


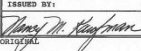
# Balcones Canyonlands Conservation Plan

UPDATE ON BCCP PERMIT EXTENSION AND HABITAT CONSERVATION PLAN  
(HCP) ADMINISTRATIVE UPDATES



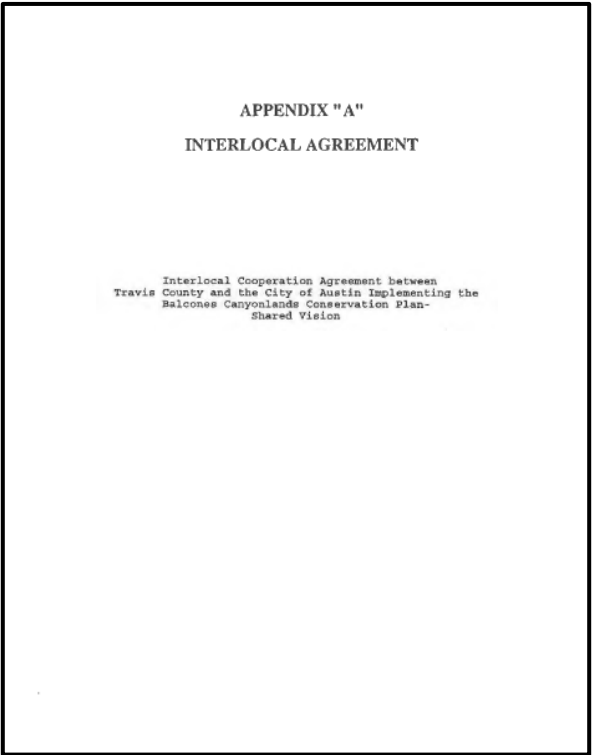
# Balcones Canyonlands Conservation Plan

## BCCP Permit

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE		3-201 (10/88)	
 <b>FEDERAL FISH AND WILDLIFE PERMIT</b>		2. AUTHORITY-STATUTES 16 USC 1539(a)(1)(A)	
		REGULATIONS (attached) 50 CFR § 13 & 17	
1. PERMITTEE CITY OF AUSTIN P.O. BOX 1088 AUSTIN, TEXAS 78767 TRAVIS COUNTY P.O. BOX 1748 AUSTIN, TEXAS 78767		3. NUMBER PFT-788841	
		4. RENEWABLE XXXX YES ___ NO	5. MAY COPY XXXX YES ___ NO
		6. EFFECTIVE MAY 2, 1996	7. EXPIRES MAY 2, 2026
8. NAME AND TITLE OF PRINCIPAL OFFICER (if # 1 is a business) BRUCE TODD, MAYOR, CITY OF AUSTIN BILL ALEXANDER, COUNTY JUDGE, TRAVIS COUNTY	9. TYPE OF PERMIT ENDANGERED SPECIES		
10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED TRAVIS COUNTY, TEXAS OUTSIDE OF THE PRESERVES IDENTIFIED IN THE HABITAT CONSERVATION PLAN AND FINAL ENVIRONMENTAL IMPACT STATEMENT DATED MARCH 1996			
11. CONDITIONS AND AUTHORIZATIONS: SEE SPECIAL CONDITIONS A THROUGH F ON ATTACHED PAGES 2 THROUGH 11.			
12. REPORTING REQUIREMENTS REPORTS WILL BE PROVIDED TO THE U.S. FISH AND WILDLIFE SERVICE OFFICES APPEARING IN CONDITION G OF THIS PERMIT. REPORTING FORMAT AND CONTENT IS OUTLINED IN CONDITION G OF THIS PERMIT.			
ISSUED BY:  ORIGINAL	TITLE REGIONAL DIRECTOR, REGION 2	DATE MAY 2, 1996	

