

Record of Decisions

**Balcones Canyonlands Conservation Plan
Coordinating Committee
Thursday October 27, 2011 2:00 PM to 4:00 PM
Austin City Hall, Council Chambers
301 West Second Street
Austin, Texas 78701**

Called to Order: 2:03 PM by Mayor Lee Leffingwell, Chair

Attending:

Mayor Lee Leffingwell, Chair
Precinct 3 Commissioner Karen Huber, Member
Mr. Bill Seawell, Member (Ex Officio)
Mr. William Conrad, Coordinating Committee Secretary

1. **Citizen Communications:** Bill Bunch asked to make his comments during agenda item 4.

Mr. Alan Roddy addressed the committee on behalf of his vision to create the **Lake Austin Balcones Bird Cliff Bird Sanctuary**. He described this proposed sanctuary as a destination birding site similar to the Texas Birding Trail and the Rio Grande Valley Birding Center. This proposed sanctuary would include portions of the BCP. Mr. Roddy described the potential for such a sanctuary to promote tourism and economic benefits for Austin and Travis County. He offered to provide members a tour of the lake and potential sanctuary sites.

2. **Approve Record of Decisions for the August 22, 2011 meeting.** Approved on a motion from member Huber, Second by Chair Leffingwell. Carried 2/0
3. **Approval of the dedication of the Kent Butler Ecological Reserve** A resolution establishing the Kent Butler Ecological Reserve was approved upon a motion from Member Huber, seconded by Chair Leffingwell that carried 2/0
4. **Consider and Take Action on Secretary's proposed construction approval for Jollyville Transmission Main** – Members received a report from Secretary Conrad dated October 18, 2011 proposing to authorize implementation of the planned corridor for the Jollyville Transmission main and to provide BCCP construction approval for that project. Member Huber as acknowledged that Mr. Conrad has authority to authorize this. However, she had several questions to ask after hearing from citizens wishing to speak on the matter.

Bill Bunch spoke asking members to withhold any endorsement of this action. He advised them that he believed the science does not support a finding that "all reasonable measures have been taken to minimize and mitigate' harm to the preserve." SAC action on this issue did not involve a quorum of that committee. Dr.

Phil Bennett prepared a report critiquing the environmental work by the project. However, he was not permitted to speak to the SAC about his findings and when his report was presented to members it had not been read prior to action by this committee. Bull Creek Preserve is the crown jewel of BCP. City science is flawed as pointed out by Dr. Bennett. He recommends going around BCP. He also recommends waiting until the drought ends. The plant site also threatens Bull Creek. Mr. Conrad has a severe conflict of interest and should not take any action on this matter.

Member Huber noted that Mr. Conrad's report notes that the SAC did not have a quorum when it made a recommendation. She asked Chair of the SAC, David Steed, to come forwards and advise members whether that committee had taken any follow up action since their meeting without a quorum.

Dr. David Steed, chair of the sac addressed the Committee. Because we had a formal presentation available without a quorum we agreed to meet as a committee of the whole, hear the presentation, and take action. We have not met since and no follow up has been occurred. I am confident that our recommendation is correct. However, as chair, I would like to commend the Environmental Commissioning team that has done an excellent job answering all our questions in full. They the have addressed every issue and the have addressed action needed to protect all the species involved..

Member Huber asked Secretary Conrad whether he needs the vote of the Coordinating Committee to move forward. He responded that there is no requirement in the Interlocal Agreement or the HCP requiring him to do this. He did so as a courtesy

She then asked for clarification about the assertion that Dr. Bennett was not allowed to speak to the SAC. Dr. Steed responded that Dr. Bennett did not ask to address the SAC or he would have been given that opportunity.

Huber asked how you plan to monitor during this process. Conrad responded that there is an EC monitoring plan and he asked Chuck Lesniak to address the committee with respect to environmental monitoring. He introduced Lauren Ross who spoke as the lead engineer for the monitoring program. The environmental monitoring within BCP will monitor wells, springs, and stream. This includes 17 wells with 6 automatic continuous monitoring. One includes continuous telemetry. Four springs are monitored, one with continuous monitoring. Five streams are monitored where four include continuous monitoring. Wwater samples are regularly collected from streams to analyze for contaminants.

Member Huber asked; what is the difference between drought and non-drought monitoring. Ross responded that this affects streams but not wells. There is also a baseline of 12,500 water quality samples available to analyze against and this is not restricted by the drought. She noted that this is an adequate approach although she never feels like she has enough data. She noted that she is confident that this is an excellent monitoring program and it is sufficient with the constructions level monitoring.

What are the contingency plans when problems are discovered? Lesniak said contingency and adaptive management includes a design with expected conditions. If something is different we have a contingency plan in place. Although the contractor is required to notify us we also have multiple levels of monitoring, inspection and oversight. For inflow, for instance we already have a plan in place based on flow rates. Adaptive management is based on a process that includes the EC team and the Project.

