



Travis County Commissioners Court Agenda Request

Meeting Date: January 7, 2014

Prepared By: Wendy Connally, Natural Resources Program Manager

Phone #: (512) 854-7214

Division Director/Manager: Jon White, Natural Resource environmental Quality Division Director

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

Sponsoring Court Member: Commissioner Daugherty, Precinct Three

Co-sponsoring Court Member:

Agenda Language: Consider and take appropriate action regarding a Managing Partner Agreement between the City of Sunset Valley and the Balcones Canyonlands Conservation Plan Coordinating Committee to allow the City of Sunset Valley to become a Managing Partner in the Balcones Canyonlands Conservation Plan in Precinct Three.

Background/Summary of Request:

The Gaines Greenbelt is approximately 21 acres of land owned by the City of Sunset Valley, deeded to the City for recreation and conservation purposes, and contains habitat for the Golden-cheeked Warbler (*Setophaga chrysoparia*, GCWA). The GCWA has been listed as an endangered species under the Endangered Species Act (ESA) of 1973, as amended, 16 U.S.C.A. Section 1531 et seq. The Gaines Greenbelt also contains a trail that meanders between the City of Austin and the City of Sunset Valley; this trail will be a part of the regional Violet Crown Trail sponsored by the Hill Country Conservancy.

In recent Records of Decision (ROD) March 2012, May 2012, December 2012, and March 2013 the Balcones Canyonlands Coordinating Committee authorized City of Austin and Travis County Natural Resources programs staff to negotiate a Managing Partner Agreement (MPA) with their counterparts at the City of Sunset Valley to add the Gaines Greenbelt to the Balcones Canyonlands Preserve (BCP) system under the terms and conditions of the Balcones Canyonlands Conservation Plan (BCCP) and ESA Section 10(a)(1)(B) Permit (TE 788841-2) held by Travis County and the City of Austin.

On December 17, 2013, the Sunset Valley City Council reviewed and unanimously approved the attached MPA to join the BCCP and add the Gaines Greenbelt to the BCP in perpetuity, pending approval by the Balcones Canyonlands Coordinating Committee.

Among other things, the MPA:

- (1) Outlines the City of Sunset Valley's and Balcones Canyonlands Coordinating Committee's responsibilities for planning, habitat and recreation facility management, water quality and other environmental protection, public education, and responsibilities to meet terms and conditions of the Permit; and
- (2) Incorporates the City of Sunset Valley and the Balcones Canyonlands Coordinating Committee's commitments to protect endangered species habitat while allowing for recreational use through the Violet Crown Trail.

The BCCP Coordinating Committee will be considering the MPA in 2014. Upon Coordinating Committee approval, the Hill Country Conservancy and City of Sunset Valley construct and restore the Gaines Greenbelt Trail as part of the regional Violet Crown Trail. All other trails in the Gaines Greenbelt will be closed, removed, and re-vegetated. The MPA provides mitigation for any GCWA habitat impacts in the course of this work.

Staff Recommendations:

Staff recommends Commissioners Court approve the request.

Issues and Opportunities:

The MPA adds 21.585 acres to the BCP at no cost to Travis County and facilitates ecologically sensitive development and long-term management of an important regional recreational resource, the Violet Crown Trail.

Fiscal Impact and Source of Funding:

No fiscal impact

Attachments/Exhibits:

Sunset Valley and BCCP Coordinating Committee Managing Partner Agreement
Summary of Records of Decision for March 2012, May 2012, December 2012, and March 2013

Required Authorizations:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429
Tom Nuckols	County District Attorney Division Director	County Attorney's Office	(512) 854-9262

CC:

Jon White	Natural Resource Environmental Quality Division Director	TNR	(512) 854-7212
Julie Joe	Attorney VII	County Attorney's Office	(512) 854-9415
Charles Bergh	Parks Division Director	TNR	(512) 854-9408

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**MANAGING PARTNER AGREEMENT BETWEEN
THE BALCONES CANYONLANDS COORDINATING COMMITTEE
AND THE CITY OF SUNSET VALLEY**

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ARTICLE I. Preamble and Recitals

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A. Authority

1. This Managing Partner Agreement ("**Agreement**") is entered into pursuant to the Interlocal Cooperation Act, TEX. GOV'T CODE, Chapter 791 and other applicable law, and in accordance with Permit No. TE 788841-2 ("Regional Permit") a regional permit issued by the United States Fish & Wildlife Service ("**USFWS**") on May 2, 1996 to the City of Austin and Travis County ("**Permit Holders**"), as outlined and described in the Habitat Conservation Plan and Final Environmental Impact Statement dated March 1996 ("BCCP" or "**Regional Plan**").

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.

4. The City of Austin and Travis County are parties to the August 3, 1995 Interlocal Cooperation Agreement between Travis County and the City of Austin Implementing the Balcones Canyonlands Conservation Plan—Shared Vision ("Interlocal Agreement").

5. The BCCP Coordinating Committee ("**Coordinating Committee**") is an entity which was created by the Interlocal Agreement pursuant to Section 791.013 of the Texas Government Code and established by the Permit Holders to administer the Regional Plan.

6. In accordance with the Regional Plan and under the terms of the Regional Permit, the Permit Holders, Managing Partners under agreement, and other landowners manage and maintain an assemblage of properties as the Balcones Canyonlands Preserve ("**Regional Preserve**" or "**BCP**") supporting rare and endangered species and their habitats.

7. The City of Sunset Valley is the owner of that certain real property in Travis County, Texas, being an approximately 21.585 acre tract described in Volume 11471, Page Number 639 of the Real Property Records of Travis County, Texas, and being more particularly described in the attached and incorporated **EXHIBIT A** ("**Gaines Greenbelt**").

8. The Gaines Greenbelt is in a substantially natural and open space condition and the USFWS has determined that this property contains natural habitat for the golden-cheeked warbler (*Setophaga chrysoparia*) ("**GCWA**")

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and/or the black-capped vireo (*Vireo atricapilla*) ("**BCVI**") and/or karst species of concern. The GCWA and BCVI have been listed as endangered species under the Federal Endangered Species Act of 1973, as amended, 16 U.S.C. Section 1531 et seq.

9. The City of Sunset Valley now desires to designate the Gaines Greenbelt for inclusion in the BCP and to participate as a Managing Partner in the Regional Plan.

10. As part of the BCP, the Gaines Greenbelt will include a single trail, more particularly described in the attached and incorporated **EXHIBIT B ("Gaines Greenbelt Trail")**.

11. The Coordinating Committee is authorized to approve a Managing Partner Agreement under section 3.4 (b) (6) of the Interlocal Agreement.

B. Parties

The Parties to this Agreement are the City of Sunset Valley ("**Sunset Valley**"), a municipality organized under the laws of the State of Texas, and the Coordinating Committee.

C. Purpose

The purposes of this Agreement are to:

1. Assist the Coordinating Committee in implementing the terms of the Regional Permit by designating and managing the Gaines Greenbelt as part of the BCP.
2. Provide a mechanism whereby Sunset Valley may mitigate for impacts to GCWA, BCVI, or karst species covered by the Regional Permit due to the maintenance, improvement, and public use of the Gaines Greenbelt Trail and mitigate for future habitat impacts associated with social trail closure, fencing and signage as defined in this Agreement, thereby allowing the Gaines Greenbelt Trail to remain open with existing uses to the extent that such uses are consistent with the terms and conditions of this Agreement.
3. Promote the preservation of flora and fauna in Sunset Valley.
4. Incorporate the Gaines Greenbelt into the BCP, thereby increasing the total area of land included in the BCP, and designate Sunset Valley as a Managing Partner of the BCCP pursuant to all requirements of the Regional Permit.
5. Protect endangered species habitat on the Gaines Greenbelt in perpetuity and cooperate in the regional effort to address wildlife management and conservation as set forth in the Regional Plan; and,

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6. Continue to use the Gaines Greenbelt in a manner that is consistent with deed restrictions which require that it be used by the public for “parks, recreational, greenbelt/and or preserve purposes.”

ARTICLE II. Obligations of Sunset Valley

In addition to its other obligations set forth in this Agreement, Sunset Valley agrees to the following:

- A.** By its execution of this Agreement, Sunset Valley agrees to designate the entirety of the Gaines Greenbelt, as described in **EXHIBIT A**, as part of the BCP in perpetuity; provided, however, that in the event that the Regional Permit is terminated or expires *and* the BCP is terminated and no part of the property comprising the BCP continues to be operated and maintained as an endangered species habitat preserve, this Agreement shall then expire.
- B.** Sunset Valley will:
 - 1. ensure that the Gaines Greenbelt will be preserved as functional breeding habitat for the GCWA and/or BCVI and/or species of concern and/or other endangered species listed in the Regional Permit;
 - 2. prevent activities which might damage, compromise, or interfere with the ecological diversity or resource quality of the Gaines Greenbelt or the natural processes occurring within the Gaines Greenbelt;
 - 3. prevent any use of the Gaines Greenbelt that is inconsistent with the requirements of the Regional Plan, Regional Permit, BCP Land Management Plan (“**BCP-LMP**”), **Gaines Greenbelt Land Management Plan (EXHIBIT C)**, and ensure that uses of the Gaines Greenbelt are in compliance with the Endangered Species Act; and
 - 4. manage the Gaines Greenbelt:
 - (a) in accordance with the terms of this Agreement, and
 - (b) in accordance with its land management plan adopted pursuant to Article II. C. of this Agreement.
- C.** Sunset Valley has provided to the Coordinating Committee Secretary a specific land management plan chapter for the Gaines Greenbelt (“**Gaines Greenbelt LMP**”), attached and incorporated as **EXHIBIT C**. Approval and execution of this Agreement constitutes approval of the Gaines Greenbelt LMP. After execution of this Agreement, the Gaines Greenbelt LMP will be included in the larger BCP-LMP for all Regional Plan partners and submitted to USFWS for approval.
- D.** Sunset Valley acknowledges that, under the adaptive management requirement of the Regional Permit, the BCP-LMP is revised approximately every 5 years and that the Gaines Greenbelt LMP will need to be revised periodically as part of the

139 BCP-LMP revisions. Sunset Valley agrees to cooperate with the Coordinating
140 Committee Secretary to revise the BCP-LMP as needed and further agrees to
141 submit revisions of the Gaines Greenbelt LMP to the Coordinating Committee
142 Secretary for review within any deadlines established by the Coordinating
143 Committee Secretary. Sunset Valley acknowledges that the Coordinating
144 Committee Secretary will approve a Gaines Greenbelt LMP only if it complies
145 with the Regional Permit, current and future versions of the BCP-LMP, and the
146 terms of this Agreement.

