

ATTACHMENT 5

FROM: Jerry James, Chair Additional Studies Issues Team
TO: Robert L. Gulley
DATE: November 4, 2009
RE: DRAFT Report of the Additional Studies Issues Team

A meeting of the Additional Studies Issues Team was held on October 19, 2009, at 3 p.m. Team members Bruce Alexander, Humberto Ramos, Jerry James, Steve Raabe, Todd Votteler, and Velma Danielson attended in person. Patrick Shriver attended as an alternate for Calvin Finch. Dan Laroe participated for part of the meeting by phone, but was not available for the decision-making part of the meeting. Kirk Patterson, Carol Patterson, Kevin Connally, and Robert Gulley also were present at the meeting.

The Issues Team elected Jerry James as its Chairperson.

At the October 8, 2009 EARIP meeting, the Steering Committee was unable to reach consensus on the recommendation of the Additional Studies Work Group to approve a package of three additional studies: an aquifer optimization study for springflow supplementation study, a whooping crane study and a Guadalupe River gains/losses study. The Steering Committee also was unable to reach consensus on any of the studies individually. The Issues Team was charged with trying to reach consensus on these studies either as a package or individually.

Velma Danielson reported that it was highly likely that the United States Army Corps of Engineers (the "Corps") would fund the gains and loss study through the Texas Water Development Board. If this funding fell through, she said that the Edwards Aquifer Authority had decided to fund the study, with assistance from the Guadalupe-Blanco River Authority, without regard to whether partial funding was obtained from the EARIP. Because the prospects for funding from the Corps were good, Ms. Danielson said that the Edwards Aquifer Authority no longer had a strong interest in obtaining partial funding for the project from the EARIP.

The Issues Team extensively discussed the whooping crane study. Todd Votteler said the study could begin in January and said that within six months the study would provide results related to the effects of fresh water inflows on the energetic requirements of the whooping cranes. There was extensive discussion of the purpose of the study. Votteler said that the SAGES study found that the whooping crane diet and the impact of inflows and other stimuli on whooping cranes is very complex. It found that an adverse effect of salinity on crabs and cranes was not observed under the flow conditions in the study. GBRA received comments regarding possible improvements needed to the study. He said that the additional study would address these comments in a timely manner. Votteler said that he believed the additional study would increase the value and usefulness of the SAGES study in FWS's preparation of its biological opinion regarding the effects of approving the EARIP HCP.

Patrick Shriver stated that SAWS believed that the existing information and data, without the additional study was adequate to document that the springflows did not jeopardize the continued

existence of the whooping crane. He also said that SAWS did not believe that the EARIP focus should be extended beyond the spring species. He said that such studies would be more appropriately done and considered in the context of the State's in-stream flow process or bays and estuaries programs. Additionally, Shriver said that the whooping crane proposal's timing element and the funding direction did not meet those set out by the original additional studies charge (timeliness and cost effectiveness to support the decision-making phase of the EARIP process). SAWS believes funding could be better spent or held in contingency for other studies or EARIP process work to be conducted in a more timely manner that would be more relevant to the springs - - for example on "recreation," "water quality," or on unforeseen "cost overruns" and that an additional future amendment to fund those would better address the EARIP's needs.

After discussion by the Issues Team of these issues, a consensus could not be reached. Bruce Alexander, Humberto Ramos, Jerry James, Steve Raabe, Todd Votteler, and Velma Danielson voted to recommend approval of the study. Patrick Shriver voted against recommending approval of the study. Dan Laroe was not on the phone when this decision was reached.

With respect to the optimization study, Patrick Shriver confirmed Chuck Aherns statement at the EARIP meeting that he would recommend SAWS' funding 50 percent of the study but that the SAWS Board would have to approve the funding. Shriver said that board consideration of funding probably could not occur until early December. After a brief discussion, a consensus was reached to recommend approve the study subject to obtaining 50 percent funding from SAWS. Dan Laroe was not on the phone when consensus was reached.

Because the prospects for funding of the gains and losses study appeared favorable, the Issues Team reached consensus to not make any recommendation with respect to that study.

The meeting adjourned at 4:50 p.m.