



**NOTICE OF PUBLIC HEARING AND MEETING OF THE  
BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

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**Thursday, February 10, 2022**

**5:00 PM**

**VIDEO CONFERENCE AND IN-PERSON**

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Notice is given that a **Regular Meeting** of the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District will be held on **Thursday, February 10, 2022** commencing at **5:00 p.m.** The meeting will be conducted pursuant to Texas Government Code, Section 551.127. A member of the Board will be physically present and preside over the meeting at **the District office, located at 1124 Regal Row, Austin, Texas** as authorized under Texas Government Code Sections 551.127(c) and (e). The meeting is open to the public to attend in person **at the District Office**. Members of the Board (other than the Board member presiding over the meeting), employees of the District and members of the public may also participate from **a remote location by video conference call** as authorized under Texas Government Code Sections 551.127(a-1), (c) and (k).

This meeting will be audio/video recorded and the recording will be available on the District's website after the meeting. A copy of the agenda packet for this meeting will be available on the District's website at the time of the meeting.

Those participating via videoconference call should follow the instructions provided below. **Please note that telephone conference participation is unavailable.**

**INSTRUCTIONS FOR JOINING MEETING**

**Join the Meeting using the Zoom link**– use your computer audio/video features

<https://us02web.zoom.us/j/83815354713?pwd=VIE5MjhLTUQ2QVFCWThaRmhSNGhOdz09>

Meeting ID: 838 1535 4713

Passcode: 821328

Helpful Tips – For tips on how to set up Zoom on your device prior to the Board Meeting, visit the District's Board Meeting webpage: <https://bseacd.org/transparency/agendas-backup/>

**INSTRUCTIONS FOR PUBLIC COMMENTS**

1. Register for Public Comment prior to Board Meeting Day - Persons wishing to provide public comment either in person or virtually must register by calling (512-282-8441) or emailing [tammy@bseacd.org](mailto:tammy@bseacd.org) by **5:00 p.m. on Wednesday, February 9, 2022**. Please include the following information in the registration:
  - a. first and last name
  - b. email address
  - c. phone number
  - d. the agenda item on which you wish to comment

- e. indicate whether you would like to comment the day of or have your written comments submitted read into the record, and
  - f. include written comments, if any.
2. Public Comments at the Board Meeting – Each registered person will be recognized and identified by the Presiding Officer or staff moderating the communications when it is their turn to speak. **Public comment is limited to 3 minutes per person.** Only persons who have registered in advance to give public comment during the meeting will be allowed to provide comment.

## **DOCUMENTATION FOR AGENDA ITEMS**

**Please note:** This agenda and available related documentation, if any, have been posted on the District website, [www.bseacd.org](http://www.bseacd.org). If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you. The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

## **AGENDA**

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to meet in 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.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **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 a separate item of Regular Business on this agenda.)*
  - a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **NBU**
  - b. Approval of minutes of the Board's January 13, 2022 Regular Meeting and Public Hearing. **Not for public review at this time**
4. **General Manager's Report. Discussion and possible action.**  
**Topics**
  - a. Review of Status Report and update on team activities/projects. **Pg. 13**
  - b. Aquifer status update.
  - c. Update on District/Hill Country development activities.

d. Upcoming events of possible interest.

**5. Discussion and Possible Action.**

- a. Discussion and possible action related to the application filed by Aqua Texas– Bliss Spiller for a Historic Trinity Production Permit to withdraw up to 6,000,000 gallons of water annually from a new Lower Trinity well as discussed on January 13, 2022. **Pg. 31**
- b. Discussion and possible action regarding a presentation by legal counsel of a draft illustrative plan redistricting the director precincts including but not limited to developing and/or finalizing a plan for future adoption; setting a meeting to consider other plans; and/or, setting a hearing for receiving public comment. **NBU**

**6. Director 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.

**7. Adjournment.**

## **Item 1**

### **Call to Order**

## **Item 2**

### **Citizen Communications**

## **Item 3**

### **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 a separate item of Regular Business on this agenda.)*

- a. 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 January 13, 2022 Regular Meeting.**

## **Item 4**

### **General Manager's Report Discussion and possible action topics**

#### **Topics**

- a. Review of Status Report and update on team activities/projects.**
- b. Aquifer status update.**
- c. Update on District/Hill Country development activities.**
- d. Upcoming events of possible interest.**

## Summary of February Team Activities and On Deck for March/April

### **Aquifer Science Team**

#### February Activities:

- Evaluating data for aquifer status. We are probably a month or two from entering drought
- Working with City of Buda as they do injection testing in their ASR well
- Collecting water-level data from the District's multiport wells and other monitor wells
- Working with modeling consultants (GSI) on converting steady-state model to transient
- Gragg Well #4 aquifer test has been completed and data are currently being evaluated

#### On Deck:

- Continuing to follow aquifer conditions and impact from late January and early February rain
- Continue working with modeling consultants on in-house model and with the BRAAT model
- Continue working on monitor wells at Jacob's Well that will likely be installed in Feb. or early March

### **Administration Team**

#### February Activities:

- Typical accounting duties (nothing extra-ordinary in February).
- Audit journal entry adjustments

#### On Deck: (March/April)

- Budget Planning and Preliminary Budget Initial Version started.
- Pumpage Analysis.

### **Regulatory Compliance Team**

#### February Activities:

- Buda ASR pilot project and permitting
- Aqua Texas NOAV & Investigation Report
- Aqua Texas LT well permit completion
- Habitat Conservation Plan
- New wells

#### On Deck:

- Management Plan renewal
- Database
- Sustainable Yield Study
- Potentially entering back into drought

### **Communications and Outreach Team**

#### February Activities:

- Teaming up with Texas A&M Agriculture & Life Sciences to do well water checks in the District.
- Work on Media Relations Cheat Sheet for TAGD Communications Toolkit.
- Solidify Judges for the Kent S. Butler Scholarship Essay Contest – Continue to promote scholarship information – deadline to apply is April 20, 2022
- Continue to promote Aquatic Science Adventure Camp Scholarship – deadline to apply is March 23, 2022
- Science in 60 Seconds: What is a watershed?