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148 **E.** Sunset Valley agrees to manage the Gaines Greenbelt:

149 1. under the terms and conditions of the Regional Permit's "Land
150 Management Plans and Guidelines" section;

151

152 2. under the current and future versions of the BCP-LMP and Coordinating
153 Committee Secretary-approved Gaines Greenbelt LMP; and,

154

155 3. under the terms and conditions of the BCP Trail Master Plan and, more
156 specifically, the Gaines Greenbelt section of the Violet Crown BCP Trail Master
157 Plan, as accepted on February 18, 2009 by the Coordinating Committee and
158 insofar as the BCP Trail Master Plan proposals and outcomes do not conflict with
159 the Regional Plan, Regional Permit, BCP-LMP and Gaines Greenbelt LMP.

160

161 **F.** Sunset Valley shall submit an annual report regarding its management of the
162 Gaines Greenbelt during the previous fiscal year (for the period of October 1 –
163 September 30) to the Coordinating Committee Secretary no later than December
164 31 of each year. This document will be included in the total BCCP Annual Report
165 due to USFWS annually by January 31 and will follow the report format used by
166 the Regional Plan Permit Holders.

167

168 **G. The Gaines Greenbelt Trail (EXHIBIT B).** Sunset Valley agrees to monitor,
169 construct and maintain the Gaines Greenbelt Trail as shown in Exhibit B:

170

171 1. Not later than six months after the effective date of this Agreement,
172 Sunset Valley will remove, obstruct and revegetate to a native state all trails in
173 the Gaines Greenbelt except the Gaines Greenbelt Trail which is co-located with
174 the BCP Trail Master Plan process-approved Violet Crown Trail (project
175 sponsored by the non-profit Hill Country Conservancy, hereafter defined in
176 Section H). Sunset Valley shall ensure that the areas of the removed trails are no
177 longer usable as trails and are not a source of environmental degradation.

178

179 2. Sunset Valley agrees to construct and maintain the Gaines Greenbelt Trail
180 in a manner that is consistent with:

181

182 (a) this Agreement;

183 (b) the Gaines Greenbelt LMP; and

184 (c) the Gaines Greenbelt section of the Violet Crown BCP Trail Master Plan
185 proposal submitted to and approved by the Coordinating Committee on
186 February 24, 2011.

187

188 3. The Gaines Greenbelt Trail will have a maximum width of four feet and will
189 be constructed and maintained using only natural materials to state-of-the-
190 practice standards which prevent erosion and environmental damage per the
191 Gaines Greenbelt LMP.

192

193 4. All disturbances to the tree canopy over the Gaines Greenbelt Trail must
194 be kept to a minimum and must be in compliance with the Regional Plan, the
195 Regional Permit, and the Gaines Greenbelt LMP.

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198 5. Sunset Valley will prohibit the establishment of any new trails on the
199 Gaines Greenbelt other than the Gaines Greenbelt Trail and will immediately
200 close, remove, and revegetate all new trails that come into existence on the
201 Gaines Greenbelt after the effective date of this Agreement. Not later than six
202 months after a new trail is discovered, Sunset Valley shall remove, obstruct, and
203 restore unauthorized trails to native vegetation so that the areas are no longer
204 usable as trails and are not a source of environmental degradation.

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207 6. The Parties agree that mountain biking and walking dogs on leashes will
208 continue to be allowed on the Gaines Greenbelt Trail after the effective date of
209 this Agreement. These "grandfathered" uses may be altered only through the
210 Trail Master Plan process. Sunset Valley agrees to continue to post signs,
211 maintain and patrol the Gaines Greenbelt to reduce the impacts of these
212 grandfathered uses and ensure these uses are limited to the Gaines Greenbelt
213 Trail.

214

215 7. Sunset Valley agrees that any new, future, requested uses will be
216 evaluated first through the Regional Permit, BCP-LMP and the Gaines Greenbelt
217 LMP, then through the BCP Trail Master Plan process if applicable. Any proposal
218 or effort to amend the Gaines Greenbelt section of the Violet Crown Trail or to
219 accommodate new uses on the Gaines Greenbelt Trail will be guided through the
220 BCP Trail Master Plan process, sponsored and funded by Sunset Valley, and
221 coordinated with Permit Holders and Hill Country Conservancy.

222

223 **H. The Violet Crown Trail.** The not-for-profit organization Hill Country Conservancy
224 is the primary sponsor and coordinator of the Violet Crown Trail, a regional "walk
225 for a day" trail in Travis and Hays Counties, with a segment co-located with the
226 Gaines Greenbelt Trail in Sunset Valley. Sunset Valley and the Coordinating
227 Committee:

- 228 1. acknowledge that Sunset Valley intends for the Gaines Greenbelt Trail to
229 constitute a part of the regional trail called the Violet Crown Trail, as approved by
230 the Coordinating Committee for the Violet Crown BCP Trail Master Plan;
231
232 2. agree that the Gaines Greenbelt Trail and the portion of the Violet Crown
233 Trail that goes through the Gaines Greenbelt shall be identical and consist of one
234 and the same trail;
235
236 3. agree that the Gaines Greenbelt Trail in this Agreement aligns with
237 connecting endpoints of the Violet Crown Trail and any change to that alignment
238 would require:
239
240 a. an amendment to EXHIBIT C mutually agreed by the parties; and
241 b. withdrawal by the Coordinating Committee of the approved Violet Crown
242 BCP Trail Master Plan, resubmission of a new plan with the new
243 alignment, and approval of the new Trail Master Plan by the Coordinating
244 Committee;
245
246 4. agree that the portion of the Violet Crown Trail that goes through the
247 Gaines Greenbelt must be developed, constructed, maintained, and used in
248 accordance with the Regional Permit, BCP-LMP, Gaines Greenbelt LMP, and
249 approved Violet Crown BCP Trail Master Plan;
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251 5. acknowledge that Sunset Valley has no responsibility for maintaining any
252 portion of the Violet Crown Trail that is not located within the Gaines Greenbelt;
253 and
254
255 6. acknowledge that this Agreement does not provide mitigation for any
256 portions of the Violet Crown Trail other than the portion located within the Gaines
257 Greenbelt.
258
259 **I. Fencing and Signage.** To control unauthorized access to the Gaines Greenbelt,
260 Sunset Valley will, not later than six months after the effective date of this
261 Agreement, install or repair fencing and signage that is effective in preventing
262 unauthorized access to the Gaines Greenbelt. The fencing and signage required
263 under this Agreement shall comply with the following conditions:
264 1. the fencing must be constructed in the location shown in the attached and
265 incorporated **EXHIBIT D**; and
266
267 2. signs must be crafted and installed in locations as shown on EXHIBIT D to
268 deter trespass and promote the partnership with the BCP.
269
270 **J.** Sunset Valley shall restore, as soon as reasonably practicable, any portions of
271 the Gaines Greenbelt that are damaged by unauthorized access or unauthorized
272 use.
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- 274 **K.** Sunset Valley does not by this Agreement assume any responsibility or liability
275 for management of preserve system lands which are not included in **EXHIBIT A**
276 to this Agreement. Sunset Valley does not by this Agreement assume any
277 responsibility for enforcement actions regarding compliance with the Endangered
278 Species Act other than commitments in this Agreement to comply with the
279 Regional Permit and its appurtenant plans and guidelines.
280
- 281 **L.** This Agreement does not restrict Sunset Valley from conveying by lease, sale, or
282 other transaction, any interest in its preserve system lands included in **EXHIBIT**
283 **A** to this Agreement to a third party; provided, however, the Coordinating
284 Committee or its designated representative must be given prior notice and
285 opportunity to review and approve the documentation necessary to ensure that
286 the Gaines Greenbelt remains designated in accordance with Article II. A. of this
287 Agreement, and that Sunset Valley or its transferee shall remain responsible for
288 managing the Gaines Greenbelt in accordance with this Agreement.
289
- 290 **M.** Sunset Valley is solely responsible for any costs associated with the public's use
291 of the Gaines Greenbelt, including all construction, maintenance, and restoration
292 costs.
293
- 294 **N.** Sunset Valley will designate one individual to represent it on the BCCP Citizen's
295 Advisory Committee.
296

297 **ARTICLE III. Obligations of Coordinating Committee**

- 298 **A.** The Coordinating Committee agrees that Sunset Valley will continue to own and
299 use the Gaines Greenbelt in accordance with the property's deed restrictions,
300 which require it to be used by the public for park, recreational, greenbelt and/or
301 preserve purposes; however, such use is subject to the terms and conditions of
302 this Agreement, the Regional Plan, the Regional Permit, the BCP-LMP, and the
303 Gaines Greenbelt LMP. Sunset Valley will maintain the name of the land as the
304 "Gaines Greenbelt" in accordance with the deed restrictions.
305
- 306 **B.** Upon the request of Sunset Valley, the Coordinating Committee or its designated
307 representatives may, but is not required to, provide technical guidance to Sunset
308 Valley regarding trail and preserve maintenance, use, improvements, signage,
309 and fencing consistent with the terms and conditions of the Regional Permit,
310 Regional Plan, BCP – LMP, Gaines Greenbelt LMP and BCP Trail Master Plan.
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- 312 **C.** The Coordinating Committee is responsible for submitting all annual reporting
313 documents to the USFWS.
314
- 315 **D.** The Coordinating Committee will provide Sunset Valley with BCP-LMP and
316 Gaines Greenbelt LMP documents after they have been approved by the
317 Coordinating Committee.
318

