

BEFORE THE
U.S. FISH AND WILDLIFE SERVICE

PUBLIC HEARING AND COMMENTS

Regarding proposed rule to list the Austin blind salamander, Jollyville Plateau salamander, Georgetown salamander, and Salado salamander as endangered under the Endangered Species of Act of 1973, as amended, and designate critical habitat.

The above-entitled matter came on for public hearing at 7:10 p.m., on Wednesday, September 5, 2012, at the Wingate by Wyndham Round Rock Hotel, 1209 North Interstate Highway 35, Round Rock, TX 78664, and was conducted by TOM BUCKLEY, Hearing Officer.

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P R O C E E D I N G S

(7:10 p.m.)

(Announcement off the record regarding
restrooms/facility.)

HEARING OFFICER: We are now on the
record.

Good evening. On behalf of the
United States Fish and Wildlife Service, I welcome you
to this public hearing regarding the proposed rule to
list Austin blind salamander, the Jollyville Plateau
salamander, the Georgetown salamander, and the Salado
salamander under the Endangered Species Act and to
designate critical habitat.

My name is Tom Buckley. I am the Public
Affairs Specialist for the U.S. Fish and Wildlife
Service, Southwest Region, Regional Office. I will be
serving as the presiding official for this hearing. My
role is to conduct this hearing in order that we receive
your comments accurately into the record. I am not
involved in a decision-making role regarding the issue
at hand today.

We would like to recognize the following
elected officials. Please have patience with my ability
to pronounce some of the names. I apologize in advance.

I would like to acknowledge Elizabeth Cox,

1 who is representative with Senator Cornyn's office;
2 David Schanbacher, with the State
3 Comptroller's Office;
4 Raul Espinoza, state -- with state
5 representative Larry Gonzales's office;
6 Tom Holloway with State Representative
7 Charles Schloc- -- Schwertner's office. I apologize if
8 I . . . damaged that one;
9 Judge Dan Gattis, from Williamson County;
10 Commissioner Lisa Birkman, Williamson
11 County Commissioner;
12 Valerie Covey, Williamson County
13 Commissioner;
14 Ron Morrison, Williamson County
15 Commissioner;
16 Jeff Stockton, City Council Member, City
17 of Jarrell;
18 John Moman, Round Rock City Council
19 member;
20 Craig Morgan, Round Rock City Council
21 member;
22 Don Hisle, Leander ISD, board member;
23 Jesus Chavez, Superintendent, Round Rock
24 ISD;
25 Tony Dale, Mayor Pro Tem, Cedar Park;

1 Paul Brandenburg, City Manager for
2 Georgetown;
3 Mayor Alan McGraw, Round Rock;
4 Chad Chadwell, President, Round Rock ISD;
5 Karen Sheldon, Georgetown Chamber of
6 Commerce;
7 Doug Kurkul, Round Rock Chamber of
8 Commerce;
9 And Kris Whitfield, Mayor Pro Tem, City of
10 Round Rock.
11 I apologize if there's anybody that is
12 here as an elected official and I did not get their
13 names and mention that. If you'd like, you can raise
14 your hand now and I'll acknowledge you. You can
15 introduce yourself.
16 Yes, sir?
17 MR. MEIGS: Danny Meigs, Mayor Pro Tem,
18 Georgetown.
19 HEARING OFFICER: Danny Meigs? Mayor
20 Pro Tem, Georgetown?
21 MR. MEIGS: Right.
22 HEARING OFFICER: Thank you, sir.
23 Anyone else?
24 Thank you very much.
25 The following representatives from the

1 U.S. Fish and Wildlife Service are also in attendance
2 today. I'd like to introduce Michelle Shaughnessy,
3 Assistant Regional Director, Ecological Services; Gary
4 Mowad, Texas State Administrator; Adam Zerrenner, Austin
5 Ecological Services, Field Office Supervisor. These are
6 the folks that -- that were here a little bit earlier
7 doing the Q and A. Lesli Gray, Texas Public Affairs
8 Specialist. And we have also Alisa Shull, Joshua
9 Booker, Tim Breen, Paige Najvar, Jenny Wilson, Brady
10 McGee, Sandra Coney James, Tanya Molina, Eric Orsak,
11 Sandra . . . I think I already mentioned Sandra's name.
12 And Ed Wille.

13 Also assisting with this hearing are -- is
14 Rabin' Moore -- Monroe. Excuse me. Rabin' Monroe, she
15 is the court reporter, with AcuScribe Court Reporters,
16 and that is in Austin, Texas.

17 You'll also find information tables in the
18 back both inside and outside of the room if you want to
19 collect information to help you form some of your
20 comments, if you haven't already done so.

21 And on the side walls you'll find displays
22 of maps indicating locations of the four salamanders.

23 At this point I'd like to introduce
24 Michelle Shaughnessy, Assistant Regional Director,
25 Ecological Services, who will make a brief statement

1 about the proposed rule to list the Austin blind
2 salamander, the Jollyville Plateau salamander, the
3 Georgetown salamander, and the Salado salamander as
4 endangered under the Endangered Species Act of 1973, as
5 amended, and designate critical habitat.

6 Michelle.

7 MS. SHAUGHNESSY: Good evening, everyone.
8 I just wanna thank you for attending this evening. I
9 am -- as Tom has already alluded to, my name is Michelle
10 Shaughnessy. I'm the Assistant Regional Director for
11 Ecological Services for the Fish and Wildlife Service in
12 the Southwest Region. Our office's jurisdictional area
13 is Arizona, New Mexico, and Oklahoma.

14 I and the other service representatives
15 are here today to receive testimony and receive comments
16 on the proposed rule to list Austin blind salamander,
17 the Jollyville Plateau salamander, Georgetown
18 salamander, and the Salado salamander as endangered
19 under the Endangered Species Act of 1973.

20 We're also here to hear testimony and
21 receive comments on our proposal to designate critical
22 habitat in Bell, Travis, and Williamson Counties, Texas.

23 This proposal was published in the Federal
24 Register on August 22nd, 2012.

25 It is our intent that any final

1 determination resulting from this proposal be as
2 accurate and as effective as possible. And towards that
3 end, we seek the best scientific and commercial data
4 available. We will base a final determination in part
5 on testimony received today, as well as comments
6 received at our office.

7 The four salamander species -- the Austin
8 blind salamander, Jollyville Plateau salamander,
9 Georgetown salamander, and Salado salamander -- are
10 presently endangered of extinction throughout their
11 range based on threats from habitat degradation,
12 including reduced water quality and quantity, and
13 disturbance of spring sites.

14 Water quality and quantity in Edwards
15 Aquifer is also being negatively impacted by increasing
16 urbanization and population growth in areas that flow to
17 where salamanders are found.

18 The Austin blind, Jollyville Plateau,
19 Georgetown, and Salado salamanders are entirely aquatic
20 and dependent upon water from the Edwards Aquifer for
21 their survival, growth, and reproduction.

22 The Austin blind salamander resides in
23 Barton Springs segment of the Edwards Aquifer, while the
24 other three species reside in habitat dependent on the
25 north segment of the Edwards Aquifer, including springs

1 and spaces in the subsurface aquifer.

2 The Service is proposing to designate a
3 total of 5,983 acres of critical habitat in 52 units.
4 The Service is proposing one unit, 120 acres total, be
5 designated as critical habitat for the Austin blind
6 salamander in Travis County, Texas; 33 units, or
7 fourth -- 4,460 acres total, be designated as critical
8 habitat for the Jollyville Plateau salamander in Travis
9 and Williamson County, Texas; 14 units, 1,031 acres
10 total, be designated as critical habitat for the
11 Georgetown salamander in Williamson County, Texas; and 4
12 units, 372 acres total, be designated as critical
13 habitat for the Salado salamander in Bell County, Texas.

14 "Critical habitat" is a term in the
15 Endangered Species Act that identifies geographic areas
16 containing features essential for the conservation of
17 threatened or endangered species and which may require
18 special management considerations or protection.

19 Designation of critical habitat does not
20 affect landownership, establish a refuge or preserve,
21 and has no impact on private landowners taking actions
22 on their land that do not require federal funding or
23 permits.

24 Federal agencies that undertake, fund, or
25 permit activities that may affect critical habitat are

1 required to re- -- required to consult with the Service
2 to ensure such actions do not adversely modify or
3 destroy designated critical habitat.

4 In conclusion, the Edwards Aquifer is an
5 important water source not only for these four
6 salamander species, but also for those living and
7 working in the area. Efforts to improve and conserve
8 the water and springs associated with Edwards Aquifer
9 will help ensure a healthy future for our community and
10 the plants and animals that depend upon the Edwards
11 Aquifer.

12 Now I'd like to give the floor back to Tom
13 Buckley, who has a few words about the purpose of the
14 hearing and some instructions about giving public
15 testimony.

16 HEARING OFFICER: Thank you, Michelle.

17 This is a public hearing under Section 4
18 of the Federal Endangered Species Act. Notice of the
19 public hearings was published in the Federal Register on
20 August 22nd, 2012, beginning on page 50768.

21 We will accept comments and information on
22 this proposal until October 22nd, 2012, either
23 received or postmarked that date. After review and
24 consideration of your comments and all other information
25 gathered during this and other comment periods, the

1 Service will make a final determination.

2 The purpose of this hearing is to receive
3 your comments on the proposal. Comments on all aspects
4 of the proposal are very important and will be carefully
5 considered. Because of the importance of your comments,
6 it is necessary that we follow certain procedures here
7 this evening.

8 If you want to present comments at this
9 hearing, please go to the registration table outside of
10 this room and sign up. [Indicating] card such as this.
11 When you register, indicate any organization that you're
12 representing in your comments today.

13 When you are called to present your
14 comments, please come forward to the microphone in the
15 front, please begin your presentation by stating your
16 full name, spell it for the record, and indicate if you
17 represent an organization. If you are reading your
18 comments, please take care to read them slowly enough
19 for the court reporter to understand. Also, if
20 possible, the reporter would appreciate a copy of the
21 comments that you read.

22 This is an informal hearing, and therefore
23 you will not be questioned in connection with your
24 comments. Your comments or questions are being recorded
25 by the reporter to preserve them for the record.

1 If you are called to speak and choose not
2 to speak, or provide short remarks, you may not cede
3 your time to another speaker.

4 Because the purpose of this hearing is to
5 receive your comments, we will presume any questions are
6 for the record.

7 The Agency's formal response to those
8 questions and issues raised during the comment period,
9 including at this hearing, will be published in the
10 final rule. We will not respond to questions at this
11 hearing.

12 Please keep in mind that the reporter will
13 not record any statements from the audience or any
14 statements which are made to the audience.

15 Comments must be made directly into the
16 microphone, facing the front of the room.

17 We ask that you treat each speaker with
18 respect, and refrain from making comments from the
19 audience, whether you agree or not with their
20 statements.

21 Out of respect for the presenters, we ask
22 that you please refrain from photographing individuals
23 as they present their comments.

