

**Barton Springs/Edwards Aquifer Conservation District  
Board of Directors Meeting Minutes  
Regular Meeting  
January 12, 2023**

Board members present at commencement: Blayne Stansberry, Dan Pickens, and Lily Lucas. Christy Williams arrived at 5:20 p.m. Vanessa Puig-Williams was absent. Staff present included: Tim Loftus, Brian Smith, Kendall Bell-Enders, Justin Camp, David Marino, Jeff Watson, Erin Swanson, and Tammy Raymond. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

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

**1. Call to Order.**

President Stanberry called the meeting to order at 5:07 p.m., noting that a quorum of the Board was present.

**2. Citizen Communications (Public Comments of a General Nature).**

There were no citizen communications on items not listed on the agenda.

**3. Consent Agenda.**

**3a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**

**b. Approval of minutes of the Board's December 8, 2022 Regular Meeting.**

Director Pickens moved approval of consent agenda items 3a. and b.

Director Lucas seconded the motion and it passed unanimously with a vote of 3 to 0.

**4. General Manager's Report.**

**Topics**

**a. Review of Status Report and update on team activities/projects.**

**b. Aquifer status update.**

**d. Upcoming events of possible interest.**

Staff gave updates on the items above.

## **5. Presentation.**

### **Presentation by Staff on policy-related topics concerning unreasonable impacts and/or sustainable use of the Trinity Aquifers(s).**

Ms. Bell-Enders gave a presentation on a Trinity Aquifer Sustainability Plan – Policy Analysis. She spoke about legal considerations, developing groundwater policy, key milestones such as the Edwards Sustainable Yield Study, Desired Future Conditions, and unreasonable impacts. She also spoke on the drought of record, management zones, and compliance.

She answered questions from the Board and talked about the next steps.

### **6b. Discussion and possible action on a Report of Investigation, Notice of Alleged Violation, and draft Agreed Order for Aqua Texas Bliss Spillar.**

Ms. Swanson went through the investigation report and explained how potential penalties were calculated for the Aqua Texas Bliss Spillar System. She said that since they are a Tier 2 permittee, the first month for overpumping calculations was in August and September. A letter regarding the overpumpage of June and July was sent to them, and she and Dr. Loftus had lunch with upper management and their attorney to try to obtain better communication.

President Stansberry acknowledged Mr. Brent Rhea from Aqua Texas and asked how long they have managed the Bliss Spillar system.

Mr. Rhea answered 18 years. He said that the system has 3 sites/wells and that there have been many new homes built over the years. He also said that they hired a new leak detection company to check the systems to come out every 3 years and are scheduled to come out in a couple of weeks. He said that they are limited to enforce on outside use only, he said that most of the usage is coming from indoors.

Dr. Loftus asked about their lower Trinity well and if it is contributing factor to overpumping.

Mr. Rhea answered that it is contributing because if they could use that Trinity well, they wouldn't have to use the Edwards well as much. He said that the water is high in iron, so they are having to blend and they are waiting on approval from TCEQ. He said that there have been some changes in the corporation and communication has not been the best. They have hired a new person to help with communication to groundwater districts.

Director Lucas asked if the overarching issue is the 3 different zones and moving that water.

Mr. Rhea answered that if they were able to move the water more efficiently it wouldn't solve the problem but would help tremendously.

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 5:42 p.m. President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 6:25 p.m. President Stansberry stated that no final actions or decisions were made while in Executive.

Dr. Loftus stated that based on the past 3 months of overpumping, Aqua Texas is eligible for Drought Enforcement penalties of up to \$73,000. He recommends that staff draft an Agreed Order to be brought back to the Board next month. We can have a more detailed discussion of a way forward with Aqua Texas and deal with this in a way that minimizes the burden on staff and the permittee.

Director Lucas moved to have staff work with the District's attorney to draft an Agreed Order and bring it back to the Board next month.

Director Williams seconded the motion and it passed unanimously with a vote of 4 to 0.

**6a. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.**

Ms. Swanson stated that staff is looking at Tier 2 and 3 permittees during months 4 through 6 of drought. She stated that the only Tier 2 permittee out of compliance is Aqua Texas. She said that Tier 3 permittees, Monarch, and Creedmoor Maha did not meet their drought curtailments. She said that it was Monarch's first occurrence, and a pre-enforcement meeting would be set. She went on to say that Creedmoor Maha has had their second occurrence.

Mr. Pickle, General Manager of Creedmoor Maha, explained that when the UDCP was originated he doesn't believe that they put realistic curtailments during winter months. He said that most all of his area is rural, and they do not irrigate, all of the water is used indoors. He said that it's really hard to know the exact population in the homes as well. During the second week of December, they discovered a large leak, and the water was running into a creek. Then during the Christmas freeze there were many broken pipes, he had a team go out on Christmas day shutting off water. He said that the majority of homes are old and singlewide trailers. He went on to say that they are pursuing other sources of water that will take at least a year, but will hopefully take the stress off of their Edwards water. He said that currently they have some Austin water but they are not allowed to mix it.

President Stansberry asked about the use of Trinity brackish water.

Mr. Pickle said that they are applying to the District for a permit for a Trinity well. He ended with saying that they have a leak detection system and are usually below 10 percent usually 4 or 5 percent.

No action was taken by the Board.

**6c. Discussion and possible action and update on the HCP Management Advisory Committee and annual report process/timeline.**

Dr. Brian Smith stated that one of the District’s commitments to the Habitat Conservation Plan and Incidental Take Permit is to convene a Management Advisory Committee (MAC) at least once a year to review an annual report that will be submitted to USFWS. He said that the members are appointed by the Board of Directors and that the current members consist of the following:

Jennifer Walker- environmental community  
Nathan Bendik- City of Austin  
Blake Neffendorf- public water supply permittee  
Scott Nester- property owner in District-aquifer  
Susan Meckel- river authority  
Clif Ladd- interested private citizen  
Ben Hutchins, Ph.D.- technical/ecological research expert  
Jack Sharp, Ph.D.- technical/ecological research expert  
Staff from USFWS and Texas Parks and Wildlife Department

He went on to say that Laurie Dries-salamander biologist/expert, and Jon White-county government have resigned from the MAC. He recommended the following new members:

Liza Colucci- salamander biologist/expert  
Vicky Kennedy- county government  
Alexandra Thompson- county government  
Brian Hunt- interested private citizen

He reported that after preparation of the draft annual report, the MAC would meet between January 24th and February 2nd, then present the draft annual report to the Board on February 9<sup>th</sup> and submit it to the USFWS by February 28<sup>th</sup>.

After questions from the Board, Director Pickens moved approval of the new recommended members to the MAC.

Director Lucas seconded the motion and it passed unanimously with a vote of 4 to 0.

**7. 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.

Board members gave reports on activities they have been involved with since the last meeting.

**8. Adjournment.**

With no objection, President Stansberry adjourned the meeting at 7:42 p.m.

Approved by the Board on February 9, 2023.

By: Blayne Stansberry  
Blayne Stansberry, Board President

Attest: Tammy Raymond  
Tammy Raymond, Assistant Board  
Secretary