- 319 E. The Coordinating Committee will provide Sunset Valley with one position on the
320 BCCP Citizen's Advisory Committee.
321

322 **ARTICLE IV. General Provisions**

- 323 A. **Term.** This Agreement becomes effective on the date of the last party to sign,
324 and is to last in perpetuity.
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326 B. **Remedies.**
327

- 328 1. **Enforcement.** Each party has the right to enforce its rights under this
329 Agreement and to enforce the duties and obligations of the other party under this
330 Agreement.
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- 332 2. **Relief.** If any party fails to cure a violation under this Agreement within 90
333 days after receipt of written notice thereof, or under circumstances where the
334 violation cannot reasonably be cured within a 90-day period, fails to begin curing
335 such violation within the 90-day period, or fails to continue diligently to cure such
336 violation until finally cured, the other party may utilize all legal remedies available
337 to that party.
338

- 339 3. **Scope of Relief.** The rights under this **Article IV.B.** apply equally in the
340 event of either actual or threatened violations of the terms of this Agreement.
341 The remedies described in this **Article IV.B.** shall be cumulative and shall be in
342 addition to all remedies now or hereafter existing at law or in equity.
343

- 344 4. **Forbearance.** Forbearance by any party to exercise its rights under this
345 Agreement in the event of any breach of any term of this Agreement shall not be
346 deemed or construed to be a waiver of such term or of any subsequent breach of
347 the same or any other term of this Agreement or of any rights under this
348 Agreement. No delay or omission in the exercise of any right or remedy upon
349 any breach by either party shall impair such right or remedy or be construed as a
350 waiver.
351

- 352 5. **Acts Beyond Either Party's Control.** Nothing contained in this
353 Agreement shall be construed to entitle either party to bring any action against
354 the other party for any injury to or change in the Gaines Greenbelt resulting from
355 causes beyond such other party's control, such as fire, flood, storm, acts of God,
356 and earth movement, or from any prudent action taken by the other party under
357 emergency conditions to prevent, abate, or mitigate significant injury to the
358 Gaines Greenbelt resulting from such causes.
359

- 360 6. **Mediation.** When mediation is acceptable to both parties in resolving a
361 dispute arising under this Agreement, the parties agree to use the Dispute
362 Resolution Center of Austin, Texas as the provider of mediators for mediation as
363 described in Section 154.023 of the Texas Civil Practice and Remedies Code.
364 Unless both parties are satisfied with the result of the mediation, the mediation

365 will not constitute a final and binding resolution of the dispute. All
366 communications within the scope of the mediation shall remain confidential as
367 described in Section 154.073 of the Texas Civil Practice and Remedies Code,
368 unless both parties agree, in writing, to waive the confidentiality.
369

370 **C. Notice to Parties.**

371 Any notice, approval, consent, or other required communication to be given hereunder
372 by either party to the other shall be in writing and may be effected by personal delivery
373 in writing, or registered or certified mail, return receipt requested, when mailed by U.S.
374 mail to the proper party, at the following addresses:
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376 **CITY OF SUNSET VALLEY:**

377 City of Sunset Valley
378 3205 Jones Road
379 Sunset Valley, Texas 78745
380

381 **BALCONES CANYONLANDS CONSERVATION PLAN COORDINATING**
382 **COMMITTEE:**

383
384 Balcones Canyonlands Conservation Plan Coordinating Committee – City of
385 Austin
386 Attn: BCCP Coordinating Committee Secretary
387 C/O Austin Water Utility
388 P.O. Box 1088
389 Austin, Texas 78767
390

391 Balcones Canyonlands Conservation Plan Coordinating Committee – Travis
392 County
393 Attn: County Judge
394 P.O. Box 1748
395 Austin, Texas 78767
396

397 with copies to:

398 City of Austin Law Department
399 P.O. Box 1088
400 Austin, Texas 78767
401 Attention: TM File No. 56315
402

403 Honorable David Escamilla (or his successor in office)
404 Travis County Attorney
405 P.O. Box 1748
406 Austin, Texas 78767
407 Attention: File No. 291.8
408

409 Each party may change the address for notice to it by giving notice of such change in
410 accordance with the provisions of this paragraph.

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412 **D. Miscellaneous.**

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414 **1. Entirety of Agreement and Modification.** This instrument contains the
415 entire agreement between the parties relating to the rights herein granted and the
416 obligations herein assumed. Any prior agreements, promises, negotiations, or
417 representations not expressly set forth in this Agreement are of no force or effect.
418 Any oral representations or modifications concerning this Agreement shall be of
419 no force or effect, excepting a subsequent modification in writing signed by the
420 party to be charged and expressly approved by an authorized representative of
421 such party. No official, representative, employee, or agent of the Coordinating
422 Committee has any authority to modify or amend this Agreement except pursuant
423 to specific authority to do so granted by the Coordinating Committee. No official,
424 representative, employee or agent of Sunset Valley has any authority to modify
425 or amend this Agreement except pursuant to specific authority to do so granted
426 by the City of Sunset Valley.

427 **2. Successor and Assigns.** This Agreement and its covenants and
428 restrictions shall run with the land and: (a) shall be binding upon Sunset Valley
429 and all future owners of the Gaines Greenbelt and the Coordinating Committee
430 and the Coordinating Committee's successors and assigns; and (b) shall inure to
431 the benefit of Sunset Valley and Sunset Valley's successors and "**Designated**
432 **Assignees**" and the Coordinating Committee and the Coordinating Committee's
433 successors and "**Designated Assignees**". For purposes of this Agreement the
434 term "**Designated Assignees**" shall mean and refer to the assignees of either
435 party to this Agreement which are specifically referenced as the assignees of the
436 rights of such party under this Agreement in a written instrument which is
437 executed and acknowledged by Sunset Valley or the Coordinating Committee, as
438 applicable, and recorded in the Official Public Records of Travis County, Texas.
439 The mere conveyance of real property will not qualify the transferee of such real
440 property as one of the "**Designated Assignees**" of either party hereunder unless
441 the specific provisions of the immediately preceding sentence are strictly
442 complied with.

443 **3.** This Agreement is performable in Travis County, Texas, and Texas law
444 governs its interpretation and application.

445 **4.** Regardless of the actual drafter of this Agreement, this Agreement shall,
446 in the event of any dispute over its meaning or application, be interpreted fairly
447 and reasonably, and neither more strongly for or against either party.

448 **5.** This Agreement may be executed in multiple counterparts, each of which
449 shall constitute a duplicate original hereof, but all of which together shall
450 constitute one and the same instrument.

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489 BALCONES CANYONLANDS COORDINATING COMMITTEE:

490

491 By: _____

492 Date: _____

493 William Conrad

494 Coordinating Committee Secretary

495

496 CITY OF SUNSET VALLEY:

497

498

499 By: _____

500 Date: _____

501 Rose Cardona

502 Mayor

503

504 APPROVED AS TO FORM:

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506 By: _____

507 City of Austin Law Department

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511 By: _____

512 Travis County Attorney's Office

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516 By: _____

517 City of Sunset Valley legal counsel

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Sunset Valley Managing Partner Agreement

519 THE STATE OF TEXAS §
520 §
521 COUNTY OF TRAVIS §
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523 This instrument was acknowledged before me on the ____ day of _____, 2014,
524 by Rose Cardona, Mayor of the City of Sunset Valley, a Texas municipality, on behalf of
525 said municipality.

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Notary Public Signature

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529 (SEAL)

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536 THE STATE OF TEXAS §
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538 COUNTY OF TRAVIS §
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540 This instrument was acknowledged before me on _____, 2014, by William
541 Conrad, secretary of the Balcones Canyonlands Coordinating Committee, on behalf of
542 said Coordinating Committee.

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Notary Public Signature

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548 (SEAL)

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550 EXHIBIT A. Legal Description and Map of Gaines Greenbelt Property Boundaries

Dixon Land Surveying

Office 512-481-9812

Thomas P. Dixon

Fax 512-481-9810

R.P.L.S. 4124

EXHIBIT "A"

J3932B

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January 12, 1999

FIELD NOTES

FIELD NOTES FOR 21.585 ACRES OF LAND OUT OF THE JAMES TRAMMELL SURVEY NO. 4, SITUATED IN TRAVIS COUNTY, TEXAS, SAME BEING ALL THAT CERTAIN 21.894 ACRES OF LAND CONVEYED TO THE CITY OF SUNSET VALLEY, RECORDED IN VOLUME 11471, PAGE 639, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING at an iron rod found at the S.W. corner of said 21.894 acre tract, same being at the N.W. corner of that certain 1.00 acre tract of land conveyed to Cothron Partnership No. 2, LTD., a Texas limited partnership, recorded in Volume 12995, Page 596, Real Property Records, Travis County, Texas, same being the most southerly, S.E. corner of Lot One, Phase A, Section One, GAINES RANCH PHASE A SECTIONS ONE AND TWO, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Book 89, Page 328, Plat Records, Travis County, Texas, for the S.W. corner hereof;

THENCE N30°27'55"W along the east line of Lot 1, Phase A, Section One, for a distance of 294.97 feet to a pipe found at the point of curvature of a non-tangent curve to the right having a radius of 500.00 feet;

THENCE 5.22 feet along the arc of said curve to the right, with a chord which bears N51°55'09"W for a distance of 5.22 feet to a point in the center of a tributary of Gaines Creek, at the N.W. corner of said 21.984 acre tract for the N.W. corner hereof,

THENCE the following twenty-six (26) courses and distances along the center of said tributary:

