

## NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting & Public Hearing** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held **in the District office**, 1124 Regal Row, Austin, TX, on **Thursday, January 27, 2011, commencing at 6:00 p.m.** for the following purposes, which may be taken in any order at the discretion of the Board:

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development) 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. **Call to Order.**
2. **Citizen Communications (Public Comments).**
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. NBU**
    2. **Approval of minutes from January 13, 2011, Regular Meeting and January 15, 2011 Called Meeting & Work Session. Not available at this time**
  - 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 on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.
    1. **Personnel matters and utilization;**
    2. **Upcoming public events of possible interest;**
    3. **Aquifer conditions and status of drought indicators;**
    4. **Discussion related to current staff work areas and specific activities of staff teams and directors.** 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 Report Update Report – at Directors' discretion. Pg. 12**
      - ii. **Update on permitting and regulatory activities.**
      - iii. **Update on developments concerning the SOAH hearing on TCEQ's Hill Country PGMA Report and Recommendations**
      - iv. **Update on developments concerning Jeremiah Venture contested-case.**

**4. Public Hearing. (6:10 PM)**

The Board will conduct a Public Hearing concerning proposed revisions to the District Rules and Bylaws related generally to: adding, revising, and deleting certain definitions; re-organizing existing language into different subsections; clarifying Board considerations for certain permit applications; reflecting Board authority for achieving the applicable Desired Future Conditions; re-naming existing drought stages and revising and adding additional drought triggers for the more extreme drought stages and Emergency Response Period; modifying certain provisions applicable to Conditional Production Permits, including drought management requirements; modifying certain provisions applicable to non-public water supply Historical Use Permits during Board-declared Emergency Response Period; clarifying certain terms of a Temporary Transfer Permit; and other general administrative clarifications and corrections.

**5. Regular Meeting: New Business.**

- a. Discussion and possible action on approval of amendments to the District Rules and Bylaws as generally identified in the public hearing item above. **Pg. 18**
- b. Discussion and possible action related to the format, content, and style of future Board meetings, backup documentation, and agendas. **Pg. 25**
- c. Discussion and possible action related to approving the District's Annual Report. **Not available at this time**

**6. Regular Meeting: Continued Business.**

- a. Discussion and possible action related to approval of Resolution 012711-01 in support of the City of Kyle's application to TWDB for a Water and Wastewater Facility Planning Grant. **Pg. 28**
- b. Discussion and possible action relating to *City of Kyle vs. Goodman et al. and the Barton Springs Edwards Aquifer Conservation District*, Cause No. 10-1267, 22<sup>nd</sup> District Court, Hays County, Texas. **NBU**
- c. Update, discussion, and possible action related to progress and developments concerning the District's legislative agenda and to other relevant legislative initiatives that potentially affect the District. **Pg. 32**
- d. Discussion and possible action related to continuing progress on developing the District HCP and its related NEPA documentation. **Pg. 36**

**7. Adjournment.**

Came to hand and posted on a Bulletin Board in the Courthouse, Travis County, Texas, on this, the \_\_\_\_<sup>th</sup> day of January, 2011, at \_\_\_\_\_ .m.

\_\_\_\_\_, Deputy Clerk

## Travis County, TEXAS

**Please note:**

This agenda and available related documentation have been posted on our website, [www.bseacd.org](http://www.bseacd.org). If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you.

The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

**Item 1**  
**Call to Order**

**Item 2**

**Citizen Communications**

## **Item 3**

### **Routine Business**

#### **a. Consent Agenda**

- 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 from the January 13, 2011 Regular Meeting and January 15, 2011 Special Called Meeting and Work Session.**

**BACK UP MATERIAL**

**NOT FOR PUBLIC REVIEW AT THIS TIME**

## **Item 3**

### **Routine Business**

**b. General Manager's Report.** Note: Topics discussed in the General Manager's Report are intended for administrative and operational information-transfer purposes. The Directors will not deliberate any issues arising from such discussions and no decisions on them will be taken in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

- 1. Personnel matters and staff utilization**
- 2. Upcoming events of possible interest**
- 3. Aquifer conditions.**
- 4. Discussion related to current staff work areas and specific activities of staff teams and directors** 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 Report Update Report – at Directors' discretion.**
  - ii. Update on permitting and regulatory activities.**
  - iii. Update on developments concerning the SOAH hearing on TCEQ's Hill Country PGMA Report and Recommendations**  
**Update on developments concerning Jeremiah Venture contested-case**



