

Legislation Text

File #: AI 13-3015, Version: 1

Consider recommendation from EAA staff to approve an Amendment of Springflow Protection Forbearance Agreement for 4 Doyon Enterprises, LLC, and approve a Springflow Protection Forbearance Agreement for Lyle N. Riff for the Aquifer Storage and Recovery Forbearance Program in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$9,600.

STAFF RECOMMENDED MOTION:

Move the board amend an ASR Forbearance Agreement with 4 Doyon Enterprise, LLC, and approve a replacement ASR Forbearance Agreement with Lyle N. Riff for the amount reduced by the amendment.

SUMMARY:

The purpose of this agenda item is for the board to consider an EAA staff recommendation to amend an ASR Springflow Protection Program Forbearance Agreement in support of the Edwards Aquifer Habitat Conservation Plan (EAHCP). The amendment is necessary due to the transfer of the associated groundwater withdrawal rights and a request from the permit holder to exchange a portion of the enrolled water rights so that the rights could be used to satisfy the City of LaCoste's municipal water service requirements related to a land development project owned by 4 Doyon Enterprises, LLC.

The original forbearance agreement was for 32 acre-feet of rights owned by Kurt Eric Kunze. In July, these water rights were transferred to 4 Doyon Enterprises, LLC. A request was made of the EAA to release one-half of the enrolled rights (16 acre-feet) to meet the water service requirements of the land project. Historically the EAA has allowed a release of enrolled rights if the owner of the rights can secure replacement water rights to be enrolled in the program. In this case, 16 acre-feet of replacement rights are being enrolled by Lyle N. Riff. Therefore, the actions do not impact the overall amount of water enrolled in the program

EAA staff will present this item and answer related questions at the November 8 board meeting. A copy of the amendment document and the new replacement agreement are attached 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 helps build and/or create Assuredness in Regulatory Programming - a key objective in achieving the EAA's goals identified in the 2021-30 Strategic Plan.

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:

None. The total amount of the new agreement was approved by the EAA when the Kurt Eric Kunze agreement was executed.