

# City of Austin shuts down River Place nature trail amidst allegations of preserve encroachment

By LESLEE BASSMAN  
Four Points News

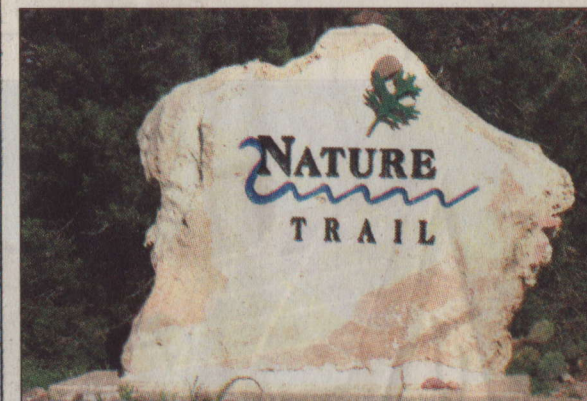
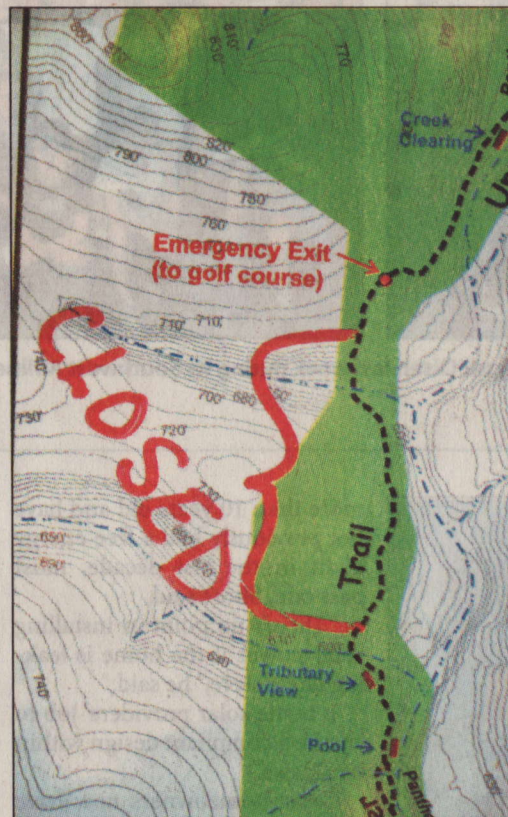
Last Tuesday, the City of Austin erected signs on a portion of River Place's newest nature trail extension barring pedestrians from accessing a segment of the popular route. This trail was just opened in 2010 and cost the River Place MUD an estimated \$150,000.

On Wednesday, the City granted River Place MUD officials entry onto the site to affix an explanation for the sudden closure.

On February 22, Austin Water Utility's Wildland Conservation Division Manager William Conrad received correspondence from the U.S. Fish and Wildlife Service stating that "the (River Place Nature) trail was constructed without the City of Austin's consent and encroaches on preserved lands within the Balcones Canyonlands Preserve."

In his letter, U.S. Fish and Wildlife Service Field Supervisor Adam Zerrenner instructed the City to close the portions of the trail located within the BCP. Four Points News obtained a copy of this correspondence.

Travis County and the City of Austin were given a 30-year permit in 1996 by the United States Fish and Wildlife Service to protect the



Photos by: Leslee Bassman

**Above Left:** This sign posted at the original River Place Boulevard entrance to the community's Nature Trail indicates where access to the trail ends following City of Austin's trail segment closure on Tuesday.

**Top Right:** Last week, City of Austin officials posted this sign at about 2.5 miles into the newer section of River Place's Nature Trail.

**Bottom Right:** The newest segment of River Place's Nature Trail system opened Memorial Day 2010.



## TRAIL, FROM 1

endangered species and their habitat contained within the 30,428 acres comprising the BCP.

According to Austin Water Utility Conservation Program Coordinator Amanda Ross, the City was obligated to remove the trail and restore the area back to a wildlife habitat; otherwise, its federal permit to manage the entire preserve system would be in jeopardy. Ross confirmed that the City asked the River Place MUD to close the "illegally built" trail sections before March 9 but that the "River Place MUD did not comply with this request."

As a result, the City of Austin Wildland Conservation Division closed a section of River Place's Upper Panther Hollow Trail between the Tributary View and Emergency Exit parameters on March 20.

"The trail was closed in an ef-

fort to regain compliance status with its federal permit," Ross said. She also stated that the MUD did not follow the City's Master Trail Plan procedures before building the newest phase of its River Place Nature Trail.

Following a Wednesday meeting between the River Place MUD and City officials, the Board posted additional signage explaining the closure.

Kevin Buchman, City of Austin Wildland Conservation Division spokesperson, confirmed on Friday that the portion of the trail which was closed would not be reopened.

Both parties, River Place MUD Board and City of Austin, have provided two different scenarios as to when the trail planners and Board officials had notice that the trail encroached onto BCP land.

River Place MUD President

James Casey stated that he was not aware that there was a problem until he received a demand letter from Austin Water Utility's Wildland Conservation Division's Conrad in early January 2012 asking the Board to shut down a portion of the trail. According to Casey, the Board complied with Conrad's request to close the trail and put up signs related to the closure. Casey added that the Board does not police the signs and that the signs may have been removed.

However, at least one other Board member and Ross stated that a sketch was given to City officials in 2008 showing the nature trail and the area at issue. According to a MUD Board member, the City failed to provide board officials with a concise map of the area showing preserve boundaries.

