

NOTICE OF OPEN MEETING AND PUBLIC HEARING

Notice is given that a **Regular Meeting** and **Public Hearing** before the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the **District office**, located at 1124 Regal Row, Austin, Texas, on **Thursday, July 11, 2019**, 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 meet in 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 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 a separate item of Regular Business on this agenda.)*
 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **Not for public review**
 2. Approval of minutes of the Board's June 27, 2019 Regular Meeting. **Not for public review at this time**
 3. Approval for out-of-state travel for Robin Gary to attend the Geological Society of America Annual Meeting in Phoenix, Arizona from September 22-25, 2019. **Pg. 14**
 - 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 for consideration. 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.)*

Topics

1. Personnel matters.
2. Aquifer conditions and status of drought indicators.
3. Upcoming public events of possible interest.
4. Review of Status Report Update – at directors' discretion. **Pg. 17**
5. Update on projects and activities of individual teams.

6. Update on Board Committee activity.
7. Update on development activities over aquifer recharge and contributing zones.
8. Update on activities related to area roadway projects.
9. Update on the Permian Highway Pipeline project. **Pg. 26**
10. Update on GMA and regional water planning activities.
11. Update on HCP activities.
12. Update on the State Office of Administrative Hearings proceedings for the Electro Purification LLC permit applications.

4. Public Hearing.

- a. The Board will hold a public hearing on the proposed FY 2020 Fee Schedule. **Pg. 30**

5. Discussion and Possible Action.

- a. Discussion and possible action to adopt the proposed FY 2020 fee schedule by Resolution #071119- 01. **Pg. 43**
- b. Discussion and possible action to approve the Interlocal Agreement between the Barton Springs/Edwards Aquifer Conservation District and the Bandera County River Authority and Groundwater District for purposes of Joint Planning within Groundwater Management Area 9 specifically in regard to the preparation of and payment for the DFC Explanatory Report. **Pg. 45**
- c. Discussion and possible action related to the Validation Monitoring Protocol for the HCP under the BSEACD Incidental Take Permit # TE10607C-0. **Pg. 48**

6. Directors' Reports.

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;
- Board committee updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

7. Adjournment.

Please note: This agenda and available related documentation, if any, have been posted on the District website, 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

(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 a separate item of Regular Business on this 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 of the Board's June 27, 2019, Regular Meeting.**
- 3. Approval for out-of-state travel for Robin Gary to attend the Geological Society of America Annual Meeting in Phoenix, Arizona from September 22-25, 2019.**



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date: 7/1/2019

From: Robin Gary

Re: Request for out-of-state travel: Attendance at Geological Society of America Annual Meeting, Phoenix, AZ September 22-25.

I would like to ask permission to attend the 131st Annual Meeting of the Geological Society of America held from September 22-25 in Phoenix, Arizona. I submitted (Brian Hunt and Lane Cockrell as co-authors) an abstract to present in the following session:

Regional Groundwater Availability and Sustainability Studies: Advances in Methods and Approaches

Jesse E. Dickinson, Melissa D. Masbruch, Donald S. Sweetkind, GSA Hydrogeology Division

This session encourages discussion on new advances, methods, and approaches by hydrologists, geologists, and numerical modelers for quantifying regional groundwater availability and sustainability in diverse regional settings.

GSA attracts several of the well-known karst scientists and provides a forum for data and information exchange on groundwater science and modelling efforts. The District has a long-standing tradition of presenting at GSA and has benefitted from building professional relationships built and reinforced at this professional symposium.

Registration includes full access to more than 200 topical sessions, a variety of symposia, a robust exhibit hall, and many more career building opportunities. This kind of collaborative environment is invaluable in generating ideas and pushing projects forward.

Anticipated costs for attending the Annual Meeting are listed below:

Conference/Workshop Registration (early): \$430

Hotel (~\$200/night x 3): \$600

Per Diem (\$56/day): \$196

Travel: \$300

Total estimated cost: \$ 1,526

Abstract #339852

ESTIMATING THE NUMBER OF TRINITY AQUIFER EXEMPT WELLS IN A RECENTLY ANNEXED GROUNDWATER CONSERVATION DISTRICT TERRITORY

GARY, Robin¹, HUNT, Brian B.² and COCKRELL, Lane², (1)Barton Springs/Edwards Aquifer Cons. Dist, 1124 Regal Row, Austin, TX 78748; Barton Springs/Edwards Aquifer Conservation District, 1124 Regal Row, Austin, TX 78748, (2)Barton Springs/Edwards Aquifer Conservation District, 1124 Regal Row, Austin, TX 78748

In 2015, the Barton Springs/Edwards Aquifer Conservation District (District) annexed the eastern portion of Hays County coincident with the Edwards Aquifer Authority boundary to extend groundwater protection and management to the previously unregulated Trinity and other non-Edwards aquifers. To estimate Trinity Aquifer pumpage, first the number of Trinity Aquifer wells needed to be identified. High-volume users (e.g., public supply and irrigation) are now permitted and metered, however, incomplete data exists for small-volume, exempt domestic wells. The Texas Water Development Board's Submitted Well Driller Reports (SWDR) database stores information on wells drilled since 2003, but field visits have documented a substantial number of exempt wells drilled prior to 2003 in the annexed territory. To inventory historic and recently drilled exempt wells, District staff used the SWDR database, geologic data, modeled aquifer surfaces, water utility service area boundaries, and appraisal district data to identify the number of groundwater-dependent parcels that are likely to rely on the Trinity Aquifer.

Surface elevation and total depth were compiled for SWDR wells. A modeled surface representing the base of the Edwards formation was created using elevations derived from geophysical logs, core samples and drill cuttings, geologic outcrops, and driller-log descriptions. The difference in elevation between the modeled surface and the bottom of each borehole was calculated, and wells with a total depth below the modeled surface were assumed to be completed in the Trinity Aquifer. Those Trinity wells were plotted on a geologic map to define an area where wells are primarily sourced in the Trinity Aquifer. The unique Hays County Appraisal District parcels with residential improvements outside a water utility service area and within the defined Trinity Aquifer source area were counted. Residential improvements require a water source, and with no water utility service available within the area where the Trinity Aquifer is the primary source, parcels were assumed to have an exempt Trinity well. Compared to estimates based on the SWDR data alone, the number of improved parcels identified as relying primarily on Trinity wells is believed to be a better estimate of the actual number of Trinity wells in the annexed area.

Meeting:

GSA Annual Meeting in Phoenix, Arizona, USA - 2019

Session Type:

Topical Sessions

Primary Selection:

T139. Regional Groundwater Availability and Sustainability Studies: Advances in Methods and Approaches

Presenting Author

Robin Gary

Email: rhgary@bseacd.org

Barton Springs/Edwards Aquifer Cons. Dist

Item 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.)*

Topics

- 1. Personnel matters.**
- 2. Aquifer conditions and status of drought indicators.**
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- 5. Update on projects and activities of individual teams.**
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**STATUS REPORT UPDATE
FOR THE JULY 11, 2019 BOARD MEETING**

Summary of Significant Activities - Prepared by District Team Leaders

GENERAL MANAGEMENT TEAM

Staff: ARM
July 5, 2019

Meetings, Training, Presentations, and Conferences

Meetings: Two Budget Committee meetings * Regional Water Quality Plan Working Group * Robert Steinbomer, Architect * GMA 9 meeting in Boerne * **Meetings with Permittees:** LBJ Wildflower Center * City of Austin * **Presentations:** None * **Conferences:** TAGD Business Meeting June 2 and 3rd. **Teleconference calls:** Kirk Holland take estimate and monitoring protocols for the implementation of the HCP * Travis County/SWTCGCD Board of Directors on the Hydrogeological Study of Southwest Travis County * Travis County on the continuation of the BSEACD/Travis County ILA * Four permittees - Creedmoor-Maha, Buda, LBJ WFC and Hays Hills Baptist Church regarding changes to the excess pumpage fee schedule.

Ongoing Special Projects, Committees, and Workgroups

Balancing FY2019 Budget * Preparing FY2020 Budget * Discussions with attorney on EP contested case * Finalizing and submitting District's response to the State Auditor's Office draft report.