1. N15°40'51"E for a distance of 34.06 feet to a P.K. nail set in rock;
2. N85°28'49"E for a distance of 30.94 feet to a spindle set;
3. S72°06'59"E for a distance of 58.70 feet to an iron rod set;
4. N56°58'45"E for a distance of 97.83 feet to an iron rod set;
5. N19°07'06"E for a distance of 102.55 feet to an iron rod set;
6. N39°01'55"E for a distance of 115.86 feet to an iron rod set;
7. N28°51'35"E for a distance of 70.28 feet to an iron rod set;
8. S87°30'00"E for a distance of 19.29 feet to an iron rod set;
9. S43°01'49"E for a distance of 39.18 feet to an iron rod set;
10. S37°58'10"E for a distance of 92.55 feet to an iron rod set;
11. S47°24'12"E for a distance of 74.34 feet to an iron rod set;
12. S64°09'43"E for a distance of 58.30 feet to an iron rod set;
13. S83°49'14"E for a distance of 50.99 feet to an iron rod set;
14. N61°22'10"E for a distance of 49.23 feet to an iron rod set;
15. N48°29'17"E for a distance of 68.02 feet to a P.K. nail set in rock;
16. N15°54'33"E for a distance of 139.28 feet to an iron rod set;
17. N09°15'17"E for a distance of 201.32 feet to a spindle set;
18. N39°52'30"E for a distance of 70.70 feet to a spindle set;
19. N60°09'58"E for a distance of 55.04 feet to a spindle set;
20. N89°26'47"E for a distance of 50.16 feet to a spindle set;
21. S56°27'59"E for a distance of 64.03 feet to a spindle set;
22. S41°03'21"E for a distance of 85.21 feet P.K. nail set in rock;
23. S50°07'39"E for a distance of 70.71 feet to an iron rod set;
24. S51°07'48"E for a distance of 69.32 feet to a P.K. nail set in rock;
25. S66°19'00"E for a distance of 114.13 feet to a spindle set;
26. S73°06'17"E for a distance of 39.42 feet to an iron rod set at a point of intersection with a line being 805 feet west of and parallel to the west line of Stearns Lane;

1612 West 5th Street
Austin, Texas 78703

Dixon Land Surveying

Office 311-481-9602

Thomas P. Dixon
R.P.L.S. 1324

Fax 481-9602

EXHIBIT "A"

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THENCE N29°12'23"E, leaving the said centerline of a tributary of Gaines Creek, along said line being 805 feet west of and parallel to Stearns Lane, a distance of 429.13 feet to an iron rod set at the point of intersection with the centerline of Gaines Creek, thence leaving the said line being parallel and 805 feet west of the west line of Stearns Lane, along the center of Gaines Creek as it meanders the following six (6) courses and distances;

1. N19°27'27"W for a distance of 76.58 feet to an iron rod set;
2. N01°24'50"E for a distance of 56.82 feet to an iron rod set;
3. N32°04'27"E for a distance of 50.04 feet to a spindle set;
4. N16°17'26"E for a distance of 51.42 feet to an iron rod set;
5. N54°00'42"E for a distance of 109.65 feet to an iron rod set;
6. N74°46'51"E for a distance of 70.71 feet to a spindle set at a point 805 feet west of and parallel to Stearns Lane,

THENCE N29°12'23"E along a line 805 feet west of and parallel to the west line of Stearns Lane for a distance of 337.98 feet to a spindle set on the west line of that certain tract or parcel of land referred to as Barton Creek Park recorded in Volume 17823, Page 150, Real Property Records, Travis County, Texas, from which point an iron rod found at a fence corner post on the west line of Barton Creek Park bears N35°21'42"W at a distance of 68.46 feet;

THENCE S38°08'05"E along the west line of Barton Creek Park for a distance of 20.40 feet to a nail found in rock at the N.W. corner of that certain 2.25 acre tract or parcel of land conveyed to Donald R. Stearns and wife, Caroline C. Stearns recorded in Volume 1184, Page 194, Deed Records, Travis County, Texas;

THENCE the following four (4), courses and distances along the west line of said 2.25 acre tract:

1. S31°44'30"E for a distance of 230.52 feet to a nail found in the root of an oak tree;
2. S12°48'34"E for a distance of 141.85 feet to an iron rod found;
3. S10°36'13"E for a distance of 109.76 feet to an iron rod found,
4. S13°24'00"E, at 57 feet passing the most westerly corner of said 2.25 acre tract, same being the N.E. corner of Lot 6, HARRY V. NELSON SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Book 32, Page 6, Plat Records, Travis County, Texas, and in all 157.11 feet to a square bolt found on the west line of Lot 6 for a corner hereof;

THENCE the following four (4), courses and distances along the west line of HARRY V. NELSON SUBDIVISION:

1. S42°25'10"W for a distance of 136.13 feet to a square bolt found;
2. S65°35'40"W for a distance of 170.98 feet to a square bolt found;

1612 West 5th Street
Austin, Texas 78703

Dixon Land Surveying

Phone: 512-481-6610

Thomas P. Dixon
R.P.L.S. 4324
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Fax: 512-481-6610

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3. S27°30'11"W, at 66.89 feet passing an iron rod found at the N.W. corner of Lot 2 and the S.W. corner of Lot 3 and in all 118.00 feet to an iron rod found on the west line of Lot 2 for a corner hereof;

4. S21°49'58"W for a distance of 150.35 feet to a 60d nail found in fence corner post at the S.W. corner of Lot 1, HARRY V. NELSON SUBDIVISION, same being the most northerly corner of that certain 2.02 acre tract or land conveyed to William E. Bryant recorded in Volume 4227, Page 1910, Real Property Records, Travis County, Texas, for a corner hereof;

THENCE the following two (2), courses and distances along the west line of said 2.02 acre tract:

1. S50°58'49"W for a distance of 186.39 feet to a 60d nail found in a fence corner post;
2. S00°08'50"W for a distance of 240.09 feet to a pipe found at the S.W. corner of said 2.02 acre tract, same being the N.W. corner of that certain 2.13 acre tract conveyed to Patsy Allred Angeli recorded in Volume 5163, Page 588, Deed Records, Travis County, Texas, for a corner hereof;

THENCE S12°20'27"W for a distance of 15.01 feet to an pipe found at the N.E. corner of that certain tract or parcel of land conveyed to the State of Texas recorded in Volume 11953, Page 1252, Real Property Records, Travis County, Texas;

THENCE N82°05'12"W, at 247.91 feet passing the N.W. corner of said State of Texas tract and in all 461.74 feet to a pipe found at the N.W. corner of that certain 2.195 acre tract or parcel of land conveyed to Sam L. Kelley and wife, Mary Kate Kelley recorded in Volume 3357, Page 1145, Deed Records, Travis County, Texas, same being the N.E. corner of that certain 4 acre tract or parcel of land conveyed to The June Etta Richardson Irrevocable Trust recorded in Volume 12552, Page 506, Real Property Records, Travis County, Texas, for a corner hereof;

THENCE the following two (2), courses and distances along the west line of the June Etta Richardson Irrevocable trust:

1. N82°19'53"W for a distance of 113.04 feet to an iron rod found;
2. S68°53'45"W for a distance of 225.64 feet to a pipe found at the N.W. corner of the Etta Richardson Trust, same being the N.E. corner of that certain 2.0 acre tract or parcel of land conveyed to Nicholas Kostetsky and wife, Catherine Kostetsky recorded in Volume 10073, Page 847, Real Property Records, Travis County, Texas, for a corner hereof;

THENCE S68°52'15"W for a distance of 193.44 feet to a pipe found at the N.W. corner of said 2.0 acre tract, same being the N.E. corner of that certain 2.0 acre tract or parcel of land conveyed to Nancy Matthews recorded in Volume 3239, Page 191, Deed Records, Travis County, Texas, for a corner hereof;

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Sunset Valley Managing Partner Agreement

1/12/99 11:24 AM

Dixon Land Surveying

Thomas P. Dixon
R.P.L.S. 4324
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File: 912-461-9519

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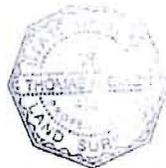
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THENCE S68°50'54"W for a distance of 219.77 feet to a pipe found at the N.W. corner of the Nancy Matthews tract, same being the N.E. corner of said Cothron Partnership No. 2 L.T.D., tract, for a corner hereof,

THENCE S68°13'31"W for a distance of 130.01 feet to the **POINT OF BEGINNING**, containing 21.585 acres of land.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.


Thomas P. Dixon R.P.L.S. 4324



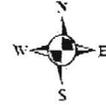
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Austin, Texas 78703

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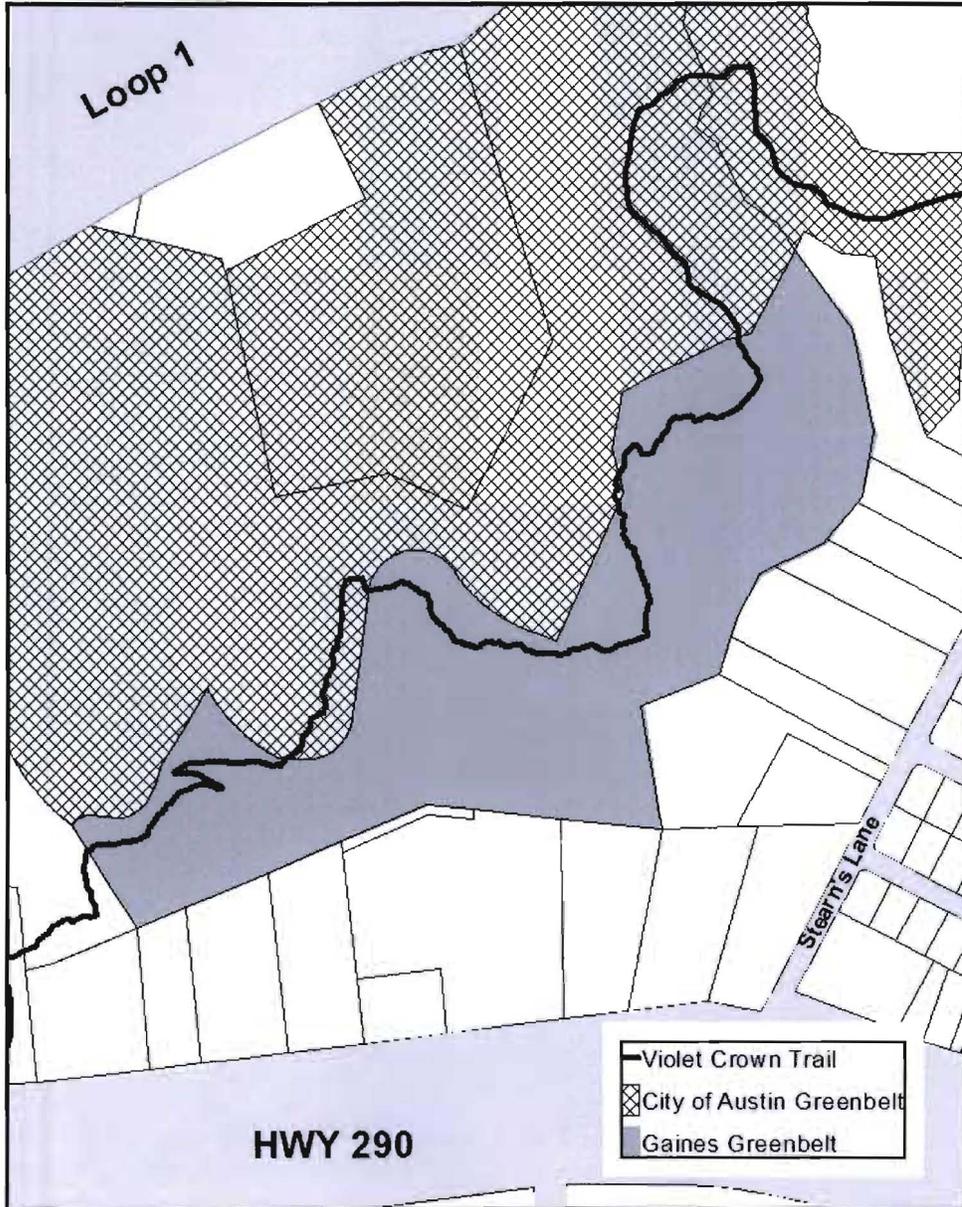
EXHIBIT B. Gaines Greenbelt Trail Location



**Gaines Greenbelt
Trail Location**



1 inch = 0.06 miles



588

589

590

EXHIBIT C. Gaines Greenbelt Land Management Plan

591

GAINES GREENBELT PRESERVE

592

LAND MANAGEMENT PLAN

593

594

595

CITY OF SUNSET VALLEY

596

BCCP Managing Partner

597

598

599

December 2013

600

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BACKGROUND

649 The City of Sunset Valley owns and manages a network of parks and preserves in the municipal limits,
650 one of which is the Gaines Greenbelt adjacent to the City of Austin's Barton Creek Greenbelt. The Gaines
651 Greenbelt provides habitat for the federally endangered Golden-Cheeked Warbler (*Setophaga*
652 *chrysoparia*, GCWA) and is used as a hike and bike trail. Sunset Valley has signed a Managing Partner
653 Agreement with the Balcones Canyonlands Conservation Plan (BCCP), an Habitat Conservation Plan
654 authorized under an Endangered Species Act Section 10(a)(1)(B) incidental take permit TE 788841-2 (the
655 Permit).

656 The Permit conditions and associated documents (Habitat Conservation Plan, Environmental Impact
657 Statement, Land Management Plan standards and implementing agreements) specify conditions and
658 mitigation requirements, including the establishment of the Balcones Canyonlands Preserve (BCP)
659 system. The Sunset Valley – BCCP Managing Partner Agreement adds the Sunset Valley Gaines Greenbelt
660 to the BCP Barton Creek Macrosite and aligns Sunset Valley's requirements for managing the Gaines
661 Greenbelt with the Permit, associated documents, and this site-specific Land Management Plan (Gaines
662 LMP).

663 Sunset Valley retains the site and its management for endangered species and water quality protection;
664 certain recreational, open space and scenic values; recognition and partner status in the regional BCCP.
665 The agreement and prescriptive management of the Gaines Greenbelt contribute additional Golden-
666 Cheeked Warbler conservation acreage to the BCP as required by the Permit. The Gaines LMP fits the
667 criteria established by the BCCP for land management plans and will guide the conservation,
668 management, and allowable activities on this site in perpetuity.

669

LOCATION AND LAND USE

670 The Gaines Greenbelt parcel is approximately 21.585 acres located in Travis County, Texas, at the
671 northern edge of the City of Sunset Valley. The parcel's south side borders the back lot lines of residential
672 sites, an hotel, and Texas Department of Transportation stormwater pollution prevention facility which
673 lie along US Highway 71/State Highway 290 West; east of the tract lies larger-lot residential area; and,
674 the remaining parcel borders the City of Austin's Barton Creek Greenbelt trail system (Figure 1).

675 Restricted by recorded deed in the Travis County Appraisal District (TCAD, Doc.No.9105787), the Gaines
676 Greenbelt was conveyed to the City of Sunset Valley in two parcels (TCAD ID 509013 and 509123) on June
677 26, 1991 exclusively for use by the public for parks, recreational, greenbelt and/or preserve. The property
678 must also retain the name Gaines Greenbelt. For all purposes in this LMP, the associated Managing
679 Partner Agreement, and the Preserve system, the two tracts are considered one combined management
680 unit as surveyed and represented in Figure 1.

681 Currently, the Gaines Greenbelt is used as part of a network of official and social recreational hike and
682 bike trails. The BCCP Coordinating Committee has approved a Trail Master Plan Proposal that provides for
683 one single-path new trail that is part of the Violet Crown Trail along Gaines Creek through the Gaines
684 Greenbelt tract. There is not a direct access point to the Gaines Greenbelt; access is through trails that
685 cross City of Austin or privately-owned property. Currently, this trail runs approximately congruent with

686 Gaines Creek – a ravine, with steep cliffs and inclines along the eastern border. An existing network of
687 social trails will be closed in the course of Violet Crown Trail and Gaines LMP implementation.

688 The Gaines Greenbelt Trail segment of the Violet Crown Trail is open to the public for foot and bicycle
689 traffic during daylight hours on marked trails. Dogs must be on-leash. From time to time, access to the
690 tract or portions of the tract may be limited for recovery from various natural and anthropogenic
691 disturbances, protection of endangered species, and maintenance and management activities. Public
692 notice is provided when the Gaines Greenbelt is closed.

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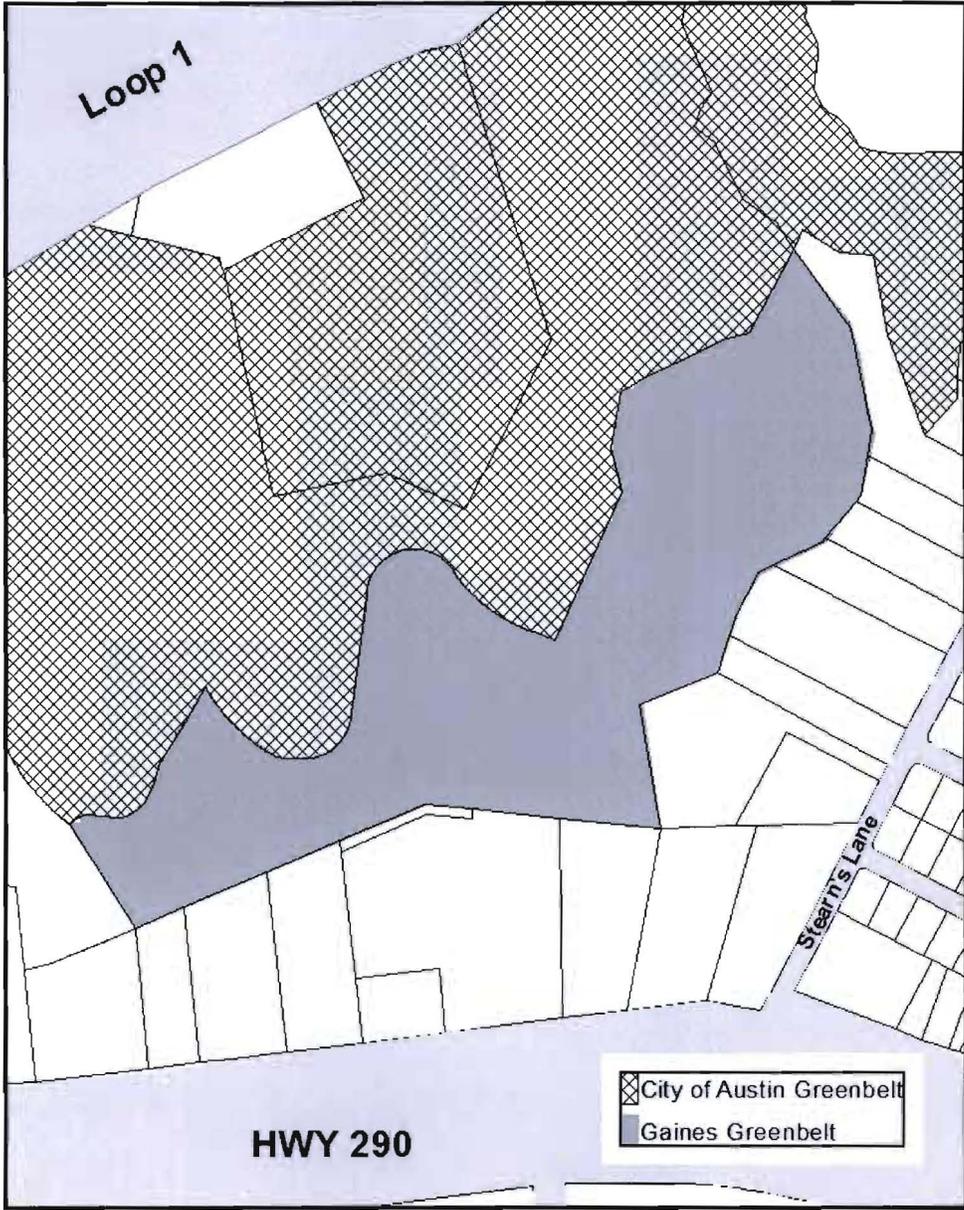
REGULATORY ENVIRONMENT

694 Trail development, maintenance, operation and conservation activities require compliance with the
695 federal Endangered Species Act of 1973 (as amended) due to the presence of habitat for the GCWA and
696 the need to avoid adverse impacts to water quality for two federally listed salamanders – Barton Springs
697 Salamander and Austin Blind Salamander – which rely on the Barton Creek watershed and springs
698 dependent on the Edwards Aquifer. Impacts to natural resources must also be compliant with relevant
699 sections of the Texas Parks and Wildlife Department Code and amendments and rules adopted by the
700 Parks and Wildlife Commission. Legal issues for this site also include parcel recorded deed restrictions.

