

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting & Public Hearing
September 26, 2013**

Board members present at commencement: Mary Stone, Craig Smith, Bob Larsen, Blake Dorsett and Gary Franklin. Staff present: John Dupnik, Dana Wilson, Brian Smith, Robin Gary and Kendall Bell-Enders. Bill Dugat of Bickerstaff, Heath, Delgado, and Acosta and Kirk Holland of Holland Groundwater Management Consultants also participated in the meeting. Also present were those on the attached sign-in sheet. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

1. Call to Order.

Ms. Stone called the meeting to order at 6:01 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no comments of a general nature.

3. Routine Business.

- a. **Consent Agenda** Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as an item of Regular Business.
1. **Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
 2. **Approval of minutes of the Board's September 12, 2013, Regular Meeting.**
 3. **Approval of making a cash contribution and providing in-kind services to partner with the Camp Fire USA-Balcones Council's Absolutely Incredible Kids water conservation education program as a primary youth outreach program for the District.**
 4. **Approval of records disposition according to the TSLAC-approved District Records Retention Schedule.**

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

Mr. Franklin moved approval of the consent agenda items 3a. 1 through 4, noting an invoice from Bickerstaff in the amount of \$5380.40, and noting a change in the minutes on page 5 to read "Kirk Holland as one of the PGMA representatives".

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

3b. General Manager's Report. Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

1. Standing Topics.

- i. Personnel matters and utilization;**
- ii. Upcoming public events of possible interest;**
- iii. Aquifer conditions and status of drought indicators.**

Mr. Dupnik briefed the Board on the topics above.

Public Hearing (6:15 PM)

The Board will hold a Public Hearing on an application filed on February 20, 2013, by Grey Rock Golf Club., 7401 State Hwy. 45, Austin, Texas 78739, for a Historical Production Permit application to withdraw an annual permitted volume of approximately 35,000,000 gallons of groundwater from the Middle Trinity Aquifer to be used to irrigate a golf course and landscape turf grass and planting beds.

Ms. Stone opened the Public Hearing at 6:17 p.m.

Ms. Kendall Bell-Enders explained that at a site visit on April 6, 2012 John Dupnik discovered that one of Grey Rock's water wells was located within the District boundaries, and that the well had been drilled and operated without District authorization. The well was drilled in 2007 and has been in use since then. District staff determined that the well was not constructed in accordance with the District's well construction standards. In June of 2012 the Board approved the issuance of a Notice of Alleged Violation with an early resolution incentive, in the form of an Agreed Order with compliance requirements. To date Grey Rock has completed all of the compliance requirements including filing an application for a production permit, and conducting a Hydrogeologic pump test. The application was submitted and reviewed by staff and is now being presented to the Board for consideration.

Dr. Brian Smith gave a presentation on the well location, approximate subsurface geology, and the potential for interference with nearby wells.

Mr. Greg Pate from Grey Rock Golf Club said that this has been a learning experience, and thanked the Board and staff for their patience and kindness in the process.

After staff answered questions by the Board, Ms. Stone closed the Public Hearing at 6:40 p.m.

5. Discussion and Possible Action.

5a. Discussion and possible action on an application filed on February 20, 2013, by Grey Rock Golf Club., 7401 State Hwy. 45, Austin, Texas 78739, for a Historical Production Permit application to withdraw an annual permitted volume of approximately 35,000,000 gallons of groundwater from the Middle Trinity Aquifer to be used to irrigate a golf course and landscape turf grass and planting beds.

Mr. Dupnik stated that the staff's recommendation is based on four key criteria:

- 1) The application complies with rule 3-1.4a., relative to required documentation and payment of the application fees.
- 2) Proper notice was provided and no protests or requests for hearings were received within the 20-day comment period.
- 3) The application and staff's opinion sufficiently addressed all of the criteria and considerations for Board action in rule 3-1.6a.
- 4) It has been confirmed that the requested volume would not cause exceedance of the MAG, nor do we believe that it would jeopardize preservation of the DFC of the Trinity Aquifer.

Based on the above criteria staff recommends approval of the above-referenced Trinity Production Permit for a total annual volume not to exceed 35,000,000 gallons/year with the following special conditions:

- Any wells, including Well No. 5, on Grey Rock's property that are not planned to be used routinely by Grey Rock for water supply or that otherwise meet the definition of "abandoned wells" under the Texas Department of Licensing and Regulation Administrative Rules at 16 TAC §76.10 (1) shall be closed in compliance with the current District requirements for plugging and abandoned wells, unless specifically excepted in writing by the District.
- Ongoing sampling: Any groundwater discharged to the creek, to compensate for diverted state water as required by the provisions of the TCEQ Water Use Permit No. 5852, shall be sampled and analyzed for TDS and total sulfate upon the initiation of discharge and on a weekly basis for the duration of each discharge event. Samples shall be collected after Discharge point 1 (DIS1) as described in the draft permit and before commingling with any other waters. The results shall be submitted to the District within 30 days of the completion of the discharge event. This ongoing

sampling and reporting requirements shall continue until the District notifies Grey Rock that it is no longer required.

- Grey Rock shall operate the irrigation system to achieve optimal irrigation efficiency of the golf course, using the on-site weather station inputs to determine the minimum irrigation volumes, as calculated on the basis of real-time evapotranspiration (ET) rates and plant and area specific water demands. All weather station data shall be accessible to the District upon request.
- Grey Rock shall comply with the mandatory actions and water schedule incorporated in the User Drought Contingency Plan (UDCP).

