

## ATTACHMENT 1

### **Minutes For the Joint Meeting of the Steering Committee and Stakeholders Regarding the Edwards Aquifer Recovery Implementation Program (RIP)**

**San Antonio Water System, San Antonio, Texas  
January 8, 2009, 10 am to 4:00 pm**

#### 1. Welcome

Robert Puente, CEO and President of SAWS welcomed the stakeholders and thanked them for their work on this important project.

#### 2. Administrative Matters (Mims)

Chair Con Mims called the meeting to order. Secretary Steve Raabe called roll and determined that a quorum was present for all purposes.

Adam Zerrenner of United States Fish and Wildlife Service (“FWS”) said that the current drought may present opportunities to evaluate the effects of low flows on habitat and species near the springs and to undertake activities such as removal of exotics. He said that TPWD, EAA and FWS will be looking at these opportunities and coordinate their activities with Thom Hardy.

A motion to approve the order of the agenda as amended was made by Kirk Patterson and seconded by Dianne Wassenich. There were no objections; thus the motion was approved.

Con Mims asked if there were any amendments or changes to the minutes of the November meeting that were attached to the Agenda as Attachment 1. Weir Labatt asked that a paragraph be added to the minutes, saying that he made an impassioned plea at the last RIP meeting that the EARIP simply accept receipt of the Science Subcommittee's recommendations on the “k” charges at this time, allow the peer process to proceed, and wait until the Hardy Study, the work of the Recharge Facility Subcommittee, and the Science Subcommittee’s recommendations on the “j” charges are complete to discuss all of this work together at one time. Steve Raabe made a motion to approve the minutes with the addition proposed by Mr. Labatt. The motion was seconded by Calvin Finch. There were no objections; thus the motion was approved.

#### 3. Discussion and possible decision to approve an amendment to the Project Management Budget for 2009 (Facilitator) (Attachment 2)

Because an amendment to the Project Management Budget is a Tier 1 decision, under the Program Operational Rules Dr. Gulley, rather than the Chair would ordinarily facilitate this discussion. Since the amendment involved Dr. Gulley's salary, the Chair asked that Steve Bereyso of SAWS facilitate the discussion of this agenda item. There was no objection to Mr. Bereyso facilitating the discussion of the proposed budget amendment to authorize TAMU to

make a one-time payment to Dr. Gulley of \$4300 as additional compensation for 2009. Kirk Patterson moved to approve the proposed budget amendment. Weir Labatt asked Mr. Patterson to amend his motion to specify that the payment be made in March 2009. Mr. Patterson agreed to the amendment. Mr. Labatt seconded the motion. There were no objections; thus, the motion was approved as amended.

The Chair reported that Dr. Gulley planned to find a part time assistant soon; stakeholders were welcome to help by recommending people to apply.

4. Report of the Recharge Facility Subcommittee (Raabe) (Attachment 3).

Steve Raabe reported on the activities of the Recharge Facilities Subcommittee. He said the next subcommittee meeting is Feb. 11, when the EAA consultant will brief the Subcommittee on the R&R study. He will publish notice of the meeting and its location on the listserv.

5. Report of the Public Outreach Subcommittee (Wassenich).

Dianne Wassenich of the Public Outreach Subcommittee said that, because the Subcommittee was still working on the matters reported in the December 16, 2008 update she had nothing new to discuss.

6. Report of the Science Subcommittee Work Group (Labatt).

Weir Labatt reported for the Science Subcommittee Work Group. The Work Group hopes to make an initial report to the RIP on Feb. 22 and make its final report at March 12 meeting.

7. Report of the Finance Work Group (James).

Jerry James gave a report on the activities of the Finance Work Group (Attachment 5 to December 16, 2008 Update). Weir Labatt also reported on a meeting that Carol Patterson set up with Congressman Ciro Rodriguez to ask for a support letter for Section 6 Habitat Conservation Planning Assistance Grant.

Dianne Wassenich asked whether the Work Group would provide the EARIP a proposed charge for consideration. It was agreed that such a charge would be presented at the February 12 meeting.

8. Report on the Program Operational Rules Work Group (Hess).

Myron Hess gave a report from the Rules Work Group. The Work Group will submit its proposed amendments for discussion at the February 12 meeting for discussion and ask that the proposed changes be adopted at the March meeting

9. Report on the Hardy Study and coordination with USDGS (Mosier) (Attachment 4).

Doyle Mosier gave a report on the status of Thom Hardy's work.

10. Discussion of other activities related to the species in the springs

Allen Richmond spoke about the biological opinion regarding water withdrawals from the Edwards Aquifer for Randolph and Lackland Air Force Bases and the Ft. Sam Houston issued in January 2008. The Biological Opinion expires on December 31, 2012. He said that the Department of Defense may be willing to participate with EARIP on HCP if it is convinced that the work will be completed prior to the expiration of the Biological Opinion in 2012.

Mara Alexander from the FWS spoke about San Marcos River Restoration Project. Adam Zerrenner said that this River Restoration Team's efforts may be useful for identifying projects or actions which the EARIP could use.

Melani Howard discussed the on-going work of the City of San Marcos and Texas State University on an HCP that will include recreation, other activities in the San Marcos River, and water withdrawals from Spring Lake and its environs.

Jeff Tripe of the Army Corps of Engineers (the "Corps") spoke about the San Marcos River project for aquatic ecosystem restoration that it will undertake with the City of San Marcos. The Corps will soon start a feasibility study for work on the riparian corridor from City Park to IH 35. The work will look at mapping and surveying exotics, natives, off channel wetlands to capture sediments, and bank stabilization. After the feasibility study, that will cost about \$450,000 and take one year, there will be a design and planning phase lasting about one year before construction begins. The EARIP will be able to review and comment on the feasibility study after it is completed.

Dr. Gulley reported that Mark Harberg of the Corps has suggested a meeting with Corps management to brief them on the work and objectives of the EARIP at end of March. Dr. Gulley suggested that we appoint a work group for that meeting.

11. Presentation regarding *Edwards Aquifer Authority v. Day* (Frownfelter).

Darcy Frownfelter then gave a presentation on a case that is likely to be heard by the Texas Supreme Court, *EAA vs. Day McDaniel*, that may address the question of groundwater ownership and whether the regulation of the groundwater can constitute a regulatory "taking". Steve Kosub of SAWS asked to speak and presented his views on the issues presented by the case.

12. Discussion of activities for 2009 (Attachment 5).

Dr. Gulley reviewed the Overview Attachment to the agenda and calendar. He will update this calendar each month and make it available to the stakeholders.

After a brief discussion of the agenda for the next meeting the Meeting adjourned at 1:45.