



Implementing Committee of the Edwards Aquifer Habitat Conservation Plan

Minutes of the October 17, 2013 Meeting

Located at the New Braunfels Civic/Convention Center, New Braunfels, Texas

1. **Call to Order** – The meeting was called to order at 9:01 a.m. A quorum was present for all purposes. All members of the Implementing Committee were represented. Juan Guerra was present for Andrew Sansom.
2. **Public Comment**
None.
3. **Approval of minutes from September 19, 2013.**

Nathan Pence made the committee aware that minutes that were put on the website were incorrect and did not have Secretary signature, but were updated on Friday with Secretary signature. Tom Taggart moved to approve updated minutes. Roland Ruiz seconded the motion. There were no objections; motion passed.

4. **Receive report from the Program Manager on general topics related to the implementation of the Habitat Conservation Plan and operation of the Implementing Committee.**

Nathan introduced Rachel Mitchell, who will be assisting in the HCP department with minutes and any other areas where needed until further notice.

a. Update on National Academy of Science Board Meeting and contract.

Roland Ruiz gave a brief update on how the EAA is working with the NAS as far as implementing a contract and presenting it at the next Board Meeting on November 12, 2013 for approval. Todd Votteler asked what the objection was to the contract. In response, Roland Ruiz informed the Committee that an EAA Board member had concerns with language in the contract that is outside the Scope of Work.

b. Update on the status of the ASR and VISPO programs.

Nathan Pence stated the ASR amounts of water have not changed and EAA is working with SARA, the leasing agent for EAA, to offer some different terms to lease ASR water. In October 2013, SAWS was provided a notice of availability from the EAA to SAWS for 1,800 acre ft. of water to be injected into the ASR; SAWS does not have the obligation or responsibility to inject the water under contract. Chuck Ahrens stated that SAWS will be able to accommodate in putting water in and making it operational.

Nathan Pence stated the VISPO status has increased about 10,000 acre feet and we now have 22,427 acre-ft. in the VISPO program. VISPO did not trigger this year because we were above 635 feet at J-17 on Oct 1. EAA is not currently accepting any new water for 2014. On January 1st EAA will open enrollment back up for 2015.

c. 2013 Budget Report through September 30, 2013

Nathan Pence informed the Committee that budget reports are available monthly and Chris Abernathy is available to answer any questions in regards to the budget. Chuck Ahrens asked to add the reserve account balance on future budget reports.

d. Update on Annual Report drafting progress

Nathan Pence provided update that the EAA is in the process of entering into a contract with SWCA Environmental Consultants to assist the EAA in drafting and formatting the annual report. Largely they will be summarizing and formatting original writing. An internal meeting is scheduled on Oct 24th at the EAA with some of the stakeholders, implementing committee members and permittees who have a role in drafting the annual report.

e. Update on Recording of Implementing Committee Meetings

Nathan Pence stated there were errors with the technical equipment and the last meeting was not recorded. But things are back on track and the minutes will now be recorded.

f. Summary of effect of government shutdown on the EAHCP

Nathan reported that USGS will be back out in the field calibrating their flow meters gauges and real time recording systems that are displayed on the internet. These should be up and running now that the federal government is running again. The Refugia at USFWS was closed except for feeding animals to keep them alive. Salamander collections and research activities were suspended, but will start back up in a week or two. Communications with Kevin Connally have been reestablished, but USFWS personnel are expecting some lag time before they are back up and fully operating again.

g. Water Quality and Bio Monitoring Report.

Nathan Pence reported on Oct 5th there was a storm event in New Braunfels and EAA staff mobilized to sample the event on the Comal system, however there was not enough rain to complete the hydrograph needed to qualify for an effective storm water sample. The samples did not meet the criteria and were disposed of.

On Oct 8th there was a normally scheduled surface water sampling in New Braunfels and San Marcos systems, but results are not available yet.

On Oct. 13th another rain event occurred in the Comal system and the EAA staff mobilized to sample storm water. Conditions met the criteria and sampling was completed.

Nathan Pence additionally pointed out that he is continuing to receive bio monitoring updates from Bio-West. Bio-West will be conducting its comprehensive bio monitoring for the Comal system with regular sampling and not based on low flows. Bio-West provides weekly memos which have to do with the conditions due to drought and they are posted on the HCP website.

