



Record of Decisions

**Balcones Canyonlands Conservation Plan (BCCP)
Coordinating Committee
November 18, 2016, 10:00 AM to 12:00 Noon
City Hall Chambers, Room 1001
301 West 2nd Street, Austin, Texas 78701**

Attending:

Precinct 3 Commissioner – Gerald Daugherty, Co-chair
District 7 City Council Member - Leslie Pool, Chair
USFWS – Chris Harper standing in for Adam Zerrenner, Member (Ex Officio)
BCCP Coordinating Committee Secretary – Kimberlee Harvey

Call to Order 10:02 AM

- 1. Citizen Communications** – Thomas Pantin asked that he be allowed to speak before agenda Item 9, instead of at the beginning of the meeting. His request was allowed and his comments will be reflected in the notes for that agenda section.
- 2. Approve Revised Record of Decisions for the April 29, 2016 regular meeting** – Harvey explained that during the transition between Sherri Kuhl, previous acting Coordinating Committee Secretary, and herself, the March Record of Decision was inadvertently carried over to the April meeting, so the Record of Decision was updated to include all of the information from the April meeting. Motion from Daugherty to approve, second by Pool, Carried 2/0
- 3. Approve Record of Decisions for the August 26, 2016 regular meeting** - Motion from Daugherty to approve, second by Pool, Carried 2/0
- 4. Adding a permanent Current Events item to Coordinating Committee, Citizens Advisory Committee (CAC), and Scientific Advisory Committee (SAC) Agendas** – Harvey explained that having a standing current events item on the agenda would help facilitate group discussions and alert members to events happening with the Balcones Canyonlands Preserve (BCP) or the BCCP.
- 5. SH 45SW Update related to BCCP Permit Compliance** – Harvey explained that the hydrogeological studies report for Flintridge Cave should be completed within the next few months. She said that studies were aimed at identifying the drainage basin and collecting water quality data that could be used as a baseline to compare with possible impacted conditions in the future and that staff is discussing what continued monitoring efforts should look like and trying to identify the “trigger” that would signify impact. If, in the future, the cave is found to be impacted, we would be out of compliance with the Permit and the USFWS could suspend some or all of the permits authority. It is unclear

what impact that could have on the BCCP's ability to mitigate local development projects and infrastructure and CIP projects until we are found to be back in compliance with the terms of the permit. Harvey explained that before Willy Conrad retired, he worked with staff to come up with some possible solutions that could be used as avenues back to compliance, in the event that this may happen, and that she is beginning to review the documents that resulted from that effort. Council Member Pool asked Harvey how quickly any violations of the permit might be identified and how quickly action might be taken. Harvey answered that once the trigger is identified that signifies impact, and if they reach that trigger point, it would be reported to USFWS who could issue a letter of intent to suspend the permit and we would then have 45 days to respond to that. Pool asked if staff was monitoring what was happening at Flintridge Cave. Nico Hauwert, BCP Program Manager for the City of Austin and project manager for the Flintridge hydrogeologic studies, answered that the primary part of the study has been completed and they have background information. They have done traces on the site to find the source of the drips in the cave and also to get background water quality data. They left drip monitoring equipment in the cave which can maintain themselves for 6-12 months. Flintridge is a species of concern cave and we are required to protect them under our permit. They don't currently have funds for the follow-up monitoring but they will be looking at how to do that to detect impacts in the future. Council Member Pool asked about the size of Flintridge Cave and Hauwert answered that the cave is 150' deep and is 1000' long, that it is probably 40'50' away from hitting the water table, and goes midway under SH45 ROW. It is one of the deeper, longer caves on our Permit. Council Member Pool asked what would trigger the use of the Cave Substitution Policy. Hauwert explained that communications between us and USFWS would help determine that, but that he didn't have an exact answer at that time. Council Member Pool stressed that it would be important to act without delay in the event of cave impact and asked that staff findings be reported to the Coordinating Committee once recommendations had been determined.

