

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting and Two Public Hearings
May 26, 2016**

Board members present at commencement: Blayne Stansberry, Craig Smith, Bob Larsen, Mary Stone and Blake Dorsett. Staff present: John Dupnik, Robin Gary, Vanessa Escobar, Brian Smith, and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta 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. Stansberry called the meeting to order at 6:02 p.m., noting that a quorum of the Board was present.

5. Presentations.

5a. Awarding of the Kent S. Butler Memorial Groundwater Stewardship College Scholarship and the Aquatic Science Adventure Camp scholarships to the selected recipients.

Ms. Gary introduced each camp scholarship winner and gave a brief overview of their application. Congratulations were given by the Board and pictures were taken.

2016 Camp Scholarship winners are:

Audrey Majors
Emma Pettiette
Ella Pettiette
Ethan Jensen
Liam Prude
Jacob Meredith
Eliot Reynolds

Ms. Gary introduced Ms. Eliza Cain as the 2016 winner of the Kent S. Butler Memorial Groundwater Stewardship College Scholarship. Ms. Cain attends the Liberal Arts and Science Academy and gave a brief overview of her essay titled Past, Present & Future of Texas Groundwater Law. She accepted her award and pictures were taken.

4. Public Hearings.

4a. The Board will hold a public hearing on: 1) proposed Desired Future Conditions (DFCs) for the Trinity Aquifer (throughout GMA 10), the Austin Chalk Aquifer (Uvalde County), the Buda Limestone Aquifer (Uvalde County), the Freshwater Edwards Aquifer – Northern Subdivisions (Hays and Travis Counties), the Saline Edwards Aquifer – Northern Subdivision (Hays, Travis, and Caldwell Counties), the Edwards Aquifer – San Antonio Segment (Counties within the Edwards Aquifer Authority), the Edwards Aquifer (Kinney County); the Leona Gravel (Uvalde County), and 2) proposed Non-Relevant Aquifer classifications for the Austin Chalk Aquifer (Medina County), the Buda Limestone Aquifer (Medina County), and the Leona Gravel (Medina County) adopted by GMA 10. The Board will accept oral comment, testimony, and other documentation and information relevant to the proposed DFCs and Non-Relevant Aquifer Classifications. (6:15)

Ms. Stansberry opened the Public Hearing at 6:16 p.m.

Mr. Dupnik gave a presentation on the Groundwater Management Area 10 Proposed Desired Future Conditions and Relevant Aquifer Designations. He then gave a timeline of events that lead up to this Public Hearing, and stated that the deadline for written comments is June 20, 2016.

Ms. Stansberry called for Public Comments.

Kelly Davis of Save our Springs Alliance, made the following comments:

She stated that she appreciated the work that staff has put into this, she saw the draft explanatory reports and although she has not had a chance to really read and digest those, they will be really helpful in drafting Save our Springs Alliance written comments that she intends to file by the June 20th deadline. She stated that on an information sheet on our website there is a document titled DFCs for District Aquifers Adopted, which states that DFCs express local and regional policy side of groundwater management, balancing the need to provide requisite water supplies with long-term protection as sustainability, and that the TWDB will use models as assessment tools to estimate total amount of groundwater that may be withdrawn and that's the science side. She said that that is not entirely an accurate characterization of the DFC process because it seems that the factors that the District is required by the Texas Water Code to consider in setting the DFCs do inject science into setting those standards. She does believe that it is not entirely inaccurate in that this is the forum to have that policy debate where it's appropriate to make the policy arguments before they go to the TWDB, and she would say that in light of that there should be a greater effort to involve stakeholders. She knows that we work really hard and we follow the law and we do what we can, it's just disappointing that she is the only person here making public comments on this given HB3405 and what happened last year when EP proposed those wells, people care about the conditions of the aquifer and she wished there was a way to make this process more interesting and inclusive to the public because it's important to get all of the relevant views. Regarding the DFCs for the Fresh Northern Edwards, SOS believes that the DFC should be higher, at least 10 cfs during the drought of record. The best available

science shows that a DFC of less than 9.6 cfs guarantees jeopardy of Barton Springs Salamanders and Austin Blind Salamanders. They start suffering from low dissolved oxygen rates at approximately 40 cfs and extended stream flows below 20 cfs have shown major adverse effects on the salamander and other vulnerable aquatic life. The HCP discusses cooperating with the City of Austin and permittees to curtail pumping during times of extreme drought particularly to fill the gap of 1.5 cfs that was identified in the HCP between the regulatory curtailment program and modeled maximum of average annual pumping. She believes that this DFC process is a good time to institutionalize and codify those goals that are stated in the HCP, to ensure that jeopardy of the salamander does not happen because they are related, but the HCP only seems to be mentioned a couple of times in the explanatory documents. Based on the science they would say that the DFC for the Northern Fresh Edwards Aquifer should be 10 cfs on a monthly average during a recurrence of the drought of record, and request that the District make progress toward this DFC by immediate and near term regulatory and non regulatory actions. She appreciated the explanation on the saline zone; she has not looked at the explanatory report yet, but hopes that there is science to justify the 75 foot draw down without any danger of contamination of brackish water into the fresh water Edwards.

There were no other public comments, therefore; Ms. Stansberry closed the Public Hearing at 6:34 p.m.

