

Legislation Text

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Consider recommendation from the Permits/Enforcement Committee to approve a lease of permitted Edwards groundwater rights with Cynthia Ann Weber Fohn, for the Aquifer Storage and Recovery Project of the San Antonio Water System, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$320,000.00.

RECOMMENDED MOTION:

Move the board adopt Resolution and Order No. 11-16-859 of the Edwards Aquifer Authority Board of Directors to approve a lease of permitted Edwards groundwater rights Cynthia Ann Weber Fohn to the EAA for the Aquifer Storage and Recovery Project of the San Antonio Water System in support of the Edwards Aquifer Habitat Conservation Plan, and authorizing the General Manager to execute the lease.

SUMMARY:

The purpose of this agenda item is for the board to consider a Permits/Enforcement Committee recommendation to approve a lease of permitted Edwards groundwater rights for the Aquifer Storage and Recovery (ASR) Project of the San Antonio Water System 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 as a conservation and springflow protection measure is the use of the SAWS ASR project as a long-term conservation measure to replace SAWS pumping from the Edwards Aquifer and maintain a minimum spring flow at Comal and San Marcos Springs. Through this effort, the EAA has been tasked with acquiring 50,000 acre-feet of permitted Edwards Aquifer groundwater rights through leases and lease options to be stored in the ASR project.

The EAA has secured a lease of groundwater rights of 200.000 acre-feet from the permit holder listed below, to be effective January 1, 2017. EAA staff has completed its technical review of the transfer documents and has confirmed the accuracy of the lease, as summarized below:

Permit:	P106-512
Permit Holder:	Cynthia Ann Weber Fohn
Transfer Amount:	200.000 acre-feet
Term:	10 years (Beginning in 2017)
Annual Lease Cost:	\$32,000.00
Total Lease Cost:	\$320,000.00

Attached to this item are the ASR lease agreement received from the permit holder from the lease agreement templates that have been reviewed by legal counsel. If this lease is approved, the total

amount of groundwater rights secured by the EAA in 2017 ASR leases totals 8,057.810 acre-feet. Resolution and Order No. 11-16-859, which has been reviewed by legal counsel, is also attached to this item.

At the October 25 meeting, the Permits/Enforcement Committee voted to recommend the board adopt a resolution and order of the Edwards Aquifer Authority Board of Directors to approve the lease of permitted Edwards groundwater rights from the permit holder as listed herein, to the EAA for the Aquifer Storage and Recovery Project of the San Antonio Water System in support of the Edwards Aquifer Habitat Conservation Plan, and authorizing the General Manager to execute the lease.

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 \$32,000.00 is included in the proposed 2017 EAHCP budget. The total cost of this lease over the total lease term is \$320,000.00.