



MEETING MINUTES
September 15, 2016

1. Call to order-- 9:00 am.

Steve Raabe, called role in order to establish a quorum. A quorum of the committee was reached prior to agenda item number 5.

2. Public Comment.

No comment

3. Approval of minutes from March 19, 2015 Stakeholder Committee meeting and presentation of minutes from the December 17, 2015 Joint Committee meeting (approved at the January 21 Implementing Committee Meeting).

Gary Spence moved to approve the minutes. Cindy Loeffler seconded. There were no objections.

4. Receive report from the Program Manager on general topics related to the implementation of the Habitat Conservation Plan and operation of the Implementing Committee.

- **EAHCP staff introduction**
Nathan Pence, Program Manager, introduced the new members of the EAHCP staff.
- **Missouri River Recovery Implementation Plan (MRRIP)**
Mr. Pence provided a brief summary of the representation of the EAHCP/EARIP in Missouri to discuss the MRRIP.
- **ASR Leasing Update**
Rick Illgner, EAA staff, presented an update and general summary of the EAHCP ASR program enrollment. Myron Hess asked how forbearance and leases are distinguished in the current enrollment numbers. Mr. Illgner described the current strategy has been to fully enroll leases and not focus on ASR Forbearance Tiers yet.
- **Edwards Aquifer 2015 Recharge Estimate**
- **NAS Update**
Alicia Reinmund-Martinez, EAHCP Director, provided a brief update on the status of the National Academy of Sciences.
- **Database Update**
Dr. Chad Furl, EAHCP Chief Science Officer, provided a brief update on the status of the Database program. Database construction will be completed by the end of 2016.
- **Refugia Update**
Mr. Pence provided a brief update on the EAHCP Refugia program and Roland Ruiz discussed the Long-term Refugia contract status.

5. Discussion and possible recommendation on the Submerged Aquatic Vegetation (SAV) Nonroutine Adaptive Management (AMP) Proposal.

Mr. Pence presented the SAV Nonroutine AMP Proposal. The full presentation can be found on eahcp.org.

Following the presentation Steve Raabe continued by facilitating a discussion regarding this proposal. Mr. Raabe mentioned the committee reached a quorum (24 members).

Myron Hess began the discussion with a brief comment. Mr. Hess described this process as very important for the EAHCP by establishing the first AMP. Additionally, he identified that this process has been done in a particularly accelerated process in order to provide time to incorporate changes into the 2017 budget process.

Roger Biggers asked about the reduction of the SAV coverage in the San Marcos regarding the impact to fountain darter densities and Texas wild-rice being counted as habitat. Mr. Pence described that even with adding Texas wild-rice and other natives as habitat to the Long-term Biological Goals, the fountain darter densities do not match the original goals in the EAHCP because the densities observed in the additional vegetation types is slightly lower than the original table in the EAHCP (Table 4-1 and 4-21). Carol Patterson mentioned that the Restoration Reaches seem to double the restoration areas and that the fountain darter density numbers seem to be very conservative.

Mr. Hess provided a perspective that the proposal is specifically reducing the overall goals and objectives in terms of vegetation coverage and fountain darter densities but the point of this proposal is to provide “realistic” and “achievable” goals. Cindy Loeffler complemented Myron’s comments by specifying that the fountain darter density numbers are estimates.

Tom Taggart commented that it may be helpful to provide a perspective in the letters to USFWS about the percentage change in order to show a net increase and decrease. Additionally, Mr. Taggart suggested that a dialogue should begin with USFWS to provide explanation to seasonal changes and weather events that effect overall habitat coverage.

Gary Spence asked if this proposal will provide more stable habitat. Mr. Pence described that this proposal would provide a healthier habitat but he is unable to guarantee a more stable habitat due to the nature of the ecosystem.

Gary Middleton seconded Mr. Taggart’s comment by describing the importance of measuring the floods/drought and its severity in order to give a historical perspective. Colette Barron-Bradsby continued this discussion by mentioning the importance of recording the severity of the specific events.

Gary Middleton motioned to favorably recommend the SAV Nonroutine AMP Proposal to the Implementing Committee for approval. Carol Patterson seconded. There were no objections.

Mr. Hess made a comment editing a specific typo in the AMP Proposal to be changed. Additionally, Patrick Shriver asked Mr. Pence to provide a brief summary of how things will

move forward after this action. Mr. Pence provided a description of the specific changes to the 2017 Work Plans and Funding Application in order to begin official implementation in January 2017.

6. Discussion and decision regarding expedited process to develop and approve submission of the Nonroutine AMP Stakeholder Report to the Implementing Committee.