Routine Activities and Day-to-Day Operations

Provided general oversight of staff activities and oversight of day-to-day operations * Approved administrative documents * Prepared agendas and backup for June 13 and 27 Board meetings * Prepared GM report and assigned tasks * Held two Planning team meetings * Served as liaison between Board and staff * Meetings with Board President * Meetings with teams on the status of 2019 Incentive Projects * Consultation with Attorney on EP LLC and Needmore LLC permit applications and June 13 and 27 meeting agendas.

REGULATORY COMPLIANCE TEAM

Staff: VE, KBE, and ES
July 5, 2019

Electro Purification Production Permit

Staff completed the pre-filed testimony. District attorney submitted it along with Aquifer Science testimony on June 12.

Needmore Water LLC Conversion to a Regular Permit

The District has scheduled a Public Hearing for July 29, 2019 at 4PM at Buda City Hall Council Chambers (405 Loop St, Buda, TX 78610).

SH 45 SW/ Mopac Intersections Roadway Projects

SH 45 opened to the public on June 1, 2019. There will be at least one more post inspection scheduled later this summer, to verify all permanent storm water controls and water quality ponds are in working order and to discuss long-term maintenance. All disturbed areas must be stabilized and revegetated before final erosion control protections can be removed.

Mopac Intersection work is still underway. Staff continues to perform periodic site inspections.

Database Development Intra Contract

Intra and staff have primarily been working with District staff on the most complex portions of the project relating to well registration, permitting and production reporting. Intra is in the process of finalizing well data, web mapping, and field data; all which will require other team's input. The development process has been very iterative to ensure that the system meets the needs of the District. We meet each week to review development progress, review input, provide feedback, and prioritize efforts for the following week. Below we have estimated the percent completion of each module, though it is important to note that many of the modules are interdependent.

Modules and Estimated Percent Complete

- Management and Administration – 50%
- Web Mapping – 80%
- Well Data – 80%
- Well Registration, Permitting and Production Reporting – 80%
- Permit Compliance – 80%
- Field Data and Services – 60%
- Custom Queries, Reports and Export Tools – 20%

This will be one of the top priorities through the summer.

Other Project Efforts/ Planning Discussions

- Finalizing a coordination document with City of Austin on protocols for Barton Springs Risk Management Zone.
- Ongoing coordination with Texas Department of Licensing and Registration (TDLR) on updating the interagency variance agreements for well construction.

- Internal coordination on preparation and planning for Annual Reports including Management Plan Annual Report & USFWS HCP Annual Report. (General Management Team/ Regulatory Compliance Team)
- Finalize responses to Official Audit of from State Auditor's Office. (General Management Team / Regulatory Compliance Team)

Permits

- Individual Production Permits – staff has had 3 pre-application meetings or conference call for landowners who are interested in drilling individual wells. The uses have ranged from commercial and irrigation.
- Exempt/ Limited Production Permits – seven permit applications are currently in review. Staff has been scheduling and conducting post – inspections.
- Plugging/ Capping – three well sites are currently in review and may require plugging applications, including the Carpenter Hills site on FM 967 that has 5 wells.

Drought Compliance – May 1st is the water conservation period where voluntary 10% curtailments are in effect.

AQUIFER SCIENCE TEAM

Staff: BAS, BH, and JC

July 5, 2019

Central Hays County Groundwater Evaluation - Well and Hydrogeology Characterization

Aquifer Science staff are continuing to work on enhancing the monitor well network in the EP area and are continuing to collect water-level and water-quality data from wells in the area.

Antioch Cave - Onion Creek Recharge Enhancement Project

Antioch Cave is recharging a considerable amount of water due to above average rainfall in April and May. Aquifer Science staff have taken advantage of the flow in Onion Creek to better quantify the amount of recharge going into Antioch Cave.

Alternative Water Supplies (ASR and Desalination)

Ruby Ranch has completed Cycle 4 testing of injection of Edwards water into their Trinity well. The extraction phase of the test began on July 2. Extraction testing will continue until the fall. Buda is expected to start drilling a Trinity well in the fall of 2019 for their ASR project.

Drought and Water-Level Monitoring

With continued flow in the major creeks providing recharge to the Edwards Aquifer, water levels continue to rise. On 7/5/19, the Lovelady well had a level of 537.5 ft msl and is still rising. The water level in the Lovelady well is currently at its third highest level in the past 27 years. Barton Springs is flowing at 105 cfs.

Presentations, Conferences, Reports, and Publications

Aquifer Science staff have finished three manuscripts that will be chapters in a Geological Society of America (GSA) Memoir on the Edwards Aquifer, which will likely be published in the fall of 2019. One chapter has already been published online as an open document and copies have been given to the Board. Brian Smith attended the National Speleological Society Convention in Cookeville, TN during the week of June 17. As part of the convention to attended a field trip to learn about the karst hydrogeology beneath Cookeville and how the caves are used as drainage for their stormwater system.

Travis County ILA - Hydrogeologic Atlas of Western Travis County

District staff have continued to collect hydrogeologic data in Western Travis County such as water levels and geophysical logging. A monthly status report was prepared in early July 2019.

EDUCATION TEAM

Staff: RHG and JV
July 5, 2019

Wildflower Center Nature Nights: Geology, Fossils, & Caves

Staff attended and hosted an activity table at the themed Nature Night at the Lady Bird Johnson Wildflower Center on June 13th. The popular Water Conservation Toss activity hosted by the District encourages players to conserve water through a toss game with varying difficulties of goals that aim to protect water quantity for local endangered salamanders. An estimated 1,200 people were in attendance for the event that evening.

Groundwater to the Gulf

The Aquifer District, in collaboration with 12 other agencies, helps host this annual 3-day, field-trip-based, hands-on training. This year 32 participants from around central Texas attended the training on June 11-13, 2019. It allows teachers a chance to dip their hands into local water topics and try activities that help bring those topics back to the classroom. The three program-filled days included topics in science with caving, creeks, benthic macroinvertebrates, endangered species, and all things water. The District is a lead organizer for the event. This year there was strong local teacher and agency representation in attendance. Feedback collected from exit surveys was highly positive for the institute overall.

Travis County ILA - Hydrogeologic Atlas of Western Travis County

Staff have wrapped up field data collection and have transitioned to data compilation and documentation. While it's an ambitious goal, staff estimates that a draft of the Western Travis County Hydrogeologic Atlas will be ready by the deliverable deadline set forth in the Travis County ILA—August 31, 2019. The Atlas will be modelled after the Hill Country Trinity Atlas and will summarize data collected and analyzed during the project.

Well Owner Feedback Survey

Over half of the Well Water Checkup participants provided feedback through an online survey designed to help inform the groundwater user education. There was a lot of interest in aquifer status and water levels, well operation and maintenance tips, and drought hearty landscaping tips. They identified the need to educate their neighbors about irrigation and high water use on groundwater supply. And the preferred method for receiving information was through the monthly eNews and on the District website. Staff are continuing to include identified information through the eNews editions.

Other meetings and activities:

- **Groundwater to the Gulf Wrap-Up Meeting:** Staff met with a handful of the collaborators to discuss evaluations, wrap-up tasks, and suggestions for improvement next year.
- **Alternative On-Site Water Use Workshop:** Staff attended a City of Austin Water workshop on June 25th to learn about alternative water sources from local experts and to discuss Water Forward planning with interested stakeholders in a workshop format.
- **Camp Scholarship Winner Meet & Greet:** Staff met with one of the selected camp scholarship winners who was unable to attend the official scholarship ceremony. A winning certificate was awarded, and educational materials shared.

- **eNews:** The June eNews edition included articles on Groundwater to the Gulf Success, Aquifer Status, Permittee Drought Planning Updates, Groundwater User Highlight: Water Treatment for Bacteria, and EP Permit Notice Update.

Internet Traffic Report - Page views and visits to the District Website

From May 1 to June 7, the District website had 2,716 total page views by 2,210 unique sessions from last month. Top sites in order of number of views were the home page (681), maps (136), Kinder Morgan Pipeline (107), Drought Status (106), Staff (90). The District Facebook page now has 835 likes. 'Likes' and responses to posts have been very positive. The most popular FB posts were National Cave & Karst Day (353), Fix Leaky Toilets (253), and Summer Water Saving Tips (205).

ADMINISTRATION TEAM

Staff: SD, TR, and DW
July 5, 2019

Accounts Receivable

July monthly billings were mailed out on June 14th (due on July 5th and late on July 16th) for \$29,157. There is only one more monthly billing cycle (for \$29,157) this fiscal year.

Banking – New Name, TRUIST

Back in March, it was reported to the Board that our banking institution, BB&T, merged with SunTrust, creating the sixth largest U.S. bank holding company, and that the combined companies will operate under a new name. The transition is going to occur later this year, where we should be guided through step by step for as seamless a transition as possible. For now, it is banking as usual. The new name of these two merged institutions will be TRUIST.

Budgets

FY 2019 Budget Revision 2 was presented to the Budget and Finance Committee at the June 18th committee meeting.

FY 2020 Draft Preliminary Budget was also presented to the Budget and Finance Committee at the June 18th committee meeting.

The preliminary budget may be presented to the full Board at the July 11, 2019 Board Meeting.

The proposed budget will be presented to the full Board at the August 15, 2019 Board Meeting.

Conservation Credit Analysis – Annual Assessment

In process.

Fee Schedule - Excess Pumpage Fee Calculation

A proposal with different options (volume vs percentage) had been submitted to the General Manager for further discussion, was presented to the full Board in closed session on June 28, and will be brought to the full Board for approval by Resolution at the July 11 Board Meeting.

Fee Schedule – FY 2020

The Fee Schedule is presented with the budget. The Fee Schedule, according to our Bylaws, has to be adopted by the Board thirty days before the end of the fiscal year, or July 31. It can then be amended later if further changes are needed.

Financial Reporting – Website

Transparency Star-related. Most current, available financial reports are to be posted. Balance Sheet, Profit and Loss Statements, and Check Registers through May 2019 have been posted on the District website.

Southwest Travis County ILA Project

Tracking expenses and in-kind services through August 31st. Current spreadsheets contain up-to-date labor and expenses.

State Auditor’s Office (SAO) Audit

Management responses to the SAO Draft Report is in process.

Tax Reporting

Filed quarterly unemployment taxes (C-3) with the Texas Workforce Commission, and quarterly payroll tax report (941) with the United States Treasury for 2nd quarter calendar year (Apr/May/Jun).

The Administration Team typically has repetitive monthly tasks e.g. monthly bank reconciliations, daily phone answering, monthly adjusting journal entries, contract/grant/and project tracking, monthly meter reading reporting; etc. These types of tasks are not listed here because they are so repetitive. Administration status reports are generally much smaller than the other teams as we list only the extraordinary tasks.

UPCOMING DATES OF INTEREST

- June 12 and 13: Groundwater to the Gulf
- June 12 and 13: American Groundwater Trust/Texas Aquifer Conference, Austin
- June 17: GMA 9 Meeting, Boerne
- June 19-21: TWCA Mid-Year Conference, Galveston
- August 20 – 22: TAGD Groundwater Summit:

RESOLUTION

WHEREAS, Kinder Morgan and Exxon Mobil, in partnership with EagleClaw Midstream Ventures (Private Partnership), have begun the process of routing a 42-inch buried natural gas pipeline, known as the Permian Highway Pipeline (PHP) from Coynosa, Texas, to Sheridan, Texas through the Texas Hill Country across the Edwards and Trinity aquifers; and

WHEREAS, the PHP will carry a quantity of hydrocarbons for export that, when burned, will produce more carbon pollution than the entire Austin area, which will contribute to climate change with all its deleterious effects on the people of Austin and the world; and

WHEREAS, the PHP is currently proposed to transport natural gas and may, at any time in the future and without regulatory or public input, transport crude oil, gasoline, diesel, and liquified natural gas; and these products, including natural gas, present significant environmental and public safety risks; and

WHEREAS, the laws of Texas provide for little oversight of the routing of private pipelines, such as the PHP pipeline, to ensure public safety and limit environmental impacts; and

WHEREAS, the Private Partnership has not performed a formal Environmental Impact Study evaluating the potential impact to the Trinity and Edwards aquifers, other groundwater sources, erosion, drainage, subsidence, and other generally detrimental impacts to the surrounding communities; and

WHEREAS, Travis County has an interest in the protection of the natural resources in the County including the Edwards Aquifer and Barton Springs, and an interest in how the PHP may affect its residents; and

WHEREAS, the Edwards Aquifer serves as a major source of drinking water for two million people, is a vital resource to the general economy and welfare of Central Texas, and forms the only known habitat for the endangered Barton Springs Salamander and the Austin Blind Salamander; and

WHEREAS, the PHP will be constructed within karst geology through the recharge zone of the Edwards Aquifer for the purpose of transporting natural gas; however, other hydrocarbons including liquids could be transported, and even a natural gas-only pipeline will include some amounts of liquid hydrocarbons; and

WHEREAS, the Barton Springs/Edwards Aquifer Conservation District performed dye tracing studies within the area of the PHP route, and the results indicate that a release of hydrocarbons along the proposed route will result in potential harm to Barton Springs, and the karst formation would make it nearly impossible to adequately clean up hydrocarbon leaks from the pipeline; and

WHEREAS, with the review by the Barton Springs/Edwards Aquifer Conservation District, there is not reasonable assurance that the Edwards Aquifer and Barton Springs will be protected during the construction and operation of the PHP.

WHEREAS, on June 19, 2019 the Austin City Council passed a resolution directing the City Manager to study and report back to Council by August 30 the potential water quality impacts a pipeline transporting hydrocarbons would have on the Trinity and Edwards aquifers; additionally the City Manager was directed to study legal avenues for the City of Austin to effectively oppose the pipeline in ways that could, for example, include requesting the State of Texas to protect landowners, landowners' property rights, and communities from the negative impact of PHP and other potential oil and gas pipelines by the following measures:

1. Creating a state regulatory process for oil and gas pipeline routing that enables affected landowners and communities to provide input on the routing process, similar to the practice followed by the Texas Public Utility Commission regarding the routing of electric transmission lines.
2. Requiring Environmental and Economic Impact Studies for all intra-state oil and gas pipelines, including the participation of local governmental entities, and made available for review by the public.
3. Requiring governmental oversight over the power of eminent domain delegated to private companies and/or rescinding the unlimited power of eminent domain delegated to private companies.

NOW THEREFORE, BE IT RESOLVED THAT THE TRAVIS COUNTY COMMISSIONERS COURT:

Opposes the Permian Highway Pipeline on behalf of the interests of the Travis County residents in recognition of the potential harm the PHP poses to its natural and economic resources; and in recognition of the danger to people, wildlife and ecosystems along its route, and through its transport and subsequent export of hydrocarbons, to the health of global ecosystem services including a stable climate.

BE IT FURTHER RESOLVED THAT:

Travis County Environmental Staff will provide the Commissioners Court with an overview and/or copy of the Austin City Managers report to City Council.

Item 4

Public Hearing

The Board will hold a public hearing on the proposed FY 2020 Fee Schedule.

Barton Springs/Edwards Aquifer Conservation District
Fiscal Year 202019
Fee Schedule

Effective September 1, 20189.
Board-approved ~~August-July 911~~, 20198.

I. PERMIT FEES AND PRODUCTION FEES

A. Drilling and Production Application Fees (See Table 1)

\$250.00 Exempt Application Fee – assessed for the drilling (new well or replacement well) or modification of an exempt well. These wells are exempt from having to obtain an authorization or permit but must comply with the application requirement and District Rule 5. Exempt Wells include: Scientific Monitor Wells, Remediation Wells, Injection Wells, Closed Loop Geothermal Wells, Dewatering Wells, and Oil and Gas Drilling and Exploration Wells. For Monitoring Wells and Closed Loops Geothermal Wells, multiple wells that are similar in well design, construction, location, and purpose will be assessed an additional \$10 fee for each monitoring well.

\$300.00 General Permit Application Fee – assessed for the drilling (new well or replacement well), modification, or production of all new limited production permit (LPP), monitor, and test wells subject to the general permits by rule outlined in District Rule 3-1.20. This fee includes construction inspections conducted by District staff (a non-refundable, one-time fee assessment).

