



## Record of Decisions

**Balcones Canyonlands Conservation Plan  
Coordinating Committee  
June 26, 2015 10:00 AM to 12:00 Noon  
Austin City Hall, Council Chambers  
301 West Second Street  
Austin, Texas 78701**

**Attending:** District 7 Council member Leslie Pool, CO-Chair (Presiding)  
Precinct 3 Commissioner Gerald Daugherty, CO-Chair  
Mr. Adam Zerrenner, Member (Ex Officio)

1. **Elect Coordinating Committee Chair** – Member Pool presented a motion to have both voting members serve as co-chairs. Member Pool would preside over the meeting when it is held in City of Austin Facilities, Member Daugherty will preside when meetings are held in County facilities. After asking for clarification regarding which member presides when Member Daugherty seconded. Motion carried 2/0
2. **Citizen Communications** – Kent Browning spoke on behalf of Friends of Emma Long Motorcycle Park. He advised members the park is threatened and that he and his group have been attempting to resolve issues related to the Park at lower levels but they are not being heard. As an example he had presented an audit of BCP golden-cheeked warbler monitoring data to the Citizens Advisory Committee during public comment at a meeting last year. During his presentation he asked for the opportunity to present his results in more detail as an agenda item and his request has yet to be honored. He noted that he has submitted numerous requests to BCP staff for information that have not been honored. He discussed his audit and said that staff are taking actions in conflict with his sound management and conservation based upon the results of his audit. He asked the Coordinating Committee for an opportunity to present his findings on an agenda.

**Tomas Pantin** - addressed members about his concerns related to Emma Long Motorcycle Park. He advised members that the motorcycle park was created in 1970 as a site for motorcycle and mountain bike use. He advised members that these uses were grandfathered when BCP was created. Today there is a staff campaign to close these grandfathered trails. He noted that there is a 1994 aerial photograph that shows the recently closed trail existed and was in use before BCP. He accused staff of misrepresenting facts to close the park to these uses. He asked members to create an independent governing body to manage the use of this park.

**Travis Pantin** - Reviewed the history of BCCP and its inclusion of Emma Long Park into the Preserve. He advised members that efforts to close trails in Emma Long are undermining the constitution of BCCP in order to allow the bulldozing of habitat by developers in a way that outweighs the interests of recreational users.

**Richard Viktorin** – spoke in support of continued motorcycle use on Emma Long Motorcycle Park. Lands are being appropriated and alienated by edict of land managers; Mr. Conrad and his staff at the BCP. He advised members that Mr. Conrad's efforts to close the motorcycle trails are similar to his work to close the Panther Hollow Trail on the Cortana tract adjacent to River Place. He asserted that both those efforts were inconsistent the BCCP adopted BCP Trail Master Plan. He described the trail closures as overreach restricting the use of public lands.

**Bill Bunch** – began his comments by recognizing (Secretary) William Conrad's years of service as a fierce advocate for conservation. He advised members that State Highway 45 SW is still on the table and its construction will bring serious compliance issues related to BCCP Flint Ridge Cave, permit protected species as well as listed salamanders. The City has made incredible investments in recharge, biodiversity and land conservation. We risk throwing those away. Please keep this in mind. Also, thanks for protecting the Bull Creek Preserve. BCCP cannot afford to compromise that part of the preserve as it is the heart of the BCP.

Presiding Chair Pool responded noting that the environmental analysis of SH45 was not comprehensive because it does not address other components of the roadway system in the Campo 2040 plan that are companion to SH45 SW.

Chair Pool asked member Daugherty whether he had any comments about the speakers' comments or hers. He responded that during Commissioners' Court meeting the practice is to generally not respond to Citizen's communication. He asked if the practice is different City. Chair Pool responded that it is correct. Member acknowledged that practice and thanked Mr. Bunch for his comments.

**Neil Tutrup** – spoke of his research related to the history of BCP. The purpose of BCCP's Habitat Conservation Plan is specifically to conserve habitat. BCCP represents compliance with federal law, but it also represents the will of the people. BCCP is a compromise between many interests and needs. Multiple use policies do not work when considering conservation of species. BCP is minimally biologically adequate to support conservation of species it protects. The preserve is now more like a series of islands where the protected species seek refuge. Please consider this when you take action.

**Robert Corbin** – addressed members regarding dog access in the Barton Creek Greenbelt (and Wilderness Park). He presented members with a letter addressed to them as well as the Parks and Recreation Department and City Council. He asked members to ban all dogs in this park/preserve. He cited numerous events of violation of park rules regarding dogs as well as park etiquette. He noted potential for water pollution, soil erosion, sedimentations, threats to public safety, and natural resources damage.

