

1 **MANAGING PARTNER AGREEMENT BETWEEN**
2 **THE BALCONES CANYONLANDS COORDINATING COMMITTEE**
3 **AND THE CITY OF SUNSET VALLEY**
4

5 **ARTICLE I. Preamble and Recitals**

6 **A. Authority**

7 1. This Managing Partner Agreement ("**Agreement**") is entered into pursuant
8 to the Interlocal Cooperation Act, TEX. GOV'T CODE, Chapter 791 and other
9 applicable law, and in accordance with Permit No. TE 788841-2 ("Regional
10 Permit") a regional permit issued by the United States Fish & Wildlife Service
11 ("USFWS") on May 2, 1996 to the City of Austin and Travis County ("**Permit**
12 **Holders**"), as outlined and described in the Habitat Conservation Plan and Final
13 Environmental Impact Statement dated March 1996 ("BCCP" or "**Regional**
14 **Plan**").
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16 2. This Agreement does not establish a partnership or joint venture under
17 Texas statutory or common law.
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19 3. Expenditures under this Agreement shall be made from current revenues
20 available to the parties.
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22 4. The City of Austin and Travis County are parties to the August 3, 1995
23 Interlocal Cooperation Agreement between Travis County and the City of Austin
24 Implementing the Balcones Canyonlands Conservation Plan—Shared Vision
25 ("Interlocal Agreement").
26

27 5. The BCCP Coordinating Committee ("**Coordinating Committee**") is an
28 entity which was created by the Interlocal Agreement pursuant to Section
29 791.013 of the Texas Government Code and established by the Permit Holders
30 to administer the Regional Plan.
31

32 6. In accordance with the Regional Plan and under the terms of the Regional
33 Permit, the Permit Holders, Managing Partners under agreement, and other
34 landowners manage and maintain an assemblage of properties as the Balcones
35 Canyonlands Preserve ("**Regional Preserve**" or "**BCP**") supporting rare and
36 endangered species and their habitats.
37

38 7. The City of Sunset Valley is the owner of that certain real property in
39 Travis County, Texas, being an approximately 21.585 acre tract described in
40 Volume 11471, Page Number 639 of the Real Property Records of Travis
41 County, Texas, and being more particularly described in the attached and
42 incorporated **EXHIBIT A** ("**Gaines Greenbelt**").
43

44 8. The Gaines Greenbelt is in a substantially natural and open space
45 condition and the USFWS has determined that this property contains natural
46 habitat for the golden-cheeked warbler (*Setophaga chrysoparia*) ("**GCWA**")

and/or the black-capped vireo (*Vireo atricapilla*) ("**BCVI**") and/or karst species of concern. The GCWA and BCVI have been listed as endangered species under the Federal Endangered Species Act of 1973, as amended, 16 U.S.C. Section 1531 et seq.

9. The City of Sunset Valley now desires to designate the Gaines Greenbelt for inclusion in the BCP and to participate as a Managing Partner in the Regional Plan.

10. As part of the BCP, the Gaines Greenbelt will include a single trail, more particularly described in the attached and incorporated **EXHIBIT B ("Gaines Greenbelt Trail")**.

11. The Coordinating Committee is authorized to approve a Managing Partner Agreement under section 3.4 (b) (6) of the Interlocal Agreement.

B. Parties

The Parties to this Agreement are the City of Sunset Valley ("**Sunset Valley**"), a municipality organized under the laws of the State of Texas, and the Coordinating Committee.

C. Purpose

The purposes of this Agreement are to:

1. Assist the Coordinating Committee in implementing the terms of the Regional Permit by designating and managing the Gaines Greenbelt as part of the BCP.

2. Provide a mechanism whereby Sunset Valley may mitigate for impacts to GCWA, BCVI, or karst species covered by the Regional Permit due to the maintenance, improvement, and public use of the Gaines Greenbelt Trail and mitigate for future habitat impacts associated with social trail closure, fencing and signage as defined in this Agreement, thereby allowing the Gaines Greenbelt Trail to remain open with existing uses to the extent that such uses are consistent with the terms and conditions of this Agreement.

3. Promote the preservation of flora and fauna in Sunset Valley.

4. Incorporate the Gaines Greenbelt into the BCP, thereby increasing the total area of land included in the BCP, and designate Sunset Valley as a Managing Partner of the BCCP pursuant to all requirements of the Regional Permit.

5. Protect endangered species habitat on the Gaines Greenbelt in perpetuity and cooperate in the regional effort to address wildlife management and conservation as set forth in the Regional Plan; and,

6. Continue to use the Gaines Greenbelt in a manner that is consistent with deed restrictions which require that it be used by the public for “parks, recreational, greenbelt/and or preserve purposes.”

ARTICLE II. Obligations of Sunset Valley

In addition to its other obligations set forth in this Agreement, Sunset Valley agrees to the following:

- A.** By its execution of this Agreement, Sunset Valley agrees to designate the entirety of the Gaines Greenbelt, as described in **EXHIBIT A**, as part of the BCP in perpetuity; provided, however, that in the event that the Regional Permit is terminated or expires *and* the BCP is terminated and no part of the property comprising the BCP continues to be operated and maintained as an endangered species habitat preserve, this Agreement shall then expire.
- B.** Sunset Valley will:
1. ensure that the Gaines Greenbelt will be preserved as functional breeding habitat for the GCWA and/or BCVI and/or species of concern and/or other endangered species listed in the Regional Permit;
 2. prevent activities which might damage, compromise, or interfere with the ecological diversity or resource quality of the Gaines Greenbelt or the natural processes occurring within the Gaines Greenbelt;
 3. prevent any use of the Gaines Greenbelt that is inconsistent with the requirements of the Regional Plan, Regional Permit, BCP Land Management Plan (“**BCP-LMP**”), **Gaines Greenbelt Land Management Plan (EXHIBIT C)**, and ensure that uses of the Gaines Greenbelt are in compliance with the Endangered Species Act; and
 4. manage the Gaines Greenbelt:
 - (a) in accordance with the terms of this Agreement, and
 - (b) in accordance with its land management plan adopted pursuant to Article II. C. of this Agreement.
- C.** Sunset Valley has provided to the Coordinating Committee Secretary a specific land management plan chapter for the Gaines Greenbelt (“**Gaines Greenbelt LMP**”), attached and incorporated as **EXHIBIT C**. Approval and execution of this Agreement constitutes approval of the Gaines Greenbelt LMP. After execution of this Agreement, the Gaines Greenbelt LMP will be included in the larger BCP-LMP for all Regional Plan partners and submitted to USFWS for approval.
- D.** Sunset Valley acknowledges that, under the adaptive management requirement of the Regional Permit, the BCP-LMP is revised approximately every 5 years and that the Gaines Greenbelt LMP will need to be revised periodically as part of the

BCP-LMP revisions. Sunset Valley agrees to cooperate with the Coordinating Committee Secretary to revise the BCP-LMP as needed and further agrees to submit revisions of the Gaines Greenbelt LMP to the Coordinating Committee Secretary for review within any deadlines established by the Coordinating Committee Secretary. Sunset Valley acknowledges that the Coordinating Committee Secretary will approve a Gaines Greenbelt LMP only if it complies with the Regional Permit, current and future versions of the BCP-LMP, and the terms of this Agreement.

E. Sunset Valley agrees to manage the Gaines Greenbelt:

1. under the terms and conditions of the Regional Permit's "Land Management Plans and Guidelines" section;
2. under the current and future versions of the BCP-LMP and Coordinating Committee Secretary-approved Gaines Greenbelt LMP; and,
3. under the terms and conditions of the BCP Trail Master Plan and, more specifically, the Gaines Greenbelt section of the Violet Crown BCP Trail Master Plan, as accepted on February 18, 2009 by the Coordinating Committee and insofar as the BCP Trail Master Plan proposals and outcomes do not conflict with the Regional Plan, Regional Permit, BCP-LMP and Gaines Greenbelt LMP.

F. Sunset Valley shall submit an annual report regarding its management of the Gaines Greenbelt during the previous fiscal year (for the period of October 1 – September 30) to the Coordinating Committee Secretary no later than December 31 of each year. This document will be included in the total BCCP Annual Report due to USFWS annually by January 31 and will follow the report format used by the Regional Plan Permit Holders.

G. The Gaines Greenbelt Trail (EXHIBIT B). Sunset Valley agrees to monitor, construct and maintain the Gaines Greenbelt Trail as shown in Exhibit B:

1. Not later than six months after the effective date of this Agreement, Sunset Valley will remove, obstruct and revegetate to a native state all trails in the Gaines Greenbelt except the Gaines Greenbelt Trail which is co-located with the BCP Trail Master Plan process-approved Violet Crown Trail (project sponsored by the non-profit Hill Country Conservancy, hereafter defined in Section H). Sunset Valley shall ensure that the areas of the removed trails are no longer usable as trails and are not a source of environmental degradation.

2. Sunset Valley agrees to construct and maintain the Gaines Greenbelt Trail in a manner that is consistent with:

- (a) this Agreement;
- (b) the Gaines Greenbelt LMP; and

(c) the Gaines Greenbelt section of the Violet Crown BCP Trail Master Plan proposal submitted to and approved by the Coordinating Committee on February 24, 2011.