#### On Deck

- Attend A&M Agriculture & Life Sciences Education Event – March 3
- Check on additional scholarship money from donations of conservation credits
- Continue to promote Aquatic Science Adventure Camp Scholarships – Deadline to apply is March 23, 2022
- Continue promoting Kent S. Butler Scholarship Information – Deadline to apply is April 20, 2022.



**STATUS REPORT UPDATE  
FOR THE FEBRUARY 10, 2022 BOARD MEETING**

**Summary of Significant Activities – Prepared by Staff Leads**

**Upcoming Dates of Interest**

- TAGD Business Meeting and GCD Boot Camp - February 8-9 (Austin)
- Panhandle Water Conservation Symposium – February 16 (Amarillo)
- Informal Science Education Association Conference February 16-18 (Austin)
- Texas Land Conservation Conference – March 2-4 (Austin)
- Texas GIS Forum – March 7-11 (Austin)
- Government Social Media Conference – March 29-31 (Dallas)
- Texas Water Conference – April 4-7 (San Antonio)
- TAGD Business Meeting – May 17-18 (Arlington)
- Texas Water Conservation Association (TWCA) Summer Conference – June 15-17 (Round Rock)
- Texas Groundwater Summit – Aug. 30-Sept. 1 (San Antonio)
- Texas Desal Annual Conference – Sept. 14-17 (Austin)

## **DROUGHT MANAGEMENT**

### **Drought Status and Water-Level Monitoring (Justin)**

No Drought was officially declared at the July 8, 2021 Board meeting after 8 to 11 inches of rain between May 1 and July 1 had reversed the downward trend of aquifer levels and spring flow. Lovelady water level and Barton Springs flow continued to rise until 8/21/21 when Lovelady level turned the corner downward. Barton Springs flow also ceased to rise and began to drop on 8/9/21 after a dry August and September. 10 inches of rain fell between October 1 and November 3 and again reversed the downward trend when Lovelady began to rise on 10/17/21 and Barton Springs on 10/1/21.

La Nina conditions (declared by NOAA on 10/14/21) have only allowed 1 inch of rainfall since 11/4/21. As a result, Lovelady water level turned the corner downwards on 12/11/21. Barton Springs flow too has been dropping since 11/3/21. On 1/31/22 a little over 2 inches of rain fell subtly slowing down the rate of decline in both Lovelady water level and Barton Springs flow.

On February 3, 2022, the Lovelady well had a level of 486 ft msl, 7.6 ft above the drought trigger level. On February 4, 2022, Barton Springs was flowing at 73 cfs (10-day average), 35 cfs above the drought trigger point of 38 cfs.

### **Drought Communication (David, Michael)**

Staff has updated District resources and the website to reflect the current Stage 1 drought stage. Written permittee notifications and public notice of non-drought conditions were mailed and emailed out. Educational resources have been prepared and are available upon request for permittees. Digital educational downloads are available on the website with the Drought Media Tool-Kit located on the Drought Education Page and includes links to other helpful resources. <https://bseacd.org/drought-edu/>

## DISTRICT PROJECTS

### GMA Joint Planning

➤ ***GMA 10 Coordination (Michael)***

The last GMA 10 meeting was held on October 26, 2021, where the representatives discussed management plans, adopted the DFCs and approved the Explanatory Reports with the recommendation that formatting be fixed. The Explanatory Reports were submitted Dec 21, 2021 and are under review by the TWDB. The next GMA 10 meeting is February 22, 2022.

➤ ***Explanatory Report Development (Michael, Jeff)***

➤ The Explanatory Reports were approved by GMA 10 at the October 26, 2021 meeting with the recommendation that the formatting be fixed and then reports be submitted. The Explanatory Reports were submitted Dec 21, 2021 and are under review by the TWDB.

### Trinity Aquifer Sustainable Yield Study & Planning

➤ ***Advisory Workgroup Planning (Kendall)***

GM and staff are continuing to review research on sustainability goals, metrics and thresholds. Staff has met with our facilitator four times to discuss the project timeline, communication, and certain components of an Advisory Work Group. Staff has begun discussions to evaluate the level of public participation, the fundamental objectives of the Advisory Work Group, the scope, and process and workflow to engage the participants, all of which will be incorporated into the Advisory Work Group Plan. Staff recently met with the facilitator to discuss the process overview and is working to finalize the level of participant engagement. Staff is meeting internally to discuss how to work through the unreasonable impact factors and what data and information is needed to assess. This project effort has overall been put on pause while staff works through the transition period. However, staff did meet with our facilitator in September and November to discuss additional details and to settle on a good place to pause the efforts where they can be picked back up when Kendall Bell-Enders is back from leave and a new GM is on board.

***Technical Evaluations (Brian, Jeff)***

Aquifer Science staff continue to collect data on the geology and hydrogeology related to the Trinity Aquifers. We are evaluating water-level data for a number of Trinity wells to look for long-term trends. We are working with Hays County and Wimberley Valley Watershed Association to install Trinity monitor wells in the Jacob's Well area. We expect that drilling for the two monitor wells will start in Late February or early March. Work on the first phase of the District's own numerical modeling has been completed. This phase involved the development of a steady-state model. We are currently converting the steady-state model into a transient model which will allow simulation of different pumping and drought scenarios over time. We have hired a consulting firm called GSI to assist us with progressing the model to transient, and had our project kick-off meeting with GSI staff on July 31. We are continuing to meet biweekly with GSI. We are members of a technical committee to guide the development of a numerical groundwater model of the aquifers influenced by the Blanco River. A meeting of the technical committee was held on January 6, 2022. Southwest Research Institute started work on the model in September.