701



1 inch = 0.06 miles



702
703

Figure 1. Location Map of the Gaines Greenbelt

704

NATURAL ENVIRONMENT

705 **Ecoregion/Ecosystem**

706 The Gaines Greenbelt lies within the Balcones Canyonlands subregion of the Edwards Plateau ecoregion
707 (Griffith et. al. 2007, North American Commission for Environmental Cooperation 2011) and the
708 Colorado River – Edwards Plateau Ecological Drainage Unit (AFWA 2006, Esselman et. al. 2010).

709 **Geology**

710 Elevation on the site varies from 570 to 660 feet along the plateau. The plateau is capped by
711 Georgetown Limestone and extends toward Ben White Boulevard (US Highway 71). This cap was
712 mapped by Garner and Young (1976) and is nearly unrecognizable due to construction within the area.
713 The most common visible geological formation is the exposed Edwards Limestone along the ravines and
714 hillsides, forming crevice, cliff and overhang habitats used by various wildlife species. Between 50-80
715 percent of the area has broken limestone rock outcrops.

716 **Soils**

717 Gaines Greenbelt soils are Tarrant and Tarrant rock outcrop (USDA 2013), commonly found on steep
718 slopes along rivers and creeks in this area. The soil is a gray-brown stony clay or clay loam that can be
719 approximately seven inches thick overlaying limestone.

720 **Water Resources**

721 Within the Barton Springs Edwards Aquifer Recharge Zone, the Gaines Greenbelt preserve is intersected
722 several times by the meanders of Gaines Creek. Gaines Creek is an ephemeral “wet weather” tributary
723 to Barton Creek within the Barton Creek Watershed.

724 **Karst and Subsurface Features**

725 A karst feature presence/absence survey has not been conducted in this area.

726 **Vegetation**

727 The plant community of the Gaines Greenbelt is an Oak – Ashe Juniper Woodland (*Quercus* spp. and
728 *Juniperus ashei*). Although mostly wooded, the area supports a few small, open grasslands. The
729 dominant woody species on this tract is Ashe Juniper. Other common trees are Live Oak (*Quercus*
730 *fusiformis*), Texas Oak (*Quercus texana*), Cedar Elm (*Ulmus crassifolia*), Shin Oak (*Quercus durandii* var.
731 *breviloba*), Texas Ash (*Fraxinus texensis*), Sugar Hackberry (*Celtis laevigata*), and Escarpment Black
732 Cherry (*Prunus serotina*). Shrubs and small trees of the understory include Texas Persimmon (*Diospyros*
733 *texana*), Carolina Buckthorn (*Rhamnus caroliniana*), and Red Buckeye (*Aesculus pavia*). The slopes and
734 cliffs provide habitat for various ferns including Southern Shield Fern (*Thelypteris kunthii*), Purple
735 Cliffbrake (*Pallaea atropurpurea*), Alabama Lipfern (*Cheilanthes alabamensis*), and Blackstem (*Asplenium*
736 *resiliens*). Some interesting plants found within the Gaines Greenbelt are Fiddleleaf Tobacco (*Nicotiana*
737 *repanda*), Brazos Rockcress (*Arabis petiolaris*), Mormon Tea (*Euphorbia antisyphillitica*), and Twisted-leaf
738 Yucca (*Yucca rupicola*). No rare or federally listed plant surveys have been conducted on this site.

739 **Wildlife**

740 The Gaines Greenbelt provides habitat for the endangered GCWA which nest throughout the site's
741 canyons and ravines. Because this species relies on native mature oak-juniper woodlands, with a diverse
742 closed canopy and understory, management for this species is primarily focused on limiting human
743 disturbance, protecting the area from wildfire, and tackling invasive species. Surveys for this species
744 have been conducted on the site in 2009, 2010, 2011, and 2012 to establish a presence/absence
745 baseline.

746 Other field-observed wildlife within the Gaines Greenbelt include white-tailed deer (*Odocoileus*
747 *virginianus*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), Virginia
748 opossum (*Didelphis virginiana*), eastern cottontail rabbit (*Sylvilagus floridanus*), eastern fox squirrel
749 (*Sciurus niger*), rock squirrel (*Spermophilus variegatus*) and rodent species. Texas Rat Snake (*Elaphe*
750 *obsoleta lindheimeri*), Prairie Kingsnake (*Lampropeltis calligaster calligaster*), Green Anole (*Anolis*
751 *carolinensis*), Reticulated Gecko (*Coleonyx reticulatus*), and Gulf Coast toad (*Incilius valliceps*) are the
752 reptile and amphibian species identified to date.

753

MANAGEMENT

754 **Goals**

755 Management goals reflect compliance with the BCCP Permit and associated documents, including the
756 Land Management Plan standards of practice. Primarily, the Gaines Greenbelt will be managed to:

- 757 • benefit GCWA occupation and productivity during the breeding season,
758 • preserve and recover native diverse oak-juniper woodland,
759 • promote and contribute to a sustainable and diverse native ecosystem, and
760 • contribute high water quality to Gaines Creek and subsequently Barton Creek.

761 Secondly, the site will be managed for existing recreational and educational values insofar as those do
762 not conflict with the natural resources values as required by the BCCP.

763 Management activities are outlined below to comply with the goals stated above. These goals typically
764 will not change unless the BCCP Permit itself is amended in some way. Activities may be changed
765 according to the state of conservation practice, new supporting natural resources' information or a
766 BCCP Coordinating Committee-approved change to the BCCP Land Management Plans.

767 **Natural Resource Surveys and Monitoring**

768 Surveys and monitoring are intended to provide better information for conservation and management
769 decisions. Findings will be included in the Gaines Greenbelt section of the BCCP Annual Report.

770 **Golden Cheeked Warbler**

771 To track any change(s) to the baseline condition of GCWA territories partially or wholly occupying the
772 tract, a federally permitted biologist will conduct territory-level mapping every two years using the same
773 protocols that other BCP land managers are using. Other local organizations may be involved in the
774 survey and monitoring effort, as long as they are or are with a federally permitted biologist.

775 **Vegetation**

776 See also *Oak Wilt*, *Invasive Species*, *Restoration* and *Wildfire* sections.

777 Permanent photo points will be established and documented for annual use to monitor visitor impacts,
 778 changes in plant communities, help map invasive species issues, determine effects of management and
 779 restoration, and revise management approach as needed to meet goals. No specified number of points
 780 is required. Points should be positioned to be repeated annually and sufficient to represent trail
 781 management and restoration needs (e.g. places where trails impact habitat quality and/or highest
 782 erosion potential over time), rare species' habitat condition, and boundary issues. Each point will be
 783 documented in the following framework and the collection will be reported as baseline and updates in
 784 the Annual Report:

Point 1. Northwest Pasture	
Start Location	GPS Coordinates, (e.g. 30° 16' 13" N, 97° 44' 43" W)
Start Landmark	brief description of starting point, if a landmark exists, e.g. northwest fence corner, something that doesn't move over time
Shoot Direction	Compass directions from start location – aim for general direction (e.g. SSE 162°)
View	describe briefly what the photographer would see in the screen if properly aligned, one line or less (e.g. shed in lower lefthand view of photo)

785

786 **Oak Wilt**

787 Sunset Valley will coordinate with the City of Austin for oak wilt surveys (City of Austin flies every two
 788 years for monitoring oak wilt centers). Oak wilt areas will be mapped. If detected, treatment and/or
 789 containment options will be discussed with BCCP land managing partners. Treatment plans which
 790 include mechanical removal or trimming will also include debris removal from the preserve as a wildfire
 791 prevention measure.

792 **Karst**

793 A baseline presence/absence survey of recharge features, sinkholes, and caves will be conducted within
 794 the first two years of this Plan, working with City of Austin and Travis County karst specialists and
 795 geologists. Surveys will concentrate on areas with the highest potential for adverse disturbances (e.g.
 796 near the approved trail, social trail closures, restoration or invasive species treatment areas).

797 If features potentially containing karst invertebrates are detected during the presence/absence survey, a
 798 karst invertebrate survey by federally permitted biologist(s) will be conducted to document species and
 799 amend this plan for protective measures, if needed. Annual cave cricket exit count surveys will be
 800 conducted for karst features where rare invertebrates are detected.

801 If significant features are detected, surface and subsurface hydrogeological areas will be
 802 delineated/mapped, working with County and City karst and hydrogeology specialists.

803 **Water Quality Monitoring**

804 Annually, water quality monitors will meet with agencies collecting water quality data to discuss
805 monitoring results and standards of practice.

806 During trail patrols, maintenance activities and other survey and monitoring activities, trail erosion,
807 stormwater pollution prevention facility malfunction, or other potential water quality-degrading
808 pollutants will be reported to appropriate authorities, addressed and monitored for follow-through.

