



Record of Decisions

**Balcones Canyonlands Conservation Plan
Coordinating Committee
November 6, 2015, 10:00 AM to 12:00 Noon
Austin City Hall, Council Chambers
301 West Second Street, Austin, Texas 78701**

Attending:

District 7 City Council Member - Leslie Pool, Chair
Precinct 3 Commissioner - Gerald Daugherty, Member
USFWS - Tanya Sommer representing Adam Zerrenner, Member (Ex Officio)
Acting BCCP Coordinating Committee Secretary - Sherri Kuhl

Call to Order 10:07 AM

1. Citizen Communications:

- Kent Browning – Spoke about his comments from the last meeting and his disappointment that not all of his comments were included in the ROD. He discussed the weaknesses of the Davis paper and his concern that the mountain bike subcommittee had agreed to use that reference. He requested that his comments from the previous meeting be included in the ROD for the previous meeting and the Coordinating Committee members agreed to append his previous comments to the ROD for that meeting. Daugherty made a motion to include them and Pool seconded the motion. Mr. Browning's comments from today's meeting are also attached to this 11/06/2015 ROD.
- Tomas Pantin – Recognized Clif Ladd for his organization of BCCP records and donation to the Austin History library. Mr. Pantin wants to be sure we have a good permanent record of all of the BCCP meetings including the CAC and SAC meetings. For the audio portion of the meetings, he recommended people identify themselves so transcription can be done.
- Bill Bunch from SOS Alliance – requested to speak later on item #3.

2. Approve Record of Decisions for the August 21, 2015 regular meeting - Motion from Daugherty to approve as presented with the addition of Mr. Browning's comments, second by Pool, Carried 2/0

3. Review and take action regarding update to the BCCP Karst Land Management Plan – Secretary

Citizen Communication:

Bill Bunch with SOS Alliance asked that the Coordinating Committee postpone taking action on the Karst Land Management Plan. He expressed support for the excellent

work of the BCP staff, but concern that there was no red-lined version or narrative of the changes. He asked that they wait until the first meeting of next year and in the interim distribute a red-lined version and narrative for further review.

Kuhl gave a summary of the changes and discussed the process last year of taking the draft Karst Land Management Plan through the CAC, SAC, and bringing it to the Coordinating Committee before Council Member Pool was a member. Approval was postponed at that time to work on the Karst Substitution policy to be included in the Karst Land Management Plan. Kuhl stated that staff would be happy to work up a red-lined draft and narrative for their input and public input, and then bring it back to the Coordinating Committee at the next meeting.

4. **Report from Scientific Advisory Committee** - Chair Jean Krejca gave a report to the Committee. She discussed the Strategic Research Plan, State of the BCCP report, and gave an update on Council Member Pool's request for information on the impacts of SH45SW on wildlife and Golden-cheeked Warblers.
5. **Report from Citizens Advisory Committee** - Chair Peter Torgrimson gave members a brief review of recent committee activity. He mentioned the new CAC appointees of Richard DePalma and Kent Browning, two additional vacancies that the committee is working to fill, and the State of the BCCP report. Goal is to finish the report by the 20th Anniversary in May of 2016. Peter recognized the work of the BCP staff.
6. **Receive reports from BCP partners on wildfire planning and actions; take action as appropriate** – Kuhl gave an update on planned shaded fuel breaks on the BCP preserve. Melinda Mallia gave members a briefing on their FEMA grant and shaded fuel break work the County is undertaking, and also gave an update on the Community Wildfire Protection Plan. She communicated that the Community is just beginning to implement the recommendations of that plan.
7. **Receive reports from BCP staff regarding Land Management, Public Outreach, BCP Participation, Infrastructure Management, and BCCP Compliance.**
Moved to earlier in the agenda to take action on a proclamation for the volunteer of the year, Terry Southwell. Kuhl discussed how significant the contribution of volunteers is to the BCP and the number of hours and dollar value of those volunteers. Pool read a proclamation for Terry Southwell that also declared Nov. 6th 2015 as Wildland Conservation Volunteers Day.

