

## NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held in **the District office**, 1124 Regal Row, Austin, TX, on **Thursday, April 26, 2012**, commencing at **6:00 p.m.** for the following purposes, which may be taken in any order at the discretion of the Board:

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development) 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. **Call to Order.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **Routine Business.**
  - a. **Consent Agenda.** Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as an item of Regular Business.
    1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **NBU**
    2. Approval of minutes from the Board's April 12, 2012, Regular Meeting.  
**Not for public review at this time**
  - b. **General Manager's Report.** Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.
    1. Standing Topics.
      - i. Personnel matters and utilization;
      - ii. Upcoming public events of possible interest;
      - iii. Aquifer conditions and status of drought indicators.
    2. Discussion related to current staff work areas and specific activities of staff teams and directors. Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.

- i. Review of Status Update Report – at Directors’ discretion. **Pg. 5**
  - ii. Update on discussions concerning preparing a “white paper” on development of alternative water supplies within the District.
  - iii. Update on discussions with new property owner concerning the well on property formerly controlled by non-compliant permittee Don’s Grass
- c. Directors’ Reports. Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting.

Individual Board Members may, on a voluntary basis, make a brief report to the entire Board on their personal involvement in activities and dialogue that are of likely interest to the rest of the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Conversations with public officials, permittees, other stakeholders, and private citizens;
- Kudos and recognition of people doing good things for groundwater management in the District;
- Concerns about specific issues or problems for groundwater management in the District.

#### **4. Regular Business: Board Discussion and Possible Actions.**

- a. Discussion and possible action related to selecting the winners of the Kent S Butler Memorial college scholarship essay contest and summer aquifer-camp scholarships. **NBU**
- b. Discussion and possible action on directing staff to prepare a conceptual plan for rulemaking in response to the work session on strategies to close the gap between the District’s EDWL and applicable MAG. **NBU**
- c. Discussion and possible action related to approving negotiated master services (task-order) contracts between the District and the following contractors: Laura Raun dba Laura Raun Public Relations; Victor Raymond dba Victory Maintenance; AMEC; Alan Plummer Associates, Inc.; Hicks & Company, Inc.; Raymond M Slade, PH; Mustafa Saribudak, Environmental Geophysics Associates; and Southwest Engineers, Inc. **NBU**
- d. Presentation, discussion and possible action related to prospective enforcement actions concerning the drilling and use of an unauthorized Middle Trinity well within the District’s jurisdiction by the Golf Club at Circle C. **NBU**
- e. Discussion and possible action related to enforcement action against Aqua Texas for prior UDCP non-compliance. **NBU**

- f. Discussion and possible action related to setting the District's legislative agenda for the 83<sup>rd</sup> Regular Session of the Texas Legislature and establishing liaisons with legislative contacts on behalf of the District. **NBU**

**5. Adjournment.**

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the \_\_\_\_\_ day of April, 2012, at \_\_\_\_\_ .m.

\_\_\_\_\_, Deputy Clerk

Travis County, TEXAS

**Please note:**

This agenda and available related documentation have been posted on our website, [www.bseacd.org](http://www.bseacd.org). If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you.

The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

**Item 1**  
**Call to Order**

## **Item 2**

### **Citizen Communications**

## **Item 3**

### **Routine Business**

#### **a. Consent Agenda**

Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as an item of Regular Business.

- 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
- 2. Approval of minutes from the Board's April 12, 2012, Regular Meeting.**

### **Item 3**

#### **Routine Business**

**b. General Manager's Report. Note: Topics discussed in the General Manager's Report are intended for administrative and operational information-transfer purposes. The Directors will not deliberate any issues arising from such discussions and no decisions on them will be taken in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.**

**1. Standing Topics.**

- i. Personnel matters and utilization;**
- ii. Upcoming public events of possible interest;**
- iii. Aquifer conditions and status of drought indicators.**

**2. Special Discussion Topics, related to current staff work areas and specific activities of staff teams and directors. Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.**

- i. Review of Status Update Report – at Directors' discretion.**
- ii. Update on discussions concerning preparing a “white paper” on development of alternative water supplies within the District.**
- iii. Update on discussions with new property owner concerning the well on property formerly controlled by non-compliant permittee Don's Grass**