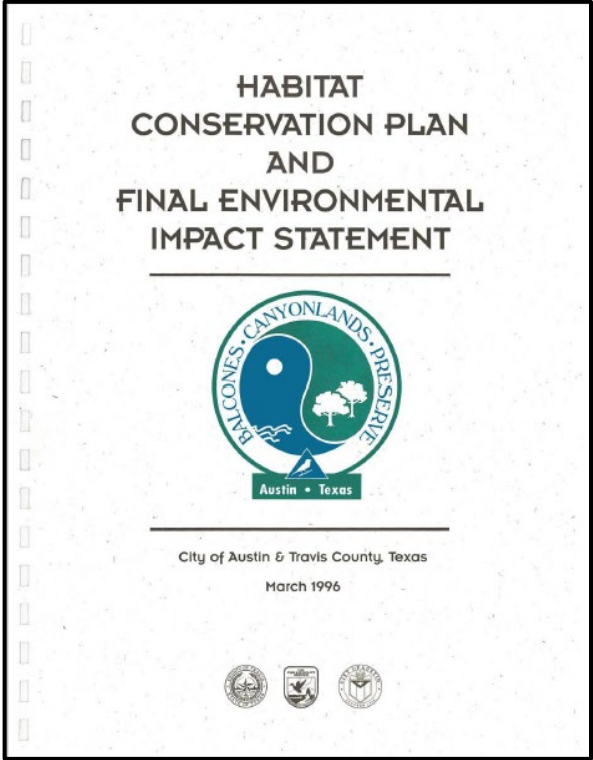
HABITAT CONSERVATION PLAN AND FINAL ENVIRONMENTAL IMPACT STATEMENT	
	
City of Austin & Travis County, Texas March 1996	
  	

Appendix A- Interlocal Cooperation Agreement between Travis County and the City of Austin Implementing the Balcones Canyonlands Conservation Plan- Shared Vision



City/County Cooperation Commitments

BCCP Habitat Conservation Plan and Final Environmental Impact Statement



Land Management and Habitat Mitigation Commitments

BCCP Federal U.S. Fish and Wildlife Endangered Species Take Permit

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE		3-201 (10/86)
FEDERAL FISH AND WILDLIFE PERMIT		2. AUTHORITY-STATUTES 16 USC 1539(a)(1)(A)
		REGULATIONS (attached) 50 CFR § 13 & 17
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ISSUED BY: <i>James M. Kaufman</i>	TITLE REGIONAL DIRECTOR, REGION 2	DATE MAY 2, 1996
ORIGINAL		

Permit Conditions



# BCCP ILA & Shared Vision Executed in 1995

## Goals of ILA and Shared Vision:

- Provide Mechanism for ESA Compliance
- Obtain a 10(a) Permit for HCP
- Provide Revenue to Support Goals
- How City and County will implement the BCCP – (startup language)

Interlocal Cooperation Agreement between  
Travis County and the City of Austin Implementing the  
Balcones Canyonlands Conservation Plan-  
Shared Vision

Article I. PREAMBLE

Sec. 1.1. Brief History of the Balcones Canyonlands Conservation Plan-Shared Vision

The Balcones Canyonlands region of Central Texas is home to several species of animals and plants listed as endangered under the federal Endangered Species Act of 1973, as amended, 16 U.S.C. § 1531, et seq. (the "Act"). Development of endangered species habitat in the region is subject to approval under the Act, and to avoid the burden of project-by-project approval, a group of individuals representing federal, state, and local governments, the private business sector, private landowners and environmental interests has worked since 1988 to create a regional habitat conservation plan in accordance with Section 10(a) of the Act.

Balcones Canyonlands Conservation Plan-Shared Vision ("BCCP-Shared Vision") will ensure the protection of endangered species under the Act, while providing a mechanism to permit continued economic development in the region without the need for individual project approval. BCCP-Shared Vision provides for the issuance of a permit under Section 10(a) of the Act to the City of Austin and Travis County as joint permit holders, establishes a mechanism by which permit holders may proceed with public capital improvement projects in compliance with the Act, provides a funding mechanism for the purchase and management of preserve system land, and provides a mechanism to allow private sector participation.

Sec. 1.2. Goals of the Plan

The goals of the BCCP-Shared Vision are:

(a) To ensure protection of the habitat of the species of concern in Travis County by acquiring and setting aside in public preserves the best remaining habitat.

(b) To manage the habitat preserve system so as to continue to support viable populations of the species of concern.

(c) To obtain and hold a permit under Section 10(a) of the Act.

(d) To provide adequate revenue to ensure the goals of the BCCP-Shared Vision are met.

(e) To provide a mechanism for public entities to proceed with public capital improvement projects in compliance with the Act.

(d) This Agreement may be executed in multiple counterparts.

CITY OF AUSTIN  
P.O. Box 1088  
Austin, Texas 78767

By: Jesus Garza Date: 8-3-95  
Jesus Garza  
City Manager

Page 14 of 15 pages

COUNTY OF TRAVIS  
P. O. Box 1748  
Austin, Texas 78767

By: Bill Alleshire Date: 8/1/95  
Bill Alleshire  
County Judge

APPROVED AS TO FORM:

Mitzi Coyle  
City of Austin  
Department of Law

APPROVED AS TO FORM:

D. ALC  
Travis County, Texas  
Department of Law  
Travis County Attorney's Office  
MC/HN/alc/26376



# 1996 - 2026

## BALCONES CANYONLANDS CONSERVATION PLAN

Many questioned how Austin could continue to grow and comply with federal regulations. From 1988 through 1996, a collaboration of concerned citizens, business leaders, landowners, developers, environmental groups, scientists and the U.S. Fish and Wildlife Service (USFWS) worked together to create a habitat conservation plan for the Austin Area. That habitat conservation plan would serve as the basis for the Balcones Canyonlands Conservation Plan (BCCP permit) that created the Balcones Canyonlands Preserve (Preserve).

1973

Endangered Species Act signed. Under which, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future.

1987

Black-capped Vireo listed as endangered

1990

Biological Advisory Team produced a report for the City and County with their recommendations for the preserve system.

Golden-cheeked Warbler listed as endangered

1993

Travis County followed with its own bond election, which was defeated by a narrow margin.

1996

LCRA became a managing partner. During the development of the BCCP it was determined that approximately 16,000 acres were needed to protect habitat for the Golden-cheeked Warbler and Black-capped Vireo in Travis County.

The Balcones Canyonlands Preserve, created by the BCCP required the protection of 62 identified karst features and a minimum of 30,428 acres. This community-based solution was the first multi-agency habitat conservation plan and 10 (a)(3)(B) permit in the US and remains a national model.



2010

From 2010 to 2015 a landmark study to color-band and monitor the population of the Golden-cheeked Warbler asked the following questions:  
1. How many Golden-cheeked Warblers are on the Preserve?  
2. How are they doing?  
3. How do various land management scenarios influence the Golden-cheeked Warbler's survival and recovery?

Preliminary findings suggest that large blocks of mature, closed-canopy Ashe juniper and oak woodlands support higher densities of warblers and that these warblers are more productive than adults in more fragmented woodlands.

The permit was issued to the City of Austin and Travis County, but its success is a multi-agency effort with partners that include the Lower Colorado River Authority, Travis Audubon Society, The Nature Conservancy of Texas, City of Sunset Valley, St. Edwards University, Concordia University, Texas Cave Management Association and numerous private land owners. Though the goal of the Permit Holders was to complete acquisition by 2016, the BCCP is a 30-year permit which has until 2026 to complete the Preserve requirements.

Volunteers annually dedicate thousands of hours to maintaining and restoring the different habitats and monitoring the rare species found in the Preserve. In 2016, almost 1,000 volunteers contributed over 6,500 hours of service on projects throughout the City of Austin and Travis County lands of the Preserve.

1970s » 1980s

1990s

2000s

2010s

1982

The Endangered Species Act was amended to establish a mechanism under section 10(a)(2)(B) allowing the U.S. Fish and Wildlife Service to issue permits for "incidental take" of endangered and threatened species habitat. A habitat conservation plan, must accompany the application for an incidental take permit to ensure that the effects of the permitted action on listed species are minimized and mitigated. This amendment provided a mechanism for Travis County and the City of Austin to apply for a county-wide permit that would allow for a more streamline development process.

1988

Six karst invertebrates listed as endangered

1992

First draft of the Balcones Canyonlands Conservation Plan was completed.

City of Austin voters approved a \$22 million bond election, financing much of the City's preserve acquisitions. At the same time, a \$20 million dollar bond was approved by Austin voters to purchase the Barton Creek Wilderness Park which was dedicated to newly forming system of preserves called the Balcones Canyonlands Preserve.

1995

Interlocal Cooperation Agreement signed between Travis County and the City of Austin to implement the shared vision.

1999

First Preserve Land Management Plan completed.

2005

The Home Builders Association of Greater Austin wrote a letter in support of the BCCP and called it a "win-win situation for both developers and endangered species by establishing (1) a habitat preserve, and (2) the ability of developers to pay into the BCCP in return for development rights elsewhere. This arrangement allows for growth in parts of west Travis County where more and more people want to live, shop and work while supporting large, unfragmented areas of endangered species habitat and natural beauty."

