

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
May 22, 2014**

Board members present at commencement: Bob Larsen, Craig Smith and Blake Dorsett. Mary Stone attended by Video Conference. Staff present: John Dupnik, Brian Smith, Brian Hunt, Kendall Bell-Enders and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta and Kirk Holland of Holland Groundwater Consultants, also participated in the meeting. Also present were those on the attached sign-in sheet. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

**1. Call to Order.**

Dr. Larsen called the meeting to order at 6:02 p.m., noting that a quorum of the Board was present.

**2. Citizen Communications (Public Comments).**

There were no 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.**
2. **Approval of minutes of the Board's May 8, 2014, Regular Meeting.**
3. **Approval of out-of-state travel for Aquifer Science Team Leader, Brian Smith, to attend and present a paper at the 5<sup>th</sup> International Symposium on Karst in Malaga, Spain, October 13 – 16, 2014.**

Mr. Dupnik briefed the Board on the consent agenda items above.

Mr. Smith moved approval of consent agenda items 3a. 1 through 3, as presented by staff.

Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

#### **4. Presentations.**

Presentation by Graham Moore on the Hays Caldwell Public Utility Agency.

Mr. Moore indicated that the City of Buda was interested in a transfer of permitted pumpage from Kyle to Buda to fill a short-term water shortage beginning in 2017. The transfer would allow the Public Utility Agency to defer construction of a planned pipeline to transport Carrizo-Wilcox water from the east. The permit transfer is currently precluded by the current District rules. Mr. Moore would like the Board to consider this type of transfer the next time the District rules are opened up for revisions.

#### **5. Discussion and Possible Action.**

##### **5a. Discussion related to a presentation of staff-generated cost estimates for proposed HCP-specific measures.**

Mr. Dupnik presented a description of the proposed research and mitigation measures and the cost estimates developed by staff for these HCP-specific measures for a scenario covering the 20-year permit term. Key points covered included:

- The proposed research and mitigation measures will require some shifting of current funding, resources, and project priority to implement.
- The Aquifer Science Team will be the lead team on the project-oriented measures.
- All HCP-specific measures led by the Aquifer Science Team will require approximately 50% of their budget leaving the remainder for ongoing operations and other Board-directed projects.
- The other District teams would need to apply a lesser level of labor and budget for HCP-specific measures leaving the majority of budgeted funds and labor for the direct HCP and Management Plan measures.

The Board asked questions and accepted the analysis as a gross estimation of future labor and expenditures for the HCP-specific measures. The Board recognized that the numbers weren't absolute but represented one possible future scenario, and were estimates to provide a relative sense of the anticipated level of effort if the HCP is approved with the current proposed measures.

No action was taken.

##### **5b. Discussion related to the preparation and status of the District Habitat Conservation Plan including consideration of suggested edits in response to Director comments and other preliminary comments.**

Mr. Dupnik provided an overview of the suggested edits in response to:

- 1) Issues identified in individual Directors' comments,
- 2) Clarification that the plan was a regular rather than "regional" HCP, and
- 3) The need for additional mitigation measures in response to informal comments from the Service.

After discussion, Mr. Smith moved to incorporate the following edits:

**Sec. 5.2.2**

Change "possibly" to "ultimately."

**Sec. 7.2.2.2**

Change first highlighted language to:

"...the Board is committed to induce selected individual permittees that have unused alternative water supplies to voluntarily agree to temporary curtailments of pumping greater than otherwise required by District Rules until..."

Add this sentence before the last sentence in 2:

"The inducement for such temporary curtailments could be temporary increases in the permittees' permitted volumes once drought ends."

**Sec. 8**

Add this sentence after the first sentence: "Most of the direct measures called for in the HCP, including the District's well permitting and drought management programs, are already part of the management plan and annual budget."

Mr. Dorsett seconded the motion and it passed with a vote of 4 to 0.

**5c. Discussion and possible action related to GMA 9 planning efforts including approval of an Interlocal Agreement and direction to the District GMA 9 representative on the declaration of certain aquifers as relevant for regional planning purposes.**

Mr. Hunt, the District representative to GMA 9, requested direction from the Board on: 1) approval of an interlocal agreement, and 2) the vote on declaring minor aquifers in Kendall County as relevant for regional planning purposes.

After discussion, Mr. Smith moved to approve the red-lined GMA 9 interlocal agreement provided in the backup by motion rather than a resolution.

Mr. Dorsett seconded the motion and it passed with a vote of 4 to 0.

Mr. Smith also moved to direct Brian Hunt, the District's GMA 9 representative to vote the Hickory and Ellenberger aquifers as "relevant" in Kendall County only, and not in the other counties.

Ms. Stone seconded the motion and it passed with a vote of 4 to 0.

**5d. Discussion and possible action related to the vetting of prospective Director Candidates to the fill the vacancy for Precinct 2 and consideration of the Board subcommittee's recommendation for appointment of an interim Director.**

Mr. Dupnik and the subcommittee consisting of Dr. Larsen and Mr. Smith updated the Board on the progress of the interviews of the four Director candidates.

Mr. Dupnik suggested that the subcommittee be allowed to meet another time to develop a possible recommendation which may be provided at the next Board meeting on June 12. In the interim, the subcommittee encouraged the other directors to contact the candidates individually to discuss their qualifications.

No action was taken.

**3b. 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**

Mr. Dupnik and staff updated the Board and answered directors' questions on the items listed above.

**2. Special Topics.** *(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. Update on Team activities and highlights**
- ii. Update on regulatory and enforcement activities**
- iii. Update on current Aquifer Science Team projects**
- iv. Update on efforts to characterize the saline zone of the Edwards Aquifer**
- v. Update on the status of *SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District***


Mr. Dupnik and staff updated the Board and answered Directors' questions on the items listed above.

**6. Adjournment.**

Without objection, Dr. Larsen adjourned the meeting at 8:33 p.m.

Approved by the Board on June 12, 2014:

By:   
Robert D. Larsen, Acting President

Attest:   
Craig Smith, Secretary