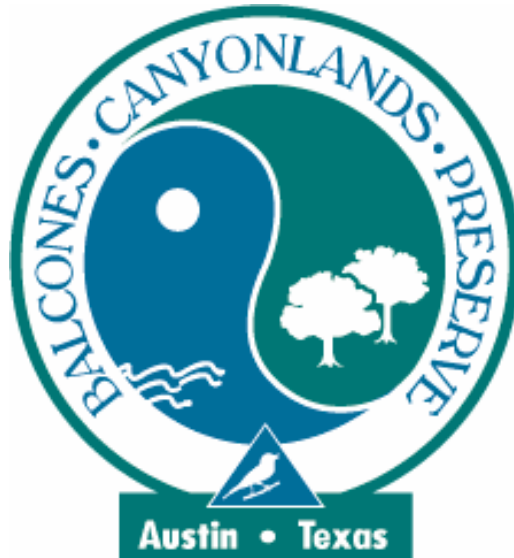


**BALCONES CANYONLANDS PRESERVE
LAND MANAGEMENT PLAN**

TIER III

**LCRA
WHELESS PRESERVE
CYPRESS CREEK MACROSITE**



August 2007

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1.0 BACKGROUND INFORMATION ON TRACT

The Wheless Preserve is a 2,175.77 acre tract of land managed as a preserve for the Balcones Canyonlands Preserve (BCP) system. The Wheless Preserve, which makes up a portion of the larger Wheless Preserve, is located within the Cypress Creek watershed and is the largest of three preserves managed by the Lower Colorado River Authority (LCRA) for the BCP. Two adjacent tracts of land, a 128 acre parcel (the Vaughan tract) and a thirteen acre parcel (the Schulze tract) were donated to the LCRA as mitigation for development elsewhere. These lands are managed as preserve units for the BCP under separate 10(a) permits and are managed using the same procedures and techniques contained in this plan.

1.1 Description of Tract

1.1.1 Location of Tract

The Wheless Preserve is located on the north side of the Lake Travis Basin between the communities of Volente and Jonestown (See Map No. 1). From FM 620 and FM 2222 (“Four Corners”), take Bullick Hollow Rd. west for four and a half miles and turn left (west) on FM 2769. Proceed six miles into the town of Volente. Turn tight (north) on Lime Creek Road and continue approximately four miles to the tract.

1.1.2 Tract Features

The preserve has a pond, a small parking area, a gravel road, and barb-wire fencing on all sides. Some barb-wire fencing remains within the tract from previous owners. The City of Cedar Park has an easement for a water treatment plant, a water tower, and water line located within the preserve (see Map No. 2).

1.1.3 Land Status

Rights-of-Way and Easements

The City of Cedar Park has a 10.08 acre easement within the Wheless Preserve for a water tower and water line which crosses the preserve.

In-Holdings

There are none within the preserve.

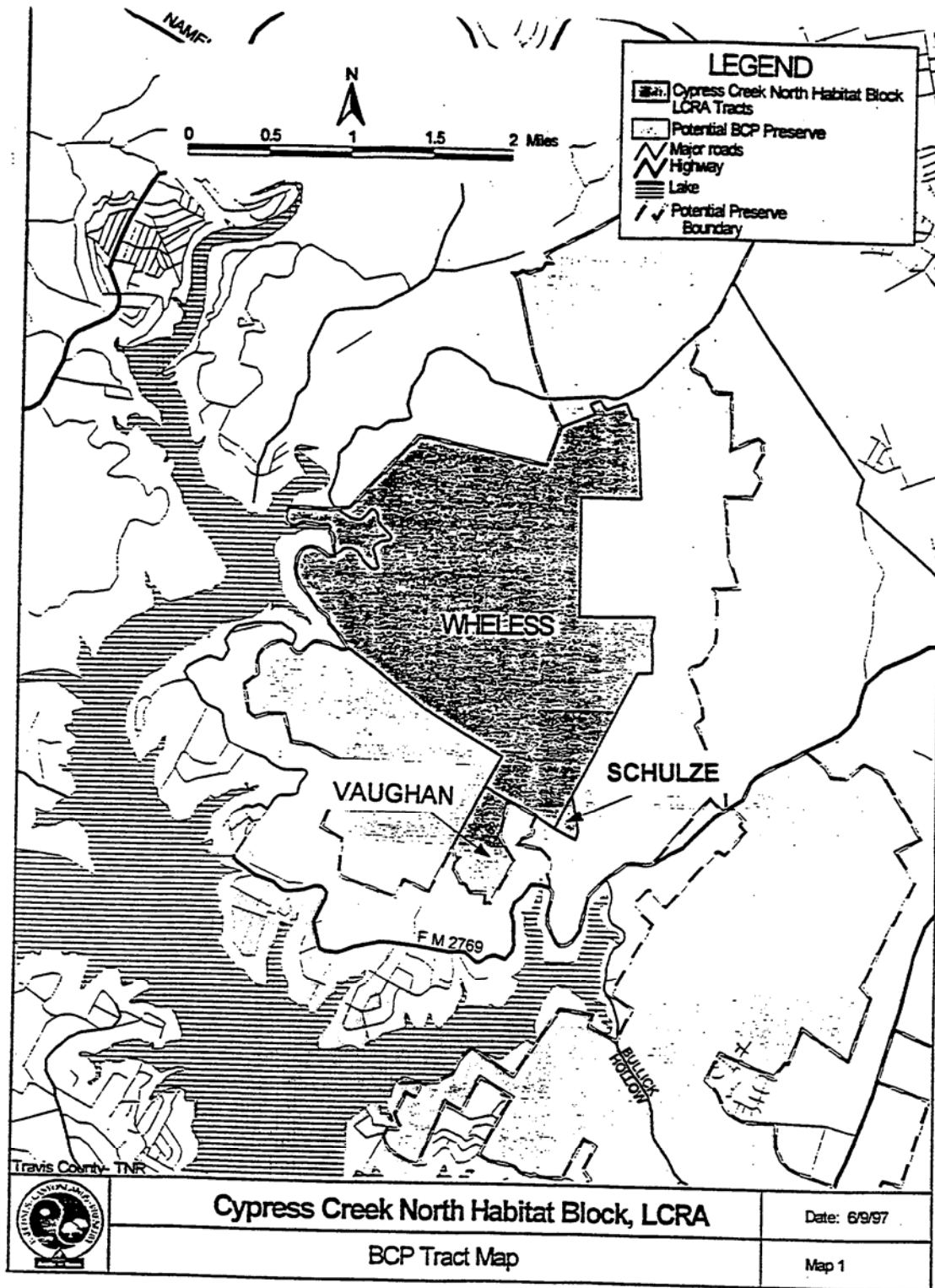


Figure 1. Wheless Preserve Location Map

Boundary Disputes

There are no known boundary disputes on the preserve.

Regulatory Requirements

Compliance with the federal Endangered Species Act of 1973, and subsequent amendments, is necessary due to the presence of the Golden-cheeked warbler (GCW). Moreover, this property is included in the BCP and must meet the requirements and conditions outlined in the 10(a) permit (City of Austin and Travis County Permit PRT-788841). These requirements are covered in Tier II-B, Plan Administration.

Compliance with the federal endangered species regulation necessitates compliance with all relevant sections of the Texas Parks and Wildlife Department Code and amendments and the rules adopted by the Parks and Wildlife Commission.

Deed Restrictions

No deed restrictions exist on the preserve.

Special Agreements

The Wheless Preserve must be managed as preserve land for the GCW. The conditions of the agreement are defined in the Managing Partner Agreement between the City of Austin and the LCRA and approved by U.S. Fish and Wildlife Service. Two adjoining tracts of mitigation lands (Vaughan and Schulze tracts) must also be managed as preserve land for the GCW through separate 10(a) agreements with the USFWS.

The LCRA and Travis Audubon Society executed a boundary line agreement establishing a common boundary between the properties which was recorded at volume 1110; page 377 Travis County Deed Records.

Mineral Rights

Mineral rights for the Wheless Preserve, which includes the preserve, are retained by the LCRA.