2014

Feb. 7 2014 Sunset Valley became a partner.

2016

Permit holders and their partners have protected 31,765 acres and 48 of 62 caves have received some level of protection.

While the past 20 years has been a success, there is still work to be done. Partners are working to complete the U.S. Fish and Wildlife Service issued permit requirements including additional cave protection, land acquisition and management.

BCCP represents a community-based solution that allows land development to occur in western Travis County while continuing to protect endangered species habitat through mitigation measures. The preserve reflects Austin's ingenuity, cooperative spirit, and respect for the natural environment.

2015

April 9, 2015 Travis County purchased a 671-acre conservation easement at Audubon's Baker Sanctuary ensuring that habitat is protected in perpetuity.

Over the past 20 years the BCCP permit has been a major economic engine in our community by providing private property owners an easy cost-effective way to mitigate for the removal of endangered species habitat while protecting the most ideal habitat within the Preserve.

The idea of the Balcones Canyonlands Conservation Plan began in the late 1980s when the City of Austin was bursting at the seams and creating pressures on the environment, which included habitat loss and fragmentation. Due to these challenges both here and range-wide, several of our native species were listed as endangered by the U.S. Fish and Wildlife Service.


On May 2, 1996, the City of Austin and Travis County were jointly issued a regional U.S. Fish and Wildlife Service Incidental Take (or Section 10(a)(2)(B) permit as a result of this community effort. The 30 year Balcones Canyonlands Conservation Plan allows for the "incidental take" of two endangered bird species and six endangered karst species within western Travis County including:

Black-capped vireo (*Vireo atricapillus*)  
Golden-cheeked warbler (*Dendroica chrysoparia*)  
Tooth Cave spider (*Neoleptotriton myiopsis*)  
Tooth Cave pseudoscorpion (*Tarsonaeus texanus*)

Bee Creek Cave harvestman (*Oxysella reddelli*)  
Bone Cave harvestman (*Oxysella reyesi*)  
Tooth Cave ground beetle (*Rhadine persephone*)

# BCCP End-of-Permit Options

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- 2017-2019, BCCP staff evaluated options available to the Permit holders upon completion of the 30-year Permit.
- City and County BCP staff worked closely with consultants from 

## BCP Staff Recommendation

- BCP Staff reviewed the options and made a recommendation to move forward with a combination of options including **extending the Permit expiration date** and making **administrative updates to the HCP**

## BCCP Coordinating Committee Approval

- October 9, 2019: BCCP Coordinating Committee voted to approve the BCP Staff recommendation





# Amend Permit to Extend Duration

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## What is the process?

- Permit renewal is the simplest form of HCP amendment
- Changes only the **expiration date** of the permit
- Requires no federal notice or NEPA review
- Accomplished through a letter exchange with USFWS
- Only available if some take authorization is unused at end of permit term

## Benefits

- Avoid opening the Plan to scrutiny or challenges
- Simple administrative process
- Low cost, short timeline



# Administrative Changes

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## What is the Process

- Administrative change to operation of BCCP
- Notification of USFWS advised
- Approval by USFWS not required
- Document decisions and changes clearly in “HCP clarification memo” to file
- When possible, make surgical edits to plan itself so document is current
- Requires no federal notice or NEPA review

## What changes qualify? Change may not:

- Diminish the level or means of mitigation
- Exceed take authority
- Result in impacts not addressed in EIS
- Alter the terms of the permit



## Benefits

- Common approach used on many HCPs
- Can be relatively simple
- Make BCCP more effective and easier to implement
- Avoid opening up plan to public scrutiny
- Relatively low cost and time

