

Stakeholder Committee of the Edwards Aquifer Habitat Conservation Plan  
Minutes of the June 21, 2012 Meeting at the Civic Center in New Braunfels, Texas

**1. Call to Order –establish that all Stakeholder Committee members are present or represented.**

The meeting was called to order at 9:03 a.m. A quorum was present for all purposes. *Attached to these minutes is an attendance list that was created at the meeting.*

**2. Public Comment.**

None

**6. Consider and take possible action to appoint the following members of the Stakeholder Committee:**

- A. A holder of an EAA municipal permit east of San Antonio with a population of less than 50,000;
- B. An Edwards Aquifer region municipal ratepayer/general public;
- C. Guadalupe River Basin municipal ratepayer/general public; and
- D. A conservation organization.

The Stakeholder Committee stated they wanted to keep the individuals that were previously appointed to those positions, with one exception, Gary Spence will serve as the Guadalupe River Basin municipal ratepayer/general public on the EARIP: A - Jim Bower, B - Kirk Patterson, C - Gary Spence, and D - Diane Wassenich

**3. Election of Officers, as needed**

Calvin Finch moved and Roger Biggers seconded to approve the following slate of officers for the Stakeholder committee: Con Mims - Chair, Myron Hess - Vice Chair and Steve Raabe - Secretary. There were no objections; thus, the motion passed.

A work group of Myron Hess (Chair), Collette Barron, a representative of SAWS, Jerry James and Todd Votteler were appointed to begin developing new operating rules with support from Robert Gulley. Until that work is complete the Committee agreed to operate under the Program Operational Rules adopted by the EARIP Steering Committee with any modifications from the Funding and management Agreement.

**4. Discuss the role of the Stakeholder Committee as identified in Section 7.8 of the Funding and Management Agreement.**

Robert Gulley summarized the role and responsibilities of the Stakeholder Committee.

**5. Receive the Report of the Program Manager related to the Implementation of the Habitat Conservation Plan.**

Robert Gulley briefed the group on the following items relate to implementation of the HCP:

- Status of the HCP and estimated schedule.
- Schedule of Implementing Committee meetings and development and review by the Implementing Committee of 2013 annual work plans.
- "Zero year" funding.
- Permitting status.
- Progress of the Project Management team

#### **7. Discussion and take possible action on Implementing Agreement.**

Robert Gulley explained that an Implementing Agreement (IA) is generally part of an HCP to secure funding commitments or for complex HCPs with multiple federal agencies. The decision to require or accept an IA rests with the Regional Director but that the Regional Solicitor has a significant role in that decision. The Solicitor recently determined that it would not, as a matter of policy, recommend requiring an IA the EAHCP. The IA included with the current draft of the EAHCP has, at least, three elements that would be lost if the Implementing Agreement submitted to the Service were not required:

- A process for issuing Certificates of Inclusion;
- A commitment by Texas Parks and Wildlife Department to develop State Scientific Areas (the San Marcos is already underway); and
- Issues that limit the U. S. Fish & Wildlife Service enforcement discretion such as the "severability" issue in Section 8.4 of the Implementing Agreement.

Dr. Gulley pointed out that the Agreement submitted to USFWS had not been executed by the Applicants and was not a document that had been negotiated with USFWS. He also pointed out that no written response had been provided by USFWS. Kevin Connally agreed to provide a written statement of USFWS's position, but he could not commit on the timing of such a response. He said that it was likely that if USFWS were to agree to enter into such an agreement it would in all likelihood have to follow the template. If the EAHCP requires an IA that differs from the template, sign-off would be required from the Solicitors Office in Washington D. C. office and any such deviations from the template might be difficult to be obtained and would significantly delay approval of the HCP.

After extensive discussion, it was agreed that further discussion of the USFWS's position on the need for an IA would continue during the Implementing Committee meeting.

**8. Consider and take possible action on recommendations for members of the Science Committee Identified in Section 7.9 of the Funding and Management Agreement.**

Robert Gulley discussed the appointments and role of the Science Committee. The Science Committee must have an odd number of members between seven and eleven and the number is determined by the Implementing Committee. The Implementing Committee has determined the number of scientists on the committee is nine. The Stakeholder Committee and the Implementing Committee each appoint one-half of the members and the two committees jointly appoint one member. He urged the Committee to discuss the specific expertise needed on the Science Committee. He also urged the Committee to consider whether the membership should include any person who may bid or perform work. Finally, he pointed out that the Funding and Management Agreement gives the EAA discretion to pay members of the committee.

Regarding eligibility of consultants to be on the committee that may bid or perform work, the following principle emerged from the discussions: Anyone serving on the Science Committee will likely be asked to step down if they bid on work.

As there were no objections, this principle was adopted by consensus.

Motion was made by Jim Bower and seconded by Gary Spence to appoint the following members to the Science Committee:

- Jackie Poole
- Sam Vaugh
- Chad Norris
- Glen Longely
- Robert Mace to serve as the ninth and joint appointment

However, no action was taken pending consideration by the Implementing Committee of Science Committee appointments.

The meeting was recessed at 12:30pm.

The meeting was re-convened at 1:03 pm. A quorum was present. Motion was made by Cindy Loeffler and seconded by Bruce Alexander to appoint the following members to the Science Committee:

- Jackie Poole
- Sam Vaugh
- Chad Norris
- Glen Longely
- Robert Mace to serve as the ninth and joint appointment

There were objections; therefore, the motion passed

**9. Consider Future meeting dates, locations and agendas.**

The meeting was adjourned at 1:05 pm.

A handwritten signature in black ink, appearing to read "S. Raabe", written over a horizontal line.

Steve Raabe

Secretary to the Stakeholder Committee

**SIGN-IN SHEET**  
**EAHCP Stakeholder Committee**  
**June 21, 2012**

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**June 21, 2012**

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**June 21, 2012**

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**June 21, 2012**

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