

10-16-12

Item 4

From: Sam Biscoe
Sent: Friday, October 12, 2012 10:12 AM
To: Melissa Velasquez
Subject: FW: Rule Listing comment Draft 1 October 11.docx
Attachments: Rule Listing comment Draft 1 October 11.docx

This is backup for the salamander item on the agenda next Tuesday. If you do not have a hard copy already, we should print this. Sam

From: Jon White
Sent: Thursday, October 11, 2012 2:36 PM
To: Steven Manilla; John Hille; Sam Biscoe; Rose Farmer
Subject: Rule Listing comment Draft 1 October 11.docx

All:

Attached is a proposed comment letter to US Fish & Wildlife Service regarding the proposed listing of salamanders as endangered.

Notice that I am trying to keep the focus on the species that are found in Travis County – especially the Jollyville Plateau salamander.

I understand that Williamson County is opposed to the listing and hopes that Travis County would support them in that position. They have made a number of contentions. The most recent is that the primary factor affecting population size of the salamanders is rainfall. Of course it is. But that has always been the case. Central Texas has been like that for millennia. Some small portion of the springs has always served as a refuge for the populations to survive dry times. Clearly this has been the case for many thousands of years. BUT what is new and different is the loss of springs due to development, the decline of water quality due to development, and the decreased flow of springs due to groundwater pumping and the alteration of the surface. These factors have a direct effect on the salamanders and make the dry times much more of a threat to survival.

We(the staff) have also heard the argument that these are not really separate species. We do not think the evidence supports that position. And even if they were all one species, that one species would still be threatened.

We have also heard that Williamson County has spent many thousands of dollars acquiring lands to protect the salamanders in their jurisdiction. We think this is a great thing, but it is up to Fish & Wildlife Service to determine whether these protections are adequate to assure survival of the species.

As staff, we support the listing and the designation of critical habitat.

JW

October 16, 2012

Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, MS2042-PDM
Arlington, VA 22203

Re: Public Comment Processing
Docket: FWS-R2-ES-2012-0035ES

Proposed Rule: Endangered Status for Four Central Texas Salamanders and
Designation of Critical Habitat

Dear Sir or Madam:

Travis County appreciates this opportunity to comment on the proposed listing of four Central Texas salamanders (the Austin blind salamander, Jollyville Plateau Salamander, Georgetown salamander, and Salado salamander) as endangered under the Federal Endangered Species Act of 1973 (Federal Register, August 22, 2012) and the designation of critical habitat for these species. Travis County has a particular interest in this issue, detailed below, and expects to be fully engaged in the public review and comment on this issue from the proposal to list through the development of implementation plans should these species be listed as endangered.

Background

Two of the referenced salamander species, the Austin blind salamander and the Jollyville Plateau salamander, are found within Travis County. The Austin blind salamander (ABS) is found exclusively within the Barton Springs complex in the City of Austin. The full range of this species, as well as the entirety of the proposed critical habitat and watershed areas contributing to the proposed critical habitat, lie within the City of Austin's jurisdiction or other lands controlled by the City. Accordingly, the County's interest in the ABS is limited and indirect, arising chiefly through our cooperative management efforts with the City. The Jollyville Plateau salamander

(JPS) is more widely distributed in Travis County, and inhabits lands that are under the jurisdiction and management of the County. Several of the proposed critical habitats for the JPS lie within the Balcones Canyonlands Preserve (BCP), including areas that are under direct County management. Other proposed critical habitat sites lie outside the preserve but within jurisdictional lands of the County. County staff has considerable experience with these species, especially the JPS, and extensive experience with other endangered species through our management of the BCP.

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 (U. S. Department of the Interior, Fish and Wildlife Service, 1996ab). The thirty-year permit covers approximately 561,000 acres in western Travis County, Texas identified in the Habitat Conservation Plan and Final Environmental Impact Statement (HCP) (U. S. Department of the Interior, Fish and Wildlife Service, 1996c). The permit covers incidental take of 27 species of concern should any become listed as threatened or endangered during the life of the permit. The plan also mitigates the permit holders for capital improvement and infrastructure development needs and provides landowners and agencies a streamlined alternative process for compliance with the Endangered Species Act.

Under the terms of the permit, the City of Austin and Travis County established the Balcones Canyonlands Preserve (BCP) to set aside and manage a minimum of 30,428 acres of habitat for two endangered bird species, the golden-cheeked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapilla*), and six karst species. The permit holders also agreed to manage twenty-seven species of concern that include populations of two rare plants, Texabama croton (*Croton alabamensis* var. *texensis*) and canyon mock-orange (*Philadelphus ernestii*), and a suite of unique invertebrates located in a total of 62 karst features.

The BCCP does not require protections for the JPS; however the overall management of Travis County preserve lands benefits the conservation of the JPS. The Travis County Department of Transportation and Natural Resources (TNR) provides protection for the JPS by acquiring BCP acreage within the JPS’ range, by conducting quarterly surveys at two permanent survey sites, and by searching for new localities for this species within their BCP-managed properties. TNR provides the USFWS with an annual report that describes survey and conservation efforts for the JPS as part of the BCCP Annual Report.

Comments on the Proposed Listing and Designation of Critical Habitat

The Travis County Commissioners Court offers the following comments on the proposed rule listing these species as endangered and designating critical habitat (Federal Register, August 22, 2012):

1. We strongly urge USFWS to base its decision regarding a.) the listing of these species as endangered and b.) the designation of critical habitat on sound, competent and objective scientific studies and evidence.
2. Based on staff review of the literature cited in the proposed rule, field experience with the ABS and JPS in the BCP and elsewhere, and familiarity with studies conducted by City of Austin staff and other researchers, we conclude that the scientific evidence presented in the proposed rule is sufficient for USFWS to make an informed decision.
3. We further conclude that the evidence supports the listing of the ABS and JPS as endangered and supports the designation of critical habitats. Specifically, we concur that the scientific evidence supports the conclusion that these species are threatened by habitat loss and habitat modification in the form of disturbance (and loss) of spring sites, degraded water quality, and reduced spring flow associated with urbanization and groundwater pumping.

Travis County has a strong record of support for the conservation of endangered species proceeding in concert with wise economic development of our lands. We look forward to working with USFWS, as well as our fellow Central Texas jurisdictions and partners, to advance the cause of protection for these species and to meet our obligations as stewards of our natural heritage for future generations.

If you have any questions or require additional information, our staff is available to assist. Please contact:

Jon White, Director, Natural Resources & Environmental Quality Division 512/854-7212
Rose Farmer, Natural Resources Program Manager 512/854-7214

Thank you for this opportunity to comment.

Yours truly,

Samuel T. Biscoe
Travis County Judge

cc: David Escamilla, Travis County Attorney
John Hille, County Attorney
Steven Manilla, County Executive, TNR
Adam Zerrenner, USFWS
Jon White, TNR
Rose Farmer, TNR