts, incidents recorded include illegal trail construction, vandalism, off trail use, unauthorized dog use or unauthorized off-leash dog use, trash dumping and littering, drug use and illicit

sexual activity. At least anecdotally, the recorded history of the various tracts within the preserve seems to support the observation that unauthorized activities actually increase with unmanaged public access facilities.

Public Comment on new trail locations

Can you provide information about the access allowed at Steiner Ranch and at the City of Austin trails being developed?

BCCP Response

The City is developing two trails on its Water Quality Protection Lands (WQPL). On the Stennis Tract, the City and its partner, the Bull Creek Foundation, are building a 1.5 mile hike and bike trail near the intersection of Old Spicewood Springs Road and Loop 360. This trail should open sometime in the summer of 2007. The second trail is a six mile hike, bike, and equestrian trail in the WQPL Slaughter Creek Management Unit. It is being built and will be operated in partnership with Austin Metro Trails and Greenways, Austin Ridge Riders, and Hill Country Foundation. This trail is anticipated to be open in fall 2007

Travis County manages 819 acres at Steiner Ranch to the terms and conditions of the BCCP under a conservation easement agreement. Steiner Ranch also maintains greenbelts and parks with trails that are outside the Steiner Ranch Preserve. All of the trails at Steiner Ranch are on privately owned land and are provided and maintained by the developer and the Home Owners Association solely for the use of Steiner Ranch residents.

4.3 Public Comments specifically on mountain biking

Public Comments requesting mountain biking in preserve land

Please expand, not restrict mountain biking on the preserve. Specifically, mountain biking should be allowed in areas such as the Emma Long, Forest Ridge, Canyon Vista, and Barton Creek Wilderness Tracts. The impact of mountain biking is low and can be contained to be consistent with the intended use of this land. Mountain bike groups did extensive work to support and repair trails as partners to the City of Austin at Forest Ridge and felt angry at the change in the access rules in the late 1990s that prohibited mountain biking. Mountain biking should be reintroduced and monitored. Requiring permitting for bikers would also be a great way to help ensure compliance with trail rules and build a greater pool of BCP stewards. It seems unfair when some areas prohibit bikers, while remaining open to hikers. The effects of mountain biking are no worse than the effects of hikers. Mountain bikers and hikers should both be allowed since studies have proven that these are both low impact uses of trails.

BCCP Response

BCP Land Managers and the BCCP Scientific Advisory Committee (SAC) have undertaken extensive reviews of current published peer-reviewed scientific literature regarding bicycling impacts on trails and wildlife. To date, staff and the SAC have been unable to find any data or documentation that substantiates assertions that mountain biking has no more impact than hiking. BCCP staff and the SAC welcome the opportunity to review any peer-reviewed published literature with findings that substantiate these comments.

The change of policy at Forest Ridge in the late 1990's was the result of USFWS concerns that the City of Austin was failing to enforce the BCCP 10(a) Permit prohibition of mountain biking in the Preserve (See Section 5.2). At that time, the City of Austin began enforcing this permit prohibition and stepped up efforts to ensure that the preserve was managed to meet all terms and conditions of the federal permit.

Public Comments on the Fort Hood and Belton Lake Outdoor Recreation Area studies

Why doesn't the BCP recognize the biological studies at Fort Hood and Belton Lake Outdoor Recreation Area (called the BLORA Study) found that mountain biking was neither more or less detrimental to parkland than any other type of activity. This study showed that endangered birds can coexist with combat training and mountain biking.

BCCP Response

The Nature Conservancy of Texas document "Monitoring of the Golden-cheeked Warbler at Belton Lake Outdoor Recreation Area Mountain Bike Park, 1998-2003" submitted as part of the Fort Hood Project 2003 Annual Report concluded that "Further research employing multiple control and treatment study areas is needed to examine the effects of mountain biking on the abundance and demography of the golden-cheeked warbler on its breeding grounds".

The researcher (Rebecca Peak) further described her study as "...provid(ing) limited insight to natural resource professionals concerning management strategies for Neotropical migrant songbirds breeding on areas where mountain biking occurs. Since only one study area was used and sample sizes were small, inference should not be drawn to other areas where warblers and mountain biking occur."

BCP Land Managers agree with the study's author that the "Belton Lake Outdoor Recreation Area (or BLORA) data" do not demonstrate that mountain biking has no detrimental impact to rare songbirds and that no inference can be drawn between this study and the lands of the BCP.

BLORA and the BCP vary widely in their basic mission, in the management of the lands, in habitat quality, and in the types and degree of use permitted.

BLORA and the BCP were established for and are managed to achieve very different goals. BLORA is a recreation area associated with the U. S. Army's Fort Hood "Morale, Welfare and Recreation Division" charged with supporting the largest active duty armored post in the United States. Fort Hood "Morale, Welfare and Recreation" strives to enhance quality of life by providing numerous recreation and services for the more than 170,000 military personnel, family members, retirees and civilian employees centered at the army base.

BLORA provides extensive outdoor recreation opportunities including hiking, hunting, horseback riding, paintball, and swimming. BLORA provides more than 300 family picnic sites and 143 covered family shelters with barbecue grills, a snack bar, a patio deck, dock and boat launch facilities as well as fishing, ski and party boat rentals. BLORA facilities include a marina store and bait shop, boat and recreational vehicle storage, a waterslide, paddle boats, cottage rentals, three RV parks, primitive camping, and seventeen pavilions and picnic areas that can accommodate over 3200 people at any given time.

The BCP is not a park or recreation area, but was established under federal permit to offset acre for acre otherwise legal activities that result in incidental "take" or "harm" to federally endangered species in the western half of Travis County. The City of Austin and Travis County are charged with acquiring and managing high quality habitat in perpetuity for the benefit of the species listed in the federal permit.

The 430 acre BLORA site consists of what could be characterized as poor to moderate quality GCWA habitat in an area heavily impacted by multiple intensive recreational uses.

The BCP consists primarily of closed canopy mixed oak-juniper-hardwood forests that provide high quality GCWA habitat that is in most areas little impacted by intensive recreational uses.

The BLORA site was heavily impacted by intensive recreational use before mountain bike trails were established in 1998, and the current distribution and abundance of GCWA on the site cannot be attributed solely to the presence of mountain bikes or the addition of bicycle trails.

The BLORA study does not “show(ed) that endangered birds can coexist with combat training and mountain biking”, as combat training is not permitted at BLORA or on the control study area during the nesting season for the rare birds.

Conversely, preliminary analysis of studies conducted by Graber et al on Ft. Hood and the BCP suggest that intensive uses such as mountain biking tend to disrupt GCWA breeding and territorial behavior. Given inconclusive or contradictory data, BCP Land Managers can only act responsibly by erring on the side of conservation. To date, no interest group, access advocate, or other supporter of increased public access has provided BCP Land Managers or the Citizens or Scientific Advisory Committees with evidence supporting assertions that changes to BCP public use policies will not impact the protected species or their habitats.

The BCP Land Managers welcome opportunities to review and cooperate in research projects or opportunities to collect data to further the management goals of the BCCP. BCP Land Managers are required to comply with the terms and conditions of the federal permit, and will look to the Scientific Advisory Committee for guidance on appropriate research design and methodology when undertaking such new research.

4.4 Comments specifically on City of Austin trail running

Public Comments about group trail runners on the City of Austin’s Forest Ridge Tract

It makes no sense that access is limited to groups of no more than 3 runners. Group running is not more harmful than individual running or hiking.

BCCP Response

BCP managers are responsible for ensuring that no harm to the Preserve results from public access. The City's rules limiting group access on the Forest Ridge trails are meant to manage and reduce trail use by limiting group size.

4.5 Comments specifically about "Grandfathered Uses" and "Grandfathered Tracts"

Public Comments about the "Grandfathered Uses" and "Grandfathered Tracts"

Public parkland has been "grandfathered" into the BCP preserve system, restricting public use of those parks. BCP land management should be responsive to the community for management of the land that is "grandfathered" parkland. Don't change the allowed "grandfathered" uses without a public dialog. The increasing prohibitions/restrictions to public use of the areas being grandfathered into the BCP preserve system are disappointing and frustrating. If the area had established trails and established users before it became part of the BCP, then this should still be allowed.

BCCP Response

The term "grandfathered" has been used to describe tracts owned by the City of Austin or Travis County before 1996 and incorporated by City Council or the Commissioners Court into the BCP when the 10(a) permit was issued. The term "grandfathered" has also been used to describe activities allowed on tracts thus incorporated into the BCP. In the HCP/FEIS, lands owned or managed by the permit holders before the issuance of the BCCP are referred to as "Recreational Areas". The "Recreational Areas" are illustrated in Exhibit "B" of the "Interlocal Cooperation Agreement between Travis County and the City of Austin Implementing the Balcones Canyonlands Conservation Plan –Shared Vision".

