

## Adaptive Management Stakeholder Committee of the Edwards Aquifer Habitat Conservation Plan



*Adaptive Management Stakeholder Committee Report:  
Nonroutine Adaptive Management Proposal for the  
EAHCP VISPO*

May 23, 2019

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### **PREAMBLE**

This Adaptive Management Stakeholder Committee Report<sup>1</sup> is issued in response to the Nonroutine Adaptive Management (AMP) proposal (“Proposal”) submitted by the Program Manager of the Edwards Aquifer Recovery Implementation Program Habitat Conservation Plan (“EAHCP;” EARIP, 2012), dated March 14, 2019. Having considered the attached Scientific Evaluation Report issued by the Adaptive Management Science Committee (“Science Committee”) regarding the Proposal, this report presents the final recommendation of the Adaptive Management Stakeholder Committee (“Stakeholder Committee”) concerning the proposed Nonroutine AMP action.

### **SUMMARY OF THE NONROUTINE AMP PROPOSAL**

On March 14, 2019, the Program Manager submitted the attached Proposal to the Science, Stakeholder, and Implementing Committees. The Proposal calls for modifications to the Voluntary Irrigation Suspension Program Option (EAHCP § 5.2.1) to ensure compliance with the EAHCP Phase II flow targets, especially for Comal Springs.

### **SUMMARY OF STAKEHOLDER COMMITTEE DISCUSSION**

At the May 23, 2019 Stakeholder Committee meeting, Chief Science Officer Chad Furl provided a comprehensive presentation, *Proposed Nonroutine Adaptive Management Process Proposal as the mechanism for ensuring compliance with the EAHCP Phase II flow targets*, to the Committee. This presentation covered (1) the AMP process; (2) EAHCP Flow Objectives and Protection Measures (3) MODFLOW modeling and SAMP DOR model run; and (4) the Scientific Evaluation Report issued by the Science Committee in response to the Proposal. Following this presentation, the Stakeholder Committee discussed the merits of the proposal.

This section provides a brief summary of the Stakeholder Committee’s discussion of the proposed Nonroutine AMP action, organized by themes that emerged over the course of the Stakeholders’ discussion. It also includes the final motions taken by the Committee.

### ***Introduction to Nonroutine AMP***

Mr. Myron Hess described the procedure of Nonroutine AMP as it is dictated in the Stakeholder Program Operational Rules and Funding and Management Agreement.

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<sup>1</sup> Per the Funding & Management Agreement (2012), the Adaptive Management Stakeholder Committee is responsible for the reviewing of, and making recommendations to the Implementing Committee concerning, proposals submitted through the Nonroutine Adaptive Management Process (AMP).

### ***Presentation on Nonroutine AMP Proposal***

Dr. Chad Furl provided the Committee an overview of the Nonroutine AMP proposal and supporting information. Dr. Furl reminded the Stakeholder Committee of Nathan Pence's SAMP Whitepaper that was submitted in 2018 which thoroughly described the process for adaptive management and has served as the guidelines for the nonroutine adaptive management process that is being presented to the committees to date. In summation, the proposal involves a modification to the VISPO Conservation Measure (EAHCP § 5.1.2) to ensure compliance with the EAHCP Phase II flow targets, specifically the 30 cfs minimum flow objectives for the Comal Spring systems. This proposal seeks to change VISPO forbearance from 40,000 ac-ft/yr to 41,795 ac-ft/yr.

### ***Minimum Flows***

The modeling for DOR conditions is conservative because still account for 592,000 permitted pumping (assuming permittees pump to max amount) except as limited by critical period pumping limits.

### ***80cfs Pulse***

The intent of the 80 cfs pulse was to provide flow relief to the covered species during drought conditions, however multiple model iterations have shown that this flow rate is difficult to attain during DOR. Hess identified the challenge and acknowledged the lack of ability to achieve those 80 cfs flows.

### ***Facilitation of discussion***

Myron Hess nominated Doris Cooksey to facilitate the Stakeholder Discussion. There was consensus among the Committee.

Mr. Hess had concerns primarily with the 80 cfs flow rate and how to resolve the issues from either a program management perspective and/or a species protection perspective. Mr. Hess had reservations approving 30 cfs without further addressing 80 cfs throughout Phase II.

Mr. Hess commented that renegotiating flow rates are not a direction that the committee is looking to take. The 80 cfs rate was intended to provide relief to the spring systems and the species. Mr. Hess recommends a process to look at the predicted spring flow regimes as they relate to the species. The primary concern is not resolving issues related to the 80 cfs while moving forward with Phase II flow issues.

### ***Final motions by the Committee***

- The Stakeholder Committee recommends that the Implementing Committee approve the March 14, 2019 Nonroutine Adaptive Management Proposal VISPO, create a Work Group to address spring-flow related issues raised in the discussion document circulated to the Stakeholder Committee members by Myron Hess on May 22 (for issues not related to federal exempt pumping), and that the

Implementing Committee support the evaluation process and any recommended studies that come out of the Work Group.

- Nathan Pence motioned to recommend the Nonroutine Adaptive Management proposal to the Implementing Committee; Gary Middleton seconded the motion. There was no opposition.
- An expedited process whereby this report on the Stakeholder Committee recommendation on the Nonroutine AMP Proposal would be finalized by the Chair and Vice-Chair of the Stakeholder Committee was presented to the Committee for their consideration. Myron Hess moved approval of that expedited process; Jim Bower seconded the motion. There was no opposition.

#### **NATURE OF STAKEHOLDER COMMITTEE DECISION**

Twenty-two members were present at the time of the motion. Votes for both Committee actions concerning the Proposal were by consensus; there were no competing positions.

#### **STAKEHOLDER RECOMMENDATION**

By consensus, the Stakeholder Committee recommends the Nonroutine AMP proposal to the Implementing Committee for approval and adoption.

#### **REFERENCES**

- Edwards Aquifer Authority, City of New Braunfels, City of San Marcos, City of San Antonio, acting by and through its San Antonio Water System Board of Trustees, and Texas State University – San Marcos. 2012. *Funding and Management Agreement...to Fund and Manage the Habitat Conservation Plan for the Edwards Aquifer Recovery Implementation Program*. [http://www.eahcp.org/files/uploads/Funding\\_and\\_Management\\_Agreement\\_\(Appendix\\_R\).pdf](http://www.eahcp.org/files/uploads/Funding_and_Management_Agreement_(Appendix_R).pdf)
- Edwards Aquifer Recovery Implementation Program (EARIP). 2012. *Edwards Aquifer Recovery Implementation Program Habitat Conservation Plan*. [http://www.eahcp.org/files/uploads/Final%20HCP %20November%202012.pdf](http://www.eahcp.org/files/uploads/Final%20HCP%20November%202012.pdf)

#### **ATTACHMENTS**

- Attachment 1: Nonroutine Adaptive Management Proposal
- Attachment 2: *Scientific Evaluation Report: Nonroutine Adaptive Management Proposal*
- Attachment 3: Meeting minutes to be approved at the October 3, 2019 Stakeholder Committee Meeting. A draft will be included in this report TBD.

- *Attachment 4: May 22, 2019 Possible Components of Stakeholder Committee Recommendation from Myron Hess.*