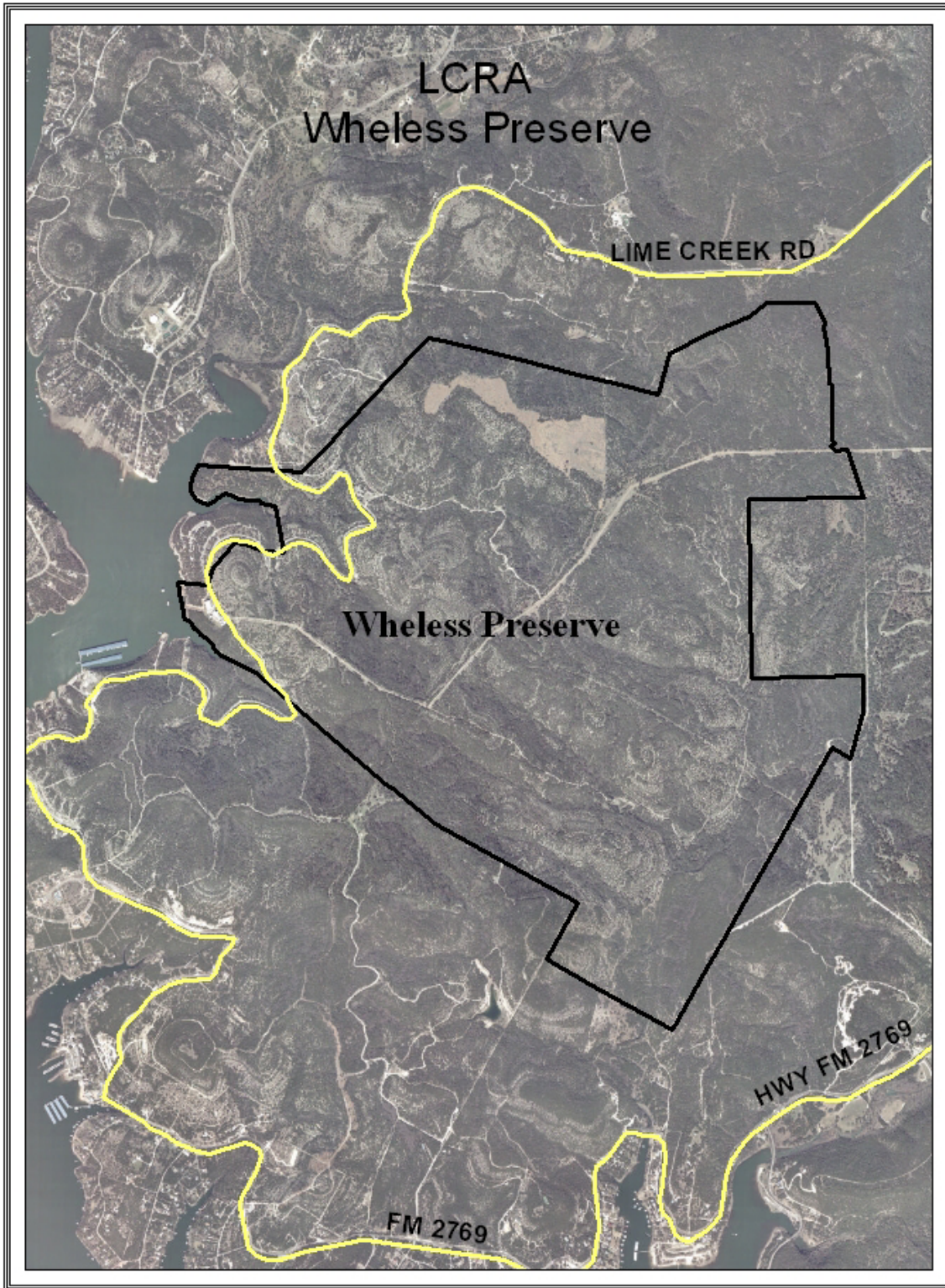


Figure 2. Wheless Preserve Map

Legal Issues

Legal issues for this site include endangered species regulation compliance covered under section 1.1.3.4.

Financial Issues

No debts or other financial encumbrances remain on this property.

1.2 Physical Characteristics

1.2.1 Geology

The Wheless Preserve consists of a set of ridges at an elevation of about 1,000 feet above mean sea level which are part of the Jollyville Plateau. These ridges are deeply cut by steep canyons and side canyons, producing a large number of relatively moist micro-environments. The massive, hard Edwards limestone forms the caprock on the upper ridge, underlain by the clayey Walnut formation. The thin-bedded Glen Rose limestone-dolomite formation, forming the classic terraced topography of the Texas Hill Country, occurs in the canyons of Long Hollow Creek in the eastern portion of the tract and Sandy Creek Park in the western part. The ridges are prone to developing karst features that could contain endangered cave species (LCRA, 1995).

1.2.2 Hydrology

The Wheless Preserve lies within the Cypress Creek watershed. Surface runoff from the steeply sloped canyons flows into Lake Travis through Long Hollow Creek on the eastern portion of the property or through a number of other smaller, intermittently-flowing creeks and washes on the western portion of the property. There is one small pond that holds some surface runoff. Numerous springs, mini-springs, and seeps are found along Long Hollow Creek. Though some of the larger springs may not be flowing during dry periods, the creek maintains flow long into dry periods due to these mini-springs and seeps.

No tract-specific information is available on sub-surface hydrology. See Cypress Creek Macrosite Tier II for a general description.

1.2.3 Soils

The Soil Survey of Travis County, Texas defines the soil on the Wheless Preserve to be composed primarily of the Bracken soils and Rock outcrop, steep (BoF) and the Tarrant Soils, rolling (TaD). The BoF unit is generally found on steep breaks along creeks and rivers with 75% of the surface area covered by 2 to 4 inches of limestone fragments and slopes of 15 to 30

percent. The surface layer is light brownish-gray gravelly clay loam or gravelly loam 4 inches thick. The next layer is pale-brown clay loam that extends to a depth of about 15 inches. The underlying material is interbedded limestone and marl.

The TaD unit consists of shallow to very shallow, well-drained, stony, clayey soils overlying limestone. Random outcrops of limestone typically cover 30-60 percent of the surface area. In a representative profile, a layer, of about eight inches of dark grayish-brown stony clay is underlain by limestone. These soils are moderately slowly permeable, and the available water capacity is low (Soil Conservation Service, 1974).

1.2.4 Caves and Subsurface Features

The ridges are overlain by a dense cap of limestone covering a porous strata of limestone that appears prone to develop karst features (LCRA, 1995). No further information regarding karst features is known at this time.

1.3 Biological Features

1.3.1 Vegetation

The property consists of a set of ridges cut by steep canyons producing a large number of relatively moist micro-environments that support mature stands of oak and ashe juniper. The deciduous component of these woodlands is varied with an open understory, and is dominated by plateau live oak. The uplands contain an open stand of ashe juniper with occasional small molts of live oak or single specimens of live oak or ashe juniper. The extreme northeast and southeast portions of the ridge support a mature oak/juniper woodland similar in composition to the steep slopes of the canyon heads, but with a less varied deciduous component (LCRA, 1995)

1.3.2 Animal Species

A deer census was performed in 1995 by the LCRA and found only four does and one fawn indicating one deer for every 13 acres. Recent surveys (2005, 2006) have shown deer densities to be light (<1deer/25 acres); however limited site distances on survey lines are likely to skew survey results. Minimal regeneration of hardwood species would indicate a relatively high deer density. The birds sighted were all fairly common to the area. A list of 99 bird species observed on the property from endangered bird surveys in 2006 was compiled as part of the survey report. In 2005, a plant list was compiled as well. No other non-endangered species list has been compiled for this site.

1.3.3 *Endangered Species and Species of Concern*

The Wheless Preserve supports significant populations of the endangered GCW as well as the Jollyville Plateau salamander, a species of concern. Moreover, geologic features known to support endangered karst invertebrates have been identified.

- **Golden-Cheeked Warbler**

In total, the Wheless Preserve has a block of GCW habitat totaling approximately 1,700 acres, of which more than 1,400 acres can be considered prime nesting habitat. Parts of the marginal habitat are likely to develop into prime habitat in the future. It is likely that GCW overflow into non-habitat areas after the young are fledged. Therefore, the majority of the preserve should be considered useful to the GCW at some time during the nesting season.

During limited field monitoring in 1992, LCRA personnel found 27 GCW nesting territories occupying about two-thirds of the available habitat. During 1993, combined observations by the LCRA, Texas Department of Transportation (TXDOT, 1993), and DLS Associates (DLS, 1993) documented 55 to 67 GCW nesting territories occupying almost all of the available habitat except a small amount in the lower, more level parts of the canyons and some of the drier canyon heads on south-facing slopes. These sightings suggest a probable total of about 60 territories on the Wheless Preserve. The oak/juniper woodlands on the ridges were also used by the GCW, especially on the northeast part of the ridge. Analysis of the 1994 data indicates that the preserve probably supported about 60 nesting territories of GCW, which is comparable to the population found in 1993.

Observations during partial surveys in 1995, 1996, and 1997 found GCW usage of the tract to be typical of other years in the areas surveyed except in the vicinity of the area cleared for the construction of the new Cedar Park water line in 1995. Surveys in 1996 found fewer GCWs using habitat adjacent to the water line clearing than would have been expected based on data from previous years. Further studies would be needed to determine the cause of this apparent reduction.