The term "grandfathered" is not found in the HCP/EIS, and first appeared in the 1998 SAC comments to the draft BCP Land Management Plan. The term was also used in

the 1999 BCP Land Management Plan to refer to these "Recreation Areas" referred to in the HCP/EIS and to the activities allowed to continue in them. (Also see Section 5.2, #12-18 for a more complete discussion of Grandfathered Uses and Grandfathered Tracts.)

Each individual "Recreation Area" is listed in Table 26 of the HCP/EIS and is named and described by managing agency (Travis County, City of Austin, and LCRA). The activities and management allowed on each tract is described in the HCP/EIS on p3-93 through p3-101. This section includes Management Rules, Guidelines, and Standards for each Recreational Area by agency. These management rules vary between Recreational Areas depending on the types of activities allowed or encouraged.

However, it is important to point out that the guiding policy allowing these uses to continue on these Recreational Areas was also conditioned on the requirement that they could not contribute to harming the protected species or damage their habitats. Currently, when managers observe harm or damage in grandfathered tracts, they are required to modify, restrict or curtail the activity or use that is contributing to these threats.

No publicly dedicated trail has ever been closed or had grandfathered uses restricted. Recent concerns regarding off-leash dog use at Emma Long Park is being addressed through a formal public dialog in the form of a community based stakeholder task group which was organized at the request of City BCP staff. This group has been charged with developing strategies and plans to address protected species on this grandfathered tract. The HCP/EIS clearly states, however, that "The nature and use of some facilities will change with the creation of the BCCP preserve system. Development and improvements of facilities within the preserves will be monitored, and as appropriate, restricted for the benefit of species of concern. In some cases the number of roads and trails may be decreased."

Public Comments concerning the Emma Long motorcycle area

What is the plan for the Emma Long motorcycle area that was also “grandfathered” into the BCP? Will this use be taken away to protect the species?

BCCP Response

The City of Austin currently has no plans to change this use. City BCP staff is currently evaluating the effects of “grandfathered” uses on all preserve land to determine what changes, if any, in management are needed (See Section 5.2). Should this use at Emma Long Park change, the public would be engaged in a manner similar to the stakeholder process currently underway regarding use at the Turkey Creek Trail.

4.6 Comments on the City of Austin’s Turkey Creek Trail and Dog Use in the City of Austin’s Emma Long Park

Public Comments urging use by dogs on the Turkey Creek Trail

Dogs should continue to be allowed to use Turkey Creek Trail in Emma Long Park both on and off leash. The use of this area was specifically “grandfathered” meaning that it is allowed to continue the same activities at the same levels as when the City of Austin put it in the BCP in 1996. It was noted that this is one of only a few leash-free places in the Austin area and it provides a 2.7-mile wooded hiking experience not found elsewhere. The City designated this as an off-leash dog park in the 1980s, this status was affirmed by the City of Austin Parks and Recreation Board in 1994. Why is the BCP plan different from this? Golden-cheeked warblers (GCWA) are safe from the dogs on this trail and the trail has not caused any damage to the habitat of the GCWA, other flora and fauna, or water quality of the area. The presence of dogs might actually benefit GCWA as a deterrent to predators or other problem animals along the trail such as rat snakes, squirrels, deer, etc.

There is already significant land set aside for preserve land plus there is similar land that extends in the Texas Hill Country. Why is this Turkey Creek area so important for the GCWA? Were the birds nesting along Turkey Creek in 1996? Have they moved in since? Have their numbers increased or declined?

BCCP Response

The City of Austin currently has no plans to change the status of dog use on Turkey Creek trail. However, both BCP staff and City of Austin Parks and Recreation Department staff have initiated a collaborative stakeholder process with trail users to develop plans to make this trail more sustainable and to manage its use more effectively.

Claims that the trail is not causing damage to habitat are not substantiated by independent review. One regulatory threshold for habitat damage established in the governing BCP policy documents includes increased erosion, sedimentation, or damage to plant communities. As part of the stakeholder process, an independent contractor was asked by the parks department to evaluate the trail and prepare a cost estimate for trail repairs and one-time maintenance practices. Their estimate indicated that trail repairs costs were equal to or greater than the cost to close this trail and build a new one at another location.

Golden-cheeked warblers have long been present on this site. The population segment at Emma Long Park appears to be stable at this point in time. However, staff observations of erosion, plant trampling, and other habitat damage concerns prompted BCP staff to initiate the stakeholder process to address these concerns. We are confident that through this collaborative process, we will develop a plan that will meet BCP needs as well as the needs of those who use this trail.

Public Comments opposing dogs on the City of Austin's Turkey Creek Trail

Allowing the use by dogs on Turkey Creek Trail has caused significant damage to the trail over time, including creek erosion. There has been a great reduction in the flora and fauna that used to live along this trail. Dogs should be banned from this trail.

BCCP Response

(Please see the previous response.)

Public Comments on the effects of dogs on the BCP

The U.S. Fish and Wildlife Service has not prohibited dogs in the BCCP permit, and the BCP Scientific Advisory Committee has not recommended their removal and the scientific literature does not indicate dogs as a threat to GCWA.

BCCP Response

Though dogs are not specifically prohibited in the HCP/FEIS, many published peer-reviewed scientific papers have documented that dogs can harm wildlife and negatively impact habitat. The BCCP permit requires that any activities within the preserve would not cause harm to protected species, with the exception of those uses "grandfathered" on the "recreational areas" described in the HCP/FEIS. The BCP is required to be managed to protect all of the native plants and wildlife for the benefit of endangered species.

Dogs have been shown to constitute a threat to many types of wildlife. Dogs need not catch or kill wildlife directly to dramatically impact target populations. Birds, for example, must incubate their eggs for successful hatching, and frequent disruption may impair the brooding process. When adult birds are disturbed and flush off a nest, eggs and nestlings quickly lose body heat and are put at risk. What might appear to humans to be an innocuous hike with the family pet through the woods could well create a disturbance that agitates brooding warblers sufficiently that they flush off a nest long enough that the hatchlings experience a rapid drop in body temperature and die. Migration, territory establishment, nest building, mating, egg laying, brooding, and the process of fledging and rearing young are extremely time and energy consumptive activities. Warblers that loose a nest mid or late in the breeding season will not have enough time or energy reserves to attempt to re-nest. An entire nesting season can be lost simply through an apparently minor disturbance during a critical time in the nesting season.

Off-leash dogs may also impact the vegetation by creating new tracks and trails. Birds and other wildlife rely on vegetation for cover and shelter. Newly created "trails" also provide pathways for other predators such as skunks and raccoons to more easily locate nests, eggs or hatchlings. Though a dog may not directly threaten a warbler, its actions may still put nesting birds at greater risk. Just the mere presence of a dog sometimes agitates a parent bird into flushing off a nest. Nesting birds often defend or attempt to draw away or even attack the perceived danger. The ensuing commotion may alert other predators such as brown-headed cowbirds that cue in on unusual activity to locate the nests of birds which they then parasitize.

The governing BCP policy documents establish thresholds for habitat impacts such as erosion, sedimentation, or damage to plant communities. BCP Land Managers believe that areas with heavy dog use may experience these problems. The BCP, therefore, does not allow dogs except on tracts that have "grandfathered" dog use areas. BCP Land Managers must consider and act on issues that constitute indirect and cumulative threats as well as direct threats, and must actively implement measures that minimize harm to the protected species or their habitats wherever they occur on the preserve.

4.7 Comments on Scientific Studies/Biology of the BCCP

Public comments on scientific studies and the biology of the BCCP

What scientific data is available to prove that public access is a problem for the endangered bird species? The BCP should have to prove scientifically that access by hikers, runners, mountain bikers, dog walkers, rock climbers, cavers, horse riders, and bird watchers are harming the species and habitat before these activities are prohibited from the preserve. When mountain biking was taken off of Forest Ridge and when the 1999 Land Management Plan was written, we called for a 5 year study on impacts of mountain biking that would help show if this access is causing harm to the species. Have these studies been done and what were the results? What other research do we have? Are there studies being done that show an inventory of the golden-cheeked warblers and the black-capped vireo known locations on the other preserve tracts such as Canyon

Vista? Management strategies should be tied to quantitative tract specific benchmarks for each species and amend the LMP to tie strategies back to those benchmarks.

BCCP Response

The standard established by the federal permit requires that only activities that do not harm the protected species shall be allowed to take place on the preserve, except for “grandfathered” uses on the “Recreation Areas” described in the HCP/FEIS. After reviewing published peer-reviewed scientific studies regarding impacts to wildlife and habitat, BCP Land Managers have been unable to locate defensible research demonstrating that these uses will not impact the species or habitats found in the preserve. To date, no interest group, access advocate, or other supporter of increased public access has provided BCP Land Managers or the Citizens or Scientific Advisory Committees with evidence supporting assertions that the multiple proposed additions and changes to public use will not impact to the protected species or their habitats.

