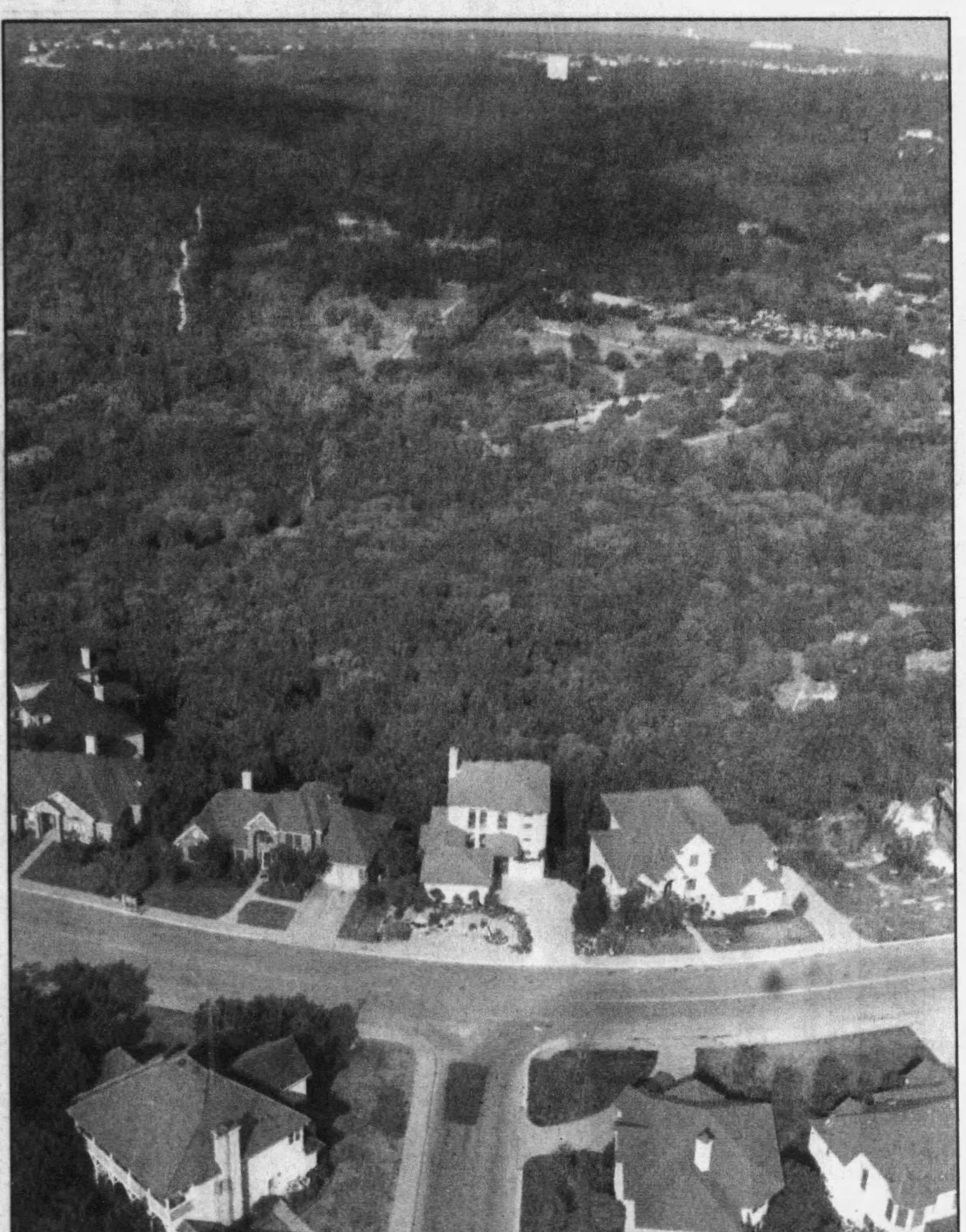
Eight years in the making, a plan to preserve 30,000 Austin-area acres will soon gain federal approval — but not everyone is cheering

Urban Habitat

Where a neighborhood abuts the Bull Creek greenbelt, urban development meets raw land in Austin, one of the fastest-growing areas of the nation. The Balcones Canyonlands Conservation Plan will set up preserves and also allow development. But the cost of that development is one reason the plan, to become official May 2, is not universally embraced.