From 1997 to 2004, one to three 100-acre plots were surveyed. One plot is considered prime habitat and another marginal habitat. In total, nine to 33 males were found. In 2002, a territory level survey was complete in 2002 finding 92 territories. In 2006, a presence-absence survey was conducted and showed 83-95 males.

- **Black-Capped Vireo**

The Wheless Preserve does not have habitat for Black-capped vireos (BCV), nor have any been sighted during bird surveys since 1992. There are upland ridges which have the geological characteristics capable of supporting BCV habitat.

- **Karst Species**

While no comprehensive invertebrate surveys have been conducted to date, all of the preserve above 950 feet in elevation is likely to contain endangered cave species (Veni, 1991). A general karst feature survey is scheduled for the summer of 2007.

- **Plants**

Two rare orchids (*Hexalectris warnockii* and *Hexalectris nitida*) were found at Wheless in 2005. No other rare or endangered plant species were observed during site investigations.

- **Other Species of Concern**

LCRA personnel searched a section on Long Hollow Creek above and below a small spring for the presence of salamanders in 1993. Surveys for 100 feet above the spring and 3,000 feet below the spring found the Jollyville Plateau salamander, *Eurycea* sp. 1, a taxon that has not yet been classified, along the entire length surveyed. Follow-up investigations have confirmed these findings and regular population surveys are conducted annually. Approximately 116 Jollyville Plateau salamanders were observed in 2006, with an all time high population count in 2005 around 150 individuals. Other studies are being conducted on this population of salamanders including genetics and a captive breeding program.

1.4 Land Uses

1.4.1 Pre-Historical

There are four known cultural resource sites. Prehistoric occupation of this area is evidenced by burned rock and artifacts indicative of hunter-gatherer campsites dating as far back as 4,000 years. These campsites were situated in the uplands to exploit vegetation and to hunt game (Kotter, 1979). Additional cultural resource surveys will be conducted.

1.4.2 Historical

The Wheless tract was acquired by LCRA in a land exchange with a private landowner/developer in the early 1950's. The primary historical land use was for livestock grazing. LCRA continued this practice through a lease agreement until the late 1980's. LCRA began management of the tract as a preserve for endangered species starting in the early 1990's following an initial GCW survey.

1.4.3 Current

- **On-Site Usage**

LCRA limits the current use of the tract to management, maintenance, and conservation services staff only for the purpose of conserving the native vegetation and endangered species habitat. City of Cedar Park staff access the site to maintain the water line and related infrastructure.

- **Adjacent Land Usage**

Adjacent land usage consists of a 680 acre Travis Audubon Bird Sanctuary to the north and northeast. Some scattered tracts of residential development and grazing lands are located to the south and east. To the west of the preserve, Travis County operates Sandy Creek park on a portion of the Wheless tract leased from the LCRA and the city of Cedar Park operates a water treatment plant. A privately managed preserve, the D.C. Reed/Volente tract, is adjacent to the Wheless Preserve to the southwest.

2.0 MANAGEMENT PROGRAM

2.1 Plan Administration

2.1.1 Description of Managing Entity

The management plan for the Wheless Preserve will be implemented by LCRA staff or its representatives. The 1934 Act which created the LCRA as a conservation and reclamation district specifically charged the organization with the responsibility to” . . . develop and manage parks, recreational facilities, and natural science laboratories, and to promote the preservation of fish and wildlife within the boundaries of the district.”

It is LCRA’s mission to provide reliable, low-cost utility and public services in partnership with our customers and communities and to use our leadership role and environmental authority to ensure the protection and constructive use of the area’s natural resources. The LCRA has no taxing authority.

2.1.2 Staffing

Management and maintenance of this preserve are the responsibility of LCRA’s department of Conservation Services (CS). Full-time staff within this department includes natural resource conservation coordinators and technicians. The department has access to personnel specializing in environmental compliance, watershed management, and park maintenance. Other LCRA employees will assist CS, including LCRA Rangers who will patrol the preserve.

2.1.3 Inventory of Major Equipment

LCRA will obtain the equipment necessary to maintain the preserve either from purchase of new equipment or from the use of existing equipment already being used by park maintenance personnel. This equipment includes four-wheel drive vehicles equipped with winches, a backhoe, a small tractor, and an all-terrain vehicle. Trucks, specialized and heavy construction equipment are also available from other LCRA departments.

2.1.4 Current Budget

The department of Conservation Services within Community Services Business Unit will annually budget for management and maintenance activities within the Wheless Preserve. Funding levels will reflect the activities planned for the next fiscal year (July 1 - June30).

2.1.5 Interagency Cooperation, Management Contracts & Agreements

See attached BCP Managing Partner Agreement (Appendix I).

2.1.6 Annual Reports

The LCRA will provide annual reports on management and maintenance activities on a date agreed upon between LCRA, USFWS and the BCP Coordinating Committee.

2.2 Management Goals

2.2. Primary Management Goals

- Maintain or improve vegetation quality and coverage to provide habitat area for the GCW.
 - Where feasible, develop new habitat for the BCW.
 - Participate in the development and implementation of the BCP long-term biological monitoring program in conjunction with other preserves within the macrosite.
 - Manage the preserve in accordance with the BCCP Managing Partner Agreement.
-
- **Golden-cheeked Warbler**
LCRA will limit human disturbance of GCW, maintain or improve existing habitat, and monitor GCW populations in order to identify the success of these activities. Success will be achieved by maintaining or increasing current numbers of GCWs.

- **Black-capped Vireo**

Presently, no BCV habitat exists within the Wheless Preserve. An upland ridge with soils conducive to establishing BCV habitat may be managed for vireos. However, GCW habitat will not be removed to create habitat for BCVs.

- **Federally Listed Karst Species**

LCRA has not identified any listed karst species to date on the Wheless Preserve. The LCRA will conduct future investigations to identify karst features and to determine if listed species exist on site.

- **Species of Concern**

The Jollyville Plateau Salamander is found in one spring system on the Wheless Preserve. LCRA will continue its efforts to identify, monitor, and protect this species. Protection efforts will include limiting ground disturbance in the watershed of this creek system. The LCRA is working with the City of Austin on establishing a long-term monitoring system for the salamanders.

2.2.2 *Secondary Management Goals*

- Protect and enhance water quality.
- Control erosion.
- Offer a limited number of guided tours and other educational opportunities.

2.3 **Management Objectives**

The main objectives for this macrosite (Cypress Creek Macrosite) are, in order of priority:

1. Protection of endangered species and species of concern, the land and water;
2. Management of endangered species and species of concern and their habitats;
3. Enhancement of the habitats for endangered species and species of concern
4. Monitoring of the habitats for endangered species and species of concern; and
5. Public education and outreach about endangered species and species of concern and their habitats.

The Tier II-C Cypress Creek Macrosite land management plan provides more detail as to how activities are grouped under the above priority objectives.

Vegetation

- Manage grasslands using mechanical methods or prescribed burning.
- Develop fire management plan for preventing and/or controlling wild fires.
- Monitor waterline easement for remediation compliance by the City of Cedar Park.
- Identify rare plant species and communities.

Wildlife/Animals

- Conduct deer censuses and manage the population of this species.
- Monitor, protect, and aid in the recovery of endangered species and species of concern.
- Perform habitat restoration projects.

Natural/Cultural

- Control erosion, especially along gravel roads and bare, steep slopes.
- Inventory, evaluate, and protect cultural resources.
- Perform karst survey.
- Remove interior fences.

Visitor Issues & Projects

- Monitor perimeter fencing to control access.
- Plan and develop trail system and parking area.
- Offer a limited number of guided tours.

Table 1. Wheless Preserve Management Activities

MANAGEMENT ACTIVITIES	FY08	FY09	FY10	FY11	FY12
Vegetation Management					
Control non-native species		X	X		X
Monitor and suppress oak wilt		X		X	
Perform prescribed burn, if necessary		X	X		
Develop fire management plan		X			
Improve BCV habitat, in stages	X		X		X
Improve GCW habitat, as needed			X		X
Inventory plant species of concern		X		X	
Animal Management					
Participate in BCP monitoring program, as determined by BCP monitoring committee	X	X	X	X	X

MANAGEMENT ACTIVITIES	FY08	FY09	FY10	FY11	FY12
Inventory karst features	X				
Conduct deer surveys and removal, if necessary	X		X		X
Evaluate feral animals and implement control, if needed	X	X	X	X	X
Evaluate BHC numbers and control, as needed		X		X	
Monitor Red Imported Fire Ants and control, as needed		X		X	
Physical and Cultural Management Practices					
Implement water quality protection measures	X	X	X	X	X
Protect karst sites, as needed	X	X	X	X	X
Inventory and evaluate cultural resource sites		X			
Visitor Management					
Monitor perimeter fencing and repair as needed	X	X	X	X	X
Allow limited guided tours and environmental education classes		X		X	

2.4 Specific Implementation Strategies

All implementation strategies will follow the applicable guidelines as set forth in the BCP Tier I document. Where specified, implementation strategies will also follow guidelines set by other regional, state, and/or federal agencies.

