# Balcones Canyonlands Conservation Plan

# 2023 Annual Report

(October 1, 2022 – September 30, 2023)

USFWS Regional Section 10(a)(1)(B) Permit No. TE-788841-2

Travis County – City of Austin

Submitted by
The Balcones Canyonlands Conservation Plan
Coordinating Committee
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**Background**

On May 2, 1996, the City of Austin and Travis County were jointly issued a U.S. Fish and Wildlife Service (USFWS) regional permit referred to as the Balcones Canyonlands Conservation Plan (BCCP). This permit allows incidental "take" of eight locally occurring endangered species in compliance with Section 10(a)1(B) of the Endangered Species Act (USFWS, 1996a). The 30-year permit covers approximately 561,000 acres in western Travis County identified in the Habitat Conservation Plan and Final Environmental Impact Statement (HCP) (USFWS, 1996b). The permit also covers incidental take of 27 species of concern should any become listed as threatened or endangered during the life of the permit (Table 1).

**Table 1 - Species Covered by the Balcones Canyonlands Conservation Plan**

| Common name | Scientific name | Status |
|---|---|---|
| Black-capped vireo | *Vireo atricapilla* | Delisted* |
| Golden-cheeked warbler** | *Setophaga chrysoparia* | Endangered |
| Tooth Cave pseudoscorpion | *Tartarocreagris texana* | Endangered |
| Tooth Cave spider | *Neoleptoneta myopica* | Endangered |
| Bee Creek Cave harvestman | *Texella reddelli* | Endangered |
| Bone Cave harvestman | *Texella reyesi* | Endangered |
| Tooth Cave ground beetle | *Rhadine persephone* | Endangered |
| Kretschmarr Cave mold beetle | *Texamaurops reddelli* | Endangered |
| Canyon mock-orange | *Philadelphus ernestii* | Species of Concern |
| Texabama croton | *Croton alabamensis* | Species of Concern |
| Flatworm | *Sphalloplana mohri* | Species of Concern |
| Ostracod | *Candona* sp. nr. *stagnalis* | Species of Concern |
| Isopod | *Caecidotea reddelli* | Species of Concern |
| Isopod | *Trichoniscinae* N.S. | Species of Concern |
| Isopod | *Miktoniscus* N.S. | Species of Concern |
| Spider | *Cicurina wartoni* | Species of Concern |
| Spider | *Cicurina ellioti* | Species of Concern |
| Spider | *Cicurina bandida* | Species of Concern |
| Spider | *Cicurina reddelli* | Species of Concern |
| Spider | *Cicurina reyesi* | Species of Concern |
| Spider | *Cicurina cueva* | Species of Concern |
| Spider | *Cicurina travisae* | Species of Concern |
| Spider | *Neoleptoneta concinna* | Species of Concern |
| Spider | *Neoleptoneta devia* | Species of Concern |
| Spider | *Eidmannella reclusa* | Species of Concern |
| Harvestman | *Texella spinoperca* | Species of Concern |
| Pseudoscorpion | *Aphrastochthonius* N.S. | Species of Concern |
| Pseudoscorpion | *Tartarocreagris reddelli* | Species of Concern |
| Pseudoscorpion | *Tartarocreagris intermedia* | Species of Concern |

| | | |
|---|---|---|
| Pseudoscorpion | *Tartarocreagris* N.S. 3 | Species of Concern |
| Pseudoscorpian | *Tartarocreagris comanche* | Species of Concern |
| Millipede | *Speodesmus* N.S. | Species of Concern |
| Ground beetle | *Rhadine s. subterranea* | Species of Concern |
| Ground beetle | *Rhadine s.mitchelli* | Species of Concern |
| Ground beetle | *Rhadine austinica* | Species of Concern |

*Previously listed as Endangered, the Black-capped vireo was delisted in April 2018

**Scientific reclassification in 2011 from *Dendroica chrysoparia* to *Setophaga chrysoparia*

**Permit Requirements**

The City of Austin and Travis County (the Permit Holders) are required to assemble and manage a minimum of 30,428 acres of suitable habitat for the golden-cheeked warbler and the black-capped vireo. Additionally, Permit Holders are required to protect and manage populations of canyon mock orange and Texabama croton. The Permit Holders are also required to acquire, manage, and/or ensure protection for 35 karst features which support populations of six species of endangered karst invertebrates and an additional 27 karst features that are known to harbor 25 karst-specific species of concern. This system of managed and protected habitats is known as the Balcones Canyonlands Preserve (BCP or Preserve). The locations of habitat areas and specific karst features proposed for protection are delineated in the HCP (USFWS, 1996b).

