

The Balcones Canyonlands Conservation Plan Public Participation Program Overview



Program Overview:

The City of Austin operates the Balcones Canyonlands Conservation Plan (BCCP) Capital Improvement/Infrastructure Development Mitigation Process, and Travis County administers the BCCP Public Participation Process that addresses the mitigation needs of landowners for residential, commercial and agricultural uses under the terms of the Permit. The BCCP provides a voluntary, streamlined alternative for agencies and landowners seeking to comply with the Endangered Species Act (ESA). Those participating through the BCCP may proceed with development under the terms of Participation Agreements. Those choosing not to participate may comply with the ESA by obtaining an individual 10(a) permit from the U. S. Fish and Wildlife Service.

Travis County's Natural Resources Program administers the BCCP Public Participation Process on behalf of the BCCP Coordinating Committee and issues Participation Certificates (PCs) for cooperating landowners within the Permit area. Descriptions of participation categories are defined in the Interlocal Cooperation Agreement between Travis County and the City of Austin Implementing the BCCP Shared Vision (City of Austin and Travis County, 1995). As required by the terms of the regional Permit, copies of documents associated with this process are provided to the BCCP Coordinating Committee Secretary and the USFWS Austin Ecological Services office. These documents include correspondence letters, habitat determination maps, and PCs.

Each year the Citizen's Advisory Committee (CAC) discusses the mitigation fee structure associated with the BCCP Public Participation Process and provides a recommendation for the next fiscal year's fee structure. The BCCP Coordinating Committee takes the CAC's recommendation into consideration and votes on the mitigation fee structure for the next fiscal year. Additionally, any BCCP Coordinating Committee action to change the fees must be approved by Austin City Council and the Travis County Commissioner's Court. If Austin City Council and the Travis County Commissioner's Court do not accept the fee structure approved by the Coordinating Committee before October 1st of each year, the fees will revert to the mitigation fees originally set in 1996.

Background:

Initially, it was anticipated that the sale of Participation Certificates (PCs) would fund completion and maintenance of the Balcones Canyonlands Preserve. The Shared Vision financing plan (dated July 18, 1995) was based on a balance of PC funds and Travis County Tax Benefit Financing Plan revenues. The Shared Vision document established initial fees in 1996

(Table 1). Unfortunately, after the first few years of issuing PCs, it was apparent that PC sells would not provide sufficient funds to cover land acquisition and management. Most land acquisition and management have been paid for with public bonds, individual agency budgets, and Tax Benefit Financing revenue.

As mentioned previously, early participation certificate sales lagged behind original *pro forma* projections. Two public workshops were held to receive public comments and recommendations. Workshop participants suggested that a reduction of participation fees would increase participation and thus increase needed revenues. After receiving recommendations from the BCCP Citizen's Advisory Committee, the Coordinating Committee adopted a temporary one-year fee schedule for direct participation in the BCCP in 1998.

Effects on participation seem to be closely related to the health and vigor of the local economy and the real estate market as evident in the graphs below. Submission of applications and participation in the program increases when our local economy is doing well. From the time the BCCP was initiated in 1996 to 2001, the graphs show an annual increase in applications, PCs issued, and revenue. After 2001, the graphs reflect significant drops in these three participation indicators. During 2001, the local economy experienced the High Tech market bust and the financial aftermath of the Sept. 11, 2001 attacks. In the years to follow there was an increasing trend as the local and national economy rebounded.

From FY06 through FY08 the BCCP collected more revenue through the Public Participation Program than any year since the permit's issuance. Additionally, there were increases in the number of applications and PCs issued despite increases in mitigation fees. As seen in Table 1, these fees were gradually increased from 2006 to 2011. In 2006, the Citizen's Advisory Committee recommended increasing participation rates due to increasing land costs in western Travis County and a robust development market. Although this was the first fee change in eight years, the revised habitat fees did not impact applicants' willingness to participate in the BCCP in 2006, 2007 and 2008. With the economic downturn from 2008 through 2011, the BCCP experienced a significant decline in the submission of applications and the issuance of PCs in accordance with a decrease in development. In 2011, the mitigation fee rates associated with the Alternative Determination option were increased from \$6,500 to \$10,000 with no apparent effect on application submission.

