

Report of the EARIP Implementing Agreement Drafting Workgroup

To: EARIP Steering Committee and Stakeholders
From: EARIP Implementing Agreement Drafting Workgroup
Date: August 5, 2011
Subject: Fifth Report

Meeting of July 11, 2011. The EARIP Implementing Agreement Drafting Workgroup met at 1:30 p.m. on July 11, 2011, at the New Braunfels City Hall. Workgroup members present were Mark Taylor, Darcy Frownfelter, Myron Hess, Mary Kelly, Mike Gershon, Mike Abbott, Kirk Patterson and Steve Kosub. Also present were Dr. Robert Gulley, Nathan Pence, Colette Barron, Dr. Todd Votteler, Bruce Wasinger, Karl Dreher, Carol Patterson, Tom Taggart and Dr. Calvin Finch.

The workgroup engaged in discussion of then current drafts of the Implementing Agreement, the Adaptive Management Process Appendix, and the Funding and Management Agreement. The greater part of discussion focused on funding and management issues, notably including funding responsibilities, the nature of the Program Manager position, and the relationship of the Program Manager and the Implementing Committee. There was also continued discussion of the adaptive management process. Mr. Kosub 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 5:00 p.m.

Meeting with State Agency Representatives on July 15, 2011. On July 15, 2011, Mr. Kosub and Dr. Gulley met in Austin at the office of the Texas Department of Agriculture with representatives of the Texas Water Development Board, Texas Commission on Environmental Quality, Texas Department of Agriculture and Texas Parks and Wildlife Department. The meeting was arranged by Dr. Gulley and Kelley Faulk for the purpose of discussing the agencies' preferred course of action to address the requirement of SB 3 that the agencies approve and execute the EARIP program document. The workgroup had previously proposed language to accompany the signatures of agency representatives on the Implementing Agreement. Variations of that language were discussed, and the representatives agreed to talk further and propose language with which they were comfortable. The meeting concluded after approximately one hour. The agencies have subsequently provided agreed language that has been incorporated in the Implementing Agreement.

Meeting of July 19, 2011. The workgroup met at 3:00 p.m. on July 19, 2011, at the San Antonio Water System. Workgroup members present were Darcy Frownfelter, Mike Gershon, Mark Taylor, Mary Kelly, Mike Abbott, Myron Hess and Steve Kosub. Also present were Dr.

Robert Gulley, Karl Dreher, Dr. Todd Votteler, Nathan Pence, and Dr. Calvin Finch. Bruce Wasinger participated by telephone.

Dr. Gulley reported on the progress of the draft Habitat Conservation Plan. The workgroup engaged in discussion of then current drafts of the Implementing Agreement, the Adaptive Management Process Appendix, and the Funding and Management Agreement. Much of the discussion focused on document language relating to autonomy of the parties within their respective jurisdictions with regard to activities that may or may not relate to the HCP. Mr. Taylor and Ms. Kelly agreed to draft language on this issue. Mr. Kosub agreed to prepare and circulate new drafts of documents reflecting the workgroup's discussion for consideration and comment by the workgroup members. The workgroup agreed to distribute a new set of documents to the stakeholders in advance of the stakeholders' meeting on August 11, 2011. The meeting adjourned at approximately 6:45 p.m.

Meeting with TCEQ Representatives on July 19, 2011. On July 19, 2011, Mr. Kosub met at TCEQ's offices in Austin with Mr. Todd Chenoweth and TCEQ Staff Attorney Ms. Amy Mendez. The meeting was requested by Mr. Chenoweth in order to address TCEQ questions about the draft program documents. Ms. Mendez offered a number of very constructive comments on the documents. The meeting lasted approximately one hour.

The workgroup has continued to exchange drafts of documents and comments during the last two weeks and plans to meet again at 9:00 a.m. on August 10, 2011, at the San Antonio Water System. Most of the issues identified in the last report have been resolved. Further refinement of the adaptive management process and language of the Implementing Agreement is under discussion. Some further discussion of funding issues is anticipated at the August 11 stakeholders' meeting.