

Springflow Habitat Protection Work Group Charge

Overview

The Edwards Aquifer Habitat Conservation Plan (EAHCP), through its committees, approved Nonroutine Adaptive Management for the Voluntary Irrigation Suspension Program (VISPO) in May 2019. The Adaptive Management Stakeholder Committee recommended the Implementing Committee approve the Nonroutine Adaptive Management Proposal for VISPO, create a Work Group to address springflow 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. These directives are captured in the Stakeholder Report accompanying the Nonroutine Adaptive Management proposal. Therefore, a Work Group is being formed to address springflow related issues raised in the May 22 discussion document for issues not related to federal exempt pumping.

Background

The May 22, 2019 discussion document distributed by Myron Hess to the Adaptive Management Stakeholder Committee provided a description of the overall EAHCP springflow objectives and discussion of flows in both the Comal and San Marcos springs. The discussion document concluded with the following recommendations.

- (1) The Implementing Committee should ensure a technical evaluation is undertaken of water quality impacts of predicted extended periods of flow below 80 cfs in both spring systems, either using the Hardy water quality model but calibrated and validated using data from recent low-flow periods or using an alternate approach;
- (2) The Implementing Committee should ensure a technical evaluation is undertaken of potential impacts of predicted extended periods of flow below 80 cfs on Comal Springs riffle beetle populations;
- (3) The Implementing Committee should ensure that a technical evaluation is undertaken of potential impacts of predicted extended periods of flow below 80 cfs on San Marcos salamander populations, particularly for populations in the area below Spring Lake dam, and on Texas wild-rice and other vegetation

serving as habitat for fountain darters downstream of Spring Lake dam, including consideration of impacts from recreation;

- (4) The Implementing Committee should ensure that reasonable assumptions for exempt pumping, especially federal exempt pumping consistent with EAHCP representations and current U.S. Fish and Wildlife Service interpretations of federal facility pumping authorizations under Section 7 and recently adopted Texas law, have been incorporated into all modeling runs used to predict spring flows in making a decision on the need for additional Phase II flow protection measures and into a decision on whether to adjust the amount of recommended VISPO forbearance;
- (5) The Implementing Committee should ensure that a rigorous review process, involving input from qualified experts in addition to the Science Committee, is undertaken, as soon as reasonably possible, to inform study design for each of the above-listed technical evaluations and to assess the extent to which adaptive management study commitments included in the EAHCP that are related to flow impacts have been met, will be met, or should be adjusted;
- (6) The Implementing Committee should ensure, to the maximum extent possible, that the above-listed technical evaluations are completed by December 31, 2022; and
- (7) The Implementing Committee should commit to undertaking an evaluation, to be completed by no later than December 31, 2023 if possible, of whether adaptive management action is needed to address adverse impacts predicted by one or more of the above-listed technical evaluations and commit to provide reasonable opportunity for Science Committee and Stakeholder Committee input into the decision process.

Previous Decisions

On May 23, 2019 the EAHCP Implementing Committee approved the recommendations of the Stakeholder Committee, including the creation of a Work Group to address springflow 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). The Springflow Habitat Protection Work Group will be comprised of Stakeholder Committee members representing permittees, industrial and agricultural users, and environmental organizations.

Charge

The Work Group's charge will be developed through a two-part process. Part 1, defined here, asks the Work Group to clarify and refine the primary questions highlighted in the May 22 discussion document in order to focus the inquiry and identify the technical expertise and analysis needed to inform the deliberations of the Work Group. That refinement is intended to result in Part 2 of the charge. Building on the additional information developed pursuant to Part 1, Part 2 should result in recommendations to the Implementing Committee outlining specific technical studies or evaluations to address points (1), (2), and (3) of the May 22 discussion document. The Implementing Committee understands the over-arching intent of the discussion document and of the Work Group process is to ensure progress continues in understanding the effects of extended periods of low flow on Covered Species and in identifying realistic approaches to address any significant adverse effects identified. Computer modeling and species-specific research conducted pursuant to the EAHCP have been working to address aspects of these questions.

Administration

The Work Group will meet on an as needed basis. The Work Group will bring Part 1 recommendations to the Implementing Committee before beginning Part 2 of the charge. The Implementing Committee will guide the implementation of specific studies or evaluations developed pursuant to Part 2 of the charge as outlined in the May 22 decision document.

Members

The Work Group is to be determined by the Implementing Committee. EAHCP staff will recommend a list of names at the January 30, 2020 meeting.