**STATUS REPORT UPDATE FOR APRIL 26, 2012, BOARD MEETING**

Prepared by District Team Leaders

Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
<b>GENERAL MANAGEMENT TEAM</b>			
W F Holland			
Summary of Significant Ongoing Activities	19-Apr-12	General Manager activities and notes	<p>GM activities of note since last report: Continued development of draft report of the findings and recommendations for next rulemaking, and planning for next SAC-Board work session. Reviewed technical reports prepared by staff. Discussed funding options for saline zone investigations, including discussion with Meadows Foundation. Participation in TAGD Summit Planning Committee conference calls. Participated in TAGD business meeting and two committee meetings. Participated in visioning exercise concerning outreach needs sponsored by Laura Raun Public Relations. Continued work on reporting findings for our part of City of Kyle effluent reuse feasibility study. Participation in TAGD Summit Conference Planning Committee meeting and conference calls. Coordinated next steps for programming the Kent Butler Summit on the BSZ, and assuring conference logistics were being addressed. Participated in RWQPP work group meeting. Participated in student interview on groundwater rights. Negotiated and finalized master services contracts for selected contractors. Participated in assessment of enforcement options for an out of compliance drilling contractor. Prepared and gave testimony on desalination legislative needs to HCNR. Participated in assessing District role in Circle C Golf Club contested-case, and later in addressing an unpermitted well within the District by the Club. Continued discussion of management zone approach for providing protection to Cypress Creek watershed. Attended TW/DB hearing and provided testimony on GMA 10 DFC petition. Participated in hiring three interns this summer. Participated in monthly Technical Team meeting. Coordinated with Team Leaders on current work areas. Held one on ones with Team Leaders. Prepared agendas for and attended Board meetings and reviewed and revised Minutes and prepared meeting summaries of same. Provided continued coordination and oversight of various internal and project team activities (below).</p>
Potential Future Board Considerations	19-Apr-12	Possible future Board agenda items (not necessarily next Board meeting)	<p>Select winners of college-scholarship essay contest and camp scholarship contest. Take action on staff recommendations from work sessions with Stakeholders Advisory Committee. Approve additional changes to rules related to new statute requirements. Commit funds for saline zone investigations. Briefings on various ongoing or recently completed staff projects and initiatives. Approve task-order contracts in various work areas to supplement staff resources. Authorize changes to Management Plan, as required to incorporate DFCs/MAGs.. Approve ILA(s) with COA for HCP related activities. Authorize settlement provisions for Jeremiah Venture TLAP. Approve permit applications. Order director elections. Review Management Plans of other GCDs in GMAs 9 and 10.</p>
<b>GENERAL SERVICES TEAM</b>			
Dana Christine Wilson			
Accounts Receivable	19-Apr-12	May Monthly water use fee invoices mailed out on Friday Apr 13 with invoice date of Apr 16 (due on Apr 5 and late on Apr 16th).	Amount invoiced \$25,301 (with Stenger Ridgewood removed from the equation).
Election 2012	19-Apr-12	Election documents processed: the Order to appoint custodian of records, first. The Order to Call Election will be presented to the Board in June or July (some time after the current May elections are over.)	Candidate packets 1 and 2 are now available for pick up.



	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
District Management Plan	DCW	19-Apr-12	To start again on process of updating, incorporating new TWDB requirements.	
IDD Contracts	BS/DCW/KH	19-Apr-12	Working on remainder of 24 IDD contracts for Board approval.	First round of approvals on April 12, 2012.
Grants	DCW	19-Apr-12	Setting up billing spreadsheet for Barton/San Antonio divide grant.	Item specific.
Taxes	DCW	19-Apr-12	Submitted quarterly tax reports 940 to IRS and C3 to TWC.	
Budgeting	DCW	16-Apr-12	Approved Budget Revision 2 is now on web-site.	Board-approved March 22, 2012.
<b>REGULATORY COMPLIANCE TEAM</b> John Dupnik				
Enforcement	JD	20-Apr-12	Don Farmer	Jesse Farmer has agreed to relinquish the permit, however, provision of the easement will have to be discussed with new (previous) owner. The new owner, Mr. Jimmy Nassour has been contacted but a meeting has not yet been scheduled.
			James Benoit	Mr. Benoit is being investigated for alleged violations of the well construction standards and possible commingling violations on a NDU well drilled for Andy and Linda Hastings. Staff has sampled the well twice for evidence of commingling and will be providing enforcement recommendations at an upcoming meeting.
			Circle C (GreyRock) Golf Club	As part of the contested Circle C Water Rights application with TCEQ, the District was invited to attend a site visit of the Circle C property at which time staff discovered that one of the production wells involved in the TCEQ application was in the District jurisdiction. The well was evidently drilled and brought into production without District authorization or a permit. Staff is working with Circle C to obtain more information on the well.
Drought Management	JD, KBE	20-Apr-12	Drought Compliance Monitoring and Enforcement	The District is current in "no drought" status. There are no pending enforcement cases
Rule Development and Review	JD, KH	20-Apr-12	Identify scope and develop provisions for future possible rule changes.	Staff has prepared a white paper on strategies to comply with the District's adopted DFC for the freshwater Edwards Aquifer. The SAC has been convened to vet the strategies. Staff has prepared a preliminary report to compile all of the inputs of the initial SAC meeting and provide recommendations. The SAC will consider the recommendations at the upcoming meeting on 4-24-12.
External Reviews	JD	20-Apr-12	Circle C Water Rights Permit	Circle C has filed an application for diversion of state water and use of the bed and banks for conveyance of state water, diffuse stormwater, and privately groundwater. The permit would require the use of Trinity groundwater to replace state water diverted. The District is working with the protesters - the City of Austin and Ira Yates - to access any impacts of the middle Trinity on District managed groundwater or well owners.
Hays Trinity GCD Rule Committee	JD	20-Apr-12	JD appointed by HTGCD to committee to advise on rule revisions	Chapters of the rules have been assigned to each member to lead discussion and proposed revisions. The group continues to meet monthly to work through the assigned chapters one at a time.