3. The Gaines Greenbelt Trail will have a maximum width of four feet and will be constructed and maintained using only natural materials to state-of-the-practice standards which prevent erosion and environmental damage per the Gaines Greenbelt LMP.

4. All disturbances to the tree canopy over the Gaines Greenbelt Trail must be kept to a minimum and must be in compliance with the Regional Plan, the Regional Permit, and the Gaines Greenbelt LMP.

5. Sunset Valley will prohibit the establishment of any new trails on the Gaines Greenbelt other than the Gaines Greenbelt Trail and will immediately close, remove, and revegetate all new trails that come into existence on the Gaines Greenbelt after the effective date of this Agreement. Not later than six months after a new trail is discovered, Sunset Valley shall remove, obstruct, and restore unauthorized trails to native vegetation so that the areas are no longer usable as trails and are not a source of environmental degradation.

6. The Parties agree that mountain biking and walking dogs on leashes will continue to be allowed on the Gaines Greenbelt Trail after the effective date of this Agreement. These “grandfathered” uses may be altered only through the Trail Master Plan process. Sunset Valley agrees to continue to post signs, maintain and patrol the Gaines Greenbelt to reduce the impacts of these grandfathered uses and ensure these uses are limited to the Gaines Greenbelt Trail.

7. Sunset Valley agrees that any new, future, requested uses will be evaluated first through the Regional Permit, BCP-LMP and the Gaines Greenbelt LMP, then through the BCP Trail Master Plan process if applicable. Any proposal or effort to amend the Gaines Greenbelt section of the Violet Crown Trail or to accommodate new uses on the Gaines Greenbelt Trail will be guided through the BCP Trail Master Plan process, sponsored and funded by Sunset Valley, and coordinated with Permit Holders and Hill Country Conservancy.

H. The Violet Crown Trail. The not-for-profit organization Hill Country Conservancy is the primary sponsor and coordinator of the Violet Crown Trail, a regional “walk for a day” trail in Travis and Hays Counties, with a segment co-located with the Gaines Greenbelt Trail in Sunset Valley. Sunset Valley and the Coordinating Committee:

1. acknowledge that Sunset Valley intends for the Gaines Greenbelt Trail to constitute a part of the regional trail called the Violet Crown Trail, as approved by the Coordinating Committee for the Violet Crown BCP Trail Master Plan;

2. agree that the Gaines Greenbelt Trail and the portion of the Violet Crown Trail that goes through the Gaines Greenbelt shall be identical and consist of one and the same trail;

3. agree that the Gaines Greenbelt Trail in this Agreement aligns with connecting endpoints of the Violet Crown Trail and any change to that alignment would require:

- a. an amendment to EXHIBIT C mutually agreed by the parties; and
- b. withdrawal by the Coordinating Committee of the approved Violet Crown BCP Trail Master Plan, resubmission of a new plan with the new alignment, and approval of the new Trail Master Plan by the Coordinating Committee;

4. agree that the portion of the Violet Crown Trail that goes through the Gaines Greenbelt must be developed, constructed, maintained, and used in accordance with the Regional Permit, BCP-LMP, Gaines Greenbelt LMP, and approved Violet Crown BCP Trail Master Plan;

5. acknowledge that Sunset Valley has no responsibility for maintaining any portion of the Violet Crown Trail that is not located within the Gaines Greenbelt; and

6. acknowledge that this Agreement does not provide mitigation for any portions of the Violet Crown Trail other than the portion located within the Gaines Greenbelt.

I. Fencing and Signage. To control unauthorized access to the Gaines Greenbelt, Sunset Valley will, not later than six months after the effective date of this Agreement, install or repair fencing and signage that is effective in preventing unauthorized access to the Gaines Greenbelt. The fencing and signage required under this Agreement shall comply with the following conditions:

1. the fencing must be constructed in the location shown in the attached and incorporated **EXHIBIT D**; and

2. signs must be crafted and installed in locations as shown on EXHIBIT D to deter trespass and promote the partnership with the BCP.

J. Sunset Valley shall restore, as soon as reasonably practicable, any portions of the Gaines Greenbelt that are damaged by unauthorized access or unauthorized use.

- K.** Sunset Valley does not by this Agreement assume any responsibility or liability for management of preserve system lands which are not included in **EXHIBIT A** to this Agreement. Sunset Valley does not by this Agreement assume any responsibility for enforcement actions regarding compliance with the Endangered Species Act other than commitments in this Agreement to comply with the Regional Permit and its appurtenant plans and guidelines.
- L.** This Agreement does not restrict Sunset Valley from conveying by lease, sale, or other transaction, any interest in its preserve system lands included in **EXHIBIT A** to this Agreement to a third party; provided, however, the Coordinating Committee or its designated representative must be given prior notice and opportunity to review and approve the documentation necessary to ensure that the Gaines Greenbelt remains designated in accordance with Article II. A. of this Agreement, and that Sunset Valley or its transferee shall remain responsible for managing the Gaines Greenbelt in accordance with this Agreement.
- M.** Sunset Valley is solely responsible for any costs associated with the public's use of the Gaines Greenbelt, including all construction, maintenance, and restoration costs.
- N.** Sunset Valley will designate one individual to represent it on the BCCP Citizen's Advisory Committee.

ARTICLE III. Obligations of Coordinating Committee

- A.** The Coordinating Committee agrees that Sunset Valley will continue to own and use the Gaines Greenbelt in accordance with the property's deed restrictions, which require it to be used by the public for park, recreational, greenbelt and/or preserve purposes; however, such use is subject to the terms and conditions of this Agreement, the Regional Plan, the Regional Permit, the BCP-LMP, and the Gaines Greenbelt LMP. Sunset Valley will maintain the name of the land as the "Gaines Greenbelt" in accordance with the deed restrictions.
- B.** Upon the request of Sunset Valley, the Coordinating Committee or its designated representatives may, but is not required to, provide technical guidance to Sunset Valley regarding trail and preserve maintenance, use, improvements, signage, and fencing consistent with the terms and conditions of the Regional Permit, Regional Plan, BCP – LMP, Gaines Greenbelt LMP and BCP Trail Master Plan.
- C.** The Coordinating Committee is responsible for submitting all annual reporting documents to the USFWS.
- D.** The Coordinating Committee will provide Sunset Valley with BCP-LMP and Gaines Greenbelt LMP documents after they have been approved by the Coordinating Committee.

- E. The Coordinating Committee will provide Sunset Valley with one position on the BCCP Citizen's Advisory Committee.

ARTICLE IV. General Provisions

- A. **Term.** This Agreement becomes effective on the date of the last party to sign, and is to last in perpetuity.

B. **Remedies.**

1. **Enforcement.** Each party has the right to enforce its rights under this Agreement and to enforce the duties and obligations of the other party under this Agreement.

2. **Relief.** If any party fails to cure a violation under this Agreement within 90 days after receipt of written notice thereof, or under circumstances where the violation cannot reasonably be cured within a 90-day period, fails to begin curing such violation within the 90-day period, or fails to continue diligently to cure such violation until finally cured, the other party may utilize all legal remedies available to that party.

3. **Scope of Relief.** The rights under this **Article IV.B.** apply equally in the event of either actual or threatened violations of the terms of this Agreement. The remedies described in this **Article IV.B.** shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

4. **Forbearance.** Forbearance by any party to exercise its rights under this Agreement in the event of any breach of any term of this Agreement shall not be deemed or construed to be a waiver of such term or of any subsequent breach of the same or any other term of this Agreement or of any rights under this Agreement. No delay or omission in the exercise of any right or remedy upon any breach by either party shall impair such right or remedy or be construed as a waiver.

5. **Acts Beyond Either Party's Control.** Nothing contained in this Agreement shall be construed to entitle either party to bring any action against the other party for any injury to or change in the Gaines Greenbelt resulting from causes beyond such other party's control, such as fire, flood, storm, acts of God, and earth movement, or from any prudent action taken by the other party under emergency conditions to prevent, abate, or mitigate significant injury to the Gaines Greenbelt resulting from such causes.

6. **Mediation.** When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use the Dispute Resolution Center of Austin, Texas as the provider of mediators for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of the mediation, the mediation

will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.073 of the Texas Civil Practice and Remedies Code, unless both parties agree, in writing, to waive the confidentiality.

C. Notice to Parties.

Any notice, approval, consent, or other required communication to be given hereunder by either party to the other shall be in writing and may be effected by personal delivery in writing, or registered or certified mail, return receipt requested, when mailed by U.S. mail to the proper party, at the following addresses:

CITY OF SUNSET VALLEY:

City of Sunset Valley
3205 Jones Road
Sunset Valley, Texas 78745

**BALCONES CANYONLANDS CONSERVATION PLAN COORDINATING
COMMITTEE:**

Balcones Canyonlands Conservation Plan Coordinating Committee – City of Austin
Attn: BCCP Coordinating Committee Secretary
C/O Austin Water Utility
P.O. Box 1088
Austin, Texas 78767

Balcones Canyonlands Conservation Plan Coordinating Committee – Travis County
Attn: County Judge
P.O. Box 1748
Austin, Texas 78767

with copies to:

City of Austin Law Department
P.O. Box 1088
Austin, Texas 78767
Attention: TM File No. 56315

Honorable David Escamilla (or his successor in office)
Travis County Attorney
P.O. Box 1748
Austin, Texas 78767
Attention: File No. 291.8

Each party may change the address for notice to it by giving notice of such change in accordance with the provisions of this paragraph.