The HCP/FEIS “Land Management Plans and Guidelines” state that “The BCCP preserve system is to be managed to permanently conserve and facilitate recovery of the populations of target endangered species inhabiting western Travis County. This priority objective will govern preserve management activities to improve target species habitat, while protecting preserves against degradation caused by urbanization of surrounding lands and increased demand for recreation usage within preserve lands.” It later continues, “No activity will be allowed which results in take of endangered species, or which degrades or in any way harms the preserves”. Access may therefore only be authorized when it meets this standard of no impact and non-degradation to the preserve, the protected species and their habitats. (See also Section 5.0)

BCP Land Managers submit annual reports to USFWS summarizing endangered bird distribution and abundance on the lands that make up the preserve. These ongoing studies report the status of the species protected under the federal permit, and were not designed to monitor or assess the effects of public access on these species. The City of Austin has contracted an outside independent researcher to analyze the City’s annual survey data. Preliminary statistical analysis appears to indicate that the listed birds in

areas with recreational public access tend to avoid trail areas, have larger territories than birds in non-disturbed habitat, and lower nesting success than birds in non-disturbed habitat.

The BCP Partners and the Scientific Advisory Committee are currently awaiting the final results of this research, and will review the findings with the Citizens Advisory Committee and the BCCP Coordinating Committee once they are available.

The BCP Land Managers welcome opportunities to review and cooperate in research projects or opportunities to collect data to further the management goals of the BCCP. Where such research concerns recreation and access impacts to the preserve and the protected species, the BCP Land Managers are obligated to continue to fulfill the current permit obligations.

Public Comments about bird survey results and public access

Published warbler counts have not shown a statistical difference between tracts that allow access and tracts that do not. Staff data showing golden-cheeked warbler on the tracts near trails proves that there is no impact to the species.

BCCP Response

An annual report is submitted to the USFWS documenting all research and ongoing studies performed in the preserve by each of the BCP Partners. The BCP Partners report survey data that documents GCWA presence or absence from tracts throughout the preserve and presents information recorded from a series of 100-acre sample plots established throughout the preserve to provide objective statistical sampling.

The data collected to date cannot be used to draw conclusions about behavioral changes or other effects, because it only reports where individual birds were located

over the course of a given sampling period, and is not correlated with types or levels of activity.

Densities of protected species are only one measure of management success. The Scientific Advisory Committee and BCP Land Managers have always anticipated that densities would remain stable or increase as habitat outside the preserves continues to be lost or impacted due to development. The BCCP 10(a) permit allows for the loss of approximately 75% of the golden-cheeked warbler habitat in Travis County. Given less available habitat over time, the densities of GCWA are expected to increase within the preserves simply because there is no other habitat remaining for them to occupy.

Density will become a critical measure in the future once predicted habitat destruction outside the preserve system has occurred. Surviving GCWA populations are expected to acquire new home territories and population changes from immigration from outside the preserve will stabilize. Densities will then serve as another measure of nesting success.

Metrics quantifying reproduction and recruitment for the protected species are a more critical measure of the preserve system's success. BCP Land Managers are planning expanded monitoring and research to better assess these critical measures. Current data indicates that GCWA reproduction and recruitment levels today fall below levels described by USFWS as necessary to assure recovery or survival of this species.

Current data does not prove that trails or access have no impact to the species.

4.8 Comments on Balcones Canyonlands Preserve Funding

Public Comments on BCP Funding

Tax dollars are supporting grandfathered tracts. Also the City of Austin's 1992 Bond Election (Proposition 10) to acquire some of the city's BCP land identified three objectives: water quality, to protect endangered species, and to provide public access. The public voted to support and paid taxes to acquire these lands but access to these lands is prohibited or severely restricted. If public money is used to pay for management of these lands, then the public deserves access.

BCCP Response

No access to "grandfathered" sites within the BCP has ever been removed or restricted by any of the BCP Partners.

The August 1992 bond language posted by the City of Austin (proposition 10) read: "Shall the City Council be authorized to issue and sell general obligation bonds ... for the public purpose of paying costs incurred and to be incurred in the acquisition and improvement of land to protect water quality, conserve endangered species, ... and providing open space for passive public use...". Currently at least 25% of City BCP land is also dedicated parkland with the same uses it had before the bond election. The City's Forest Ridge is a BCP tract with an approved public access trail in an area where no legal or publicly dedicated access existed prior to BCP. (For more on this topic, please see Section 5.0).

Travis County's "grandfathered" tracts include Wild Basin Preserve and Hamilton Pool Preserve and both continue to provide year round public access. Note that Travis County's 1993 bond election failed and no Travis County bonds were ever sold to acquire land for the BCCP. Travis County has relied on other means of financing to acquire preserve lands. Travis County has successfully competed for federal grant matching funds and utilized innovative options such as conservation easements and land in lieu of fee opportunities to protect preserve tracts. The County also expends BCCP participation fees paid by landowners or developers impacting endangered species habitat to acquire lands for the preserve.

All BCP lands are available for organized staff-led educational events, volunteer activities, and approved scientific research, and these activities have been occurring since the issuance of the federal permit. For information about educational or volunteer events on a BCP tract, please contact the BCP Partner responsible for managing that specific tract.

Public Comment on funding BCP trail construction

Money should be set aside for building and maintaining trails. Many of these conflicts about allowing public access in the BCCP are due to the lack of money to fund them. This funding for support of access for preserves is in short supply and is a major operating constraint. What is the cost, both capital and operating, of increased public access and how could it be paid for? How can this problem be solved? Are there grants available for funding?

BCCP Response

The current 2008 budget proposals are to fund City of Austin BCCP staff and equipment to manage the existing grandfathered or planned public access is \$250,000 for startup and first year operating expenses for a BCP recreation specialist and a five-member trail crew. Operating costs for this City of Austin public access program are estimated at \$150,000 annually. This is above other expenses already budgeted by the City of Austin for BCP operations or parks operations. These estimates do not address new public access. Traditional grant sources do not typically fund ongoing operations.

Currently, Travis County BCCP staffing is primarily focused on land acquisition and managing existing BCP lands. There are no funds currently budgeted for building and maintaining trails, and no funding available to support a staff BCP recreation specialist or trail crew. Travis County has proposed creation of a Education, Outreach and Volunteer Coordinator in the FY2008 budget to assist with meeting the needs of the BCP, but little information is yet available to judge the success of this request.

Managing BCP lands for additional public access will require significant investment in basic infrastructure (parking, restrooms, etc.) and staffing. Travis County's Hamilton Pool Preserve is a 227 acre grandfathered tract within the BCP which allows controlled public access. Operating costs to fund staffing, operations and management of this tract alone is approximately \$260,000 annually. This Preserve tract charges admission fees to partially offset these costs. Managing all of Travis County's BCP lands that are not otherwise restricted due to conservation easement or other prohibition to the standard seen at Hamilton Pool Preserve would require capital improvement funding to design and construct facilities plus an annual operating and management budget of approximately \$4,400,000.00. The County's current (2007?) operating budget for the entire BCCP program is approximately 10% of this amount.

Funding increased public access on the preserve tracts that will meet the terms and conditions of the BCCP permit will require a significantly increased financial commitment by the tract owner agencies and by the interested user groups.

Public comments on how to fund public access

Recognizing that operational funding will be a continuing issue for the BCP, is there a way to provide paid access for some areas and in some seasons?

BCCP Response:

Admission fees or access permit fees may be a potential source of funding for access management and will be considered.

Public comments on how to fund public access

More people enjoying the preserve will also mean more public support and more defenders against development and more people working to protect them. Access leads to political support for expansion of public land acquisition and defense against development pressure.

BCCP Response:

The BCP Land Managers agree that increased public access in the preserve is vital to gain the support of the local community and to help ensure long term protection of the Preserve. This public access will need to be structured, managed and mitigated in order to meet the terms and provisions of the BCCP permit.

4.9 Comments on Fences

Public comments on constructing preserve fences

Fencing is a waste of time and tax dollars in our urban areas and will likely be vandalized because of the access pressures. The appearance of the areas is being spoiled by construction of ugly metal barbed wire fences to keep people from enjoying their natural beauty. The fences are damaging more endangered species habitat than the trails, hikers or bicyclists. Because of the fencing, there is additional damage to the preserve caused by deer and burrowing armadillos.

BCCP Response

Boundary fencing is an important tool for the BCP just as for any other landowner to help protect their property from such things as damage from dumping, vegetation clearing, and vandalism. Given the increased urbanization of the land surrounding the preserve tracts, fencing is necessary to help protect the purpose for which this land was acquired. Fences provide a way to notify the public that this land is unique and has special regulations and provide a more financially efficient way to enforce protection measures than by hiring increased numbers of law enforcement staff. Eight-foot boundary fences (or deer fences) paired with deer management activities provide an effective way to help control the problem of overpopulation of white-tailed deer within the preserve. Though not a deterrent to deer movement, lower boundary fences (4' ranch fencing) also provide controls for unwanted feral hogs as well as domestic cats and dogs. Nine-banded armadillos are native to the area and have not been known to damage the preserves.

