



Legislation Text

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Consider recommendation from EAA staff to 1) rescind two Aquifer Storage and Recovery Springflow Protection leases and one Aquifer Storage and Recovery Springflow Protection Forbearance Agreement with Lyle N. Riff, Trustee of the Gertrude S. Riff Family Trust (P100-925); 2) enter into two Aquifer Storage and Recovery Springflow Protection leases and one Aquifer Storage and Recovery Springflow Protection Forbearance Agreement with Lyle N. Riff (P109-123); and 3) enter into two Aquifer Storage and Recovery Springflow Protection leases and one Aquifer Storage and Recovery Springflow Protection Forbearance Agreement with Michael J. Riff (P109-124), all in support of the Edwards Aquifer Habitat Conservation Plan.

STAFF RECOMMENDED MOTION:

Move the board: 1) rescind two Aquifer Storage and Recovery Springflow Protection leases and one Aquifer Storage and Recovery Springflow Protection Forbearance Agreement with Lyle N. Riff, Trustee of the Gertrude S. Riff Family Trust (P100-925); 2) enter into two Aquifer Storage and Recovery Springflow Protection leases and one Aquifer Storage and Recovery Springflow Protection Forbearance Agreement with Lyle N. Riff (P109-123); and 3) enter into two Aquifer Storage and Recovery Springflow Protection leases and one Aquifer Storage and Recovery Springflow Protection Forbearance Agreement with Michael J. Riff (P109-124), all in support of the Edwards Aquifer Habitat Conservation Plan, and authorize the General Manager to execute the rescission and the subsequent agreements.

SUMMARY:

The purpose of this agenda item is for the board to consider an EAA staff recommendation to approve nine transactions in furtherance of springflow protection measures. A recent probate matter has necessitated the rescission of three springflow protection contracts and the establishment of six new springflow protection contracts. Specifically, it has become necessary to rescind two existing ASR springflow protection leases and one existing ASR springflow protection forbearance agreement because the trust that owned the permit associated with the agreements has been distributed from the trust in equal amounts - necessitating the generation of two new permits (and permit numbers) and terminating the original permit number. The two new permits are now to be entered into matching springflow protection agreements in order to maintain the original commitment and keep the EAA's water balance within the programs whole. In total, 180 acre-feet of water will be transferred between the agreements. These actions result in no net change in the amount of groundwater currently enrolled in the EAA's programs. Templates of the lease and forbearance agreements are attached to this summary for the board's reference.

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:

This item has no fiscal impact since funding for all agreements was allocated when the original agreements were executed.