Is the County staff involved in that process? Not directly. We will assure that TC staff is on the notification list for events inside the BCP.

To USFWS is your agency actively involved in monitoring? Bill Seawell responded that "We assisted reviewing monitoring plan and had input but we are not intimately involved". Will USFS be notified? Conrad responded that the only required notification is for disturbance of caves but he expects we would keep the Service informed. Bill said the City has been very diligent keeping the Service informed about cave encounters. Chuck said we keep the service regularly briefed on progress of this project.

Secretary Conrad noted that he is directly involved in the EC process to assure that this meets the standard that every effort has been made to assure no harm to habitat.

Member Huber asked; in the event that there is an unforeseen event that is causing harm to the BCP that is not being adequately address, I ask that the Coordinating committee be notified and be prepared to take action to address that. Conrad committed to do that.

Leffingwell has full confidence in the EC team and the monitoring. The whole project is designed as though JPS is already listed. I believe that are project is adequate to address listing.

Leffingwell noted that no action is required from the CC unless they wished to countermand actions of the secretary. Lacking any request to do so he moved to the next agenda item with no action.

- 5. Receive reports from the BCP Completion Task group and take action as appropriate** - Rose Farmer presented and discussed a written report from the BCP Completion Task Force. As of this date there are 30,327 acres dedicated to BCP. Another 101 acres are needed to meet the permit requirement for preserve acreage. 45 permit caves are protected in some fashion and 17 more need protection to provide required protection of the 62 caves included as mitigation in our HCP and permit. Because of configuration requirements and protected areas for additional caves, BCP will likely need to acquire additional acreage above and beyond the 30,428 acres required in our permit. The task force estimates an additional 1250 acres to 1450 acres will need to be acquired to fully comply with all HCP and permit acquisition criteria. This might cost as much as an additional \$24 million to \$43 million based on recent cost experience. Chair Leffingwell noted that Water Treatment Plant 4 resulted in an additional 101 acres being dedicated to BCP when the plant was moved out of Bull Creek. He also noted that the Jollyville Transmission Main tunnel will not take any additional habitat out of the preserve.

6. **Take action to request data and reports resulting from research conducted on BCP from Texas A&M University** – Secretary Conrad reviewed a draft letter from the Coordinating Committee to researchers at Texas A&M University requesting that they provide information from recent researched permitted by BCP on the preserve. Member Huber moved approval. Chair Leffingwell seconded. Carried 2/0
7. **Report from Scientific Advisory Committee** – Dr. David Steed, Chair, reported to the committee. He briefly reiterated the SAC recommendation that construction of the Jollyville Transmission Main (JTM) proceed. He noted that the City Attorney's office has opined that two members of the SAC should recuse themselves from the JTM agenda item because of their involvement with the project. Dr. Steed objected to this stating that this was a disservice to the SAC and their ability to give this committee the best advice. Each SAC member is selected because of their specific expertise for specific disciplines. When they are excluded it limits the ability of the SAC to fully consider an issue and advise the Coordinating Committee. He asked that this not be repeated.

Dr. Steed noted that SAC Member Swartz is leading a subcommittee charged with developing a strategic research plan for BCP

Chair Leffingwell asked if the recommended recusal of members was based on conflict of interest. Dr. Steed responded that the role of the SAC was advisory and he did not understand how conflict of interest applies to advice from his committee. These members have specific experience in the areas being considered and the SAC was unable to include that experience in their deliberations. Member Huber noted she would have liked to see that expertise included in the SAC advice. How can we foresee similar recusals in the future and assure that the appropriate expertise is included in deliberations?. Steed responded that the SAC did a very good job of asking questions and requesting questions of the EC team. He noted that the EC addressed every issue the SAC had and helped the SAC understand information to resolve those concerns. Huber said she was more concerned about making a quorum. Conrad advised that there are resource members who can provide expertise and advice. They just can't vote.

8. **Report from Citizens Advisory Committee** - Chair Joe Lessard. Advised committee that Lynne Weber was elected as the new CAC chair and Peter Torgrimson will remain as vice chair. Upcoming action will be the development of a work plan for 2012. He noted the upcoming achievement of meeting minimum preserve acreage and suggested that that is worthy of a future celebration. Members thanked Mr. Lessard for his leadership as he is retiring as chair of the CAC
9. **Receive reports from BCP partners on Wildfire planning and actions** – Conrad reviewed his written report. Rose Farmer gave a verbal report.
10. **Receive Law Enforcement reports from BCP Partners** – Willy Conrad and Rose Farmer gave verbal reports.
11. **Receive reports on the status of BCCP Public Participation and Infrastructure Mitigation Processes by Travis Co, City of Austin** – Verbal reports were given by Rose Farmer and Willy Conrad
12. **Land Acquisition and Section 6 Grant Update report** - Rose Farmer submitted a written report.