

**EARIP Advisory Group and Steering Committee Meeting Notes**  
**Texas State Capitol Annex Auditorium, Austin, TX**  
**July 12, 2007**  
**10am-3:30pm**

**Notetakers: Jodi Minion and Andrea Feldpausch**

**Welcome and Presentation Regarding the Edwards Aquifer Legislation:  
Senator Glenn Hegar**

Notes on Sen. Hegar's presentation:

Although his district (Katy) is not close to the location of the current Edwards Aquifer conflict, he has chosen to represent water issues related to the Edwards Aquifer. His personal priority is trying to gain knowledge on the issues because it is complex and requires us to deal with political realities, for example, how should he represent downstream constituents? How can he get his constituents in a better situation through a RIP? Sen. Hegar wants a successful RIP, and through conversations with Joy Nicholopoulos (USFWS), he came to realize that the RIP process can take a long time and thus, he saw the need for legislation as an incentive to get process moving. His intent was to fashion something in the political arena to help this process move forward.

The RIP should be an open process where everyone has a say in the decisions. He can't tell the federal government what to do, but he could set up a structure conducive to get things moving. This was done by providing benchmarks. He doesn't want to be stuck in this same place 2 years from now and believes that the legislation will help the process arrive at a quicker solution, including the creation of an HCP.

The end user is the bays and estuaries, and the biggest losers are usually the end users, especially when these things take so long. There is also a problem with distrust and frustration. He is one step removed from the issue due to where he lives. His nightmare was that the RIP would be a prolonged process and there would be no mechanism in place to reduce pumping. He doesn't want to come back to this issue during the next legislative session due to lawsuits. Lawsuits don't create water for his constituents. He doesn't want his district to suffer with no solution in sight.

The steering committee designation is an issue and some people are asking "who are you to define parameters of who is supposed to make decisions?" His purpose for setting up the steering committee was to try to get a group that works for everybody. Through the Memorandum of Agreement (MOA) he just wants people to agree to be a part of the process. He wants everyone to have a say and be committed. The MOA is needed before steering committee can change, but he couldn't remember why it is this way.

When you look at this process, there is a tremendous amount of federal dollars that can become available. It will cost a lot to address these issues, but that amount is there as long as the federal government wants to do this. This is a narrow opportunity. As a state, we don't have this resource – hence the need for the MOA. People need to come to the table to have healthy discussions and get to solutions. Some people think this is a rigged

deal- but that he doesn't have that much pull around here. He doesn't know how this will all turn out.

#### Questions and Comments:

Comment: From the environmental point of view, the process is unfair due to steering committee composition. I am willing to spend time to make this a fair process, but for me as it stands, it is not a fair process.

Response: Senator Hegar - I was trying to get groups with funding to get the process running. Involvement by state agencies shows the federal government that the state is committed and interested. I also had to consider how to get this passed through the legislature and make sure that it is balanced. I tried to fashion it in a manner where one group or another doesn't have all of the say. Please take an open-minded approach to try to solve the problem.

Question: Did you think about entities representing bays and estuaries? Is there a reason they weren't mentioned?

Response: Senator Hegar - In my mind, I was thinking TPWD would represent that interest. I can't appoint true end users, the wildlife. Other than that, I don't know who truly represents the wildlife.

Comment: Sen. Uresti is following this issue closely and will be representing the interest of his constituents but will be voting with Senator Hagar. He was hoping to attend the meeting, but is running late.

Comment: Rep. Puente would have liked to attend, but had a prior engagement. He wants this process to work and wants to be available to the stakeholders and the committee as well.

Question: How comfortable are USFWS about entering this process and effects on species with new pumping limits?

Response (USFWS): We don't have an answer for that question right now. We're still trying to get the legislative review committee together and a meeting should be taking place in the next week or two. We may be able to discuss this at the August meeting.

Comment: We don't know who the appointments are to the steering committee, and this will make a huge difference. There is only one slot for the two communities that surround the springs, this doesn't seem fair to me. If there was a USFWS representative for the bays and estuaries that could be helpful - I don't see how we can make decisions without a bays and estuaries representative. Some of the unrest may be due to the fact that we just don't know who will be sitting on the steering committee.

Comment: It would be helpful if you would encourage the steering committee to be open and consider expanding the committee. I am worried that once the door is closed, it might not open again considering the time deadlines.

Response: Senator Hegar – It doesn't matter to me how things are changed. I want people to feel they have a voice. As we move forward, it will keep changing. If we don't go through some stakeholder process, we have no way to get there. Tweaking- I am all for it- you want someone from someone from the bays and estuaries- great, I am all for it.

Question: Some of us are torn between good process and meeting deadlines, could you speak to that?

Response: Senator Hegar – The deadlines are as tough to meet as possible. I think we have got to have deadlines- statutory or not. In my personal opinion, I think it is important to meet the deadlines as soon as we can. The further these dates get pushed back, the more limited we are in what we can do.

