

## Report of the EARIP Implementing Agreement Drafting Workgroup

**To:** EARIP Steering Committee and Stakeholders  
**From:** EARIP Implementing Agreement Drafting Workgroup  
**Date:** September 9, 2011  
**Subject:** Sixth Report

**Meeting of August 10, 2011.** The EARIP Implementing Agreement Drafting Workgroup met at 9:00 a.m. on August 10, 2011, at the offices of the San Antonio Water System. Workgroup members present were Darcy Frownfelter, Myron Hess, Mary Kelly, Mark Taylor, Mike Gershon, Mike Abbott, Kirk Patterson and Steve Kosub. Also present were Dr. Robert Gulley, Karl Dreher, Nathan Pence, Dr. Todd Votteler, Tom Taggart, Dr. Calvin Finch, Mary Bailey and Louis Lendman.

The workgroup engaged in discussion of then current drafts of the Implementing Agreement, the Adaptive Management Process Appendix, and the Funding and Management Agreement. Morning discussion focused on planning, budgeting and funding issues. Afternoon discussion focused on the role of the scientific record in the initiation of Phase Two conservation measures. Various members agreed to prepare and circulate new drafts of documents reflecting the workgroup's discussion for consideration and comment by the workgroup members. The meeting adjourned at approximately 4:00 p.m.

**Meeting of August 24, 2011.** The EARIP Implementing Agreement Drafting Workgroup met at 9:00 a.m. on August 24, 2011, at the New Braunfels City Hall. Workgroup members present were Darcy Frownfelter, Myron Hess, Mary Kelly, Mike Gershon, Mike Abbott, Kirk Patterson and Steve Kosub. Also present were Dr. Robert Gulley, Nathan Pence, Dr. Todd Votteler, Carol Patterson, Tom Taggart, Dr. Calvin Finch, Mary Bailey and Louis Lendman.

The workgroup engaged in discussion of then current drafts of the Implementing Agreement, the Adaptive Management Process Appendix, and the Funding and Management Agreement. Morning discussion again focused on planning, budgeting and funding issues. Afternoon discussion again focused on the role of the scientific record in the initiation of Phase Two conservation measures. Various members agreed to prepare and circulate new drafts of documents reflecting the workgroup's discussion for consideration and comment by the workgroup members. The meeting adjourned at approximately 3:00 p.m.

**Subsequent Activity.** The workgroup has continued to exchange drafts of documents and comments since August 24, 2011. On September 1, 2011, Mr. Kosub received guidance from Dr. Gulley to the effect that the United States Fish and Wildlife Service preferred that the inter-party details of the adaptive management process not be part of the Implementing Agreement

which would be signed by the USFWS. In response to that guidance, Mr. Kosub subsequently incorporated the language of the AMP Appendix into the Funding and Management Agreement as a new Article Seven. Thus, there are now two documents being distributed to the stakeholders rather than three. The substance of the adaptive management process is found in the Funding and Management Agreement rather than the AMP Appendix previously intended as a part of the Implementing Agreement. On September 7, 2011, Dr. Gulley and Mr. Kosub spoke with representatives of the USFWS for approximately one hour to address questions and concerns about the documents

The current draft of the Funding and Management Agreement reflects extensive changes to the budget and funding process, as well as extensive changes to the Scientific Record language and process of Section 7.12 and 7.13. Both the Implementing Agreement and the Funding and Management Agreement reflect general consensus of the workgroup on key issues. However, some changes to language regarding specific issues is still anticipated.

Any remaining unresolved issues will be discussed with the Steering Committee and Stakeholders on September 15, 2011. The workgroup expects to complete final drafts in accordance with the current schedule endorsed by the Stakeholders.