The Board contracted with local Environmental Survey Consulting to build the original trail in 2000 as well as design and build the 2009 extension. Casey stated that at some time in 2008, Environmental Survey Consulting's Project Leader emailed "City of Austin personnel regarding the trail extension location."

However, Casey said that since the Board does not review the emails of their consultants or contractors even if they pertain to projects they are working on for the River Place MUD, he was unaware of any encroachment issue which may have been conveyed to the MUD's trail builder in 2008. He added that Project Leader Stan Wilson's sketch for City officials was only a "hypothetical."

The Four Points News contacted Stan Wilson, now a Senior Project Manager at Environmental Survey Consulting. Wilson stated that he had "no comment on the issue" and said, I don't think it's at that point yet when asked about contacting his attorney.

At one point last week, Casey and other Board members had hoped the U.S. Fish and Wildlife Service would approve the River Place Na-

ture Trail extension retroactively and believed that such exemptions had been approved in other locations. However, the latest information gathered by the Board shows that, upon further review, the federal agency will not approve the trail portion in dispute. No new work on the trail can be conducted until the mating season of two endangered species of birds residing in the preserve ends in August.

"People using the trail are disappointed and we are disappointed that the trail was made without our knowledge," Ross said.

Casey estimates that the Nature Trail extension cost the River Place MUD, and therefore River Place residents, about \$150,000. At issue now is the cost to repair the affected portions of the trail to its natural habitat and, should the Board decide to move a segment of the trail, the cost of reconnecting the two currently unattached sections.

On Friday, at least one website devoted to local hiking, [www.texashiking.com](http://www.texashiking.com), posted an advisory warning hikers of the River Place Nature Trail closure and that trespassing into the closed area would "leave the hiker in danger of being charged with criminal trespass."



## Bearing Financial Advisors, LLC

### WEALTH MANAGEMENT • DUE DILIGENCE

Scott Duggan



# River Place trail shut down costs money, time and effort

If I understand correctly, River Place residents paid money through their MUD for a trail extension that cost about \$150,000 and opened Memorial Day 2010. But this trail was closed by the City of Austin last week because it is illegal, encroaching on the Balcones Canyonlands Preserve and its endangered species habitat.

The stretch of trail this includes is less than a mile, according to MUD Board officials.

The City posted signs at the trail last week reading:

"No Trespassing - Do Not Enter This is an illegally constructed trail that trespasses through endangered species habitat. If you enter, you will be subject to prosecution for criminal trespass."

The City closed the trail to regain compliance with its federal permit to manage the Balcones Canyonlands Preserve. Travis County and the City of Austin were given a 30-year permit in 1996 by the United States Fish and Wildlife Service to protect the endangered species and their habitat contained within the 30,428 acres comprising the BCP.

City officials say the trail was constructed without its consent and the trail encroaches on preserve lands in the BCP.

Four Points News obtained a copy of the letter sent in February to the City from the U.S. Fish and Wildlife Service Field Supervisor Adam Zerrenner instructing that portions of the trail located within the BCP be closed. Here are excerpts of the letter:

"The BCP is not a suitable place to locate a trail and such activity would not be consistent with the terms of the U.S. Fish and Wildlife Service permit.



**LYNETTE  
HAALAND**

The Service agrees with the City that those portions of the trail located within the BCP should be closed and the area restored."

But the MUD Board believes it took proper steps when it had the trail built.

A sketch was given to City officials in 2008 showing the nature trail and the area at issue.

At that time, the sketch showed possible encroachment.

The Board contracted with local Environmental Survey Consulting to build the 2009 extension. River Place MUD President James Casey said at some point in 2008, Environmental Survey Consulting's Project Leader emailed "City of Austin personnel regarding the trail extension location" but nothing was changed. The trail was still constructed.

The project manager told Four Points News' Leslee Bassman: No comment.

It is unbelievable that this fell through the cracks with all of the checks and balances in place at the City, at the River Place MUD and even at the a firm contracted to build the trail.

Now the trail has to be taken out and the area restored.

What a waste of time, effort and money to build a trail that opened for some 18 months and now will need to be taken out!

It will cost more money, time and effort to repair the affected portions of the trail to its natural habitat.

Lots of people were involved in this project and someone should have figured out before it was built that it would be illegal to do so.





## Balcones Canyonlands Preserve inaccuracies from RP homeowner

Dear Leslee Bassman,

As a home owner in the affected area and one who initially (2007) was not offered a view fence but was forced to accept an up to 14 foot tall fence in my backyard, I am amazed to read in your article that the BCP "continue discussions with these neighbors as we do with all neighbors abutting the property (BCP)", because this is an absolute lie by the BCP.

### *Our story*

Upon learning that a fence was to be erected behind our home in early 2007 we contacted the BCP and our HOA to request the view fence. Much to our surprise we were told that we could not get the view fence because the ordering period had expired. We were surprised to learn that all of the neighbors on Eagle Trace, Sun Tree, parts of Merrywing and Pelican Cove had been offered the view fence but not

us. The BCP representatives we spoke with were unhelpful, rude, and clearly had it out for us.

Granted the BCP representatives had been fighting everyone affected and were clearly sick of the neighborhood, but to me their actions behind MY HOUSE are unforgivable. We were never given an option and now they claim that they do want to be good neighbors? We were called complaining and told that they didn't care that we had not been contacted. End of discussion.

So now that the BCP has shown that they can spend thousands on equipment and new fencing, maybe they should correct the fence they wrongly placed behind my house.

Again I invite you to my home to see the fence for yourself.

*Best regards,  
Shawn Olsen  
River Place*