Tom Lankes/AA-S photos



'This has national significance because this is the first urban habitat plan that's been brought to conclusion.'

Interior Secretary Bruce Babbitt

By RALPH K.M. HAURWITZ

American-Statesman Staff

teep limestone canyons, cedar-draped plateaus and dozens of caves would be set aside to protect endangered songbirds and subterranean bugs in western Travis County under a plan about to be approved by the federal government.

The \$160 million project, known as the Balcones Canyonlands Conservation Plan, would preserve more than 30,000 acres of remarkably unspoiled land in the heart of one of the most rapidly urbanizing areas of the nation. Eight years in the making, the plan will be officially blessed on May 2, when Secretary of the Interior Bruce Babbitt and other federal officials issue a permit authorizing its implementation by the City of Austin and Travis County.

Two-thirds of the land has been set aside by public agencies, conservation groups and developers. The plan focuses on acquiring about 9,000 acres to round out the series of preserves.



A key feature would allow landowners to bulldoze or pave lesser-quality habitat in return for fees that the city and county would use to buy high-quality habitat.

"It's a visionary result worthy of the

See Urban Habitat, A12

Bryan Hale, past president of the Travis Audubon Society, strolls in a 680-acre preserve the society has assembled over 30 years. Habitat for goldencheeked warblers, it is part of the conservation plan.

SPECIES PROTECTED

BIRDS: Two endangered songbirds that nest in Travis County.



Significance: Of 611
species of birds observed in
Texas, the only one that breeds
exclusively in the state. Travis
County has the best habitat of
33 Central Texas counties
where the warbler is found.

Description: Five inches long, with bright yellow cheeks outlined in black. Buzzy, lilting song.

Habitat: Nests and feeds in canyons of Ashe juniper, also known as cedar, and oak. Builds nest from strips of juniper bark. Winters in southern Mexico and Central America.

Threats: Habitat destruction and fragmentation from urbanization. Conversion of forested areas to rangeland.



■ Black-capped vireo

Significance: Of breeding zones in Texas, Oklahoma and northern Mexico, Texas is the primary one, with about 1,500 vireos. Travis County has fewer than 100.

Description: About 4½ inches long. With glossy black head and white around eyes, male looks like it's wearing spectacles. Song is a complicated series of whistles, trills and garbles.

Habitat: Nests in dense clumps of shrubs and scattered small trees, interspersed with open areas of bare soil, rock and grass. Winters on Pacific coast of Mexico.

Threats: Nest invasion by brown-headed cowbirds, which evict vireo eggs and smother newly hatched vireos. Construction of roads and subdivisions.

KARST INVERTEBRATES:
Six endangered cave-dwelling bugs.

Significance: A unique and world-class assemblage of obscure invertebrates — animals without backbones — that evolved in isolated caves and associated springs and drainages.

Description: Most no bigger than a pencil eraser.

Habitat: Karst, a limestone topography characterized by caves, sinkholes and fissures. Bugs live in darkness, often beneath rocks.

Threats: Land development, disruption and pollution of ground water, invasion by fire ants.

- on: Resembles a tiny, tailless scorpion. No eyes or stinger.
- Tooth Cave spider: Pale, with relatively long legs.
- Reddish-brown with reduced eyes.
- Kretschmarr Cave mold beetle: Dark, short-winged, no
- Bone Cave harvestman:
 Orange-colored daddy-longlegs.
- Blind.

 Bee Creek Cave harvestman: Orange eveless Prevs
- man: Orange, eyeless. Preys on small insects.

 OTHER SPECIES OF CON-
- CERN: Twenty-seven species that could be listed as endangered in the future.

 Canyon mock-orange:
- Shrub 1 to 5 feet tall, with arching branches. Four-petaled flowers are white or cream.

 Texabama croton: Coarse
- shrub 6 feet tall, with tiny, yellow-green flowers.

 25 karst invertebrates:
 Ten spiders, four pseudoscorpions, three ground beetles.
- Ten spiders, four pseudoscorpions, three ground beetles, three isopods, two harvestmen, one flatworm, one millipede and one ostracod.

Source: Habitat Conservation Plan and Final Environmental Impact Statement, staff research Eight years in the making, a plan to preserve 30,000 Austin-area acres will soon gain federal approval — but not everyone is cheering

Urban Habitat

Continued from A1

promise of Austin, Texas," said Babbitt, who hiked in the Hill Country as a young lawyer and made the Balcones plan something of a personal crusade. "This has national significance because this is the first urban habitat plan that's been brought to conclusion."

Besides the 30,428-acre Balcones plan, a separate national wildlife refuge is being acquired by the Interior Department in northwest Travis County. As part of its approval of the Balcones plan, the Interior Department has agreed to expand by 5,000 acres, to 46,000 acres, the eventual size of the Balcones Canyonlands National Wildlife Refuge. All told, more than 76,000 acres are to be set aside for endangered wildlife in the Austin area.

Not everyone speaks glowingly of the Balcones plan. Landowners whose property would be acquired for the preserve system say their rights are being violated. Some environmentalists say the plan sacrifices too much habitat. Some developers say the fees—as much as \$5,500 an acre—are too high. And even the plan's staunchest supporters acknowledge that the financial underpinnings are uncertain and the acquisition schedule—up to 20 years—too long.

Best hope, or land grab?

Still, the plan enjoys broad support among environmental and business groups and represents a surprising consensus on an important issue in a city that thrives on debate.

For environmentalists, the Balcones plan offers the best hope for securing large, interconnected blocks of crucial species habitat. From the business point of view, it provides a simplified process for developing in some habitat areas. Up to now, developers have had to prepare smaller-scale conservation plans, often requiring the dedication of preserve lands to compensate, or mitigate, for the loss of species habitat. Those plans will be incorporated into the Balcones plan

"I think we're all real happy there's going to be a habitat conservation plan," said Stephen Beers, chairman of the Austin Sierra Club. "But biology is still a close call. Finances are still unsettled. It's a work in progress. It's a framework. The challenge now is to roll up our sleeves and make this thing work."

Alan Glen, a lawyer who represents landowners, agreed. "I have clients who will write checks fairly quickly after the plan's adopted," he said. "By and large, those are people who need small amounts of mitigation." He expressed concern that the plan might be too expensive for landowners who need to mitigate for large habitat losses.

"I just think it's a pretty highhanded land grab, myself," said Joe W. Neal, a retired professor of communications at the University of Texas whose family owns about 600 acres west of Loop 360 in the Bull Creek watershed, which has a high priority for acquisition.

"I have no plans for selling at this time, no. But we're civic-minded. Of course we'd be glad to discuss it. But I sure don't like this backdoor approach where we're told about it in the press or through rumors."

