

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting & Public Hearing
September 11, 2014**

Board members present at commencement: Bob Larsen, Mary Stone, Craig Smith and Blake Dorsett. Staff present: John Dupnik, 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 August 28, 2014, Regular Meeting.**
3. **Approval of the effectiveness of Directors' communications with stakeholders and constituents for the 4th Quarter FY 2014 per the collective judgment of the Board, as required by the District's Management Plan.**

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, noting an invoice from Bickerstaff in the amount of \$7497.00, and a satisfactory judgment for the 4th Quarter Directors' communications.

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

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. Review of Status Update Report – at directors' discretion**
- ii. Update on activities related to GMA and regional water planning**
- iii. Update on efforts to characterize the saline zone of the Edwards Aquifer**
- iv. Update on status of area roadway projects**
- v. Update on the status of the City of Kyle's remanded permit application**

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

Public Hearing (6:15)

The Board will hold a Public Hearing the proposed draft Habitat Conservation Plan (HCP) that has been developed in support of a prospective application for an Incidental Take Permit (ITP) from the United States Fish and Wildlife Service. The proposed HCP includes measures necessary to avoid, minimize, and mitigate potential adverse effects or "take" of the endangered Barton Springs salamander (*Eurycea sosorum*) and Austin blind salamander (*Eurycea waterlooensis*) associated with District-permitted withdrawals of groundwater from the Barton Springs segment of the Edwards Aquifer.

Dr. Larsen opened the Public Hearing at 6:15 p.m.

Mr. Dupnik and Brian Hunt provided a presentation providing a brief history of the project, the context for the HCP, an HCP overview, and suggested next steps.

Dr. Laurie Dries, the MAC chair, provided a summary of comments from the MAC on the most recent draft plan that was received.

Ms. Dries first stated that the MAC agrees with the conservation measures proposed in the plan and commended the decision to hire a technical editor noting that improving the readability of the document will facilitate document review and reduce future comments. Mr. Dries further described some remaining concerns and questions related to: the need to better explain the take estimate methodology; the “gap” between the permitted pumping and the adopted extreme drought MAG; and the absence of a distinction between lethal and sub-lethal take in the take estimates. Ms. Dries concluded by thanking the District and expressed appreciation for the District’s efforts to address all of the MAC comments submitted to that point.

Mr. Jon Beall of Save Barton Creek Association also commended the District for their efforts to obtain the ITP, and thanked everyone who worked on it.

Mr. Dupnik read a letter that was submitted by Save Our Springs Alliance into the record.

There were no other public comments therefore; Mr. Smith moved to close the Public Hearing at 7:15 p.m.

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

5. Discussion and Possible Action.

5a. Discussion and possible action related to approval of the proposed Draft HCP for final editing and submittal to the USFWS in support of an ITP from the United States Fish and Wildlife Service.

Ms. Stone asked Mr. Dupnik to address some of comments provided in the public hearing.

Mr. Dupnik described the measures in the District management plan and the draft HCP that were responsive to the comments about the gap indicating the District was confident that it had all the tools needed to preserve the DFC which was not only an HCP commitment but a statutory mandate. Mr. Dupnik then addressed the comments related to making a distinction between lethal and sub lethal take indicating that the City’s HCP makes a distinction whereas the Edwards Aquifer HCP does not. He added further that the USFWS has consistently maintained that that the definition of “take” includes all adverse effects including both lethal and sub lethal.

Mr. Smith moved to delay action on this item until the September 25th Board meeting, in order to give staff time to address the comments that were given in the Public Hearing.

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

5b. Discussion and possible action related to authorizing the general manager to negotiate and the acting Board President to execute a contract with a technical editor to provide non-substantive editing of the HCP in support of preparation of the ITP application.

Mr. Dupnik suggested that the District hire a sole source technical editor to improve consistency and readability of the HCP.

Mr. Smith moved to authorize the General Manager to negotiate, and the acting Board President to execute a contract with Peter Bush a technical editor, to provide non-substantive editing of the HCP in support of preparation of the ITP application.

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

5c. Discussion and possible action to authorize Phase V of the contract with Holland Groundwater Management Consulting to support preparation of the ITP Application and other related tasks.

Mr. Dupnik explained that he would like Board approval to engage Mr. Holland's assistance in preparing the application for the HCP.

After discussion, Mr. Smith moved to approve Phase V of the contract with Holland Groundwater Management Consulting.

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

5e. Discussion and possible action related to a minor amendment application filed by Cornerstone HTJ, LLC (Mr. and Mrs. Jones) to increase the permitted volume from 490,000 gallons/year to 980,000 gallons/year to withdraw from a Middle Trinity Aquifer multi-user well to include an additional property located a 209 Ashworth Dr, Rollingwood, Texas for residential irrigation.

Ms. Bell-Enders explained that the original application was in the name of Mr. Trotter and that he has sold the lot that the well was drilled on to Mr. & Mrs. Jones. She went on to say that they are asking for an amendment to increase the permitted volume from 490,000 gallons to 980,000 gallons per year to allow for irrigation on their property and Mr. Trotter's property which is the adjacent lot.

The amended irrigated demand volume was calculated based on the recent Board approved methodology. The well is permitted as a multi-user well and they intend to share the water with Mr. Trotter.

Mr. Dupnik stated that the Jones' wanted to attend the meeting to address the Board but was unable to make it.

Ms. Stone stated that if the Board does not have to act on this that she would prefer to do nothing. She said that she realizes that it is within the standards that the Board has set, but

that it is an outrageous amount of water, and because the applicant failed to show up that she would prefer to leave it up to the General Manager's discretion.

After further discussion, the Board took no action.

5d. Discussion and possible action related to selecting a first-choice firm to begin negotiations on a contract to provide legislative consulting services for the upcoming legislative session.

Mr. Dupnik presented the compiled results of the Director's individual rankings of the four firms considered for the contract.

After discussion, Ms. Stone moved to authorize the General Manger to begin negotiations with Sledge Fancher, to provide consulting services for the upcoming legislative session.

Mr. Dorsett seconded the motion and it passed with a vote of 3 to 1. Mr. Smith voted nay.

6. Adjournment.

Without objection, Dr. Larsen adjourned the meeting at 8:18 p.m.

Approved by the Board on September 25, 2014:

By: 
Robert D. Larsen, Acting President

Attest: 
Craig Smith, Secretary