### **Habitat Conservation Plan (Brian, Erin)**

- **COA/BSEACD Technical Meeting:** In December 2021, Aquifer Science hosted a meeting with staff from the City of Austin Watershed Protection Department to discuss activities related to the HCPs of each entity and to share data and reports about these activities.
- **MAC Meeting & Annual Report:** Staff prepared the annual report for review by the Management Advisory Committee (MAC). The MAC met on 1/26/2022 for its annual meeting and provided minimal edits and comments. Comments and edits are being reviewed and incorporated in the draft report.
- **Implementation Schedule:** Staff is reviewing previous planning documents and will develop a new implementation timeline and schedule to guide project tasks and activities for the 1 to 3-year timeframe.
- **Planning for Technical Tasks:** Aquifer Science staff are coordinating studies at Barton Springs with COA staff. These studies include measurement of dissolved oxygen in the Barton Springs pool and the installation of a monitor well within Zilker Park and south of the pool. The Watershed Protection Department has offered to install monitoring equipment in Barton Springs Pool to measure dissolved oxygen as the springs experience wet to drought conditions. Those instruments will likely be deployed in winter 2022.

### **Database Management System - Intera Inc (Michael, Kendall)**

Staff met with Intera in mid-August to prioritize work that needs to be done to finalize the database workflows and mockups. Staff has worked diligently to the finalization of database mockups, workflows, and scope and module documentation. Staff had an all-day meeting with Intera on Nov. 4, 2021 to review mock ups and workflows for all modules in the database and to clarify any outstanding issues or questions and to hand off to Intera for review and assessment Staff has few minor wrap up items to get to Intera by Nov. 19<sup>th</sup>. Intera will review the information and discuss with the database developer team and management to assess the amount of time need to complete the task and if there any additional resources or money will be needed. Intera will likely hold off on presenting this information until Kendall Bell-Enders gets back from leave.

### **ILA Commitments (Brian)**

The District has ILA commitments with Hays County and HTGCD to install two monitor wells in the Jacob's Well Area. Information from these wells will be used to better understand the flow system that delivers Middle Trinity groundwater to Jacob's Well, and to develop our numerical groundwater models. Installation of these monitor wells should be completed by late winter 2022. Hays County signed an ILA allowing BSEACD to access a location in Jacob's Well Natural Area for one of the wells. This ILA was approved by the Board at the November 18 Board meeting. Another ILA between the District and Wimberley Valley Watershed Association was approved at the January 13, 2022 Board meeting. This ILA will allow for installation of the second monitor well in this program on WVWA property near Jacob's Well.

The ILA with COA is intended to coordinate studies for the respective HCPs such as scientific feasibility studies and monitoring evaluations; to collaborate on the planning of future Kent Butler Summits; and to exchange technical information regularly on an annual basis.

*Status update* – An annual technical meeting was held in December 2020. In January 2021, the annual MAC meeting was held. Kent Butler Summit small group discussions took place in Jan- Feb 2021. COA/BSEACD plan to have additional discussions and planning efforts to coordinate the details of the DO studies and the monitor well installation.

### **Region K Planning Activities (Michael)**

Region K meet on January 26, 2022, to discuss picking candidates for the empty representatives. The group voted in 2 members into 2 vacancies. Bylaw committee introduced updates to the bylaws. The Region K consultants gave a presentation on the upcoming regional planning process and timelines. TWDB gave updates on regional planning processes and upcoming projects. Discussion regarding members acting as liaisons to nearby regional planning groups. The next meeting will be held on Wednesday, April 27, 2022 at LCRA.

### **Strategic Planning Implementation (GM):**

Vanessa developed a summary and provided the notes to the Board committee. Vanessa and David started a draft strategic plan and a draft implementation plan. These drafts have been provided to the committee for use in the future with the new General Manager.

The new General Manager, Tim Loftus, is reviewing work products completed to date and will develop a plan for restarting the planning process.

### **WPAP**

Staff recently received the Oak Hill Parkway Project WPAP and CZP for Construction of segments 2B and 3.

Oak Hill Parkway project traverses both the Edwards Aquifer Recharge Zone and Contributing Zone. For construction purposes, the Oak Hill Parkway Project has been broken into five segments. Segment 2 is further divided into 2A and 2B with Segments 2B and 3 within the Recharge Zone. Construction of the portion of the Oak Hill Parkway Project within the Recharge Zone will consist of the following elements:

#### **Segment 2B:**

- Four-lane frontage roads in each direction
- Four-lane mainlane bridges in each direction
- Intersection widening and improvements at William Cannon and US 290
- Sidewalks and shared use paths
- Mainlane overpass bridges at the William Cannon/US290 intersection
- Reconstruction of McCarty Ln. and William Cannon, south of US 290
- Hydraulic bridge crossings at Williamson Creek

### Segment 3:

- Three-lane frontage road in each direction
- Four-lane mainline in each direction
- Sidewalks and shared use paths
- Bridge widening at the Old Fredericksburg Rd. overpass
- Bridge widening at the Monterey Oaks Blvd overpass

The permanent stormwater section to reduce TSS by 80% with a combination of vegetative filters strips, a sedimentation/filtration water quality pond, and two existing water quality ponds

