

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
September 25, 2014**

Board members present at commencement: Bob Larsen, Mary Stone, and Blake Dorsett. Craig Smith was absent. Staff present: John Dupnik, Brian Smith, Dana Wilson, Brian Hunt, Robin Gary, Vanessa Escobar 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 6:01 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 September 4, 2014, Special Called Meeting and September 11, 2014, Regular Meeting.**
3. **Approval of issuing the earned Conservation Credits to permittees for FY 2014.**
4. **Approval of FY 2014 financial performance reports: Actual Receipts and Expenses vs. Budgeted Amounts, and EoY Balance Sheet.**
5. **Approval of alternative dates for the November and December Board meetings.**

6. Approval of a contract with Sledge Fancher, PLLC to provide legislative consulting services to the District in the upcoming legislative session.
7. Approval to amend the order for the general election for Director of Precinct 2 to be held on November 4, 2014, including consideration of (a) approval of election day precincts and polling places and early voting dates, times and locations; (b) a joint election agreement with entities in Travis County; (c) an election services contract with Travis County; (d) an election services contract with Hays County; and, (e) a joint election agreement with entities in Hays County.

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

Ms. Stone moved approval of consent agenda items 3a. 1 through 7 as presented, noting alternate Board meeting dates of November 20<sup>th</sup> and December 11<sup>th</sup>.

Mr. Dorsett seconded the motion and it passed with a vote of 3 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. **Update on Team activities and highlights**
- ii. **Update on regulatory and enforcement activities**
- iii. **Update on current Aquifer Science Team projects**
- iv. **Update on interim legislative activity**
- v. **Update on efforts to characterize the saline zone of the Edwards Aquifer**
- vi. **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.

#### **4. Discussion and Possible Action.**

##### **4a. 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.**

Mr. Dupnik explained that at the last meeting the Board delayed action and directed staff to address certain pertinent comments that were presented by the MAC in the hearing.

Mr. Hunt then presented an overview of the revisions that were made to the draft HCP in response to the comments which include:

- An increase in the take-initiation threshold from 20 cfs (4.5 mg/L) to 30 cfs (5.0 mg/L). This expanded the aquifer conditions to include springflows and DO concentrations where behavioral conditions that annoy (take) the salamander begin.
- A revised monthly take factor to reflect the expanded take conditions which result in a longer reference period but a slightly lower monthly take factor.
- A revised take estimate to reflect the expanded conditions, the new monthly take factor, and the resulting increase in estimated take over the 20-year scenario created to encompass the requested permit term.
- Additional language to qualitatively describe the three circumstances that make up the take estimate and the varying degree of lethal and sub-lethal take that may occur in each.
- Revised charts to plot the different pumping scenarios and the associated effects on springflow and DO. Where these charts had previously reflected commutative salamander mortality, they now depict DO only to show the relative differences between scenarios and the benefits associated with the existing and proposed conservation measures.

Mr. Kevin Connally from USF&W was present and provided comments on the progress of the HCP.

After discussion, Ms. Stone moved to direct staff to complete the final editing of the HCP, prepare the ITP application, and bring the final draft and the completed application back to the Board at a future Board meeting for approval prior to submittal to the USFWS.

Mr. Dorsett seconded the motion and it passed with a vote of 3 to 0.

##### **4c. Discussion and possible action related to authorizing the General Manager to enter into an agreement with Texas Disposal Systems (TDS) to allow the District to drill and have future access to a monitor well on TDS property.**

Dr. Larsen and Dr. Smith provided a briefing to the Board on the efforts to re-engage with TDS on finalizing an access agreement for a District multi-port monitor well on TDS property.

Dr. Larsen stated that Gary Newton received the letter from Dr. Smith and would get with Bob Gregory to discuss it. He also commented that TDS is still interested in desalination.

No action was taken.

**4d. Discussion related to setting the FY 2015 District Goals and the FY 2015 objectives for the General Manager.**

Mr. Dupnik presented the staff recommended goals and possible alternate goals for Board consideration. He explained that the 6 recommended goals were team-oriented and would help provide direction for the staff's efforts in the coming year.

After discussion, Ms. Stone moved approval of the FY 2015 District goals 1-6 as presented in the Board backup.

Mr. Dorsett seconded the motion and it passed with a vote of 3 to 0.

Mr. Dupnik described the recommended FY 2015 General Manager objectives and noted that they were intentionally tied very closely to the FY 2015 goals.

After discussion, Ms. Stone moved approval of the FY 2015 objectives 1-7 for the General Manager as presented in the Board backup.

Mr. Dorsett seconded the motion and is passed with a vote of 3 to 0.

**Directors' Reports.** *(Note: Directors' comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting. Communications reported under this item may be used to support Performance Standard 4-1 of the District's Management Plan related to demonstration of effective communication with District constituents.)*

Directors may report on their involvement in activities and dialogue that are of likely interest to 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, stakeholders, and other constituents;
- Recognition of people doing good things for groundwater management in the District; and
- Issues or problems of concern.

**Ms. Stone reported the following:**

Attended three Board Meetings

Met with two legislators  
Toured the KDBJ quarry site  
Attended the Hill Country Alliance Leadership Conference in Fredericksburg

**Mr. Dorsett reported the following:**

Attended three Board Meetings  
Attended the Creedmoor Maha WSC Board Meeting  
Made phone calls to Billy Gray regarding capping a District monitor well on his property

**Dr. Larsen reported the following:**

Attended the Texas Desal Conference  
Met with Representative Workman, Eddie Rodriguez, and Jason Isaac related to flooding on Onion Creek  
Attended a lunch meeting presentation by Farm Bureau  
Met with City of Buda, TDS, and Onion Creek Golf Course with John Dupnik and Brian Smith regarding wastewater issues

**4b. Discussion and possible action related to notifications or requests to TxDOT for additional access to SH45 and compliance with the consent decree.**

The Board adjourned into executive session as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 7:46 p.m. Dr. Larsen stated that no actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 8:38 p.m. Dr. Larsen stated that no actions or decisions were made while in Executive Session.

**5. Adjournment.**

Without objection, Dr. Larsen adjourned the meeting at 8:39 p.m.

Approved by the Board on October 9, 2014:

By:   
Robert D. Larsen, Acting President

Attest:   
Craig Smith, Secretary