



# Travis County Commissioners Court Agenda Request

**Meeting Date:** September 4, 2012

**Prepared By:** Rose Farmer **Phone #:** 854-7214

**Division Director/Manager:** Jon White

**Department Head:** Steven M. Manilla, P.E., County Executive-TNR

**Sponsoring Court Member:** County Judge Samuel T. Biscoe

**AGENDA LANGUAGE:** Consider and take appropriate action concerning the request by U.S. Fish and Wildlife Service (USFWS) for public comments on a proposal to protect four salamander species in central Texas as endangered under the Endangered Species Act (ESA) and the designation of critical habitat for these species.

## **BACKGROUND/SUMMARY OF REQUEST:**

On August 22, 2012, the USFWS announced in the Federal Register that it will seek public comment on a proposal to protect four salamanders in central Texas as endangered under the the ESA. The USFWS is also seeking comment on a proposal to designate critical habitat for these species in Travis, Bell, and Williamson Counties.

In their press release, the USFWS states that "Four salamanders, the Austin blind salamander (*Eurycea waterlooensis*), Jollyville Plateau salamander (*Eurycea tonkawae*), Georgetown salamander (*Eurycea naufragia*) and the Salado salamander (*Eurycea chisholmensis*), are apresently In danger of extinction throughout their range based on threats from habitat degradation, including reduced water quality and quantity and disturbing spring sites. Water quality and quantity in the Edwards Aquifer is also being negatively impacted by increasing urbanization and population growth in areas that flow to where the salamanders are found."

Note that all four salamanders are entirely acquatic and dependent upon water from the Edwards Aquifers (both north and south segments) and primarily live in springs and the spaces in the subsurface aquifer.

The Service is proposing a total of 5,983 acres as critical habitat in 52 units for the four salamander species. One unit (120 ac. total) for the Austin Blind Salamander is in Travis County (in Barton Springs). Thirty-three units (4,460 ac. total) for the Jollyville Plateau Salamander (JPS) are in Travis and Williamson Counties. Other units protecting the Georgetown and Salado salamanders are outside of Travis County.

Of the 26 critical habitat units located in Travis County, 13 are located within the Balcones Canyonlands Preserve and already protected, and 13 are located in suburban areas that are surrounded by development. It is possible that there are still some tracts that are developable within these critical habitat areas that could be impacted.

Critical Habitat is a term in the ESA that identifies an area with features essential for the conservation of a threatened or endangered species, and which may require special management considerations or protection. This designation does not affect land ownership, establish a refuge or preserve, and has no impact on private landowners taking actions on their land that do not require federal funding or federal permits.

The ESA makes it illegal to kill, harm, or otherwise "take" a listed species without authorization in the form of a permit from USFWS. The ESA requires all federal agencies to ensure that actions they authorize, fund, or undertake do not jeopardize the existence of the listed species and directs USFWS to work with federal agencies or other partners to develop and carry out recovery efforts for those listed species. Their actions. The listing focuses attention on the species, encouraging conservation efforts by other federal, state and local agencies, conservation groups and others.

Federal agencies that undertake, fund or permit activities that may affect critical habitat are required to consult with USFWS to ensure that such actions do not adversely modify or destroy designated critical habitat.

The USFWS is requesting comments or information from concerned governmental agencies and other interested parties concerning this proposed rule. Comments must be received within 60 days of the publication of the proposed listing in the Federal Register, i.e. on or before Oct. 22, 2012. There will also be a public meeting/public hearing in Austin on Sept. 6 to provide information to the public information and to receive public comments on the listing proposal.

For discussion today, these are the questions: Does Travis County Commissioners Court wish to submit comments at the Sept. 6 public hearing or submit written comments during the public comment period ending Oct. 22, 2012? If so, the Court should determine its position on the proposed listing and designation of critical habitat, and develop a process for drafting and submitting these comments.

### **STAFF RECOMMENDATIONS:**

Note that Travis County Commissioners Court has historically been supportive of the Endangered Species Act and has been successful with the Balcones Canyonlands Conservation Plan (BCCP), a Habitat Conservation Plan/Section 10(a)1(B) permit issued by the USFWS to Travis County and the City of Austin.

Staff request that we take the time to fully evaluate the proposed listing and consider any additional information from USFWS prior to making comments. Staff will report back to the Court on issues listed below and will take direction from the Court for submitting written comments by the October 22, 2012 deadline.

### **ISSUES AND OPPORTUNITIES:**

For the 2 salamanders in Travis County, note that the City of Austin is already protecting habitat for the Austin blind salamander in Barton Springs under a Section 10(a)1(B) permit for the Barton Springs Salamander. For the JPS, since half of the critical habitat areas are already protected within the Balcones Canyonlands Preserve, that may limit the impacts of this listing. Projects that may impact springs in critical habitats that are using federal money such as TxDOT road projects may be impacted and they would need to consult with USFWS to look for ways to avoid or minimize the impacts of their projects on these species.

Issues for staff to investigate include:

- 1) Are any of the critical habitat areas (outside of the BCP) in unincorporated parts of Travis County and if so, are any developable areas within or near proposed critical habitats?
- 2) Are any County roadways (or Parks) adjacent or near critical habitats that there might be impacts to consider?
- 3) Will there be possible impacts to the BCP such as: will we need to monitor water quality and water levels to ensure proper management of habitat for JPS?
- 4) Will we need to enhance drainage management in developed areas near critical habitat areas? Some of these may be in County jurisdiction, and some may be inside incorporated areas.
- 5) If we find JPS in other areas (outside the proposed critical habitats) what will this mean for Travis County?
- 6) Do we have an obligation to conduct field surveys in likely habitat to identify more JPS locations?
- 7) How will listing affect private landowners within critical habitat areas?
- 8) Since the actual Endangered Species listing may take several few months, could this proposed rule change cause a sudden rush of new development permit applications that could cause processing problems for County development review staff?

Additional information source:

[http://www.fws.gov/southwest/es/AustinTexas/ESA\\_Sp\\_Salamanders.html](http://www.fws.gov/southwest/es/AustinTexas/ESA_Sp_Salamanders.html)

### **FISCAL IMPACT AND SOURCE OF FUNDING:**

**ATTACHMENTS/EXHIBITS:**

- 1) USFWS Aug. 21, 2012 News Release: Service Seeks Public Comment on Proposal to List Four Central Texas Salamanders
- 2) USFWS August 22, 2012 - "Dear Interested Party" letter

**REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
Jon White	Division Director NREQ	TNR	854-7212
Thomas Weber	Program Manager NREQ	TNR	854-4629
Anna Bowlin	Dev. Review	TNR	

**CC:**

Linda Laack	ERMS - NREQ	TNR	219-6190 x8
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