- 3. Approve Record of Decisions for the October 29, 2014 regular meeting** – Chair Pool asked the Secretary whether she could vote to approve the Record of Decisions

for a meeting where she did not attend because she was not appointed to the Coordinating Committee at the time. The Secretary advised that a better alternative would be to entertain a motion to accept the Record of Decisions as presented (because no changes or corrections were offered) for the public record for that meeting. Member Pool made that motion. It was seconded by Member Daugherty. Carried 2/0

4. **Receive a report from the Coordinating Secretary regarding proposed construction of State Highway 45 Southwest and potential ramifications for BCCP compliance. Take action as needed.** – Secretary Conrad read a written report into the record. Following his report he advised members that the TxDOT completed an Environmental Impact Statement for the project that notes that the project will encroach into protected areas associated with Flint Ridge Cave. U.S. Fish and Wildlife Service has advised the City of Austin that this encroachment may create compliance concerns for BCCP. Conrad advised members to begin considering a plan to address these concerns and so that BCCP is prepared to address those concerns if the highway is built as presented in the.

Member Daugherty said he had no comments on this matter.

Presiding Chair Pool asked if meetings are scheduled with TxDOT and CRTMA regarding their current work to complete highways. Conrad responded that there is a meeting next week to review 30% designs. Pool asked at a previous City Council Committee meeting what is the design width of the designed road. She is concerned about the proximity to Flint Ridge Cave. This will be critical for BCCP to plan additional steps.

Conrad asked Chair Pool and the members to give staffs direction about the two options available, cave substitution or removal of protection for Flint Ridge Cave species, and how staff can prepare information for the Committee to consider. Chair Pool asked for a report back on any design review meetings. She asked for clarification about whether CTRMA had asked to participate in BCCP to mitigate the highway. Conrad responded CTRMA has not requested participation, but only asked about the process. He noted that the highway could only be mitigated through BCCP Participation only for the portions of the highway that do not encroach into the Cave's protected areas. Today, because hydrogeological evaluations of the cave's subsurface basin are incomplete, BCCP must use language in the permit to presume the extent of that basin. The presumed basin currently includes all of the SH45 SW right of way and the highway may not participate, but might be eligible after those studies are complete.

Chair pool noted that she would like to meet with representatives of TxDOT and CTRMA to discuss the highway and asked Conrad to help her get that meeting scheduled.

Member Daugherty advised members that he was not prepared to debate SH45 SW in the Coordinating Committee because the design is incomplete. He said he does not support legislating this highway in the BCCP and noted that there is no need for further discussion until the road design is complete.

5. **Brief members about actions taken by the Coordinating Committee Secretary regarding the proposal for an access road across BCP by Leander**

**Independent School District** – Secretary, paraphrased a report he had sent to members before the meeting. A copy is included in the record of the meeting. He noted that the last action by the Secretary was to recommend to Leander Independent School District that becoming a BCCP Managing Partners was the most effective way to approach their proposed road in a manner consistent with BCCP.

6. **Brief Members about the status of the BCCP Karst Substitution Process being developed by the Coordinating Secretary as a recommendation for new Coordinating Committee policy** – Secretary Conrad provided members with a draft policy document and asked them to consider whether they had concerns about any part of it before they were asked to adopt it. Member Daugherty asked if the policy included an administrative timeline to consider and act on substitution proposals. Conrad said it does not but he will work with the task group to revise the draft to include one. Member Daugherty also asked for staff to give him a personal briefing about the draft Substitutions policy. Chair Pool also requested a personal briefing before the next Coordinating Committee meeting.
7. **Discuss US Fish and Wildlife Service and the National Marine Fisheries Service proposed rules changes on what private groups and citizens need to do when petitioning to have a species listed as threatened or endangered. Take action as appropriate.** – Secretary Conrad briefed members about the proposed rules, and draft comments and advised members about the rationale behind the draft comments. During a brief discussion Member Daugherty asked Member Zerrenner whether the service supported the proposed rule. Member Zerrenner responded that the proposed rules would provide more complete and transparent information for the Service to use to make an informed decision on any petition. He also noted that the proposed rule would also ensure that states are notified of the petition and have the opportunity to both provide specific information related to the petition, and have the opportunity to initiate scientific efforts, and develop and implement plans that could contribute to the conservation of the species being petitioned while a decision is being considered. Member Daugherty made a motion to submitted the draft comments to USFWS , second by Chair pool. Carried 2/0
8. **Report from Scientific Advisory Committee** - Jean Krejca, Chair, provided a verbal report to members. She advised members that the Scientific Advisory Committee is a committee of highly skilled and experienced scientists that is convened to answer questions for the Coordinating Committee. She reviewed the SAC change for the members and advised them to ask questions of their scientists.