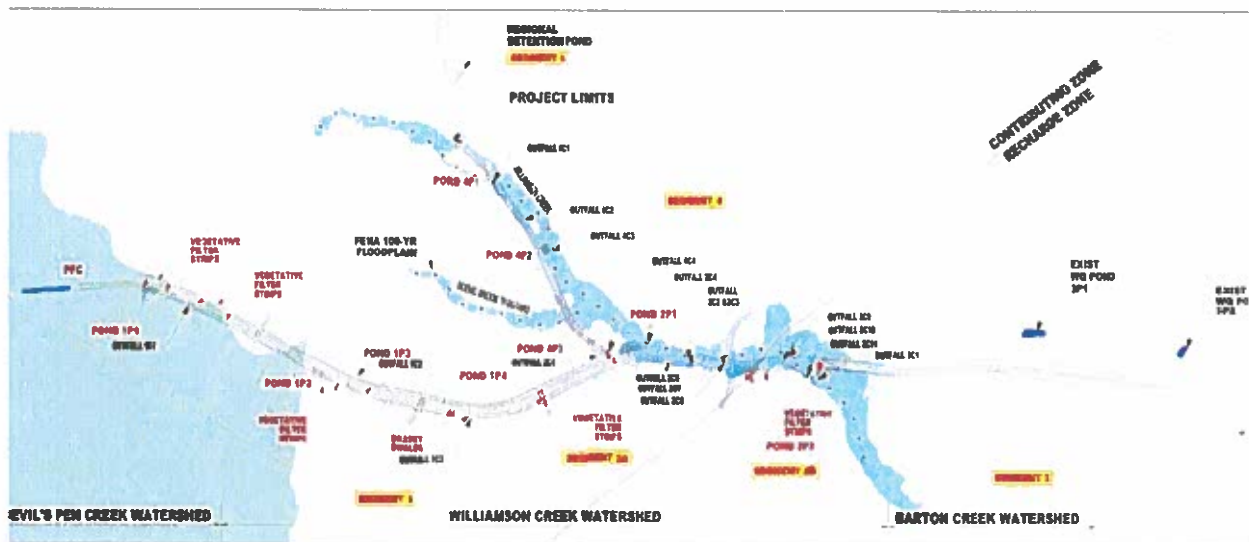
Four sensitive features (F1, F4, F5, and F6) were identified in the GA. Features F1 and F5 are within Williamson Creek and will be protected. F4 and F6 will be impacted by construction and will be sealed.

The temporary stormwater section is proposed BMPs including sediment traps with dewatering bags, rock berms, soil retention blankets, concrete traffic barrier (modified RFD2) and inlet protection facilities.

Oak Hill Parkway project traverses both the Edwards Aquifer Recharge Zone and Edwards Aquifer Contributing Zone. Additionally, the project passes through three watersheds: Devil's Pen Creek Watershed, Williamson Creek Watershed and Barton Creek Watershed. From the design and construction standpoint, the project is divided into Segments 1 through 4 and Offsite Detention Pond is separated as a standalone work element from these segments. For the purpose of EAPP permits, Segment 2 is further divided into Segments 2A and 2B by the boundary line of Recharge and Contributing Zones. See attached project exhibit for boundaries of Recharge & Contributing Zones, Watersheds and project segmentations.

Upon past meetings with TCEQ and TxDOT, and further refinement to project construction schedule and availability of ROW, Colorado River Constructors, OHP (CRC) proposes the following phasing structure with regard to EAPP permit applications for the project.

Work Type	Work Elements	EAPP Permit to Include
<b>Grading</b> <i>Approved.</i> WPAP ID: 11002486, CZP ID: 11002490	<ul style="list-style-type: none"> <li>• Clearing and grubbing</li> <li>• Grading/Excavation</li> <li>• Retaining Walls, Sound Walls</li> <li>• City of Austin Water and Wastewater Lines</li> </ul> Note: Wastewater line within Recharge Zone will go through EAPP SCS application approval process.	<ul style="list-style-type: none"> <li>• WPAP plan</li> <li>• Right to possess and use of ROW</li> <li>• TCEQ Site Plan</li> </ul> Note: Plan sheets related to Impervious Cover will not be provided.
<b>Offsite Detention Pond (Segment 5)</b> <i>Approved.</i> CZP-E ID: 11002585	<ul style="list-style-type: none"> <li>• Clearing and grubbing</li> <li>• Construction of earthen dam/berm up to 20 ft high, 700 ft long with concrete spillway</li> <li>• Site access and maintenance pad</li> </ul>	<ul style="list-style-type: none"> <li>• CZP Exception plan</li> <li>• Right to possess and use of ROW</li> <li>• Signed and sealed plans for full construction</li> <li>• Plan sheets related to Impervious cover and Permanent BMPs</li> </ul>
<b>Wastewater Line in Recharge Zone</b>	<ul style="list-style-type: none"> <li>• City of Austin wastewater line within Recharge Zone</li> <li>• Wastewater line that is extended from Recharge Zone to the next manhole in Contributing Zone</li> </ul>	<ul style="list-style-type: none"> <li>• SCS plan</li> <li>• Right to possess and use of ROW</li> <li>• Signed and sealed plans for full construction</li> <li>• Plan sheets for temporary BMPs</li> </ul>
<b>Non-Standard BMP; Clear &amp; Grade 4 Parcels; Williamson Creek Overbank Excavation</b>	<ul style="list-style-type: none"> <li>• Non-standard BMP</li> <li>• Parcels 23,45,73,108 Clear and Grade</li> <li>• Williamson Creek Overbank Excavation</li> </ul>	<ul style="list-style-type: none"> <li>• WPAP Exception Plan</li> <li>• Right to possess and use of ROW</li> <li>• Signed and sealed plans</li> </ul>
<b>Full Construction (Final Design Segments 2B and 3)</b>	<ul style="list-style-type: none"> <li>• Final Pavement, Bridges, Drainage Structures</li> <li>• Permanent BMPs</li> </ul>	<ul style="list-style-type: none"> <li>• WPAP plans</li> <li>• Right to possess and use of ROW</li> <li>• TCEQ Site Plan</li> </ul>
<b>Full Construction (Final Design Segments 1 and 2A)</b>	<ul style="list-style-type: none"> <li>• Final Pavement, Bridges, Drainage Structures</li> <li>• Permanent BMPs</li> </ul>	<ul style="list-style-type: none"> <li>• CZP plans</li> <li>• Right to possess and use of ROW</li> <li>• TCEQ Site Plan</li> </ul>
<b>Full Construction (Final Design Segment 4)</b>	<ul style="list-style-type: none"> <li>• Final Pavement, Bridges, Drainage Structures</li> <li>• Permanent BMPs</li> </ul>	<ul style="list-style-type: none"> <li>• CZP plans</li> <li>• Right to possess and use of ROW</li> <li>• TCEQ Site Plan</li> </ul>



**Training, Presentations, and Conferences (All Teams):**

- Aquifer Science: N/A
- Regulatory Compliance: N/A
- Administration: N/A
- Communications and Outreach: N/A
- General Manager: N/A
- All Staff: N/A

**New Maps, Publications, or Reports:**

A list of recent publications can be found at: <https://bseacd.org/scientific-reports/>

The latest eNewsletter published in November 2021 can be found at:

<https://bseacd.org/publications/newsletters/>



## LITIGATION AND LEGISLATION

### Litigation and SOAH Activities (Kendall)

- **Electro Purification Production Permit:**

**Current Activity:** No further actions have been taken and no new updates are available as of December 2, 2021.

**Recent Background:** On April 14<sup>th</sup> the GM and counsel met with EP to discuss their desired requests relating to amending their permit application request. We discussed administrative processes and options relating to their permit request as well as the GM's current position statement.

On March 9<sup>th</sup> the GM issued a letter to EP returning the July 17, 2017 application of Electro Purification LLC and explaining that there is no further action that the GM intends to take in connection with the remand. On March 11<sup>th</sup> the applicant, EP, responded to the GM's 3/9 letter, stating that they interpret the EP application to still be active and necessitating Board Action.

The district submitted pre-filed testimony and a revised GM Position Statement in December 2020. Depositions were scheduled for Jan-Feb 2021. On Jan 11, 2021 EP filed a Notice of Nonsuit and request to remand the application back to the District. On Jan 15, 2021, the District filed a response to the applicant's Notice of Nonsuit and requested that the ALJs find that with a nonsuit, that EP has withdrawn the application. On Jan 25, 2021 EP filed a response disagreeing with the District's request that the ALJs find the application withdrawn. On Feb 4, 2021, the ALJs dismissed the EP matter and remanded the matter back to the District. The original hearing on the merits will no longer be set for the dates of April 12-16 & 19-20, 2021.

## RULEMAKING, PERMITTING, AND ENFORCEMENT

### Rulemaking (Michael, Kendall)

There are no immediate plans for additional rule making at this time.

### Enforcement and Compliance Matters (Michael, Erin)

<b>Compliance/Enforcement</b>			
<i>Permittee or Entity Name</i>	<i>Aquifer</i>	<i>Use Type</i>	<i>Notes</i>
Aqua Texas – Bliss Spillar	Edwards	PWS	Board will be discussing further action at the February Board meeting.

### Permitting Activity (Michael, Erin)

<b>In Review</b>				
<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request</i>
IPP	Lower Trinity	Aqua Texas – Bliss Spillar	PWS	6,000,000
LPP	Waiting on Paperwork	Mary Burton	Domestic	500,000
LPP	Middle Trinity	Rolling Oaks (to submit paperwork)	Domestic	500,000
IPP – Production ONLY	Edwards	Confido III, LLC	Commercial	To submit
LPP	Middle Trinity	Anderson, Derrek	Domestic	500,000
IPP	Middle Trinity	Collins, Phil	Commercial	To submit
<b>Recently Approved</b>				
<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request</i>
IPP	Edwards – Class A	Goebler, Matthew	Commercial	1,834,560
LPP	Middle Trinity	Patton, Brian	Domestic	500,000
Plugging	Edwards	Lennar Homes	Abandon	0 - Plugging

## **AQUIFER STUDIES**

**(Brian)**

### **Permitting Hydrogeologic Studies:**

- Aqua Texas Inc- Aquifer Science staff were involved with Aqua Texas as they are tested a Lower Trinity well in Chaparral Park. The District recently issued a production permit for the well. Aquifer Science staff worked with the developers of the Gragg tract near the south end of Hwy. 45 as they installed the fourth well in their well field. These wells all tap into the Lower Trinity Aquifer.

### **Groundwater Studies: *Dye Tracing, Water Quality, Aquifer Characterizations***

- Colemans Canyon- As part of the Jacob's Well study, we are collecting data from domestic wells in the area. A dye-trace study will be conducted in 2022 with Hays County, EAA, and HTGCD.
- Planning for installation of two monitor wells near Jacob's Well. We expect to start drilling in February 2022.

### **Field Activities:**

- Antioch- Continuing to maintain the system and to collect data on flow into the vault.
- Well Monitoring- Continuing to maintain equipment in numerous monitor wells and to download and interpret data.

### **Trinity Aquifer Modeling Development:**

- BRATWURST Modeling- Southwest Research Institute started work on this model in September 2021.
- In-house model- Working with GSI to transition the steady-state model into a transient model.