2.4.1 Vegetation Management Procedures

Control Methods (mechanical/physical)

All methods employed by preserve managers to control vegetation will abide by the applicable parts of the following: USDA Natural Resources Conservation Service's (NRCS) Conservation Practice Standards on vegetative management; the Texas State Soil and Water Conservation Board's Best Management Practices; the Texas Agricultural Extension Service publications on mechanical/chemical vegetative management; and applicable state, federal and local laws on the use of pesticides. Pesticide applications must be under the supervision of a licensed applicator and follow LCRA's Pest Management Plan Manual. Pesticides will not be used on lands managed for the BCP without coordination with the BCP Coordinating Committee.

Oak Wilt

No oak wilt is presently known on the property. All regular users of the property will be instructed to report any oak wilt observed and oak wilt will be included as an item of concern for

the regular monitoring program. Persons conducting biological surveys on the property will be instructed to be alert for indications of oak wilt and to promptly report any occurrences.

Oak wilt prevention and suppression guidelines will follow established Texas Forest Service (TFS) procedures stated in the “Texas Forest Service Cooperative Oak Wilt Suppression Project Operation Procedures and Technical Guidelines.” Suppression project plans will be developed in cooperation with the TFS. Control of oak wilt will be designed around resource management objectives and managed with consideration of wildlife needs.

Prescribed Fire & Wildfires

Prescribed burns will only occur if it is decided that creation of BCV habitat is a priority for this site and that a prescribed burn is necessary. This issue is still being studied at the present time. Should a prescribed burn be necessary, guidelines will follow the Fire Control Protocol as written in the Tier I document of the BCP as well as the NRCS’s Conservation Practice Standard “Prescribed Burning,” Code number 338. A USDA-NRCS “Prescribed Burning Management Plan” (TX-ECS-E-D) for each burn will be prepared. They will be prepared with the assistance and review of the Tier I protocol and the NRCS.

Wildfire pre-suppression and suppression guidelines will be the applicable parts of United States Department of the Interior National Park Service “Wildfire Management Guidelines,” guideline number 18. The LCRA will develop a wildfire management plan in coordination with the appropriate fire control district. The plan will be attached to this document upon completion.

Restoration & Protection Efforts

An area for potential BCV habitat restoration has been identified on the upland ridge of the Wheless Preserve.

Species of Concern

Guidelines will follow established U.S. Fish and Wildlife Service and Texas Parks and Wildlife Department procedures. Any rare or sensitive plant communities found will be protected from browsing pressure, human impact, and other disturbances.

2.4.2 Animal Management Procedures

Endangered Species

Guidelines for activities on lands inhabited by endangered species will follow the Balcones Canyonlands Conservation Plan (BCCP) Environmental Impact Statement’s Management

Standards and Guidelines. LCRA will develop specific wildlife conservation plans using biological survey data by specialized personnel.

Habitat restoration, along with management and control of browsing animals, fire ants, oak wilt, cowbirds, nest predation, and wild fire will be detailed in the fiscal year management plans.

Vegetation on the site will be co-managed for the warbler and vireo. Any vegetation management directed toward the benefit of the vireo will be done in such a way as to avoid possible harm to warbler habitat and with the possible future benefit of the warbler in mind should efforts to attract BCVs to the site not prove successful.

A. Golden-Cheeked Warbler

Baseline data: GCW surveys were performed on part or all of this property in 1992, 1993, 1994, 1995 and 1996 and two permanent GCW study plots were established and surveyed in 1997. Additionally, vegetation mapping was done in 1996 and the GCW habitat defined. Baseline data for the GCW for this property are considered adequate for planning purposes.

Habitat Improvement: Opportunities for habitat improvement exist where water line construction, fence building activities and vehicle trails have broken canopy cover in warbler habitat. The property will be surveyed to identify those areas where revegetation can improve habitat quality and a habitat improvement program will be designed and implemented for these areas.

B. Black-Capped Vireo

Habitat development: A preliminary evaluation based on aerial photography and field experience indicates approximately 100 acres of the Wheless Preserve has good potential for development of BCV habitat and there is a possibility that other areas may offer some potential. The preliminary evaluation concluded that it is not likely that a large block of vireo habitat could be developed without possible harm to existing or potential GCW habitat. A BCV habitat development program will be established to further define areas for potential development and to design and implement vegetation management programs to encourage the growth of vireo habitat without compromising existing or potential GCW habitat.

C. Karst Invertebrates

Karst invertebrates are not known to exist on the Wheless Preserve; however, incidental observations reported in conjunction with bird and vegetation surveys of the property indicate that there are some surface indications of significant karst development on the property. A program will be developed and implemented to survey the preserve for caves and, if any are

found, to determine if they support populations of protected karst invertebrates or karst species of concern. If protected karst invertebrates or karst species of concern are found, measures to protect and monitor these populations will be developed and implemented.

Problem Animal Control

A. Browsing Animals

There is evidence that browsing pressure from white-tailed deer may inhibit regeneration of desirable woody species in existing or developing GCW habitat. Browsing pressure could also impede efforts to improve GCW habitat and develop BCV habitat. A program will be implemented to monitor regeneration of desirable woody species. Future action with regard to this concern will depend upon the findings of this program.

Where necessary, best management practices will be reviewed to reduce wildlife populations which are deemed harmful to any protected species and/or their habitat. Fencing or enclosures may be used to protect sensitive plants or habitats. Individual animals that are destructive, diseased or otherwise harmful to property may be trapped and relocated or, if necessary, destroyed by a Peace Officer or other licensed person.

B. Feral Animals

Feral animals are not presently perceived to be a significant problem on the Wheless Preserve. Only a few observations of feral animals have been reported from the biological surveys conducted in the last five years. However, as development proceeds adjacent to the preserve, feral pet animals could become a problem. All regular users of the property will be instructed to report any feral animals observed. Persons conducting biological surveys on the property will be instructed to be alert for indications of feral animals and to promptly report any occurrences. If it becomes evident that feral animals pose a significant threat to the protected species on the preserve, appropriate measures to control the threat will be implemented.

Where necessary, trapping and other means may be used to reduce feral animal populations. Feral animals will be turned over to local animal control authorities. Individual animals that are destructive, diseased or otherwise harmful to property may be trapped and relocated or, if necessary, destroyed by a Peace Officer or other licensed person.

C. Predation and Parasitism

Nest parasitism by the brown-beaded cowbird is the most important consideration in this category. While cowbirds have been reported on the property, the population is considered to be moderate. This is as would be expected for a large tract with a minimum of nearby livestock

husbandry. Under an appropriate priority, a program to evaluate the potential benefit of cowbird tapping will be undertaken and a cowbird trapping program will be considered after review of the results. This subject is also discussed under “Threats” in Section 3.2.

Predation by wild animals is perceived as normal for the vicinity. While predation from scrub jays, raccoons, opossums and snakes may be expected, no effective means of controlling this type of predation are known. The perceived level of the problem will not justify extraordinary means to control predation from these sources and no action is planned.

LCRA will control fire ants and other insect pests according to the guidelines in the Texas Agricultural Extension Service (TAES) publications on pest management; applicable state, federal and local laws on the use of pesticides (application of pesticides must be under supervision of licensed applicator), and LCRA’s Pest Management Plan Manual. No chemical control methods will be used without the approval of the BCP Management Committee.

Fire ant and insect pest control methods will be based on their efficiency and the impact they have on other natural resources and visitors. The most specific and least environmentally damaging alternative will be tried first unless there are economic or safety reasons for not doing so.

2.4.3 Physical and Cultural Management Procedures

Hydrology and Water Quality

Conservation land treatment practices will be carried out to control erosion and non-point source pollution (NPS) issues. All practices will be in accordance with all applicable parts of the USDA NRCS’s Conservation Practice Standards, TAES’s publications on erosion/NPS pollution control, LCRA’s Lake Travis NPS Pollution Ordinance and state, federal and local laws and regulations.

Roads, parking areas, and selected problem areas, such as steep road banks, will require permanent erosion/NPS pollution controls and monitoring.

Geology

Areas containing significant karst formations will be kept in their natural state and any access routes found in close proximity to these features will be re-routed. LCRA will periodically monitor known sites and survey for new karst features as necessary. LCRA will treat fire ant infestations near karst openings with boiling water only unless other methods are approved by

the BCP Management Committee. Disturbance of soil and vegetation is prohibited in the drainage areas surrounding significant karst features.

