

MINUTES

**For the Joint Meeting of the Steering Committee and Stakeholders Regarding
the Edwards Aquifer Recovery Implementation Program
San Antonio Water System, San Antonio, Texas
September 10, 2009**

1. Remarks by Senator Glenn Hegar.

Senator Hegar gave some opening comments regarding the importance to stay on course and remain committed to this monumental task.

2. Administrative Matters.

Steve Raabe, EARIP Secretary, called the roll of the Steering Committee. A quorum was present for all purposes. There were no objections to the proposed agenda; thus, the agenda for the meeting was approved. Dianne Wassenich pointed out that the minutes on page 1 referred to Tom Taggart as "Todd Taggart." She made a motion to approve the minutes set out as Attachment 1 to the Agenda with an amendment to change Todd Taggart to Tom Taggart. Todd Votteler seconded the motion. There were no objections; thus, the motion passed.

Robert Gulley introduced the facilitation team present, and reported that Joseph McMahon suggested holding a workshop December 1-2, 2009 to begin discussing goals and objectives and covered actions. He said that the EARIP will pay for the meeting facilities and lunches out of the project management budget. Stakeholders will have to pay for their lodging. There were no objections to holding such a meeting. Micaela Walker will work on setting up the workshop and report back to the EARIP. The stakeholders decided to keep the November RIP meeting on the calendar, in case it is needed. This will be evaluated next month at the October RIP meeting.

Robert Gulley informed everyone that the San Marcos City Council agreed to merge its HCP into that of the EARIP.

Adam Zerrenner reported that Kevin Connelly has been hired by FWS effective, September 14, 2009, to replace Will Amy in the EARIP process.

3. Presentations and decision on the Program Document Contractor

Smith Robertson/SWCA, RECON Environmental, and Loomis Partners made presentations to the EARIP. After extensive discussion, several attempts were made to reach an agreement, however, consensus was not reached. Robert Gulley asked Rader Gilleland, Calvin Finch, Velma Danielson, Myron Hess, Tyson Broad, Sam Helmle, Mike McMurry, and Tom Taggart to

step out and try to resolve the lack of consensus before the issue was sent to an issues team. The group came back to the EARIP with consensus recommendation that (1) RECON would be the first choice for the Program Document Contractor. Smith Robertson/SWCA would be the second choice in the event that a contract could not be negotiated with RECON; (2) Robert Gulley was authorized to enter into contract negotiations with RECON , and then report back to the HCP Contract Negotiations Work Group which would consist of Rader Gilleland, Calvin Finch, Velma Danielson, Myron Hess, Tyson Broad, Sam Helmle, Mike McMurry, and Tom Taggart. If the Work Group reached a consensus that the contract with RECON was acceptable, it will be put on the agenda for decision by the Steering Committee. If the Work Group reaches a consensus that the contract with RECON is unacceptable or that an acceptable contract cannot be reached in a timely fashion, the Work Group will authorize Gulley to begin negotiations with Smith Robertson. Calvin Finch made a motion to accept the recommendation of the group. Kirk Patterson seconded the motion. There were no objections; thus, the motion passed.

4. Discussion and possible decision regarding the TWDB grant.

Robert Gulley reported that TAMU has entered into a contract that is not to exceed \$25,000 (Attachment 4 to the Agenda) with Collaborative Processes on behalf of the EARIP to conduct interviews of the stakeholders. This contract will terminate on September 20, 2009.

He further reported that TAMU has submitted a grant proposal to TWDB (Attachment 2 to the Agenda) to cover the non-federal share of the section 6 grant (\$354,000) and \$150,000 for the contributions of Texas Parks and Wildlife Department (“TPWD”), Texas Department of Agriculture (“TDA”) and Texas Commission of Environmental Quality (“TCEQ”) towards the EARIP’s project management costs for 2010-2011. The grant will be considered by TWDB on September 17, 2009 as part of its consent agenda. The proposal was submitted with the understanding with TWDB that if it were not approved by the EARIP at the September 10 meeting, the proposal would be withdrawn. Gary Middleton made a motion to approve the proposal with the understanding that, if approved the \$150,000 for TPWD, TDA, and TCEQ would constitute the agencies’ expected contribution towards project management costs for 2010 and 2011. Bruce Alexander seconded the motion. There were no objections; thus the motion passed.