4.10 Comments on BCCP/BCP Education/Outreach

Public comments on creating public-private partnerships and using volunteers

There is a need for pilot plans with public-private partnerships to allow more public access for hikers, runners, mountain bikers, dog walkers, rock climbers, cavers, horse riders, and bird watchers to address common concerns and to increase public participation in trail issues.

BCCP Response

Several public-private partnerships are already in place across the BCP. Examples include Travis County's cooperative efforts to protect and manage important habitat areas through conservation easement agreements on private land. These public-private partnerships on Steiner Ranch, at The Crossings and on the new Concordia University campus include private trails built and managed by the landowners.

One such plan is in place on the City's Stennis tract on Bull Creek within the permit area. While this is not a BCP tract, it is in endangered species habitat and this plan allows for construction and operation of a hike and bike trail.

BCP Land Managers welcome public-private partnerships that facilitate public access opportunities that are structured, monitored and mitigated and that fit with the purpose of the preserve, do not degrade preserve habitats and do not divert funds or staff from existing BCP management efforts. Examples of these partnerships currently available include invasive plant volunteer workdays, mapping of authorized Forest Ridge Trails for educational kiosk updates, construction of new kiosks for Forest Ridge, and brown-headed cowbird trapping projects.

Groups that wish to propose additional public-private partnerships should contact BCP Land Managers to discuss opportunities and the project approval process. See Chapter XII "Public Access Management" for a description of the BCP Public Access Approval Process.

Public Comments about demonstration projects

There are two demonstration projects being proposed for public-private partnerships to allow additional dog walking access for the Emma Long Park (City of Austin) and a proposal for hiking, biking, and walking dogs on the Canyon Vista (Travis County) Tract. These public-private partnerships would demonstrate how public uses and volunteering are compatible with preservation of endangered species in an urban setting. These proposals would plan, build, control and maintain public use trails on these tracts. How will those proposals be handled?

BCCP Response

The City of Austin is currently working with stakeholders on a plan for providing dog walking trail opportunities at Emma Long Park for the Turkey Creek Trail. City of Austin BCP and parks staffs are currently engaged in a stakeholder process to consider changes to management plans for this area.

Travis County BCP Land Managers are willing to discuss public-private partnerships for access on County managed BCP lands that are structured, monitored and mitigated, and that undergo and receive approvals through the process described in Chapter XII "Public Access Management".

Activities and uses must comply with the policies and procedures established to ensure that "The BCCP preserve system is to be managed to permanently conserve and facilitate recovery of the populations of target endangered species inhabiting western Travis County. This priority objective will govern preserve management activities to improve target species habitat, while protecting preserves against degradation caused by urbanization of surrounding lands and increased demand for recreation usage within preserve lands (from the HCP/FEIS)."

The HCP/FEIS states that "No activity will be allowed which results in take of endangered species, or which degrades or in any way harms the preserves." BCP Land Managers are obligated to ensure that any activities or uses authorized within the preserves meet these federal standards.

Public Comments on volunteer help

If allowed access, groups of hikers, runners, mountain bikers, dog walkers, rock climbers, cavers, horse riders, and bird watchers could offer volunteer assistance to help such projects as trail work, design, development, maintenance, and/or protection of these areas. Local bicycle clubs, hiking clubs, and rock climbing clubs could help build trails and enforce the management of these trails for all types of users.

BCCP Response

Cooperative volunteer efforts are currently available on City of Austin and Travis County BCP tracts. The BCP Partners have benefited from hundreds of volunteers providing thousands of hours of service all across the preserve. Individuals or groups interested in participating in volunteer events or work days should contact BCP Land Managers.

Chapter XII "Public Access Management" further describes how volunteer efforts could be an integral part of public-private partnership opportunities that provide additional access to various BCP lands.

Public Comments on needing more BCP public educational opportunities

There should be more educational opportunities since most people don't know about the BCP. Guided tours can be used as a means for public education and support for the BCP.

BCCP Response:

In January of 2007, the BCP Partners initiated a year-long series of events to provide the public with opportunities to learn more about the BCP system and the unique native wildlife that the Preserve was created to protect. The "2007 BCP Hike and Lecture Series" was created in response to comments received from the public as a part of the Land Management Plan revision process. The Hike and Lecture Series provides guided interpretive tours, educational hikes and lectures by recognized experts in the study or protection of the species and ecosystems found in the BCP.

For 2007, the events are scheduled to occur on the second weekend of every month, and are hosted by each of the BCP Partners, including the City of Austin, Travis County, the Committee for Wild Basin Wilderness, Travis Audubon Society, The Nature Conservancy of Texas, and Westcave Preserve. Initial response to the Hike and Lecture Series has been overwhelmingly positive, and the BCP Partners are considering making these opportunities regularly occurring events. More information about the 2007 BCP Hike and Lecture Series can be found at the website set up to promote the events, found at: <http://www.balconescanyonlands.org/>.

The BCP Partners will also continue their other education and outreach activities throughout the community, including guided hikes and interpretive tours for Home Owners Associations and other interested groups, volunteer workdays for groups such as girl and boy scout troops, presentations for interested parties such as the Greater Austin Chamber of Commerce, the Real Estate Council of Austin, the Central Texas Master Naturalists and others. We also participate in local events such as Austin Nature Day, the Austin Karst Festival, and Wildfire Awareness week. In all, BCP Partners participate in over one hundred outreach events annually, and are working to expand education and outreach opportunities for the public.

The City of Austin and Travis County also maintain websites that serve to inform and educate the public, and regularly print and distribute brochures and other materials to expand the public's awareness of and support for the BCCP. Travis County produced a digital video entitled "The Balcones Canyonlands Conservation Plan: A Community Based Solution" that has been shown on Travis County Channel 17, City of Austin Channel 6, local PBS station KLRU Channel 18, and is available at Austin public library branches or on DVD from the Travis County Natural Resources Program. City

of Austin staff is currently developing a curriculum to provide BCP volunteer docent training to train volunteers to expand the guided hike, workshops, and other outreach events. To inquire about tours or presentations, please contact the BCP Partners about the range of education and outreach opportunities that they provide.

4.11 Comments on Animal Management (Deer, Hog, Cowbirds)

Public Comments on managing white-tailed deer

It is also good that the BCP is taking a proactive role in managing the overpopulation of deer on park and preserve lands and donating the meat to local charities. This benefits the community and is also a solution for deer overpopulation. The collaboration between the BCP agencies, Hunters for the Hungry, Capitol Area Food Bank and Caritas of Austin benefits the community as a whole while contributing to the solution of deer overpopulation in the Edwards Plateau. Managing deer to promote oak regeneration should be beneficial for many other native plant species and plant communities.

BCCP Response

The BCCP Partners are dedicated to continue managing all native wildlife populations within the carrying capacity of the habitat on the preserve. Public safety will always be the first priority as Land Managers work to effectively and humanely control wildlife populations. The Land Managers will continue to regularly monitor deer populations on the BCP and follow adaptive management principals to best maintain deer populations at healthy sustainable levels. Managing deer populations is an important component in managing the habitat that supports the species protected under the BCCP.

Public Comments on Cowbird Management

The BCP should have an aggressive brown-headed cowbird management strategy since this has been successful at Fort Hood.

BCCP Response

The BCP Partners have been aggressively managing brown-headed cowbirds on the BCP since the permit was issued in 1996. Considered a significant threat to the populations of both the golden-cheeked warbler and the black-capped vireo, brown-headed cowbirds are most often associated with areas in which livestock operations provide suitable feeding opportunities for these birds. As Travis County continues to urbanize, however, livestock operations and other conditions most suitable for supporting populations of brown-headed cowbirds are in decline. Unlike the primarily rural character of Bell and Coryell Counties in which Ft. Hood is located, Travis County continues to experience rapid growth and development.

The BCP Partners monitor and report all brown-headed cowbird management activities to the USFWS on an annual basis in an effort to assess the effectiveness of these strategies as well as to identify potential shifts in distribution and abundance of cowbirds throughout Travis County. The BCP Partners are committed to continuing to manage brown-headed cowbirds while also monitoring changes that may require different management approaches in the future.

4.12 Comments on Fire Management

Public Comments on fire management

Firebreaks through the preserve would help with fire protection and firebreaks could be used for trails for species inventories.