- For monitoring wells, multiple wells that are similar in well design, construction, location, and purpose will be assessed an additional \$10 fee for each monitoring well.
- For test wells requiring additional aquifer pump tests, an additional \$50 fee will be assessed.
- For aquifer tests performed to support application requests, a fee will be assessed based upon an hourly rate of \$60.00 per hour for the amount of staff time needed in excess of 80 hours to support these tests. The applicant will be invoiced for this fee within 30 days upon the completion of the test.

Production Permit Application Fee - assessed to all new Production Permits for existing or new nonexempt wells not covered by Rule 3-1.20 - general permits by rule (a non-refundable fee assessment). Permit applications will be assessed an application fee based on the following scale:

- \$ 500 - Production volume requests less than 2,000,000 gallons per year
- \$ 750 - Tier 1 production volume requests > than 2,000,000 to 12,000,000 gallons per year
- \$ 1000 - Tier 2 production volume requests > than 12,000,000 to 200,000,000 gallons per year
- \$ 3,000 - Tier 3(a) production volume requests > than 200,000,000 to 500,000,000 gallons per year
- \$5,000 Tier 3(b) production volume request > than 500,000,000 to 1,000,000,000 gallons per year

\$500.00 Transport Permit Application Fee – assessed to all new Transport Permit applications for existing or new nonexempt wells (a non-refundable fee assessment). This is in addition to production permit application fee, if applicable.

\$625.00 Drilling/ Modification Application Fee– assessed for the drilling (new well or replacement well) or modification of all nonexempt wells. This fee includes construction inspections conducted by District staff. This fee does not apply to general permits by rule outlined in District Rule 3-1.20.

\$125.00 Well Plugging, Capping, or Recompletion –assessed for application and site review of proposed abandonment procedures, field inspections, and registration on abandonment of all wells (a non-refundable fee assessment).

B. Permit Amendment Applications (see District Rules for clarification):

Minor Amendments

- **\$300.00 Production Permit Increase** - minor amendments to increase pumpage authorized by individual permits (a non-refundable fee assessment).
- **\$200 Substantial Alteration** - minor amendments to substantially alter a well (a non-refundable fee assessment).
- **\$ 50.00 All other minor amendments** - (a non-refundable fee assessment).

Major Amendments

- **\$750.00 Production Permit Increase** - major amendment to increase pumpage authorized by individual permits (a non-refundable fee assessment).
- **\$625.00 Well Modification** - major amendment to alter the physical or mechanical characteristics that increase capacity of an existing well (a non-refundable fee assessment).

C. Production Fees

\$0.17 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a Historical Permit or a Conditional Permit not authorized by material amendment.

\$0.17 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a Temporary Production Permit.

\$0.44 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a new Class A, B, or C Conditional Permit or a Class A, B, or C Conditional Permit authorized by material amendment.

\$0.17 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a new Class D (ASR) Conditional Permit or a Class D Conditional Permit authorized by material amendment.

\$0.08 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or an aggregate of wells in the Saline Edwards Management Zone.

\$1.00 per acre-foot for Agricultural Wells for annual permitted pumpage for water to be withdrawn from a well or aggregate of wells (an acre-foot is 325,851 gallons).

Production Fees are assessed annually based on the current permitted pumpage volume of certain nonexempt wells. Permits are issued annually for nonexempt wells and are explicit as to the volume of water permitted to be withdrawn from a well or aggregate of wells over a specific time period.

D. Transport Fees

\$0.31 per 1,000 gallons - assessed annually to all permittees who are transporting water out of the District. Transport fees are based on the volume authorized to be transported outside the District boundaries, in addition to the production fee associated with the production of that water (a non-refundable fee assessment).

E. Annual Permit Fees

\$50.00 Annual Permit Fee - assessed to all permittees for renewing annual permits (a non-refundable fee assessment).

F. Excess Pumpage Fee

Permittees who exceed their annual permitted pumpage shall be assessed an excess pumpage fee for groundwater withdrawn in excess of the permitted volume in accordance with the following schedule:

An excess of **500,000 gallons or less**: \$0.17 per 1,000 gallons for a Historical Permit, a Conditional Permit not authorized by material amendment, or a Temporary Production Permit.

\$0.44 per 1,000 gallons for new Conditional Permits and Conditional Permits authorized by material amendment.

An excess of **more than 500,000 gallons**:

An excess of 500,001 – 1,000,000 gallons of ~~Up to 25% of~~ permitted pumpage - ~~\$5.00~~.50 per 1,000 gallons plus the applicable production fee*

An excess of 1,000,001 – 2,000,000 gallons of ~~25% – 100% of~~ permitted pumpage - ~~\$7~~1.00 per 1,000 gallons plus the applicable production fee*

An excess of more than 2,000,000 gallons of ~~Over 100% of~~ permitted pumpage - ~~\$10~~2.00 per 1,000 gallons plus the applicable production fee*

* Applicable production fee means the higher rate associated with any authorized pumpage.

Upon recommendation of the General Manager, the Board of Directors may reduce, waive or otherwise adjust the application of the Excess Pumpage Fee for good cause shown by the permittee that the excess pumpage was the result of circumstances beyond the control of the permittee or necessary to protect the health, safety, or welfare of the public.

G. Regulatory/Drought Management Fees

During periods of District-declared drought starting after two full months of a drought period, a drought management fee will be imposed on permittees permitted for more than 2,000,000 gallons annually (excludes all uses under general permits). This regulatory fee will be paid annually in arrears as a condition of permit renewals at the beginning of each fiscal year. The fee will be assessed per full month of declared drought, with a credit of that same fee amount per month applied for each month that the permittee does not exceed its monthly mandated restriction in the prevailing UDCP. Fees will be assessed in accordance with the following schedule:

For production zone casing with outside diameters nominally 5.0 inches or less: *
\$100.00/month

For production zone casing with outside nominally between 5.0 inches and 10.0 inches: *
\$250.00/month

For production zone casing with outside diameters nominally greater than 10.0 inches: *
\$500.00/month

II. OTHER FEES

Meter Verification / Inspection Fee - \$50.00 to \$75.00

Assessed only when a permitted user fails inspection after being advised that meters must be installed or calibrated, or when a permittee fails to submit the required meter readings and District personnel must visit the well site or take the meter readings. May be assessed as many times as permitted user fails to comply with Board Orders or District Rules to come into compliance. The fee will increase to \$75.00 on the third instance to occur within a 12-month period in which a \$50 fee was previously assessed two instances prior (a non-refundable fee assessment).

Special Fees

A Special Fee is required for certain tasks involving extraordinary staff time to perform extensive technical/ review, fieldwork, and/or inspections. This fee may be assessed for a variety of tasks and may be assessed as a one-time fee, on a periodic recurring basis, or cumulatively for multiple tasks depending on the tasks warranting the fee. Such tasks include but are not limited to the following:

Tasks Warranting a Special Fee	Assessment of Fee
Staff technical review of Permit applications involving alternative well designs, well development procedures, or well plugging/capping procedures including alternative Test Well designs in which a formal aquifer test will be conducted to support a future Production Permit request.	\$500 fee shall be assessed one time, and will be due 30 days upon the determination of administrative completeness of the application

Review of Permit applications requiring extensive external technical consulting services (e.g. contract review, well construction, engineering plans and specifications, hydrogeological modeling).	\$5,000 fee shall be due within 30 days upon the determination that external technical consulting services are needed. (Fee may be assessed in addition to other applicable Special Fees.)
Review of Permits with special provisions requiring ongoing, annual or periodic internal technical review or compliance evaluations.	A fee up to \$1,000 shall be recurring, assessed annually upon permit renewal based upon the nature and duration of the special permit provisions that are in effect.
Special inspections or investigations, or requests from local government or private entities.	A fee up to \$1,000 shall be assessed one time as determined by the General Manager.

Potential for Unreasonable Impact Fee

The District will assess a supplemental fee to address staff time needed to review a permit application found to have a potential for unreasonable impact(s). Per District Rules, this finding initiates additional application requirements, internal technical review, development of permit compliance measures, and/or development of special provisions. The fee will be based upon a staff time rate of ~~\$75~~60.00 per hour for the amount of time needed for the additional review determined by the General Manager's preliminary finding. This fee will be due at two times: half within 30 days upon the completion of the General Manager's preliminary finding, and half within 30 days upon administrative completeness.

Returned Check Fee - \$35.00

The District will assess the person writing the returned check a \$35.00 fee for each check returned by the District depository due to insufficient funds, account closed, signature missing, or any other problem causing such a return. This fee will be charged each time a check is returned. If bank charges to the District's account exceed \$35.00, the District shall assess the higher of the two amounts (a non-refundable fee assessment).

Accounting Fee - \$50.00 per hour

Anyone requesting that the District conduct any accounting, other than the routine accounting normally done by the District, shall be assessed an accounting fee of \$50.00 per hour of District staff time spent on the accounting. Accounting fees will not be assessed if District generated errors are found in the Permittee's account.

Variance Request Fees - \$100.00

An applicant may, by meeting eligibility requirements of Section 3-1.25 or Section 3-7.10 and by written petition to the Board, request a variance from the requirements of District Rule 3-1 or District Rule 5, except Sections 3-1.20, 3-1.22, 3-1.23, and 3-1.24, or District Rule 3-7, respectively.

Legal Notice Fees

An applicant will pay for publishing any legal notices in accordance with the District rules.

III. FEE REFUNDS

The General Manager or a specifically designated representative may approve a refund of any fee for which no District service has been provided at the time of the request for refund is submitted. Requests for refunds must be submitted in writing to the District office and can be mailed, faxed, hand-delivered, or sent by e-mail. Fee payers who feel they have been unfairly denied a refund may request that the matter be reviewed by the Board.

Table 1. Summary of Application Fees

Exempt Wells – Permit Actions	Application Fee
Register Existing Well/ Change of Ownership	\$0
Drill New Exempt Well/ Well Modification	\$250
Nonexempt Wells – Permit Actions	Application Fee
GP - Drill New Well (LPP) Limited Production Permit	\$300
GP - Drill New Test Well (includes one pump test)	\$300
GP - Conduct Pump Test	\$50
GP - Drill New Monitor Well	\$300
	TBD upon completion of the test.
GP – Aquifer Tests	
Individual Drilling Authorization – Drill New Well / Well Modification	\$625
Individual Production Permit – to produce from a well	\$500-\$5000
Transport Permit – to transport out of District	\$500
Production Volume Increase (Minor Amendment)	\$300
Production Volume Increase (Major Amendment)	\$750
Plug, Cap, Recomplete Abandoned Wells	\$125
Change of Ownership of Permitted Well	\$50
Special Fees	\$500-\$5000
	TBD upon GM preliminary findings
Potential for Unreasonable Impact(s) Fee	

Barton Springs/Edwards Aquifer Conservation District
Fiscal Year 2020
Fee Schedule

Effective September 1, 2019.
Board-approved July 11, 2019.

I. PERMIT FEES AND PRODUCTION FEES

A. Drilling and Production Application Fees (See Table 1)

\$250.00 Exempt Application Fee – assessed for the drilling (new well or replacement well) or modification of an exempt well. These wells are exempt from having to obtain an authorization or permit but must comply with the application requirement and District Rule 5. Exempt Wells include: Scientific Monitor Wells, Remediation Wells, Injection Wells, Closed Loop Geothermal Wells, Dewatering Wells, and Oil and Gas Drilling and Exploration Wells. For Monitoring Wells and Closed Loops Geothermal Wells, multiple wells that are similar in well design, construction, location, and purpose will be assessed an additional \$10 fee for each monitoring well.

\$300.00 General Permit Application Fee – assessed for the drilling (new well or replacement well), modification, or production of all new limited production permit (LPP), monitor, and test wells subject to the general permits by rule outlined in District Rule 3-1.20. This fee includes construction inspections conducted by District staff (a non-refundable, one-time fee assessment).

- For monitoring wells, multiple wells that are similar in well design, construction, location, and purpose will be assessed an additional \$10 fee for each monitoring well.
- For test wells requiring additional aquifer pump tests, an additional \$50 fee will be assessed.
- For aquifer tests performed to support application requests, a fee will be assessed based upon an hourly rate of \$60.00 per hour for the amount of staff time needed in excess of 80 hours to support these tests. The applicant will be invoiced for this fee within 30 days upon the completion of the test.

Production Permit Application Fee - assessed to all new Production Permits for existing or new nonexempt wells not covered by Rule 3-1.20 - general permits by rule (a non-refundable fee assessment). Permit applications will be assessed an application fee based on the following scale:

- \$ 500 - Production volume requests less than 2,000,000 gallons per year
- \$ 750 - Tier 1 production volume requests > than 2,000,000 to 12,000,000 gallons per year
- \$ 1000 - Tier 2 production volume requests > than 12,000,000 to 200,000,000 gallons per year
- \$ 3,000 - Tier 3(a) production volume requests > than 200,000,000 to 500,000,000 gallons per year
- \$5,000 Tier 3(b) production volume request > than 500,000,000 to 1,000,000,000 gallons per year

\$500.00 Transport Permit Application Fee – assessed to all new Transport Permit applications for existing or new nonexempt wells (a non-refundable fee assessment). This is in addition to production permit application fee, if applicable.

\$625.00 Drilling/ Modification Application Fee– assessed for the drilling (new well or replacement well) or modification of all nonexempt wells. This fee includes construction inspections conducted by District staff. This fee does not apply to general permits by rule outlined in District Rule 3-1.20.

\$125.00 Well Plugging, Capping, or Recompletion –assessed for application and site review of proposed abandonment procedures, field inspections, and registration on abandonment of all wells (a non-refundable fee assessment).

B. Permit Amendment Applications (see District Rules for clarification)

Minor Amendments

- **\$300.00 Production Permit Increase** - minor amendments to increase pumpage authorized by individual permits (a non-refundable fee assessment).
- **\$200 Substantial Alteration** - minor amendments to substantially alter a well (a non-refundable fee assessment).
- **\$ 50.00 All other minor amendments** - (a non-refundable fee assessment).

Major Amendments

- **\$750.00 Production Permit Increase** - major amendment to increase pumpage authorized by individual permits (a non-refundable fee assessment).
- **\$625.00 Well Modification** - major amendment to alter the physical or mechanical characteristics that increase capacity of an existing well (a non-refundable fee assessment).

C. Production Fees

\$0.17 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a Historical Permit or a Conditional Permit not authorized by material amendment.

\$0.17 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a Temporary Production Permit.

\$0.44 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a new Class A, B, or C Conditional Permit or a Class A, B, or C Conditional Permit authorized by material amendment.

\$0.17 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or aggregate of wells by a new Class D (ASR) Conditional Permit or a Class D Conditional Permit authorized by material amendment.

\$0.08 per 1,000 gallons for annual permitted or authorized pumpage for water to be withdrawn from a well or an aggregate of wells in the Saline Edwards Management Zone.

\$1.00 per acre-foot for Agricultural Wells for annual permitted pumpage for water to be withdrawn from a well or aggregate of wells (an acre-foot is 325,851 gallons).

Production Fees are assessed annually based on the current permitted pumpage volume of certain nonexempt wells. Permits are issued annually for nonexempt wells and are explicit as to the volume of water permitted to be withdrawn from a well or aggregate of wells over a specific time period.

D. Transport Fees

\$0.31 per 1,000 gallons - assessed annually to all permittees who are transporting water out of the District. Transport fees are based on the volume authorized to be transported outside the District boundaries, in addition to the production fee associated with the production of that water (a non-refundable fee assessment).

E. Annual Permit Fees

\$50.00 Annual Permit Fee - assessed to all permittees for renewing annual permits (a non-refundable fee assessment).

F. Excess Pumpage Fee

Permittees who exceed their annual permitted pumpage shall be assessed an excess pumpage fee for groundwater withdrawn in excess of the permitted volume in accordance with the following schedule:

An excess of **500,000 gallons or less:** \$0.17 per 1,000 gallons for a Historical Permit, a Conditional Permit not authorized by material amendment, or a Temporary Production Permit.

\$0.44 per 1,000 gallons for new Conditional Permits and Conditional Permits authorized by material amendment.

