

Attachment 1

Minutes of the Joint Meeting of the Steering Committee and Stakeholders Regarding the Edwards Aquifer Recovery Implementation Program Texas Capitol Annex Auditorium, Austin, Texas February 12, 2009

1. Welcome (Senator Glenn Hegar).
2. Administrative Matters

Steve Raabe called the roll of the Steering Committee and a quorum was present for all purposes.

The agenda for the meeting was approved as amended.

Steve Raabe made a motion to approve the Minutes for the January 8, 2009 meeting of the EARIP attached to the Agenda as Attachment 1. Weir Labatt seconded the motion. There were no objections; thus, the motion passed.

3. Recommendations of the Science Subcommittee Work Group

Weir Labatt made a motion to approve the recommendations of the Science Subcommittee Work Group as set out in Exhibit B to Attachment 2 of the Agenda. Dianne Wassenich seconded the motion. There were no objections; thus, the motion passed.

4. Reappointment of the Public Outreach Subcommittee and existing work groups.

Robert Gulley explained that, under POR §§ 8.8, 8.11, the terms of non-statutory subcommittees and work groups expire at the end of the calendar year in which they are appointed. Myron Hess made a motion to reappoint the current members of the Public Outreach Subcommittee, the Finance Work Group, Funding Work Group, POR Work Group and Science Subcommittee Work Group. Kirk Patterson seconded the motion. Calvin Finch asked and received a clarification that the members of the Public Outreach Subcommittee were the underlying affiliation of the current members rather than a particular individual. There were no objections to the motion; thus, the motion passed.

5. The Charge and Operational Rules for the Funding Work Group

Robert Gulley discussed the recommended charge for the Finance Work Group. He explained that the Work Group recommended that its name be changed to the Funding Work Group to more closely track its function and to avoid confusion with the Finance Work Group established to assist with the Program Manager's preparation of a budget. He said that because of the finite life of the Work Group, the POR Work Group had decided not to propose changes to the POR to

facilitate the functioning of the Funding Work Group, but had suggested that the Funding Work Group develop its own recommended rules for approval by the Steering Committee.

Humberto Ramos made a motion to approve the Charge and Operational Rules for the Funding Work Group as set out in Attachment 3 to the Agenda. Kirk Patterson seconded the motion. After discussion of suggested changes, Humberto Ramos amended his motion to approve the Charge and Operational Rules for the Funding Work Group as set out in Attachment 1 hereto. Kirk Patterson seconded the amended motion. There were no objections; thus, the motion passed as amended.

6. Report of the Finance Work Group

Jerry James and Weir Labatt reported on efforts to obtain funding from the Texas Legislature for the HCP and meetings with Bryan Arroyo, Assistant Director for Endangered Species for the United States Fish and Wildlife Service.

7. Presentation on the issuance criteria for an HCP and Recovery Planning process

Will Amy of the FWS gave a presentation of the issuance criteria for an HCP. A copy of his presentation has been posted on the EARIP website. Mr. Amy also reported the appointment of members for the new recovery team. He said that FWS expected to have a new recovery plan completed by the spring of 2011. Mara Alexander reported about FWS's plans for responding in the event that drought conditions this summer in the San Marcos and Comal Springs threatened the listed species there.

8. Report of the Recharge Facility Subcommittee

Steve Raabe gave the report on the activities of the Recharge Facility Subcommittee.

9. Report of the Public Outreach Subcommittee

Dianne Wassenich gave a report of the Public Outreach Subcommittee. She said that the Public Outreach Subcommittee planned to add photographs to the EARIP website. She requested input from the EARIP stakeholders regarding whether the photographs used on a recent briefing package fully represented all stakeholder interests. In addition she sought input from the EARIP regarding the heading and logo to be used on stationary for the EARIP.

10. Report of the Expert Science Subcommittee

Susan Aragon-Long gave the report on the Expert Science Subcommittee's participation in the peer review process for the "k" charges.

11. Report on the Program Operational Rules Work Group

Myron Hess discussed the proposed changes to the Program Operating Rules that were set out in Attachment 5 to the Agenda. He said that his Work Group would be recommending approval of these proposed changes at the March 12, 2009 EARIP meeting. After discussion of sections 8.12 and 8.13 of the proposed changes, Myron Hess agreed to convene the work group again to consider whether the recommended changes to these sections needed to be amended.