24 Instead of presenting oral comments here
25 today, or in addition to oral comments, you may submit

1 written comments that may be submitted to the staff at
2 the registration table outside of the room, or they may
3 be submitted by either of the following methods:

4 Electronically. Go to the Federal
5 eRulemaking Portal, <http://www.regulations.gov>. Search
6 for docket number FWS-R2-ES-2012-0035. You may submit a
7 comment by clicking on the "Comment Now";

8 Or by hard copy, submit by U.S. mail or
9 hand-delivery to Public Comments Processing, Attention:
10 FWS-R2-ES-2012-0035ES-2012-0035, Division of Policy and
11 Directors Management, U.S. Fish and Wildlife Service,
12 4401 North Fairfax Drive, MS 2042-PDM, Arlington,
13 Virginia 22203.

14 We -- we request you send comments only by
15 the methods described above.

16 We will post all comments on the Web site
17 <http://www.regulations.gov>.

18 Public informational sessions and public
19 hearings. In addition to today's hearing, we will hold
20 another public informational center -- session and
21 hearing tomorrow, September 6th, 2012, at the Thompson
22 Conference Center, 2405 Robert Dedman Drive, Room 2.102,
23 Austin, Texas 78705.

24 This information is also available at the
25 registration table outside this room.

1 Written comments will be given the same
2 consideration as oral comments presented here.

3 We are asking the speakers, due to the
4 number of people that are signed up to comment, to limit
5 your comments to three minutes. I have a timer here. I
6 apologize that it's an egg timer. [Indicating.] But
7 it's how I'll be able to keep track of and help you keep
8 track of your time. I'll let you know when that three
9 minutes is up, and I ask that you just finish your
10 comments at that point, please.

11 At this point, we are ready for our first
12 speaker. Judge Dan Gattis, Williamson County.

13 Would you come up to the podium?

14 And Judge Gattis will be followed by Lisa
15 Birkman, County Commissioner; and Valerie Covrey --
16 Covey, County Commissioner.

17 Judge Gattis. Go ahead. You can flip
18 that switch on the top there. Please speak into the
19 mic.

20 JUDGE DAN GATTIS: Probably have to pick
21 it up to make it work.

22 Thank you, Dr. Buckley. I'm Dan Gattis.
23 That name is Dan Gattis, G-A-T-T-I-S. I am county judge
24 for the county of Williamson County in Texas.

25 I'm here to speak to you today. I have

1 with me a resolution that was passed by Commissioners
2 Court and unanimously passed by Commissioners Court at
3 our last meeting, and we would like to submit that for
4 the record.

5 I will not bore you by reading the whole
6 petition today, but I will tell you that we are not in
7 favor of the listing endangered species the salamander
8 that you speak of. We feel like that there will be
9 great economic damage done. Personal rights/landowners'
10 rights will be evaluated [sic] and so forth. We spell
11 those out in pretty much detail here.

12 I'm also probably not gonna take my full
13 three minutes as we go through it, because I have
14 speakers following behind me from the County that are
15 experts in this field, including scientists that are
16 doing research. We ask that you pay particular
17 attention to their research, because they are truly
18 doing scientific research.

19 We in this county have a long history of
20 protecting the environment and -- and protecting the
21 open spaces in this county. We've worked hard. This
22 county has spent literally hundreds of thousands of
23 dollars -- county government has spent hundreds of
24 thousands of dollars to protect those things.

25 We have tried to work with your agency as

1 close as we can. We continue to wanna work with your
2 agency. But we do feel that your science that you're
3 basing your decision on, or seems that you're basing
4 your decision on, and the methods you're going about, is
5 flawed.

6 We ask that you pay particular attention
7 to that. We would like to have the time to complete
8 good scientific studies to be able to document this, and
9 we ask that you give us that.

10 We think that there will be hundreds of
11 thousands of dollars or millions of dollars of economic
12 impact to this community if you -- if you impact us
13 with -- with the particular rulings that you have stated
14 for thousands of acres that you wanna protect.

15 We know in fact that there are salamanders
16 in springs that we have been observing that are in close
17 vicinity to 45, a toll road, in this area. Literally
18 just yards away.

19 We know that we -- we have springs where
20 the salamanders increase in numbers in the winter years
21 and go down in the dryer years that are very close to
22 housing developments, so forth. So we think that we --
23 we have scientific data moving that way.

24 Again, thank you for being here. Thank
25 you for letting me speak. We ask that you do pay

1 attention to the experts that will be following me. And
2 thank you very much, sir. Thank you.

3 HEARING OFFICER: Thank you, Judge Gattis.

4 (Applause.)

5 HEARING OFFICER: I failed to mention this
6 earlier, but please when you -- when you get up to the
7 mic, state your name, spell it for the record, and
8 identify who you represent.

9 And . . . thank you, Commissioner Birkman.

10 LISA BIRKMAN: Hi. I'm Lisa Birkman.
11 L-I-S-A B-I-R-K-M-A-N. And I'm honored to serve as the
12 Williamson County Commissioner, Precinct 1 -- which
13 you're in right now -- and also president of the
14 Williamson County Conservation Foundation, whose mission
15 is to provide for the conservation of endangered species
16 of Williamson County by helping promote responsible
17 development.

18 Like Judge Gattis mentioned, Williamson
19 County, along with the cities of Round Rock, Cedar Park,
20 and Georgetown, as well as Georgetown ISD and Leander
21 ISD, have formally adopted resolutions in opposition to
22 the proposed listing. I believe some of those
23 representatives will be speaking later. And other
24 entities are considering that at their next public
25 meeting.

1 A little bit about me. My ancestors are
2 some of the first settlers here in Williamson County.
3 We moved here from Tennessee, in a covered wagon, in the
4 1850's. We bought a piece of land, and we still own it,
5 in western Williamson County. We've owned it for over
6 150 years. And it is filled with natural springs and
7 rivers, and a very beautiful piece of land, like much of
8 western Williamson County.

9 I believe strongly in protecting that land
10 and all of the land in Williamson County and the water
11 from pollution; to keep it clean and beautiful. I've
12 worked hard on that, along with my peers here in
13 Williamson County.

14 But I also bling -- believe strongly in
15 private-property rights as a long-time
16 private-property-owner here.

17 To that end, I've helped lead the County
18 and the Foundation over the last eight years to develop
19 and implement a Regional Habitat Conservation Plan, or
20 RHCP. Our RHCP, which was approved by y'all, U.S. Fish
21 and Wildlife Service, signed in 2008 by County Judge Dan
22 Gattis, Dr. Benjamin Tuggle -- who is, as y'all know,
23 with the U.S. Fish and Wildlife Service -- and myself is
24 now in its fourth year of a 30-year plan.

25 In essence, all of us got together, worked

1 really hard, and promised to work on the goals for the
2 plan for another 26 years, or until 2038. And as Adam
3 said, y'all made that promise, but then a lawsuit came
4 around.

5 And as part of -- as part of our promise,
6 we -- we are funding a study, and we're in the second
7 year of the five-year study, of the Georgetown
8 salamander. And we have set aside many -- many pieces
9 of land in Williamson County, at great expense,
10 including an inhabited spring.

11 We have invested millions of dollars on
12 these conservation efforts, and they have been
13 successful. In fact, they're so successful that your
14 agency took the Georgetown salamander from a two on the
15 scale of one to ten, with "one" being the most
16 important, down to an eight, because you felt like our
17 conservation efforts were helping to -- to preserve the
18 salamanders.

19 But like I said earlier, due to the
20 settlement, by folks that aren't even from here --
21 probably never even been to Williamson County -- you are
22 now proposing to list the Georgetown and three other
23 local salamanders. This is a broken promise on your
24 part. You promised us that we would have time to finish
25 the -- the research that needs to be done.

1 Instead of broken promises, you need to
2 keep your word. You need to allow us to finish our
3 research and have it evaluated and then consider the
4 proposed listing in three to four years when we have
5 finished the research.

6 The RHCP will help achieve the goals that
7 y'all are trying to -- to -- you say you wanna do, which
8 is to recover the species. We're working to do that at
9 our own expense. If you go forward with this listing,
10 your broken promise to us will signal to other counties
11 and governmental entities that are considering
12 implementing an RHCP that you don't keep your word; your
13 promises mean nothing.

14 So I joined with federal, state, and
15 community leaders from all over Williamson County and
16 all -- from all over the great state of Texas to
17 respectfully request that the comment period on the
18 proposed listing be delayed to allow us to continue and
19 finish the research, and the proposed listing be put off
20 for at least three to four years for us to -- to give us
21 time to complete our research. In essence, I join with
22 many here today to say let us finish our research
23 [indicating]. Keep your promises.

24 (Applause.)

25 HEARING OFFICER: Thank you, Commissioner

1 Birkman.

2 Next will be Commissioner Valerie Covey,
3 followed by Doug Kurkul and Jesus Chavez.

4 Commissioner Covey?

5 VALERIE COVEY: Hi. I'm Valerie Covey.
6 It's V-A-L-E-R-I-E C-O-V-E Y. I'm William -- Williamson
7 County Commissioner in Precinct 3. Thank you for
8 allowing us to speak tonight.

9 I am also the vice president of the
10 Williamson County Conservation Foundation. I'm speaking
11 in opposition to the proposed listing of the Jollyville
12 Plateau, Georgetown, and Salado salamanders. Since
13 learning of the lawsuit and resulting settlement
14 regarding the proposed listing and critical habitat in
15 2011, Williamson County and the Williamson County
16 Conservation Foundation have been diligently gathering
17 information to see if the salamander actually warrants
18 listing.

19 The Foundation hired a team of biologists,
20 scientists, and attorneys and has spent over half a
21 million dollars to research and update the existing
22 science regarding the salamander.

23 The Foundation has focused on the quality
24 of available science and research used by the Service in
25 its threat assessments, noting that the information that

1 the Service relied on is flawed.

2 The research performed by the Foundation's
3 team also examined the relationship of development and
4 impervious cover to the effects on the salamander
5 habitat, finding salamanders living quite well in
6 springs encircled by large residential developments,
7 golf courses, and even major highways, such as SH-45 and
8 RM620.

9 The Foundation has looked at water quality
10 and sedimentation in known springs with various levels
11 of development and impervious cover, finding
12 water-quality samples to be clean.

13 The current water-quality standards used
14 in Williamson County are sufficient to ensure that
15 development doesn't harm the salamander or damage the
16 water we drink or use for recreation, for example.

17 Who wants clean water more than those of
18 us who actually live here in Williamson County?

19 The assumption that urbanization and
20 impervious cover will cause water quality to be
21 destroyed, thus causing harm to the salamander, is not
22 supported by the facts. The Service produced no science
23 on their own in determining to produce -- to propose the
24 listing of the salamanders. In fact, this is the normal
25 process in which the Service relies on information

1 generated by others, usually those that would typically
2 support a listing.

3 The Service has based their proposal on
4 faulty data, making assumptions, instead of basis of
5 fact. In fact, words like "might," "could," "may,"
6 "unknown," "do not know," "potentially," "believe," and
7 "assume" are in the document over 630 times.

8 There's not sufficient data on these
9 salamanders, as the Service admits in various -- in
10 various parts of their proposal, and that is why the
11 Foundation has spent so much money on researching the
12 science with a commitment to continue this process.

13 The law requires that the Service use the
14 best scientific data available in their decision whether
15 or not to list. Their proposal does not show that they
16 have done so to this point.

17 We would ask that the science gathered by
18 the Foundation's team be considered in determining a
19 final determination and final decision.

20 There is no imminent threat to the
21 salamanders based on several factors, including the fact
22 that the salamander has been on the candidate list for
23 many years and has done well, while Williamson County
24 has grown over 70 percent -- around 70 percent in the
25 last decade.