After discussion, Dr. Larsen moved approval of the Historical Production Permit application for Grey Rock Golf Club to withdraw an annual permitted volume of approximately 35,000,000 gallons of groundwater from the Middle Trinity Aquifer for irrigation with the special conditions stated above.

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

5d. Discussion and possible action related to the status of the HCP development initiative, including Fish & Wildlife Service perspectives on status of ongoing document development, relevant federal initiatives and issues of note, and prospective milestone schedule.

District consultant, Kirk Holland, and Kevin Connolly of the U.S. Fish and Wildlife Service provided an overview of the HCP and the projected timelines, and answered questions from the Board.

5b. Discussion and possible action related to receiving committee recommendations and selecting the Groundwater Stewardship Award winners and approving the staff's selection for Permittee of the Year.

Ms. Robin Gary provided an overview of the committee's recommended award winners for Groundwater Stewardship in the various categories.

- Water Conservation: Halley Ortiz (Hays County Resident)
- Education: Jill Harding (Bowie High School)
- Research: Corrine Wong, Jay Banner, Jenna Kromann,
(UT Jackson School of Geosciences)
- Water Quality Protection: Shield Ranch
- Innovation: Joe Vickers, Wellspec Company

Mr. Franklin moved approval of the committee's recommendations for the Groundwater Stewardship award winners.

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

Ms. Gary stated that the Award Luncheon is scheduled for November 8th at Bowie High School.

3b. General Manager's Report. Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

- 1. 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. Update on recent activities of teams and directors;
 - ii. Update on permitting and regulatory activities;
 - iii. Update on activities related to SH 45 Southwest;
 - iv. Update on *SOS Alliance v. City of Kyle, Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District*, pending in the Austin Court of Appeals.

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

3c. Directors' Reports. Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting.

Individual Board Members may, on a voluntary basis, make a brief report to the entire Board on their personal involvement in activities and dialogue that are of likely interest to the rest of the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Conversations with public officials, permittees, other stakeholders, and private citizens;
- Kudos and recognition of people doing good things for groundwater management in the District;
- Concerns about specific issues or problems for groundwater management in the District.

Mr. Smith reported the following:

Attended the Save Barton Creek Association meeting for a presentation from the CTRMA

Dr. Larsen reported the following:

TAGD Groundwater Summit

Attended a meeting with Blake Dorsett, John Dupnik and the City of Buda with Texas Disposal Systems regarding Desal and second meeting to discuss the access agreement

Attended the Texas Desal 2013 Conference

Attended Representative Workman's Soiree

Attended the TxDOT Environmental Conference

In Carlsbad California, met with the Peter MacLaggan, Vice President of Poseidon Water, who is building the largest desal facility in the northern hemisphere, and toured the facility

Working with Onion Creek Homeowner Association and Golf Club regarding a pond that went dry and a citizen needed oxygen

Ms. Stone reported the following:

Followed up with Ms. Ivy who attended the last meeting and was pleased with the information given

Contacted by several people interested in Rainwater Harvesting and Rainwater Collection Systems

Mr. Dorsett reported the following:

Gave a presentation at a Cub Scout retreat

Mr. Franklin reported the following:

Volunteered with the City of Austin to help with dye tracing after the recent rain

5. Discussion and Possible Action

5c. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments

Ms. Kendall Bell-Enders gave an update on the permittees UDCP performance and praised the tier 2 and 3 permittees. She said that there are a couple of tier 1 permittees that have overpumped, the Inn Above Onion Creek and J.D. Malone. Enforcement efforts for these permittees are looked at over a 6 month period but it is up to the Board if they feel enforcement is warranted. She said that the Inn Above Onion Creek has expanded and put in some rainwater harvesting.

5e. Briefing for discussion and possible action related to the fourth appellate court's findings in *Edwards Aquifer Authority vs., Bragg*.

Mr. Bill Dugat described the facts of the case and gave a brief analysis of the case.

5g. Discussion and possible action related to the SOAH Hearing on the Hill Country PGMA including but not limited to progress towards developing a position statement by the prescribed deadline.

Ms. Stone stated that the Board would adjourn into Executive Session at 7:47 p.m. on items 5e. and 5g. Under Texas Government Code 551.071 Consultation with Attorney. She stated that no actions or decisions would be made in Executive Session.

The Board re-convened into Open Session at 8:08 p.m. Ms. Stone stated that no actions or decisions were made in Executive Session.

Dr. Larsen moved for the Board to adopt the Position Statement of the Barton Springs Edwards Aquifer Conservation District reviewed by the Board on September 26, 2013 that includes a five page description, with a correction to a date in the document from 2910 to 2010.

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

5f. Discussion and possible action related to setting FY14 goals and objectives for the District and for the General Manager.

Mr. Dupnik asked if there were any questions on the goals and objectives provided in the backup.

Dr. Larsen disagreed with the wording of the 5th goal regarding the Board President as the principal interface between the GM and the other Board members.

After discussion, Mr. Smith moved that the Board adopt the FY14 District goals.

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

Mr. Smith moved that the Board adopt the FY14 General Manager Goals and Objectives with an amendment to Goal #5 to read:

Interacting with the Board effectively by using the Board President as a principal but not an exclusive interface between the GM and the Directors and to assure the Board's needs are being met.

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

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 8:15 p.m.

Approved by the Board on October 10, 2013:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary