



Regional Conservation for Endangered Species: Success in Texas

[Melinda E. Taylor](#)

December 18, 2012

On May 2, 1996 in Austin, Texas, Nancy Kaufman, the regional director of the U.S. Fish and Wildlife Service, signed the permit that created the first urban habitat conservation plan in the United States. The [Balcones Canyonlands Conservation Plan](#) (BCCP) was the product of a decade of negotiations among environmentalists, biologists, developers, business interests, and government officials. They haggled over the amount of [land to be protected](#), mechanisms for funding land acquisition, and the public's right to access the land that would be set aside. On May 2, environmental protesters gathered outside the gate to the ranch where the permit signing ceremony was held, opposed to the "sell out to developers" that they were convinced the BCCP represented. In the end, the plan was a compromise – not as much land would be protected as the environmental community argued was necessary to protect the species, but developers would contribute funding to help pay for it. After she signed the permit, Kaufman held it up and said, "It looks like it's made out of paper, but it's really made out of blood, sweat, and tears."

Sixteen years after the BCCP was established, it's clear that the compromises were worth it and the plan's naysayers were wrong. The plan has been an impressive success. More than 30,400 acres have been permanently set aside and the preserve sits like an emerald in a landscape setting dominated by suburban development. Thousands of school children visit the preserve every year, researchers study the rare species that occupy it, and Austin residents and visitors hike in a wilderness located only a few miles from downtown.

The plan called for protection of at least 30,428 acres of prime habitat for two songbirds and six invertebrate species that had been listed by the federal government as "endangered." The preserve was to be established in some of the most desirable real estate in Texas: rolling, oak-covered hills atop which one had an unobstructed view of the Texas Hill Country. In return for conserving the preserve land, the City of Austin and Travis County would receive permission from the federal government to allow land clearing and development to take place in other areas where the endangered species would be impacted, thereby truncating what had been a lengthy and expensive permitting process for developers. Until the BCCP, developers were required to obtain endangered species permits from the U.S. Fish and Wildlife Service directly, a process that could take a year or more. A link to the Travis County website that describes the BCCP compliance process is [here](#).

Acquisition of the preserve land has been a slow, painstaking process. City of Austin voters approved a [\\$22 million bond](#) in 1992 to buy land, but Travis County voters rejected a \$48 million bond proposal a year later, leaving the county with no source of funding for the land acquisition it was obligated to complete under the permit terms. In the early days of the plan, the "participation certificates" that developers were supposed to buy prior to building in the permit area sold slowly, with the result that only limited funds were available for land purchases. Undeterred, Travis County officials applied for and received over \$80 million of federal grant funds over a ten year period and set up a tax increment financing structure in the western part of the county to provide monies for land acquisition and preserve management.

Earlier this year, Travis County acquired a parcel of land for the preserve that pushed the total number of acres to 30,444, more than the BCCP permit required. The milestone passed quietly, with no public celebration, no national dignitaries in town to mark the event. County officials point out that work remains to be done – several extraordinary caves that were identified in the plan have not yet been acquired, for example – but the achievement is remarkable nonetheless. In one of the [fastest growing](#) cities in the United States, located in a state known for its devotion to private property rights and opposition to land use controls, a diverse range of interests was able to forge an agreement to protect the region's natural heritage. The result is a testament to the power of collaboration and the importance of a long-term vision. In an interview given to *Smart Money* magazine in 1996, former Interior Secretary Bruce Babbitt said about the BCCP, "Give the plan 20 years and it will prove to be a monumental success story." It's been sixteen years; he was right.

Photo from Travis County BCCP page:



Photo from Balcones Canyonlands National Wildlife Refuge Homepage: (golden-cheeked warbler):



[endangered species](#)

Leave a Reply

Your email address will not be published. Required fields are marked *

Name *

Email *

Website

Comment

[POST COMMENT](#)

The KBH Energy Center blog is a forum for faculty at The University of Texas at Austin, leading practitioners, lawmakers and other experts to contribute to the discussion of vital law and policy debates in the areas of energy, environmental law, and international arbitration. Blog posts reflect the opinions of the authors and not of The University of Texas at Austin or the KBH Energy Center.

Popular Tags

Texas (55)

water (46)

energy (20)

drought (17)

fracking (15)

natural gas (13)

endangered species (12)

oil and gas (10)

groundwater (8)

climate change (8)

court cases (7)

epa (6)

conservation (5)

pollution (5)

TCEQ (5)