1 The salamander has been doing quite well,
2 and has also been -- the Jollyville salamander has a
3 listing priority of an eight. It always has. The
4 Georgetown salamander as mentioned was reduced from a
5 two to an eight based on the Conservation's effort --
6 conservation efforts of the Foundation.

7 Therefore, with no imminent threat,
8 adequate time should be given to a decision like this
9 that would have grave economic impacts, not just to
10 private developers, but also to the county, cities, and
11 even school districts.

12 The Service agreed to a five-year study of
13 the salamander fund -- funded by the Foundation. We
14 have completed only two years of this study. Due to the
15 need for additional data, and no imminent threat to the
16 salamander, we request that the Service stand by their
17 commitment and allow the research to be completed by the
18 Foundation over the remaining period before a final
19 decision is made.

20 However, the Foundation and Williamson
21 County are confident that the quality of its research
22 and science to date clearly shows that the best
23 available science does not support listing the
24 salamander as endangered or threatened at this time.

25 Thank you for your time.

1 (Applause.)

2 HEARING OFFICER: Thank you, Commissioner
3 Covey.

4 Doug Kurkul.

5 DOUG KURKUL: Good evening. I'm Doug
6 Kurkul, spelled D-O-U-G, Kurkul, K-U-R-K-U-L. I'm the
7 President and CEO of the Round Rock Chamber of Commerce
8 and Economic Development Partnership.

9 The Round Rock Chamber is one of the
10 largest and most active business organizations in
11 central Texas. Our members range in size from sole
12 proprietorships to businesses with more than 12,000
13 local employees. Together, these members employ more
14 than 25,000 people in central Texas.

15 Furthermore, through a partnership with
16 the City of Round Rock, we also serve as the economic
17 development agency for the City of Round Rock, and over
18 the last seven years we've played a direct role in 42
19 major businesses choosing Round Rock and adding an
20 estimated 5,579 jobs to our local community.

21 Now, Round Rock is the second-fastest
22 growing city in the entire United States among cities
23 with more than 100,000 residents, according to the
24 Census Bureau. Most -- Round Rock is in Williamson
25 County, and as you've just heard, Williamson County is

1 one of the fastest-growing counties.

2 We thank the Fish and Wildlife Service for
3 choosing Round Rock as a location for the field hearing.

4 On February 16th of this year, the board
5 of directors of the Round Rock Chamber of Commerce
6 adopted a resolution that read, in part:

7 "The Round Rock Chamber of Commerce
8 opposes the listing of any Texas species and subspecies
9 currently under consideration absent sound science,
10 consideration of economic impact, and analyses of
11 cost-benefit considerations."

12 Now, during the question-and-answer
13 session that was just completed, Staff indicated that
14 you all have been tasked with evaluating 250 different
15 species over the course of five years, which is a
16 tremendous workload. And Staff also acknowledged that
17 having more time than the allotted one year would
18 actually allow you to do a better job in terms of
19 evaluating the science and making decisions.

20 Now, we are concerned at the Round Rock
21 Chamber of Commerce that this rapid schedule may
22 constitute an unjustifiable rush to judgment that
23 furthers the likelihood of a final decision that
24 actually is based on unsound science, and one that fails
25 to account for the serious economic consequences that

1 would accompany a formal listing and that could
2 adversely affect the livelihood of thousands of people
3 who are trying to raise families and pursue their life
4 and happiness in this region.

5 Moreover, this schedule would seemingly
6 preclude the Agency from fully considering the important
7 research that is being undertaken by Williamson County
8 Preservation Foundation. It would also seemingly
9 preclude the Agency from taking into account separate
10 research that's being undertaken by the Texas Salamander
11 Coalition that raises serious questions concerning, upon
12 other matters, the differentiation between several
13 different salamander species and about the quality of
14 peer review of the science behind the listings.

15 Seldom have we seen an issue unite nearly
16 all of our citizens, whether liberal or conservative,
17 whether independent, democrat, libertarian, or
18 republican. Make no mistake: There is strong and
19 dynamic opposition in this community to this proposed
20 listing.

21 The Round Rock Chamber of Commerce
22 therefore urges the Service to extend the comment period
23 and to eschew any listing of Texas species or subspecies
24 currently under consideration absent sound science,
25 consideration of economic impact, and analyses of

1 cost-benefit anal- -- considerations.

2 Again, thank you for the opportunity to
3 present these comments.

4 (Applause.)

5 HEARING OFFICER: Thank you, Mr. Kurkul.

6 Our next speaker will be Jesus Chavez,
7 followed by Chad Chadwell and Don Hisle.

8 Mr. Chavez.

9 JESUS H. CHAVEZ: Good evening. I am
10 Jesus H. Chavez. Jesus, J-E-S-U-S. Chavez,
11 C-H-A-V-E-Z. Superintendent for Round Rock ISD.

12 For the record, I would like to indicate
13 that we also have board member Diane Cox with us, as
14 well as Mr. Brian Sellers, board member for Round Rock
15 ISD.

16 I'm here to speak on behalf of our school
17 district. While I appreciate the purpose of placing
18 some species on the endangered list, I believe much
19 thought and current scientific data is needed before a
20 decision is made.

21 I'm requesting that the Fish and Wildlife
22 Service wait for the most current scientific studies,
23 which are in progress. The County's Conservation
24 Foundation is in the middle of a five-year study of the
25 Georgetown salamander, and it's expanding the study to

1 include the Jollyville Plateau salamander.

2 Placing the salamander on the Endangered
3 Species List would impact our ability to build new
4 schools and will limit the economic growth of our school
5 district.

6 As you know, funding is extremely limited
7 by the State, and school districts count on economic
8 growth and development to help sustain the budget. We
9 also count on our taxpayers to approve bonds for new
10 facilities, and the cost to our taxpayers for new
11 schools would increase if the salamander were placed on
12 the Endangered List.

13 I'm asking the Fish and Wildlife Service
14 to base its decision on science and the reality of the
15 existing salamander population. Please do not make a
16 decision that is geared towards a legal settlement. By
17 doing so would only cause a crippling of our county and
18 potentially to our school district.

19 I know you have a very difficult decision
20 ahead of you, and I'm requesting that the Service not
21 jump to a rash decision which will forever impact our
22 community.

23 Thank you so much for your attention.

24 (Applause.)

25 HEARING OFFICER: Thank you, Mr. Chavez.

1 Next speaker will be Chad Chadwell.

2 CHARLES CHADWELL: Good evening. My name
3 is Charles Chadwell. I go by "Chad." But I go by --
4 put on the record as Charles. C-H-A-R-L-E-S. Last name
5 is Chadwell, C-H-A-D-W-E-L-L. I'm the board president
6 of the Round Rock ISD Board of Trustees. Dr. Chavez, I
7 work with him closely. And I am here representing the
8 Board, and also as a -- a taxpayer and a citizen of
9 Round Rock.

10 The Board of Trustees works closely with
11 Williamson County and any other organization that is
12 involved with conservation. We are very committed to
13 working with and providing resources and making sure
14 that the schools that we build are environmentally
15 compatible with long-range plans for the whole
16 community.

17 We do offer bonds periodically, every few
18 years. We have to submit bonds to the citizens and vote
19 on those to develop new schools. People still move
20 here. Round Rock on an average as -- Round Rock School
21 District adds about a thousand students per year. And
22 so with that comes a lot of community development; a lot
23 of citizens.

24 And we are very interested in working with
25 this and making sure that we are good stewards of the

1 environment. But we also have to make . . . everybody
2 aware that any changes that are made to our plans will
3 affect how the schools are built, how much impervious
4 cover -- roads, parking lots, and all of that -- affects
5 how much money is then passed on to the taxpayers who
6 are here in this community.

7 So, again, I applaud you for your -- your
8 interest in this, and thank you for your willingness to
9 host this hearing, but I do think there is an interest
10 and a need to make sure that the scientific data that is
11 all collected is agreed upon, for peer review, and
12 everybody who pitches in.

13 We are certainly interested in helping as
14 best we can, but we wanna make sure that we have an idea
15 and understand what our long-range obligations will be.

16 So thank you.

17 (Applause.)

18 HEARING OFFICER: Thank you, Mr. Chadwell.

19 Don Hisle, from Leander ISD, followed by
20 Mayor Pro Tem Tony Dale, and Mayor Alan McGraw.

21 Mr. Hisle.

22 DON HISLE: Good afternoon. My name is
23 Don Hisle. D-O-N H-I-S-L-E. And I'm a long-time
24 Leander ISD Board Trustee. I'm here today to ask that
25 the U.S. Fish and Wildlife Service not list the

1 salamanders on the Endangered Species List.

2 Leander ISD is 200 square miles and
3 straddles Travis and Williamson Counties. With 38
4 campuses and 34,000 students, Leander's one of the
5 fastest-growing school districts in the state. With
6 this high growth rate and new school construction,
7 voters willingly incur debt to provide schools for our
8 community, and this listing will have a detrimental
9 impact on taxpayers.

10 First and foremost, as elected Board
11 Trustee, we are charged with ensuring a safe environment
12 not only for our students, staff, and families, but for
13 our natural resources, such as water, as well.

14 The listing decreases the Leander
15 Independent School District's tax base and decreases tax
16 revenues, resulting in an increase in debt-service tax
17 rate. Our debt-service tax rate is greatly related to
18 property values.

19 It will jeopardize the District's ability
20 to be able to sell future bonds that the voters have
21 previously approved and be able to continue to provide
22 the high quality of education currently enjoyed by its
23 residents.

24 Future public-sector projects such as
25 schools and roadways could face increased direct and

1 indirect compliance costs. This could translate into
2 higher costs which gets passed along to residents and
3 businesses in the form of higher property taxes.

4 The critical-habitat designation of
5 salamander-adjacent areas will shift the distribution of
6 households and jobs within the Williamson County and
7 Austin MSA. All other things being equal, this policy
8 could result in less population growth and employment
9 activity for Williamson County, compared to the baseline
10 forecasts. The net effect will be less tax revenue to
11 provide these services required by Williamson County
12 residents and businesses.

13 In comparison to the current regulatory
14 environment, changes in the impervious-cover requirement
15 will effectively raise the associated cost to new-school
16 construction.

17 In closing, Leander ISD supports
18 environmental regulation, and we support the protection
19 of our resources, but believe that due diligence must be
20 done before a listing is enacted.

21 On August 23rd, our entire board passed
22 a resolution opposed to this listing. We assert that
23 more information is needed before a decision is made,
24 and we appreciate your consideration.

25 Thank you.

1 (Applause.)

2 HEARING OFFICER: Thank you, Mr. Hisle.

3 Mayor Pro Tem Tony Dale?

4 TONY DALE: My name is Tony Dale. T-O-N-Y

5 D-A-L-E. I'm the Mayor Pro Tem of the City of Cedar

6 Park. And tonight I'm here representing the City

7 Council and the 75,000 people that live in the City of

8 Cedar Park and our extraterritorial jurisdiction.

9 On August 23rd, the Cedar Park City

10 Council also passed a unanimous resolution opposing this

11 listing and asking for a recommendation of a no-list

12 from U.S. Fish and Wildlife Service.

