

## MINUTES

**For the Joint Meeting of the Steering Committee and Stakeholders Regarding  
The Edwards Aquifer Recovery implementation program  
William B. Travis State Office Building, Room 1-104, Austin, Texas  
April 29, 2011, 10:00 a.m. to 4:00 p.m.**

1. Administrative Matters

The Vice-Chair, Myron Hess, 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 by consensus.

Calvin Finch made a motion to approve the minutes of the April 14, 2011 meeting as presented in Attachment 1 to the Agenda. Bruce Alexander seconded the motion. There were no objections; thus, the motion passed.

Program Manager, Robert Gulley, distributed the final copy of the New Braunfels resolution supporting the EARIP. He also reminded the Stakeholders that the peer review of the Hardy report should be available in mid-May, but may not be available for distribution at the May 17<sup>th</sup> meeting.

2. Discussion and possible decisions regarding funding strategies including the option of delaying the HCP until after the 2013 legislative session

The EARIP discussed delaying the submittal of the HCP until after the EARIP has taken another run at the sales tax in the 2013 legislative session as had been previously suggested by SAWS. No formal vote was taken but it appeared to be the sense of the Steering Committee, at this time, to continue to try to work on the funding question and to stay on schedule for submitting the HCP to FWS this Fall. Robert Gulley suggested getting the Funding Work Group back together to consider the perspectives discussed today and see if it can recommend any new strategies.

3. Presentation on “Changes in Spring Discharge and Associated Groundwater and Surface Water Supplies”

Sam Vaughn, HDR Engineering, Inc., presented the results of an analysis done for the Funding Work Group that quantified expected groundwater supplies available from the Edwards Aquifer during the worst year of the drought of record and the simulated changes in surface water

supplies available in the Guadalupe-San Antonio River Basin and Guadalupe Estuary for human and environmental uses during the worst year of the drought of record.

4. Report of the Implementation Agreement Drafting Work Group and possible decisions on items in the report

Steve Kosub reported that the Implementation Agreement Drafting Work Group met on April 15<sup>th</sup> and discussed whether to (1) establish a new stakeholder group to participate in the implementation of the strategies in the HCP; (2) allow deviation from the long term biological goals without requiring the agreement of the stakeholder group; (3) allow implementation strategies for the long-term biological goals to be modified by the permittees and the USFWS with less input from the stakeholder group.

After discussion, Calvin Finch moved and Bruce Alexander seconded to adopt the concept that the implementing agreement will include recognition of the potential need for a presumptive Phase Two project that would be subject to modification depending on the outcome of the adaptive management program and adaptive decision-making. There were no objections; thus, the motion passed by consensus.

After further discussion, there was general agreement that the implementing agreement should contain a presumption against changing the long-term biological goals but subject to a limited number of expressly designated circumstances with the stakeholder committee having the opportunity to make recommendations to the permittees and/or to consider recommendations from the permittees on any changes to the goals. Permittees could pursue changes consistent with stakeholder committee recommendations. In addition, with unanimous agreement among permittees, the permittees would also be authorized to pursue changes other than those recommended by the stakeholder committee. All changes would be subject to the approval of FWS and recognized as permit amendments. Although there was no formal motion and no official decision, there was no expression of opposition to having the Work Group proceed with drafting based on this approach for further consideration by the Steering Committee.

With respect to the process for decision-making on implementation aspects, there seemed to be general agreement that the work group should proceed with drafting based on an approach in which the stakeholder group will have the opportunity to consider recommendations from the permittees and make recommendations to the permittees regarding changes in how the long-term biological goals are achieved. That approach would allow the permittees, through some decision process other than full consensus of the permittees, but with approval of the FWS, to proceed with changes to implementation aspects even if not consistent with stakeholder committee recommendations as long as those changes were equally likely to achieve compliance with the goals. In that case, the permittees would provide an explanation for rejection of the stakeholder

committee recommendation. Although no formal motion was made and no official decision taken, there was no expression of opposition to having the work group proceed with drafting in this way for further consideration by the Steering Committee.

#### 5. Discussion and possible decision on the long-term biological goals

Ed Oborny discussed the proposed long-term goals as set out in Chapter 7 of the working draft of the Habitat Conservation Plan. He agreed to provide a revised draft of the long-term biological goals based on comments that he received at the meeting. The intent is to reach a decision on the goals for the Habitat Conservation Plan at the May 17 meeting.

The next EARIP meeting will be on May 17th at the San Marcos Activity Center, 501 E. Hopkins Rd., San Marcos, Texas.

There being no further business, Vice-Chair, Myron Hess adjourned the meeting at 3:30 p.m.