**STATUS REPORT UPDATE FOR JANUARY 27, 2010, BOARD MEETING**

Prepared by District Team Leaders

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
<b>GENERAL MANAGEMENT TEAM</b>				
	W/H/Holland			
			General Manager activities and notes	GM activities of note since last report include: Enjoyed holiday break. Prepared major sections of Annual Report and reviewed/revise all inputs. Continued review, comment, and revisions of omnibus rulemaking. Prepared and participated in Board Work Session on assessing objectives. Prepared and revised language and supporting documents for several bills in District's legislative agenda. Reviewed and edited two staff technical papers and presentations. Participated in meeting of professionals for Jeremiah Venture TLAP to attempt settlement approach. Participated in TAGD Executive Committee teleconference to discuss approach to certain bills. Prepared and sent letter of support and supporting documentation for City of Kyle's water and wastewater facility planning grant. Developed new milestone schedule for HCP and met with FWS and TPWD to discuss project completion. Coordinated with staff of several legislators to review status, progress, and obtain inputs on our various bills. Held one on ones with each of the Team Leaders. Prepared agendas for and attended Board meetings and reviewed and revised Minutes and prepared meeting summaries of same. Provided continued coordination and oversight of various internal and project team activities (below).
Summary of Significant Ongoing Activities	WPH	21-Jan-11		
Potential Future Board Considerations	WPH	21-Jan-11	Possible future Board agenda items (not necessarily next Board meeting)	Approve Annual Report. Hold public hearing and approve new changes to rules. Make decision concerning Kyle lawsuit disposition. Approve new, negotiated language of prospective bills for next session. Approve ILA(s) with COA for HCP related activities. Approve ILA with Hays Co. for water monitoring support. Authorize settlement provisions for Jeremiah Venture TLAP. Authorize changes to HC WCID 1 settlement agreement. Approve permit applications. Consider changes to Board meetings' format, style, content, and information dissemination.
<b>GENERAL SERVICES TEAM</b>				
Dana Christine Wilson				
HCP-2 Grant	DCW	21-Jan-11	HCP-2 Invoice for June 1 through August 31, 2010 was submitted to Parks.	Payment received 12.31.2010.
HCP-2 Grant	DCW	21-Jan-11	HCP-2 Invoice for September 1 through November 31, 2010 has been submitted to Parks.	Waiting on payment.
Accounts Receivable	DCW	21-Jan-11	February monthly billings to be mailed January 14th.	Due February 5th and late on February 16th.
Accounting	DCW	21-Jan-11	Financials are now being posted monthly on BSEACD web-site. This includes Balance Sheet, Profit and Loss Statement, Transaction Detail for Citibank Checking, and after audit completion Budget vs Actual Reports..	On-going.
Audit	DCW	21-Jan-11	The annual financial audit is in process.	Began on November 8th and is in process.
Accounting - End-of-fiscal-year Task	DCW	21-Jan-11	Annual census report for Invesmart completed.	Annual Trust Accounting required by the Texas Pension Board. Waiting for receipt of final report.
Tax Reporting : End-of-calendar-year task	DCW	21-Jan-11	After December 27, will begin 1099s, 1096, 941, W-2s and W-3 reporting.	In process of.
Administration	DCW/Planning Team	21-Jan-11	Preparing 2010 Annual Report for Board approval.	In process.
Records Management	DCW	21-Jan-11	Preparing (still) to cull permittee correspondence files.	Will be a massive reduction in wasted space. Will take months.
<b>REGULATORY COMPLIANCE TEAM</b>				
John Dopnik				
Enforcement	JD, GR	21-Jan-11	Enforcement and Compliance Evaluations	Staff is monitoring compliance with agreed orders from past enforcement actions on Stenger Ridgewood and Lock-a-way Storage. Slenger Ridgewood's compliance requirement deadlines were recently extended. Lock-A-Way is currently seeking a connection to the City of Austin.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Drought Management	JD, GR	21-Jan-11	Drought Compliance Monitoring and Enforcement	No Drought Status
Rule Development and Review	JD, KH	21-Jan-11	Identify scope and develop provisions for future possible rule changes.	Staff proposed rule changes to refine condition permitting rules and prepare for the issuance of the MAGs for the District aquifers. The Board directed staff to initiate rulemaking at the 12-16-10 Board meeting. The public hearing is scheduled for 1-27-11.
External Reviews	JD, GR, JB	21-Jan-11	Review of pertinent applications and plans: Jeremiah Venture TLAP, TCEO §213 Rules, Hays County Water and Wastewater Facilities Plan	JV - Staff is reviewing possible alternate development proposals and working with fellow protestors to review the water balance and narrow down a set of priority features to be buffered and protected. 213 - Comments to rules completed and sent. Hays W/WW plan - Plan review is ongoing. Comments are due 2-3-11.
Abandoned Wells Investigations	JD, GR	21-Jan-11	Identification and Notification of Abandoned Wells	Staff has identified a list of abandoned wells that are deteriorated or in need of attention. 3 letters have been sent notifying the landowners of the presence of an abandoned well on their property and the statutory responsibilities to plug or modify within 180 days of notice. Responses have been received by all. 1 has filed an application to plug the well.
