

### SUPPORT FOR THE EDWARDS AQUIFER RECOVERY IMPLEMENTATION PLAN

#### BACKGROUND.

The Edwards Aquifer is the primary source of drinking water for over 2 million people in south central Texas and serves the domestic, agricultural, and industrial needs of the area. Water from the aquifer feeds springs that provide the base flow for four regional rivers -- the San Marcos, San Antonio, Guadalupe and Nueces. In addition, eight species listed as threatened or endangered under the federal Endangered Species Act (ESA) reside in the aquifer or in the springs served by the aquifer.

Historically, the aquifer was regarded as a common pool resource regulated by the common law "Rule of Capture." This rule allowed those owning land over the aquifer to use as much groundwater as they desired as long as there was no waste. However, in 1993, a federal district judge held that pumping of the aquifer unlawfully affected the species listed under the ESA. To address the court's concerns, the Texas Legislature created the Edwards Aquifer Authority ("EAA") and directed the agency to regulate pumping from the aquifer, including withdrawal limitations, critical period management restrictions, and measures to ensure minimal continuous flows from the springs. As a result of this regulation, the dichotomy between the water needs in the region and the needs of the species has become more pronounced.

In late 2006, the United States Fish and Wildlife Service ("FWS") provided the stakeholders of the Edwards Aquifer region an opportunity to participate in a unique collaborative process to find a solution to this problem by balancing the need for water with the needs of the species through the development of a Recovery Implementation Plan (or "RIP"). The RIP process has been successfully used to address similar issues in the southwestern United States where federal agencies operated dams or where significant public lands were involved.

In May 2007, the Texas Legislature directed the EAA and several state agencies to participate in the RIP process and to prepare a plan by 2012 for managing the aquifer in a way that addresses the needs of the species and that is acceptable to the FWS. It directed Texas A&M University to assist the EAA and other stakeholders in developing the

RIP. Texas Agrilife Extension is the designated implementing agency from the Texas A&M University System.

The Stakeholders that have agreed to participate in the RIP include:

- Edwards Aquifer Authority
- Guadalupe-Blanco River Authority
- San Antonio Water System
- San Antonio River Authority
- Bexar Metropolitan Water District
- Nueces River Authority
- City of San Marcos
- City of Victoria
- City of Castroville
- Bexar County
- Texas Commission on Environmental Quality
- Texas Parks and Wildlife Department
- Texas Water Development Board
- Texas Department of Agriculture
- Environmental Defense
- National Wildlife Federation
- Sierra Club
- Greater Edwards Aquifer Alliance
- Aquifer Guardian in Urban Areas
- Texas Wildlife Association
- Texas Farm Bureau
- South Texas Farm and Ranch Club
- Guadalupe County Farm Bureau
- Dow Chemical Company
- CPS Energy
- New Braunfels Utilities

#### THE PROBLEM.

With the aid of Federal funding, the RIP process has been successful elsewhere in allowing stakeholders to propose their own solutions to the needs of federally-listed species. Likewise, successful completion of the Edwards Aquifer RIP will help ensure a stable water supply, implement measures that will contribute to the recovery of the federally-listed species, and minimize the likelihood of continued federal court litigation regarding the use of the aquifer. Toward this end, the Texas Legislature anticipated that stakeholders in the

Edwards Aquifer region would pursue federal funding for developing and implementing the RIP. Some of the Stakeholders have funded the activities for the first year of the process, including the hiring of a program manager, the development of a Memorandum of Agreement with FWS, and the establishment of an independent expert scientific subcommittee. To continue the RIP and ensure the use of the best science, additional funding is needed.

**REQUESTED ASSISTANCE.**

Texas Agrilife Extension is seeking a \$1.5 million dollar increase for the United States Geological Survey (USGS) Water Resources Program for FY 2009 – under “Hydrologic Network and Analysis.” This request will fund the RIP process for two years, including the salary of the project manager. The requested funding also will allow the stakeholders to ensure that the best science is used in their decision-making, and enable the stakeholders to work with FWS to identify the needs of the species.