If the TWDB grant is approved on September 17, 2009, as expected, Robert Gulley asked the Steering Committee to approve having TAMU enter into a second contract with Collaborative processes for \$150,000 (Attachment 5 to the Agenda) . Jerry James made a motion to approve the contract with Collaborative Processes. Roger Biggers seconded the motion. There were no objections; thus the motion passed.

Finally, Robert Gulley reminded the EARIP that GEAA had agreed to serve as the contracting agent with respect to the Section 6 grant. As part of trying to coordinate the roles of TAMU and GEAA in managing the contractors, and TWDB and TPWD grant for the respective non-federal

and federal shares, it became apparent that the work that GEAA would have to do as contacting agent was far greater than had been originally envisioned. After discussions, GEAA agreed to transfer the grant to Texas A&M. Texas A&M is willing to accept and will charge only 5% Indirect Costs for its overhead. Weir Labatt made a motion to transfer the grant from GEAA to Texas A&M. Calvin Finch seconded the motion. There were no objections; thus, the motion passed. GEAA was thanked by the stakeholders for stepping up to be the applicant in the original grant application, when they were needed.

5. Discussion and possible decision on the recommendation of Additional Studies Work group (Tier 1) (Illgner, Gulley) (Attachment 6 and 7).

Rick Illgner, Chair of the Work Group mentioned that Robert Gulley was able to get Texas State University to lower their overhead from 25% to 10%, and Ed Osborne reduced the Comal study to \$139,800. The Work Group recommended the following studies be conducted: Phase 1 of Service Fountain Darter genetic study, Bio-West Intensive Management Area Feasibility study, Additional work by Hardy to update biologic model, drought effects on movement of the Fountain Darter in San Marcos ecosystem, and Drought effects on Fountain Darter habitat in the Comal ecosystem. Weir Labatt made a motion that Robert Gulley prepare a grant to be submitted to TWDB for the five projects that have been recommended by the Additional Studies Work Group, and Todd Votteler seconded the motion. There were no objections; thus, the motion passed.

Robert Gulley asked to submit the grant at the October TWDB meeting, after the Science Subcommittee has looked at it. There were no objections.

6. Discussion and possible decision on the Implementation Agreement (Frownfelter) (Attachment 8).

Darcy Frownfelter, Chair of the Work Group, spoke about the August 24, 2009 deadline and the comments received from Myron Hess and Mary Kelly. The new draft (Attachment 8), is unanimously recommended to be adopted as amended by the Work Group. Dianne Wassenich made a motion to approve the Implementing Agreement as amended, Myron Hess seconded the motion. There were no objections; thus the motion passed. Robert Gulley agreed to send a clean copy of the Implementing Agreement on the listserv and then asked the Stakeholders to send a signed electronic copy to himself (Robert Gulley) and Micaela Walker, and then mail a hard(hard) copy. He asked for everyone to sign them as soon as possible, and once he received all the signatures, he would send out an executed copy.

7. Discussion of the agenda for the next meeting at City of San Marcos Activity Center, San Marcos, Texas, October 8, 2009.

There was insufficient time to address Item 8 on the Agenda. It was agreed to carry that item over to the October meeting. Robert Gulley reported that the October meeting originally scheduled to meet at the Dunbar Recreation Center in San Marcos, has been moved to the City of San Marcos' Activity Center in San Marcos, Texas. He will provide a map with the next meeting notice

Cindy Loeffler made a motion to adjourn the meeting. Jim Bower seconded. There being no further business, the meeting adjourned at 3:19 p.m.