Agencies or organizations which enter into formal agreements with the Permit Holders in order to manage designated Preserve lands in accordance with the BCCP are considered Managing Partners. The Lower Colorado River Authority (LCRA) and The City of Sunset Valley are both Managing Partners. The LCRA manages approximately 400 acres as a portion of the Preserve system. As a Managing Partner, LCRA may mitigate for capital improvement and infrastructure development projects through the mitigation credit system established by the BCCP. The City of Sunset Valley entered into a BCP Managing Partner Agreement in 2014 and designated 21.585 acres, known as the Gaines Greenbelt, to be included as part of the BCP. The Gaines Greenbelt mitigates for impacts to golden-cheeked warblers, black-capped vireos, and karst species due to maintenance, improvement and public use of the Gaines Greenbelt Trail, and future impacts associated with social trail closure, fencing and signage.

The Nature Conservancy of Texas (TNCTX) and the Travis Audubon Society (TAS) also manage lands for public and environmental benefit within the BCP.

The Permit further requires that the Permit Holders submit an annual report which provides the following:

- an annual summary of development activities within the Permit area
- an annual list of tracts for which Participation Certificates were issued
- the amount of funds collected through Participation Certificate and USFWS directed mitigation fees
- the amount of funds expended for land acquisition
- the amount of funds expended for BCP operations and maintenance
- an updated map of BCP lands

- a summary of public use and habitat management activities within the BCP
- copies of all research and investigation reports prepared within the last year.

**Development Activity within the Permit Area**

The City of Austin development activity report for Fiscal Year 2023 (FY23), which details building permits issued by the City of Austin west of Loop 1 within the Permit area, is located in Appendix A.

The Travis County development activity report for FY23, which details building permits issued by Travis County in precincts 2 and 3 within the Permit area, is located in Appendix B.

**Mitigation Credit Balance**

The City of Austin's BCP staff administers the Capital Improvement and Infrastructure Development Project mitigation credit system on behalf of the BCCP Coordinating Committee. The mitigation needs of the Permit Holders and the Managing Partner for these projects are provided under the terms of the regional Permit. Mitigation credits are issued at a rate equal to the number of acres within the Preserve system managed under the terms and conditions of the Permit and the HCP/EIS (U.S. Fish and Wildlife Service, 1996a and 1996b). BCP acreage that was originally mitigation under the BCCP Alternative Determination Process, or another Section 10(a) or Section 7 permit, is not included in this mitigation bank acreage total. Capital improvement and infrastructure development mitigation needs are subtracted from this accumulated "bank" of credits at a rate of one acre of credit per acre of habitat impact, regardless of habitat zone (Table 2).

**Table 2 - Infrastructure Projects Mitigated Through the Use of Mitigation Credits in FY23 by Participating Agency**

| | |
|---|---|
| **City of Austin** | |
| *Starting City of Austin Balance* | **11,613.94 acres** |
| *New preserve additions (credits)* | 0 |
| Rock Harbor Force Main Project | 0.4 |
| COA Fire and EMS Station – Canyon Creek | 16.4 |
| Barton Creek 12" WWL Cleaning Project | 0.5 |
| | |
| ***Remaining Mitigation Credits*** | **11,596.64 acres** |
| | |
| **Travis County** | |
| *Starting Travis County Balance* | **9,348.044 acres** |
| *New preserve additions (credits)* | 1.0 |
| Hamilton Pool Road Safety Project Phase II | 5.4 |
| | |
| ***Remaining Mitigation Credits*** | **9,343.644 acres** |
| | |
| **Lower Colorado River Authority (LCRA)** | |
| *Starting LCRA Balance* | **223.33 acres** |

| | |
|---|---|
| *New preserve additions (credits) –* | 0 |
| Marshall Ford to McNeil (T197) Emergency Fiber Work | 0.4 |
| Lakeway to Marble Falls (T497) TL Storm Hardening Project | 10.7 |
| Marshall Ford to Spicewood to McNeil TL Storm Hardening Project | 5.4 |
| Austin Sunshine Camp Residential Home | 0.2 |
| ***Remaining Mitigation Credits*** | **206.63 acres** |

A number of private landowners also manage habitat within the proposed preserve boundaries, often as required under individually issued Section 10(a) permits. These landowners are responsible for reporting in accordance with the terms and conditions of their individual permits directly to the USFWS and their reports are not incorporated into this Annual Report. The Permit Holders strive to cooperate with these entities and private landowners to address species and land management concerns common to all BCP properties.

