



Legislation Text

File #: AI 13-1971, Version: 1

Consider recommendation from EAA staff to 1) rescind Aquifer Storage and Recovery (ASR) springflow protection lease agreements with Bruce Gilleland and wife, Linda Gilleland (P101-701 and P101-711), Darrell Bruce Gilleland (P101-702), and Gilleland Land Co., LP (P101-703); 2) enter into an ASR springflow protection lease agreement with Alamo Concrete Products Company (P100-376) for the remaining term length of the rescinded agreements; and 3) enter into ASR springflow protection forbearance agreements with Bruce Gilleland and wife, Linda Gilleland (P101-701 and P101-711), Darrell Bruce Gilleland (P101-702), and Gilleland Land Co., LP (P101-703 and P106-266), all in support of the Edwards Aquifer Habitat Conservation Plan, and authorize the General Manger to execute the rescission and the subsequent leases.

STAFF RECOMMENDED MOTION:

Move the board: (1) rescind Aquifer Storage and Recovery (ASR) springflow protection lease agreements with Bruce Gilleland and wife, Linda Gilleland (P101-701 and P101-711), Darrell Bruce Gilleland (P101-702), and Gilleland Land Co., LP (P101-703); (2) adopt Resolution and Order No. 12-18-918 of the Edwards Aquifer Authority Board of Directors to approve an ASR springflow protection lease agreement with Alamo Concrete Products Company (P100-376) for the remaining term length of the rescinded agreements; and (3) adopt Resolution and Order No. 12-18-919 of the Edwards Aquifer Authority Board of Directors to approve ASR springflow protection forbearance agreements with Bruce Gilleland and wife, Linda Gilleland (P101-701 and P101-711), Darrell Bruce Gilleland (P101-702), and Gilleland Land Co., LP (P101-703 and P106-266), all in support of the Edwards Aquifer Habitat Conservation Plan, and authorize the General Manger to execute the rescission and the subsequent leases.

SUMMARY:

The purpose of this agenda item is for the board to consider three transactions in furtherance of the ASR springflow protection program. The three related transactions necessitate a rescission in order to be fully implemented. The lease, the forbearance, and the associated resolution and orders are attached to this summary for the board's reference. In brief, the Gillelands own several permits enrolled in the EAA's ASR leasing program. Alamo Concrete has agreed to take over the Gillelands' ASR leases, allowing them to enroll more groundwater in the ASR forbearance program.

EAA staff will explain the transactions and answer related questions at the December 11 meeting.

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

FISCAL IMPACT:

Funding for the Alamo Concrete Products Company ASR lease term in the amount of \$53,422.60 has already been accrued and is available in the 2019 operating budget. The total cost of the lease will be \$160,267.80, Funding of \$80,700.00 for the Gillelands' new ASR forbearance agreements is available in the 2019 operating budget. The total cost for the forbearance agreements is \$807,000.00.