Permittee Inspections/Routine Compliance checks	JD, GR	21-Jan-11	Updates on routine permittee inspection program	Staff has a goal of conducting 18 inspections/year. To date, 6 inspections have completed and 3 samples have been collected.
Current Active Applications	JD, GR, JB	21-Jan-11	Emergency Services District No. 5 NDU; David Steward NDU; Manchaca Road Well Plugging	ESD No. 5 has made application for a NDU well. The application is on hold while ESD No. 5 is considering options which may include water supply via the Village of San Leanna. A 90-day extension will be provided on 12-17-10. David Steward NDU in Ruby Ranch has been approved and well has been completed. Manchaca Road Well Plugging is in process.
<b>EDUCATION &amp; OUTREACH</b>				
Bailey Middle School	JJ	17-Nov-10	Lost Oasis Cave monitoring	Julie met with students from Bailey Middle School on Nov. 17, Dec. 1, and Dec. 10 to facilitate cave cricket and biota monitoring.
St. Andrews	BH	24-Nov-10	Lecture and well level sample	Brian Hunt met with a class at St. Andrews to talk about local hydrogeology & measure the water level at a well on campus. There was an obstruction in the well so the class was not able to take a measurement.
Groundwater Awareness Video and Curriculum Planning	SLH, BH, BS	29-Nov-10	Filming at Goat Cave, Borheim Quarry, Antioch, and the Creedmoor Well field	Brian Smith, Brian Hunt, and Steff Lazo-Herencia met with Channel 6 film crew and City of Austin Hydrologists to shoot interviews and in-situ cave footage for the Groundwater Awareness Week video.
<b>CONTINUING AQUIFER RESEARCH</b>				
Dye Tracing	BS, BH, JB	20-Jan-11	Dye tracing	A report is being prepared about the Blanco River dye traces conducted in 2009. The District participated with COA on dye traces near the Wildflower Center to evaluate potential flowpaths related to the May 2010 wastewater spill. District staff have contributed to an article about this dye trace that will be published in the SBCA newsletter.
319(h) Grant	BS, JB	20-Jan-11	Onion Creek Recharge Enhancement Project	The grant officially ended on August 31, but a final report will be submitted at a later date. The Westbay well at Antioch was completed on September 25. The well was completed to a depth of 1375 ft into the Cow Creek limestone with a total of 21 zones.
Water-Quality Studies	BS, BH, JB	20-Jan-11	Sampling and analysis of groundwater and surface water	District staff completed the summer sampling program on July 14. Funding from TWDB is expected to be very limited for the 2011 sampling program.
Water-Level Monitoring	BH, BS, JB	20-Jan-11	Drought status, monitor wells, and synoptic water level events	The aquifer has been out of drought since December 17, 2009. On January 20, Barton Springs was at about 64 cfs and the depth to water in the Lovelady well was at 154.6 ft. Moderate rains in early to mid January have brought water levels and springflow up slightly.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Information Transfer	BS, BH, JB	20-Jan-11	Presentations, conferences, reports, and publications	District staff presented several papers at a conference in San Antonio in October. Brian Smith is served on the planning committee for a sinkhole and karst conference that was held in St. Louis in January 2011. He also presented a paper about the Antioch Cave project at the St. Louis conference. Brian Hunt and Brian Smith presented papers at the Underground Injection Control conference in Austin in January.
<b>AD-HOC TEAMS</b>				
Planning Teams	WFH	21-Jan-11	Strategic and Tactical Planning; Technical Team	Technical Team continuing evaluation of monitoring and modeling for demonstrating DFC compliance, hydrogeological investigation and specification for legislation of saline zone, and also interface with San Antonio segment. Planning Team evaluating impact of expense reductions, and considering whether and how Management Plan needs to be revised once we have MAGs. Prepared inputs to 2010 Annual Report. Will be evaluating how policy, procedure, and documentation need to be revised to conform to current SAC audit emphases.
Facility Remodeling and Expansion Team	WFH	Inactivated	Evaluation of alternative approaches to new office facilities at current location	No change. Internal team not yet selected. Have not yet solicited SOOs for architectural or project design services. Are waiting on possible annexation decision before starting this effort.
<b>UP-COMING ITEMS OF INTEREST</b>				
Groundwater Protection Council Underground Injection Control (UIC) Conference		24-Jan-11	Through 1/26; Radisson-Austin (BS, BH)	
Second January Board Meeting		27-Jan-11	Review and approval of Annual Report; Public Hearing on rulemaking	
Texas Water Symposium 3: Sustainability and Energy-Water Nexus		27-Jan-11	7 pm, Witte Museum, San Antonio	
Retirement Party for Pat Murphy and Nancy McClintock, COAWPD		28-Jan-11	5-7 PM, Zilker Clubhouse	
Texas Government 2.0 Camp: Making Transparency Work		28-Jan-11	Through 1/29; ACC Eastview Campus	
Region L RWPG Quarterly Meeting		03-Feb-11	10 AM, at SARA offices in San Antonio (KH?)	
Groundwater Day at the Capitol (TAGD-sponsored event)		09-Feb-11	Legislator visits during day; No reception 3/24/2	
First February Board Meeting		10-Feb-11		
Karst Conservation Initiative Meeting: Topic is Interconnection of the Trinity (Glen Rose) and Edwards Aquifers along the Balcones Fault Zone		17-Feb-11	10AM - 2PM on UT Campus (BS, BH presenting; KH, others?)	
Second February Board Meeting		24-Feb-11		

	<b>Leader, Staff</b>	<b>Date</b>	<b>PROJECT / ACTIVITY DESCRIPTION</b>	<b>STATUS/COMMENTS</b>
		03-Mar-11	Through 3/5; Desal presentation 9 AM on 3/24; Sheraton Austin Hotel	
	Texas Water Conservation Association Annual Meeting and Conference (featuring BSEACD desal joint session presentation)			
	Annual BSEACD Cave Festival	05-Mar-11	9 AM - 4 PM, Village of Western Oaks Karst Preserve	
	HCP - CAC Meeting	07-Mar-11	Day approximate	
	National Groundwater Awareness Week	07-Mar-11		
	First March Board Meeting	10-Mar-11		
	Central Texas Water Conservation Symposium: The Business Case for Water Conservation (co-sponsored by BSEACD)			
	Second March Board Meeting	22-Mar-11	9 AM - 3 PM, Cedar Park Recreation Center, 1435 Main Street	
	TAGD Quarterly Meeting	24-Mar-11		
		29-Mar-11	1 pm through 12 N 3/30; Crowne Plaza Austin (KH)	

**Item 4**  
**Public Hearing**  
**(6:10 pm)**

**The Board will conduct a Public Hearing concerning proposed revisions to the District Rules and Bylaws related generally to: adding, revising, and deleting certain definitions; re-organizing existing language into different subsections; clarifying Board considerations for certain permit applications; reflecting Board authority for achieving the applicable Desired Future Conditions; re-naming existing drought stages and revising and adding additional drought triggers for the more extreme drought stages and Emergency Response Period; modifying certain provisions applicable to Conditional Production Permits, including drought management requirements; modifying certain provisions applicable to non-public water supply Historical Use Permits during Board-declared Emergency Response Period; clarifying certain terms of a Temporary Transfer Permit; and other general administrative clarifications and corrections.**

## **Item 5**

### **Regular Meeting: New Business**

- a. Discussion and possible action on approval of amendments to the District Rules and Bylaws as generally identified in the public hearing item above.**

**Summary of Proposed Substantive Rule Changes**  
**Public Hearing Date: 1-27-11**

<b>Rule</b>	<b>Section</b>	<b>Summary</b>
	General	<ul style="list-style-type: none"> <li>• Designated Rules 1-4 as "Volume 1" to distinguish from the recently adopted Well Construction Standards (Volume 2).</li> <li>• Revised Drought Stage names to include numerals indicative of drought severity. Drought Stage names were revised accordingly throughout the rules.</li> <li>• Revised rules affecting conditional permits to include new permit classes where applicable.</li> </ul>
2-1	Definitions	<ul style="list-style-type: none"> <li>• Deleted terms not used in Vol. 1. Terms deleted include:               <ul style="list-style-type: none"> <li>○ "Annular Space"</li> <li>○ "Aquifer Emergency Warning"</li> <li>○ "Cement Grout"</li> <li>○ "Consolidated Formation"</li> <li>○ "Critical Environmental Feature"</li> <li>○ "Earth Coupled Heat Exchange" or "Closed Loop System"</li> <li>○ "Consolidated Formation"</li> <li>○ "Critical Environmental Feature"</li> <li>○ "Federal Conservation Program"</li> <li>○ "Hazardous Conditions"</li> <li>○ "Inflows"</li> <li>○ "Median"</li> <li>○ "Seal"</li> <li>○ "Total Aquifer Storage"</li> <li>○ "Tremie Method"</li> <li>○ "Unconsolidated Formations"</li> <li>○ "Void"</li> <li>○ "Water Audit Worksheet"</li> <li>○ "Xeriscape"</li> </ul> </li> <li>• Revised definition of "Alternative Water Supply" to clarify intent.</li> <li>• Added new definition for "Aquifer Storage and Recovery (ASR)" to reflect proposed Class D Permits which are reserved for ASR projects.</li> <li>• Added new definition for "Aquifer Storage and Recovery Well".</li> <li>• Clarified definition of "Artesian Zone" by linking it to the TCEQ defined Recharge Zone.</li> <li>• Revised definition of "Casing" to be consistent with the TDLR definition.</li> <li>• Changed term for "Closed Loop Well" to "Closed Loop Geothermal Well" and revised definition to be consistent with TDLR definition.</li> <li>• Added definition for "Closed Loop Geothermal Well System".</li> <li>• Revised definition for "Conditional Production Permit" to include proposed permit classes.</li> <li>• Added new definition for "Nonexempt Domestic Use (NDU) Well".</li> <li>• Revised definition of "Plugging" to be more</li> </ul>