13 I have three things to submit to you

14 tonight. We've got the resolution. We also have a

15 letter from our mayor. And in part, what the mayor

16 talks about in his letter is: "In your proposed rule,

17 one of the things that you cite is the inadequacy of

18 existing regulatory mechanisms."

19 And that's listed as one of the primary

20 reasons that the salamanders need to be listed.

21 And in the City of Cedar Park, we actually

22 have very extensive water-quality regulations in place.

23 Such as the Lake Travis Watershed Nonpoint Source

24 Pollution Controls; the City of Austin Drainage Criteria

25 Manual to protect storm water; TCEQ Edwards Rules. We

1 also have an MS4 permit from the TCEQ that helps show
2 the quality of our Storm Water Management Program. We
3 also have to follow the Clean Water Act regulations and
4 the TCEQ Pollution Discharge Elimination Systems.

5 I would submit that anybody that's built
6 in the City of Cedar Park would not call these
7 inadequate, and would also say they're rather costly.

8 Because we're a government, and
9 governments can't be concise, we have a 50-page summary,
10 just a summary, of these rules that I'm gonna submit to
11 you tonight. And if you were to see the actual rules,
12 they're really hundreds of pages that developers have to
13 follow.

14 We don't believe, in the City of Cedar
15 Park, that development equals bad water quality equals
16 dead salamanders. We believe that development and
17 salamanders can live side by side, and our water quality
18 is excellent.

19 Thank you.

20 (Applause.)

21 HEARING OFFICER: Thank you, Mayor Dale.

22 Next speaker will be Mayor Alan McGraw,
23 followed by Paul Brandenburg and Charles Chadwell.

24 Mayor McGraw.

25 MAYOR ALAN MCGRAW: Thank you for hosting

1 this tonight. Alan McGraw, A-L-A-N M-C-G-R-A-W, Mayor
2 of Round Rock.

3 Round -- as was mentioned earlier, Round
4 Rock's the second-fastest growing city in the
5 United States. We're creating jobs here. We're at the
6 same time also one of the safest cities in the
7 United States, continually recognized as one of the best
8 places to raise a family. And we are continuously
9 recognized just flat-out as one of the best cities in
10 the United States. So we're doing okay under existing
11 regulations as we are.

12 I find it ironic that tomorrow night the
13 President of the United States will be speaking at a
14 convention, and one of the big themes in this country
15 right now is jobs, jobs, jobs, more jobs, and helping
16 the middle class. And I look around and I see a lot of
17 middle-class people here, yet the administration through
18 this process, in my opinion, would actually be killing
19 jobs and hurting the economy if it moves forward with
20 this.

21 Let me put kind of a human face on it, as
22 it relates to the city of Round Rock. We've talked some
23 about economic development, but let me put a little bit
24 of more human face on it.

25 With the growth that we've experienced,

1 one of the challenges of the city that we also have is
2 providing emergency services to our citizens. We're
3 currently under contract to purchase a site for a fire
4 station. Now, what you need to understand is that
5 well -- well over a majority of the calls that the fire
6 station receive are for medical emergencies. They're
7 not fires. They're people coming to save your life when
8 you have a problem.

9 And with the growth that we've
10 experienced, reaching those people in time takes
11 extending further and further these fire stations so it
12 reduces the amount of travel time to get there. So
13 we're currently under contract on a site that if this
14 listing goes through, we're not gonna be able to
15 purchase that site.

16 Now, understand that if -- part of this
17 public hearing you're looking for specific information.
18 It's not just "I'm against it" or "I'm for it." In
19 fact, if you read the proposed rule, just stating
20 "support for" or "opposition to," it's not even
21 considered.

22 But one of the things you are asking for
23 is "whether we could improve or modify our approach as
24 designating critical habitat in any way to provide for
25 greater public participation and understanding."

1 I would submit that one of the best ways
2 to do that is stop rushing to make decisions based on
3 faulty science. I understand there was a lawsuit
4 settlement and that had to be dealt with. But there's a
5 tremendous amount of very, very detailed work going on
6 right now that would greatly enhance the ability to make
7 a correct decision in this matter.

8 And so I urge -- and this is -- there's
9 251 of these. We're not the only ones. So for
10 everybody else's sake that is going through exactly the
11 same thing we do, stop rushing to make the decision.

12 Available science to me doesn't translate
13 into best available science. And just because there's
14 science out there doesn't mean it's right. And so
15 let's -- let's use what's being generated right now in
16 the -- in the current studies and use that to make your
17 decision. And if that means we've got to extend the
18 time for making that decision, so be it.

19 But these are people's lives we're talking
20 about, it's their property, and it's critical to our
21 city and to our county that the right decision is made.

22 Thank you.

23 (Applause.)

24 HEARING OFFICER: Thank you, Mayor McGraw.

25 Paul Brandenburg?

1 PAUL BRANDENBURG: Thank you for allowing
2 me the opportunity to speak for you this evening. Paul
3 Brandenburg. P-A-U-L. Brandenburg,
4 B-R-A-N-D-E-N-B-U-R-G. I'm the City Manager of
5 Georgetown, Texas.

6 On August 28th, 2012, the Georgetown
7 City Council adopted resolution number 082812-N opposing
8 the U.S. Fish and Wildlife Service's proposed rule to
9 list three salamander species that occur in Williamson
10 County as endangered and/or threatened under the
11 Endangered Species Act.

12 In addition to that resolution
13 information, I wanted to share some important
14 information with you specific to Georgetown and water
15 quality.

16 The City of Georgetown has approximately
17 75 percent of its territory which is the city limits of
18 its EDJ [ph] over the recharge zone of the Edwards
19 Aquifer.

20 As required by the City's Unified
21 Development Code, or UDC, all development in this
22 territory, including projects less than one acre, must
23 meet all requirements of the TCEQ for water quality.
24 The city and developers install water-quality measures
25 to mitigate for pollutants from impervious cover,

1 including retention, irrigation, extended detention,
2 sand filters, wet basins, bioretention, grassy swales,
3 and filter swales.

4 For commercial sites, the City's Unified
5 Development Code, UDC, allows a maximum of 70 percent
6 impervious cover for tracts less than five acres. For
7 tracts greater than five acres, the UDC allows 70
8 percent impervious cover for the first five acres, and
9 then 55 percent impervious cover over the initial five
10 acres.

11 The UDC also allows the area above the
12 initial five acres to be upgraded to 70 percent
13 impervious with advanced water quality.

14 The required advanced water-quality
15 systems are retention irrigation, removing 100 percent
16 of the suspended solids; wet ponds, removing 93 percent
17 suspended solids; or bioretention facilities, removing
18 89 percent suspended solids. The three advanced
19 water-quality measures also have greater nutrient
20 removal.

21 For residential projects, the City's
22 Unified Development Code, the UDC, allows a maximum of
23 45 percent impervious cover. As with commercial
24 developments, water-quality measures must be provided
25 for residential projects that meet all TCEQ

1 requirements.

2 The developers normally install extended
3 detention, sand filters, grassy swales, and filter
4 strips for the residential projects.

5 The City of Georgetown has also taken
6 further steps to retain natural open space/protect water
7 quality through review and issuance of storm-water
8 permits for all land disturbances; a tree-preservation
9 and -mitigation ordinance for both nonresidential and
10 residential development; parkland dedication
11 requirements ensuring court-ordered protection of the
12 Three Forks and San Diego River; and a conservation
13 subdivision ordinance that requires at least a 35
14 percent set-aside for conservation open space within
15 such development projects, including land for
16 threatened- or endangered-species habitat.

17 As you can see, the City of Georgetown
18 already has in place very stringent water-quality
19 restrictions and measures in order to protect the
20 environment, as well as for water quality. Furthermore,
21 the City of Georgetown has been proactive in its
22 attempts to protect known springs in the city.

23 In January 2006, City Staff met with
24 representatives of Smith Robertson and two
25 representatives from SWCA Environmental Consultants who

1 look at three natural springs in the area.

2 Excuse me.

3 Since 2007, the City has budgeted over
4 \$300,000 for the purchase of springs. For example, in
5 2008, the City purchased Lion's Head Spring for
6 \$100,000, which was approximately 3.5 acres. In
7 addition to the creation of Lion's Head Park, the City
8 has also preserved springs in San Gabriel Park and
9 Chandler Park.

10 There are two other known springs that the
11 City is actively pursuing the purchase of in order to
12 preserve these springs and environmental habitat.

13 Despite our rapid growth and development,
14 the City of Georgetown has been a leader in water
15 quality, as well as preservation of sensitive habitats.
16 For these reasons, in addition to the other testimony
17 and science you have and will hear this evening, it's
18 absolutely unnecessary to list the three identified
19 salamanders as endangered and/or threatened, especially
20 in an area where measures have already been taken to
21 protect them.

22 Thank you.

23 (Applause.)

24 HEARING OFFICER: Thank you,
25 Mr. Brandenburg.

1 Next speaker will be Charles Chadwell,
2 followed by Mr. Jeff Stockton. And I believe it's Dan
3 Gattis?

4 I'm sorry?

5 UNKNOWN MALE VOICE: You've already done
6 this, haven't you?

7 HEARING OFFICER: Mr. Chadwell?

8 CHARLES CHADWELL: I've already spoken. I
9 don't know how I got on there. But I don't know who's
10 next that you have?

11 HEARING OFFICER: Jeff Stockton? Followed
12 by . . . Dan Gattis.

13 (Discussion with staff was held off the
14 record.)

15 HEARING OFFICER: We did him, as well.
16 Thank you.

17 Merle Stalcup? Former mayor. And David
18 Oberg.

19 Mr. Stockton.

20 JEFF STOCKTON: My name is Jeff Stockton,
21 J-E-F-F S-T-O-C-K-T-O-N.

22 Thank you very much for the opportunity to
23 speak to you. I don't have a written statement, but I
24 come as a taxpayer of Williamson County. Life --
25 life-long resident here. And I have an impassioned plea

1 to you.

2 I think that -- that this room is -- it
3 shows you on a night when the Cowboys are playing their
4 first game that people give a real. The fact is -- is
5 these people love this area. We -- this is home for us.
6 And -- and nobody wants to do something to -- to hurt an
7 animal or anything like that. That's not the goal.

8 But the fact is is our county has -- has
9 gone way out on a limb for the Fish and Wildlife Program
10 to try to come into compliance. We had an agreement.
11 And in this state, shaking hands means something. It
12 still means something to a lotta people. We had an
13 agreement. And we were supposed to be given some time,
14 and our County acted on it, and I think that you'll be
15 making a major mistake if you go back on your agreement
16 and don't give us the time to -- to finish the job
17 [indicating].

18 I have met the scientists that are workin'
19 on this project. It's -- it's not a dog and pony show.
20 This is real science. If y'all want real science, we're
21 puttin' forth the money.

22 As a taxpayer, I don't want y'all to go
23 into an agreement and have my county spend a bunch of my
24 tax money and then y'all not pay attention to it and not
25 give it a chance. So I'm asking you to let us finish

1 the job.

2 Thank you for your time.

3 (Applause.)

4 HEARING OFFICER: Thank you, Mr. Stockton.

5 DAVID OBERG: David Oberg.

6 HEARING OFFICER: David Oberg. Thank you,
7 sir.

8 DAVID OBERG: Am I out of order?

9 MERLE STALCUP: Yes, sir.

10 DAVID OBERG: Oh, I apologize. I was so
11 excited.

12 MERLE STALCUP: Thank you, sir. My name
13 is Merle Stalcup. I'm the previous mayor of the Village
14 of Salado. I'm also the vice-chairman of the Economic
15 Development for the Chamber of Commerce.