D. Miscellaneous.

1. Entirety of Agreement and Modification. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing signed by the party to be charged and expressly approved by an authorized representative of such party. No official, representative, employee, or agent of the Coordinating Committee has any authority to modify or amend this Agreement except pursuant to specific authority to do so granted by the Coordinating Committee. No official, representative, employee or agent of Sunset Valley has any authority to modify or amend this Agreement except pursuant to specific authority to do so granted by the City of Sunset Valley.

2. Successor and Assigns. This Agreement and its covenants and restrictions shall run with the land and: (a) shall be binding upon Sunset Valley and all future owners of the Gaines Greenbelt and the Coordinating Committee and the Coordinating Committee's successors and assigns; and (b) shall inure to the benefit of Sunset Valley and Sunset Valley's successors and "**Designated Assignees**" and the Coordinating Committee and the Coordinating Committee's successors and "**Designated Assignees**". For purposes of this Agreement the term "**Designated Assignees**" shall mean and refer to the assignees of either party to this Agreement which are specifically referenced as the assignees of the rights of such party under this Agreement in a written instrument which is executed and acknowledged by Sunset Valley or the Coordinating Committee, as applicable, and recorded in the Official Public Records of Travis County, Texas. The mere conveyance of real property will not qualify the transferee of such real property as one of the "**Designated Assignees**" of either party hereunder unless the specific provisions of the immediately preceding sentence are strictly complied with.

3. This Agreement is performable in Travis County, Texas, and Texas law governs its interpretation and application.

4. Regardless of the actual drafter of this Agreement, this Agreement shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against either party.

5. This Agreement may be executed in multiple counterparts, each of which shall constitute a duplicate original hereof, but all of which together shall constitute one and the same instrument.

7. Headings. The headings at the beginning of the various provisions of this Agreement have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Agreement.

9. Amendment. Sunset Valley and the Coordinating Committee may amend this Agreement provided such amendment will not be contrary to or conflict with the purposes of the Regional Permit.

10. Due Authorization. The person or persons executing this Agreement on behalf of the Coordinating Committee hereby represent to Sunset Valley that the Coordinating Committee has approved this Agreement and that such person or persons have the power and authority to execute this Agreement on behalf of the Coordinating Committee and to bind the Coordinating Committee to the terms hereof. The person or persons executing this Agreement on behalf of Sunset Valley hereby warrant and represent to the Coordinating Committee that Sunset Valley has approved this Agreement and that such person or persons have the power and authority to execute this Agreement on behalf of Sunset Valley and to bind Sunset Valley to the terms hereof.

11. After this Agreement is fully executed, the Coordinating Committee Secretary will cause it to be recorded in the Official Public Records of Travis County, Texas.

Premises considered, this Managing Partner Agreement is executed

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BALCONES CANYONLANDS COORDINATING COMMITTEE:

By: _____
Date:_____

William Conrad
Coordinating Committee Secretary

CITY OF SUNSET VALLEY:

By: _____
Date:_____

Rose Cardona
Mayor

APPROVED AS TO FORM:

By: _____
City of Austin Law Department

By: _____
Travis County Attorney's Office

By: _____
City of Sunset Valley legal counsel

519 THE STATE OF TEXAS §
520 §
521 COUNTY OF TRAVIS §
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523 This instrument was acknowledged before me on the ____ day of _____, 2014,
524 by Rose Cardona, Mayor of the City of Sunset Valley, a Texas municipality, on behalf of
525 said municipality.
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527 _____
528 Notary Public Signature
529 (SEAL)
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536 THE STATE OF TEXAS §
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538 COUNTY OF TRAVIS §
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540 This instrument was acknowledged before me on _____, 2014, by William
541 Conrad, secretary of the Balcones Canyonlands Coordinating Committee, on behalf of
542 said Coordinating Committee.
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546 _____
547 Notary Public Signature
548 (SEAL)
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550 **EXHIBIT A. Legal Description and Map of Gaines Greenbelt Property Boundaries**

Dixon Land Surveying
Office: 512-481-9602 Thomas P. Dixon R.P.L.S. 4324 EXHIBIT "A" Fax: 512-481-9610

page 1 of 4

January 12, 1999

J5932B

FIELD NOTES

FIELD NOTES FOR 21.585 ACRES OF LAND OUT OF THE JAMES TRAMMELL SURVEY NO. 4, SITUATED IN TRAVIS COUNTY, TEXAS, SAME BEING ALL THAT CERTAIN 21.894 ACRES OF LAND CONVEYED TO THE CITY OF SUNSET VALLEY, RECORDED IN VOLUME 11471, PAGE 639, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING at an iron rod found at the S.W. corner of said 21.894 acre tract, same being at the N.W. corner of that certain 1.00 acre tract of land conveyed to Cothron Partnership No. 2, LTD., a Texas limited partnership, recorded in Volume 12995, Page 596, Real Property Records, Travis County, Texas, same being the most southerly, S.E. corner of Lot One, Phase A, Section One, GAINES RANCH PHASE A SECTIONS ONE AND TWO, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 89, Page 328, Plat Records, Travis County, Texas, for the S.W. corner hereof;

THENCE N30°27'55"W along the east line of Lot 1, Phase A, Section One, for a distance of 294.97 feet to a pipe found at the point of curvature of a non-tangent curve to the right having a radius of 500.00 feet;

THENCE 5.22 feet along the arc of said curve to the right, with a chord which bears N51°55'09"W for a distance of 5.22 feet to a point in the center of a tributary of Gaines Creek, at the N.W. corner of said 21.984 acre tract for the N.W. corner hereof;

THENCE the following twenty-six (26), courses and distances along the center of said tributary:

1. N15°40'51"E for a distance of 34.06 feet to a P.K. nail set in rock;
2. N85°28'49"E for a distance of 30.94 feet to a spindle set;
3. S72°06'59"E for a distance of 58.70 feet to an iron rod set;
4. N56°58'45"E for a distance of 97.83 feet to an iron rod set;
5. N19°07'06"E for a distance of 102.55 feet to an iron rod set;
6. N39°01'55"E for a distance of 115.86 feet to an iron rod set;
7. N28°51'35"E for a distance of 70.28 feet to an iron rod set;
8. S87°30'00"E for a distance of 19.29 feet to an iron rod set;
9. S43°01'49"E for a distance of 39.18 feet to an iron rod set;
10. S37°58'10"E for a distance of 92.55 feet to an iron rod set;
11. S47°24'12"E for a distance of 74.34 feet to an iron rod set;
12. S64°09'43"E for a distance of 58.30 feet to an iron rod set;
13. S83°49'14"E for a distance of 50.99 feet to an iron rod set;
14. N61°22'10"E for a distance of 49.23 feet to an iron rod set;
15. N48°29'17"E for a distance of 68.02 feet to a P.K. nail set in rock;
16. N15°54'33"E for a distance of 139.28 feet to an iron rod set;
17. N09°15'17"E for a distance of 201.32 feet to a spindle set;
18. N39°52'30"E for a distance of 70.70 feet to a spindle set;
19. N60°09'58"E for a distance of 55.04 feet to a spindle set;
20. N89°26'47"E for a distance of 50.16 feet to a spindle set;
21. S56°27'59"E for a distance of 64.03 feet to a spindle set;
22. S41°03'21"E for a distance of 85.21 feet P.K. nail set in rock;
23. S50°07'39"E for a distance of 70.71 feet to an iron rod set;
24. S51°07'48"E for a distance of 69.32 feet to a P.K. nail set in rock;
25. S66°19'00"E for a distance of 114.13 feet to a spindle set;
26. S73°06'17"E for a distance of 39.42 feet to an iron rod set at a point of intersection with a line being 805 feet west of and parallel to the west line of Stearns Lane;

1612 West 5th Street
Austin, Texas 78703

Office: 512-481-9602

Dixon Land Surveying

Thomas P. Dixon
R.P.L.S. 4324

Fax: 481-9602

EXHIBIT "A"

J5932B

page 2 of 4

January 12, 1999

THENCE N29°12'23"E, leaving the said centerline of a tributary of Gaines Creek, along said line being 805 feet west of and parallel to Stearns Lane, a distance of 429.13 feet to an iron rod set at the point of intersection with the centerline of Gaines Creek, thence leaving the said line being parallel and 805 feet west of the west line of Stearns Lane, along the center of Gaines Creek as it meanders the following six (6) courses and distances;

1. N19°27'27"W for a distance of 76.58 feet to an iron rod set;
2. N01°24'50"E for a distance of 56.82 feet to an iron rod set;
3. N32°04'27"E for a distance of 50.04 feet to a spindle set;
4. N16°17'26"E for a distance of 51.42 feet to an iron rod set;
5. N54°00'42"E for a distance of 109.65 feet to an iron rod set;
6. N74°46'51"E for a distance of 70.71 feet to a spindle set at a point 805 feet west of and parallel to Stearns Lane;