Mr. Raabe introduced the topic and asked Alicia Reinmund-Martinez to describe the specific process to submit the Stakeholder Committee Report to the Implementing Committee. Ms. Reinmund-Martinez summarized a few comments made during the discussion that were included into the report.

Mr. Raabe described that at the conclusion of the Committee meeting, the Draft Stakeholder Report will be provided for the Committee Chair and Vice-chair to review and accept on behalf of the entire Stakeholder Committee.

Dianne Wassinech motioned to approve a process to develop, approve, and submit the Stakeholder Report to the Implementing Committee. Gary Lord seconded. There were no objections.

Carl Adkins complemented Mr. Pence and the EAHCP staff for the preliminary meetings on this proposal and how well the process was presented to the Stakeholders.

7. Presentation on the implementation of the Water Quality and Biological Monitoring Work Group Report.

Mr. Pence presented a summary of the Water Quality and Biological Monitoring Work Group Report. The full presentation can be found on eahcp.org.

Con Mims identified that the monitoring programs exceed the EAHCP 7.1 budget. Mr. Mims asked how this will possibly effect the long-term picture. Mr. Pence described the excess will be spent within the overall budget due to savings in other measures.

8. Presentation from EAA staff regarding the EAA 5-year financial forecast and projected Aquifer Management Fee (AMF) rates.

Roland Ruiz provided an introduction to the presentation and described that the AMF rates will be divided differently between EAA operations and EAHCP funding.

Shelly Hendrix, EAA Chief Financial Officer, presented the EAA 5-year financial forecast. Full presentation can be found on eahcp.org.

Mr. Hess asked about the reduction of the EAHCP Reserve over the next few years. Tom Taggart recalled some of the rationale regarding the EAHCP Reserve funds and the goals to ultimately reduce the AMF Rates once the reserve cap (\$46 million) was met. He continued by asking why there was a change in the rate distribution now to avoid AMF rate increase rather than allow the EAHCP reserve to meet the cap and thus make appropriate changes. Andy Sansom reiterated Mr. Taggart's comments and vocalized an issue with the unilateral decision

to make such a change to the distribution of the AMF rate and ultimately draw-down the EAHCP Reserve. Mr. Ruiz described that the \$46 million reserve cap is not a goal but a cap.

Mr. Ruiz asked Darcy Frownfelter, EAHCP General Council, to clarify the EAA requirements with funding the EAHCP. Mr. Frownfelter clarified that the EAA's obligation is to fully fund the EAHCP based on Table 7.1 and be prepared to fund the contingency that ASR and VISPO trigger in any given year through the EAHCP Reserve budget. Mr. Taggart and Mr. Frownfelter discussed the genesis of the AMF rates. Darren Thompson, SAWS, mentioned the reserve cap was decided due to fully fund both a triggering of ASR as well as VISPO in any given year. Mr. Ruiz continued by describing the overall goal is to show fiscal responsibility as well as maintain consistent AMF rates.

Carol Patterson mentioned that the \$300 million of federal funds previously described as available based on other HCPs has been absorbed by the community. She continued by reiterating Mr. Ruiz's point that the \$46 million should not be seen as a pot of money to store up for later use.

Mr. Taggart stressed that the issue is that the reserve was designed to fund the EAHCP during the Drought of Record and if reducing the reserve over a period of years would potentially cause AMF rate increase during the Drought of Record which is what the reserve was designed to avoid. The discussion continued. Mr. Ruiz added that the AMF rates are also funding the annual budget (\$20 million) which is a conservative estimate in order to prepare for the worst case scenario.

Todd Vottler mentioned the potential to pursue possible federal money. Gary Spence reiterated the issue that the EARIP was led to believe federal dollars would help fund the implementation of the EAHCP.

Dianne Wassenich asked if there is anything that could be said to reassure the Stakeholders that if a Drought of Record occurred it will be funded through the EAA General Fund. Carl Adkins mentioned the worry is that the EAHCP Reserve will be borrowed from again. Mr. Ruiz explained that if this situation arises again the AMF rates may have to be raised. Rodger Biggers and Mr. Ruiz discussed the annual budgeting process.

Colette Barron-Bradsby asked if the commitment that funding will be "reasonably certain to occur." Mr. Frownfelter mentioned that the EAA will always be prepared to fund their obligation. Myron Hess mentioned that such a situation should not be left to raise the AMF to fit the required funding for a severe event.

Roland concluded by saying that the EAA General Fund took a significant hit (\$4.5 million) through takings claim lawsuit.

9. Consider future meetings, dates, locations, and agendas.

- Next Stakeholder Committee meeting (Joint Meeting) is scheduled for Thursday, December 15th at the Edwards Aquifer Authority at 9am

10. Questions from the public.

No comment.

11. Adjourn – 12:27 pm

X 

Dianne Wassinech
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Secretary