Soils

In order to control erosion and NPS pollution problems, LCRA will perform appropriate conservation land treatment practices. Areas surrounding trail or road maintenance will use temporary erosion NPS controls as needed. LCRA will periodically monitor and maintain service roads, parking areas, and selected problem areas such as steep road banks with permanent erosion/NPS controls.

Guidelines for erosion/NPS pollution controls include the following: all applicable parts of the USDA Natural Resources Conservation Service (NRCS) Conservation Practice Standards, Texas Agricultural Extension Service publications on erosion/NPS control, LCRA's Lake Travis NPS Pollution Ordinance and state, federal, and local laws and regulations.

Cultural Resource Protection

Where significant cultural resources have been identified or are found in further investigations within the Wheless Preserve, their protection and preservation will be maintained by LCRA staff archaeologist(s).

2.4.4 Visitor Management Procedures

Access Control

LCRA will strictly enforce "Land and Water Use Regulations" (attached as Appendix II), applicable state, federal, and local laws and regulations; special provisions adopted by the LCRA Board; and special agreements, leases, or contracts will be implemented to control visitor access to the site. Law enforcement will be performed by LCRA Rangers and other commissioned law enforcement officers. Access points into the preserve will be signed, gated, and locked. Preserve boundaries will be fenced with a minimum of a five strand barbed-wire built to LCRA's "Boundary Fence Specifications" or equivalent fencing specified in USDA NRCS's Conservation Practice Standards. Motor vehicle access will be limited to established roads except for equipment and vehicles used to maintain or inspect the preserve.

Individual or Independent Group Use

Non-Commercial Use: Currently, non-commercial use either by individuals or private groups are not permitted on LCRA preserve lands. However, LCRA plans to develop programs to

promote educational, research, and wildlife viewing activities. These programs will be developed so that they do not interfere with the nesting season.

Commercial Use: No commercial use of this site is anticipated. Should LCRA receive a request for commercial use such as film making, the request will be reviewed by CS management on a case-by-case basis. Under no circumstances will commercial activities take place in or near GCW or BCV habitat during the BCV and GCW nesting season.

User/Resource Conflicts

LCRA will strictly enforce the following laws and regulations: LCRA's "Land and Water Use Regulations", LCRA's "Litter and Illegal Dumping Abatement Ordinance" and all applicable state, federal and local laws and regulations concerning litter, dumping, general sanitation, and solid waste disposal will be strictly enforced. Law enforcement will be performed by LCRA Rangers and other officers as appropriate.

3.0 MANAGEMENT PROGRAM MONITORING

LCRA will monitor and evaluate habitat management in accordance with applicable biological monitoring procedures as defined in the Tier II-A Management Handbook. Evaluation and reporting procedures will comply with applicable portions of Tier II-B Plan Administration.

4.0 LITERATURE CITED

Balcones Canyonlands Conservation Plan: Environmental Impact Statement.

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Lower Colorado River Authority, Austin, TX.

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and Wildlife Service, Region 2. Albuquerque, NM.

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U.S. Fish and Wildlife Service, Ft. Worth, TX.

APPENDIX I:

BCCP MANAGING PARTNER AGREEMENT

Mr. Thomas G. Mason
Deputy General Counsel
LCRA Legal Department
P.O. Box 220
Austin, Texas 78767

Dear Tom:

Enclosed please find a fully executed original of the above referenced agreement for your files. It has been a pleasure.

Sincerely,
Mitzi Cotton
Assistant City Attorney

**MANAGING PARTNER
AGREEMENT
BETWEEN THE BALCONES
CANYONLANDS COORDINATING COMMITTEE
AND THE LOWER COLORADO
RIVER AUTHORITY**

**ARTICLE I.
Preamble**

A. Authority

1. This Managing Partner Agreement ("Agreement") is entered into pursuant to the Interlocal Cooperation Act, Tex. Gov. Code, Chapter 791 and other applicable law, and in accordance with the Endangered Species Act Section 10(a) Permit Application for a thirty (30) year permit, Permit No. 788841 P.R.T., filed by the City of Austin and Travis County, March 19, 1995 ("Permit").
2. This Agreement does not establish a partnership or joint venture under Texas statutory or common law.
3. Expenditures under this Agreement shall be made from current revenues available to the parties.

B. Parties

The Parties to this Agreement are the Lower Colorado River Authority, a conservation and reclamation district established by the State of Texas, acting by and through its duly authorized General Manager or designee ("LCRA") and the Balcones Canyonlands Coordinating Committee, an administrative agency created by the City of Austin and Travis County, by and through its duly authorized Secretary or designee ("Coordinating Committee").

C. Purpose

The purposes of this Agreement are:

1. To assist the Coordinating Committee in implementing the terms of the Permit by designating and managing land as part of the habitat preserve system.
2. To provide a mechanism whereby the LCRA and its wholesale electric customers may proceed with public capital improvement or other construction projects in compliance with the Endangered Species Act.

3. To promote the preservation of fish and wildlife and to protect water quality in the LCRA statutory district.

ARTICLE II. Obligations of LCRA

- A. LCRA agrees that by its execution of this Agreement, it designates 2,565 acres of its current lands as preserve system lands as illustrated in Exhibit "A" to this Agreement. LCRA agrees to thereafter continue said designation for the life of the Permit.
- B. LCRA agrees to manage its designated preserve system lands in a manner which will not jeopardize the Permit and in accordance with its land management plan adopted pursuant to Section II. C. of this Agreement. LCRA agrees to provide reasonable access to its designated preserve system lands to Coordinating Committee representatives for inspection and monitoring.
- C. No later than twelve (12) months after receipt of land management guidelines from the Coordinating Committee, LCRA shall produce land management plans for its designated preserve system lands and submit the plans to the Coordinating Committee Secretary for approval. The plans shall be approved only if they are in compliance with the land management guidelines. No substantial revision to the approved plans may be required by the Coordinating Committee without the concurrence of LCRA.
- D. LCRA shall submit an annual report regarding management of its designated preserve system lands during the previous year to the Coordinating Committee Secretary no later than March 31 of each year.
- E. LCRA does not by this Agreement assume any responsibility or liability for management of preserve system lands which are not included in Exhibit "A" to this Agreement. LCRA does not by this Agreement assume any responsibility for enforcement actions regarding compliance with the Endangered Species Act.
- F. This Agreement shall not restrict LCRA from conveying by lease, sale, or other transaction, any interest in its preserve system lands included in Exhibit "A" to this Agreement to a third party; provided, however, the Coordinating Committee or its designated representative be given prior notice and opportunity to review the documentation necessary to ensure that the preserve system lands remain designated in accordance with Article II. A. of this Agreement, and that LCRA shall remain responsible for managing such lands in accordance with this Agreement.

ARTICLE III. Obligations of Coordinating Committee

- A. No later than six (6) months after the effective date of this Agreement, the Coordinating Committee shall provide approved land management guidelines to the LCRA, and shall provide LCRA with any subsequently approved amendments to the land management guidelines.
- B. The Coordinating Committee shall credit LCRA with 2,565 acres in mitigation value, that being the mitigation value associated with the 2,565 acres designated as preserve system lands. The mitigation value may only be used in accordance with paragraph C below. The mitigation value may not be sold by either LCRA or the Coordinating Committee.
- C. The Coordinating Committee shall account for LCRA's mitigation value, and shall allow it to be used in accordance with the Endangered Species Act by LCRA for its capital improvements or other construction projects or, upon LCRA's approval, by LCRA wholesale electric customers; provided that use of the mitigation value must be within Travis County except as otherwise provided in this paragraph and must be included in LCRA's annual land management report. Mitigation value may be used by LCRA or by its wholesale electric customers for capital improvements or other construction projects in counties adjacent to Travis County only to the extent such use does not jeopardize the validity of the Permit and has been authorized by the United States Fish and Wildlife Service or its successor agency.
- D. The Coordinating Committee shall, upon LCRA's request, provide LCRA with results of any inspection or monitoring of LCRA's designated preserve system land.

ARTICLE IV. General Provisions

- A. Term, Termination.
 - 1. This Agreement becomes effective on the date it is executed by all parties and terminates upon termination of the Permit, unless terminated earlier pursuant to Sections IV. A. 2, 3, 4 or 5 of this Agreement.
 - 2. Notwithstanding anything to the contrary within this Agreement, if at any time during the term of this Agreement, the LCRA Board fails to provide funding for all or any part of its obligations herein for the following fiscal year, LCRA shall give

notice to the Coordinating Committee of such failure to fund and upon delivery of such notice shall no longer be liable for said unfunded obligations. Upon receipt of such notice, the Coordinating Committee may elect to terminate this Agreement as its sole recourse.