Member Pool asked Krejca if the SAC could advise Coordinating Committee members about how the proposed SH45 SW might fragment habitat for wildlife. She asked whether this was an appropriate question. Krejca acknowledged that the committee could consider the Chair's question. Krejca also responded noting that a more definable question might be to ask the SAC to review surveys and reports associated with the highway addressing protected species and offer an opinion on that work.

Member Zerrenner asked for a report on the results of the five –year population viability modeling and habitat suitability modeling project being done by the U. S. forest Service and whether it had provided any conclusions about the adequacy of the BCP preserve system to conserve species it was established to protect. Lisa O'Donnell, BCP Senior Biologist, responded that the final year of data gathering is just finishing and that results should be done before the end of the calendar year.

Chair Pool requested a report to the Coordinating Committee when the results are available.

Secretary Conrad recognized Lisa O'Donnell for her vision and leadership for this project and for her work recently accepted by the Journal of Field Ornithology discussing monitoring methods for forest birds.

9. **Report from Citizens Advisory Committee** - Chair Peter Torgrimson provided a verbal report. He noted that the CAC discussed an issue widely reported in local media regarding a proposed "Firebreak Road" inside the BCP Bull Creek Macrosite.

A CAC wildfire task group is working on a response to a question about funding for Emergency Service Districts who's jurisdiction includes BCP land.

The CAC and SAC are collaborating with the BCCP partners to prepare a report on the State of the BCP. The goal is to complete it by May, 2016 for the BCCP 20<sup>th</sup> Anniversary. Chair Pool asked whether there are plans to update the report regularly and perhaps annually. Torgrimson respond that that has not been considered yet but perhaps should occur every five years.

During discussion a question came up about whether an event is planned for the BCCP 20<sup>th</sup> Anniversary. Torgrimson noted that there was a big event for the 15<sup>th</sup> anniversary and suggested something similar would be appropriate for the 20<sup>th</sup>. Chair Pool requested a briefing on the 15<sup>th</sup> anniversary event at the next Coordinating Committee meeting.

10. **Receive reports from BCP partners on wildfire planning and actions; take action as appropriate** – Willy Conrad presented and discuss maps that depicted completed and planned Wildland fuel mitigation projects for the City's BCP tracts. Melinda Mallia gave a verbal report on County fuel mitigation work and on the status of a grant request they have with FEMA for fuel mitigation work.
11. **Receive reports from BCP staff regarding land management, Public Outreach, BCP Participation, Infrastructure Management, and BCCP compliance** Sherri Kuhl and Melinda Mallia reviewed their written reports. During her report Sherri Kuhl offered to provide a tour of BCP to members. Chair Poll asked to have a personal tour scheduled.

During Kuhl's report Member Daugherty spoke about the comments about Emma Long Motorcycle Park during the Citizens' Communications agenda item. He asked staff to prepare a briefing for him and other members about staff's response to the allegations and assertions presented by citizen speakers. He advised members that it does not do the BCP good when people are confused about what can be done or can't be done. He asked that someone respond to the comments from speakers today about what they describe as unjust. Conrad asked for the privilege to speak briefly to Citizens comments. He advised members that he took action in concert with Parks and Recreations Department staff to close one trail in the park. That trail was in the channel of Connors Creek. He further advised members that the have been no actions to stop motorcycle use altogether and that those allegations are false. He informed members that ultimately when the decision made to close the trail in question he met with stakeholders and offered them the opportunity to use the BCP Trail Master Plan process to propose an alternative trail to the one being closed. Those Stakeholders instead have continued to assert that the trail is authorized and grandfathered. Conrad noted that the more overriding issue is the

guidance in the HCP Plans and Guidelines section that says when trails in the preserve result in damage to natural resources they are required to be closed. Conrad noted that he used authority he is authorized to use and he stands behind his decision. He said he also stands behind his decision to allow the stakeholders to use the Trail Master Plan process, although they also dispute his authority to do that as well. He commented that the decision to not pursue a replacement trail is the decision of the stakeholders. Member Daugherty closed the discussion by reaffirming his request for a staff briefing on the matter.

**Meeting Adjourned at 12:18 PM**