An excess of **more than 500,000 gallons:**

An excess of 500,001 – 1,000,000 gallons of permitted pumpage - \$5.00 per 1,000 gallons plus the applicable production fee*

An excess of 1,000,001 – 2,000,000 gallons of permitted pumpage - \$7.00 per 1,000 gallons plus the applicable production fee*

An excess of more than 2,000,000 gallons of permitted pumpage - \$10.00 per 1,000 gallons plus the applicable production fee*

* Applicable production fee means the higher rate associated with any authorized pumpage.

Upon recommendation of the General Manager, the Board of Directors may reduce, waive or otherwise adjust the application of the Excess Pumpage Fee for good cause shown by the permittee that the excess pumpage was the result of circumstances beyond the control of the permittee or necessary to protect the health, safety, or welfare of the public.

G. Regulatory/Drought Management Fees

During periods of District-declared drought starting after two full months of a drought period, a drought management fee will be imposed on permittees permitted for more than 2,000,000 gallons annually (excludes all uses under general permits). This regulatory fee will be paid annually in arrears as a condition of permit renewals at the beginning of each fiscal year. The fee will be assessed per full month of declared drought, with a credit of that same fee amount per month applied for each month that the permittee does not exceed its monthly mandated restriction in the prevailing UDCP. Fees will be assessed in accordance with the following schedule:

For production zone casing with outside diameters nominally 5.0 inches or less: *
\$100.00/month

For production zone casing with outside nominally between 5.0 inches and 10.0 inches: *
\$250.00/month

For production zone casing with outside diameters nominally greater than 10.0 inches: *
\$500.00/month

II. OTHER FEES

Meter Verification / Inspection Fee - \$50.00 to \$75.00

Assessed only when a permitted user fails inspection after being advised that meters must be installed or calibrated, or when a permittee fails to submit the required meter readings and District personnel must visit the well site or take the meter readings. May be assessed as many times as permitted user fails to comply with Board Orders or District Rules to come into compliance. The fee will increase to \$75.00 on the third instance to occur within a 12-month period in which a \$50 fee was previously assessed two instances prior (a non-refundable fee assessment).

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A Special Fee is required for certain tasks involving extraordinary staff time to perform extensive technical/ review, fieldwork, and/or inspections. This fee may be assessed for a variety of tasks and may be assessed as a one-time fee, on a periodic recurring basis, or cumulatively for multiple tasks depending on the tasks warranting the fee. Such tasks include but are not limited to the following:

Tasks Warranting a Special Fee	Assessment of Fee
Staff technical review of Permit applications involving alternative well designs, well development procedures, or well plugging/capping procedures including alternative Test Well designs in which a formal aquifer test will be conducted to support a future Production Permit request.	\$500 fee shall be assessed one time, and will be due 30 days upon the determination of administrative completeness of the application

Review of Permit applications requiring extensive external technical consulting services (e.g. contract review, well construction, engineering plans and specifications, hydrogeological modeling).	\$5,000 fee shall be due within 30 days upon the determination that external technical consulting services are needed. (Fee may be assessed in addition to other applicable Special Fees.)
Review of Permits with special provisions requiring ongoing, annual or periodic internal technical review or compliance evaluations.	A fee up to \$1,000 shall be recurring, assessed annually upon permit renewal based upon the nature and duration of the special permit provisions that are in effect.
Special inspections or investigations, or requests from local government or private entities.	A fee up to \$1,000 shall be assessed one time as determined by the General Manager.

Potential for Unreasonable Impact Fee

The District will assess a supplemental fee to address staff time needed to review a permit application found to have a potential for unreasonable impact(s). Per District Rules, this finding initiates additional application requirements, internal technical review, development of permit compliance measures, and/or development of special provisions. The fee will be based upon a staff time rate of \$75.00 per hour for the amount of time needed for the additional review determined by the General Manager’s preliminary finding. This fee will be due at two times: half within 30 days upon the completion of the General Manager’s preliminary finding, and half within 30 days upon administrative completeness.

Returned Check Fee - \$35.00

The District will assess the person writing the returned check a \$35.00 fee for each check returned by the District depository due to insufficient funds, account closed, signature missing, or any other problem causing such a return. This fee will be charged each time a check is returned. If bank charges to the District’s account exceed \$35.00, the District shall assess the higher of the two amounts (a non-refundable fee assessment).

Accounting Fee - \$50.00 per hour

Anyone requesting that the District conduct any accounting, other than the routine accounting normally done by the District, shall be assessed an accounting fee of \$50.00 per hour of District staff time spent on the accounting. Accounting fees will not be assessed if District generated errors are found in the Permittee’s account.

Variance Request Fees - \$100.00

An applicant may, by meeting eligibility requirements of Section 3-1.25 or Section 3-7.10 and by written petition to the Board, request a variance from the requirements of District Rule 3-1 or District Rule 5, except Sections 3-1.20, 3-1.22, 3-1.23, and 3-1.24, or District Rule 3-7, respectively.

Legal Notice Fees

An applicant will pay for publishing any legal notices in accordance with the District rules.

III. FEE REFUNDS

The General Manager or a specifically designated representative may approve a refund of any fee for which no District service has been provided at the time of the request for refund is submitted. Requests for refunds must be submitted in writing to the District office and can be mailed, faxed, hand-delivered, or sent by e-mail. Fee payers who feel they have been unfairly denied a refund may request that the matter be reviewed by the Board.

Table 1. Summary of Application Fees

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GP - Conduct Pump Test	\$50
GP - Drill New Monitor Well	\$300
	TBD upon completion of the test.
GP – Aquifer Tests	
Individual Drilling Authorization – Drill New Well / Well Modification	\$625
Individual Production Permit – to produce from a well	\$500-\$5000
Transport Permit – to transport out of District	\$500
Production Volume Increase (Minor Amendment)	\$300
Production Volume Increase (Major Amendment)	\$750
Plug, Cap, Recomplete Abandoned Wells	\$125
Change of Ownership of Permitted Well	\$50
Special Fees	\$500-\$5000
	TBD upon GM preliminary findings
Potential for Unreasonable Impact(s) Fee	

Item 4

Board Discussions and Possible Actions

- a. Discussion and possible action to adopt the proposed FY 2020 fee schedule by Resolution #071119- 01.**

STATE OF TEXAS

§

RESOLUTION # 071119-01

COUNTIES OF TRAVIS, HAYS
AND CALDWELL

§

§

§

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT
THAT ADOPTS THE FISCAL YEAR 2020 FEE SCHEDULE**

WHEREAS, the Barton Springs/Edwards Aquifer Conservation District (the "District") has the authority under Chapter 36, Texas Water Code and District Rule 3-1.16 to establish reasonable fees; and

WHEREAS, the Board of Directors of the District is responsible for establishing reasonable fees to manage and operate the District and support the District's groundwater management programs; and

WHEREAS, fees must be established that, when combined with the City of Austin water use fee assessment, will provide adequate revenues to fund continuing operations and planned programs, retire debt, maintain adequate contingencies, and to help offset current and future project costs by building upon current reserves; and

WHEREAS, the adoption of this Resolution meets the requirements of District Rules & Bylaws and State law for the adoption of the District's Annual Fee Schedule and Fee Schedule amendments; and

WHEREAS, the Board of Directors of the District desires to address its mandate to conserve, preserve, protect, and enhance the Barton Springs segment of the Edwards Aquifer by adequately funding District programs for scientific research on water quality and quantity, recharge enhancement, public education and information, aquifer protection, to prevent waste of groundwater, protect the rights of owners of interest in groundwater, and other essential activities;

NOW, THEREFORE, WE, THE BOARD OF DIRECTORS OF THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT, DO HEREBY ADOPT THE Proposed Fiscal Year 2020 Fee Schedule as allowed under its enabling legislation codified at Special District Local Laws Code, Chapter 8802; Chapter 36 of the Texas Water Code; and other State laws.

The motion passed with ___ ayes and ____ nays.

PASSED AND APPROVED on July 11, 2019 **TO BE EFFECTIVE** for September 1, 2019.

Blayne Stansberry, Board President

Blake Dorsett, Board Secretary

Item 4

Board Discussions and Possible Actions

b. Discussion and possible action to approve the Interlocal Agreement between the Barton Springs/Edwards Aquifer Conservation District and the Bandera County River Authority and Groundwater District for purposes of Joint Planning within Groundwater Management Area 9 specifically in regard to the preparation of and payment for the DFC Explanatory Report.

INTERLOCAL AGREEMENT
GROUNDWATER MANAGEMENT AREA 9
DFC EXPLANATORY REPORT - THIRD PLANNING CYCLE

This Interlocal Agreement (Agreement) is entered into between the undersigned Groundwater Conservation District (District) and the Bandera County River Authority and Groundwater District (BCRAGD) for purposes of Joint Planning within Groundwater Management Area 9 (GMA 9) in accordance with Section 36.108 of the Texas Water Code and specifically in regard to the preparation of and payment for the DFC Explanatory Report (the Report).

Each confirmed District located within GMA 9 (Participating Districts) shall adopt this Agreement and forward a copy of the signed agreement or minutes approving the agreement to the BCRAGD.

- 1.01** The undersigned District shall agree to share equally in the expenses incurred in the preparation of the Report which is estimated to be \$55,000 -\$60,000 total for GMA 9. Any requests for exemptions, a reduced share, or other special financial considerations must be approved by a majority of the GMA 9 Committee.
- 1.02** The BCRAGD has been appointed by GMA 9 as the contracting District for the preparation of the Report. BCRAGD will contract with the professional consultant to conduct groundwater modeling and prepare the Report. BCRAGD will invoice the undersigned District for its share of costs as the expenses are incurred. The undersigned District will pay the invoiced amount to the BCRAGD within 45 days from the invoice date.
- 1.03** By execution of this Agreement, the Participating Districts agree to comply with and abide by this Agreement.
- 1.04** The term of this Agreement shall commence on the 1st day of July, 2019, and shall continue in full force and effect until the Explanatory Report contract is completed and the final invoice is paid.
- 1.05** This Agreement is entered into and executed in the State of Texas and all questions pertaining to its validity or construction shall be determined in accordance with laws of the State of Texas.
- 1.06** In case any provision of this Agreement is held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions of this Agreement.

This Interlocal Agreement has been approved and adopted by the Board of Directors of the undersigned District and BCRAGD; the adoption of which is so indicated by the undersigned Board President or the President's Designee.

Blayne Stansberry, President
Barton Springs/Edwards Aquifer Conservation District

Date

Attest:

Approved as to Form:

Blake Dorsett
Board Secretary

Date

William D. Dugat, III
Counsel

Date

James Chastain, Board President
Bandera County River Authority and
Groundwater Conservation District

Date

Attest:

Secretary

Date

Item 4

Board Discussions and Possible Actions

c. Discussion and possible action related the Validation Monitoring Protocol for the HCP under the BSEACD Incidental Take Permit # TE10607C-0.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

1124 Regal Row
Austin, TX 78748
Tel. (512) 282-8441
www.bseacd.org

July 11, 2019

Ms. Tanya Sommer
U.S. Fish and Wildlife Service
Austin Ecological Services Field Office
10711 Burnet Rd., Suite 200
Austin, Texas 78758

Subject: Proposed Validation Monitoring Protocol for HCP under Endangered/Threatened Wildlife
Incidental Take Permit # TE10607C-0

Dear Ms. Sommer:

Per the District's HCP, Section 6.3.1, the Barton Springs/Edwards Aquifer Conservation District is submitting its proposed protocol of the Validation Monitoring Program for review and approval by the Service. This protocol provides a framework that the District will utilize for the following: to document the conformance of the District's groundwater management program with the expected outcomes in the ITP, to assess the amount of take that occurs during the ITP term, and to evaluate impacts of any new relevant information on the take estimate methodology. Such findings would be a precursor to proposing modifications of its groundwater management actions, as necessary.

Should you have any questions about this proposed protocol, please contact me by phone at 512-282-8448 or by email at areinmund@bseacd.org. We would appreciate your expeditious review, comments, and concurrence.

Sincerely,

Alicia Reinmund-Martinez
General Manager

cc: David A. Johns P.G.
Program Manager/Geologist
City of Austin

Proposed Protocol for the District's Validation Monitoring Program

The District's HCP Section 6.3.1 requires the formulation and approval of a "validation monitoring program" and subsequently its recurrent use to inform annual reporting under the HCP. The purpose of this program is "to measure future success of Aquifer-management activities, and to modify management actions on the basis of new information." Among other things, the program requires the District, in the first year of the ITP term, to "collaborate with the COA to formulate a methodology for monitoring and evaluating take associated with the District's Covered Activities." The program also involves an annual re-examination of "[information from] existing springflow gaging, water chemistry monitoring, and salamander censuses, supplemented by new data collection and analyses by the COA", which in aggregate serve as the basis for the take estimate methodology.

During the extended time required to develop the HCP and in particular the lengthy time between developing the preliminary draft HCP and finalizing the final HCP, the District and COA were able to collaborate on a workable approach to an initial and continuing take estimate methodology that related specifically to the District's Covered Activities and to the cryptic characteristics of these Covered Species. This methodology is synopsised in the "Take Logic Diagram" in the Final HCP (Figure 5-8) and reproduced in this document.. The take estimate methodology uses the three elements identified above, viz., gaged springflow, monitored water chemistry, and salamander surveys and censuses, in defining take categories and their estimated amounts. This methodology was used for estimating the total amount of take that was permitted in the initial ITP.

The validation monitoring program requires a re-examination of the take logic methodology as significant new information on these three elements becomes available. Further, the approved Interlocal Agreement between the District and the City's Watershed Protection Department specifically authorizes and requires, among other things, the sharing of new information that will inform this recurrent re-examination process. But until revisions are identified as needed and ultimately approved, the annual reporting of take estimates will utilize the methodology and parameters described in the approved HCP.

Re-examination of Basis for Take Estimate Methodology

At least once per year, nominally beginning two months before the District HCP's annual report is submitted to the Service, the District will explicitly assess whether or not new information indicates that the take estimate methodology needs to be modified to account for factors that would change the Take Logic Diagram. This annual re-examination of the basis for the take estimates will involve considering the following questions related to the three elements used to develop the Take Logic:

1. Does new information indicate that the size and/or distribution of the populations of either Covered Species, whether in the near-field or far-field, is substantively statistically different than that characterized in the HCP and used in estimating take?
2. Does new information indicate that the dissolved-oxygen concentration thresholds for the onset of behavioral and/or physiological effects on the Covered Species are substantively statistically different than those used in the Take Logic Diagram?
3. Does new information indicate that the relationship between sustained dissolved-oxygen concentrations and springflow discharges are substantively statistically different than those used in the Take Logic Diagram?

4. Does new information indicate that there are substantive antagonistic or synergistic effects on the Covered Species that are not adequately included in estimating take, e.g., impacts of other springflow-related water chemistry components on the Covered Species by the District's Covered Activities or Conservation Measures?
5. Does new information indicate that there are new and/or different adverse effects on the Covered Species from non-springflow related activities associated with the District's Covered Activities or Conservation Measures?
6. Does new information indicate that the relationship between groundwater withdrawals and combined springflow during drought periods, e.g., changes in other parameters in the water balance, is significantly different than that used in estimating take during the term of the ITP?

This re-examination will be made by the District's Aquifer Science team and will utilize then-existing data and information provided to the District by the City of Austin under the ILA, public scientific data and reports from the US Geological Survey, other scientific reports and studies, as well as the District's own data collection and analysis activities. New information may arise during the course of each year of the ITP term from new hydrological or biological modeling results, new salamander survey or census data and estimates, or new groundwater sampling and analysis. Any affirmative responses to the questions enumerated above will be elaborated and documented as part of the District's annual reporting to USFWS, including possible recommendations for additional investigations in subsequent years to further assess changes in the take estimate logic and basis. It seems likely that there will be no significant changes to the take estimate basis during the early years of the ITP term. By the same token, it may require multiple years to confirm that some such changes have occurred on a sustained basis and/or additional research to demonstrate how such changes can be best accommodated in revising future take estimates.