**Summary of Proposed Substantive Rule Changes to Implement Management Zones and Extreme Drought Rules**

<b>Rule</b>	<b>Section</b>	<b>Summary</b>
		<p>consistent with TDLR definition.</p> <ul style="list-style-type: none"> <li>Revised definition of "Recharge Zone" to be consistent with TCEQ definition.</li> <li>Clarified definition of "User Drought Contingency Plan" to explicitly designate as part of the District permit.</li> <li>Clarified definition of "Water Table Zone" to link zone to the TCEQ defined "Recharge Zone".</li> </ul>
3-1.3.2	Transfer of Groundwater Between Management Zones	<ul style="list-style-type: none"> <li>Moved and combined with Temporary Transfer Permit provisions in 3-7.6.</li> </ul>
3-1.6.A.(12)	Actions on Permits	<ul style="list-style-type: none"> <li>Added provision related to demonstration of sufficient alternative water supply for certain conditional permits. Provision added to reinforce related provisions in 3-1.4.B. and 3-1.11.O.</li> </ul>
3-1.9	Permit Amendments	<ul style="list-style-type: none"> <li>Added Temporary Transfer Permits to the list of minor amendments to clarify administrative and procedural requirements.</li> <li>Specified that permit reclassifications are major amendments.</li> </ul>
3-1.11.E	Permit Conditions and Requirements	<ul style="list-style-type: none"> <li>Revised provision to clearly indicate that meter readings are required even when a well is not in use.</li> </ul>
3-1.16.C(5)	Fees and Payment of Fees	<ul style="list-style-type: none"> <li>Revised provision for consistent assessment of late fees regardless of fee payment schedule.</li> </ul>
3-1.17	Conservation Credits	<ul style="list-style-type: none"> <li>Reorganized by moving provisions to 3-6 – Conservation.</li> </ul>
3-1.20.F	General Permits by Rule	<ul style="list-style-type: none"> <li>Revised wording of General Conservation Permit for clarity.</li> </ul>
3-1.23	Maximum Allowable Withdrawals for Management Zones	<ul style="list-style-type: none"> <li>Lowered the EDWL from 7.5 to 6.0 cfs to reflect the District's authority to limit pumpage during extreme drought.</li> <li>Added language to reinforce District intent to exercise all regulatory authority available to reduce pumpage during an Emergency Response Period.</li> </ul>
3-1.24.C	Conditional Production Permits	<p>Class A - Added provisions that would:</p> <ul style="list-style-type: none"> <li>permanently convert certain Class A permits to Class B permits upon a declaration of Stage IV Exceptional Drought, and</li> <li>limit the total amount of Class A permitted pumpage (after A to B conversion) to 0.2 cfs.</li> </ul>
3-1.24.D		<ul style="list-style-type: none"> <li>Class B - Added provisions that would limit the total amount of Class B permitted pumpage (after A to B conversion) to the current permitted volume of 1.1 cfs.</li> </ul>
3-1.24.E		<ul style="list-style-type: none"> <li>Class C - Added provisions that would limit the total amount of Class C permitted pumpage to 2.0 cfs.</li> </ul>
3-1.24.F		<ul style="list-style-type: none"> <li>Class D - Added provision that would: <ul style="list-style-type: none"> <li>reserve authorized pumpage for ASR projects, and</li> </ul> </li> </ul>



**Summary of Proposed Substantive Rule Changes to Implement Management Zones and Extreme Drought Rules**

<b>Rule</b>	<b>Section</b>	<b>Summary</b>
		<ul style="list-style-type: none"> <li>○ limit the total amount of Class D permitted pumpage to 2.0 cfs.</li> </ul>
3-7.3.D	Drought Stages and Triggers	<ul style="list-style-type: none"> <li>• Revised the Lovelady Stage III Critical Drought trigger level from 192.1' to 190.7' below the surface.</li> </ul>
3-7.3.E		<ul style="list-style-type: none"> <li>• Clarified that the Stage IV Exceptional Drought is only applicable to the Freshwater Edwards MZs.</li> <li>• Added a Stage IV drought trigger level of 196.3' below the surface for the Lovelady Drought Indicator Well.</li> </ul>
3-7.3.F		<ul style="list-style-type: none"> <li>• Added the same trigger levels in 3-7.3.D and E for discontinuance of Drought Stages.</li> </ul>
3-7.3.G		<ul style="list-style-type: none"> <li>• Added an Emergency Response Period trigger level of 200' below the surface for the Lovelady Drought Indicator Well.</li> </ul>
3-7.5.A(8)	User Drought Contingency Plans	<ul style="list-style-type: none"> <li>• Added requirement for Conditional permittees to specify measures to be implemented to comply with drought management provisions of 3-7.7.C.</li> </ul>
3-7.5.E		<ul style="list-style-type: none"> <li>• Clarified implied requirement that all UDCP provisions are implemented and enforceable.</li> </ul>
3-7.6.B	Temporary Transfer Permit	<ul style="list-style-type: none"> <li>• Revised wording for clarity.</li> </ul>
3-7.6.D		<ul style="list-style-type: none"> <li>• Incorporated deleted provisions of 3-1.3.2.</li> </ul>
3-7.6.G		<ul style="list-style-type: none"> <li>• Deleted redundant provision.</li> </ul>
3-7.7	Permittee Responsibilities	<ul style="list-style-type: none"> <li>• Generally revised wording and terms for clarity.</li> </ul>
3-7.7.B(4)		<ul style="list-style-type: none"> <li>• Added phase-in period of 60 days to allow Historical industrial and non-agriculture irrigation permittees to prepare for compliance with additional curtailments triggered by an Emergency Response Period.</li> <li>• Revised curtailment requirement from complete curtailment to 90% during an Emergency Response Period.</li> <li>• Added provision to allow petitions to request less curtailment based on health and safety requirements.</li> </ul>
3-7.7.C(1)(b)	Conditional Permittee Responsibilities	<ul style="list-style-type: none"> <li>• Added provisions for Class C and D Permits requiring complete curtailment (cessation) of pumpage upon Stage II Alarm Drought declaration.</li> </ul>
3-7.7.C(1)(c)		<ul style="list-style-type: none"> <li>• Added provisions relating to permit reclassification required by 3-1.24.C.</li> <li>• Added provision requiring continuation of complete curtailment of Class C and D Permits during Stage III Critical Drought.</li> </ul>
3-7.7.C(1)(d)		<ul style="list-style-type: none"> <li>• Added provision for Class A Permits requiring 50% pumpage curtailment upon Stage IV Exceptional Drought declaration.</li> <li>• Added provisions for Class B Permits requiring complete curtailment (cessation) of pumpage upon Stage IV Exceptional Drought declaration.</li> <li>• Added provision requiring continuation of complete</li> </ul>