12. Report on the Hardy Study

Robert Gulley gave a brief update on the progress of the Hardy Study.

13. Discussion of *Center for Biological Diversity v. Kempthorne*

George Rice gave an overview and answered questions regarding the recently filed case, *Center for Biological Diversity v. Kempthorne* in which AGUA is participating as a plaintiff.

14. Presentation by Anna Munoz on her interviews and observations regarding the EARIP process.

Anna Munoz gave a presentation on her interviews and observations regarding the EARIP process. A copy of that presentation has been posted on the EARIP website.

15. Discussion of options for the preparation of the HCP/DEIS.

Robert Gulley said he intended to prepare a Request for Statement of Qualifications (RFQ) from possible contractors to prepare the HCP and draft EIS for approval by the EARIP in March. He said the primary requirement he will seek is that the firm or individual must have a good understanding of what is need to put together an “approvable” HCP and DEIS. Because of the diverse expertise needed for a project such as the EARIP HCP, the firm will not have to possess all of the requisite expertise but can put together the requisite expertise through the use of subcontractors. Dr. Gulley asked the participants to submit the names of potential candidates to receive the RFQ. He said he would ask the EARIP to set up a work group at the March meeting to review the RFQ’s and recommend to the EARIP a short list of firms who will be asked to submit a full proposal for the work. There were no objections to Dr. Gulley proceeding in this fashion.

After a discussion of the agenda for the March meeting, the meeting was adjourned at 3:10 pm.

**ATTACHMENT 1 TO THE MINUTES FOR
THE FEBRUARY 12, 2009 EARIP MEETING**

**APPROVED CHARGE AND OPERATING RULES FOR THE FUNDING WORK
GROUP**

As requested at the November Meeting of the EARIP, the Finance Work Group submits the following proposed charge and operating rules for the Finance Work Group for adoption by the Steering Committee at the February Meeting of the EARIP. To make the name of the Work Group more accurately reflect the nature of its work, and to distinguish it from an earlier larger work group called the Finance Work Group, we recommend that its name be changed to the Funding Work Group.

Charge To The Funding Work Group

The membership of the FWG consists of Jerry James, Con Mims and Weir Labatt with the participation of Robert Gulley. The FWG is to represent the EARIP in seeking to obtain funding from federal and State sources to complete the work required by Senate Bill 3. Specifically, the FWG shall seek to obtain, through grants or appropriations, funds to support the development of the program document, including the facilitated process to develop the proposed actions for the program document. The required funding is expected to cost up to approximately \$1.6 million. In addition as part of its discussions with the Texas Legislature, it may, where appropriate, seek \$25,000 for each of the next two years for each of three agencies, the Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, and Texas Department of Agriculture to fund their contributions to the EARIP's project management costs. As part of its charge, the FWG may work to acquaint key Federal and State legislators and staff, and funding agencies on the progress the EARIP has made to date and its plans for meeting the goals and deadlines set by Senate Bill 3, the objectives of a recovery implementation program as set forth in S.B. 3 and the Memorandum of Agreement for the Edwards Aquifer Recovery Implementation Program. The FWG will coordinate with other legislative representatives of the Participants on these issues to the extent possible.

Operating Rules

In recognition of the nature of its duties, the FWG, in fulfilling those specific duties, is not required to post a notice of its meetings, although it should attempt to do so when feasible. Further, the quorum requirements do not apply to meetings of the FWG, nor is the FWG required to elect officers. The members of the FWG shall apprise the Steering Committee and

Stakeholders of its meetings, contacts, and activities within five (5) business days after such meetings, contacts and activities occur and at the monthly meetings of the Steering Committee and Stakeholders. Neither the members of the FWG nor the Program Manager shall take any position on any other issue or matter on behalf of the EARIP in its contacts with a legislator or his or her staff or a funding agency without first obtaining an express authorization from the Steering Committee at a meeting of the Steering Committee and Stakeholders. Such an authorization shall be a Tier I issue. Nothing herein shall limit or prevent a member of the FWG from taking a position on the member's own behalf or on behalf of the entity the member represents so long as it is clear that the person is not speaking on behalf of the EARIP.

This charge will expire on September 1, 2009 at which time the FWG shall cease to exist unless it is reauthorized by an action of the Steering Committee.