16 We've worked on this project for a number
17 of years, being aware of it. We are a small community
18 with a very sensitive economic development base. We
19 have survived the last five years three 100-year floods
20 and one 500-year flood. Whatever you decide, we're
21 gonna survive. We've done it since 1836. Ever -- we
22 make decisions on facts; not assumptions; not
23 suggestions; as you've indicated in your reports.

24 So we -- we, along with several other
25 stakeholders in the county, have . . . commissioned the

1 Texas -- the Texas A&M Institute of Renewable Natural
2 Resources to develop a plan for us. I suggest and --
3 and recommend a delay so that we can complete this
4 project, complete it with facts, and not simply
5 suggestions.

6 Thank you for your time.

7 (Applause.)

8 HEARING OFFICER: Thank you, Mr. Stalcup.

9 Now David Oberg.

10 DAVID OBERG: My name is David Oberg,
11 D-A-V-I D O-B-E-R-G.

12 I don't think I can speak as eloquently as
13 some who have come before me. There's been a lot of
14 good argument in opposition to the proposed rule
15 changes.

16 During the break, I had the opportunity to
17 speak to one of your members, Mr. Brady. I asked him
18 what's the total cost of this study going to be. He
19 said somewhere between 100- and \$300,000. And we had
20 testimony here tonight from the Williamson County that
21 we're already spending a half a million dollars to
22 study, which they've asked us to study, which would lead
23 us -- which would allows us to study. So your 300,000,
24 our 500,000, there's a million tax -- or close to a
25 million taxpayer dollars right there.

1 When you were making the introductions,
2 you listed 15 people from your service. I don't know
3 how you're gonna get this done for \$300,000, but . . .
4 I'll believe you if that's what you tell me.

5 My point is strictly financial. I made
6 this point before. I'm gonna make it again. We crossed
7 a \$16 trillion national-debt mark this week. We're
8 spending three to four million dollars a day that we
9 don't have. The U.S. government. And for whatever
10 reason, we're now studying these four salamanders, and I
11 just think it's not a wise use of taxpayer dollars.

12 I understand that the law is the law and
13 we have this Endangered Species Act that all of you has
14 jobs as a result of it. But I don't think we're being
15 wise stewards of taxpayer funds by spending money to
16 study a salamander that's gonna live no matter what we
17 do.

18 Thank you.

19 (Applause.)

20 HEARING OFFICER: Thank you, Mr. Oberg.

21 Ladies and gentlemen, we're gonna take a
22 break here for about five minutes so that the court
23 reporter can rest her hands for a minute.

24 We are planning on extending this hearing
25 for 30 minutes. We will go until 9:00 p.m. It'll be 30

1 minutes longer. So . . . in about five minutes, we'll
2 begin again. The first three speakers will be
3 Mr. Kemble White, Steve Carothers, and Alan Glen.

4 It is 7:08. I'll call us back --
5 correction. 8:08. And I'll call us back in five
6 minutes. Thank you.

7 (A recess was taken from 8:08 to
8 8:15 p.m.)

9 HEARING OFFICER: Ladies and gentlemen,
10 please take your seats. We'll get started here in just
11 a moment.

12 We still have quite a few people who have
13 asked to speak. And . . . I've made a slight adjustment
14 to the speaking order, and I'll announce that in just a
15 moment.

16 But I'm gonna ask you to please try to
17 limit your comments to three minutes or less. When my
18 timer goes off, I'm gonna ask you to wrap up your
19 comments. I don't mean to be rude and interrupt you,
20 but I'm gonna have to ask you to wrap up your comments
21 so that we can try to get as many people as possible to
22 finish out.

23 We've got about 45 minutes before we have
24 to leave the room. That's not through our choice, but
25 that's through the contract we have with the facility.

1 So . . . please take your seats. The
2 speakers will be Mr. Dirk Aaron, followed by Mr. Kemble
3 White.

4 Mr. Aaron, if you're in the room, you're
5 next to speak. Thank you, sir.

6 And again, please keep your time to three
7 minutes or less. Thank you.

8 DIRK AARON: Thank you so much for
9 allowing me to speak. My name is Dirk Aaron. D-I-R-K.
10 Last name is A-A-R-O-N. I'm the general manager of the
11 Clearwater Underground Water Conservation District that
12 serves the geographical region of Bell County.

13 Just wanna go on record on behalf of the
14 five elected board members that I represent, plus the
15 permit-holders of the historically existing use permits
16 from the Edwards, the northern segment that lies in our
17 county.

18 I would also like to point out that we
19 will submit some very specific information that we've
20 done one time before, and put it on record, but also
21 with that clarify our role that is within the letter
22 that was sent to Alisa Shull from Carter Smith that
23 discussed the DFC process and the established rule of
24 how we manage the aquifer over time, which would be 60
25 years.

1 But referencing a very false information
2 that was submitted to us from Texas Parks & Wildlife,
3 which is the recent document that you term -- that is
4 your biological and hydrologic assessment of Salado
5 Creek Springs complex. One segment in there talks about
6 that -- that the supplies in the water from the --
7 the -- the pumping of the Salado Springs increased from
8 16,000 acre-feet in 1980 to over 30,000 acre-feet in
9 2000.

10 To correct that, currently we permit, in
11 accordance to that DFC, says that we can permit up to
12 sixty 469 acre-feet according to our legislative
13 mandate. We currently hold 825 acre-feet for
14 existing -- for exempt well-owners, which they only use
15 about 425 acre-feet a year from our work.

16 With that said, our permit-holders use
17 approximately 2209.7 acre-feet a year. That's
18 significantly different from the documents submitted by
19 personnel from Texas Parks & Wildlife that contradicts
20 the information sent from their own Carter Smith.

21 In addition, when you discuss item D that
22 says there's not regulatory mechanisms in place to
23 protect the springs, I differ. Clearwater's board of
24 directors over two years ago established a spring-flow
25 gauge system with the -- hired a consultant to design

1 the system, work with the city leaders of Salado, and at
2 any given time we can tell you what the spring flow is
3 from the confluence of those five springs.

4 Not once in my tenure in the last year was
5 a single personnel member from Parks & Wildlife or from
6 U.S. Fish and Wildlife Service approached us for those
7 figures. But yet we publish those on a daily/weekly
8 basis. Especially during the epic drought of 2011. The
9 low point was 130 acre-feet at -- that says we had
10 approximately 3.2 cubic feet per second.

11 The law and the mandate we have is never
12 let those springs get below 100 acre-feet, which is 1.5
13 CFS. It has not gone under that in our time, especially
14 as we work with our water-supply corporations and our
15 citizens to conserve, especially during that tough time.

16 Moreso, that we were approached by two
17 individuals, one from Texas . . . Department of Public
18 Safety and a personnel from Texas Parks & Wildlife
19 Department that questioned our working with our largest
20 user of the water, that being Salado Water Supply, who
21 uses under 2100 acre-feet a year, and questioned why we
22 were adding acre-feet to their permit, when in fact we
23 were working with them to reduce and discontinue the use
24 of water from three wells within a quarter-mile of the
25 springs in question --

1 HEARING OFFICER: Mr. Aaron, please
2 conclude your statement.

3 DIRK AARON: -- out to the well fields.
4 With that said, we wanna document that,
5 and we will do that with our relationship with our
6 collaborative partners that Merle Stalcup referred to.
7 Again, thank you for your time.

8 (Applause.)

9 HEARING OFFICER: Thank you. We're happy
10 to take your comments in writing if you'd like to leave
11 those.

12 Mr. Kemble White.

13 KEMBLE WHITE: Hello. Thank you . . .
14 hello. Thank you for the opportunity to be here. My
15 name is Kemble White, K-E-M-B-L-E W-H-I-T-E. I'm a
16 scientist with SWCA Environmental Consultants. I've
17 been working with Williamson County since about 2008 on
18 the development of their Regional Habitat Conservation
19 Plan, and more recently on salamanders.

20 We're a part of a team of researchers,
21 including Southwestern University and others, that have
22 been looking into over the last year pretty intensely
23 what is this -- what is the status of these salamanders
24 in Williamson County.

25 With the . . . beginning of the RHCP,

1 Williamson County and the Williamson County Conservation
2 Foundation started conducting research on the Eurycea.
3 Eurycea is the genus. Those studies began with basic
4 population monitoring of the Georgetown salamander at
5 the two sites near Georgetown. More recently it
6 expanded to include water-quality testing in the range
7 of both the Georgetown and the Jollyville Plateau
8 salamander.

9 As was alluded to by some other speakers,
10 I think that -- that program of research will be
11 expanded quite a bit in the next couple of years.

12 In short, our data, which will be
13 delivered during the public comment period -- I'm just
14 giving a short summary of it today. But in short, our
15 data indicate that the salamander populations of
16 Williamson County are stable, healthy, resilient, and
17 that the water quality remains excellent.

18 The proposed rule leans almost entirely on
19 data generated by the City of Austin on Jollyville
20 Plateau salamanders, in concluding that the salamander
21 populations are declining throughout the northern
22 Edwards Aquifer.

23 Those data cover springs only in a small
24 portion of the northern Edwards Aquifer, and they
25 include sites that are surrounded by decades-old

1 development without the water-quality controls that are
2 required by new development in Williamson County.

3 The City of Austin dataset relied upon in
4 the proposed rule by its nature has very little
5 statistical power. And that will be delved into deeply
6 in our -- in our -- our written comments.

7 The researchers working with these
8 salamanders are at a phase right now of trial and error.
9 There is no book to pull off the shelf to tell you how
10 to -- how to study these salamanders.

11 This is not just our opinion, but if you
12 look at a very recent master's thesis by a woman named
13 Lou [ph] at the University of Texas, there's a pretty
14 serious discussion of data-quality issues.

15 In short, though, the City of Austin
16 and -- and Fish and Wildlife Service in the proposed
17 rule conclude that populations in urban watersheds are
18 declining, while populations in underdeveloped
19 watersheds are stable. In fact, when you look at those
20 populations, they seem to be all declining.

21 And our analysis indicates that this
22 decline really is probably more likely a natural
23 response to a change in climate, where the first half of
24 their study period saw actually 128 percent above the
25 normal amount of rainfall, and the last half of the

1 dataset saw the five years of drought that we've seen
2 recently punctuated by --

3 HEARING OFFICER: Thank you, Mr. White.
4 Please wrap up.

5 KEMBLE WHITE: I will.

6 So . . . these species adapted to extremes
7 in weather conditions over billions of years, and
8 they've developed a resilience that's allowed them to
9 persist even in the face of megadroughts that we've not
10 seen, droughts that are -- going back several thousand
11 years. That resilience has been overlooked.

12 And something that's underplayed I think
13 in the proposed rule is that -- the amount of
14 conservation out there right now. There are -- most of
15 the known locations in fact of the Jollyville Plateau
16 salamander are already protected within the Balcones
17 plans, preserves, or other setbacks.

18 HEARING OFFICER: Thank you, Mr. White.
19 Will you please submit the rest of your comments for us,
20 and we'll include that in the record. Thank you.

21 (Applause.)

22 HEARING OFFICER: At this time I'd like to
23 welcome Congressman John Carter and his aide Jonas
24 Miller.

25 Representative Carter, if you'd like to

1 come forward and comment, we'd be happy to have you up
2 here.

3 Again, we ask to try to comment about
4 three minutes or so. Thank you, sir.

5 CONGRESSMAN JOHN CARTER: All right.
6 That'll work.

7 I -- I apologize for being late. I spent
8 the entire day in some form or fashion in Bell and
9 Williamson County dealing with the salamander. I was
10 at -- I was fortunate to have Doc Hastings, the chairman
11 of the Resources Committee, here as my special guest to
12 look into this matter, and was pleased with the things
13 we were able to show him and the science we were able to
14 discuss.

15 One of the things that concerns me
16 greatly, and -- and I've been to -- to New Mexico,
17 visited with many of you at the table, at least three
18 that I see, and we've -- and told you the response you
19 could expect from this community. And I think you're
20 seeing the response from this community. I think will
21 be a continuing response.

22 The -- the real challenge we have here, in
23 my opinion, is making sure that if -- if the real
24 purpose of the Endangered Species Act is to protect
25 endangered species. And we have people who are spending

1 serious amounts of money to provide very detailed
2 science. The scientist that was just previously here
3 just scratched the surface of what he's done. And
4 there's also another group of people that are doing
5 studies, also.

6 And if an agreement was also made that
7 there would be a five-year study, you folks agreed to
8 it, as did the County Commissioners, and then I think we
9 owe a duty, if not to the American people -- maybe
10 they're in -- inconsistent in this and don't matter --
11 but really to the -- to the salamander.

12 If you're gonna -- if this is your
13 purpose, and your purpose is to protect that species,
14 and we've got two ongoing studies here of which your --
15 your office has promised that -- that these would be
16 able to be completed, I think you -- we owe a duty and a
17 responsibility as -- as employees of the United States
18 of America to meet our obligations.

19 And I speak on -- as if I were a member of
20 your group. Because, after all, we are all governmental
21 employees of these American people out here.

22 And I'd like to see us discuss getting the
23 right science, because it's critical to jobs, the
24 economy, and the future of central Texas. And we have a
25 presidential election going on right now about jobs,

1 this economy, and the future of the United States of
2 America, and we owe a duty to get the best possible
3 science presented.

4 I believe you are truly people trying to
5 do the right thing, because I've visited with you. But
6 I'm concerned about the -- the rapidity and the fact
7 that we may not complete projects that we agreed would
8 be completed in time to get real science on this
9 project. And real science is what we should be about.

10 This -- this is a weakness I think in the
11 Act, that allegations can be made based upon one opinion
12 of science, and when some -- and this is gonna be
13 peer-reviewed science we plan to present to this group.

14 And I would ask you -- as Senator Cornyn
15 asked you in a letter, I asked you in a letter -- to
16 seriously consider an extension of -- to get this
17 scientific -- this good scientific evidence before this
18 committee. You are all in some form or fashion
19 scientists or those who work with scientists. I think
20 it is your duty and responsibility to the American
21 people to get -- to get that science before you.

22 And that's what I want to urge today. I'm
23 trying -- as I told you when we met the first time, we
24 came with a hand out to coöperate, to protect this
25 species. Our water quality -- I asked the question at

1 the last public -- we had a couple of press conferences
2 on this, both at two different holes with the
3 salamanders. My question was always: What is the
4 water-quality testing on this hole? Perfect. Literally
5 nothing. That we have done the right thing by this
6 animal in this -- in this community. And our testing
7 proves it's been the right thing, as far as water
8 quality is concerned.

9 And by that, when a community is doing the
10 right thing, and they're willing to work with you -- you
11 and your organization to save the life of these animals,
12 they're doing the right thing. And if they're spending
13 over a million dollars of their own taxpayer money in
14 this county to put together a scientific study, I would
15 appreciate you honor that agreement and let them
16 complete that study.

17 So that's -- that's my position.

18 (Applause.)

19 CONGRESSMAN JOHN CARTER: I still am here
20 in -- trying to be a coöperative member of Congress. I
21 can also be an uncoöperative member of Congress. But
22 tonight I'm going to try to convince you that we all
23 wanna work together to resolve this without killing
24 jobs; killing our economy. Can't, then we'll have a
25 different -- different round to fight.

1 Thank you.

2 (Applause.)

3 HEARING OFFICER: Thank you,
4 Representative Carter. I appreciate your comments.

5 We still have quite a few people to -- to
6 speak, and we've only got about 30 minutes, so I'm gonna
7 ask that we try to keep it at 2 minutes or under.

8 Mr. Steve Carothers, followed by Mr. Alan
9 Glen.

10 STEVEN CAROTHERS: Good evening. My name
11 is Steven Carothers, S-T-E-V-E-N C-A-R-O-T-H-E-R-S. I
12 live at Rock Point Drive in Travis County. I have a
13 Ph.D. in biology, and 30 years ago I founded the company
14 of SWCA Environmental Consultants. You don't last for
15 30 years unless we have the facts at our -- at our
16 hands.

17 My staff and I have become very familiar
18 with regional salamander issues, and we are here tonight
19 to provide comments on the proposed rule to list
20 salamanders with critical habitat.

21 I am sort of speechless right now, because
22 I live in proposed critical habitat. I -- I don't know
23 what kind of irony that is, but. . . .

24 Mr. Harrison, I -- I feel -- I feel what
25 you feel in terms of being designated as proposed

1 critical habitat.

2 Tonight I wanna comment on portions in the
3 proposed rule. The Service claims that there is a
4 significant water-quality degradation in salamander
5 habitat, and that greater decline in water quality is
6 expected in the future.

7 The Service believes that increases in
8 development and impervious cover will lead to
9 water-quality degradation, salamander deformities,
10 mortality, and population declines.

11 It is my opinion, based on a review of the
12 best available science, that the Service's assessment of
13 these perceived threats is very long on speculation and
14 chronically devoid of facts.

15 It is a fact that 30 to 50 years ago
16 development standards in highly built-out neighborhoods,
17 like where I live, did not provide the same setbacks
18 from streams and springs and street urban runoff the
19 same way the development standards now require.

20 Urbanization and growth today does not
21 have to lead to deterioration of the natural
22 environment. And the Service's own standards indicate
23 that in the Barton Springs area.

24 It's interesting that while my
25 neighborhood is completely built out in critical --

1 proposed critical habitat unit number 30, the
2 salamanders are in the stream behind my house, and
3 they've been doing quite fine, even though the
4 development standards for water-quality setbacks there
5 are not -- were not then 30/50 years ago what they are
6 today.

7 So I -- we talked about the water-quality
8 surveys that we've done. . . .

9 HEARING OFFICER: Please wrap it up, sir.

10 STEVEN CAROTHERS: Okay. I'm gonna wrap
11 it up.

12 It's -- it's -- it is a proven fact that
13 modern storm-water-management practices are way
14 different than they were in the past. What is -- what
15 is endangered species all about? What's recovery about?
16 Recovery means sustainable populations that are not
17 under threat.

18 Our salamanders in Williamson County --
19 Jollyville Plateau salamander, Salado, Georgetown -- are
20 not under threat, and their water quality is fine.

21 Thank you very much.

22 HEARING OFFICER: Thank you,
23 Mr. Carothers.

24 Alan Glen, followed by David Collins and
25 Lyle Grimes.

1 ALAN GLEN: Good evening. This is Alan
2 Glen, A-L-A-N G-L-E-N. I'm an attorney in Environmental
3 Studies for the Williamson County Conservation
4 Foundation. I also represent a number of other public
5 entities in -- all -- public and private entities in all
6 areas affected by this.

7 First, I wanna compliment the Fish and
8 Wildlife Service for excellent public hearing. I think
9 it's been incredibly well-run. I also wanna know how
10 you get Kemble White to wrap up.

11 (Talking in the audience.)

12 ALAN GLEN: Closer. There we go.

13 I -- I rise just for a very simple,
14 short-term request. I think you see how the community
15 is motivated. It's a lot of information to gather and
16 understand and analyze. I think if we could extend the
17 public comment period, that would be a very effective
18 thing to do, so that you get the benefit of all of this
19 activity on this species.

20 Thank you.

21 (Applause.)

22 HEARING OFFICER: Thank you, Mr. Glen.

23 David Scoggins? Mr. Scoggins?

24 Okay. Mr. Lyle Grimes?

25 LYLE GRIMES: Good evening. Good evening.

1 My name is Lyle, L-Y-L-E, Grimes, G-R-I-M-E-S. And I
2 represent just another taxpayer in Williamson County
3 with my family and those who live around me that would
4 be affected by this.

5 Just five quick points. I know we have
6 time here.

7 First: As made mention many times before,
8 this will impact property rights of individuals. By
9 putting on the Endangered Species List, you're now
10 requiring property-owners to go and seek permits and
11 then also possibly even do an exchange that currently
12 they do not, which is restricting their property and
13 what they can do with it.

14 Second: This will have an economic impact
15 by increasing the cost of building. Not only to the
16 cities and to those who would be affected by the
17 national grants and that nature, but also the
18 individuals who want to sell -- have property developed
19 on their own private land.

20 Three: Quality of water. It's already
21 been proven a couple times with speakers that our
22 quality of water in Williamson County, and Cedar Park in
23 particular, are -- is excellent; therefore, I do not see
24 that as an issue.

25 Four: My understanding is that the

1 current study does not take into effect the correlation
2 between the water rainfall and the salamander
3 population. I do ask that you do consider that in the
4 study.

5 And then five: I do ask that you stand by
6 your word. In Texas, when given your word, handshake
7 and word mean everything here. You've given the word to
8 Williamson County that you would give them time to do a
9 study, and I ask that you honor that word.

10 Thank you.

11 HEARING OFFICER: Thank you, Mr. Grimes.

12 I'd like to ask Jane DiGesualdo?

13 JANE DIGESUALDO: Her Royal Highness.

14 HEARING OFFICER: Thank you, Jane.

15 Followed by Bill Kelbeross [sic]? And
16 then Gail Lindholm [sic].

17 JANE DIGESUALDO: I'm Jane DiGesualdo.
18 It's spelled D-I capital G-E-S-U-A-L-D-O.

19 I'm just a lady, grandmother, and I wanna
20 tell you something. We only started -- we only found
21 out we had a little creature in our neighborhood less
22 than -- less than a year ago. But in our search we
23 found a lot of information. And one of the things we
24 found out very interesting fact that one of the
25 salamanders that had listed in your report had been

1 paved over. The only salamander in the city of Round
2 Rock has been paved over.

3 Now, does that show good, responsible
4 judgment?

5 Now, these things -- you know, you've
6 gotta look at these things. If everyone was doing the
7 right thing, none of us would be here tonight. We'd be
8 at home brushing our teeth. We'd be at home with our
9 children. But sometimes people don't always do the
10 right things.

11 We're here because we've got a job to do.
12 We've gotta listen to everybody. Then we have to work
13 this through.

14 This is a little critter that lives here.
15 I don't know a lot about him. He's not on my list of
16 things to do tomorrow. I'm not gonna feed him.

17 But I wanna let you know that we have lost
18 a whole site. The only one that was listed in Round
19 Rock. Unit two. Is totally gone. It's paved over.