State challenges habitat rules

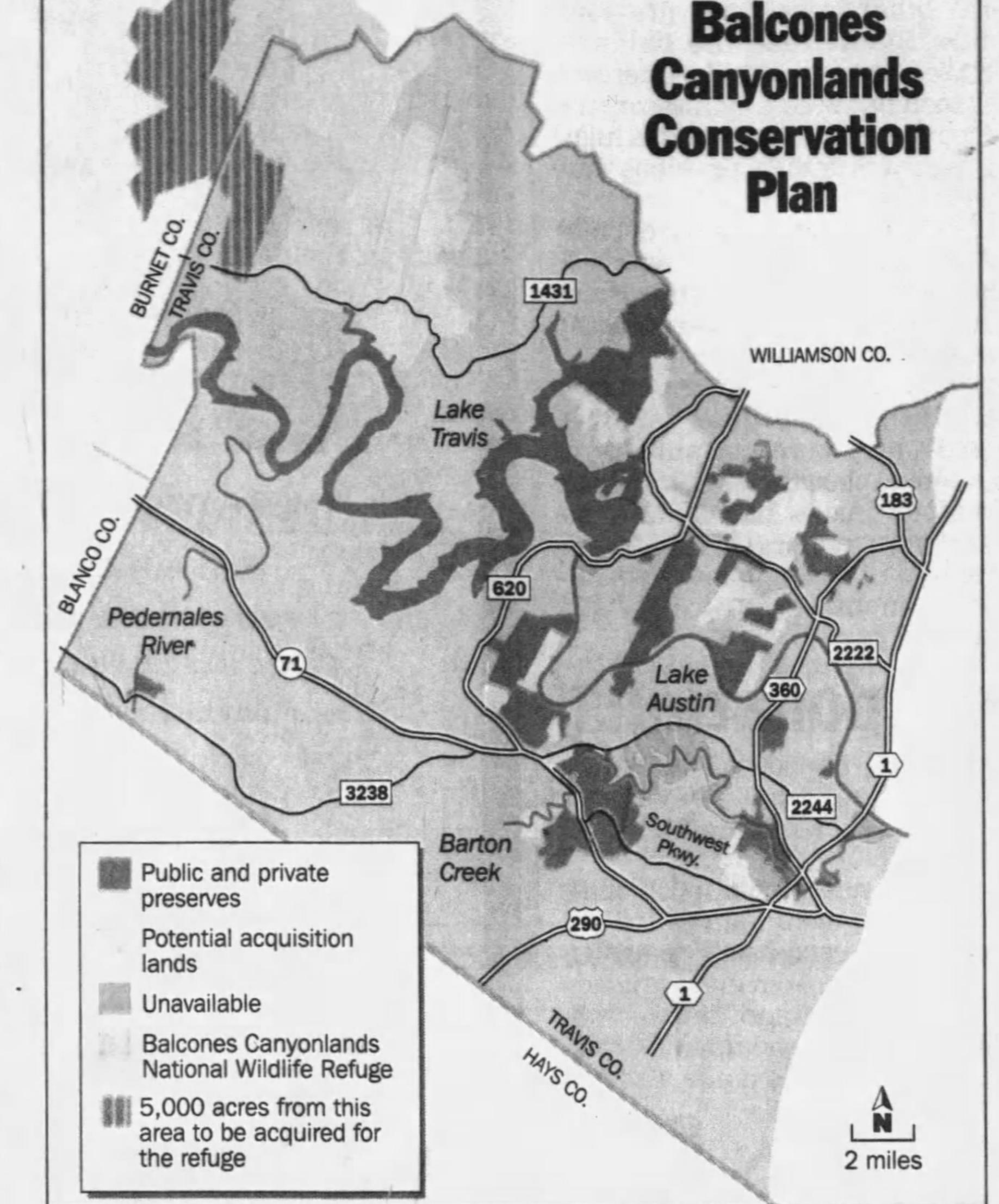
The plan runs counter to the mood of many of the state's elected officials. Attorney General Dan Morales is challenging habitat protection regulations in federal court. Gov. George W. Bush last year signed a sweeping privateproperty-rights bill. And Sen. Kay Bailey Hutchison, R-Texas, successfully sponsored legislation barring new listings of endangered species until Oct. 1. Last week, Hutchison called the Balcones plan an unconstitutional seizure of private-property rights and urged Babbitt to work with Republicans in Congress to revise the species act.

Undaunted by such criticism, Babbitt said he is looking forward to celebrating the Balcones plan during his visit to Austin next month. The Clinton administration has sought to emphasize habitat conservation plans, both as a tool to protect ecosystems and as an instrument to strike a compromise between development and conservation interests. Nation-

The urban-area plan that comes closest to the scale and complexi-

wide, the U.S. Fish and Wildlife

Service has approved 131 plans.



Source: City of Austin

GLOSSARY

Conservation Plan: A habitat conservation plan designed to set aside preserves for endangered songbirds and cave bugs, as well as other rare species, while allowing land development and loss of these species in other habitat.

species that is in danger of extinction throughout all or a significant portion of its range and that is listed by the U.S. Fish and Wildlife Service as having protection under the Endangered Species Act.