**Summary of Proposed Substantive Rule Changes to Implement Management Zones and Extreme Drought Rules**

<b>Rule</b>	<b>Section</b>	<b>Summary</b>
		curtailment of Class C and D Permits during Stage IV Exceptional Drought.
3-7.7.C(1)(e)		<ul style="list-style-type: none"> <li>• Added provision requiring continuation of 50% curtailment of Class A Permits during Emergency Response Period with possibility of additional curtailments if needed.</li> <li>• Added provision requiring continuation of complete curtailment of Class B, C, and D Permits during an Emergency Response Period.</li> <li>• Added provision specifying that conditional permittees are not eligible for a Temporary Transfer Permit.</li> </ul>
3-7.10	Variance	<ul style="list-style-type: none"> <li>• Revised language to allow variance procedures to be used for certain drought-related rules not addressed specifically in Rule 3-7.</li> </ul>
Bylaw 4-6	Annual Report	<ul style="list-style-type: none"> <li>• Deleted requirement to perform self report and audit pursuant to the "Valdez Principles".</li> </ul>

**Staff Recommended Additional Revisions to Rule 3-1.23  
“Maximum Allowable Withdrawals From Management Zones”**

**A. WESTERN AND EASTERN FRESHWATER EDWARDS MANAGEMENT ZONES.**

Existing Proposed Language of 3-1.23 (A)(1):

(1) The Extreme Drought Withdrawal Limitation (EDWL) for the Barton Springs segment of the Edwards Aquifer. On the basis of the Sustainable Yield determined by the District, in order to minimize, to the greatest extent practicable, interference among water wells, wells drying, and the likelihood of cessation of spring flow at the natural aquifer outlets, the total amount of water that will be allowed to be withdrawn from the aggregated Eastern and Western Freshwater Edwards Management Zones in the District, including both exempt and nonexempt wells in those aquifers, during Extreme Drought shall be limited to 6.075 cfs on an average annual basis. This limit is a drought-period regulatory cap imposed on pumping from these two hydrogeologic units, and shall be designated the Extreme Drought Withdrawal Limitation (EDWL). In addition to the EDWL regulatory restrictions, the District will seek to employ additional pumpage reductions by Board Order during Emergency Response Period conditions. The EDWL does not apply to water produced from the Saline Edwards Management Zone or from the Middle and Lower Trinity Management Zones.

Recommended New Language of Same, Deleting All Above:

(1) Managed Available Groundwater. On the basis of the aquifer assessments and the determination of the Managed Available Groundwater (MAG) by TWDB to ensure the achievement and maintenance of the GMA 10-adopted Desired Future Conditions for the Freshwater Edwards Management Zones, the District shall restrict non-exempt pumping from the Edwards Aquifer within its jurisdiction as follows:

- a. Extreme Drought Limitation: The aggregate total authorized pumpage from all non-exempt wells shall not exceed 6.0 cfs on an annual average basis during a recurrence of Drought of Record conditions. The District may employ additional pumpage reductions, beyond those specified in permittees’ User Drought Contingency Plans, on a permit-by-permit basis by Board Order during District-declared Emergency Response Periods in order to achieve actual pumpage that is no more than the Extreme Drought MAG of 5.2 cfs (or such other MAG value as TWDB may determine as applicable); and.
- b. Aggregate Authorized Pumpage Limitation: The aggregate total authorized pumpage from all non-exempt wells during non-drought conditions shall not exceed 16.0 cfs on an average annual basis.

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**D. MIDDLE TRINITY MANAGEMENT ZONE.**

Total pumpage from the Middle Trinity Management Zone, ~~including that~~ from ~~both exempt and~~ non-exempt wellsusers, shall not exceed the TWDB-established Managed Available Groundwater amount for this subdivision, ~~when available~~.

**E. LOWER TRINITY MANAGEMENT ZONE.**

Total pumpage from the Lower Trinity Management Zone, ~~including that~~ from ~~both exempt and~~ non-exempt wellsusers, shall not exceed the TWDB-established Managed Available Groundwater amount for this subdivision, ~~when available~~.