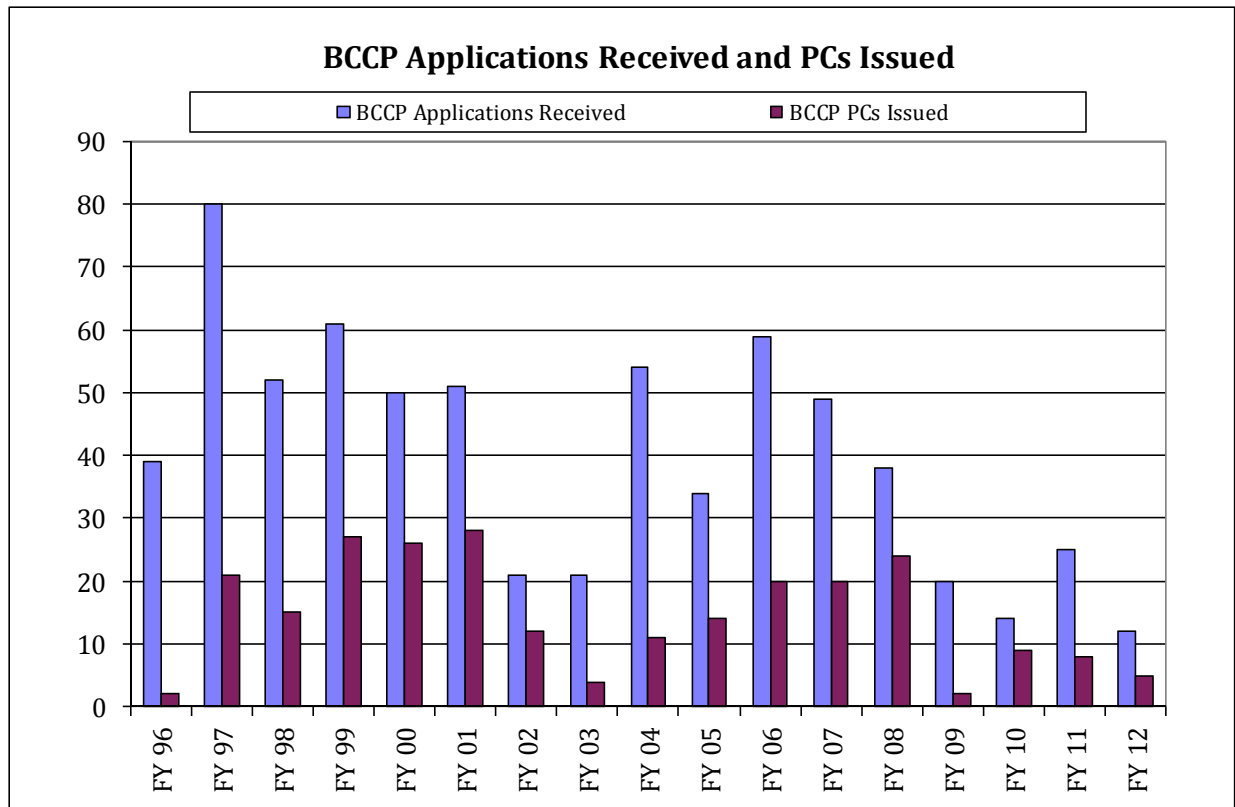
USFWS enforcement of the Endangered Species Act (ESA) also influences participation in the program. The BCCP is a voluntary program through which land owners can participate to comply with the ESA. Notification of the BCCP Public Participation Program has been incorporated into permitting processes within the City of Austin and Travis County, and both agencies maintain education and outreach programs to introduce the BCCP to the community. When enforcement agencies fail to regulate ESA compliance of local development, the public

may perceive no consequences for failing to comply with the ESA. If this perception persists without consistent enforcement, then participation in the BCCP may decline accordingly.

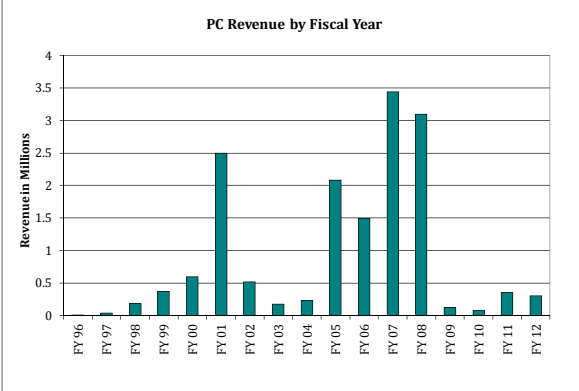
Table 1: BCCP Fee Summary, Costs by Habitat Zone and Year.

Year -	1996 – 1998	1998 - 2006	2006 - 2007	2007 - 2008	2008 - 2011	2012
<i>Habitat Zone Fee</i>	(original)					
Zone 1-GCWA	\$5,500.00	\$3,000.00	\$3,500.00	\$4,000.00	\$5,500.00	\$5,500.00
Zone 2-GCWA	\$2,750.00	\$1,500.00	\$1,750.00	\$2,000.00	\$2,750.00	\$2,750.00
Zone 1-BCVI	\$5,500.00	\$3,000.00	\$3,500.00	\$4,000.00	\$5,500.00	\$5,500.00
Zones 1 & 2 -Karst	\$55.00	\$55.00	\$750.00	\$750.00	\$1,000.00	\$1,000.00
Single Family Lot Provision	\$1,500.00	\$1,500.00	\$1,500.00	\$2,000.00	\$2,000.00	\$2,000.00
Agriculture Provision	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
USFWS Alternate Determination	\$5,500.00	\$4,000.00	\$4,000.00	\$5,000.00	\$6,500.00	\$10,000.00

BCCP Applications Received & Participation Certificates (PC) Issued by Fiscal Year



BCCP Participation Certificate (PC) Revenue by Fiscal Year



Staff Recommendations:

Both City of Austin and Travis County staff recommend maintaining the same FY12 mitigation fee rates in FY 2013 to encourage participation in the BCCP Public Participation Program