BCCP Response

The BCP Partners continue to work closely and pro-actively with the Austin/Travis County Office of Emergency Management, the Travis County Emergency Service Districts, the Texas Forest Service and other wildfire management professionals to avoid, minimize and mitigate fire hazards associated with the Preserve in accordance with the Habitat Conservation Plan and the Land Management Plan.

Neighborhoods nearest the BCP typify what Fire Management professionals refer to as "Wildland Urban Interface" areas. In this interface zone, managing fuel (which may be plant material, fences, wooden decks, or other materials) requires a partnership between landowners and managers on both sides of the property line, all of whom must deal with various constraints. Homeowners may be constrained by costs or building codes, public entities can be constrained by habitat management requirements and adequate staff and budget resources. Even in successful partnerships, it is important to recognize that fires can originate on either side of a property line, be it from a lightning strike, a downed power line, a fallen patio torch or a barbecue pit.

The BCP Partners urge neighborhoods in the Wildland Urban Interface to learn about these issues through programs such as the nationally recognized "Firewise Communities" program (www.firewise.org) and actively engage their homeowners, Emergency Service districts and other landowners in discussions about appropriate defensible space, public education and emergency planning. Our Emergency Service Districts and First Responders need our full support to continue to provide the outstanding level of service we have come to expect as the Austin and Travis County population continues to grow.

Current research underway at the Balcones Canyonlands National Wildlife Refuge, City of Austin BCP, and by researchers at Baylor University is attempting to better model and plan for wildfire and fire control in the specific conditions found in our region of the Texas Hill Country. We will use this information to enhance wildfire risk assessments and to develop contingency plans for fire responses based on sound scientific information. The City of Austin has also created a Wildland Fire Management Specialist position, acquired a wildland brush truck, and trained teams of wildland fire managers. BCP Land Managers have initiated fuel management actions including prescribed burning to reduce fire risks. BCP Land Managers also work with neighborhoods, fire departments, and Texas Forest Service to develop neighborhood wildfire preparedness plans when requested.

It is also important to recognize that the USFWS prohibits "take" or loss of the listed species or their habitat within the preserves. Any land management actions that may impact habitat, such as establishment of "fire breaks" within habitat areas of the Preserve, must therefore be undertaken in strict compliance with the Habitat Conservation Plan and the BCP Land Management Plan.

The BCP Partners are committed to:

- * ensuring that firefighter and public safety are always our first priority for all fire management activities;*
- * continuing to work to protect property from unwanted fire;*
- * meeting our obligations to protect endangered species habitat from loss due to wildfire;*
- * and where possible restoring fire as a component of the natural ecological processes that maintain habitat for native plant and animal communities.*

4.13 Comments related to the public comment process

Public Comments on comparing the LMP changes

Put the old 1999 Land Management Plan on the website for comparison with the new Land Management Plan.

BCCP Response

The 2007 Land Management Plan document is available for review at <http://www.balconescanyonlands.org/> and a hard copy is available for review at the Austin Public Library and the Austin History Center. The 1999 BCP Land Management Plan continues to be available at the Austin History Center and at the main Austin Public

Library since approved by the USFWS. The 2007 Land Management Plan contains extensive changes and updates to the 1999 Land Management Plan. In some instances, entire sections were re-written, updated, or deleted entirely to best reflect current best management practices and the current state of knowledge. Many of the digital files that created the 1999 document have degraded or been lost, and given the limited staff and budget resources available, there are no plans to digitize the full text of the 1999 BCP Land Management Plan which in many instances exists only in paper format.

Public Comments on length of the public comment period

The public comment period should have been extended for 4 additional months (the comment period was from Nov. 2005 - March 2006) to make this available during the months when trails are more actively used. Notification about the public comment process should be posted at trailheads, not just on the website.

BCCP Response

Notice of the 120 day public comment period was posted on BCP websites as described and was also posted on paid advertisements in the Austin American Statesman on three different occasions. Additionally, three different news releases were sent to local media outlets resulting in stories on television channels on at least two occasions, stories published in the Austin Chronicle, and news items on local Public Radio station 90.5 KUT during "All Things Considered". There were two public hearings and BCP planners received nearly three hundred submissions and comments. BCP Land Managers attempted to notify all citizens and not just trail users. Since there were more than one hundred comments submitted by trail users, their concerns were well represented.

Furthermore, revision of BCP Land Management Plans have been agenda items for all meetings of the BCCP Coordinating Committee and its advisory committees since the revision process began in 2005. Each of these meetings also provide for public input.

5.0 RESPONSE TO ACCESS COMMENTS: BCCP POLICIES AND RULES

5.1 Balcones Canyonlands Conservation Plan (BCCP) Policies Governing Land Use and Activities on the Balcones Canyonlands Preserve (BCP)

Abstract

*Note: **Bold text in the following citations are the primary supporting basis for the abstract.***

The overriding purpose of the Balcones Canyonlands Conservation Plan is to implement the terms and conditions of the Federal permit issued under the endangered Species Act. This permit requires full implementation of the Habitat Conservation Plan including adherence to the Land Management Plans and Guidelines.

The Balcones Canyonlands preserves are intended to permanently preserve and contribute to the recovery of targeted Endangered Species. Uses other than species and habitat management may be considered as long as they are compatible with the primary species preservation and habitat management goals. Compatible is defined as either being beneficial or neutral in effects to species of concern and their habitat, and not competing significantly for financial or staff resources.

Management of the preserves is guided by the following prioritized goals. First is to fully comply with the terms and conditions of the Federal Permit. Second is to acquire or protect the habitat lands and karst features specified in the Habitat Conservation Plan and Shared Vision Document. Next is management of this land for the benefit of the protected species. And last, is to consider any other compatible uses.

1) There are three policy documents that serve as the source of authority for decision making on BCP tracts:

- (a) U. S. Fish and Wildlife Service Endangered Species Act Section 10(a)1B Permit Number PRT 788841, Issued to the City of Austin and Travis County May 2 1996 (Federal permit)
- (b) Habitat Conservation Plan and Final Environmental Impact Statement March 1996 (HCP)
- (c) Interlocal Agreement between Travis County and the City of Austin Implementing the Balcones Canyonlands Conservation Plan – Shared Vision August 3, 1995 (Interlocal Agreement)
- (d) Additionally covenants for City of Austin Bonds approved by voters in Austin, Proposition 10, May 2, 1992 (Bonds), carry significant weight in decisions on how land purchased by the City of Austin with Bond proceeds will be managed.

2) The Purpose of BCP is well defined throughout these documents:

(a) Federal permit

- 1. **Condition C states that authorizations in the permit are subject to compliance with implementation of the HCP, Biological opinion, and all permit conditions. Where there discrepancies between the requirements of these documents, the requirements in the Federal permit prevail. (p2)**
- 2. Species specific condition for Golden-cheeked Warblers and Black-capped Vireos require “ ...partners control human activities to eliminate or mitigate any adverse impacts to of human activities to the (*Warbler, Vireo ed.*) on these ... acres” P6 and p7)

(b) HCP

- 1. Defines the primary mitigation for “Incidental Take” of protected species is the establishment of the BCP preserve system (p2-23)

2. Land management Plans and Guidelines specify:

- i. **“the BCCP preserve is to be managed to permanently conserve and facilitate the recovery of the populations of target endangered species inhabiting western Travis County” (p2-31)**
- ii. **“A multiple use management approach may be appropriate on some tracts, whereby other uses may be compatible with the primary habitat protection and species management goals, as long as these uses either benefit or have no negative effects on the species of concern and do not significantly compete with other management efforts for personnel or financial resources. (p2-33)**
- iii. **“... the design and implementation must follow the guidelines set forth in the following section (*Land Management Guidelines ed.*).” (p2-33)**
- iv. **“Long term monitoring of both the environmental quality of the preserve and of its populations of endangered species is necessary part of this endeavor. This is primarily because the basic biology of most local federally listed-species is not sufficiently well understood to allow prediction of the level of impact on those species of specific management activities or use-intensity levels for public recreation.” (p2-34)**

(c) Interlocal Agreement

1. **“the BCCP Shared Vision will ensure the protection of Endangered Species under the Act, while providing a mechanism for continued economic development in the region...” (p1 of 15)**
- 2. Goals of the plan:**
 - i. **“To ensure protection of the habitat of species of concern in Travis County by acquiring and setting aside public preserves...” (p1 of 15)**

- ii. **“to manage the habitat preserve system so as to continue to support viable populations of species of concern.” (p1 of 15)**

3. Land management –

- i. **“all BCCP-Shared Vision preserves systems lands will be managed in a manner which will not jeopardize the permit and in accordance with the land management guidelines ...” (p10 of 15)**
- ii. **“Land management guidelines which identify minimum standards and limitations for land management were submitted to USFWS for its review and approval prior to execution of this agreement.” (p11 of 15)**
- iii. **“Once approved by USFWS, the approved land management guidelines shall be used in land management of all BCCP-Shared Vision preserve system lands” (P11 of 15)**

- 4. Shared Vision, Land Management – “The Goal of operating and maintaining the preserves should be to contribute to recovery of the species of concern in an affordable way, which includes public education. All other uses of the preserves must be compatible with the primary goal of habitat preservation...” (p5)

(d) City of Austin Bonds

- 1. “Shall the City council...issue and sell general obligation bonds...for the purpose of paying costs...for acquisition and improvement of land to protect water quality, conserve endangered species ...and provide open space for passive public use...” (City of Austin Proposition 10 Bond Caption May 1992.)
- 3) Public Access – While all four policy documents specify that some form of public access is provided for, they also clearly convey that this is secondary to providing for protection or recovery of species protected by BCCP. Furthermore, these documents also clearly define constraints that must be met when allowing initial or continued public access on any BCP property.