Melinda Mallia and Linda Laack reviewed the County's written report with members. The County recently closed on a significant 500 acre tract purchased since the last meeting that holds Spanish Wells Cave, Black-capped Vireo habitat, Golden-cheeked Warbler habitat, and Texabama Croton populations. Linda reported on land management and animal control work conducted since last October. Hog and deer management on the preserve have removed 13 hogs and 46 deer. She also updated the members on fuel mitigation work in Steiner ranch and other land management activities.

Commissioner Daugherty asked questions about how we assist or help BCP neighbors address hog issues, and staff explained that we work to trap the hogs on the BCP and offer advice, but the landowner would need to call 311 for assistance on their own land. Council member Pool asked about the use of the contract with Texas

Wildlife Services and expressed concern about some of their methods. She asked for a memo with an update on the contract and how it relates to the BCP. Council member Pool and Commissioner Daugherty also expressed concerns about recent rain event runoff incidents onto the BCP, and encouraged the City and County storm water staff to remain vigilant to address the current large amounts of rain and potential for additional problems.

8. **BCCP 20th Anniversary Planning – Secretary** – Kuhl updated the members on the plans for the event
9. **Next year's Coordinating Committee meetings and BCCP Secretary Position – Secretary** – Kuhl gave an update on the scheduling of Coordinating Committee meetings in January for 2016, and updated the Coordinating Committee on the BCCP Secretary position to be filled now that Willy has retired. Willy's position was split into two positions – The Wildland Conservation Division Manager and the BCCP Coordinating Committee Secretary. She discussed how the BCCP Coordinating Committee Secretary position is being funded by the City and the County and the Interlocal Agreement is currently in development by City and County legal staff. The position would report to Daryl Slusher at the City, but also work closely with Jon White and Melinda Mallia at the County. The benefit of jointly funding the position is better coordination of all BCCP permit tasks and one person overseeing the processes happening at the City and County. Kuhl expressed that hopefully this person will also have time to do BCP outreach to the Community.

2015-11-05 Balcones Canyonlands Conservation Plan Coordinating Committee Comments

Thank you for the opportunity to speak. My name is Kent Browning. I am speaking today as a private citizen and the Austin Ridge Riders Mountain Biking Club Trail Steward for Emma Long Motorcycle Park. I spoke at the last BCCP Coordinating Committee Meeting. I am surprised to see that none of my issues presented last time were documented in the Record of Decisions even though I provided a written copy of my comments. Those comments are attached to the comments for today.

What was documented in the Record of Decisions was only one side of questions about an audit I did of the 2012 BCP Golden-cheeked Warbler Population Report. Even though the Secretary had that audit for over a year prior to the last meeting, his comments and the Record of Decisions only addressed my capacity to review avian population data. That action appears to show that after a year to review my report, the best argument against the facts in my report were an ad hominem attack on me. I would like to refocus the discussion back to hard data and facts.

On the August 2015 Coordinating Committee Meeting agenda there was an item From the Scientific Advisor Committee in reference to the Mountain Biking Experimental Design subcommittee's final report. That report stated that the findings of a 2010 paper by Craig Davis (and others) was that mountain biking was detrimental to Golden-cheeked Warbler. This conclusion does not make sense, because in 2012, the Davis paper was found to be inappropriate by the same subcommittee because it attributed all differences between the two study sites and two control sites to be due to mountain biking only. That conclusion totally ignored the military operations adjacent to one study site and motorcycles operating on the other study site. I would argue that motorcycles and military practice could be expected to influence the total picture and should be accounted when studying mountain biking impacts.

The BCP staff and subcommittee recognized the need to include the motorcycles and military activities as factors in 2012 and have subsequently contracted for two more appropriate studies. It does not make sense that after the committee finding the Davis's report flawed and contracting two new reports, now the committee goes back to endorse the Davis paper's flawed report.

In the audit of the BCP 2012 Golden-cheeked Warbler Population Report, the BCP's own data clearly shows the mountain biking combined with motorcycle use area has average to better than average warbler population and productivity compared to all city BCP tracts. Those same data shows the control tract, Coldwater, is worse than average of city BCP tracts. So the BCP's own data contradicts the Davis paper and subcommittee's recommendation. This is clearly evident by comparing the BCP's 2012 population report for the Bike Park site to the average and to the Coldwater control site. All three of those are shown in the BCP report.

There was no discussion of the Scientific Advisor Committee report at the August meeting because the SAC representative did not make the meeting. But it shows up in the Record of Decisions for approval today.

It would be inappropriate to include approval of the Record of Decisions when there was no discussion. I request that portion of the Record of Decisions be removed before acceptance.

Just as at the last meeting - I ask that the subcommittee's recommendations be carefully reviewed before acceptance of that conclusion. The US Forestry Service study is due at the end of this year. That study at least addresses some of the flaws of the Davis paper. It is prudent to wait for the results of a study we have already funded.

Thank you for your consideration.

2015-08-21 Balcones Canyonlands Conservation Plan Coordinating Committee Comments

Thank you for the opportunity to speak. My name is Kent Browning. I am the Austin Ridge Riders Mountain Biking Club Trail Steward for Emma Long Motorcycle Park.

On today's meeting agenda is a report from the Scientific Advisory Committee subcommittee on the Mountain Biking Experimental Design. Mountain biking in the preserve is described in the 1996 Habitat Conservation Plan as "experimental" since the impact on endangered species was not well understood then. That 'experimental' designation is found throughout the BCP documentation. The BCP documentation shows that around 2012 a Mountain Biking Experimental Design Subcommittee was formed. The Chair of the subcommittee sent out a questionnaire inquiring if the members supported a study and paper written by Craig Davis in 2010. In that study 4 sites, two with mountain biking and two that prohibited mountain biking were compared. The results of the study showed that warbler territories were larger, nesting success was lower and flushing distance all indicated mountain biking had a small negative impact on Golden-cheeked Warblers. BCP reports have quoted that brief summary repeatedly.

On May 12, 2012 the subcommittee took a field trip to three of the four sites. The results of discussions that day were the Davis study was flawed. The study did not include that there were motorcycles operating on the Emma Long Motorcycle Park nor military tanks operating adjacent to the Fort Hood site. ALL differences found between the study sites and the control sites were attributed to mountain biking. Differences should be expected between sites with large mechanized disturbances and completely fenced off control sites. But the Davis study attributed ALL effects to mountain bikes. In addition, a US Forestry Service consultant to the BCP noted that the Forest Ridge control site is much better habitat than either of the Emma Long site or Coldwater site, regardless of tract size. The difference in habitat was not considered in the Davis study. In 2012, the subcommittee found that the Davis study was not an appropriate basis to evaluate any impact of mountain biking on Golden-cheeked Warbler.

Since 2012, the subcommittee has been deliberating more appropriate mountain biking experiment design. Some of the actions taken since then have been including the effects of mountain biking in a study contracted to the US Forestry Service. The BCP has also required a Trail Master Plan user to commit to funding a study to assess the impact of mountain biking on Golden-cheeked Warbler. Neither

of these studies have been completed nor reported. Both of these actions indicate the Davis study was found to be inappropriate. Why pay for more studies if the existing study was adequate?

In August 2013 I submitted an audit of the 2012 City of Austin's own Golden-cheeked Warbler population report. The data the City of Austin's report showed was the mountain biking tract was consistently better than the control tract that is fenced off from all public access. The City of Austin's own 2012 data indicates a positive effect of mountain biking on warblers.

The backup documentation for today's meeting indicates the subcommittee has declared the Davis paper alone is appropriate to show that mountain biking has adverse effect on warblers. Why are we ignoring the City of Austin 2012 data that doesn't have as many flaws as the Davis paper? What about the US Forestry Service study that is not even completed yet? What happened to the study required of the Trail Master Plan users? What is the rush to declare the Davis paper "reasonable" when three years ago the subcommittee and staff found the same paper flawed and inappropriate?

I ask that the subcommittee's recommendations be carefully reviewed before acceptance of that conclusion. The US Forestry Service study is due at the end of this year. That study at least addresses some of the flaws of the Davis paper. It is prudent to wait for the results of a study we have already funded.

Thank you for your consideration.