The City of Austin operates the BCCP Capital Improvement and Infrastructure Development Mitigation Process, and Travis County administers the BCCP Public Participation Process that addresses the mitigation needs of agencies and landowners under the terms of the Permit. The BCCP provides a voluntary, streamlined alternative for agencies and landowners seeking to comply with the Endangered Species Act (the Act). Those entities participating through the BCCP have met their obligations under the Act and may proceed with development under the terms of their respective Participation Agreements. Those agencies and landowners choosing not to participate may comply with the Endangered Species Act by obtaining an individual 10(a) permit from the USFWS.

**Participation Certificate Activity**

Travis County's Natural Resources Department administers the BCCP Public Participation Process on behalf of the BCCP Coordinating Committee and issues Participation Certificates for cooperating landowners within the Permit area. As required by the terms of the regional Permit, copies of each Participation Certificate and Habitat Determination map are provided to USFWS Austin Ecological Services office.

During FY23, 20 Participation Certificates were issued as follows for development projects: 4 for schools, 4 for infrastructure projects, 1 for single family residential, 3 for commercial development, 6 for residential, and 1 Other (COA Fire Station) (Table 3).

**Funds Collected through Participation Certificates**

A total of $236,674.00 was collected through the sale of Participation Certificates in FY23 (Table 3). To facilitate a 50/50 split in participation certificate revenue between the City of Austin and Travis County, participants pay the mitigation fee with two checks, half to "BCCP-City of Austin" and the other half to "BCCP-Travis County." The checks are delivered to each agency for separate processing.

**Table 3 - FY23 Projects Mitigated Through the Purchase of Participation Certificates**

| Application Number | Date | Name | Category | Amount Paid |
|---|---|---|---|---|
| **1113** | 2/27/2023 | JEJ Family Holdings | Residential | $26,950.00 |
| **1142** | 10/4/2022 | Karlin Duval, LLC. | Commercial | $94,900.00 |
| **1152** | 4/18/2023 | Scott Abanto & Zoe Berman | Residential | $2,200.00 |
| **1155** | 10/4/2022 | Nexius | Infrastructure | $200.00 |
| **1156** | 11/17/2022 | Jeremy Coburn | Residential | $49,500.00 |
| **1158** | 2/27/2023 | Round Rock ISD | School | N/A |
| **1161** | 4/18/2023 | Lake Travis ISD | Infrastructure | $9,075.00 |
| **1162** | 11/17/2022 | Pedernales Electric Cooperative | Infrastructure | $3,575.00 |
| **1163** | 11/17/2002 | Taylor Wilson | Residential | $7,700.00 |
| **1175** | 2/24/2023 | Valor Texas Education Foundation | School | N/A |
| **1181** | 4/18/2023 | Lake Travis ISD | School | N/A |
| **1182** | 4/18/2023 | Lake Travis ISD | School | N/A |
| **1186** | 6/20/2023 | City of Austin | Other | N/A |
| **1187** | 2/9/2023 | Janet Manzanero | SF Residential | $2,000.00 |
| **1192** | 05/17/2023 | Jeff Nietschmann | Residential | $3,300.00 |
| **1194** | 2/24/2023 | The Boat House, LLC | Commercial | $27,500.00 |
| **1199** | 6/20/2023 | Richard Kooris | Residential | $400.00 |
| **1204** | 6/20/2023 | HT Canyon West Development, LP | Infrastructure | $1,374.00 |
| **1214** | 8/24/2023 | DG Holdings, LLC | Commercial | $5,500.00 |
| **1221** | 9/12/2023 | Joe Petrocelli | Residential | $5,500.00 |
| | | | | |
| | | | **Total** | **$239,674.00** |

**Funds Collected through Tax Benefit Financing**

Travis County's Tax Benefit Financing Plan is the method Travis County agreed to use for funding land acquisition and management. In FY23, Travis County's Tax Benefit Financing Plan (TBF) generated $22,636,124.00 for Travis County's land acquisition and management projects.

**Funds Expended for Land Acquisition**

Travis County continues to purchase preserve properties using County funds without grant assistance. Fee simple purchases and alternative protection strategies such as conservation easements, donations, and deed transfers have also been utilized. Use of these non-traditional measures provides opportunities to secure in-perpetuity protection for habitat lands that may not otherwise be available.

Travis County expended $0 in FY23 on non-grant land acquisition activities and secured 1.0 acres for inclusion in the BCP. At the end of FY23 Travis County managed 13,219.094 acres of land within the BCP. For a detailed account of all BCP tracts assembled see Appendices C, D, and E. All City of Austin and Travis County FY23 BCP Land acquisitions are shown by tract in Table 4.

**Table 4 - Travis County and City of Austin FY23 BCP Land Acquisitions.**

| Tract Name | Agency | Date Acquired | Acreage | Total Expenditures |
|---|---|---|---|---|
| Concordia University CE | Travis County | 12/20/2022 | 1.0 | $0 |
| | | **Total** | **1.0** | **$0** |
| | | | | |
| | City of Austin | 0 | 0 | $0 |
| | | **Total** | | **$0** |

**Funds Expended for Operations and Maintenance**

In FY23, the Permit Holders, LCRA, TNCTX, the Travis Audubon Society (TAS) and the City of Sunset Valley spent $6,484,858 on operation and maintenance of BCP lands (Table 5).

The City of Austin spent a total of $2,321,929 for FY23 to fund BCP management expenditures by the Austin Water Wildland Conservation Division - Balcones Canyonlands Preserve Program (WCD-BCP). This figure understates the City's total expenditures on this program since it does not include (1) work by other staff in Austin Water on program administration and support; (2) operation and maintenance expenditures by Austin Parks and Recreation Department (PARD) operations on BCP-designated parkland; or (3) capital improvement projects related to offices, fencing, and other facilities/ infrastructure. The aforementioned expenditures cannot be readily determined from their program budgets.

**Table 5 - Annual FY21 through FY23 BCP Budgets (excluding land acquisition costs) for Permit Holders, the Managing Partners, and Cooperating Entities with Summary of Total Budgets since Plan Inception.**

| BCP Partner | FY 2021 | FY 2022 | FY 2023 | Total Budget: 1996 to Present |
|---|---|---|---|---|
| City of Austin* | $2,183,787 | $2,325,825 | $2,321,929 | Up through FY23 $31,679,682 |
| Travis County | $3,992,882 | $3,218,065 | $3,863,748 | Up through FY23 $38,981,350 |
| LCRA** | $5,537 | $4,215 | $7,396 | Up through FY23 $1,839,675 |
| TNCTX | $10,000 | $10,000 | $206,785 | Up through FY23 $1,336,785 |
| TAS | $85,000 | $85,000 | $85,000 | Up through FY23 $731,986 |
| City of Sunset Valley**** | $6,000 | $4,386.81 | $0 | Up through FY23 $32,447.81 |
| **TOTALS** | **$5,048,894** | **$6,283,206** | **$6,484,858** | Up through FY22 $4,595,925.81 |

| | | | | |
|---|---|---|---|---|
| | | | | |

* City of Austin budget includes BCCP Participation funds.

** Does not include expenditures by Westcave Preserve Corporation

**** The City of Sunset Valley does not track staff time in regard to open space management. Budgetary expenditures only reflect the cost of consultants.

The Travis County Natural Resources budget for the BCP Program in FY23 was $3,863,748. This total includes Travis County General Fund expenditures, BCP Participation funds, funds for land acquisition and funds negotiated and received from private 10(a) holders for land managed by Travis County to support ongoing operations and maintenance of County-managed Conservation Easements. This sum does not include administrative, legal, law enforcement support or non-habitat-related operations and maintenance provided by other Travis County Departments. This sum does not include estimated expenditures by St. Edwards University, which holds a contract to conduct educational programming and management of the County-owned Wild Basin Wilderness Preserve.

**Lands Dedicated to the Balcones Canyonlands Preserve**

As of FY23, 33,283.48 acres of black-capped vireo and golden-cheeked warbler habitat have been assembled by the Permit Holders with the assistance of cooperating landowners and entities. Even though the minimum 30,428 acres of endangered bird habitat has now been acquired, additional acreage will still be needed to meet the configuration requirements for the bird habitat blocks by macrosite and to acquire additional specific karst features required in the Permit.

Fifty-two of the 62 karst features which are identified to be protected in the permit have been afforded some level of protection. Eleven additional endangered species karst features which are not listed on the permit are also protected on BCP land. A map illustrating the current status of the BCP is enclosed as Appendix E. Summaries of BCP lands sorted by macrosite and managing entity are attached as Appendices C and D, respectively.

**FY 2023 Research or Investigative Reports**

Research reports for activities that occurred on the BCP are included as Appendices V1 through V13. See the table of contents for a list of appendices which include the title of each research report.

## Public Use, Habitat and Wildlife Monitoring, and Management Activities Occurring within the Balcones Canyonlands Preserve

### CITY OF AUSTIN

The following section lists the wildlife and habitat monitoring, management, and public use activities on City of Austin (COA) land counted as part of the BCP. The COA's BCP tracts are managed by WCD-BCP and PARD with different management responsibilities assigned to each entity (Table 6). PARD operations performs regular maintenance such as mowing, trash pickup, management of

public access, and some trail management activities, while WCD-BCP staff assumes primary responsibility for BCP management and monitoring.

Land management activities are summarized in the BCP Staff Reports found in Appendix U1. Activities specific to golden-cheeked warbler, black capped vireo, and karst invertebrates are covered in separate species reports.

**Table 6 - Management Status of City of Austin BCP Properties**

| Tract | Primary Management Responsibility | Acreage |
|---|---|---|
| Upper Bull Creek Unit (Franklin, Gass, Lucas, Hanks, Lanier, COA Canyon Creek plus MUD tracts, Gardens at Bull Creek, Bowman, and Sam Hamilton Memorial Reserve (former WTP 4 "entire tract") | Austin Water (AW) | 1166.50 |
| Middle Bull Creek Unit (Kent Butler Ecological Reserve, Beard Trust) | AW | 996.71 |
| Lower Bull Creek Unit (Jester, Forest Ridge, 3M, Hilltop, Gibson/Nott, Hiller, Kruger) | AW | 1120.98 |
| Lime Creek (incl. 100 acres of Austin-Simon, Ltd.) | AW | 586.70 |
| Park West, Coldwater/Cowfork, Long Canyon, Vaught Ranch | AW | 1393.86 |
| Carol Lee | AW | 34.14 |
| Cortaña | AW | 1751.95 |
| Double J&T | AW | 1730.00 |
| Reicher Ranch | AW | 819.74 |
| Bohls Ranch | AW | 450.14 |
| Bohls II | AW | 18.81 |
| Sansom | AW | 13.00 |
| Senna Hills | AW | 35.00 |
| Schramm Ranch | AW | 100.63 |
| Vireo Preserve | AW | 214.00 |
| Ullrich Water Treatment Plant | AW | 18.00 |
| Barton Creek Ventures | AW | 13.62 |
| Massey | AW | 5.00 |
| Whirlpool Preserve | AW | 4.70 |
| Bright Leaf | AW | 215.15 |
| | **AW Subtotal** | **10,688.63** |
| | | |
| Bull Creek District Park, Bull Creek Greenbelt | PARD/AW | 129.48 |
| St. Edward's Park | PARD/AW | 50.00 |
| Barrow Preserve | PARD/AW | 8.00 |
| Emma Long Metro Park | PARD/AW | 950.00 |
| Commons Ford Park | PARD/AW | 115.00 |

| | | |
|---|---|---|
| Barton Creek Wilderness Area (Barton Creek Venture) | PARD/AW | 1075.24 |
| Barton Creek Greenbelt | PARD/AW | 814.64 |
| Friesenhahn | PARD/AW | 62 |
| Mt. Bonnell | PARD/AW | 6 |
| | **PARD/AW Dual-Managed Subtotal** | **3,210.36** |
| | **TOTAL ACREAGE** | **13,898.99** |

****PARD Operations does not manage for Endangered Species; they perform regular maintenance, i.e. mowing, trash pickup, manage public access, and some trail management activities. AW staff provides BCP management activities.

**FY 2023 BCP Partners Outreach**

BCP partners with outreach programs meet to coordinate efforts and produce a summary report for the BCCP Coordinating Committee. These reports are found in Appendix U4 and include the number of hours worked by volunteers that quarter, the number of people reached through educational programs, and outreach highlights from each BCP partner. An annual summary is included in the final report of the year.

**TRAVIS COUNTY**

Travis County Natural Resources staff conducted a variety of resource monitoring and management activities on County-managed BCP lands in FY23, which are summarized in the BCP Staff Reports found in Appendix U2. The wildlife and plant management activities are described in more detail in Appendices M and N. Additionally, the annual reports for Wild Basin Wilderness Preserve and the Baker Sanctuary can be found in Appendices O and Q, respectively. Wild Basin is owned jointly by Travis County (164 acres) and St. Edwards University (63 acres) and is managed by St. Edwards University under contract with Travis County. Travis Audubon Society owns and manages the 715-acre Baker Sanctuary as part of the BCP, with Travis County holding a conservation easement over 675 acres of the sanctuary.

## LITERATURE CITED

City of Austin and Travis County. 1995. *Interlocal Cooperation Agreement between Travis County and the City of Austin Implementing the Balcones Canyonlands Conservation Plan-Shared Vision.*

U. S. Fish and Wildlife Service. 1996a. *Federal Fish and Wildlife Permit No. PRT-788841.*

U. S. Fish and Wildlife Service. 1996b. *Final Environmental Impact Statement / Habitat Conservation Plan for Proposed Issuance of a Permit to Allow Incidental Take of the Golden-cheeked Warbler, Black-capped Vireo, and six karst invertebrates in Travis County, Texas.*