**COMMUNICATIONS AND OUTREACH**  
**(David)**  
**January 2022**

**Website:** During the month of January, a number of items were added to the spotlights page, including: Latest Drought Update – Jan. 27, The Aquifer Zone Newsletter – Winter 2022, Barton Springs and Lovelady Level Check – Jan. 24, BSEACD Board of Directors Names Tim Loftus General Manager, What is an Aquifer Test Video?, 2022 Kent S. Butler Memorial Groundwater Stewardship Scholarship Essay Contest, Drought Update – Jan. 14, Barton Springs and Lovelady Level Check – Jan. 12, Fiscal Year 2021 Annual Report, Aquifer Update – Jan. 3, The ***BSEACD Newsroom*** page was also updated with latest press releases, upcoming meetings, videos, etc. <https://bseacd.org/publications/bseacd-newsroom/>

Website Analytic s 2021		Top Page Searches			
Month	Total Page Views	Uniqu e Page Views	November	December	January
Sept.	2,731	2,415	Homepage 504 Views	Homepage 406 Views	Homepage 542 Views
Oct.	3,333	2,974	About Us/Staff 115 Views	Publications/Maps 89 Views	Education/Scholarships 306
Nov.	2,453	2,168	About Us/Board 106 Views	About Us/Staff 83 Views	About Us/Staff 137
Dec.	1,959	1,798	Publications/Maps 88 Views	About Us/Board 68 Views	Publications/Maps 126
Jan.	3,815	3,436	Transparency/Agendas 80 Views	Transparency/ Agendas 62 Views	Regulatory/Forms 115

**General Manager Hiring Committee: (Communications and Outreach set up all interviews and led this entire process)** On Dec.2, 2021, the Board held a special meeting to interview the final two candidates for General Manager. The Board asked the hiring committee’s opinion on the two candidates. The candidates are Tim Loftus and Susan Meckel. The hiring committee consists of Craig Smith, Dan Pickens, Brian Smith, Michael Redman, and me. We had four total candidates, with the fifth candidate dropping out. The four candidates went through two interviews each, one with hiring committee staff (Brian, David, Michael) and one with hiring committee board members (Dan and Craig). Collectively, the hiring committee then narrowed down the top two candidates based on several factors, including:

- Board Management Experience
- Management/Administrative Experience
- Groundwater Policy Knowledge

- Strategic Planning Experience
- Leadership Experience
- Communication Skills
- Budget Management
- Technical Background

Questions for each candidate touched on the subjects in the list above. All four candidates had solid qualifications and it has been a process narrowing down the final two candidates.

**Final Decision:** The Board announced their decision at the Jan. 13, 2022 Board Meeting. Tim Loftus was chosen as the District’s new General Manager.

**2022 Summer Aquatic Science Adventure Camp Scholarship Essay/Art Contest:** The Barton Springs Edwards Aquifer/Conservation District will offer several scholarships (overnight and day camp options) to the attend the 2022 Edwards Aquifer Research and Data Center’s Aquatic Science Adventure Camp at Texas State University in San Marcos. Deadline to apply is March 23, 2022 and all the information is out on the District’s website and social media channels. Communications and Outreach worked with Texas State on this. Communications and Outreach also updated the scholarship rules and is requiring both an essay and an art submission. Below is what we are allotting to this year’s aquatic scholarships. Amounts could change depending on what we get in conservation credit donations.

**\$2,000 – Overnight Expedition Camps 5 Nights, 6 Days – 2 Scholarships**  
**\$500 – Aquatic Investigators Day Camp – Week-Long – 1 Scholarship**  
**\$500 – Explorer Day Camp – Week-Long – 1 Scholarship**  
**\$60 – Discovery Day Camps – Six \$60 Day Camps – Total \$360**  
**Total - \$3,360**

**Kent Butler Scholarship/Aquatic Camp Scholarships:** Communications and Outreach has updated contact list for Kent Butler Scholarship. The information for Kent Butler Scholarship will go out in January. Information will be updated on website and social media. Below is we are allotting to this year’s scholarships. Amounts could change depending on what we get in conservation credit donations.

**2,500 – 1 Winner**  
**1,000 – 1 Winner**  
**Total - \$3,500**

The Communications and Outreach Manager is in the process of solidifying judges. These are our confirmed judges: Blake Neffendorf, Water Resource Coordinator, Sydney Beckner, Hill Country Alliance Water Program Manager, Justin Camp, BSEACD Hydrogeologist Technician, Lily Lucas, BSEACD Board Member

**Meetings:** Attended HCP Mac Meeting, Region K Meeting, TAGD Information & Education Meeting Committee (Communications and Outreach Manager is on the committee)

**TAGD Information & Education Committee:** Reviewed sections of the communications toolkit, including newsletter guide, advocacy checklist, open meetings guide, introduction to communication channels, and how to use the toolkit. Communications and Outreach Manager will work on Media Relations tips for the communications toolkit. This information is due to TAGD in late February.

**Press Releases:**

BSEACD Board of Directors Names Tim Loftus General Manager

<https://bseacd.org/uploads/BSEACD-Board-of-Directors-Names-Tim-Loftus-General-Manager.pdf>

**Media Coverage:**

MyPointTV – Aquifer Pumping Test Video

BSEACD Hires New General Manager

<https://www.wimberleyview.com/news/bseacd-hires-new-general-manager>

Dewatering solutions discussed for Buda subdivision – Jan. 17, 2022 – Hays Free Press

<https://haysfreepress.com/2022/01/17/dewatering-solutions-discussed-for-buda-subdivision/>

**Videos:**

Rain Video – January 31, 2022

<https://fb.watch/aUZtWMwd4c/>

The Aquifer Zone Newsletter – January 2022

<https://www.youtube.com/watch?v=c8xjNhiQOfk>

What is Aquifer Testing?