(a) General access policies

1. Federal Permit - Species specific condition for Golden-cheeked Warblers and Black -capped Vireos require “ ...partners control human activities to eliminate or mitigate any adverse impacts of human activities to the (*Warbler, Vireo ed.*) on these ... acres” P6 and p7)

2. HCP

- i. **Any other uses of BCP preserves may be compatible with species protection if they “...either benefit or have no negative effects on the species of concern and do not significantly compete with other management efforts for personnel or financial resources.” (p2-33)**
- ii. Therefore no negative effect must be predicted with some certainty before additional public access may be permitted.
- iii. Furthermore, BCP managers are prohibited from diverting management resources away from species protection management to public access management.
- iv. Land Management Guidelines
- v. **Public Access may be allowed where and when such access does not threaten the welfare of target species of concern, which is the overriding goal of the preserve system, nor cause degradation of soil vegetation, or plant resources.” (p2-36)**
- vi. Further defines protection of species and habitat base resources as overriding purpose.
- vii. Plan Amendment Procedures
- viii. Major Federal Permit Amendments are required with “Changes in habitat conservation, monitoring, compliance, or

enforcement programs which are likely to increase the level of incidental take of a species of concern.” (p2-53)

- ix. Incidental take is defined as harm, harass, or kill in the Act.
- x. Failure to assure no negative affect as part of decision to allow increased public access would likely trigger requirement of a major permit amendment.
- xi. Environmental consequences
- xii. The intent for public access is to develop “the educational potential of the preserves and appreciation for the environment and species.” (p4-77)
- xiii. “The nature of use for some facilities may change with the creation of the preserve system.” (p4-77)
- xiv. “Development and Improvement of facilities within the preserve will be monitored, and as appropriate, restricted for the benefit of the species of concern. In some cases existing roads and trails may be decreased.” (p4-77)
- xv. “Public uses of species sites will not be promoted, except as is compatible with the adopted management guidelines and standards.” (p4-77)
- xvi. “Intense uses of sites will be prohibited, ...” (p4-77)
- xvii. “Within the proposed preserve, existing resources will each be affected in slightly different ways. In general, all facilities within the preserve will have some limitation placed on improvements that will be allowed. Acreage designated for preserve, although not currently used for active recreational purposes, may have been designated for expansion of active recreational purposes. The planned expansion will not be able to occur if the proposed activities conflict with the adopted management guidelines.: (p4-79)

3. Interlocal Agreement – “Each proposed land management plan... shall be approved by the Coordinating Committee Secretary only if the plan is in compliance with the approved land management guidelines.” (p11 of 15)

4. City of Austin Bonds –

- i. Public uses are limited only to passive uses
- ii. Public use appears as the third priority in language in the bond caption.

(b) Public Access Constraints

1. Federal Permit –Eliminate or mitigate any adverse impacts to Warblers or Vireos from human activities

2. HCP

i. **“(The) priority objective will govern preserve management activities to improve target species habitat, while protecting preserves against degradation caused by ... increased public demand for recreation usage within preserves.” (p2-31)**

ii. Degradation of habitat, soil, vegetation, or water may not result from public access (p2-36)

iii. “Demonstration over time of effectively implemented management strategies on preserve tracts may justify increased public access opportunities. Demonstrated non effectiveness or habitat degradation justifies less public access for a particular tract.” (p2-36)

iv. “Creation of new roadways, trails, and cleared right-of-ways that open canopies of woodland and shrub land communities, create additional impervious cover, or facilitate public use of preserve interiors or high quality sites occupied by target species should be discouraged.” (p2-36)

- v. Pages 2-37 through 2-39 establish specific guidelines for fifteen different potential uses on BCP
 - vi. Measures to mitigate “take” – reads: “habitat management will emphasize the protection of large blocks of unfragmented land which have the potential to grow into warbler habitat.” (p4-24)
3. Interlocal Agreement Shared Vision provides that “...compatible public uses should be allowed, specifically if they can be a source of revenues to pay the operations and maintenance costs.” (p6)

Prepared by William Conrad, BCCP Secretary; Don Koehler COA BCP staff; Rose Farmer, TC BCP Staff; Kevin Connally, TC BCP Staff. Reviewed by BCCP Scientific Advisory Committee 5/19/06

5.2 BALCONES CANYONLANDS CONSERVATION PLAN (BCCP) RULES

GOVERNING PUBLIC USE AND RECREATION ON THE BALCONES CANYONLAND PRESERVE (BCP)

- 1) There are four policy documents that serve as the source of authority for public use and recreation decision making on the BCP tracts:
 - a) U.S. Fish and Wildlife Service Endangered Species Act Section 10(a) 1B permit Number PRT 788841, Issued to the City of Austin and Travis County May 2, 1996 (Federal permit), and
 - b) Habitat Conservation Plan and Final Environmental Impact Statement March 1996 (HCP).
 - c) Biological Opinion for the Issuance of a Section 10(a) (1) (B) Permit for the Balcones Canyonlands Conservation Plan April 29, 1996
 - d) The Interlocal Agreement between Travis County and the City of Austin Implementing the Balcones Canyonlands Conservation Plan – Shared Vision, August 3, 1995 (Interlocal Agreement)
- 2) Additionally covenants for the City of Austin Bonds approved by voters in Austin, Proposition 10, May 2, 1992 (Bonds) carry significant weight in decisions on how land purchased by the City of Austin with Bond proceeds will be managed.
- 3) The guidelines for public use and recreation are well defined throughout these documents.
 - a) Federal Permit
 - i) Condition C states that authorizations in the permit are subject to compliance with implementation of the HCP and all permit conditions (p2).
 - ii) Species specific conditions for golden-cheeked warbler and black-capped vireo require "...partners control human activities to eliminate or mitigate any adverse impacts of human activities to the (*Warbler, Vireo ed.*) on these...acres" (p6 and p7).
 - b) HCP

- i) "The BCCP preserve system is to be managed to permanently conserve and facilitate the recovery of the populations of target endangered species inhabiting western Travis County. This priority objective will govern preserve management activities to improve target species habitat, while protecting preserves against degradation caused by urbanization of surrounding lands and increased public demand for recreation usage within preserves." (p2-31).
 - ii) "Long-term monitoring of both the environmental quality of the preserve and the health of its populations of endangered species is a necessary part of this endeavor. This is primarily because the basic biology of most local federally-listed species is not sufficiently well understood to allow prediction of the impact on those species of specific management activities or use-intensity levels for public recreation. Consequently, management practices should be prescribed and monitored with an appropriate multi-species emphasis and overall ecosystem approach". (p2-34)
 - iii) The welfare of target species (species of concern) will be the overriding influence on all decisions regarding activities on preserve lands (p2-32).
 - iv) Decisions about activities within preserves should be made cautiously, so as to meet biological objectives to protect and enhance target species and minimize risk of damage to the habitat (p2-32).
- c) Biological Opinion
- i) Section 9 of the Act prohibits take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct) of federally-listed species without a special permit or exemption (p4).
 - ii) Within the context of this definition, harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns such as breeding, feeding, or sheltering (p4).
 - iii) Additionally, harass is defined as actions that create the likelihood of injury to a listed species to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering (p4).
- d) The Interlocal Agreement
- i) The City of Austin pledged to designate 11,578 acres and Travis County to designate 507 acres of land that they owned at the time to be part of the Preserve.

- ii) Funds from Participation Certificate sales would be used for BCCP preserve system land acquisition to complete the land acquisition requirement of approximately 30,428 ac. plus the requirement of protection of additional karst habitat.

e) City of Austin Proposition 10

- i) "Shall the City Council of the City of Austin, Texas, be authorized to issue and sell general obligation bonds of said city in the aggregate principal amount of \$22,000,000, for the public purpose of paying costs incurred and to be incurred in the acquisition and improvement of land to protect water quality, conserve endangered species, ..., and providing open space for passive public use and other costs of implementing the Balcones Canyonlands Conservation Plan...".