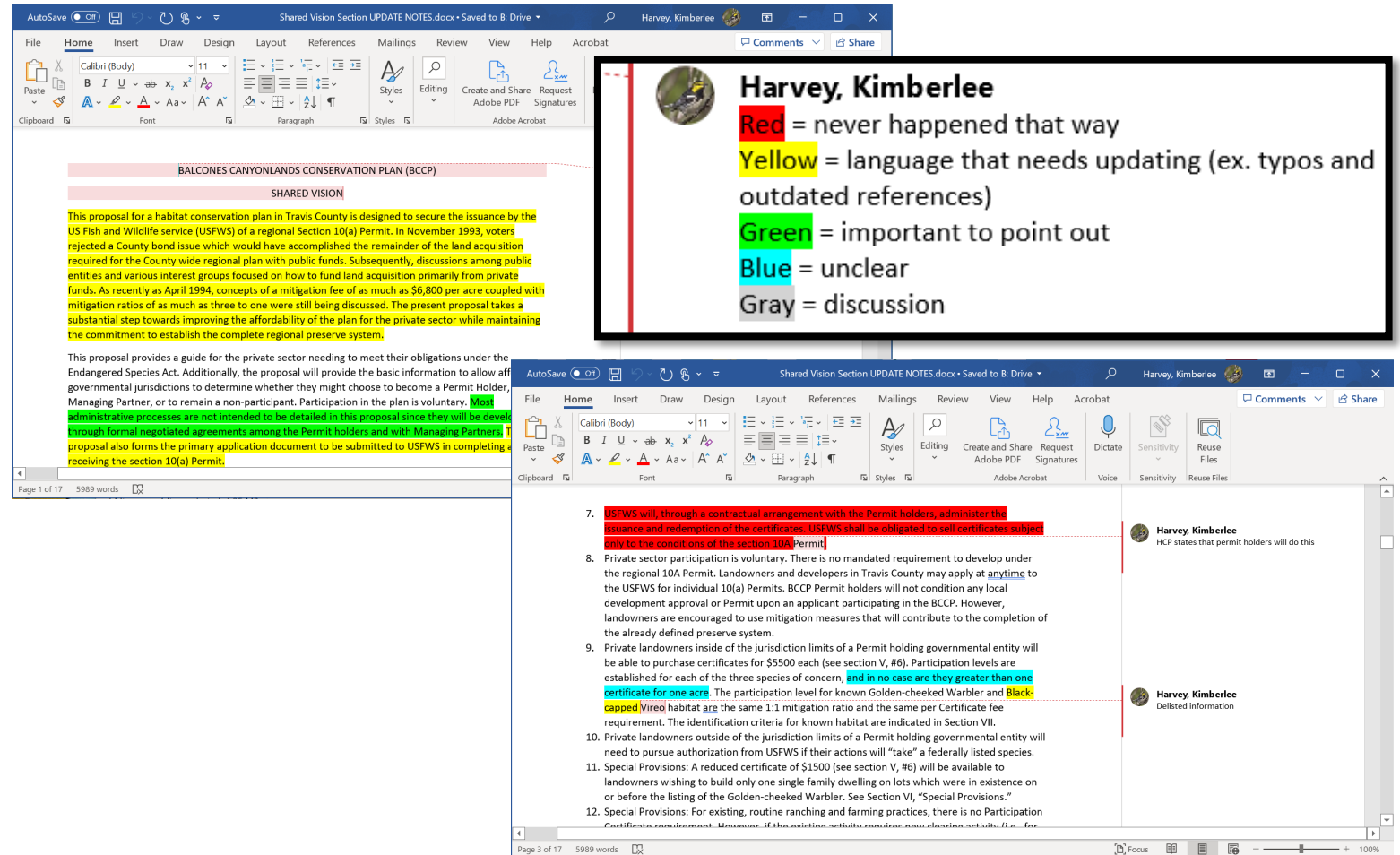
Also called “minor amendment” in BCCP. Surgical changes to plan and implementation.



# Task: Administrative Changes- Update and Modernize the Documents

## Completed:

- Cave Substitution Policy
- ILA for BCCP Secretary
- Review of BCCP ILA and Shared Vision
- Draft of Updated BCCP ILA and Shared Vision
- Presented 1<sup>st</sup> Draft to City and County Lawyers on 10/28/2020
- Reconciled Comments and Submitted 2<sup>nd</sup> Draft to City and County Lawyers on 6/17/21



# Task: Administrative Changes- Update and Modernize the Documents

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## Next steps:

- Execute Updated BCCP ILA and Shared Vision
  - The updated ILA should help to expedite and simplify cost sharing on research projects and consultants.
- Update and Modernize the Plan
  - Separate the HCP from the EIS
  - Clarify Conflicting or Confusing Passages in the Plan
  - Update the Graphics and Preserve Boundary Maps



# Task: Extend BCCP Permit Expiration Date

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## First Step:

- Execute Updated BCCP ILA and Shared Vision

## Next steps:

- Identify Permit Extension Duration
  - Spatial Analysis in BCCP Participation Area to:
    - Determine Unused Mitigation Credits
    - Determine Remaining Habitat
    - Determine Remaining Developable Land