20 Now, is that responsible?

21 So if people had responsible actions, none
22 of us would be here tonight.

23 So here's the documentation. And so I'll
24 close it up.

25 HEARING OFFICER: Thank you,

1 Miss DiGesualdo. Appreciate that very much.

2 Mr. Bill Kelbeross.

3 BILL KELBERLAU: Yes. Bill Kelberlau,
4 K-E-L-B-E-R-L-A-U.

5 My family came here, settled, 72 years
6 ago, when it was still an independent nation. I'm a
7 resident of Williamson County. My education and career
8 is I am a scientist and engineer with advanced degrees
9 and experience. Also hold patents in the U.S. and in
10 Europe.

11 I'm semiretired, I own/work several small
12 farms, and I'm also a commissioner on Emergency Service
13 District Area that covers most of your Williamson County
14 designated spots.

15 I've been in outdoor person my entire
16 life; hunting, fishing, camping, hiking, scuba diving,
17 and more. And I've studied protected environment my
18 entire life. One of my activities now is repopulating
19 native trees and plants.

20 The member of the animal kingdom commonly
21 referred to as salamander has been on this earth for
22 more than 150 million years. They adapted/evolved in
23 extreme environments that humans cannot. They will be
24 here when man is gone. Salamanders can regenerate limbs
25 and other body parts. They flourish in the good times

1 and have the ability to manage the bad. Recent studies
2 show some salamanders can live up to a hundred years.
3 Natural law prevails.

4 The general category of subterranean
5 salamander living in wet-clim. zone [ph] formations are
6 found across the U.S., Europe, Asia, and the rest of the
7 world. Do the DNA work and find the truth.

8 There are many examples of dynamic
9 flexibility of nature to respond to cycles. There are
10 areas in Africa and other parts of the world that when
11 it finally rains, a lake that is formed is suddenly
12 teeming with fish, salamanders, and other animals, in
13 proportion on the amount of water available. The entire
14 ecosystem and food chain expands and contracts relative
15 to the current conditions. During the dry times, the
16 eggs are encapsulated to survive for years till the next
17 wet cycle.

18 These critters are not endangered.

19 One example: On my own farm, in one of
20 the areas that you have on your map, just like last year
21 there were an absence of firearms, and -- fire -- fire
22 ants. They went underground. And the pond dried up.
23 So did the Southeastern U.S. leopard frog disappeared.
24 Vanished.

25 Well, it rained this July. It rained this

1 August. And so guess what? The frogs and the ants are
2 back in full force.

3 (Applause.)

4 BILL KELBERLAU: This is how nature works.
5 They are not endangered. No one here has a clue what
6 the average population should be or how to determine it
7 for Williamson County salamander. There's no current
8 method for determining these counts.

9 HEARING OFFICER: Mr. Kelberlau, please
10 wrap up.

11 BILL KELBERLAU: You do have -- you do not
12 have conclusive data or science to support your
13 position. One thing is certain: They were here before
14 man, and they have existed in the presence of man, and
15 be here when we're gone.

16 Look at the many times Fish and Wildlife
17 has been wrong on species.

18 Mother Nature removes/adds/evolves more
19 species in a decade than mankind has done in its
20 existence. It's time for common sense, honest science,
21 and intelligence to prevail. Stop the politics.

22 HEARING OFFICER: Thank you.

23 (Applause.)

24 HEARING OFFICER: Gail Lindholm, followed
25 by Dr. Craig Nazor and Adrian Gonzales.

1 Is Gail Lindholm --

2 GAIL LINDHOLM: I couldn't hear you.

3 Sorry.

4 Let's see if it's on. Hi. Hello? Hello?

5 Oh. Hi. My name is Gail Lindholm, G-A-I-L

6 L-I-N-D-H-O-L-M. I live in Cedar Park. I'm on the

7 Cedar Park Park Board. Oddly enough.

8 I've spent the last 20 years as an

9 environmental professional in the private and public

10 sector. I work for TCEQ specializing in water quality

11 and wastewater treatment. Permitting compliance and

12 management.

13 My primary concern here tonight is I think

14 there's something endangered that we're not talking

15 about, and that is the mission, the purpose, and the

16 integrity of the U.S. Parks and Wildlife service. And

17 that concerns me, because I'm a scientist first. And I

18 know that any scientist is only as good as their data.

19 The rigor, the robustness, the reproducibility of that

20 data: You live and die by it.

21 And this agency is on the line due to a

22 lawsuit. Your priorities have been set by lawyers

23 locked in a room in D.C. This -- from what I'm hearing,

24 this species, and several hundred others, have been

25 languishing due to a lack of resources and funding

1 through no fault of your own -- from the Feds, from the
2 state/local authorities -- for ten -- an excess of ten
3 years.

4 Yet here we have a community that has
5 offered half a million dollars to give you what you've
6 been waiting for. Why would you walk away from that?
7 If we actually care about these -- I'm not asking you to
8 list 'em or not list 'em. I'm asking you to prove to us
9 that you actually mean what you say. And that is: This
10 law was designed to save endangered species.

11 Best available data is not best achievable
12 data. I work for the government, and I know what "best
13 available data" means. It means "We don't know. We
14 don't have the documentation. We're gonna grab what's
15 available." You have an opportunity to preserve species
16 and allocate resources where they need to go.

17 HEARING OFFICER: Thank you,
18 Miss Lindholm.

19 (Applause.)

20 HEARING OFFICER: Dr. Nazor, followed by
21 Adrian Gonzales and John Lewis.

22 DR. CRAIG NAZOR: Hello. My name . . . is
23 this on? Hello. My name is Dr. Craig Nazor, C-R-A-I-G
24 N-A-Z-O-R. I'm here representing the Austin Sierra
25 Club. I'm also a member of the Austin Herpetological

1 Society, a long-time supporter of the SOS Alliance, and
2 cochair of the Parks Committee of the Gracywoods
3 Neighborhood Association in northern Travis County.

4 I'm speaking in support of listing these
5 four salamanders as endangered species and designating
6 critical habitat under the Endangered Species Act.

7 Here's a quote from the writings of
8 Dr. John Waldman, a professor of biology in Queens
9 College:

10 "Every generation takes a natural world,
11 the natural environment it encounters during childhood,
12 as the norm against which it measures environmental
13 decline later in life. With each ensuing generation,
14 environmental degradation generally increases, but each
15 generation takes takes that degraded condition as the
16 new normal.

17 "Scientists call this phenomena shifting
18 baselines, or intergenerational amnesia, and is part of
19 a larger and more nebulous reality: The insidious
20 ebbing of the ecological and social relevancy of
21 declining and disappearing species."

22 In his excellent book, Twilight of the
23 Mammoths, paleontologist Dr. Paul Martin describes his
24 life work: Establishing evidence that early human
25 migration to America over 12,000 years ago caused

1 extinction of the large mammals that inhabited North
2 America at the end of the last ice age. These mammals
3 include mammoths, mastodons, giant armadillos, giant
4 ground sloths, all of North America's horses and camels,
5 and extinct species of bison. Also extinct are lions,
6 cheetahs, saber-toothed cats, giant short-faced bears,
7 and the dire wolf, which was twice the size of a gray
8 wolf.

9 All these animals are gone forever, now
10 believed to have been driven to extinction by man.

11 In central Texas, we no longer have bison,
12 pronghorn antelope, red wolves, or mountain lions.
13 We've been missing Carolina parakeets and hornytoads.

14 So I'm here supporting the listing of four
15 finger-sized salamanders, each of which weighs less than
16 a quarter. Why? Because that's what we have left.

17 HEARING OFFICER: Thank you, Dr. Nazor.
18 I'm sorry. We're just about out of time. I've got a
19 lot of folks here. We're not gonna make it all. Please
20 leave your comments if you'd like. Thank you, sir.

21 Adrian Gonzales, followed by John Lewis.

22 Adrian Gonzales?

23 John Lewis?

24 JOHN LEWIS: Good evening. My name is
25 John Lewis, J-O-H-N L-E-W-I-S. I'm the president of the

1 Texas Salamander Coalition. We're a large group of
2 landowners directly affected by this proposed listing.

3 We regret that Service had published this
4 proposed listing on August 22nd and then scheduled
5 hearings a scant two weeks later. We really weren't
6 surprised, even though we were given 350 pages of
7 outdated and flawed findings and vague suspicions and
8 conclusions to decipher.

9 This was consistent with your refusal to
10 honor a valid contract signed by the regional head of
11 the Service with Williamson County, where the salamander
12 would be studied for five years. Now you're wanting to
13 not honor that contract after only two years, claiming
14 some lawsuit settlement requires you to not live up to
15 your previous agreement.

16 This was consistent with your rush to
17 list/avoid studying properly the best available science
18 with the SWCA findings, as well as the conclusion
19 reached by Dr. Mike Forstner of Texas State University,
20 that finds that there really is only one species north
21 of the Colorado River, and not the different species you
22 are trying to list.

23 We also find it disappointing that you
24 would rush to list during a period of drought in Texas
25 when you know the salamanders go underground and are

1 harder to count.

2 We would think the Service would be more
3 careful and deliberate after discovering that the
4 Golden-cheeked Warbler, which you rushed to list in 1990
5 as an emergency item because they were on the edge of
6 extinction, when you estimated only 13,800 males were
7 left.

8 Now you have found that a 2010 Texas A&M
9 study with Dr. Neal Wilkins, a member of the
10 Golden-cheeked Warbler recovery team, as a participant,
11 found over 220,000 males. So your rush to emergency
12 list was most certainly based on bad science.

13 Or I have another idea. Possibly the
14 Golden-cheeked Warbler -- Golden-cheeked Warbler Viagra
15 was introduced, and that may explain the sudden surge in
16 numbers.

17 HEARING OFFICER: Mr. Lewis, thank you
18 very much, sir, for your comments. I appreciate that.

19 JOHN LEWIS: Don't I get two minutes?

20 HEARING OFFICER: You got your two
21 minutes, sir.

22 JOHN LEWIS: Sure.

23 HEARING OFFICER: Thank you.

24 David Wolf?

25 (Applause.)

1 HEARING OFFICER: Followed by W. B. Snead
2 and Doug Thompson.

3 DAVID WOLF: Thank you. I'm David Wolf,
4 W-O-L-F. Lifetime resident of Williamson County.
5 Landowner, rancher, and business-owner. I have just
6 three quick points.

7 Number one: Is the salamander truly
8 endangered?

9 I understand studies done by the City of
10 Austin in which 40,000 individual records of the
11 salamander that were studied cannot verify declines in
12 salamander population. And research done by Williamson
13 County Conservation Foundation, the Foundation, shows
14 that salamanders do not meet the criteria for meeting
15 the Endangered Listing under the Endangered Species Act.

16 And of course the extreme drought
17 conditions are proven to have a drastic effect on
18 viewing of the salamander. As extreme drought
19 conditions persist, it's logical that the salamander
20 retreats further underground and are impossible to
21 count.

22 Question is whether the salamander is
23 endangered is -- definitely exist. Please allow the
24 County adequate time to further study the issue before
25 making a hasty decision that is essentially irrevocable.

1 Number two. Stringent water-quality
2 standards as outlined by Georgetown City Manager Paul
3 Brandenburg earlier are already in place that protect
4 groundwater. And extensive testing by the Foundation
5 reported results of excellent water quality at all
6 sample locations in both rural and developed locations.