6. **Briefing on City's permitting process for private sector development project notifications to the BCCP** - Harvey explained that Section I of the Key Concepts of the BCCP Shared Vision, Section 8 states that "Private Sector participation is voluntary: There is no mandated requirements to develop under the regional 10(a) permit. Landowners and developers in Travis County may apply at any time to the USFWS for individual 10(a) permits. BCCP Permit Holders will not condition any local development approval or permit upon an applicant participating in the BCCP. However landowners are encouraged to use mitigation measures that will contribute to the completion of the already defined preserve system." There is currently a notification system in place at the Development Services Department where development project permit applicants are advised to contact the City and County BCCP staff and the USFWS when their projects are in the BCCP Participation area. Harvey said they have identified some areas where BCCP education improvements could be made for this process and that they are working on a one-page handout, that could be distributed by Development Services staff, explaining the importance of following through with that notification and detailing the ways that participating the BCCP permit could benefit their project. Council Member Pool suggested meeting with the Austin Board of Realtors to educate them on the benefits of their clients participation in the BCCP, to work with City Works Academy to see if this information could be one of the modules for citizen training, and to look into providing the media with a tour of the BCP to help us get the word out about how important it is to protect the BCP and support the Permit.

7. **Update on 5-Year Golden-cheeked Warbler Study**– Bill Reiner, City BCP Staff Biologist, presented a PowerPoint presentation on the Golden-cheeked Warbler Population Viability and Habitat Suitability study. The study focused on four main questions; How many Golden-cheeked Warblers are there on the BCP and within individual macrosites?; How do demographics (e.g., density, productivity, survival) vary with landscape and habitat factors?; How viable are these populations?; How do various management scenarios influence viability?
8. **Continuing with BCCP Completion Efforts** – Harvey mentioned that there was a report in 2011 that was created by the BCCP Completion Task Group which looked at evaluating the preserve acquisition status to come up with recommendations for a preserve completion plan. She said staff will be continuing with these efforts as they look at updated analysis techniques. The CAC has also begun talking about community outreach efforts that would help achieve public support for renewal of the permit when it comes up in 2026.
9. **Getting back to the purpose and role of Advisory Committees: potential updates to the SAC and CAC Guidelines and regular meeting frequency** – Thomas Pantin addressed the Coordinating Committee to express his concern about the proposed reduction of CAC meetings. He stated his desire to see the CAC meet more often, and said he would also like to see the number of CAC members increase. Harvey said that in an effort to reduce member fatigue, retain members with institutional knowledge of the BCP, and to be more respectful of committee member and staff time, updates were being considered to the CAC and SAC Guidelines to reflect a reduction in regular meetings from four to two per year. She explained that they would still be required to have special sessions and/or working groups as needed, to address Coordinating Committee members' questions and concerns. She stated that 65% of the combined advisory committee members missed 1 meeting out of 4 in 2016 and 20% missed two meetings. Harvey reported that the SAC members were very supportive of the idea but that there were some CAC members that voiced concerns about keeping informed if the meetings were reduced. She also explained that advisory groups are mentioned in the BCCP Shared Vision under Section 3.4 Principal Duties of the BCCP CC item (b)4 and it states; To this end, The Coordinating Committee's principal duties are "to establish advisory groups as appropriate to implement the BCCP Shared Vision." The CAC and SAC have Bylaws, which may be amended by a majority vote of the members, and Guidelines which may be updated as needed. Council Member Pool and Commissioner Daugherty supported the proposed reduction of meetings, stating that the new schedule could be adopted now and changed again in the future if it doesn't work out. There was a motion from Daugherty to approve the reduction of advisory committee meetings for both the SAC and CAC, and it was seconded by Pool, so it Carried 2/0. Harvey stated that the updated guidelines would be finalized during the first advisory committee meetings of 2017 and will be presented to the Coordinating Committee.
10. **Report from Scientific Advisory Committee (SAC)** - Chair Jean Krejca gave a brief report to the Committee. Krejca confirmed that the SAC had not had many projects lately and that two members had already spoken with her about the possibility of dropping out of the advisory committee for 2017, which would be a big loss of institutional knowledge. She said that the group, as scientists, wanted projects to work on but lately the meetings had just been BCP updates, so there was no dissent in the

group about dropping the meetings to less often until there was an issue to handle.