<https://www.youtube.com/watch?v=k6-0V2GfMUY&t=1s>

2022 Kent S. Butler Scholarship Groundwater Essay Contest

<https://www.youtube.com/watch?v=jNNujM27VBo>

Martin Luther King Jr. Day

<https://www.youtube.com/watch?v=5O2jwrKMZBE>

Drought Update – Jan. 14, 2022

[https://www.youtube.com/watch?v=4us\\_MGXWY3c&t=1s](https://www.youtube.com/watch?v=4us_MGXWY3c&t=1s)

Jacobs Well – Throwback Thursday – Jan 6, 2022

<https://www.youtube.com/watch?v=wurjRyWnJp4>

**Social Media (Twitter, Facebook, Instagram):** Aquatic Science Adventure Camp, Rain Video, Fun Fact Friday – Aquifers in the District, Latest Drought Report – Jan. 27, Newsletter Alert – Aquifer Zone Newsletter – Jan. 2022, Do I live in the District Video, TWDB Water Weekly Report – Jan. 25, Rain Video – Jan. 24, Barton Springs and Lovelady Level Check – Jan. 24,

Aquatic Science Adventure Camp Scholarships, BSEACD Board of Directors Names Tim Loftus General Manager, BSEACD Weather Station Video, Throwback Thursday – Aquifer Testing, Groundwater Management Association Conference Picture, Aquifer Testing Video, TWDD Water Weekly Report – Jan. 18, Kent S. Butler Scholarship Announcement, Martin Luther King Jr. Post, Martin Luther King Jr. Holiday Schedule, Drought Update – Video – Jan. 14, BSEACD Board Meeting Reminder, Aquatic Science Adventure Camp Scholarships, Barton Springs and Lovelady Level check – Jan. 12, TWDB Water Weekly Report – Jan. 11, Martin Luther King Jr. Holiday Schedule Post, District Board Meeting Date, Fun Fact Friday: Dye Testing, Throwback Thursday: Jacob’s Well, BSEACD Snap Shot – Justin Camp Working Out in the Field, Aquatic Science Adventure Camp Scholarships, Fiscal Year 2021 Annual Report, Aquifer Update – Jan. 3, Barton Springs Salamander Video

### **BSEACD Monthly Social Media Roundup/Groundwater News**

Social Media Roundup (January 2022):

<https://bseacd.org/uploads/BSEACD-Social-Media-Roundup-January-2022.pdf>

Monthly Groundwater News/Dates of Interest (January 2022):

<https://bseacd.org/uploads/BSEACD-Monthly-Groundwater-News-Dates-of-Interest-January-2022.pdf>

*The top performing post on Facebook for the month of January was the “Kent S. Butler Memorial Scholarship” now taking applications. It reached 733 people. The top performing video on Facebook was the “Throwback Thursday: Jacob’s Well” video with 27 views. The top tweet on Twitter for the month of January was video of the Barton Springs Salamander. It had 271 impressions. The top performing video on YouTube for the month of January was “What is Aquifer Testing?” It had 8 views*

**GENERAL ADMINISTRATION**  
(January 7, 2022 – February 3, 2021)

**Accounts Receivable/Permittee Cycle Billings**

On February 16, March monthly billings, and 3<sup>rd</sup> quarter billings will be mailed out for a total of \$303,955.

Conservation credits (credit memos) and scholarship donation forms were mailed to the permittees that earned the credits, in mid-December. One hopeful donation still pending.

**Financial Reporting – Website Transparency Section (Texas Comptroller’s Office)**

These are four separate reports and in different format (data over formatting) than the four monthly financial reports that are included in the monthly Board backups.

Transparency Star-related: Most current, available financial reports are to be posted on our website and accessible within three clicks, as required by the Texas Comptroller of Public Accounts Transparency Star Program. Balance Sheets, Profit and Loss Statements, and Check Registers (Operating and Payroll) through December 2021 have been posted on the District website.

Transparency Star Program, Annual Income and Expense Graph on the website will be updated soon.

**Tax Reporting**

Completed and submitted all by January 31. Quarterly 941 with GTLI and STD, TWC C-3, annual W-2s, W-3, 1099-MISC, new 1099-NECs, and 1096.

Reconciled quarterly 941s with annual W-3.

*The Administration Team typically has repetitive monthly tasks e.g. monthly bank reconciliations, monthly adjusting journal entries, accounts payable, payroll, contract/grant/project tracking, office maintenance and repairs, budget monitoring, bi-weekly payroll journal updates, directors’ compensation, pre-pays, DMFs, posting public meetings, preparing meeting backups, etc. These types of tasks are not listed in this report because they are repetitive. Administration status reports are generally more summarized than the other teams, as we list our extra-ordinary tasks outside of our routine tasks, while supporting all other teams.*



## **Item 5**

### **Board Discussions and Possible Action**

**a. Discussion and possible action related to the application filed by Aqua Texas – Bliss Spiller for a Historic Trinity Production Permit to withdraw up to 6,000,000 gallons of water annually from a new Lower Trinity well as discussed on January 13, 2022.**



February 3, 2022

Hon. Blayne Stansberry, President, &  
Members of the Board of Directors,  
Dr. Timothy Loftus, General Manager  
Barton Springs Edwards Aquifer Conservation District  
Austin, Texas

Via Email

RE: Supplemental Testimony and Argument on the application of Aqua Texas – Bliss Spillar for a Historic Lower Trinity production well permit for up to 6,000,000 gallons per year

Dear President Stansberry, General Manager Loftus, and Members of the Board:

First, we thank the Board of Directors for giving us some additional time to speak with the staff and provide additional evidence and argument on the above-referenced permit application. It is greatly appreciated.

We also appreciate BSEACD staff, including Dr. Loftus, providing us with additional information and meeting with us. That meeting included Douglas Wierman, P.G., President of Blue Creek Consulting, who has assisted us in this matter. Mr. Wierman's professional qualifications are summarized on his [linked in page](#). Mr. Wierman has researched, published and advised extensively on the Trinity Edwards Aquifer and associated aquifers in Central Texas, including, for example, in [joint studies with BSEACD professional staff](#). This work has often focused on the issue of groundwater availability, as in this matter.