**In Addition:**

Anywhere in *Rules & Bylaws* the term “EDWL” appears, it will be replaced by the term “applicable MAG”, with context adjustments as necessary, and “EDWL” will be deleted from Definitions in Section 2-1 of the *Rules*.

## **Item 5**

### **Regular Meeting: New Business**

**b. Discussion and possible action related to the format, content, and style of future Board meetings, backup documentation, and agendas.**

## **Some Considerations for Possible Changes to Board Meeting's Content, Format, and Back-up Documentation**

### **A. Board Meeting Format, Content, and Style**

1. Do we want one or two meetings per month? If two, do they both have the same content, and at the same time of day and day of week?
2. Do we want to time-limit Board discussion of items (or make items time-certain?)
3. Do we want to continue practice of changing order of item deliberation "on the fly?"
4. Do we want a different content/structure to the meeting agenda? If so, what?
5. Do we want an oral General Manager's Report? If so, do we want a different content, structure, style, etc.? If so, what?
6. Do we want a monthly Status Report Update? Do we want to change the content or structure of the Status Report Update? If so, how?
7. Do we want to provide each Director's desk with netbooks/iPads (kept at the office!) that are pre-loaded for each meeting and display (and/or link to) all relevant information (perhaps along with a master display projection?)
8. Do we want or need to do anything to encourage more public participation? If so, what?
9. What else?

### **B. Agenda and Back-up Documentation**

1. Do we want the entire Board to be provided an opportunity to preview the agenda before it is posted?
2. Do we want to change the method of delivery of the back-up documentation to Directors, from only hard-copy/snail-mail to only electronic means (email as .pdf attachment or as a link to website location?)
3. Do we want a more formal delivery of staff recommendations on action items (e.g., a "Request for Board Action" document providing background, basis, and staff recommendation)
4. Do we want to continue how "the folders" are currently used for late-breaking or otherwise only recently available back-up info?
5. What else?

## **Item 5**

### **Regular Meeting: New Business**

- c. Discussion and possible action related to approving the District's Annual Report.**

## **Item 6**

### **Regular Meeting: Continued Business**

- a. Discussion and possible action related to approval of Resolution 012711-01 in support of the City of Kyle's application to TWDB for a Water and Wastewater Facility Planning Grant.**



**STATE OF TEXAS** §  
**COUNTIES OF HAYS, TRAVIS** § **RESOLUTION #012711-01**  
**BASTROP, AND CALDWELL** §

**A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO REPRESENT THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT IN SUPPORTING AN APPLICATION BY CITY OF KYLE FOR A GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD FOR REGIONAL WATER AND WASTEWATER PLANNING; TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF KYLE IF AWARDED; AND TO COMMIT LOCAL IN-KIND SERVICES TO THE STUDY.**

**WHEREAS**, The District is charged with managing, preserving, and protecting the groundwater resources in a four county jurisdictional area; AND,

**WHEREAS**, the District regulates groundwater from all aquifers in this area, and supports use of alternative water supplies as a substitute for the fully subscribed Edwards Aquifer groundwater in the Barton Springs segment, where environmentally and economically feasible; AND,

**WHEREAS**, the District supports local governments in water resource management and conservation efforts; AND,

**WHEREAS**, the City of Kyle now desires to evaluate reclaimed water as a potential water supply source; AND

**WHEREAS**, Texas Water Development Board offers grants to political subdivisions of the State of Texas for the evaluation of the most feasible alternatives to meet water supply facility needs, estimate the costs associated with implementing feasible water supply facility alternatives, and identify institutional arrangements to provide water supply services; AND,

**WHEREAS**, the District can assist in the performance of the project by providing in-kind services, in keeping with its current mission and Management Plan:

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District:

- 1) The District will participate with the City of Kyle in applying for and supporting a Regional Water and Wastewater Planning Grant from the Texas Water Development Board;
- 2) If the grant is awarded, the District may enter into an interlocal agreement with the City of Kyle; and
- 3) In-kind services of the District for participation in the planning process, equivalent to \$13,200 are hereby committed.

In Favor \_\_\_\_\_

Opposed \_\_\_\_\_

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF JANUARY, 2011.**

\_\_\_\_\_  
Mary Stone, President

ATTEST:

\_\_\_\_\_  
Craig Smith, Secretary

## **Item 6**

### **Regular Meeting: Continued Business**

**b. Discussion and possible action relating to *City of Kyle vs. Goodman et al. and the Barton Springs Edwards Aquifer Conservation District*, Cause No. 10-1267, 22<sup>nd</sup> District Court, Hays County, Texas.**

## **Item 6**

### **Regular Meeting: Continued Business**

- c. Update, discussion, and possible action related to progress and developments concerning the District's legislative agenda and to other relevant legislative initiatives that potentially affect the District.**

## Texas Legislature Online - Bill Lists

Date report generated: Friday, January 21, 2011 1:16 PM

### Any bills having to do with GW, GCDs, or GMAs

Legislature: 82nd Legislature Regular Session

**Number of bills: 5**

**SB 274**

**Author:** Uresti

**Last Action**

12/17/2010 S Filed

**Caption Version:**

**Caption:**

Relating to the regulation by groundwater conservation districts of certain wells.