THENCE N29°12'23"E along a line 805 feet west of and parallel to the west line of Stearns Lane for a distance of 337.98 feet to a spindle set on the west line of that certain tract or parcel of land referred to as Barton Creek Park recorded in Volume 17823, Page 150, Real Property Records, Travis County, Texas, from which point an iron rod found at a fence corner post on the west line of Barton Creek Park bears N35°21'42"W at a distance of 68.46 feet;

THENCE S38°08'05"E along the west line of Barton Creek Park for a distance of 20.40 feet to a nail found in rock at the N.W. corner of that certain 2.25 acre tract or parcel of land conveyed to Donald R. Stearns and wife, Caroline C. Stearns recorded in Volume 1184, Page 194, Deed Records, Travis County, Texas;

THENCE the following four (4), courses and distances along the west line of said 2.25 acre tract:

1. S31°44'30"E for a distance of 230.52 feet to a nail found in the root of an oak tree;
2. S12°48'34"E for a distance of 141.85 feet to an iron rod found;
3. S10°36'13"E for a distance of 109.76 feet to an iron rod found;
4. S13°24'00"E, at 57 feet passing the most westerly corner of said 2.25 acre tract, same being the N.E. corner of Lot 6, HARRY V. NELSON SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Book 32, Page 6, Plat Records, Travis County, Texas, and in all 157.11 feet to a square bolt found on the west line of Lot 6 for a corner hereof;

THENCE the following four (4), courses and distances along the west line of HARRY V. NELSON SUBDIVISION:

1. S42°25'10"W for a distance of 136.13 feet to a square bolt found;
2. S65°35'40"W for a distance of 170.98 feet to a square bolt found;

1612 West 5th Street
Austin, Texas 78703

Office 512-481-9602

Dixon Land Surveying

Thomas P. Dixon
R.P.L.S. 4324

Fax 512-481-9610

EXHIBIT "A"

J5932B

page 3 of 4

January 12, 1999

3. S27°30'11"W, at 66.89 feet passing an iron rod found at the N.W. corner of Lot 2 and the S.W. corner of Lot 3 and in all 118.00 feet to an iron rod found on the west line of Lot 2 for a corner hereof;

4. S21°49'58"W for a distance of 150.35 feet to a 60d nail found in fence corner post at the S.W. corner of Lot 1, HARRY V. NELSON SUBDIVISION, same being the most northerly corner of that certain 2.02 acre tract or land conveyed to William E. Bryant recorded in Volume 4227, Page 1910, Real Property Records, Travis County, Texas, for a corner hereof;

THENCE the following two (2), courses and distances along the west line of said 2.02 acre tract:

1. S50°58'49"W for a distance of 186.39 feet to a 60d nail found in a fence corner post;
2. S00°08'50"W for a distance of 240.09 feet to a pipe found at the S.W. corner of said 2.02 acre tract, same being the N.W. corner of that certain 2.13 acre tract conveyed to Patsy Allred Angeli recorded in Volume 5163, Page 588, Deed Records, Travis County, Texas, for a corner hereof;

THENCE S12°20'27"W for a distance of 15.01 feet to an pipe found at the N.E. corner of that certain tract or parcel of land conveyed to the State of Texas recorded in Volume 11953, Page 1252, Real Property Records, Travis County, Texas;

THENCE N82°05'12"W, at 247.91 feet passing the N.W. corner of said State of Texas tract and in all 461.74 feet to a pipe found at the N.W. corner of that certain 2.195 acre tract or parcel of land conveyed to Sam L. Kelley and wife, Mary Kate Kelley recorded in Volume 3357, Page 1145, Deed Records, Travis County, Texas, same being the N.E. corner of that certain 4 acre tract or parcel of land conveyed to The June Etta Richardson Irrevocable Trust recorded in Volume 12552, Page 506, Real Property Records, Travis County, Texas, for a corner hereof;

THENCE the following two (2), courses and distances along the west line of the June Etta Richardson Irrevocable trust:

1. N82°19'53"W for a distance of 113.04 feet to an iron rod found;
2. S68°53'45"W for a distance of 225.64 feet to a pipe found at the N.W. corner of the Etta Richardson Trust, same being the N.E. corner of that certain 2.0 acre tract or parcel of land conveyed to Nicholas Kostetsky and wife, Catherine Kostetsky recorded in Volume 10073, Page 847, Real Property Records, Travis County, Texas, for a corner hereof;

THENCE S68°52'15"W for a distance of 193.44 feet to a pipe found at the N.W. corner of said 2.0 acre tract, same being the N.E. corner of that certain 2.0 acre tract or parcel of land conveyed to Nancy Matthews recorded in Volume 3239, Page 191, Deed Records, Travis County, Texas, for a corner hereof;

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Sunset Valley Managing Partner Agreement

Dixon Land Surveying

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R.P.L.S. 4324
EXHIBIT "A"

page 4 of 4

January 12, 1999

J5932B

THENCE S68°50'54"W for a distance of 219.77 feet to a pipe found at the N.W. corner of the Nancy Matthews tract, same being the N.E. corner of said Cothron Partnership No. 2 L.T.D., tract, for a corner hereof;

THENCE S68°13'31"W for a distance of 130.01 feet to the **POINT OF BEGINNING**, containing 21.585 acres of land.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.



Thomas P. Dixon R.P.L.S. 4324



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Austin, Texas 78703



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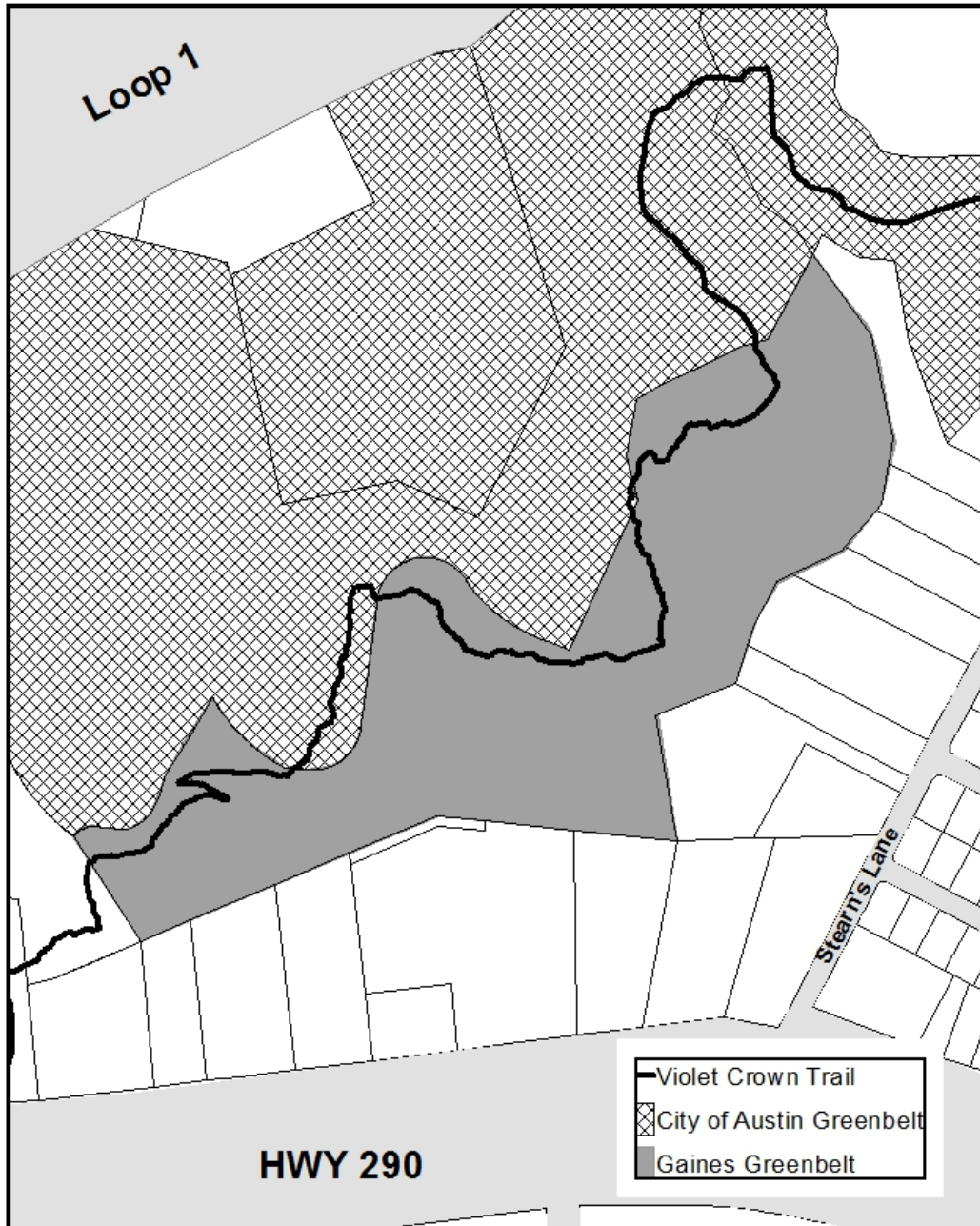
EXHIBIT B. Gaines Greenbelt Trail Location