The protesting parties submit this additional testimony and argument along with specific requests to the Board of Directors on this application. At the outset we question why the proposed well permit would be considered an "Historic" permit. This does not seem to make sense, as the well was not, to our knowledge, pumped historically or, if it was, it was not pumped at the requested level of pumping.

Protestants recognize and very much appreciate Dr. Smith's statements at the initial hearing that there was limited information from this area of the Lower Trinity and its relationship to the overlying Middle Trinity and Barton Springs Edwards Aquifer, and further recognizing that there was not a good explanation for why the Lower Trinity was significantly fresher than the Middle Trinity in this area. This freshness suggests a connection to surface water or to the Edwards, which along with other information contradicts the idea that the Lower Trinity is sealed off from the Edwards and Middle Trinity by the Hammett Shale.

*Austin's water watchdog since 1992*

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After meeting with BSEACD Staff, Mr. Wierman wrote the following, which we submit in its entirety:

“The aquifer test performed at Copper Hills well field focused solely on the Lower Trinity Aquifer (Copper Hills #5). The applicant also has permitted Edwards and Middle Trinity wells in Copper Hills portion of the Bliss Spiller CCN, several within several hundred feet of Copper Hills #5. There are also residential wells in the vicinity that rely on these shallower aquifers. None of the overlying Edwards and Upper and Middle Trinity aquifers were monitored during the aquifer test.

In discussions with the District, they indicated they felt the Hammett Shale was an impermeable boundary between the Lower Trinity and shallower aquifers. This is contradictory to BSEACD Technical Memo 2020—0630 (Camp et al, 2020) which reports on a Lower Trinity pumping test near the Copper Hills system. The report states “Recharge to the Lower Trinity is generally thought to occur from leakage from overlying units through the Hammett Shale and along fractures and faults that breach the shale.”

In the conclusion section of the same report, it states “Because the results of the aquifer test indicate that the water quality and yield of these wells are high the Lower Trinity Aquifer may be a direct alternative groundwater supply for the study area. At this time there are no large permitted Lower Trinity wells in the BSEACD. However, further evaluation of the Lower Trinity is needed to determine how long-term pumping from the Lower Trinity could affect water levels (storage) over time and space. The nearby Lower Trinity Aquifer of western Travis County offers a cautionary example of groundwater mining (Hunt et al., 2020)”.

We agree that additional evaluation of pumping the Lower Trinity wells is needed to assess potential long term changes to water levels over time and space. This includes potential leakage from shallower, overlying aquifers. As these upper aquifers were not monitored during the pump test, an opportunity was missed to develop site specific data regarding potential leakage impacts.

To further assess potential impacts to the upper aquifers and residential well owners that rely on them, we request that either the District or permit applicant install a continuous water level monitoring instrumentation, such a pressure transducer or acoustic device, in a representative well. Data should be made readily available to the public.

Reference:

Justin Camp, Brian B. Hunt, P.G., and Brian A. Smith PhD., P.G., 2020, Evaluating the Potential Groundwater Availability within a Lower Trinity Aquifer Well Field, Balcones Fault Zone, Hays County, Central Texas. Technical Memo 2020—0630

[https://bseacd.org/uploads/Final\\_Lower-Trinity-Availability-BSEACD-Technical-Memo\\_20200630-BAS-7-28.pdf](https://bseacd.org/uploads/Final_Lower-Trinity-Availability-BSEACD-Technical-Memo_20200630-BAS-7-28.pdf)

Further, Ms. Meagher, Mr. Frazell, and Stacy and Bill Knight request that the Applicant be required to repeat its pump test, only this time also monitoring the Meagher/Frazell and Knight wells for potential drawdown of their water, along with any other nearby well which the BSEACD staff believes would be helpful in determining potential long-term impacts of the proposed permit. The results of this pump test would be shared with the parties prior to a continuation of the BSEACD hearing on this application.

In the alternative, we ask that the permit be conditioned to require (a) that the protesting parties wells be monitored by Aqua Source – Bliss Spillar on a continuous basis, similar to what was required of the Needmore permit to monitor the neighboring Scott Mitchell well, and (b) Aqua Texas – Bliss Spillar be required to compensate the protesting parties for any harm caused to their well(s) by paying for any repairs, lowering or replacement of their wells unless Aqua Texas – Bliss Spillar can demonstrate to BSEACD professional staff that its pumping was not the cause of the harm.

Finally, we note that BSEACD staff confirmed in our meeting that they are expecting other and larger permit applications for production well permits in this immediate area in the very near future. It is essential that the District take action now to protect the Barton Springs Edwards Aquifer, existing wells, spring flows, and spring dependent surface waters from excessive pumping in this area. The area is heavily faulted locally and it appears that interconnection between the Lower Trinity and the Edwards is more likely than not. When there is “not enough information,” the default should be to deny or scale back a permit application until there is enough information to make a well-informed decision.

Thank you in advance for your consideration.

*Bill Bunch*

Executive Director & Attorney

On behalf of Aedin Meagher, John Frazell, Stacy Knight, Bill Knight and SOS Alliance

Cc: Tammy Raymond, Senior Administrative Coordinator  
Michael Redman, Regulatory Compliance Team Leader

## **Item 5**

### **Board Discussions and Possible Actions**

**b. Discussion and possible action regarding a presentation by legal counsel of a draft illustrative plan redistricting the director precincts including but not limited to developing and/or finalizing a plan for future adoption; setting a meeting to consider other plans; and/or, setting a hearing for receiving public comment.**

## **Item 6**

### **Director's Reports**

#### **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;**
- **Committee formation and updates;**
- **Conversations with public officials, permittees, stakeholders, and other constituents;**
- **Commendations; and**
- **Issues or problems of concern.**

**Item 7**

**Adjournment**