- Habitat: The area where a plant or animal naturally occurs. In the case of the Balcones plan, "occupied habitat" is where a species has been confirmed by observation, while "potential habitat" is where the environment has suitable geology or vegetation for the species
- Habitat conservation plan:
 A comprehensive plan prepared
 by a permit applicant for protecting some habitat while
 opening other habitat to development.
- Incidental take: Direct or indirect loss of an endangered species or of its habitat due to an otherwise legally permitted activity or development. The Endangered Species Act allows incidental take of species covered by a habitat conservation plan through issuance of a permit by the Fish and Wildlife Service.
- **Karst:** A limestone topography characterized by caves, sinkholes and fissures created by water passing through and dissolving the limestone.
- Take: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect an endangered species, or to attempt to engage in such conduct. The U.S. Supreme Court has ruled that habitat destruction resulting in injury to a species is a form of take.

ty of the Balcones plan is perhaps one in Bakersfield, Calif., addressing the blunt-nosed leopard lizard and five others species. Numerous highly ambitious plans are being crafted to protect a host of species in Southern California, including the California gnatcatcher, a coastal bird.

Parks are for wildlife

The Balcones plan is one of the largest, most complex plans. Its centerpiece is the golden-cheeked warbler, a migratory songbird that has emerged as a rallying point for critics and defenders of the Endangered Species Act. Of 611 bird species observed in Texas, the warbler is the only one that breeds exclusively in the state.

The plan also protects another migratory songbird, the black-

capped vireo, and six blind or nearly blind endangered cave bugs, including the Tooth Cave pseudoscorpion, which resembles a tiny, tailless scorpion. In addition, it protects 27 other species — two rare plants and 25 bugs — that could be listed as endangered in the future. The Barton Springs salamander and two other rare salamanders are not included, but they could be added later.

Local voters have had a love-hate relationship with the plan. In 1992, city voters authorized a \$22 million bond issue for preserve acquisition. But in 1993, county voters rejected a \$49 million bond issue.

The plan seeks to compensate for that shortfall. For example, Travis County commissioners have agreed to contribute \$30 million for land acquisition. That money would come from part of the increased tax revenue resulting from future construction in habitat areas where development will be authorized.

Rare species will benefit

Unlike a conventional park, the preserves will be managed primarily to benefit the rare species. Owners will include the city, county, the Lower Colorado River Authority, the Nature Conservancy of Texas, the Travis Audubon Society, municipal utility districts and various developers.

and various developers.

Rules regarding public access are expected to vary widely depending on the tract and its owner. Publicly owned lands might feature hiking, fishing, swimming and other uses in designated areas. But bicycling, horseback riding and driving off-road vehicles are to be prohibited.

Tours last week of some of the canyonlands — tracts already acquired and others identified for future acquisition — showed the striking juxtaposition of spectacular open space and burgeoning urban development.

The Bull Creek watershed along Loop 360 in Northwest Austin is a case in point. Viewed from a helicopter, the area where Loop 360, U.S. 183 and MoPac Boulevard come together is a growing confusion of retail stores, restaurants, apartments, offices and roads. But less than a mile to the south, the urban sprawl ends abruptly, giving way to densely forested land stretching west of Loop 360 in a series of rugged hills and canyons.

The darker-colored Ashe juniper, also known as cedar, and lighter-colored live oaks form a dense canopy that offers prime habitat for the warbler. To the northwest, in the Cypress Creek watershed, the Travis Audubon Society has gradually assembled a 680-acre preserve during the past 30 years.

During a hike on a rocky trail, Bryan Hale, a past president of the society, paused to listen for the telltale song of the male warbler. "It's sort of a buzzy trill," he explained.

Several times during an hourlong hike, the song could be heard. But the birds were too deep in the woods to see. Hale said he's relieved that the Balcones plan is going forward.

"The key part's going to be getting the big blocks of habitat together."

BALCONES CANYONLAND CONSERVATION PLAN

FUNDING REQUIREMENTS

- Land acquisition and debt service (public sector) \$76.7 million
- Land acquisition (private sector) \$38.8 million
- Operations and maintenance (public and private sectors) \$44.5 million Total funding requirements \$159.9 million