Question: I am not sure we can hire a director by this deadline. Because of deadline are we going to have a bad product or process?

Response: Senator Hegar – I expect that we meet dealines, but at the end of the day, we have to determine when we can't meet deadlines. This is a continuing, on-going process. We need to meet deadlines and we need to be realistic.

Question: We were originally invited to participate- now, are we still participants in this process or are we an advisory group to the steering committee?

Response: Senator Hegar – Everyone here is a participant. I see this group as leading the whole process. I just want to see some movement.

Question: Do you think it is possible that the MOA can be created prior to the formation of the steering committee?

Response: Senator Hegar – Yes.

Question: Can the science committee make recommendations for new research to be done? What if the science committee doesn't have the time to do research/ acquire the science necessary within the deadlines? Some questions can't be answered in year's time.

Response: Senator Hegar –This is a continually ongoing process. The science committee can recommend that certain research questions need to be answered to make decisions. The year deadline is not a hard deadline because science is an on-going process.

Question: I know you can't say that deadlines don't have to be met, but if we're making process then maybe it's not such a big deal if we miss some deadlines by a little bit.

Response: Senator Hegar – I just want to see progress and that there are some goals being set. I hope we all can agree on end dates and meet them

### **Introduction of Draft Governance Document: Mary Q. Kelly (Greater San Antonio Chamber of Commerce)**

Participants were provided copies of a draft governance document developed by an ad-hoc group led by Mary Q. Kelly. Meeting attendees were asked to review the document and provide comments and suggestions. It is not a final product or final rules, just a proposal. It will be revised for the August meeting.

### **Activity: Governance Recommendations:**

Participants were provided a worksheet and were instructed to write down recommendations for steering committee and overall RIP governance.

### **Lunch**

Recommendations from the activity were presented to the entire group of those in attendance. Based on recommendations, additional committees were formed and agenda items suggested for the August meeting.

### **Steering Committee Introductions, Appointments & Review of Legislated Deadlines**

Members of the steering committee that have already been appointed were introduced. Agencies that had not yet appointed representatives to the steering committee provided updates on where they are in the process. Several agencies indicated that their representatives will not be appointed until the August or September meetings.

Deadlines from SB 3 :

1. Convene the steering committee by Sept. 30, 2007
2. Hire a program director to be housed at TAMU by Oct. 31, 2007
3. Appoint an expert science committee by Dec. 31, 2007
4. Enter into an MOA by Dec. 31, 2007

### **Discussion Regarding Governance and Short-term Milestones**

A committee was formed to work on the MOA prior to the next meeting. Myron Hess will Chair this committee. Other persons who volunteered to serve on the MOA committee are Con Mims, Dan Laroe, Jr., Mary Q. Kelly, Jenny Sanders, Patrick Shriver, Joe Cole, Mark Taylor, Collette Baron, Carol Patterson, Kirk Patterson, George Ozuna, and Larry Hoffmann. The U.S. Fish and Wildlife Service was also requested to participate. At the August meeting, Myron Hess will report on the MOA committee's progress.

Robert Potts (EAA) recommended developing a search committee for the hiring of a Program Director. The following individuals/entities were suggested for the Search Committee: Andy Sansom, Dianne Wassenich, Con Mims, USFWS (advisory only), Farm Bureau nominee, EAA, GBRA, and SAWS. Robert Potts was suggested to chair the search committee. Following discussion, committee members & roles were accepted by group consensus. Robert Potts stated that the position description developed by the search committee will be circulated to all participants via the listserv and he will provide a report on the search committee's activities at the next meeting.

The program director will be hired by TAMU and the university may have additional requirements for the process as well. TAMU's role in the process is facilitation and the job listing, application receipt, and hiring will be conducted by TAMU in coordination with the search committee. At a minimum, the position will need to be advertised for 2 weeks and someone could be hired within the next two months.

Bob Shaw (TAMU) has prepared a budget for the position that estimates an annual funding need of \$195,000 with a 10% increase per year for the position, including benefits, an assistant, technical support, and travel. It was requested that someone, possibly through TAMU or the science committee start looking for grants to help fund the position. Someone from the EAA will work on how to fund the program in the immediate future and report at the August meeting.

### **3:30 – 3:45 Group Reports on Governance to the Steering Committee**

The interest groups formed during the morning activity meeting provided their governance recommendations to the steering committee and other group members. The recommendations of each group will be posted on the website and sent to all participants via the listserv.

#### **Agenda Items for Next Meeting:**

- Revisit the MOA
- Discuss hiring a Program Director
- RIP Requirements under Section 4 and 6 of the ESA
- Funding/costs for the RIP
  - Fed/non-fed contributions
- Revisit draft governance document and consider adoption
- Update on USFWS requirements for RIP and analysis of SB 3.