Estimation of Take during Each Reporting Period

The actual annual springflow-related take estimate to be included in the District's Annual Report to the Service involves a rather straight-forward procedure:

1. The daily hydrograph from the USGS gage, converted to indicate the calibrated spring flows at Barton Springs, is produced for the 365 days that comprise the current reporting period by the District's Aquifer Science team. The hydrograph may be modified by the District on the basis of manual measurements to supplement the USGS data.
2. The District's Aquifer Science team will disaggregate the hydrograph and identify the cumulative number of days during that reporting period that are in each of the following: No Take, Take Category A, Take Category B, and Take Category C, as defined in the Take Logic Diagram (referring to rate of springflow).
3. The number of months, to two decimal places, that are in each of those four categories is calculated.
4. Category A, regardless of number of months, is assigned a take estimate of a) 15 for the Barton Springs salamander, and b) 0 for the Austin blind salamander.
5. The number of total months assigned to the Categories B and C is multiplied by a) the monthly Take Factor shown in the Take Logic Diagram for the Barton Springs salamander (174/month), and b) the monthly Take Factor for the Austin blind salamander (36.6/month).
6. The estimated springflow-related take of BSS for the reporting period is the sum of the results of Steps 4(a) plus 5(a).

7. The estimated springflow-related take of ABS for the reporting period is simply 5(b), since the take of ABS in Category A is zero (because ABS habitat is not recognized at Upper Barton Springs).

As necessary, the District’s Aquifer Science team will also estimate whether and what take of one or both endangered species was generated by occasional, non-springflow-related District activities (like well construction *per se*), and add the springflow and non-springflow take for annual reporting.

The calculated results of this procedure inform and are input into the HCP Annual Report, Section 7 and will be summarized as follows:

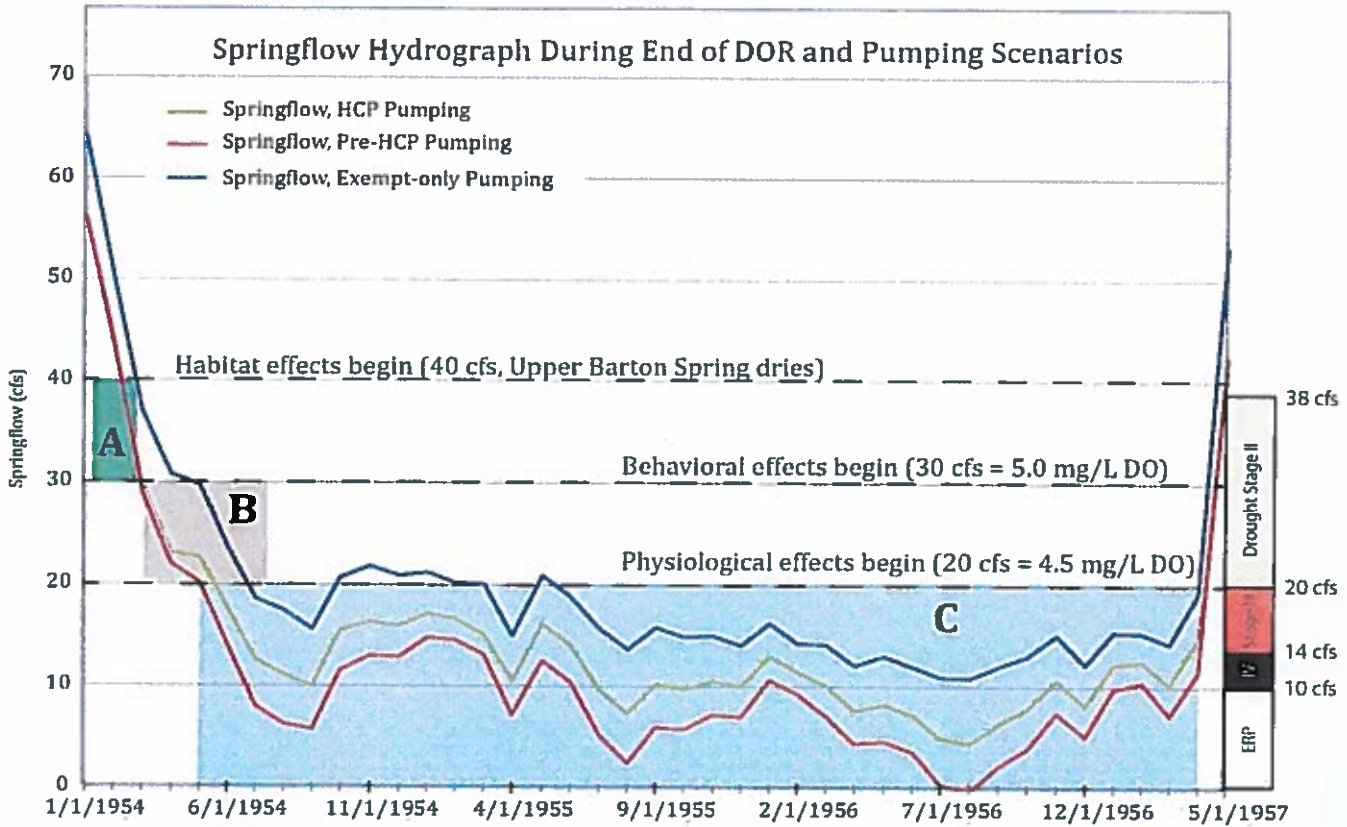
Take Type	Take Category	Inclusive Dates	No. of Months*	BSS Take Factor	Estimated BSS Take	ABS Take Factor	Estimated ABS Take
Springflow-Related	A #1	TBD-TBD	2.25	-	15	0	0
	A #2	TBD-TBD	0.60		15	0	0
	B	TBD-TBD; TBD-TBD	6.45	174	1122	36.6	236
	C	TBD-TBD	2.45	174	426	36.6	90
Occasional, Other	-	MM/DD/YYYY	N/A	N/A	1	N/A	0
Totals			11.75		1579		326

* The values shown for “number of months” are fictitious and are provided for illustrative purposes only. The actual values will be based on the disaggregation of the actual Barton Springs hydrograph for each reporting period by the District’s Aquifer Science team.

During this reporting period, which was nominally in some degree of drought for almost the entire time, the take of Barton Springs salamander would have been estimated to be 1579, and take of Austin blind salamander estimated to have been 326, using the prescribed methodology. These amounts of take would be added to the previously reported cumulative take amounts, resulting in new cumulative take amounts of ____ for BSS and ____ for ABS. (For comparison, the authorized total cumulative take estimates for BSS and ABS during the 20-year permit term are 20,200 and 4,260, respectively.)

Monthly "Take Factor" Logic Diagram

We conservatively estimate total incidents of take from a 37-month period at the end of the Drought of Record. During the springflow recession we qualitatively estimate take relating to various habitat, behavioral, and physiological effects and thresholds. From this discrete drought a monthly take factor was developed to estimate potential monthly take each time springflows is less than 30 cfs (~5.0 mg/L DO), the take initiation threshold.



Species	Stipulated Population	Take Circumstance			Total Take (A+B+C)	Months below 30 cfs	Take Factor (monthly below 30 cfs)
		A Upper BS	B Behavioral Effects	C Physiological Effects			
BSS	4988	15	4988	29% x 4988 = 1447	6450	2 + 35 = 37	6450/37 = 174
ABS	1050	0	1050	29% x 1050 = 305	1355	2 + 35 = 37	1355/37 = 36.6

A: Entire stipulated population at Upper Burton Spring experiences mostly sub-lethal take because pumping hastens drying of habitat.

B: Springflow \leq 30 cfs (\leq 5.0 mg/L DO): Up to 100% of the stipulated population potentially experiences take because decreased DO from pumping causes adverse behavioral effects that are mostly sub-lethal during these two months.

C: Springflow \leq 20 cfs (\leq 4.5 mg/L DO): Up to 29% of stipulated population potentially experiences take because decreased DO from pumping contributes to the adverse physiological effects ranging from sub-lethal to lethal as the depth and duration of drought increases. 29% derived from ratio of average permitted pumping to average total discharge over the 35 months (4.8 cfs/16.7 cfs = 29%). Note: average DO at Main Springs for the period is 3.7 mg/L.

Take Factor will be used to estimate potential take of the BSS and ABS each month springflow is \leq 30 cfs, the take initiation threshold.

Item 6

Director's Reports

Directors' Reports.

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;**
- **Committee formation and updates;**
- **Conversations with public officials, permittees, stakeholders, and other constituents;**
- **Commendations; and**
- **Issues or problems of concern.**