7 Number three. What began as a law to
8 protect the bald eagle has morphed into an
9 antidevelopment device, allowing newcomers in our
10 community to say, "I'm here. Lock the gate. We don't
11 need any more roads. We don't need any more
12 development."

13 Logic dictates that listing the salamander
14 is not necessary, and at least allow the County time to
15 finish the study that it has started.

16 Thank you.

17 HEARING OFFICER: Thank you, Mr. Wolf.

18 (Applause.)

19 HEARING OFFICER: W. B. Snead? Mr. Snead?

20 David -- Doug Thompson? Followed by Sam
21 Roberts and Kate Fallon.

22 DOUG THOMPSON: Thank you. I'm Doug
23 Thompson, D-O-U-G T-H-O-M-P-S-O-N. From Georgetown,
24 Texas.

25 I'm here -- well, one, because I can't

1 look my grandkids and kids in the eye saying I stood by
2 and did nothing while my country was taken from me.

3 I heard something at the end of the other
4 one about selling credits. To -- for endangered
5 species. Does pri- -- "subprime mortgage" ring a bell
6 with anybody? This just sounds bad to me.

7 And why the rush? The last time we had a
8 rush, I think a former speaker of the house said, "We
9 have to pass a bill before we know what's in it." This
10 is just unacceptable for me. There is no need to rush
11 through this.

12 This law was passed in the '70s, on
13 science of that time. And it was probably good. But I
14 think it's sort of outlived its usefulness. It was
15 signed into law by a president who claimed himself not
16 to be a crook.

17 I tried reading the Endangered Species
18 Act. I fell asleep at least six times. And I'm sure
19 that the form it is now, and a previous speaker
20 mentioned, this was never the way it was intended to be
21 passed. It has morphed into something we can't even
22 recognize, which is detrimental to the country as a
23 whole.

24 But it really shouldn't surprise me that
25 we're relying on old science. I look up here, we got

1 Windows XP, which is an 11-year-old operating system.
2 There's better technology out there. We should use it.

3 I'm just -- we should really prioritize
4 the species. This Act seems to protect everybody but
5 the human species with this.

6 (Applause.)

7 DOUG THOMPSON: Finally, I'm just a
8 software sales guys. I'm here to represent common
9 sense. I -- you know, there's a lot of eloquent
10 speakers up here before me; know a lot more about
11 science. Just please do the right thing. Let's not
12 rush through this. If not, we are the endangered
13 species.

14 Thank you.

15 HEARING OFFICER: Thank you, Mr. Thompson.

16 (Applause.)

17 HEARING OFFICER: Sam Roberts? Followed
18 by Kate Fallon and Christopher Murray.

19 SAM ROBERTS: Good evening. My name's Sam
20 Roberts, S-A-M R-O-B-E-R-T-S. I am an assistant city
21 manager with the City of Cedar Park. I am also a
22 registered professional engineer. Not a biologist; not
23 a scientist.

24 I'm really gonna echo probably much of
25 what's been said by many of the other speakers tonight.

1 Number one: Please defer the listing, the consideration
2 of the listing, until the County Conservation Commission
3 Foundation finishes their work. Please.

4 Let's don't repeat what happened with the
5 Golden-cheek. I was here when that happened. I was on
6 a committee, went to a lot of meetings in Austin. It
7 really did happen. And it has had a tremendous impact
8 on development in Travis and Williamson County. Now to
9 find out there's 220,000 males? That -- let's not
10 repeat that.

11 The idea of using the best available
12 science, not the only available science, is good. Let's
13 get the best available science. Let's make the right
14 decision.

15 But the only other thing I would point out
16 is some of the strictest water-quality
17 standards/regulations are being employed in Travis and
18 Williamson County. The Edwards Rules. I mean, you got
19 phosphorus, TSS [ph], oil, and grease, some of the
20 strictest pollutant-removal standards there is. And
21 they're being employed for developments in all of these
22 areas that are being covered by this listing. There's
23 great water quality already going on here now.

24 Now, still, let's wait to get the science,
25 though. So please, give us time to finish.

1 Thanks.

2 (Applause.)

3 HEARING OFFICER: Thank you, Mr. Roberts.
4 Kate Fallon? Is Kate Fallon in the room?
5 Christopher Murray? Mr. Murray?
6 Followed by Richard Bean and Elizabeth
7 Duncan.

8 CHRISTOPHER MURRAY: My name's Christopher
9 Murray. It's C-H-R-I-S-T-O-P-H-E-R M-U-R-R-A-Y. And
10 I'm here just representing myself; my family.

11 Just a little bit about myself. I live in
12 Travis County. I live in Leander. My kids go to LISD
13 schools. So I'm very interested in what the
14 Superintendent had to say about this subject.

15 When I heard that the four species of
16 salamanders were under consideration for listing, I took
17 an interest in this, not only because I am a resident of
18 the county, and I think all citizens who are should be
19 interested in this subject, but also, in full
20 disclosure, on the land on which I live there is a
21 population of Jollyville Plateau salamanders, which you
22 know about, and it's one of the areas that's being
23 considered as potentially critical habitat. So I wanted
24 to develop an informed opinion on this subject as
25 possible.

1 I read the newspaper articles that came
2 out. I called people at Fish and Wildlife Service. I
3 called people at City of Cedar Park and talked to them.
4 Searched the Internet. I talked to people from the City
5 of Austin. And I tried to speak with folks from the
6 WCCF, but they never returned my calls. However, I did
7 read the materials on their Web site, which is very
8 informative. Last, but not least, I did manage to get
9 through all 88 pages of the -- the Register that y'all
10 put out.

11 And so, after exhausting every avenue that
12 I knew as a citizen that I could explore, I'm fairly
13 confident that I possess an informed opinion as possible
14 as, you know, anybody can expect to get who's not a
15 scientist. And in my opinion, the four species under
16 review overwhelmingly meet the criteria for endangered
17 species status as it is outlined in the Endangered
18 Species Act. The evidence to the contrary, in my
19 opinion, is practically nonexistent, and what does exist
20 is frankly not very convincing.

21 Waiting three years or ten years for a
22 decision that will change that is . . . is not really
23 relevant, because ten years and three years of science
24 is -- that's already current. So I for one completely
25 support listing these species as endangered, and I think

1 as you go forward, make sure that you make your decision
2 based on the best available scientific research and not
3 a study that has been going on for two years, one of
4 which was during a drought.

5 HEARING OFFICER: Thank you, Mr. Murray.
6 I appreciate your comments very much.

7 Mr. Richard Bean? Followed by Elizabeth
8 Duncan, Kent Hewell, and Mike Elliott.

9 RICHARD BEAN: Hi. My name is Richard,
10 R-I-C-H-A-R-D, Bean, B-E-A-N.

11 Judge Roy is my great-grandpappy.

12 Well, I'm just a taxpayer, and boy you got
13 that right. I was surprised at the amount of taxes that
14 a little bitty piece of property can -- can command, and
15 I would just say this: This is not a good time to do
16 anything that's a minus as far as the people in the
17 community. It's -- it's tough out there.

18 And there's still lots of stuff that's
19 really -- you think, well, what happened to that? You
20 know. You go by one day and they're there, and the next
21 day they're not.

22 I live in Kingsland. It's kind of
23 retirement area. And . . . there's lots of stuff up
24 there that's like that. And we -- this country is in
25 trouble. And I think y'all know that, too. But. . . .

1 Anything that -- of course I -- I agree
2 with the majority in here. I think y'all -- what the
3 science says, let 'em finish, and then make your ruling,
4 and go from there.

5 Thank you, sir.

6 HEARING OFFICER: Thank you, Mr. Bean.

7 (Applause.)

8 HEARING OFFICER: Elizabeth Duncan?

9 Elizabeth Duncan in the room?

10 Janet Hewell [sic]? I'm killing that
11 name. I'm sorry.

12 JANET HEWLETT: You are. That's all
13 right. It's Janet Hewlett, J-A-N-E-T H-E-W-L-E-T-T.

14 I'm here as a mother. Single mother.
15 Raised my three children here in this beautiful
16 community of Georgetown. And to even think that a
17 salamander is worth more consideration than the lives of
18 my children and the benefit that my children will
19 present and bring back to the community is absurd to me.

20 I encourage you to reconsider. Think
21 about your children, where you live, where you bought
22 the Starbucks, that drink, everything you have, you're
23 gonna demolish that in our community by creating this
24 habitat for salamanders.

25 I have lived in my home for 14 years.

1 That is a 40-year-old home on the north San Gabriel
2 River. I see salamanders by the dozens every day in my
3 yard. They are surviving well. They have a habitat
4 with development that they thrive in, that they exist,
5 that they pro- -- that they are prolific.

6 There is no need to create this stalemate
7 of development in our community. We can coexist with
8 this -- this species. Without any problem. We can make
9 it happen. Do not kill Williamson County.

10 Thank you.

11 (Applause.)

12 HEARING OFFICER: Thank you, Miss Hewlett.
13 Michael Elliott? Are you in here? Mike?
14 Mike is going to be our last speaker. Thank you.

15 MIKE ELLIOTT: Good evening. My name is
16 Mike, M-I-K-E, Elliott, E-L-L-I-O-T-T.

17 Am I in fact the last speaker?

18 HEARING OFFICER: Yes, sir. You have two
19 minutes.

20 MIKE ELLIOTT: I won't take that long.

21 Our -- our message to you this evening
22 is -- is very simple. You've probably seen a lot of our
23 friends and neighbors from here in Williamson County
24 wearing a badge [indicating] that says "Let us finish."
25 All we're asking you to do is let us do the science, let

1 us actually come up with the real facts, and then base
2 your decision on good science and good facts. If in
3 fact these salamanders are really endangered and going
4 extinct, we will find that out. If they're not, we will
5 find that out, too. But let's make this decision the
6 right way.

7 One thing my -- my father always said as I
8 was going growing up, and I've heard this 10,000 times:
9 "There's always time to do the job right." There's
10 always time to do the job right.

11 Let's don't willy-nilly rush through this
12 and come to a bad decision that could potentially
13 cripple our county. Let's take the time to do that --
14 this the right way. And all we're asking you to do is:
15 Let us finish.

16 Thank you.

17 (Applause.)

18 HEARING OFFICER: Thank you, Mr. Elliott.

19 And thank you all, ladies and gentlemen,
20 for coming out tonight. It is now 9:03. On behalf of
21 the U.S. Fish and Wildlife Service, we appreciate the
22 time and effort you took this evening to present your
23 comments. They've been very informative and will be
24 fully considered in coming to a final decision.

25 Again, as a reminder, written comments may

1 be submitted to the staff at the registration table, or
2 they may be submitted by October 22nd, 2012.

3 And once again, thank you all very much
4 for coming out.

5 This hearing is closed. I show the time
6 to be 9:04 p.m. We are off the record.

7 (Proceedings concluded at 9:04 p.m.)

8 (Ralph C. Gauer, District Coördinator for
9 Senator Troy Fraser, also present at the
10 public hearing, but not acknowledged on
11 the record.)

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C E R T I F I C A T E

I, Rabin' Monroe, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that I was present at and reported the proceedings in the aforementioned hearing by machine shorthand, and that the above pages contain a true and correct verbatim transcription of the proceedings on the date(s) indicated, done to the best of my skill and ability.

Certified to by me on this 16th day of September, 2012.



Rabin' Monroe

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