Gaines Greenbelt Trail Location



1 inch = 0.06 miles



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589

EXHIBIT C. Gaines Greenbelt Land Management Plan

GAINES GREENBELT PRESERVE

LAND MANAGEMENT PLAN

CITY OF SUNSET VALLEY

BCCP Managing Partner

December 2013

601 **TABLE OF CONTENTS**

602	BACKGROUND	23
603	LOCATION AND LAND USE	23
604	REGULATORY ENVIRONMENT	24
605	NATURAL ENVIRONMENT	26
606	Ecoregion/Ecosystem	26
607	Geology	26
608	Soils	26
609	Water Resources	26
610	Karst and Subsurface Features	26
611	Vegetation	26
612	Wildlife	27
613	MANAGEMENT	27
614	Goals	27
615	Natural Resource Surveys and Monitoring	27
616	Golden Cheeked Warbler	27
617	Vegetation	28
618	Oak Wilt	28
619	Karst	28
620	Water Quality Monitoring	29
621	Invasive Species' Control	29
622	Trail Maintenance and Management	29
623	Access, Fencing and Signage	29
624	Daily Use and Management	32
625	Maintenance and Social Trail Closure	32
626	Restricted Areas or Activities	32
627	Restoration	33
628	Social Trail Closure	33
629	Other Sites	33
630	Brush Control	33
631	Wildfire Planning, Fuel and Hazard Mitigation, and Safety	33

632	Wildlife Management	34
633	Outreach and Education	34
634	Research.....	34
635	General – To Be Added	34
636	Vegetation Mapping	35
637	Bracted Twistflower	35
638	EFFECTIVENESS	35
639	REPORTING	35
640	REFERENCES	35
641		
642	LIST OF FIGURES	
643	Figure 1. Location Map of the Gaines Greenbelt.....	6
644	Figure 2. Gaines Greenbelt Authorized Trail (Violet Crown Trail)	11
645	Figure 3. Gaines Greenbelt Fence and Sign Locations (2013)	12
646		
647		

BACKGROUND

The City of Sunset Valley owns and manages a network of parks and preserves in the municipal limits, one of which is the Gaines Greenbelt adjacent to the City of Austin's Barton Creek Greenbelt. The Gaines Greenbelt provides habitat for the federally endangered Golden-Cheeked Warbler (*Setophaga chrysoparia*, GCWA) and is used as a hike and bike trail. Sunset Valley has signed a Managing Partner Agreement with the Balcones Canyonlands Conservation Plan (BCCP), an Habitat Conservation Plan authorized under an Endangered Species Act Section 10(a)(1)(B) incidental take permit TE 788841-2 (the Permit).

The Permit conditions and associated documents (Habitat Conservation Plan, Environmental Impact Statement, Land Management Plan standards and implementing agreements) specify conditions and mitigation requirements, including the establishment of the Balcones Canyonlands Preserve (BCP) system. The Sunset Valley – BCCP Managing Partner Agreement adds the Sunset Valley Gaines Greenbelt to the BCP Barton Creek Macrosite and aligns Sunset Valley's requirements for managing the Gaines Greenbelt with the Permit, associated documents, and this site-specific Land Management Plan (Gaines LMP).

Sunset Valley retains the site and its management for endangered species and water quality protection; certain recreational, open space and scenic values; recognition and partner status in the regional BCCP. The agreement and prescriptive management of the Gaines Greenbelt contribute additional Golden-Cheeked Warbler conservation acreage to the BCP as required by the Permit. The Gaines LMP fits the criteria established by the BCCP for land management plans and will guide the conservation, management, and allowable activities on this site in perpetuity.

LOCATION AND LAND USE

The Gaines Greenbelt parcel is approximately 21.585 acres located in Travis County, Texas, at the northern edge of the City of Sunset Valley. The parcel's south side borders the back lot lines of residential sites, an hotel, and Texas Department of Transportation stormwater pollution prevention facility which lie along US Highway 71/State Highway 290 West; east of the tract lies larger-lot residential area; and, the remaining parcel borders the City of Austin's Barton Creek Greenbelt trail system (Figure 1).

Restricted by recorded deed in the Travis County Appraisal District (TCAD, Doc.No.9105787), the Gaines Greenbelt was conveyed to the City of Sunset Valley in two parcels (TCAD ID 509013 and 509123) on June 26, 1991 exclusively for use by the public for parks, recreational, greenbelt and/or preserve. The property must also retain the name Gaines Greenbelt. For all purposes in this LMP, the associated Managing Partner Agreement, and the Preserve system, the two tracts are considered one combined management unit as surveyed and represented in Figure 1.

Currently, the Gaines Greenbelt is used as part of a network of official and social recreational hike and bike trails. The BCCP Coordinating Committee has approved a Trail Master Plan Proposal that provides for one single-path new trail that is part of the Violet Crown Trail along Gaines Creek through the Gaines Greenbelt tract. There is not a direct access point to the Gaines Greenbelt; access is through trails that cross City of Austin or privately-owned property. Currently, this trail runs approximately congruent with

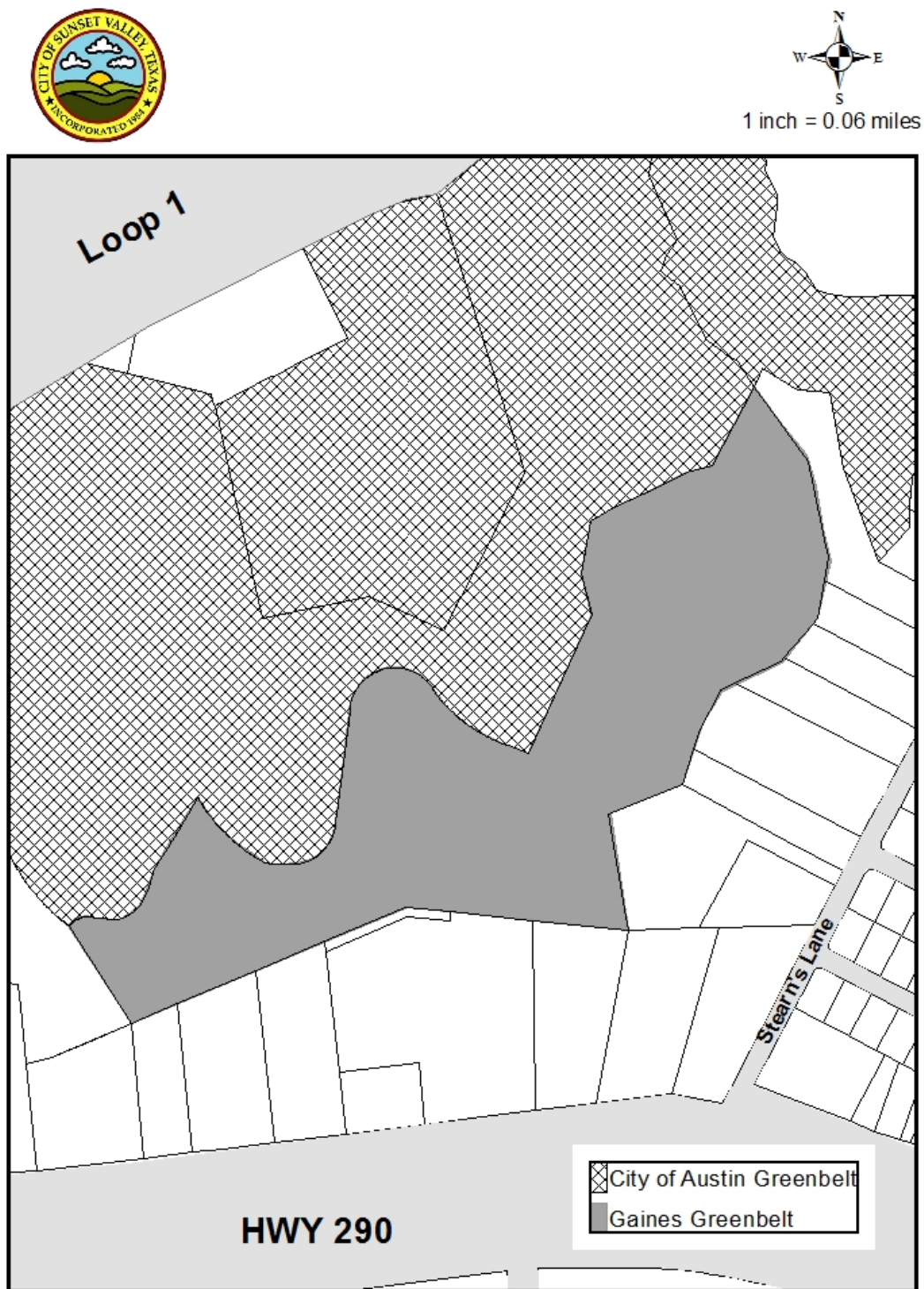
686 Gaines Creek – a ravine, with steep cliffs and inclines along the eastern border. An existing network of
687 social trails will be closed in the course of Violet Crown Trail and Gaines LMP implementation.

688 The Gaines Greenbelt Trail segment of the Violet Crown Trail is open to the public for foot and bicycle
689 traffic during daylight hours on marked trails. Dogs must be on-leash. From time to time, access to the
690 tract or portions of the tract may be limited for recovery from various natural and anthropogenic
691 disturbances, protection of endangered species, and maintenance and management activities. Public
692 notice is provided when the Gaines Greenbelt is closed.