4) Additional direct and indirect guidance on managing public access and recreation has been provided prior to and following the issuance of the HCP and Federal permit.

a) Comprehensive Report of the Biological Advisory Team (BAT), January 1990.

- i) The BAT recognizes that public access and use of the preserves for such activities as education, hiking, birding and hunting are important adjuncts to habitat conservation and could be used to help build public support for the ARHCP (=BCCP). These uses of the preserves should not compromise the primary purpose of the preserves, which is to protect the rare and endangered species encompassed by the ARHCP (p54).

- ii) One concern is that human activities could cause failed nesting attempts of the black-capped vireo and golden-cheeked warbler (p54).

- iii) Finally, buildings, trails, roads, blinds and other structures constructed for human access and use will increase fragmentation of a preserve. Although footpaths will probably not be a problem, many other structures built to aid public access will increase fragmentation. These considerations are a particular concern within golden-cheeked warbler habitat because of evidence showing that warblers can be severely impacted by even small amounts of habitat fragmentation, and for karst invertebrates because of their vulnerability to imported fire ants (p55).

- b) October 25, 1991 letter from Andrew Sansom, Executive Director, Texas Parks and Wildlife Department to the Honorable J.J. Pickle, U.S. House of Representatives and to the Honorable Bruce Todd, Mayor of the City of Austin.

- i) Item 1: In general the Department found the biological information developed by the Biological Advisory Team (BAT) and contained within the BCCP sound.
 - ii) Item 2: Other than possibly Post Oak Ridge, the potential preserve areas are small and while that is of concern they can meet the needs of the plan. Assuring their success is not simply a matter of making them larger; the habitat is just not there to do so. It will require careful and intensive management to make the preserves viable.
- c) Biological Assessment of the Balcones Canyonlands Conservation Plan by Texas Parks and Wildlife Department.
- i) Forward by Dr. Larry McKinney, Director, Resource Protection.
 - (1) Without a BCCP we will continue to see fragmentation of habitat within the plan area to the point that the species with which we are concerned will all but disappear.
 - (2) The BCCP, in its scope, strikes to the heart of what the Endangered Species Act contemplates, but in practice has most often failed to achieve: Biodiversity. The concept includes the conservation of population, species, and ecosystem diversity within the framework of maintaining systems integrity (the latter referring to functions like the hydrological cycle, carbon cycle, etc., water quality).
- d) BCCP Scientific Advisory Committee Recommendations Regarding Recreational Use of BCCP Non-Grandfathered Preserves, November 1998.
- i) The Scientific Advisory Committee (SAC) recommends that all forms of recreational activity be curtailed and further prohibited on the non-grandfathered preserve sites during the golden cheeked warbler (GCWA) and black-capped vireo (BCVI) nesting season until adequate studies can be completed to demonstrate that all or certain recreational activities do not result in detectable negative effects on the abundance and productivity of the target species of concern (p1).
 - ii) If any negative effects are demonstrated by the studies for any or all types of recreational activities, those recreational activities should be permanently prohibited on all non-grandfathered preserve tracts and held to pre-preserve designation limits or levels on all grandfathered tracts (p1).

- iii) The SAC believes that recreational activities that do not adversely alter the terrain or natural vegetation can be conducted on BCCP preserve sites during the non-nesting (September 1 to March 1) (p1).
 - iv) If this benefit (long-term viability of the preserve areas, Ed. from p1) to economic development in the county is to be preserved for its maximum utility, secondary uses and benefits of the preserve areas, such as recreational use, should be considered only when there is no demonstrable detriment to the long-term viability of the preserve areas' capacity to support the species of concern at levels at least commensurate with current populations and productivity (p1 and 2).
 - v) Based on the existing literature, it is the opinion of the Scientific Advisory Committee (SAC) that some level of negative effect may occur to certain target species of concern within the preserve areas as a result of existing or potential future recreational activities (p4).
- 5) Current access and recreational activities in non-grandfathered preserve lands is limited to passive, wildlife compatible and wildlife dependent activities, which may include on designated tracts hiking and nature observation and in more restricted access tracts, guided educational tours and volunteer projects designed to conserve and enhance the natural resources and habitats of Balcones Canyonlands Preserve.
- 6) The types of activities allowed or excluded within the non-grandfathered preserve lands is based on the policy documents that serve as the source of authority for public use and recreation, current scientific literature, on-going academic research projects in preserve lands, and monitoring and observation of the species of concern and their habitats over the last ten years in accord with the BCCP permit.
- 7) It has been recognized by the SAC (1998), the BAT (1990), and the USFWS (Golden-cheeked Warbler Recovery Plan, 1992) that BCP and GCWA specific research and literature does not exist for all types of recreation that occurs in the BCCP permit area. However, the SAC, the BAT, and the USFWS recognize a body of literature addressing various types of recreation effects on wildlife and avian species populations and that, in general, many forms of recreation have been demonstrated to have negative effects on wildlife and avian behavior and productivity.
- 8) Currently, within the City of Austin BCP lands, one area is open to controlled and regulated public access. The Bull Creek Preserve trail system through portions of the Forest Ridge,

Jester and 3M tracts is open to foot traffic only from August 1 through the last day of February each year and by Bull Creek Preserve permit-holders March 1 through July 31 of each year. No bicycles are allowed at anytime in the Bull Creek Preserve as directed by the Land Management Guidelines in the HCP (p 2-37). Additionally, recent research in the City's BCP lands has indicated that biking may have a negative impact on golden-cheeked warblers (Graber, Davis, and Leslie, Jr. 2003). Foot traffic activity, walking or running, is restricted to group sizes of three or less. This restriction is also based on the Land Management Guidelines in the HCP (p 2-37) that state "Unsupervised group access should not be allowed within 100 meters of occupied songbird habitat...." Moreover, peer reviewed scientific literature assessing ecological impacts of recreational use of trails has demonstrated that disturbance from recreation (noise and motion) "clearly has at least temporary effects on behavior and movement of birds", and that "rapid movement by joggers was more disturbing than slower hikers" (Bennett and Zuelke 1999; Jordan 2000). Other ecological effects on natural resources have been noted when large groups use woodland trails for recreation, such as, trampling (compaction of leaf litter and soil), decrease of plant species along trails, and widening of trails (Jordan 2000). The literature base on recreational effects on wildlife and natural resources is far larger than the few works cited here:

- Graber, A.E., C.A. Davis, and D.M. Leslie, Jr. 2003. Can Mountain Bikers and Golden-cheeked Warblers Coexist? Poster Presentation, The Wildlife Society, Vermont.
- Bennett, K.A. and E. Zuelke 1999. The effect of recreation on birds: a literature review. Delaware Natural Heritage Program, Smyrna, DE 19977.
- Jordan, M. 2000. Ecological Impacts of Recreation Use of Trails: A Literature Review. The Nature Conservancy, Cold Spring Harbor, New York.

- 9) Since the BCCP Permit was issued in 1996, the term "grandfathered" has become a term used to describe tracts that were owned by the City of Austin or Travis County pre-1996 and incorporated into the BCP when the 10(a) permit was issued. The term "grandfathered" has become a term used to describe the activities that were allowed by the HCP on these tracts incorporated into the BCP.
- 10) In the HCP, these types of pre-permit tracts owned by the City of Austin or Travis County are referred to as "Recreational Areas" and the term "grandfathered" is not used in this document. These "Recreational Areas" are shown on maps in Exhibit "B" of the Interlocal Agreement. These "Recreational Areas" included in the BCP total 2,562 acres of City of Austin land and 507 acres of Travis County land.

- 11) These maps in Exhibit "B" of the Interlocal Agreement show that even within a "Recreational Area", there may be both a Preserve portion and a Non-preserve portion of the tract. Different levels or types of recreational activities are allowed in the preserve portion of a "Recreation Area" than are allowed in the non-preserve portion.
- 12) The concept of "Recreation Areas" and activities allowed within these areas is a concept used throughout the BCCP permit and Interlocal Agreement, but the term "grandfathered" does not appear in the BCCP 10(a) permit or Interlocal Agreement. The term "grandfathered" first appeared in the SAC's 1998 comments to the draft BCP Land Management Plan. The term was also used in the 1999 BCP Land Management Plan to refer to these "Recreation Areas" included in the BCP and the activities allowed to continue in them.
- 13) Each individual "Recreation Area" is listed in Table 26 of the HCP and is named and described by agency (Travis County, City of Austin, and LCRA). The allowed activities and management on each tract is described in the HCP on p3-93 through p3-101. This section includes Management Rules, Guidelines, and Standards for each "Recreational Area" by agency. These management rules "vary from park to park depending on the types of activities allowed or encouraged. However, there are some guidelines that are consistent for all facilities, including the prohibition of firearms and hunting, fires in designated areas only, and animals under direct control of owner except when in a posted no-leash area. The preserve areas have restricted access and more stringent use regulations. The (Austin) Parks and Recreation Department is developing consolidated park rules and regulations; this document is currently in draft form and has not been formally adopted." (HCP, p3-99)
- 14) Stated benefits of including the "Recreation Areas" in the BCP:
 - a) "Cumulative impacts to recreational facilities in the region will be positively affected by the proposed action (*referring to issuance of the permit*); the proposed preserve maintains existing activities in parks incorporated into it and provides additional acreage for specified types of public recreation." (HCP, p4-104)
 - b) "The preserve will also increase the opportunity for minimum-impact activities engaged in by individuals and small groups, developing the educational potential of the preserve and appreciation for the environment and species. The nature of use of some facilities may change with the creation of the BCCP preserve system (*referring to both the non-grandfathered newly acquired tracts and also the grandfathered tracts*)." (HCP, p4-77).

