

MINUTES
For the Joint Meeting of the Steering Committee and Stakeholders Regarding
the Edwards Aquifer Recovery Implementation Program
Guadalupe-Blanco River Authority Annex, Seguin, Texas
February 10, 2011

1. Administrative Matters (Mims)

The Chair, Con Mims, called the meeting to order. Secretary Steve Raabe called roll of the Steering Committee. A quorum was present for all purposes.

The agenda was approved as presented.

The minutes of the January 13-14 and 28 meetings were approved as presented.

2. Discussion and possible decision on Phase 1 of the Bottom-Up Package

Con Mims presented the Report of the Bottom-Up Issues Team (Attachment 3). The Issues Team recommended that the Steering Committee adopt the Phase 1 Bottom-Up Package of flow protection and restoration, minimization, and mitigation measures for purpose of the development of the HCP and for the purpose of seeking funding with the understanding that (1) the elements of this package are subject to refinement prior to final inclusion in the HCP to be sure that long-term biological goals are adequately defined, funding mechanisms are agreed upon by EARIP, and all elements of the Bottom-Up Package are reasonably certain to occur and that (2) the elements of the Bottom-Up Package are further subject to change during implementation of the HCP through an adaptive decision making process which will include revisions as necessary to ensure the continued adequacy of the Bottom-Up Package, or alternatives to the Bottom-Up Package, and will include development of the actions, funding, and evaluation of cost effectiveness of various alternatives that may be needed in Phase II to ensure adequate continued protection of the species during the entire term of the permit.

Myron Hess said that it was his understanding that the Work Group had agreed to include in its recommendation that the Hardy Study would be peer reviewed as had been done with other key scientific documents. He said that this understanding however was not reflected in the recommendation. Weir Labatt concurred with Myron's recollection. Robert Gulley said that to be able to have the peer review done he would need to submit a request for funding to the Texas Water Development Board. He said the Steering Committee had already agreed to submitting a request for additional money to allow HDR to conduct additional modeling runs and that he could include the peer review in that request. He also said that probably would use Annear & Associates that conducted the previous review but that he would try to find some other options. He said that Annear had done the previous review for \$55,000. It was moved and seconded to authorize Robert Gulley to seek the grant support and to arrange for the peer review. There were no objections; thus, the motion passed.

Jerry James made a motion to approve the recommendation of the Bottom-Up Issues Team. Calvin Finch seconded the motion. There were no objections; thus, the motion passed. Consensus was reached with two abstentions: Kirk Patterson representing Regional Clean Air and Water and Todd Votteler representing Guadalupe-Blanco River Authority.

3. Discussion and possible decision on asking the Legislature to allow an opportunity for the public to vote on a regional sales tax for the implementation of the Habitat

Weir Labatt presented the report of the Funding Issues Team. At the Issues Team Meeting consensus was reached with respect to the following restated decision regarding the sales tax: “The Funding issues Team proposes that the original motion to approve allowing the people of the region to vote on a regional sales tax as a funding mechanism for the EARIP program be modified to provide that proposals for alternative mechanisms to the regional sales tax, not involving a sales tax, will proceed to be developed while the EARIP is seeking authority for a regional sales tax from the Legislature, the Governor, and the voters.” Kirk Patterson abstained from the decision.

After extensive discussion, Weir Labatt made a motion that the Steering Committee adopted the following modified restatement of the decision: The EARIP should ask the Legislature to allow the people of the region to vote on a ¼ of a cent regional sales tax as a funding mechanism for EARIP program and other water-related issues with respect to species of concern in the region; provided, however, with respect to the EARIP, it is agreed that proposals for alternative mechanisms to the regional sales tax, not involving a sales tax, will proceed to be developed while EARIP is seeking authority for a regional sales tax from the Legislature, the Governor, and the voters. Bruce Alexander seconded the motion. There were no objections; thus, the motion passed. Consensus was reached with two abstentions: Kirk Patterson representing Regional Clean Air and Water and Kelley Faulk representing Texas Department of Agriculture.

Weir Labatt made a motion that the money collected through the sales tax is to be used to implement the EARIP and to fund other water related issues related to species of concern in the region, with first priority going to EARIP implementation provided that not less than \$1.5M per year shall be used to fund those other water-related issues. Gary Middleton seconded the motion. There were no objections; thus, the motion passed. Consensus was reached with two abstentions: Kirk Patterson representing Regional Clean Air and Water and Kelley Faulk representing Texas Department of Agriculture.

There being no further business, Chair, Con Mims adjourned the meeting at 2:05 p.m.