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U.S. Fish & Wildlife Service Approves Edwards Aquifer Habitat Conservation Plan and Incidental Take Permit after Years of Effort by Guadalupe Basin Coalition

After more than seven years and rigorous negotiations between 26 stakeholders and a dedicated program manager, the U.S. Fish and Wildlife Service (USFWS) has approved the Edwards Aquifer Habitat Conservation Plan (EAHCP) and issued an incidental take permit under the Endangered Species Act (ESA) to protect most users of aquifer water.

Lead by EARIP program manager, Robert Gulley, Ph.D., the Edwards Aquifer Recovery Implementation Program (EARIP) produced the EAHCP. The EARIP process began in 2006 with an “ad hoc” effort and progressed in 2007 with the passage of Senate Bill 3, Article 12, by the Texas Legislature. The efforts of those 26 stakeholders and another 60 participants resulted in a habitat conservation plan (HCP) designed to protect endangered species that depend on springflow emanating from the Edwards Aquifer springs. The initial vote of approval in November 2011, during the height of one of the state’s most exceptional drought years, was 24-1 with one abstention, and was hailed then as an epic feat.

The notice of availability of the final environmental impact statement (EIS) and an incidental take permit, including the EAHCP, was published in the *Federal Register*, Friday Feb. 15, 2013.

“This is a historical event that shows that the State of Texas is able to address regional environmental concerns through a cooperative effort with the various stakeholders to ensure the stability of our water supplies and remain economically stable,” said Jerry James, Director of Intergovernmental Relations for the City of Victoria.

Texas entities have been fighting over Edwards Aquifer usage for more than 50 years. The recent history of this ongoing saga can be traced back to 1991 when the Sierra Club filed a lawsuit under the ESA that ultimately resulted in the creation of the Edwards Aquifer Authority, explained Guadalupe Basin Coalition Chairman Todd Votteler, Ph.D. “Without a doubt this is the most important development regarding the regional water management since 1993, and maybe since the 1950s,” said Votteler.

The Texas Legislature directed the EAA to regulate, among other things, pumping from the aquifer, to implement drought management restrictions, and to pursue a program “to ensure that the continuous minimum springflows of the Comal Springs and the San Marcos Springs are maintained to protect endangered and threatened species to the extent required by federal law...”

Overall, the EAHCP is expected to cost about \$18.5 million annually. The largest Edwards Aquifer pumper is SAWS and its officials estimate the program will increase bills for the average water customer by \$3.13 a month, Votteler said. GBRA, Dow Chemical and CPS Energy — all entities that benefit from flows from Comal and San Marcos springs — pledged to make annual contributions totaling \$740,000. GBRA had agreed to pay \$400,000 beginning in 2013 and that amount could be increased by 2 percent each year. That agreement goes to 2028, and at that time, the permit could be renewed.

The approved incidental take permit covers activities that would occur in Bexar, Medina and Uvalde counties and portions of Atascosa, Caldwell, Comal, Guadalupe and Hays counties in Texas. The EAHCP describes the measures the applicants agree to undertake to minimize and mitigate the effects of incidental take of the following federally listed species dependent on the springs and river systems associated with the Edwards Aquifer: the fountain darter, San Marcos salamander, Texas wild rice, Texas blind salamander, Peck’s cave amphipod, San Marcos gambusia, Comal Springs dryopid beetle and the Comal Springs riffle beetle.

The EAHCP covers general activities associated with the actions, including the regulation and production of groundwater for irrigation, industrial, municipal, domestic and livestock purposes; the use of instream flows in the Comal River and San Marcos River for recreational uses; and other operational and maintenance activities that could affect Comal Springs, San Marcos Springs and the associated river systems.

“This reflects a balanced approach to problem solving by regional stakeholders, state agencies, the legislature and Federal Government that eclipses decades of conflict over this unique natural resource. It establishes a model for resolution of many similar challenges that confront our state in the face of growth and the desire to be good steward of our environment,” explained Tom Taggart, Executive Director of Public Services for the City of San Marcos. Taggart is now the Chairman of the EAHCP Implementing Committee, the body created during the EARIP process to implement the EAHCP.

The Edwards Aquifer is one of the most prolific artesian aquifers in the world. It also is the source of the two largest springs in Texas — the Comal and San Marcos springs. The Edwards Aquifer is the primary source of drinking water for more than 2 million people, including San Antonio, the seventh largest city in the United States.

Copies of the EIS and HCP are available online at
<http://www.fws.gov/southwest/es/AustinTexas/>.

Guadalupe Basin Coalition is a voluntary association of businesses, chambers of commerce, lake associations and governmental entities in counties along the Guadalupe River Basin (including all of its tributaries and springs) that are bonded by a common concern for the economic and environmental sustainability of the Guadalupe River Basin and San Antonio Bay. The Guadalupe Basin Coalition's mission is to protect and enhance the quality and quantity of the waters of the Guadalupe River Basin from the headwaters to San Antonio Bay.

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