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Current Active Applications	JD, KBH	20-Apr-12	Ira Yates NDU, DDC creek side villas - Class C Conditional Production Permit app, Gene Burress Trinity Well, Small Middle School Monitor well, Oswaldo Guerrero NDU.	All applications are not administratively complete and are currently under review.
<b>EDUCATION &amp; OUTREACH</b>				
Robin Gary				
Groundwater to the Gulf (G2G)	RG	19-Apr-12	Registration open, looking for sponsorships	29 of 50 slots have been claimed and the majority are truly local teachers! We have a significant number of teachers from Hays ISD, Austin ISD, and Del Valle.
Ojeda Middle School	RG	02-Apr-12	Aquifer 101 and Aquifer Model	Robin worked with the 7th grade science teachers at Ojeda Middle School to introduce Aquifer 101 into the curriculum. She presented to 4 classes and trained 4 science teachers to teach the same materials. Overall, over 160 7th grade students received the Aquifer 101 presentation, aquifer model demonstration, and the Protect the Recharge Zone activity.
Negley Goes Green	RG	19-Apr-12	Water Conservation Toss	Robin worked with the 5th grade science coordinator to have the Water Conservation Toss activity staffed by volunteers at Negley Elementary's Negley Goes Green night. She trained the teacher in key points and how to facilitate the activity in an educational setting.
Environmental Board	RG	04-Apr-12	Caves and Karst Protection within the District	Two agenda items related directly to water quality protection in the Barton Springs Recharge Zone. One dealt with construction of a berm to alleviate flooding issues at the Regenis' School and the other dealt with rezoning a prime, undeveloped 12 acre tract in the Travis Country neighborhood. The berm was approved after City of Austin staff confirmed that flow paths and hydrological changes would not adversely affect two Critical Environmental Features or the Species of Concern within. The zoning case was tabled until City of Austin staff provided a more thorough review of the karst landscape and environmental sensitivity of the tract.
<b>AQUIFER SCIENCE</b>				
Brian Smith				
Dye Tracing	BS, BH	19-Apr-12	Dye tracing	A report is being prepared about the Blanco River dye traces conducted in 2009. We are waiting on review and approval of the report by EAA. A dye trace was conducted by the District in February in the sinkhole that opened in the bottom of the sedimentation pond at the Arbor Trails shopping center. Initial results of the dye trace indicate that dye injected into the sinkhole reached Barton Springs in a few days.
319(h) Grant	BS, BH	19-Apr-12	Onion Creek Recharge Enhancement Project	The grant officially ended on August 31. A final report was sent to TCEQ on August 18. A QAPP for the CWQMN sites is currently being revised.
Water-Quality Studies	BS, BH	19-Apr-12	Sampling and analysis of groundwater and surface water	Plans are being made for sampling during the summer of 2012. However, with limited funds from TWDB, the amount of samples collected will be considerably less than in previous years.
Saline Zone Studies	BS, BH	19-Apr-12	Installation of multiport monitor well	The partners in this project agree that a deep multiport well to the Lower Trinity is needed, but funding for such a well is uncertain. Cost estimates for a deep well have been received from two drilling companies. Both deep and shallow wells are under consideration.
Drought and Water-Level Monitoring	BH, BS	19-Apr-12	Drought status, monitor wells, and synoptic water level events	Following 4 months of above average rainfall, aquifer conditions were such that the Board approved the staff recommendation of declaring an end to the drought on March 22. Currently, flow at Barton Springs is at 94 cfs and depth to water in the Lovelady well is 164.7 ft.

Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
BS, BH	19-Apr-12	Presentations, conferences, reports, and publications	Aquifer Science staff presented a paper at the Emerging Issues in Groundwater conference hosted by NGWA. The conference was held on Feb.27-28 in San Antonio. Aquifer Science staff are also working on the GCAGS conference that will be held in Austin in October 2012. and will be presenting several papers at the conference.
<b>AD-HOC TEAMS</b>			
Technical Team	19-Apr-12	Current areas of discussion	Key topics of discussion for February were saline zone studies, summer interns, rule changes, and Circle C golf course issues.
Planning Team	16-Mar-12	Strategic and tactical planning and discussion topics	Will be evaluating how policy, procedure, and documentation need to be revised to conform to current SAO audit emphases.
<b>UPCOMING ITEMS OF INTEREST</b>			
Austin Board of Realtors: Water for Central Texas - Solving the Problem, a forum hosted by Kirk Watson	24-Apr-12	9 AM - 12 N. Capitol Auditorium (MS, KH)	
Joint Work Session of Board and SAC, to review and comment on staff recommendations for closing the gap	24-Apr-12	6:30-8:30 PM, Hampton Branch Library, Convict Hill Rd (half mile west of MoPac)	
ECT Natural Infrastructure Committee meeting	26-Apr-12	11:30-1:30 in Bastrop County Annex Conference Room (2nd floor), 804 Pecan Street in downtown Bastrop (KH)	
Southern Great Plains Drought Assessment and Outlook Forum	26-Apr-12	10AM-3PM, International Cultural Center Auditorium, Texas Tech Univ., Lubbock	
Second April Board Meeting	26-Apr-12	Select College Essay and Camp Scholarship Contest Winners	
GMA-9 Meeting	30-Apr-12	10 AM - 12 N. Bandera (BH, KH?)	
Inaugural Kent Butler Memorial Summit on Sustainability of the Barton Springs Zone	03-May-12	8:30-4:30, at LBJWFC: SELF-REGISTRATION now open (space is limited)	
TCEQ Environmental Trade Fair and Conference	10-May-12	Through 5/13; Henry B. Gonzalez Convention Center, San Antonio (JD)	
First May Board Meeting	10-May-12	Possibly Butler Memorial college scholarship awards ceremony, with Christy Moore present	
ECT Community Stewardship Awards Luncheon	11-May-12	Noon - 1:30, Hyatt Regency Austin; BSEACD has table reserved; register through Tammy	

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
TCEQ Pollution Prevention Advisory Committee presentation by BSEACD on drought management at BSEACD		21-May-12	9 AM - 12 PM, TCEQ Park 35 offices. F-2210 (BL,KH, JD)	
2012 Texas Water Summit: Securing Water for Texas's Future		21-May-12	Reception and dinner night before: UT AT&T Conference Center (\$\$)	
Second May Board Meeting		24-May-12	Camp Scholarships Awards ceremony	
Memorial Day Holiday - District Office Closed		28-May-12		

### **Item 3 Routine Business**

**c. Directors' Reports. Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting.**

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## **Item 4**

### **Board discussions and possible actions**

- a. Discussion and possible action related to selecting the winners of the Kent S Butler Memorial college scholarship essay contest and summer aquifer-camp scholarships.**

## **Item 4**

### **Board discussions and possible actions**

**b. Discussion and possible action on directing staff to prepare a conceptual plan for rulemaking in response to the work session on strategies to close the gap between the District's EDWL and applicable MAG.**

## **Item 4**

### **Board discussions and possible actions**

**c. Discussion and possible action related to approving negotiated master services (task-order) contracts between the District and the following contractors: Laura Raun dba Laura Raun Public Relations; Victor Raymond dba Victory Maintenance; AMEC; Alan Plummer Associates, Inc.; Hicks & Company, Inc.; Raymond M Slade, PH; Mustafa Saribudak, Environmental Geophysics Associates; and Southwest Engineers, Inc.**



## **Item 4**

### **Board discussions and possible actions**

**d. Presentation, discussion and possible action related to prospective enforcement actions concerning the drilling and use of an unauthorized Middle Trinity well within the District's jurisdiction by the Golf Club at Circle C.**

## **Item 4**

### **Board discussions and possible actions**

- e. Discussion and possible action related to enforcement action against Aqua Texas for prior UDCP non-compliance.**

**Item 5**

**Adjournment**