- c) The "Land Management Plans and Guidelines" lists the requirements for management of all preserve tracts including the "Recreation Areas", with implied exceptions for activities previously allowed in "Recreation Areas" included in the BCP if there are conflicts between activities allowed in some "Recreation Areas" and some of the requirements of the Land Management Plans and Guideline (HCP, p2-31 through p2-44).

15) A Short Listing of BCP management challenges and basic scientific research used as the basis for management decisions.

a) Habitat Loss and Fragmentation

- i) "Habitat destruction is the underlying reason that the species encompassed by the ARHCP (i.e., BCCP) are in danger of extinction."

(1) BAT 1990. Comprehensive Report of the Biological Advisory Team."

- ii) "Loss of habitat is the most important threat to the existence of the GCW."

(1) USFWS 1992. Golden-Cheeked Warbler Recovery Plan. Region 2, Albuquerque, New Mexico.

- iii) "Since golden-cheeked warblers have limited and specific habitat requirements, direct habitat loss has resulted in population reduction..."

(1) TPWD 1995. Endangered and Threatened Animals of Texas, Their Life History and Management by Linda Campbell.

- iv) "The golden-cheeked warbler (*Dendroica chrysoparia*) is a neotropical migrant songbird which was federally listed as endangered in 1990, primarily because of loss of breeding habitat."

(1) Alldredge, M.W., J.S. Hatfield, D.D. Diamond and C.D. True 2002. Population Viability Analysis of the Golden-cheeked Warbler. Final Report to USFWS.

- v) "Microclimatic changes have been documented within the edges of forests adjacent to clearings and similar effects probably could occur along a forest trail wide enough to open up the canopy. Several references document negative impacts on breeding birds on recreational trails as narrow as 1-3m wide in forests and grasslands."

(1) Jordan, M. 2000. Ecological Impacts of Recreational use of Trails: A Literature Review. The Nature Conservancy, Cold Spring Harbor, New York.

(2) Numerous other references

b) Natural Threats

i) "Based on coincidence of adult stem recruitment with low deer populations, we hypothesize that intense browsing pressure of the interaction between fire suppression and intense browsing pressure is limiting adult recruitment of *Q. buckleyi* (i.e., Spanish oak)."

(1) Russell, F.L. and N.L. Fowler 2002. Failure of Adult Recruitment in *Quercus buckleyi* Populations on the Eastern Edwards Plateau, Texas. *Am. Midl. Nat.* 148:201-217.

ii) "Texas oak (*Quercus buckleyi*), found throughout the Hill Country is a preferred browse species of white-tailed deer (*Odocoileus virginianus*) and an important component of golden-cheeked warbler (*Dendroica chrysoparia*) habitat. Degradation of Texas oak populations by overabundance of white-tailed deer will most likely affect the structure of Hill Country forests by curtailing recruitment of Texas oak, thus reducing the replacement of older trees and ultimately altering golden-cheeked warble habitat."

(1) Mostyn, C. 2003. White-tailed Deer Overabundance: A Threat to Regeneration of Golden-cheeked Warbler Habitat. M.S. Thesis, Texas State University at San Marcos.

iii) "Nest parasitism by Brown-headed Cowbirds may threaten successful reproduction of Golden-cheeked Warblers, although the degree of impact of cowbird parasitism on warbler productivity is not fully understood."

(1) TPWD 1995. Endangered and Threatened Animals of Texas, Their Life History and Management by Linda Campbell.

c) Human Impacts

- i) "Thus far, some evidence gathered suggests that mountain biking may be having an effect on golden-cheeked warblers while other evidence suggests otherwise. For example, **behavioral observations appear very similar (at least graphically) in biking and non-biking sites, while nesting success at biking sites are lower and territory sizes larger.** The latter suggesting that golden-cheeked warblers may be displaced in biking sites and perhaps foraging in areas outside of their typical territories or exhibiting flight responses to mountain biking."

(1) Graber, A.E., C.A. Davis, and D.M. Leslie, Jr. 2003. Can Mountain Bikers and Golden-cheeked Warblers Coexist? Poster Presentation, The Wildlife Society, Vermont.

- ii) "Past studies have shown that mountain biking can have significant effects on habitat quality by causing fragmentation, erosion, and changing vegetation composition and density."

(1) Graber, A.E., C.A. Davis, and D.M. Leslie, Jr. 2003. Can Mountain Bikers and Golden-cheeked Warblers Coexist? Poster Presentation, The Wildlife Society, Vermont.

- iii) "Based on an extensive review of recreation effects on birds. Bennett and Zuelke (1999) concluded that disturbance from recreation clearly has at least temporary effects on behavior and movement of Birds."

(1) Jordan, M. 2000. Ecological Impacts of Recreational use of Trails: A Literature Review. The Nature Conservancy, Cold Spring Harbor, New York.

(2) Bennett, K.A. and E. Zuelke 1999. The effects of recreation on birds: a literature review. Delaware Natural Heritage Program, Smyrna, DE.

- iv) "Direct approaches caused greater disturbance than tangential approaches, rapid movement by joggers as more disturbing than slower hikers, children and

photographers were especially disturbing to birds, horses did not seem to disturb birds, and passing or stopping vehicles were less disturbing than people on foot.”

(1) Jordan, M. 2000. Ecological Impacts of Recreational use of Trails: A Literature Review. The Nature Conservancy, Cold Spring Harbor, New York.

v) “(trail) Width increases linearly with logarithmic increase in number of users (width doubles with 10-fold increase in use).”

(1) Jordan, M. 2000. Ecological Impacts of Recreational use of Trails: A Literature Review. The Nature Conservancy, Cold Spring Harbor, New York.

vi) “*Does intruder group size and orientation affect flight initiation distance in birds?*...this study examined the effects of intruder number and orientation on FID (i.e., flight initiation distance). Three different group size treatments (solitary person, two people side-by-side, two people one-behind-the-other) ...Rosellas flushed at significantly greater distances when approached by two people compared to a single person.”

(1) Geist, C., J. Liao, S. Libby & D.T. Blumstein 2005. Does intruder group size and orientation affect flight initiation distance in Birds. *Animal Biodiversity and Conservation* 28.1.

vii) “Recreational activities can change the habitat of an animal. This, in turn, affects the behavior, survival, reproduction, and distribution of individuals.”

(1) Cole, D.N., and P.B. Landres 1995. Indirect Effects of Recreation on Wildlife, *In* Knight R.L., Gutzwiller, K.J., eds. 1995. *Wildlife and Recreationists – Coexistence through Management and Research*. Washington, DC: Island Press.

viii) “Bird species composition was altered adjacent to trails in both ecosystems (i.e., forest and mixed-grass prairie). Generalists species were more abundant near trails, whereas specialist species were less common.”

d) Domestic Dogs in Wildlife Habitats

- i) "One extension of human recreation in wildlife habitats is the effect of disturbance, harassment, displacement, or direct mortality of wildlife attributable to domestic dogs that accompany recreationists. At some level, domestic dogs still maintain instincts to hunt and/or chase. Given the appropriate stimulus, those instincts can be triggered in many different settings. Even if the chase instinct is not triggered, dog presence in and of itself has been shown to disrupt many wildlife species."

(1) Sime, C.A. 1999. Domestic Dogs in Wildlife Habitats. *In*: G. Joslin and H. Youmans, coordinators. Effects of recreation on Rocky Mountain wildlife: A Review for Montana. Montana Chapter of The Wildlife Society.

- ii) "Bird species are variously affected by human disturbance. In many cases, pedestrians generated the most negative responses (Hanson and Grant 1991), and the presence of dogs may intensify bird responses to pedestrians. Dogs themselves can disrupt habitat use, cause similar displacement response, and injure or kill birds."

(1) Sime, C.A. 1999. Domestic Dogs in Wildlife Habitats. *In*: G. Joslin and H. Youmans, coordinators. Effects of recreation on Rocky Mountain wildlife: A Review for Montana. Montana Chapter of The Wildlife Society.

- (2) Numerous case studies on human and dog disturbances to wildlife are detailed in this chapter.