5. Receive report on current aquifer conditions, spring flow levels, and related activities.

Nathan Pence reported on current aquifer conditions. This presentation will be made available on the EAHCP website. Todd Vottler added that there was a new seasonal drought outlook and it looks better than last. Todd Vottler asked if it would be possible to share the technical briefing for J-27 in Uvalde. Roland Ruiz offered to share that presentation with the committee.

6. Presentation on activities related to the implementation of the Regional Water Conservation Program.

Nathan Pence stated that Section 5.1.3 of the HCP Regional Water Conservation Program establishes our goal is to preserve 20,000 acre-ft. of EAA withdrawals permitted or exempt with the goal being half of the water to stay in the Aquifer and remain unpumped. Section 5.1.3 also discusses the initial commitment contracts. Different entities were asked or volunteered to donate or loan water to this program up front. Currently, there are 8,400 acre ft. in initial commitments in this program. SAWS committed 8,000 acre ft. of water, San Marcos and Texas State University committed 300 and 100 acre ft. of water, respectively. This presentation will be made available on the EAHCP website. Discussion followed.

7. Presentation of the review of the Operational Procedures and Parliamentary Rules of Conduct of the Implementing Committee by the Parliamentarian.

Darcy Frownfelter from Kemp Smith reported on Operational Procedures and Parliamentary Rules of Conduct of the Implementing Committee and what it says in regards to these procedures. His presentation will be made available on the EAHCP website. Discussion followed. Juan Guerra moved to approve the Parliamentarian to present a redline markup of the Operational Procedures for the Implementing Committee to consider at its next meeting. Roland Ruiz seconded the motion. There were no objections; the motion passed.

8. Presentation of the 2014 Funding Applications submitted to the EAA by the permittees and take possible action approving the increased funding amounts for the EAA and City of New Braunfels.

Nathan Pence presented the funding application budgets that were submitted by all three entities and discussed the highlights.

Nathan presented two line items that exceeded the original amount approved in the work plan for EAA. Tom Taggart moved to approve the two line items exceeding the original amount for the work plan. Steve Ramsey seconded the motion. There were no objections; the motion passed.

Zac Martin, New Braunfels Watershed Manager, presented two line items for Flow Split Management and Bank Stabilization for the City of Braunfels that exceeded the original amount approved in the work plan for the City of New Braunfels. Chuck Ahrens moved to approve these two line items in the budget. Juan Guerra seconded the motion. There were no objections; the motion passed.

9. **Consideration of and possible action on adopting Resolution and Order No. 10-13-001 of the Implementing Committee of the Edwards Aquifer Habitat Conservation Plan Program ("EAHCP Program") regarding the selection of Nathan Pence as the preferred candidate for the position of Program Manager for the EAHCP Program of the Edwards Aquifer Authority.**

Roland Ruiz announced that Nathan Pence was selected as Program Manager of the EAHCP and it might be appropriate for the committee to adopt a Resolution endorsing him for that selection. Steve Ramsey moved to approve the Resolution in support of Nathan Pence as Program Manager for EAHCP. Tom Taggart seconded the motion. There were no objections; the motion passed.

10. **Consideration of an Informational Memo to be submitted to USFWS related to HCP implementation and possible action approving the Program Manager to submit the Informational Memo to USFWS.**

Nathan Pence recommended that this item be tabled until the next Implementing Committee Meeting. Roland moved to table the item. Steve Ramsey seconded the motion. There were no objections; the motion passed.

11. **Consideration of an Informational Memo to be submitted to USFWS related to minor variations of the National Academy of Science contract from the FMA.**

Nathan Pence stated that the Informational Memo for consideration was to inform the USFWS as to minor variations in the NAS contract from the FMA. Tom Taggart moved to approve submittal of the informational memo to USFWS with no additional changes. Steve Ramsey seconded the motion. There were no objections; the motion passed.

12. **Public Comment**

Nathan Pence announced that he was asked to add the HCP Reserve as a line item to the budget report in the future and provided the current balance of the HCP Reserve, \$23,156,000.

13. **Consider future meetings, dates, locations, and agendas.**

Next Implementing Committee meeting is scheduled for November 21, 2013, at the Edwards Aquifer Authority.

A joint meeting of the Implementing Committee, Stakeholder Committee, and Science Committee will be held on December 19, 2013, at the Edwards Aquifer Authority.

Meeting Adjourned at 10:49 a.m.



Steve Ramsey

EAHCP Staff

October 17 2013

Steven Ramsey

Secretary of the Implementing Committee