Legislation Details (With Text)

File #:	AI 13-2474	**Version:** 2	**Name:**	Sept ASR agreement	
Type:	Action Item		**Status:**	Reported from Committee	
File created:	9/2/2020		**In control:**	Board of Directors	
On agenda:	10/13/2020		**Final action:**	10/13/2020	
Title:	Consider recommendation from the Permits/Enforcement Committee to approve a springflow protection program forbearance agreement with Sammy L. Gugliotti for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of $24,000.00.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. ASR Agreement template				

Date	Ver.	Action By	Action	Result
9/22/2020	1	Permits/Enforcement Committee		

Consider recommendation from the Permits/Enforcement Committee to approve a springflow protection program forbearance agreement with Sammy L. Gugliotti for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of $24,000.00.

RECOMMENDED MOTION:

Move the board approve a springflow protection program forbearance agreement with Sammy L. Gugliotti for the Aquifer Storage and Recovery Program in support of the Edwards Aquifer Habitat Conservation Plan and authorize the General Manager to execute the agreement.

SUMMARY:

The purpose of this agenda item is for the board to consider a Permits/Enforcement Committee recommendation to approve a springflow protection program forbearance agreement for the Aquifer Storage and Recovery (ASR) Program in support of the Edwards Aquifer Habitat Conservation Plan (EAHCP). The EAHCP includes several measures intended to minimize and mitigate the impact of the use of Edwards groundwater on federally-listed threatened and endangered species associated with the Edwards Aquifer. A significant component of the EAHCP is the use of the ASR Project of the San Antonio Water System as a long-term conservation measure to: (1) offset SAWS pumping from the Edwards Aquifer; and (2) help maintain minimum spring flow at Comal and San Marcos Springs. Through this partnership effort, the EAA has been tasked with acquiring 50,000 acre-feet of permitted Edwards Aquifer groundwater rights through leases and forbearance agreements. Leased groundwater rights will be stored in the Twin Oaks ASR Project of the San Antonio Water System until filling of the ASR Project reaches completion. Once filling is complete, the water associated with both the leases and agreements will be left unpumped during a repeat of drought of record conditions

(when the 10-year annual recharge average falls at or below 500,000 acre-feet).

EAA staff has secured a forbearance agreement of groundwater rights in the amount of 30.000 acre-feet from the permit holder listed below. EAA staff has completed its technical review of the forbearance agreement document and has confirmed its accuracy.

Permit:	P101-641
Permit Holder:	Sammy L. Gugliotti
Amount:	30.000 acre-feet
Term:	8 years
Effective:	2021
Annual Cost:	$3,000.00
Total Cost:	$24,000.00

With the addition of this groundwater into the ASR program, the total amount of leases and forbearance agreements is 49,950.800 acre-feet. Attached is the ASR Program Springflow Protection Program Forbearance Agreement template that has been reviewed by legal counsel.

At the September 22 meeting, the Permits/Enforcement Committee voted to recommend the board approve a springflow protection program forbearance agreement with Sammy L. Gugliotti for the Aquifer Storage and Recovery Program in support of the Edwards Aquifer Habitat Conservation Plan and authorize the General Manager to execute the agreement.

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

STRATEGIC PLAN REFERENCE:

This agenda item supports the EAA's policy direction as set forth in the EAA 2016-20 Strategic Plan: Goal A. Sustain Federally Protected Aquifer-Dependent Species.

Acquisition of 50,000 acre-feet of water for the ASR program is required of the Edwards Aquifer Authority to maintain compliance with the Incidental Take Permit issued by USFWS on March 18, 2013. Specifically, this item is related to the obligations of Section 5.5.1 of the Edwards Aquifer Habitat Conservation Plan.

FISCAL IMPACT:

Funding in the amount of $3,000.00 associated with the listed forbearance agreement will be included in the 2021 EAHCP budget. The total cost of this forbearance agreement over the 8-year term is $24,000.00.