- 11. Recognition of Nico Hauwert, Ph.D., P.G. for his service to the SAC** – Sherri Kuhl and Jean Krejca presented an appreciation plaque to Hauwert for his years of service on the SAC. Hauwert joined the SAC in 1997 and also served as the Chair of the Karst Subcommittee. Hauwert recently accepted the position of BCP Program Manager for the City of Austin and to avoid any potential conflicts of interest, he stepped down from the committee.
- 12. Report from Citizens Advisory Committee (CAC)** - Chair Peter Torgrimson gave a report. He stated that they had three new members attend the last meeting which were Laurie Dries, Joan Marshall, and David Smith. He said the committee was working on ways to better orient new members to the BCP / BCCP and their role on the committee. He also said they have been struggling for the past year or two to identify the role of the CAC and how they focus and define appropriate goals. He explained that he thinks the role of an advisory committee is to advise and not to necessarily being doing projects. The example he gave was about the wildfire subcommittee, stating that there is already so many entities working on that issue at the City and Travis County and that their role shouldn't be duplicating their efforts. He explained that the group is discussing ways to organize and implement outreach methods that will do a better job promoting the BCP to increase people's awareness of it. He stressed the importance of the CAC to continue to be a forum that allows citizens to voice their concerns about the BCP.
- 13. CAC and SAC Attendance Report; take action as appropriate** – Harvey stated Mary Ann Neely, Craig Farquhar, and Sam Whitehead had all missed two meetings, but they alerted the Secretary ahead of time about the absences so she recommended those absences be excused. There was a motion from Daugherty to approve the excused absences, there was a second by Pool, and it Carried 2/0. She also stated that Ken Beck had missed three out of four meetings in 2016, and per the CAC guidelines, she was recommending him for replacement on the CAC. Commissioner Daugherty explained that he spoke with Ken Beck who expressed interest in continuing to serve and agreed to be better about attending future meetings. Because he has been an active member for many years, Commissioner Daugherty stated he would not be in favor of replacing him. There was a motion from Pool to excuse his three absences and keep him on the committee, there was a second by Daugherty, and it Carried 2/0, keeping Ken Beck as a member of the CAC.
- 14. Receive BCCP Partner Reports; take action as appropriate** – Kayla Miloy, Travis County BCCP Administrator reported that the number of Public Participation Certificates issued were slightly down from August to October, but not out of the realm of normal. She also mentioned new BCP acquisitions by Travis County in the Lime Creek area. She stated they were working on the 2016 Annual Report. Linda Laack, Natural Resources Supervisor for Travis County, stated they were focusing on fence construction and fuel mitigation projects, and trash clean-up projects. She also talked about the BCP Partner Outreach Summary for 2016 and highlighted 62 hikes and lecture events which reached about 800 people during those events. There were also over 700 volunteers who collectively worked over 5,000 hours. Youth events reached over 2,500 students and additional special events that reached over 4,000 people.

Council Member Pool asked about the clearing of habitat areas of the Champion

Tract, and what the sharing of information is between Development Services and BCP staff. Miloy answered that they have been working on improving the communications between BCP staff, Travis County Development Services, the City of Austin Development Staff, and the public by working on better education materials. She also noted that the BCCP can not enforce the Endangered Species Act and can not withhold development permits for not complying with their obligations under it. Council Member Pool also asked for a status update regarding the BCP clearing by a homeowner in the Jester Estates. Kuhl answered that the last she heard, the case was still with law enforcement but agreed to give an update at the next meeting. Kuhl acknowledged and thanked the team that worked on the Golden-cheeked Warbler Study. She also mentioned the karst video recently produced with footage inside Midnight cave and offered to show it at the next meeting. Hauwert spoke about BCP projects partnered with the City's Watershed Protection Department, highlighting efforts focused on creating caving opportunities for the community.

15. **BCCP Coordinating Committee meetings next year** – Harvey reported that the meeting schedule for next year would be finalized in the beginning of 2017.

Adjourned at 11:54am