693 **REGULATORY ENVIRONMENT**

694 Trail development, maintenance, operation and conservation activities require compliance with the
695 federal Endangered Species Act of 1973 (as amended) due to the presence of habitat for the GCWA and
696 the need to avoid adverse impacts to water quality for two federally listed salamanders – Barton Springs
697 Salamander and Austin Blind Salamander – which rely on the Barton Creek watershed and springs
698 dependent on the Edwards Aquifer. Impacts to natural resources must also be compliant with relevant
699 sections of the Texas Parks and Wildlife Department Code and amendments and rules adopted by the
700 Parks and Wildlife Commission. Legal issues for this site also include parcel recorded deed restrictions.

701



702
703

Figure 1. Location Map of the Gaines Greenbelt

NATURAL ENVIRONMENT

Ecoregion/Ecosystem

The Gaines Greenbelt lies within the Balcones Canyonlands subregion of the Edwards Plateau ecoregion (Griffith et. al. 2007, North American Commission for Environmental Cooperation 2011) and the Colorado River – Edwards Plateau Ecological Drainage Unit (AFWA 2006, Esselman et. al. 2010).

Geology

Elevation on the site varies from 570 to 660 feet along the plateau. The plateau is capped by Georgetown Limestone and extends toward Ben White Boulevard (US Highway 71). This cap was mapped by Garner and Young (1976) and is nearly unrecognizable due to construction within the area. The most common visible geological formation is the exposed Edwards Limestone along the ravines and hillsides, forming crevice, cliff and overhang habitats used by various wildlife species. Between 50-80 percent of the area has broken limestone rock outcrops.

Soils

Gaines Greenbelt soils are Tarrant and Tarrant rock outcrop (USDA 2013), commonly found on steep slopes along rivers and creeks in this area. The soil is a gray-brown stony clay or clay loam that can be approximately seven inches thick overlaying limestone.

Water Resources

Within the Barton Springs Edwards Aquifer Recharge Zone, the Gaines Greenbelt preserve is intersected several times by the meanders of Gaines Creek. Gaines Creek is an ephemeral “wet weather” tributary to Barton Creek within the Barton Creek Watershed.

Karst and Subsurface Features

A karst feature presence/absence survey has not been conducted in this area.

Vegetation

The plant community of the Gaines Greenbelt is an Oak – Ashe Juniper Woodland (*Quercus* spp. and *Juniperus ashei*). Although mostly wooded, the area supports a few small, open grasslands. The dominant woody species on this tract is Ashe Juniper. Other common trees are Live Oak (*Quercus fusiformis*), Texas Oak (*Quercus texana*), Cedar Elm (*Ulmus crassifolia*), Shin Oak (*Quercus durandii* var. *breviloba*), Texas Ash (*Fraxinus texensis*), Sugar Hackberry (*Celtis laevigata*), and Escarpment Black Cherry (*Prunus serotina*). Shrubs and small trees of the understory include Texas Persimmon (*Diospyros texana*), Carolina Buckthorn (*Rhamnus caroliniana*), and Red Buckeye (*Aesculus pavia*). The slopes and cliffs provide habitat for various ferns including Southern Shield Fern (*Thelypteris kunthii*), Purple Cliffbrake (*Pallaea atropurpurea*), Alabama Lipfern (*Cheilanthes alabamensis*), and Blackstem (*Asplenium resiliens*). Some interesting plants found within the Gaines Greenbelt are Fiddleleaf Tobacco (*Nicotiana repanda*), Brazos Rockcress (*Arabis petiolaris*), Mormon Tea (*Euphorbia antispyhilitica*), and Twisted-leaf Yucca (*Yucca rupicola*). No rare or federally listed plant surveys have been conducted on this site.

Wildlife

The Gaines Greenbelt provides habitat for the endangered GCWA which nest throughout the site's canyons and ravines. Because this species relies on native mature oak-juniper woodlands, with a diverse closed canopy and understory, management for this species is primarily focused on limiting human disturbance, protecting the area from wildfire, and tackling invasive species. Surveys for this species have been conducted on the site in 2009, 2010, 2011, and 2012 to establish a presence/absence baseline.

Other field-observed wildlife within the Gaines Greenbelt include white-tailed deer (*Odocoileus virginianus*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis virginiana*), eastern cottontail rabbit (*Sylvilagus floridanus*), eastern fox squirrel (*Sciurus niger*), rock squirrel (*Spermophilus variegatus*) and rodent species. Texas Rat Snake (*Elaphe obsoleta lindheimeri*), Prairie Kingsnake (*Lampropeltis calligaster calligaster*), Green Anole (*Anolis carolinensis*), Reticulated Gecko (*Coleonyx reticulatus*), and Gulf Coast toad (*Incilius valliceps*) are the reptile and amphibian species identified to date.

MANAGEMENT

Goals

Management goals reflect compliance with the BCCP Permit and associated documents, including the Land Management Plan standards of practice. Primarily, the Gaines Greenbelt will be managed to:

- benefit GCWA occupation and productivity during the breeding season,
- preserve and recover native diverse oak-juniper woodland,
- promote and contribute to a sustainable and diverse native ecosystem, and
- contribute high water quality to Gaines Creek and subsequently Barton Creek.

Secondarily, the site will be managed for existing recreational and educational values insofar as those do not conflict with the natural resources values as required by the BCCP.

Management activities are outlined below to comply with the goals stated above. These goals typically will not change unless the BCCP Permit itself is amended in some way. Activities may be changed according to the state of conservation practice, new supporting natural resources' information or a BCCP Coordinating Committee-approved change to the BCCP Land Management Plans.

Natural Resource Surveys and Monitoring

Surveys and monitoring are intended to provide better information for conservation and management decisions. Findings will be included in the Gaines Greenbelt section of the BCCP Annual Report.

Golden Cheeked Warbler

To track any change(s) to the baseline condition of GCWA territories partially or wholly occupying the tract, a federally permitted biologist will conduct territory-level mapping every two years using the same protocols that other BCP land managers are using. Other local organizations may be involved in the survey and monitoring effort, as long as they are or are with a federally permitted biologist.

Vegetation

See also *Oak Wilt*, *Invasive Species*, *Restoration* and *Wildfire* sections.

Permanent photo points will be established and documented for annual use to monitor visitor impacts, changes in plant communities, help map invasive species issues, determine effects of management and restoration, and revise management approach as needed to meet goals. No specified number of points is required. Points should be positioned to be repeated annually and sufficient to represent trail management and restoration needs (e.g. places where trails impact habitat quality and/or highest erosion potential over time), rare species' habitat condition, and boundary issues. Each point will be documented in the following framework and the collection will be reported as baseline and updates in the Annual Report:

Point 1. Northwest Pasture	
Start Location	GPS Coordinates, (e.g. 30° 16' 13" N, 97° 44' 43" W)
Start Landmark	brief description of starting point, if a landmark exists, e.g. northwest fence corner, something that doesn't move over time
Shoot Direction	Compass directions from start location – aim for general direction (e.g. SSE 162°)
View	describe briefly what the photographer would see in the screen if properly aligned, one line or less (e.g. shed in lower lefthand view of photo)

Oak Wilt

Sunset Valley will coordinate with the City of Austin for oak wilt surveys (City of Austin flies every two years for monitoring oak wilt centers). Oak wilt areas will be mapped. If detected, treatment and/or containment options will be discussed with BCCP land managing partners. Treatment plans which include mechanical removal or trimming will also include debris removal from the preserve as a wildfire prevention measure.

Karst

A baseline presence/absence survey of recharge features, sinkholes, and caves will be conducted within the first two years of this Plan, working with City of Austin and Travis County karst specialists and geologists. Surveys will concentrate on areas with the highest potential for adverse disturbances (e.g. near the approved trail, social trail closures, restoration or invasive species treatment areas).

If features potentially containing karst invertebrates are detected during the presence/absence survey, a karst invertebrate survey by federally permitted biologist(s) will be conducted to document species and amend this plan for protective measures, if needed. Annual cave cricket exit count surveys will be conducted for karst features where rare invertebrates are detected.

If significant features are detected, surface and subsurface hydrogeological areas will be delineated/mapped, working with County and City karst and hydrogeology specialists.

Water Quality Monitoring

Annually, water quality monitors will meet with agencies collecting water quality data to discuss monitoring results and standards of practice.

During trail patrols, maintenance activities and other survey and monitoring activities, trail erosion, stormwater pollution prevention facility malfunction, or other potential water quality-degrading pollutants will be reported to appropriate authorities, addressed and monitored for follow-through.

See also *Trail Maintenance and Management*.

Invasive Species' Control

Non-native vegetation focal areas will be mapped within the first two years of this LMP. A treatment plan will be developed and included in this document, based on highest priority, highest risk, standards of practice that protect/not adversely impact the surrounding environment; means and methods will be included in the treatment plan (e.g. mechanical or chemical means, depending on the site type within the parcel). Treatment plans which include mechanical removal or trimming will also include debris removal from the preserve as a wildfire prevention measure.