3. If a party defaults in the performance of any of the terms or conditions of this Agreement, other than by failure to fund, the defaulting party shall have 30 days after receipt of written notice of such default within which to cure the default. If the default is not cured within such period of time, then the non-defaulting party shall have the right without further notice to terminate this Agreement and to seek relief as specified in Section IV. A. 4. below.
4. The parties agree the preserve system land to be designated pursuant to Section II. A. of this Agreement is unique and irreplaceable, and that the failure of LCRA to designate property as preserve system land and to continue said designation pursuant to the terms of this Agreement would result in damage to the party seeking to maintain the Permit that could not be adequately compensated by a monetary award. The parties therefore agree that if LCRA fails to perform the covenant incumbent on it due under the terms of this Agreement, i.e. designate preserve system land and continue said designation pursuant to Section II. A. of this Agreement, the other party may appropriately seek an order from a court of appropriate jurisdiction requiring the defaulting party to specifically perform that covenant. Such order shall not require LCRA to maintain, repair, or otherwise expend funds associated with the land, but only to designate the land in question and to thereafter continue said designation for the life of the Permit. In such an event, LCRA shall bear no further responsibility or liability for the management of its designated preserve system land and the Coordinating Committee shall, to the extent authorized by law, indemnify and hold harmless LCRA, its officers, employees, and agents, against any and all demands, claims, liability, loss, or damages which directly result from the management of LCRA's preserve system land by the Coordinating Committee or its agents.
5. Either party may terminate this Agreement upon thirty (30) days notice if changes in federal laws or regulations obviate the need for the Permit.

B. Notice to Parties

1. Notice to be effective under this Agreement must be in writing and received by the party to whom it is directed. Notice is received by a party: (1) when it is delivered to the party personally; (2) on the date shown on the return receipt if mailed by registered or certified mail, return receipt requested, to the party's address specified

in subsection 2 below and the receipt is signed on behalf of the party; or three (3) calendar days after its deposit in the United States mail, with first-class postage affixed, addressed to the party's address specified in subsection 2 below.

2. Each party's address is set out following its signature line on this Agreement.

C. Miscellaneous

1. This Agreement states the entire Agreement of the parties and it may be amended only by written instrument signed by both parties.
2. This Agreement is binding on the successors in interest to the parties.
3. This Agreement is performable in Travis County, Texas, and Texas law governs its interpretation and application.
4. Regardless of the actual drafter of this Agreement, this Agreement shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against either party.
5. This Agreement may be executed in multiple counterparts.
6. This Agreement replaces and supersedes the Interagency Plan adopted by LCRA, Travis County, and the City of Austin in September 1992.
7. In any action to enforce the terms of this Agreement, no party shall be entitled to recovery of attorneys' fees from the other party.

BALCONES CANYONLANDS COORDINATING COMMITTEE

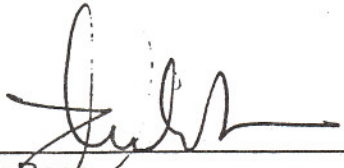
P. O. Box 1088
Austin, Texas 78767

By: Austan A. Librach
Austan Librach
Coordinating Committee Secretary

Date: 2 February 96

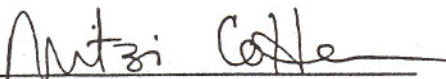
LOWER COLORADO RIVER AUTHORITY
P.O. BOX 220
Austin, Texas 78767-0220



By: 
Mark Rose
General Manager

Date: 1/29/96

APPROVED AS TO FORM:


City of Austin, Law Department

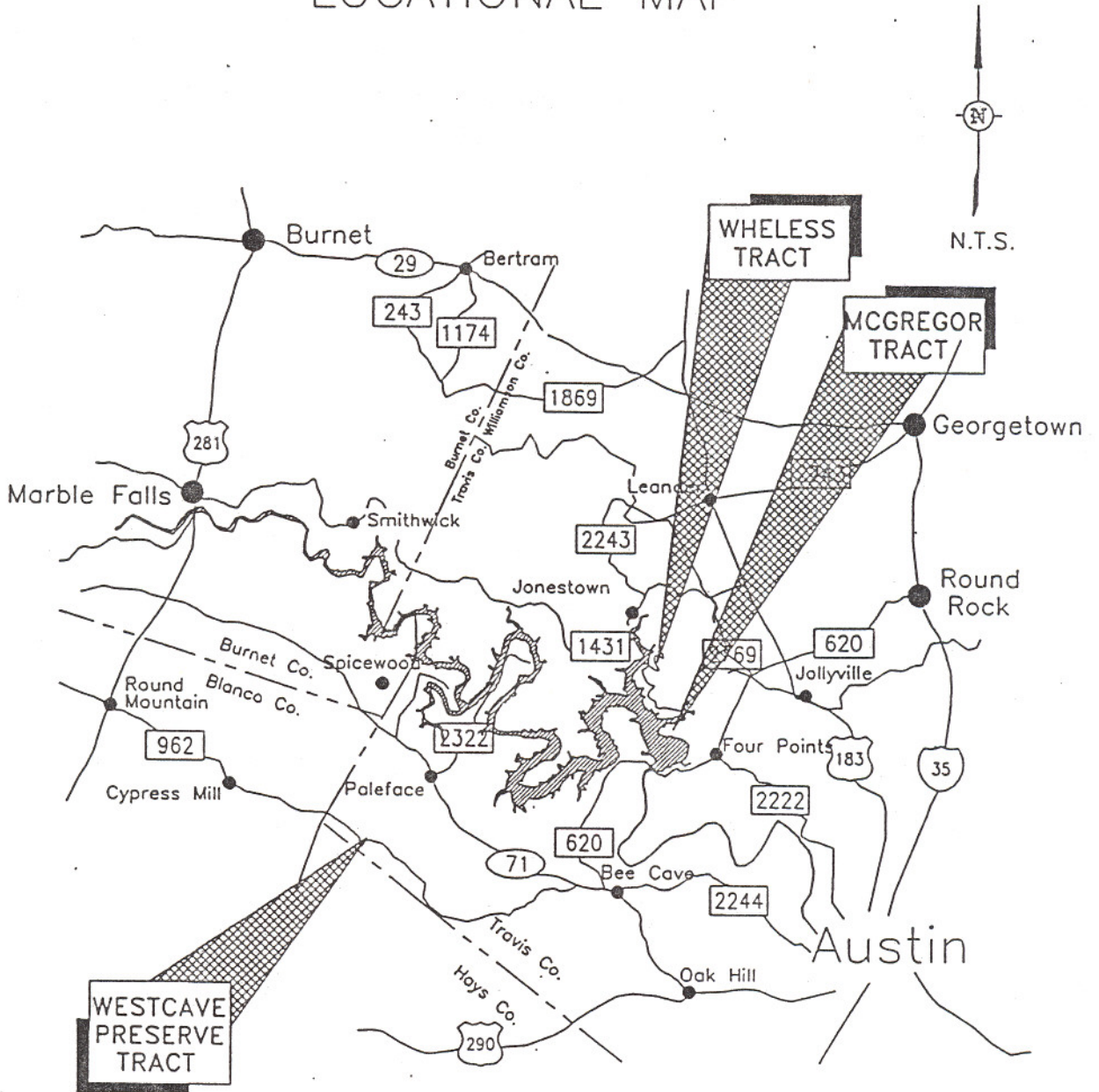
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EXHIBIT "A"

2,565 acres of preserve system lands

BCCP PRESERVATION LANDS

LOCATIONAL MAP





LAKE TRAVIS

SANDY CREEK
PARK

Appx 681'
CONTOUR

WATER TREATMENT
PLANT

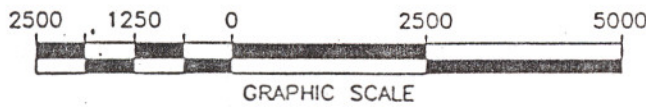
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CONTOUR