809 See also *Trail Maintenance and Management*.

810 **Invasive Species' Control**

811 Non-native vegetation focal areas will be mapped within the first two years of this LMP. A treatment
812 plan will be developed and included in this document, based on highest priority, highest risk, standards
813 of practice that protect/not adversely impact the surrounding environment; means and methods will be
814 included in the treatment plan (e.g. mechanical or chemical means, depending on the site type within
815 the parcel). Treatment plans which include mechanical removal or trimming will also include debris
816 removal from the preserve as a wildfire prevention measure.

817 Red imported fire ants will be controlled using BCCP accepted practices for preserve areas with karst
818 potential as needed, using the Tier II Karst Management Plan as a guide. No chemical means will be used
819 within surface drainage zones of karst features.

820 Patrol and outreach events will make an effort to document colonies of Tawny Crazy Ant (*Nylanderia*
821 *fulva*) and Sunset Valley will coordinate with BCP Land Managers to determine if a course of action is
822 needed and how best to address the issue.

823 **Trail Maintenance and Management**

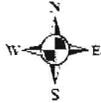
824 **Access, Fencing and Signage**

825 Access to the Gaines Greenbelt Preserve Trail will be limited to the Violet Crown Trail nodes – two only –
826 with no legitimate or social trail access outside of those main trail nodes (Figure 2). The only route
827 through the Preserve is that which was approved by the BCCP Coordinating Committee for the Violet
828 Crown Trail Master Plan.

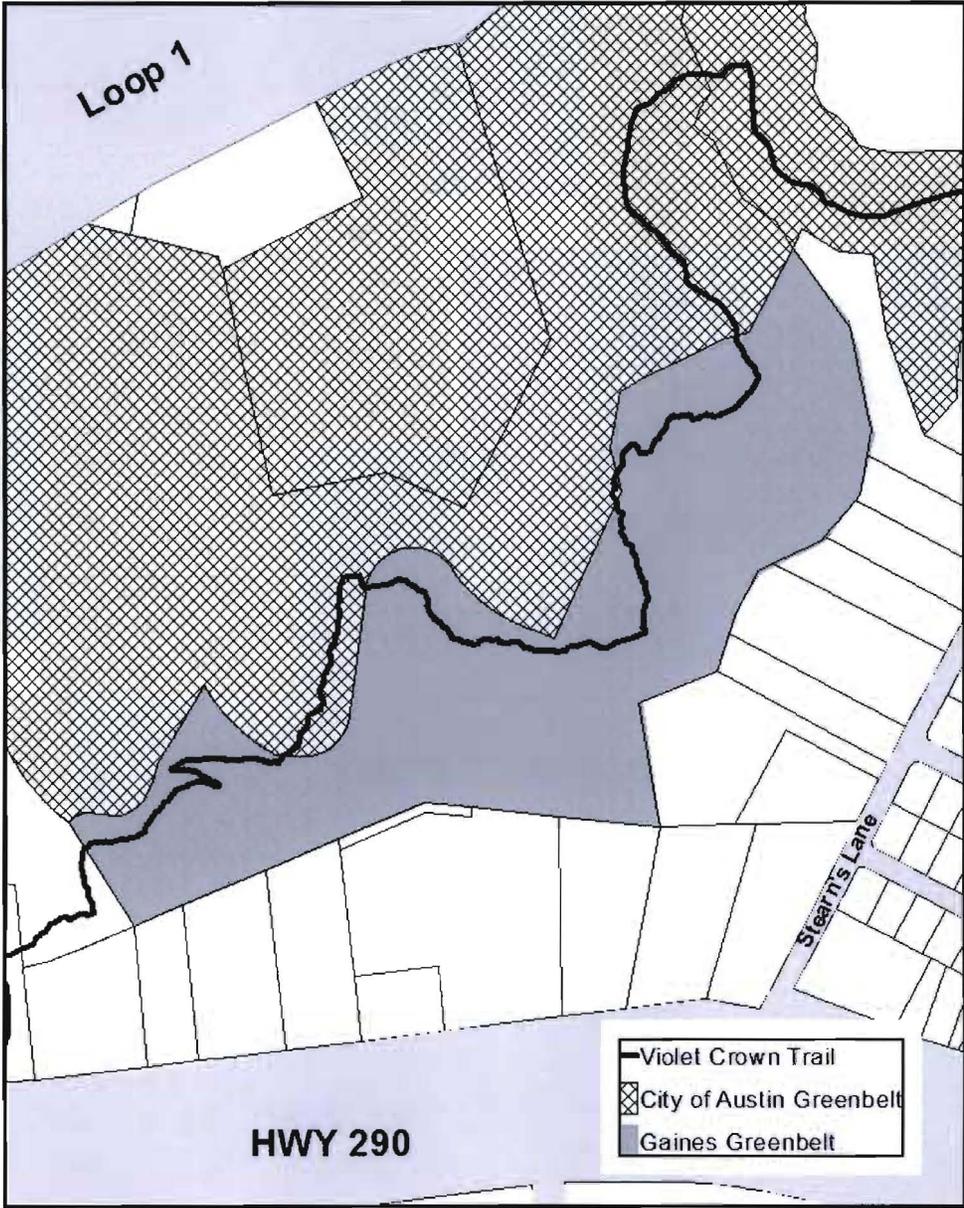
829 Fencing and signage will be erected and maintained (Figure 3). Greenbelt rules will be posted at
830 authorized access points. Sunset Valley's Trails Master Plan proposes two signs for the Gaines
831 Greenbelt. Each of these signs will include location information, trail etiquette and rules including litter
832 prevention, natural resources' educational information aligned with the intent and purpose of the
833 preserve. The signs should be installed at the entrance and exit of the Sunset Valley portion of the
834 preserve area.



Gaines Greenbelt Trail Location



1 inch = 0.06 miles



835

836

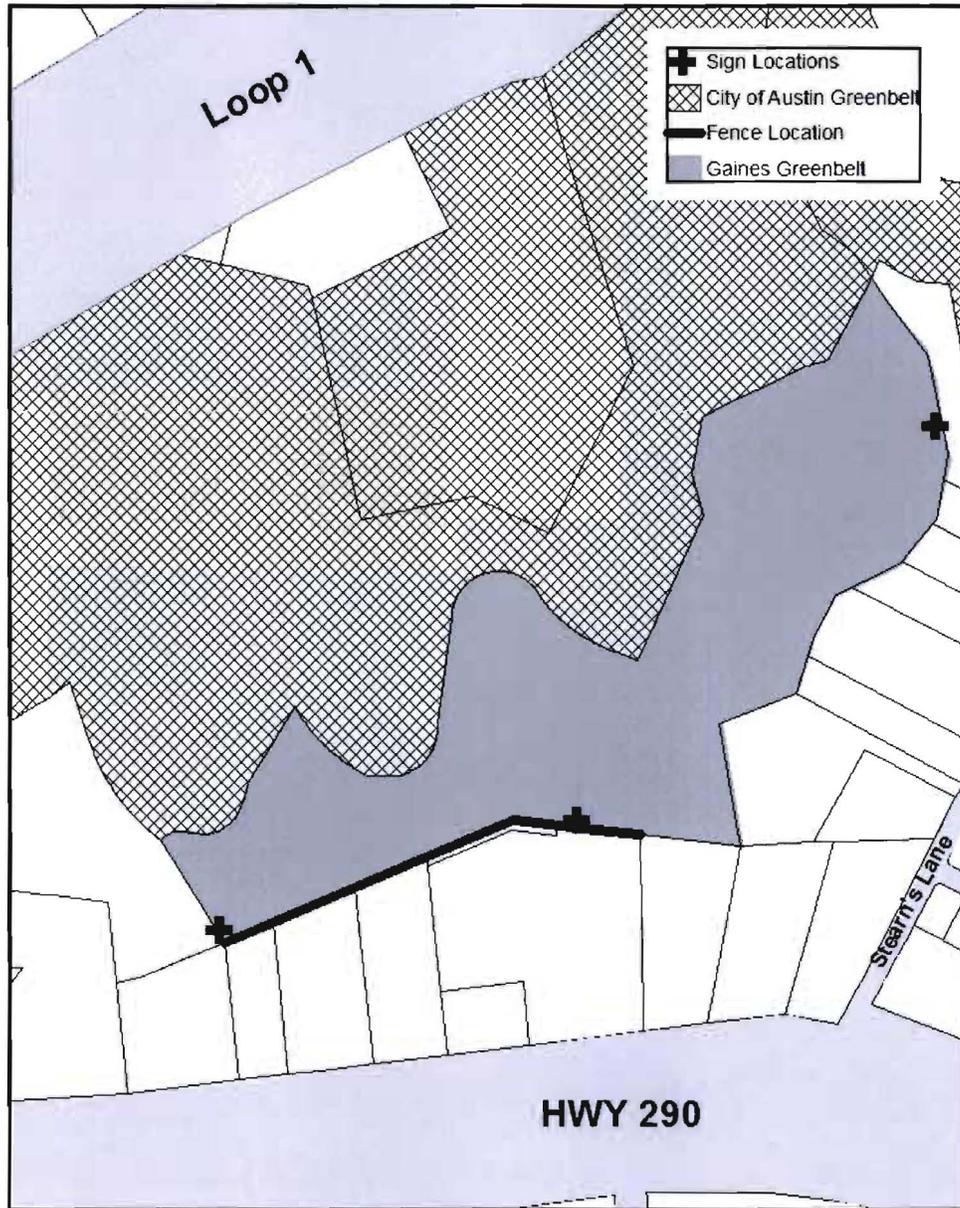
Figure 2: Gaines Greenbelt Authorized Trail (Violet Crown Trail)



Location of Fences and Signage



1 inch = 0.06 miles



837

838

Figure 3: Location of Fences and Signage (2013)

839 As the Violet Crown Trail is completed and social trails are closed, additional fencing and/or signage may
840 be needed. Additional locations will be mapped for as needed for subsequent versions of this
841 document.