Red imported fire ants will be controlled using BCCP accepted practices for preserve areas with karst potential as needed, using the Tier II Karst Management Plan as a guide. No chemical means will be used within surface drainage zones of karst features.

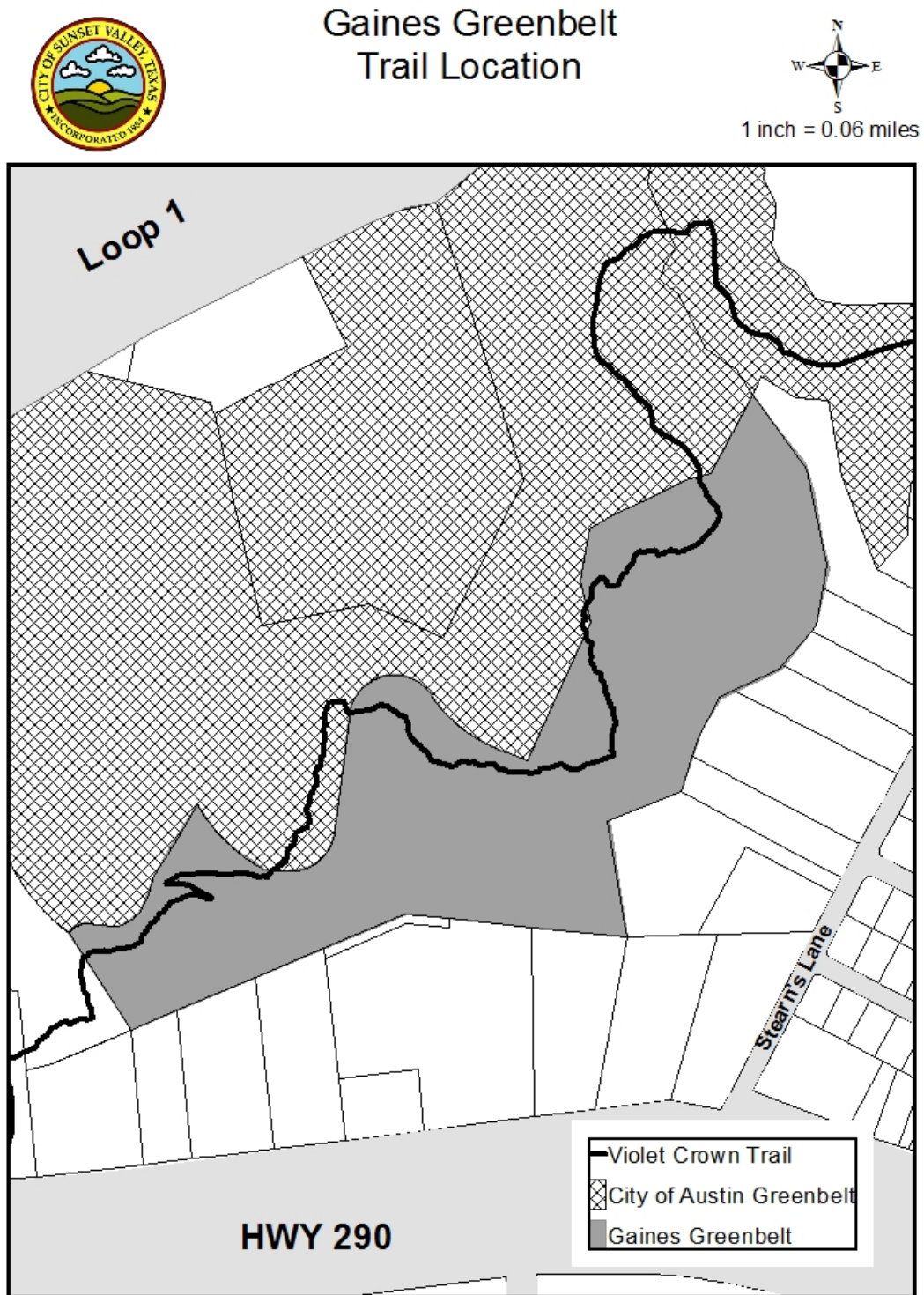
Patrol and outreach events will make an effort to document colonies of Tawny Crazy Ant (*Nylanderia fulva*) and Sunset Valley will coordinate with BCP Land Managers to determine if a course of action is needed and how best to address the issue.

Trail Maintenance and Management

Access, Fencing and Signage

Access to the Gaines Greenbelt Preserve Trail will be limited to the Violet Crown Trail nodes – two only – with no legitimate or social trail access outside of those main trail nodes (Figure 2). The only route through the Preserve is that which was approved by the BCCP Coordinating Committee for the Violet Crown Trail Master Plan.

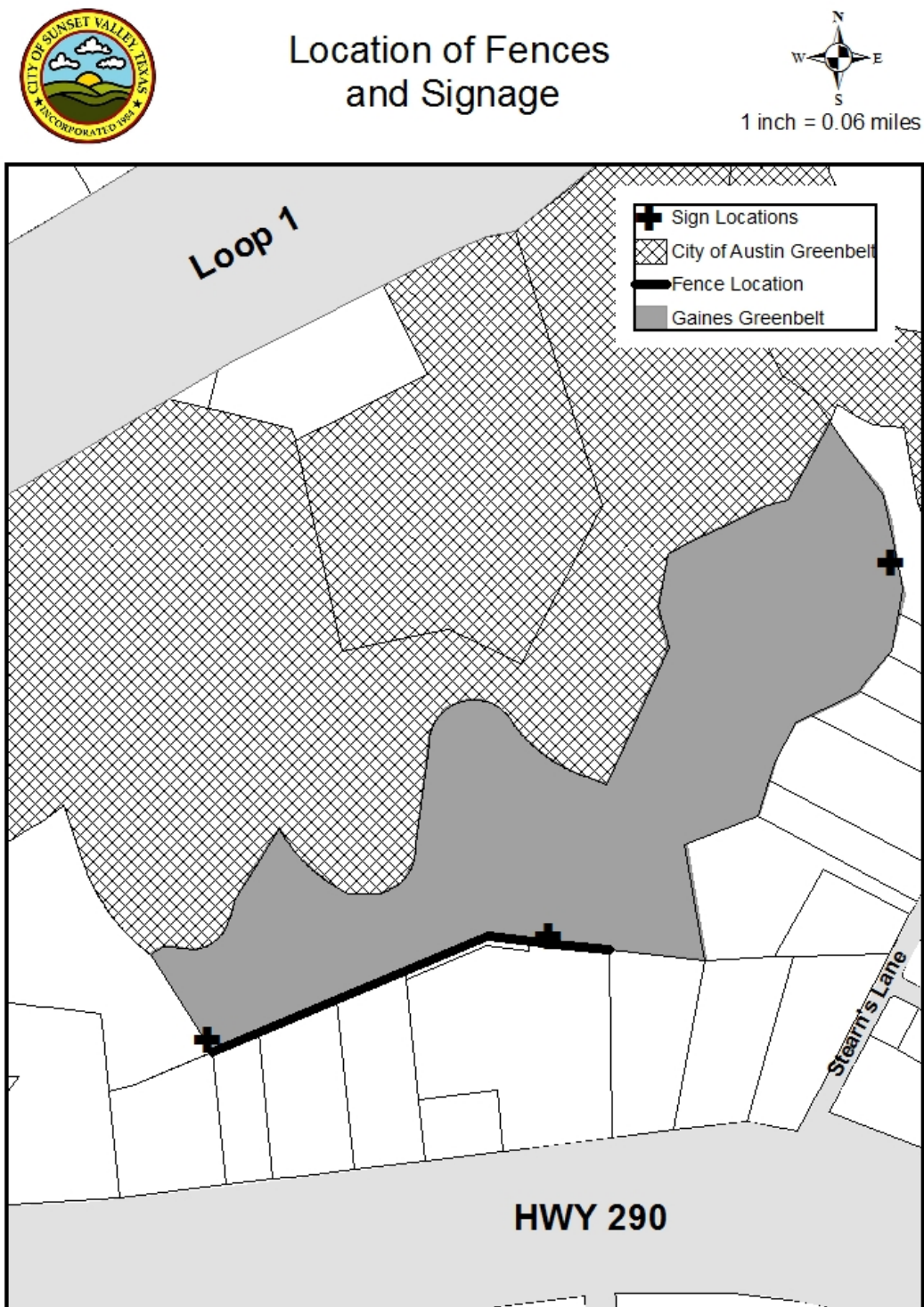
Fencing and signage will be erected and maintained (Figure 3). Greenbelt rules will be posted at authorized access points. Sunset Valley's Trails Master Plan proposes two signs for the Gaines Greenbelt. Each of these signs will include location information, trail etiquette and rules including litter prevention, natural resources' educational information aligned with the intent and purpose of the preserve. The signs should be installed at the entrance and exit of the Sunset Valley portion of the preserve area.



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Figure 2: Gaines Greenbelt Authorized Trail (Violet Crown Trail)



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Figure 3: Location of Fences and Signage (2013)

839 As the Violet Crown Trail is completed and social trails are closed, additional fencing and/or signage may
840 be needed. Additional locations will be mapped for as needed for subsequent versions of this
841 document.

