

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

ABSTRACT

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

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

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

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

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

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

(b) HCP

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

(c) Interlocal Agreement

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

(d) City of Austin Bonds

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

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

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

(a) General access policies

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

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

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