

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
October 24, 2013**

Board members present at commencement: Mary Stone, Gary Franklin, Craig Smith, Bob Larsen, and Blake Dorsett. Staff present: John Dupnik, Brian Smith, Dana Wilson, Kendall Bell-Enders, and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, and Acosta and Kirk Holland of Holland Groundwater Management 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.

Ms. Stone called the meeting to order at 6:03 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 October 10, 2013, Regular Meeting.**
3. **Approval of annual report of FY2013 budget vs. actuals performance, before auditor's adjusting entries.**
4. **Approval to extend the times of office closing over the holidays.**
5. **Approval of the date, time, and place for the District's Holiday Party.**
6. **Approval of the staff's individual incentive compensation projects for FY 2014.**

7. Approval and execution of a contract with Clean Water Fund to provide education and outreach to HOAs.

Mr. Dupnik briefed the Board on the consent agenda items above, noting the scheduling of the District Holiday party to be held at Gary Franklin's house on December 13th, 2013 from 6-8pm, and the closure of the District office during the week of December 23rd for the Holidays.

Mr. Smith moved approval of the consent agenda items 3a. 1 through 7.

Mr. Dorsett seconded the motion and it passed with a vote of 5 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.**

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 GMA and regional water planning activities**
- iii. Update on efforts to characterize the saline zone of the Edwards Aquifer**
- iv. Update on the status of *SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District.***

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

3c. 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.

Dr. Larsen reported the following:

Met with a representative of Interra
 Attended a scoping meeting with TDS
 Attended a breakfast meeting with Paul Workman on SH 45 SW
 Met with Poseidon Water regarding Desal

Mr. Dorsett reported the following:

Attended a scoping meeting with TDS
 Spoke with concerned citizens regarding a new landfill

Mr. Franklin reported the following:

Attended a Scoping Meeting on SH-45

Mr. Smith reported the following:

Attended an Independent Citizens of Redistricting Meeting

Ms. Stone reported the following:

A Ruby Ranch land purchase and conservation easement for open space
 A Jeremiah Venture meeting

4. Discussion and Possible Action

4a. Discussion and possible action related to an application filed by Farmland Operating Company (David Trotter) for a Well Drilling Authorization application and a Historical Production Permit application to drill a new nonexempt irrigation well located at Kristi Drive (legal: .6892 Acres of Lot 1, Shaw Acres), City of Rollingwood and withdraw an annual permitted volume of approximately 750,000 gallons of groundwater from the Middle Trinity Aquifer.

Ms. Bell-Enders provided an overview of the proposed application for a middle Trinity irrigation well. She explained that based on the information provided by the applicant, the

calculated demand using the District's accepted methodology supported a volume of 750,000 gallons/year rather than the higher volume requested.

Ms. Stone indicated concerns related to the calculated volume and proposed use of the water requested, and recommended that the application be postponed to allow for a public hearing.

After further discussion, Mr. Smith moved to postpone action on the item until a date when the applicant can come before the Board, and set a Public Hearing at the November 14th regular Board Meeting.

Dr. Larsen seconded the motion and it passed with a vote of 5 to 0.

4b. Discussion and possible action related to the declaration of a change to a less severe drought stage, from Stage III-Critical to Stage II-Alarm drought.

Dr. Smith informed the Board that both drought triggers were maintaining levels above the Stage III Critical threshold, and that worse case projections indicate that Stage II conditions will likely maintain for at least two months.

After further discussion, Dr. Larsen moved to go back to Stage II-Alarm drought, based on the facts presented.

Mr. Dorsett seconded the motion and it passed with a vote of 5 to 0.

4c. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Ms. Bell-Enders provided a report indicating that the Tier II and III permittees were compliant with their monthly drought restrictions, and suggested that no enforcement actions were needed at this time.

No action was taken by the Board.

4d. Discussion and possible action related to issuance of a Notice of Alleged Violation to Austin 1825 Fortview Management, L.P. for operating a nonexempt water well on property located at 6240 Hwy 290 without a permit.

Mr. Dupnik briefed the Board on the findings of the investigation report indicating that there was sufficient evidence of violations of District rules for operating a well without a permit. He said that staff recommended that a Notice of Alleged Violation with an offer for early resolution be issued. It would include the full amount of penalties if there was no cooperation, a deadline for responding to the offer, and allowance for reduced penalties provided that the owners agreed to compliance with the recommended requirements.

After further discussion, Dr. Larsen moved to issue a Notice of Alleged Violation to Austin 1825 Fortview Management L.P., with the timelines for penalties stated in the document.

Mr. Smith seconded the motion and it passed with a vote of 5 to 0.

4e. Discussion and possible action related to the draft Purpose and Needs statement for the EIS on SH45 Southwest.

Mr. Dupnik provided an overview of the staff's suggested comments on the Purpose and Needs (P&N) statement informing the Board that the letter recommended including some of the overarching goals of the consent decree.

Mr. Smith moved to authorize the General Manager to present the proposed amendments of the SH 45 P&N set out in the draft letter dated October 25, 2013 to TxDOT.

Dr. Larsen seconded the motion and it passed with a vote of 5 to 0.

4f. Discussion and possible action related to recent activities, developments, and documentation on the District HCP.

Mr. Holland provided an overview of the draft HCP and described the actions going forward. He said that it will involve an internal staff review to be completed by mid-November, followed by Board review, and then review by the MAC possibly sometime in January. He also informed the Board that the USFWS scoping meeting initially scheduled for Nov 7th had to be cancelled but may be rescheduled to be held before Thanksgiving.

Dr. Larsen and Mr. Dorsett expressed concerns with the commitment of costs that are associated upon completion of the HCP.

No action was taken by the Board.

4g. Discussion and possible action related to the process, scope, and desired schedule for developing the District's Contingency and Risk Management Plan.

Mr. Holland described the need for the Risk Management Plan and the commitment to have it completed by the end of January. He further described the proposed process and projected timelines. He said that the next steps would involve a narrowing of the proposed list of risks and threats to the priority risks to be planned for.

Mr. Smith moved to direct Kirk Holland and staff to continue the development of the plan and to keep them apprised of the progress.

Dr. Larsen seconded the motion and it passed with a vote of 5 to 0.

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 8:22 p.m.

Approved by the Board on November 14, 2013:

By: Mary Stone .
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary