



Guadalupe-Blanco River Authority
933 E. Court Street, Seguin TX 78155
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GBRA Applauds U.S. Fish and Wildlife Service Approval of Edwards Aquifer Habitat Conservation Plan and Incidental Take Permit

For more information

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After more than seven years and rigorous negotiations between 26 stakeholders and a dedicated program manager, the U.S. Fish and Wildlife Service (USFWS) has approved the Edwards Aquifer Recovery Implementation Program (EARIP) Habitat Conservation Plan (HCP) and issued an incidental take permit under the Endangered Species Act (ESA) to protect most users of aquifer water.

The EARIP produced the Edwards Aquifer HCP. The EARIP process began in 2006 with an "ad hoc" effort and progressed in 2007 with the passage of Senate Bill 3, Article 12, by the Texas Legislature. The efforts of those 26 stakeholders and another 60 participants resulted in the Edwards Aquifer HCP designed to protect endangered species that depend on springflow emanating from the Edwards Aquifer springs. The initial vote of approval in November 2011, during the height of one of the state's most exceptional drought years.

The notice of availability of the final environmental impact statement (EIS) and an incidental take permit, including the Edwards Aquifer HCP will publish in the *Federal Register*, Friday Feb. 15, 2013.

"Approval of the EARIP's HCP marks a significant conservation achievement for the Edwards Aquifer Region," said USFWS Southwest Regional Director Benjamin Tuggle. "The organizations and individuals involved in the development of the HCP clearly demonstrated that it is possible to come together and develop a consensus-based solution to a very complex water issue in Texas. The Service commends the efforts of those involved in this long and challenging process and looks forward to working with them to protect the eight listed species while providing certainty to those who are dependent upon the Edwards Aquifer."

After numerous studies, negotiations and compromises with so many divergent interests, a scientifically-based plan emerged that will protect the endangered species. We applaud the Wildlife Service's final approval of this collaborative effort, Bill West, Guadalupe-Blanco River Authority (GBRA) general manager said, adding, "We never would have made this process within the prescribed timeframe as required by the Texas Legislature — completed by December 2012 — had it not been for the EARIP program manager, Robert Gulley."

Texas entities have been fighting over Edwards Aquifer usage for more than 50 years following the drought of the 1950s. The recent history of this ongoing saga can be traced back to 1991 when the Sierra Club filed a lawsuit under the ESA that ultimately resulted in the creation of the Edwards Aquifer Authority, GBRA's liaison to the EARIP and its Executive Manager of Science, Intergovernmental Relations and Policy Todd Votteler, Ph.D., explained. The federal judge, Lucias Bunton, issued the state legislature an ultimatum to provide management of the Edwards Aquifer for the benefit of all users or the federal government would do it for them.

The Texas Legislature created the EAA in 1993 to regulate, among other things, pumping from the aquifer, to implement drought management restrictions, and to pursue a program "to ensure that the continuous minimum springflows of the Comal Springs and the San Marcos Springs are maintained to protect endangered and threatened species to the extent required by federal law..."

Overall, the Edwards Aquifer HCP is expected to cost about \$18.5 million annually. The largest Edwards Aquifer pumper is SAWS and its officials estimate the program will increase bills for the average water customer by \$3.13 a month, Votteler said. GBRA, Dow Chemical and CPS Energy — all entities that benefit from flows from Comal and San Marcos springs — pledged to make annual contributions totaling \$740,000. GBRA had agreed to pay \$400,000 beginning in 2013 and that amount could be increased by 2 percent each year. That agreement goes to 2028, and at that time, the permit could be renewed.



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The approved incidental take permit covers activities that would occur in Bexar, Medina and Uvalde counties and portions of Atascosa, Caldwell, Comal, Guadalupe and Hays counties in Texas. The Edwards Aquifer HCP describes the measures the applicants agree to undertake to minimize and mitigate the effects of incidental take of the following federally listed species dependent on the springs and river systems associated with the Edwards Aquifer: the fountain darter, San Marcos salamander, Texas wild rice, Texas blind salamander, Peck's cave amphipod, San Marcos gambusia, Comal Springs dryopid beetle and the Comal Springs riffle beetle.

The Edwards Aquifer HCP covers general activities associated with the actions, including the regulation and production of groundwater for irrigation, industrial, municipal, domestic and livestock purposes; the use of instream flows in the Comal River and San Marcos River for recreational uses; and other operational and maintenance activities that could affect Comal Springs, San Marcos Springs and the associated river systems.

The Edwards Aquifer is one of the most prolific artesian aquifers in the world. It also is the source of the two largest springs in Texas — the Comal and San Marcos springs that provide the base flow of the Guadalupe River, which is the basis for surface water permits for municipal, industrial and agricultural users of the river. The Edwards Aquifer is the primary source of drinking water for more than 2 million people, including San Antonio, the seventh largest city in the United States.

Copies of the EIS and HCP are available online at <http://www.fws.gov/southwest/es/AustinTexas/>.

The GBRA was established by the Texas Legislature in 1933 as a water conservation and reclamation district. GBRA provides stewardship for the water resources in its 10-county statutory district, which begins near the headwaters of the Guadalupe and Blanco rivers, ends at San Antonio Bay, and includes Kendall, Comal, Hays, Caldwell, Guadalupe, Gonzales, DeWitt, Victoria, Calhoun, and Refugio counties.

The mission of the USFWS is working with others to conserve, protect and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.