



April 1, 2013

The Honorable Tracy O. King  
State Representative, District 80  
P.O. Box 2910  
Austin, Texas 78768-2910

Dear Representative King:

I am in receipt of your letter dated March 14, 2013, regarding concerns about critical period reduction requirements within the Edwards Aquifer Authority (EAA) jurisdictional area, especially as they relate to Uvalde County. Please know, I have provided copies of your letter to members of the EAA board of directors and the Edwards Aquifer Habitat Conservation Plan (EAHCP) Implementing Committee and have already initiated discussions regarding these matters.


My intent is to explore, in as expedited a manner as possible, how your concerns may be addressed through the "adaptive management" process prescribed within the EAHCP. This due diligence process, which includes scientific analysis, is designed for "examining alternative strategies for meeting the biological goals and objectives and then, if necessary adjusting the minimization and mitigation measures" within the EAHCP. Adhering to this thorough review process also ensures that if any changes to the critical period management plan are made, they will not adversely affect the status of the Incidental Take Permit that has been issued by the U.S. Fish and Wildlife Service (USFWS) to "cover" the activities of Edwards users across our region.

Following the "adaptive management" process, however, will take some time and is not without some complexity. In the case of stage 5, the process will likely take at least several months and would require changes to the EAHCP and EAA rules. For changes to stages 1 through 4, the course would be even longer, because in addition to changing the EAHCP, they would involve the legislative process. In both cases, any recommended changes will also require USFWS approval and, depending on the resulting impacts to the biological goals and objectives of the EAHCP, the process could be extended over a longer period of time. In the meantime, please know that we are making every effort to communicate openly and regularly with our affected regulated communities (permit holders) regarding the ongoing drought and its impact so that they can understand how best to manage their water within the current regulatory framework.

That said, the potential severity of drought impacts this year appears daunting and are already affecting Edwards users across the entire region. For example, as of this writing, even before the peak demand period for water, springflows at the San Marcos Springs are 66 cfs below historical monthly average and 112 cfs below historical monthly average at the Comal Springs. Meanwhile, the aquifer level in the Uvalde Pool is more than 31 feet below historical monthly average and nearly 22 feet below historical monthly average in the San Antonio Pool.

In light of these concerns, I plan to provide periodic updates to your office concerning any development on these issues. Please also know that I am available to meet and provide briefings on these matters at your convenience. As always, your continued interest in our mission to manage, enhance and protect the Edwards Aquifer system, on behalf of your constituents, is greatly appreciated.

Sincerely,



Roland Ruiz  
General Manager

cc: The Honorable Lyle Larson  
The Honorable Carlos Uresti  
The Honorable Harvey Hilderbran  
The Honorable Allan Ritter  
EAA Board of Directors  
EAHCP Implementing Committee