**House Committee:**

**Senate Committee:**

**Comment:**

Uresti's exempt use limitation in Hill Country PGMA

**SB 292**

**Author:** Watson

**Last Action**

12/21/2010 S Filed

**Caption Version:**

**Caption:**

Relating to changes in the single-member district boundaries of the Barton Springs-Edwards Aquifer Conservation District.

**House Committee:**

**Senate Committee:**

**Comment:**

Watson's BSEACD director precincts bill

**SB 313**

**Author:** Seliger

**Last Action**

01/04/2011 S Filed

**Caption Version:**

**Caption:**

Relating to priority groundwater management areas.

**House Committee:**

**Senate Committee:**

**Comment:**

Seliger's PGMA bill

**SB 332**

**Author:** Fraser

**Last Action**

01/12/2011 S Filed

**Caption Version:**

**Caption:**

Relating to the vested ownership interest in groundwater beneath the surface and the right to produce that groundwater.

**House Committee:**

**Senate Committee:**

**Comment:**

Fraser's GW ownership bill

**SB 353**

**Author:** Birdwell

**Last Action**

01/13/2011 S Filed

**Caption Version:**

**Caption:**

Relating to the territory and dissolution requirements of the Southern Trinity Groundwater Conservation District.

**House Committee:**

**Senate Committee:**

**Comment:**

Birdwell's dissolution of Southern Trinity GCD

## Texas Legislature Online - Bill Lists

Date report generated: Friday, January 21, 2011 1:20 PM

### Water Utilities, County Authorities, Etc

Legislature: 82nd Legislature Regular Session

Number of bills: 11

**HB 206** Author: Walle

Last Action 11/08/2010 H Filed

Caption Version:

Caption: Relating to notice to ratepayers regarding a water rate increase.

House Committee:

Senate Committee:

Comment: Walle's notice to water ratepayers of increased rates

**HB 279** Author: Geren | et al.

Last Action 11/15/2010 H Filed

Caption Version:

Caption: Relating to the use of eminent domain authority.

House Committee:

Senate Committee:

Comment: Geren's omnibus eminent domain companion to SB 180

**HB 611** Author: Murphy | et al.

Last Action 01/12/2011 H Filed

Caption Version:

Caption: Relating to the provision of certain professional services by certain governmental entities.

House Committee:

Senate Committee:

Comment: Murphy's restrictions on PS by govt entities

**HB 648** Author: Menendez

Last Action 01/13/2011 H Filed

Caption Version:

Caption: Relating to the appointment of a conservator for and authorizing the dissolution of the Bexar Metropolitan Water District.

House Committee:

Senate Committee:

Comment: Menendez's dissolution of Bexar Met

**HB 662** Author: Rodriguez, Eddie

Last Action 01/13/2011 H Filed

Caption Version:

Caption: Relating to authorizing certain counties to adopt buffer zone regulations and comprehensive land development plans; providing a penalty.

House Committee:

Senate Committee:

Comment: Rodriguez's buffer zone and county land development authorities

**HB 725**                    **Author:** Callegari  
**Last Action**            01/19/2011 H Filed  
**Caption Version:**  
**Caption:**                Relating to the operation, powers, and duties of certain water districts.  
**House Committee:**  
**Senate Committee:**  
**Comment:**                Callegari's water utilities operations and powers bill

**SB 180**                    **Author:** Estes  
**Last Action**            11/08/2010 S Filed  
**Caption Version:**  
**Caption:**                Relating to the use of eminent domain authority.  
**House Committee:**  
**Senate Committee:**  
**Comment:**                Estes's omnibus eminent domain authority

**SB 181**                    **Author:** Shapiro | et al.  
**Last Action**            11/08/2010 S Filed  
**Caption Version:**  
**Caption:**                Relating to the reporting of water conservation measures by municipalities and water utilities.  
**House Committee:**  
**Senate Committee:**  
**Comment:**                Shapiro's calculated water conservation methods

**SB 358**                    **Author:** Wentworth  
**Last Action**            01/14/2011 S Filed  
**Caption Version:**  
**Caption:**                Relating to the waiver of sovereign and governmental immunity in this state.  
**House Committee:**  
**Senate Committee:**  
**Comment:**                Wentworth's waiver of sovereign immunity by all governmental units

**SB 368**                    **Author:** Seliger  
**Last Action**            01/18/2011 S Filed  
**Caption Version:**  
**Caption:**                Relating to limits on the purpose of a fresh water supply district and on a district's exercise of the power of eminent domain.  
**House Committee:**  
**Senate Committee:**  
**Comment:**                Seliger's limitation on FwWS districts powers

**SB 375**                    **Author:** Wentworth  
**Last Action**            01/19/2011 S Filed  
**Caption Version:**  
**Caption:**                Relating to categories of information presumed to be public under the public information law.  
**House Committee:**  
**Senate Committee:**  
**Comment:**                Wentworth's PIA info categories bill

## **Item 6**

### **Regular Meeting: Continued Business**

- d. Discussion and possible action related to continuing progress on developing the District HCP and its related NEPA documentation.**





**Item 7**

**Adjournment**