FUNDING SOURCES

City of Austin

BCCP bonds — \$22 million

2Barton Crock Wilderness Park bonds — \$3

²Barton Creek Wilderness Park bonds — \$3.7 million

Debt service on BCCP and wilderness park bonds — \$21 million

Drainage utility land management — \$12.5 million

Water & Wastewater Utility land management — \$0.3 million

General fund — \$4.4 million

Total — \$63.9 million

Travis County Tax benefit funding — \$30 million General fund — \$4 million

General fund — \$4 million

Land management — \$9.7 million

Total — \$43.7 million

Lower Colorado River Authority

Total for land management — \$3.4 million

Private sector

Purchase of mitigation certificates — \$31.6 million

⁵FM Properties Inc. — \$9 million

*Total — \$40.6 million Miscellaneous

Interest income — \$1.5 million

⁷Land management and in-kind services — \$8.3 million

Total — \$9.8 million

Subtotal of funding sources — \$161.3 million

Less working capital balance, accrued contingency reserve — \$1.4 million

Total of funding sources — \$159.9 million

Footnotes

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¹Figures do not precisely reflect total of line items due to rounding. ²Only \$3.7 million of the \$20 million bond issue is credited for the preserve system because the tract is linear and subject to heavier public use.

³County to provide 100 percent of operations and maintenance portion of tax revenue from new construction on land covered by participation certificates allowing development.

'Assumes an average of \$5,500 an acre collected for 5,739 acres to be released for development. Of this, \$100 an acre, or \$573,900, is earmarked for a contingency reserve.

⁵FM Properties purchased 4,041 acres valued at \$7.8 million (Uplands and Sweetwater Ranch tracts) and conveyed the property along with \$1.2 million for management to the Nature Conservancy of Texas.

Does not include value of properties previously acquired for preserve lands by 3M Corp., Lakeline Mall developer Simon Property Group, two municipal utility districts, Travis Audubon Society and other entities.

7Public and private funding sources are being sought.

Sources: U.S. Fish and Wildlife Service, City of Austin, Habitat Conservation Plan and Final Environmental Impact Statement

DEVELOPMENT OPTIONS

Landowners in Travis County have two options if they want to develop or otherwise alter habitat for endangered species, provided their property is outside the proposed preserves.

1. Seek an individual permit from the U.S. Fish and Wildlife Service

Time-consuming, case-bycase review involving negotiations with the wildlife agency and a public comment period. Landowners may want to use specialized legal and consulting services.

Requires development of a habitat conservation plan, which may include setting aside land for species (or money to buy such land) to mitigate for losses from development. Also may include money earmarked for future land management.

- May require more habitat set aside than is developed.
- For property within proposed preserve boundaries, the only way to secure development approval. Potentially more difficult to mitigate for loss of high-quality habitat.
- 2. Participate in the Balcones
 Canyonlands Conservation Plan
 Faster, easier process ad-
- ministered by Travis County.

 Landowners buy participation
- certificates allowing development in habitat outside the planned preserve system. A certificate remains with a tract if the land is sold. Certificates are noted in deed records and are not transferrable to other tracts.

 Cost: \$5,500 an acre for
- habitat occupied by the goldencheeked warbler or the blackcapped vireo: \$2,750 for potential habitat: \$55 an acre for karst in-

vertebrate habitat. Money from sale of certificates is used to acquire preserve lands.

- ers and ranchers can obtain certificates to clear areas for new structures, such as barns, for \$1,500 an acre. No fee or certificate required for incidental loss of species due to routine practices, such as fence and pasture maintenance and construction of stock
- Residential provisions. An owner of a single-family lot legally recorded before May 4, 1990 (the date the golden-cheeked warbler was listed as endangered), may obtain a certificate for \$1,500. An owner of a tract up to 100 acres may buy certificates for \$1,500 a lot to develop single-family homes at a density no greater than one

Travis County, the Lower Colorado River Authority and its wholesale customers, and City of Austin departments may undertake capital improvement projects, such as installing utility lines, in habitat to the extent of their land contributions to the preserve system.

Monparticipating jurisdictions must seek individual permits for capital improvement projects.
Landowners within those jurisdictions may participate in the Balcones plan. Nonparticipating jurisdictions: Southwest Travis County Water District (Circle C Ranch), Lakeway, Briarcliff, Lago Vista, Cedar Park, Leander, Jonestown, Pflugerville, Manor, San Leanna, Creedmoor, Mustang Ridge, Rollingwood, West Lake Hills, Bee Cave, Round Rock, Hutto, Bastrop, Buda and Dripping Springs.

Sources: U.S. Fish and Wildlife Service,
Habitat Conservation Plan and Final Environmental Impact Statement

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