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 12, 2016 Regular Meeting.**

Mr. Smith moved approval of consent agenda items 1 and 2 noting an invoice from Carollo in the amount of \$9,141.10.

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

3. Routine Business.

- 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 unless the topic is specifically listed elsewhere in this 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. Update on Team activities and highlights
- ii. Update on regulatory and enforcement activities
- iii. Update on current Aquifer Science Team projects
- iv. Update on ongoing District grant projects
- v. Update on the activities related to the SH 45 SW roadway project
- vi. Update on activities related to the HCP and the associated draft EIS
- vii. Update on activities related to the City of Dripping Springs TPDES permit application
- viii. Update on activities related to the Travis County PGMA

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

4. Public Hearings.

4b. The Board will hold a consolidated public hearing on the conversion of a Temporary Production Permit issued to Texas Old Town, located at 1205 Roland Lane Kyle, TX 78640, to a Regular Production Permit pursuant to the HB 3405 permit process. The Regular Permit would authorize continued operation of the existing well and withdrawal of a maximum annual permitted volume of approximately 10,000,000 gallons of groundwater from the Trinity Aquifer for Commercial Use. (6:45)

Ms. Stansberry opened the Public Hearing at 6:45 p.m.

Ms. Escobar stated that this is one of the 18 temporary permits that came in and issued in September of 2015. They are part of the small group of applicants that requested over 2,000,000 gallons per year, meaning that they would have to perform the additional requirement of completing an aquifer test and submitting a Hydrogeologic Report. After all of the temporary permits were issued, we continued further review and processed this application. Texas Old Town is a wedding venue on a 55 acre tract in Kyle. She went on to say that they use the Trinity well for irrigation and the facility. They plan to expand their outdoor landscaping and outdoor water features as part of their business plan, which is how

they projected a volume of 10,000,000 gallons. She said that they performed Hydrogeologic testing and based on the results of the report, there is likely a very low possibility that their well would affect nearby wells, and in fact there are no Trinity wells nearby.

There were no public comments, therefore; Ms. Stansberry closed the Public Hearing at 6:47 p.m.

6. Discussion and Possible Action.

6b. Discussion and possible action on approval of the conversion of a Temporary Production Permit issued to Texas Old Town, located at 1205 Roland Lane Kyle, TX 78640, to a Regular Production Permit pursuant to the HB 3405 permit process that would authorize continued operation of the existing well and withdrawal of a maximum annual permitted volume of approximately 10,000,000 gallons of groundwater from the Trinity Aquifer for Commercial Use.

Ms. Escobar stated that staff recommends approval of the conversion of Texas Old Town's Temporary Production Permit to a Regular Production Permit for a volume of approximately 10,000,000 gallons of groundwater from the Trinity Aquifer for commercial use.

Ms. Stone moved approval of the conversion from a Temporary Permit to a Regular Permit for Texas Old Town as stated by Ms. Escobar.

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

5. Presentations.

5b. Presentation by Karl McArthur, P.E., with the City of Austin, on the Onion Creek Floodplain and Flood Hazard Mitigation Study.

Mr. McArthur with the City of Austin, gave a presentation on the Onion Creek Floodplain and Hazard Mitigation Study, which was motivated by the 2013 Halloween Flood, and a previously identified high priority problem area.

He covered the following topics:

- Initiation of Study
- Scope of Work
- Floodplain Study
- Flood Mitigation Alternatives
- Previous Studies
- Project Status and Next Steps

Mr. McArthur answered questions by the Board.

6. Discussion and Possible Action.

6a. Discussion and possible action related to approving a resolution to adopt new boundaries for the District's director precincts to accommodate the expanded area and changes in the City of Austin boundaries.

Mr. Dupnik stated that it was the Board's direction to develop a resolution to support Plan CD, which is in their backup.

Ms. Stansberry stated that she had some legal questions for Mr. Dugat and requested to meet in Executive Session.

Ms. Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney), at 8:29 p.m. Ms. Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 8:41 p.m. Ms. Stansberry stated that no final actions or decisions were made while in Executive Session.

Mr. Smith moved to adopt Resolution 052616-01, approving the Redistricting of the District's Single-Member Director Precincts and establishing new Precinct Boundary Lines for Board Elections.

Ms. Stone seconded the motion and it passed unanimously with a vote of 5 to 0.

7. 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;**
- **Commendations; and**
- **Issues or problems of concern.**

Mr. Smith reported the following:

He will attend a Regional Water Quality Planning Group will meet June 3rd.

Ms. Stone reported the following:

Received numerous phone calls and interest on the Dripping Springs permit.

Ms. Stansberry reported the following:

Attended the property owners association meeting for the Onion Creek Meadows neighborhood on this side of IH-35.

Attended the Zara Environmental 13th Anniversary party.

Dr. Larsen reported the following:

Attended meetings on State Hwy 45 SW

Attended a meeting with staff and the Gregory's at TDS

Gave a presentation to the Green Committee of the Onion Creek HOA

Mr. Dorsett reported the following:

Attended the Creedmoor Maha Board meeting

Met with FEMA

Met with staff on Onion Creek pumping and metering

8. Adjournment.

Without objection, Ms. Stansberry adjourned the meeting at 8:46 p.m.

Approved by the Board on June 16, 2016:

By: _____
Blayne Stansberry, President

Attest: _____
Blake Dorsett, Secretary