842 **Daily Use and Management**

843 Trail use will be limited to hiking, biking and on-leash dog-walking as outlined in the Managing Partner
844 Agreement on the approved trail unless otherwise modified through the BCCP Trail Master Plan process
845 and in compliance with the conditions of the BCCP Permit, intention of the preserve system, and
846 resources' protection. Trail patrols will be regularly conducted by Sunset Valley staff, Sunset Valley
847 Conservation Rangers, or other Sunset Valley approved volunteers (e.g. Violet Crown Trail Rangers, City
848 of Austin Trail Patrol). These site visits can be combined with other activities (e.g. outreach, education,
849 resources monitoring, invasive species control, surveys) and collaboration with BCP land managers.

850 Regular trail patrols will be conducted to:

- 851 • Promote user safety and emergency response
- 852 • Remove litter
- 853 • Identify areas where social trails, maintenance, and unsafe conditions require work and/or
854 closure
- 855 • Ensure compliance with trail rules and other regulatory frameworks

856 Trail closures may periodically be required for maintenance and/or safety issues. A trail closure plan will
857 be developed with Sunset Valley Police, City of Austin Parks Department, Austin Police Department,
858 Austin Parks Police and other stakeholders. Trails will be closed when wet.

859 **Maintenance and Social Trail Closure**

860 Maintenance on trails will be conducted to ensure public safety and resources' protection. Only natural
861 materials will be used; only clean fill will be used if needed. A high priority will be to close social trails
862 upon detection and prevent their continued or habitual use. Additionally, on all pathways, erosion arrest
863 and prevention is a high priority. See also *Restoration*.

864 Any trail maintenance that requires oak pruning or cutting, no matter how small, will be conducted
865 according to the BCCP Oak Wilt Prevention Policy, BCP LMP Tier II-A Chapter 3.

866 Tree canopy will not be opened over trails (or other areas) unless the area presents a human or wildfire-
867 related safety issue.

868 **Restricted Areas or Activities**

869 Some recreational or management activities are prohibited during the nesting period for GCWA from
870 March 1 through August 31. Restrictions apply within 300 feet of a known GCWA territory.

871 Restricted activities include, but are not limited to, vegetation manipulation (tree or brush removal,
872 plantings, trailside trimming), prolonged presence in the territory area for outreach or education events,
873 or the use of maintenance or other machinery. The management goals for the Gaines Greenbelt are
874 designed to protect and enhance habitat for GCWA while providing safe public recreation and

educational opportunities. The City of Sunset will make every reasonable effort to limit and control human disturbances of GCWA and associated habitat.

Trail use will be limited to hiking, biking and on-leash dog-walking as outlined in the Managing Partner Agreement on the approved trail unless otherwise modified through the BCCP Trail Master Plan process and in compliance with the conditions of the BCCP Permit, intention of the preserve system, and resources' protection.

Restoration

Social Trail Closure

Trails developed by users off of the main Violet Crown Trail route are considered social, unauthorized trails. The Managing Partner Agreement requires closure, obliteration and deterrents to use of these trails, including restoration to native vegetation. Only natural materials will be used; only clean fill will be used if needed to avoid introduction of invasive species. BCP land managers can provide guidance on appropriate plant resources for this ecoregion and specific area to maintain appropriate genetic stock and/or improve native habitat quality.

Other Sites

Areas that are damaged through natural or human disturbances will be restored and repaired in a timely manner using accepted practices for ecological restoration and guided by a written restoration plan that includes effectiveness monitoring.

Brush Control

The land management practice in Texas to reduce juniper cover and enhance savannah and mosaic (grassland - oak motte) vegetation communities (colloquially, "brush control") is not an acceptable practice on sites suitable for, occupied by, and managed for GCWA. No largescale vegetation management will be practiced on this site unless a restoration plan is submitted to and approved by the BCP Land Managers. Restoration plans which include mechanical removal or trimming will also include debris removal from the preserve as a wildfire prevention measure.

See also *Invasive Species' Control*.

Wildfire Planning, Fuel and Hazard Mitigation, and Safety

Sunset Valley is a Firewise Community (2012) and offers homeowners free home ignition zone inspections. This program will continue and the educational program includes all homes bordering the greenbelt, with caveats for certain management practices that are not compatible with GCWA habitat management. Wildfire fuel reduction and hazard mitigation (dead tree removal) will be done in conjunction with a plan vetted by BCP Land Managers and USFWS, using USFWS-approved methods and timing. Any plans which include mechanical removal or trimming will also include debris removal from the preserve as a wildfire prevention measure.

No firebreaks within the greenbelt will be permitted without BCP Land Managers and USFWS coordination and supported by current data and risk assessment of the Community Wildfire Protection

Plan and standards of conservation practice for this habitat type. Wildfire prevention will focus on educating homeowners and coordinating efforts with the Austin Fire Department; identifying fuel and hazard mitigation areas; planning habitat-appropriate approaches to address any fuel or hazard mitigation needs; and implementing those plans with the review and assistance of BCP Land Managers.

Wildlife Management

The Gaines Greenbelt should provide habitat for a diverse variety of wildlife. Browsing ungulates (e.g. white-tailed deer, non-natives like axis or blackbuck), if not managed at or below carrying capacity, can cause a significant amount of habitat damage by feeding on tender new hardwood shoots. Hardwoods are a significant component of GCWA habitat and regeneration is a concern in this area.

Surveys will be conducted in conjunction with TPWD biologists' recommendations to establish whether deer control is needed and feasible to implement.

If needed, targeted outreach to Preserve-adjacent neighbors and general outreach during regular programs will be implemented to reduce and deter deer feeding. Outreach programs will be companion efforts to the existing Sunset Valley "no feeding" ordinance.

Feral hogs decrease native vegetation abundance, diversity, and resiliency; create pathways for non-native invasive species (e.g. vegetation, fire ants); and severely degrade water resources (creekways and springs). Hog control is paramount when hogs are detected. BCP Land Managers can provide recommendation for feral hog trapping and control methods if feral hog damage is detected.

Outreach and Education

Sunset Valley has an active Conservation Rangers program and regular community outreach related to natural resources conservation and management. BCCP and BCP information provided by existing Travis County and City of Austin preserve outreach programs can be incorporated into Sunset Valley programs, providing additional opportunities and new habitats for constituents and volunteers to engage. Programs related to the Preserve will be tracked and reported quarterly for BCCP committee meetings.

Research

Research projects are not required. Sunset Valley will participate in BCP Land Managers' Meetings and any Scientific Research Prioritization Panel that evolves out of the Land Managers' efforts, BCCP Scientific Advisory Committee, and/or BCCP Citizens' Advisory Committee. Research can be solicited from various universities, colleges, non-profits, and other conservation organizations and does not have to be conducted by staff.

Research projects may vary by macrosite and individual property, and should align with conservation goals and objectives of the BCCP, leading to applied science and practices that improve the conservation and management of the site. All data generated by research on the BCP, including the Gaines Greenbelt, will be co-owned by the BCCP partners.

All research will be conducted under the Guidelines for Research by Non-BCP Staff. Research needs and requests should be vetted through the biologists working for the BCP programs collectively and cannot

conflict with the conditions of the BCCP Permit or other supporting documents. If the proposed research involves (or may affect indirectly) state or federally listed species, appropriate permits from TPWD and USFWS must be obtained prior to the start of work.

General – To Be Added As Needed

The list of proposed research needs in this section will be amended in the next iteration of the Gaines Greenbelt LMP.

Vegetation Mapping

Species richness and community mapping could be conducted to inform habitat characterization, invasive species' treatment, and restoration practices. Permanent transects are desired for regular interval monitoring (e.g. 3 years, 5 years).

Bracted Twistflower

Although no populations of the Bracted Twistflower (*Streptanthus bracteatus*) are known on the Gaines Greenbelt, the area contains suitable habitat (Fowler, 2010). Bracted twistflower is not one of the species on the Permit; however, BCCP was a signatory to a conservation MOU and BCP land managers are interested in providing protection and opportunities for well-planned and executed reintroduction, in collaboration with the species' experts. A restoration or introduction plan could be developed using standard restoration plan practices to map potential introduction/restoration sites, identify appropriate methods, and monitor restoration/introduction success.

EFFECTIVENESS

Each year the Gaines Greenbelt Preserve activities will be evaluated for project completion and compliance with BCCP and site-specific LMP goals and objectives. This LMP will be re-evaluated every five years for efficacy and changes can be made at that time. The City of Sunset Valley will monitor and evaluate habitat management in accordance with biological monitoring procedures as defined in the Balcones Canyonlands Preserve Tier II-A Management Plans.

REPORTING

Survey and monitoring, land management activities and issues, outreach, research and other activities related to elements outlined in this LMP will be reported quarterly at the BCCP Committees' meetings and in the BCCP Annual Report using the format established by the BCCP Partners and approved by the BCCP Coordinating Committee. Sunset Valley will deliver the Gaines Greenbelt Annual Report in the same timeline that BCCP Partners are required to submit reports.

REFERENCES

Druid Environmental (Paul Turner). 1999. Botanical and Ecological Inventory of the Sunset Valley Creekbelts, Preserves and Conservation Areas. Prepared for The City of Sunset Valley, Austin, Texas. pages 3.1-3.16.

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EXHIBIT D. Location of Fences and Signage

