



Record of Decisions

**Balcones Canyonlands Conservation Plan
Coordinating Committee
Thursday, November 15, 2007, 10:30 AM to 12:00 Noon
Austin City Council Chambers
City Hall
301 West 2nd Street, Austin, Texas**

ACTION ITEMS

- 2. Take action as deemed appropriate by members of the Coordinating Committee with respect to revised Land Management Plans submitted and certified under presentations 1 and 2.** –members entered into executive sessions to seek advice from legal council. No action was taken in executive session. Upon returning to open session no action was taken.
- 3. Call a meeting of the BCCP Coordinating Committee.** Members directed the Secretary to post an agenda for a called meeting within two weeks.

CITIZEN COMMUNICATIONS

Clif Ladd – addressed members representing the Scientific Advisory Committee. His comments were presented in the form of a Power Point presentation. He noted that the Scientific Advisory Committee is in place to give Coordinating Committee members; they have no financial gain by participating in the committee. He advised members that his committee recommends that the Coordinating Committee accept and approve the staff report. BCCP is an agreement between the partners and the community. It allows the destruction of 11,000 acres of Golden Cheeked Warbler habitat outside of the preserve. Preserves mitigate for this loss. The body of science regarding recreation and migratory song birds shows that it affects our protected species. This would result in more than the allowed habitat destruction under the BCCP permit. The Scientific Advisory Committee recommends that the Coordinating Committee complete preserve acquisition, complete paired recreation impact research studies, and pre-mitigate any expected adverse effects before allowing increased public access on BCP.

Marie Lyda – addressed the committee as a trail advocate. She said that she is not in favor of most BCP public access. She noted that parks are different than preserves and that access in preserves damages habitat.

Robert Kleeman – spoke as an individual involved with BCP since 1990. He described the current discussion as Déjà Vu; access is a controversial issue then as it is now.

During the current discussions there have not been discussions of research or management, only access. He advised members that implementation of any plan must work within the existing permit. He described BCP as being \$70 million short of completing acquisition. Members should focus on this first and not divert resources away from acquisition or management. This may not be the time or place to consider more trails or access. He asked who will pay before you act.

Skip Cameron – distributed a Bull Creek Foundation Brochure to members. He asked members where they believe US Fish and Wildlife Service is given authority to approve operations for BCP. He asserted that they do not have authority to approve management plans for the preserve. He suggested members seek advice from legal council regarding this matter. He also asserted that US Fish and Wildlife service would likely never hold BCCP partners in violation of their federal permit. He said he is not aware of them ever suing over violations of an HCP.

Richard Viktorin - made a presentation using overheads. He read citations from a document from the National Center for Environmental Policy Research, from the National Wildlife Refuge Habitat improvement Act, and other documents. He stated that his point is that when original land management plans for BCP were prepared staff acted as though they were in a vacuum even though they knew US Fish and Wildlife Service policy provides for public access in endangered species habitat. Their actions constitute “regulatory jury nullification”. He noted that the HCP and management for Barton Springs salamander provide for public access in Endangered Species habitat. He urged members to move forward with plans for increasing access on BCP.

Ted Siff – spoke as chair of the Citizens Advisory Committee. He referred members to public comments received during the land management plan revision process. He noted that 95% of the comments supported increased responsible public access that is contained within the Endangered Species Act. This request is not for wholesale access, it is for access within the confines of scientific protocols. He asked audience members to stand up if they support this and asked members to provide more public access to BCP.

Dr. David Steed – addressed members as Chair of the Scientific Advisory Committee. He advised members he had submitted their comments via email.

Sam Faison – spoke representing the board of directors of the Travis Audubon Society. He noted that BCP was created in exchange for allowing habitat loss through development. BCP was set up to protect habitat for Endangered Species by preserving their habitat. He explained that there exists a large body of evidence that public access harms endangered species as well as wildlife in general. He advised members that BCP cannot sustain more public access. He hopes politics does not trump science on a local level. He reminded members that BCP is still incomplete. There should be no adverse impact to the preserve until it is complete.

Terry Banks – addressed members as a nurse, bird watcher, and hiker. She has observed both the golden-cheeked warbler and the black-capped warbler in their natural setting. She noted that they are protected here by the Endangered Species Act so that they can breed here. She noted that the US Fish and Wildlife Guidelines document pressure by people on these species. She expressed concern that dogs in wildlife areas

will chase wildlife. Why do we want to unleash dogs in the preserve? Please check the legality of this proposal.

Prior to adjournment to executive session Chair Wynn addressed the audience. Since the City Council Public Hearing he was prepared to propose a policy statement. Since legal questions have arisen; he would like to go into executive session to ask advice of legal council. He does not believe this will be resolved during this meeting and does not expect action on the posted agenda item during this meeting. Please expect to adjourn the meeting with out action.

Member Daugherty advised everyone that he expects that the entire Commissioners Court will act on this issue, not just himself acting as a representative of the court.