LIME CREEK
ROAD

PRESERVATION AREA
2175.77 ACRES

714' CONTOUR

LAKE
TRAVIS



GRAPHIC SCALE

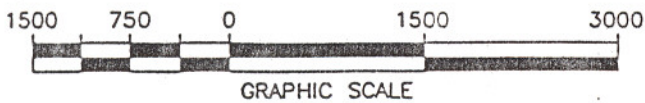
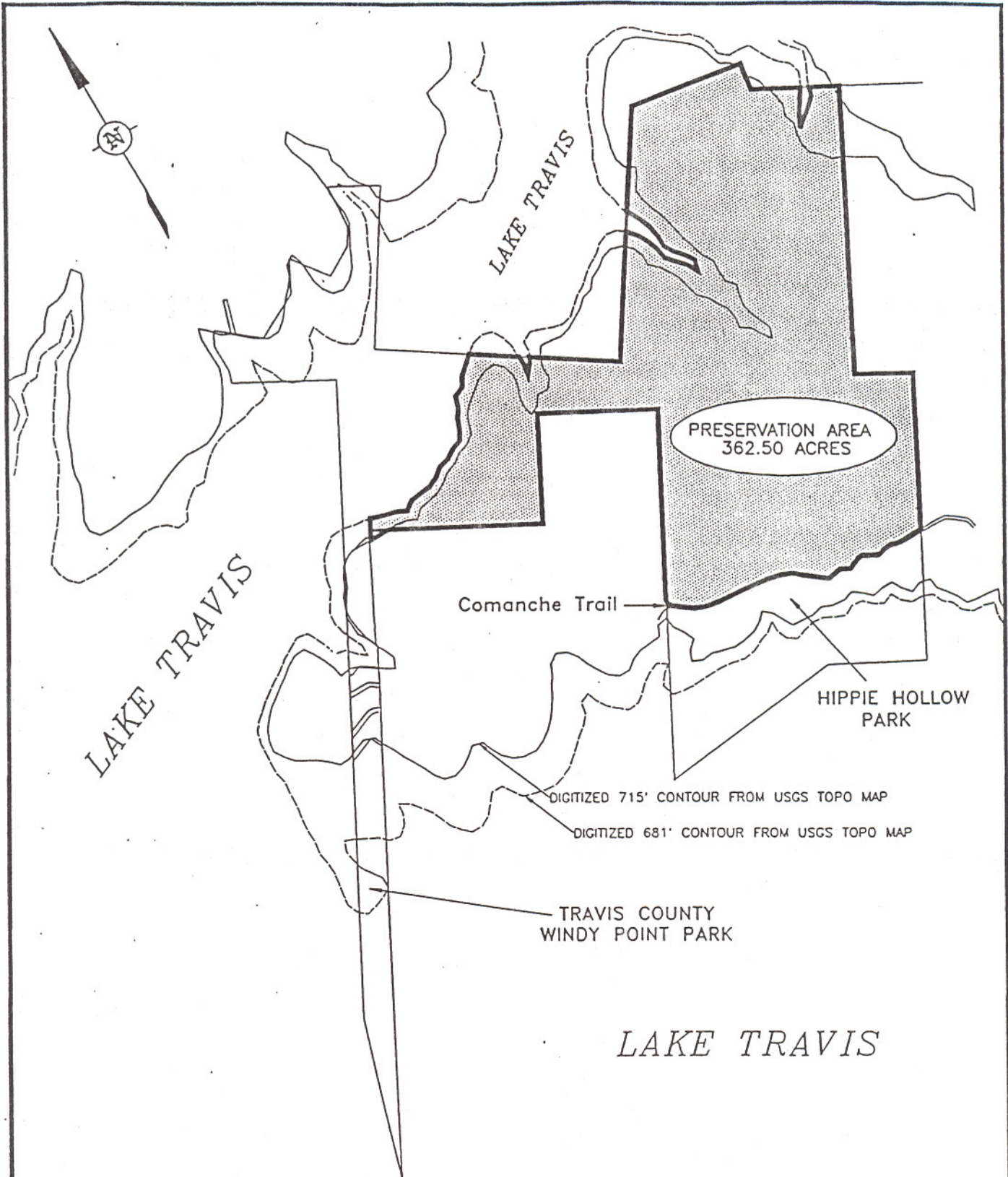
WHELESS RESOURCE AREA

DRAWN BY: DMS

SCALE: 1:2500'

01/09/96

WHEL1.DWG



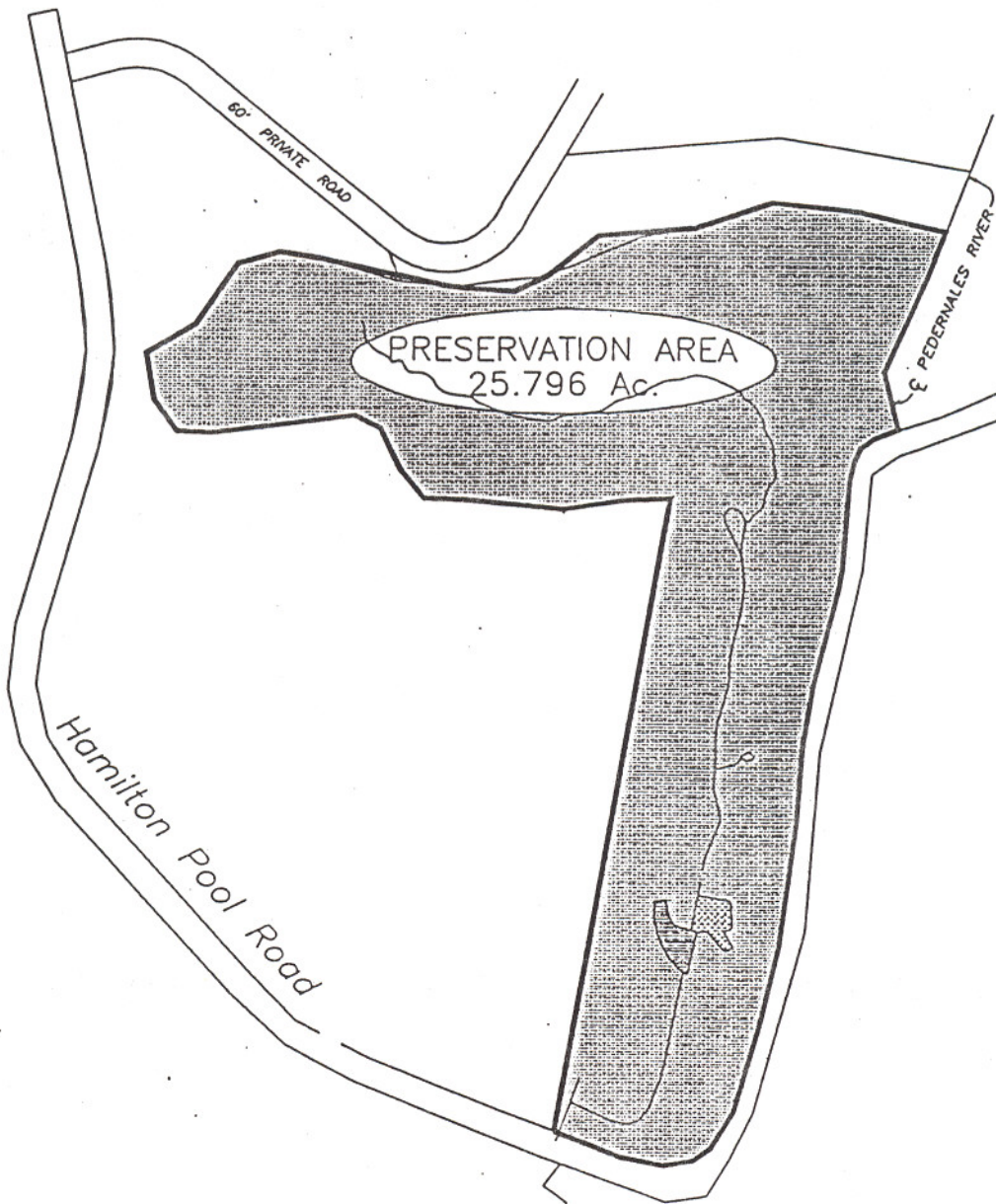
MCGREGOR RESOURCE AREA

DRAWN BY: DMS

SCALE: 1:1500'

01/09/96

MCGREG1.DWG



GRAPHIC SCALE

WESTCAVE PRESERVE

DRAWN BY: DMS

SCALE: 1:400'

01/09/96

WESTCAVE.DWG

APPENDIX II:

LCRA LAND AND WATER USE REGULATIONS

LCRA Land and Water Use Regulations

1. APPLICABILITY

These regulations apply to all water under the jurisdiction of the Lower Colorado River Authority (“LCRA water”) and to all land owned by the Lower Colorado River Authority (“LCRA land”).

2. AUTHORITY

These regulations are adopted and promulgated under authority vested in the Board of Directors of the LCR.A by the laws of the State of Texas including, but not limited to, the LCRA Act, Chapter 51 of the Texas Water Code, and Chapter 31 of the Texas Parks and Wildlife Code.

3. DEFINITION OF TERMS

The following words in these regulations have the definitions attached to them in this paragraph:

- a. “General Manager” means the general manager or the acting general manager of the Lower Colorado River Authority or his designee.
- b. “Watercraft” means any boat, vessel, personal watercraft, barge or similar floating craft used or capable of being used for transportation on water.
- c. “Motorboat” means any vessel propelled or designed to be propelled by machinery, whether or not the machinery is permanently or temporarily affixed or is the principal source of propulsion.

4. WATERCRAFT

- a. A motorboat operating on LCRA water must have an exhaust water manifold or a factory-type muffler installed on the engine.
- b. No person may operate a watercraft on LCRA water while the person is intoxicated.
- c. Watercraft on LCRA water shall be equipped and operated in accordance with all provisions of the Water Safety Act and all water safety rules and regulations adopted by the Texas Parks and Wildlife Department.
- d. The operator of any watercraft involved in an accident shall immediately report the accident to an LCRA ranger or other law enforcement official.
- e. Any watercraft being operated on Lake Travis that is equipped with an optional exhaust noise suppression device shall be operated with the device engaged when in a “No Wake” area

5. RESTRICTED AREAS

The general manager is authorized to designate certain areas in LCRA water as bathing, fishing, swimming, or otherwise restricted areas. Such areas shall be marked by buoys or signs. No person shall engage in any activity which violates a posted prohibition or restriction. This paragraph shall not apply to maintenance, patrol, or rescue watercraft.

6. EMERGENCY RESTRICTIONS

In the case of extreme flooding, water contamination, or other emergency or natural disaster, the general manager is authorized to declare restrictions on the use of all or any portion of LCRA water for a period not to exceed 30 days, as deemed necessary and convenient for purposes of public health, safety and welfare. If deemed necessary by the general manager because of continued emergency conditions, the general manager may extend the restrictions for a successive period not to exceed 30 days. No person shall engage in any activity which violates such restrictions.

7. SWIMMING

Swimming is prohibited within 50 feet of any public boat ramp.

8. OBSTRUCTION OF NAVIGATION AND WATER FLOW

No person shall anchor any watercraft or construct or maintain any floating or fixed structure on LCRA water that unreasonably prevents, impedes or interferes with safe navigation or access to the water by the public. No person shall construct or maintain in LCRA water any fence or similar device for the purpose of diverting water and/or wind currents or interfere with the normal movement of water and floating debris. All floating or fixed structures of any type on LCRA water shall be adequately marked or lighted so as not to create a safety hazard for the public. This paragraph shall not apply to breakwater structures permitted under the Highland Lakes Marina Ordinance.

9. DREDGING AND FILLING

Any excavation, discharge or fill of materials in LCRA water shall be performed in accordance with all applicable regulations and permits of the U.S. Army Corps of Engineers (Fort Worth or Galveston District) and LCRA's Nonpoint Source Pollution Control Ordinances.

10. BUOYS

No person shall place any buoy or marker on LCRA water.

11. CAMPING AND PICNICKING

- a. Picnicking and camping are allowed on LCRA land only in those public areas so designated.
- b. No person shall camp on any LCRA land for more than five consecutive days or camp on LCRA land for more than 10 days within any calendar month.
- c. No person shall litter or contaminate any camping, picnic or other areas of LCRA land or LCRA water. Garbage and waste may be disposed of only in trash barrels provided by the LCRA. In areas where there are no trash barrels, campers and picnickers shall collect and remove their garbage and waste from LCRA land for lawful disposal.
- d. Campfires are permitted only in established fire rings or in contained camp stoves. During times of extreme fire hazard conditions, the general manager may declare a ban on all ground fires on all or any part of LCRA land, as necessary for purposes of public health, safety and welfare. No person shall light, build or maintain a ground fire on LCRA land while such a ban is in effect. No person shall at any time burn trash, garbage, brush or other refuse on LCRA land.
- e. All pets must be kept on leashes at all times while in the designated camping and picnicking areas; outside the designated camping and picnicking areas, pets must be kept under their owners' direct control. In no case shall a pet be allowed to constitute a nuisance. Livestock shall not be allowed to range or graze on LCRA land. No horses shall be allowed in designated camping or picnicking areas.
- f. No person shall destroy or remove from LCRA land any timber, shrubs, other vegetation, rock, sand, gravel, caliche, or any other substance, material or geologic feature.
- g. No person shall place, construct, erect or occupy any temporary or permanent structure for human habitation or other purposes on LCRA land. This provision does not apply to the use of normal camping equipment. No person shall install or construct an electric, water, wastewater or other utility line or service upon, over or under LCRA land.
- h. Public consumption or display of alcoholic beverages is prohibited on LCRA land. Intoxicated persons may not be allowed on LCRA land. Visitors who become intoxicated while on LCRA land may be removed from LCRA land.
- i. No person shall bring or use any glass container on LCRA land.
- j. No person shall cause, create or contribute to excessive noise on LCRA land between the hours of 10 and 6 a.m. Noise that unreasonably disturbs other visitors is considered excessive. Generators and amplified music shall be turned off between the hours of 10 p.m. and 6 a.m.

12. PROHIBITED AREAS

To ensure the safety and health of the public and to provide for the security, safeguarding and preservation of property and improvements, the general manager is authorized to designate areas of LCRA land from which the public shall be prohibited to enter or in which certain activities shall be prohibited. Such areas shall be clearly marked by signs indicating the prohibition. No person shall enter into such prohibited areas or engage in prohibited activities.

13. FIREARMS, HUNTING AND TRAPPING

The transportation, possession or use of firearms, or any other type of weapon, and any and all types of hunting on LCRA land or LCRA water are illegal under state law and are strictly prohibited. No person shall place poisons or mechanical devices such as traps and snares on LCRA land.

14. FIREWORKS AND EXPLOSIVES

Possession or discharge of fireworks or explosives on LCRA land or LCRA water is prohibited.

15. METAL DETECTORS

No person shall use or operate a metal detector on LCRA land.

16. ARCHAEOLOGICAL AND HISTORICAL FEATURES

Archaeological and historical features of every character located in, on or under LCRA land or LCRA water are protected by state law and may not be disturbed or removed without a permit from the Texas Antiquities Committee, or successor agency, and without having obtained prior written permission from the LCRA.

17. SANITATION

No person shall dump or otherwise dispose of trash, garbage, hazardous materials, unsightly matter, junk, or other solid waste on LCRA land or into LCRA water. No person shall discharge wastewater, sewage, or effluent from holding tanks, sinks, toilets, or other plumbing fixtures on LCRA land or in LCRA water. Non-hazardous waste may be disposed of only in designated trash barrels.

18. ABANDONED PROPERTY

Abandonment of personal property on or in LCRA land or LCRA water is prohibited. Personal property left unattended on or in LCRA land or LCRA water for more than 24 hours shall be considered abandoned property. Abandoned property may be removed and disposed of in any manner deemed appropriate by the general manager. LCRA is not responsible for personal property left on LCRA land or LCRA water.

19. MOTOR VEHICLES

Except in special-use areas designated by the general manager, all motor vehicle operation on LCRA land shall be confined to designated roads and parking areas. All motor vehicles operated on LCRA land shall be licensed for street use and shall be operated only by persons with valid driver's licenses in a reasonable and prudent manner to prevent environmental damage and to ensure public safety. No motor vehicle may be operated in excess of a posted speed limit.

20. PROTECTION OF LCRA PROPERTY

No person shall damage, deface, or destroy any LCRA property, including equipment and facilities provided for outdoor recreational purposes. No person shall, in any manner, alter or remove any LCRA sign, survey marker, boundary fence, cross fence, gate, cattle guard, or wire gap. No person shall construct any road, trail, path, or other avenue on, over or across LCRA land or cross LCRA land to reach adjacent property.

21. GROUPS

Prior written permission shall be obtained from the LCRA for any organized group activity on LCRA land involving 20 or more individuals. At the sole discretion of the general manager, a particular site may be designated by the LCRA and reserved for any group activity.

22. SOLICITATION OF BUSINESS

No person shall engage in or solicit any business on LCRA land or LCRA water.

23. ADVERTISEMENTS

No commercial notices, signs or advertisements shall be placed on LCRA land. Private messages may be posted only in areas designated by the general manager for such messages.

24. PARK REGULATIONS

In addition to these regulations, the LCRA may enact regulations specifically for certain LCRA parks and adjacent LCRA water and may approve park regulations enacted by other political subdivisions for LCRA land leased to them for public parks. In case of conflict between specific park regulations and these general use regulations, the specific park regulations shall govern.

25. WAIVER AND PERMITS

Except when prohibited by state law, any provision of these regulations may be waived in whole or in part as deemed necessary and appropriate in the sole discretion of the general manager. A waiver shall be evidenced by a permit or other prior written permission issued by the general manager.

26. VIOLATIONS

Any person who, without the prior written permission of the general manager, knowingly or intentionally violates or fails to comply with any provision of these regulations is guilty of a misdemeanor. Upon conviction, the violator is subject to punishment by a fine not to exceed \$200. In addition, such violator(s) may be barred from use of LCRA land and facilities for a period of 30 days for the first offense and 60 days for any subsequent offense.

27. VALIDITY

If any part of these regulations should be held by a court of competent jurisdiction to be invalid or unconstitutional, the validity of the remainder hereof shall not be affected. The purpose of these regulations is to ensure a safe and enjoyable stay for all visitors of our parks.