

## **BILL ANALYSIS**

C.S.H.B. 1837

By: Baxter

State Cultural and Recreational Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Habitat conservation plans are plans or programs which protect endangered species in accordance with the federal Endangered Species Act. These plans are required to outline the impacts which may result from incidental takings of endangered species and outline what steps the applicants will take to minimize and mitigate such impacts. Plan participants have created habitat preserves or other protection strategies in order to obtain a federal permit. These federal permits are required for the incidental taking of federally listed endangered species. For example, the U.S. Department of the Interior listed the black-capped vireo and the golden-cheeked warbler as endangered under the Endangered Species Act in 1987 and 1990 respectively. In order to comply with the Endangered Species Act, the City of Austin, Travis County and the Federal Government adopted a conservation plan known as the Balcones Canyonland Conservation Plan (BCCP). The BCCP is a 10a permit from the federal government and requires the City and the County to purchase and set aside a total of 30,428 acres of land suitable for bird habitat. The City and County have purchased land for environmental purposes that may be suitable for bird habitat, but is currently not being counted toward the BCCP 10a permit. This may be unnecessarily delaying the completion of the BCCP and encumbering land and diminishing the value on privately owned land.

This bill would require the City and County to resubmit to the federal government for review, the 10a permit application with all the land and conservation easements that have been purchased with public funds. Under this bill, the appropriate federal agency will determine if any of that land can be counted toward the conservation plan, ensuring that all local efforts and expenditures for environmental acquisitions are recognized.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1837 amends the Parks and Wildlife Code by adding Section 83.021, Federal Approval of Land Acquisitions, which applies to conservation agreements, habitat conservation plans, or regional habitat conservation plans that received a federal permit before September 1, 1999, has planned the acquisition of more than a 1,000 acres of land under the permit, and has not completed the planned acquisitions by September 1, 2003.

Permit holders have until December 1, 2003, to amend a plan or agreement to include land or conservation easements that have been acquired with public money for any environmentally related purpose to the federal government. The federal agency is to determine if any of that land acquired can be counted toward the land planned for the original habitat conservation plan or agreement. If the federal agency approves the use of all or part of the land submitted, the permit holder shall reduce appropriately the number of acres

that needs to be acquired in order to complete the land acquisition under the original plan or agreement. Permit holders shall prepare and file an additional amendment for every 1,000 acres of land or conservation easements acquired on or after December 1, 2003. If the federal agency approves the use of all or part of the land submitted, the permit holder shall reduce appropriately the number of acres that need to be acquired in order to complete the land acquisition under the original plan or agreement.

Section 83.021, Parks and Wildlife Code expires on September 1, 2005.

#### **EFFECTIVE DATE**

Act takes effect September 1, 2003.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute differs from the original by clarifying that no later than December 1, 2003, the permit holder shall submit an amendment to the plan or agreement to the federal government, not amend the plan itself.

The substitute adds language that a permit holder shall prepare and file an additional amendment for every 1000 acres of land or conservation agreements acquired on or after December 1, 2003 to the federal government for review