842 **Daily Use and Management**

843 Trail use will be limited to hiking, biking and on-leash dog-walking as outlined in the Managing Partner
844 Agreement on the approved trail unless otherwise modified through the BCCP Trail Master Plan process
845 and in compliance with the conditions of the BCCP Permit, intention of the preserve system, and
846 resources' protection. Trail patrols will be regularly conducted by Sunset Valley staff, Sunset Valley
847 Conservation Rangers, or other Sunset Valley approved volunteers (e.g. Violet Crown Trail Rangers, City
848 of Austin Trail Patrol). These site visits can be combined with other activities (e.g. outreach, education,
849 resources monitoring, invasive species control, surveys) and collaboration with BCP land managers.

850 Regular trail patrols will be conducted to:

- 851 • Promote user safety and emergency response
- 852 • Remove litter
- 853 • Identify areas where social trails, maintenance, and unsafe conditions require work and/or
854 closure
- 855 • Ensure compliance with trail rules and other regulatory frameworks

856 Trail closures may periodically be required for maintenance and/or safety issues. A trail closure plan will
857 be developed with Sunset Valley Police, City of Austin Parks Department, Austin Police Department,
858 Austin Parks Police and other stakeholders. Trails will be closed when wet.

859 **Maintenance and Social Trail Closure**

860 Maintenance on trails will be conducted to ensure public safety and resources' protection. Only natural
861 materials will be used; only clean fill will be used if needed. A high priority will be to close social trails
862 upon detection and prevent their continued or habitual use. Additionally, on all pathways, erosion arrest
863 and prevention is a high priority. See also *Restoration*.

864 Any trail maintenance that requires oak pruning or cutting, no matter how small, will be conducted
865 according to the BCCP Oak Wilt Prevention Policy, BCP LMP Tier II-A Chapter 3.

866 Tree canopy will not be opened over trails (or other areas) unless the area presents a human or wildfire-
867 related safety issue.

868 **Restricted Areas or Activities**

869 Some recreational or management activities are prohibited during the nesting period for GCWA from
870 March 1 through August 31. Restrictions apply within 300 feet of a known GCWA territory.

871 Restricted activities include, but are not limited to, vegetation manipulation (tree or brush removal,
872 plantings, trailside trimming), prolonged presence in the territory area for outreach or education events,
873 or the use of maintenance or other machinery. The management goals for the Gaines Greenbelt are
874 designed to protect and enhance habitat for GCWA while providing safe public recreation and

875 educational opportunities. The City of Sunset will make every reasonable effort to limit and control
876 human disturbances of GCWA and associated habitat.

877 Trail use will be limited to hiking, biking and on-leash dog-walking as outlined in the Managing Partner
878 Agreement on the approved trail unless otherwise modified through the BCCP Trail Master Plan process
879 and in compliance with the conditions of the BCCP Permit, intention of the preserve system, and
880 resources' protection.

881 **Restoration**

882 **Social Trail Closure**

883 Trails developed by users off of the main Violet Crown Trail route are considered social, unauthorized
884 trails. The Managing Partner Agreement requires closure, obliteration and deterrents to use of these
885 trails, including restoration to native vegetation. Only natural materials will be used; only clean fill will
886 be used if needed to avoid introduction of invasive species. BCP land managers can provide guidance on
887 appropriate plant resources for this ecoregion and specific area to maintain appropriate genetic stock
888 and/or improve native habitat quality.

889 **Other Sites**

890 Areas that are damaged through natural or human disturbances will be restored and repaired in a timely
891 manner using accepted practices for ecological restoration and guided by a written restoration plan that
892 includes effectiveness monitoring.

893 **Brush Control**

894 The land management practice in Texas to reduce juniper cover and enhance savannah and mosaic
895 (grassland - oak motte) vegetation communities (colloquially, "brush control") is not an acceptable
896 practice on sites suitable for, occupied by, and managed for GCWA. No largescale vegetation
897 management will be practiced on this site unless a restoration plan is submitted to and approved by the
898 BCP Land Managers. Restoration plans which include mechanical removal or trimming will also include
899 debris removal from the preserve as a wildfire prevention measure.

900 See also *Invasive Species' Control*.

901 **Wildfire Planning, Fuel and Hazard Mitigation, and Safety**

902 Sunset Valley is a Firewise Community (2012) and offers homeowners free home ignition zone
903 inspections. This program will continue and the educational program includes all homes bordering the
904 greenbelt, with caveats for certain management practices that are not compatible with GCWA habitat
905 management. Wildfire fuel reduction and hazard mitigation (dead tree removal) will be done in
906 conjunction with a plan vetted by BCP Land Managers and USFWS, using USFWS-approved methods and
907 timing. Any plans which include mechanical removal or trimming will also include debris removal from
908 the preserve as a wildfire prevention measure.

909 No firebreaks within the greenbelt will be permitted without BCP Land Managers and USFWS
910 coordination and supported by current data and risk assessment of the Community Wildfire Protection

911 Plan and standards of conservation practice for this habitat type. Wildfire prevention will focus on
912 educating homeowners and coordinating efforts with the Austin Fire Department; identifying fuel and
913 hazard mitigation areas; planning habitat-appropriate approaches to address any fuel or hazard
914 mitigation needs; and implementing those plans with the review and assistance of BCP Land Managers.

915 **Wildlife Management**

916 The Gaines Greenbelt should provide habitat for a diverse variety of wildlife. Browsing ungulates (e.g.
917 white-tailed deer, non-natives like axis or blackbuck), if not managed at or below carrying capacity, can
918 cause a significant amount of habitat damage by feeding on tender new hardwood shoots. Hardwoods
919 are a significant component of GCWA habitat and regeneration is a concern in this area.

920 Surveys will be conducted in conjunction with TPWD biologists' recommendations to establish whether
921 deer control is needed and feasible to implement.

922 If needed, targeted outreach to Preserve-adjacent neighbors and general outreach during regular
923 programs will be implemented to reduce and deter deer feeding. Outreach programs will be companion
924 efforts to the existing Sunset Valley "no feeding" ordinance.

925 Feral hogs decrease native vegetation abundance, diversity, and resiliency; create pathways for non-
926 native invasive species (e.g. vegetation, fire ants); and severely degrade water resources (creekways and
927 springs). Hog control is paramount when hogs are detected. BCP Land Managers can provide
928 recommendation for feral hog trapping and control methods if feral hog damage is detected.

929 **Outreach and Education**

930 Sunset Valley has an active Conservation Rangers program and regular community outreach related to
931 natural resources conservation and management. BCCP and BCP information provided by existing Travis
932 County and City of Austin preserve outreach programs can be incorporated into Sunset Valley programs,
933 providing additional opportunities and new habitats for constituents and volunteers to engage.
934 Programs related to the Preserve will be tracked and reported quarterly for BCCP committee meetings.

935 **Research**

936 Research projects are not required. Sunset Valley will participate in BCP Land Managers' Meetings and
937 any Scientific Research Prioritization Panel that evolves out of the Land Managers' efforts, BCCP
938 Scientific Advisory Committee, and/or BCCP Citizens' Advisory Committee. Research can be solicited
939 from various universities, colleges, non-profits, and other conservation organizations and does not have
940 to be conducted by staff.

941 Research projects may vary by macrosite and individual property, and should align with conservation
942 goals and objectives of the BCCP, leading to applied science and practices that improve the conservation
943 and management of the site. All data generated by research on the BCP, including the Gaines
944 Greenbelt, will be co-owned by the BCCP partners.

945 All research will be conducted under the Guidelines for Research by Non-BCP Staff. Research needs and
946 requests should be vetted through the biologists working for the BCP programs collectively and cannot

947 conflict with the conditions of the BCCP Permit or other supporting documents. If the proposed research
948 involves (or may affect indirectly) state or federally listed species, appropriate permits from TPWD and
949 USFWS must be obtained prior to the start of work.

950 **General – To Be Added As Needed**

951 The list of proposed research needs in this section will be amended in the next iteration of the Gaines
952 Greenbelt LMP.

953 **Vegetation Mapping**

954 Species richness and community mapping could be conducted to inform habitat characterization,
955 invasive species' treatment, and restoration practices. Permanent transects are desired for regular
956 interval monitoring (e.g. 3 years, 5 years).

957 **Bracted Twistflower**

958 Although no populations of the Bracted Twistflower (*Streptanthus bracteatus*) are known on the Gaines
959 Greenbelt, the area contains suitable habitat (Fowler, 2010). Bracted twistflower is not one of the
960 species on the Permit; however, BCCP was a signatory to a conservation MOU and BCP land managers
961 are interested in providing protection and opportunities for well-planned and executed reintroduction,
962 in collaboration with the species' experts. A restoration or introduction plan could be developed using
963 standard restoration plan practices to map potential introduction/restoration sites, identify appropriate
964 methods, and monitor restoration/introduction success.

965 **EFFECTIVENESS**

966 Each year the Gaines Greenbelt Preserve activities will be evaluated for project completion and
967 compliance with BCCP and site-specific LMP goals and objectives. This LMP will be re-evaluated every
968 five years for efficacy and changes can be made at that time. The City of Sunset Valley will monitor and
969 evaluate habitat management in accordance with biological monitoring procedures as defined in the
970 Balcones Canyonlands Preserve Tier II-A Management Plans.

971 **REPORTING**

972 Survey and monitoring, land management activities and issues, outreach, research and other activities
973 related to elements outlined in this LMP will be reported quarterly at the BCCP Committees' meetings
974 and in the BCCP Annual Report using the format established by the BCCP Partners and approved by the
975 BCCP Coordinating Committee. Sunset Valley will deliver the Gaines Greenbelt Annual Report in the
976 same timeline that BCCP Partners are required to submit reports.

977

978

979 **REFERENCES**

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Sunset Valley Managing Partner Agreement

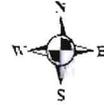
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1010

EXHIBIT D. Location of Fences and Signage



**Location of Fences
and Signage**



1 inch = 0.06 miles

