



May 14, 2019

Implementing Committee
Edwards Aquifer Habitat Conservation Plan

Re: EAA Analysis of federal use of Edwards Aquifer

Dear Committee Members:

On behalf of the Edwards Aquifer Authority (EAA), I am pleased to provide the attached analysis performed by EAA staff on the federal use of Edwards Aquifer water as it relates to the Edwards Aquifer Habitat Conservation Plan (EAHCP). This analysis is offered, in part, as a response to questions raised by the Guadalupe Basin Coalition regarding the matter of aquifer use by Joint Base San Antonio (JBSA) and potential impacts to the EAHCP if future use exceeds modeled assumptions.

In summation, the analysis clarifies that JBSA water use has been appropriately modeled in compliance with the EAHCP and that drought management measures are sufficiently provided for within the Biological Opinion (JBSA BO) issued by the U.S. Fish and Wildlife Service (USFWS). JBSA remains legally bound to the JBSA BO for the remaining tenure of the current EAHCP. As detailed in the attached memorandum, while use of the Edwards Aquifer by JBSA is exempt from EAA's groundwater withdrawal permitting rules, JBSA is unquestionably subject to restrictions outlined in the JBSA BO issued on August 5, 2013, by the USFWS. Accordingly, based on this analysis, it is the position of the EAA that no further analyses nor action by the Implementing Committee is necessary regarding this question. Instead, the EAA recommends the following actions in consideration of improving the communication and understanding between the EAHCP and JBSA BO processes:

- Clarify Covered Take Calculations -- When reviewing the EAHCP Incidental Take Permit (ITP) and JBSA BO, it is not clear how USFWS differentiates yearly take from EAHCP-covered activities and JBSA BO-covered activities. It seems prudent to request clarification on how these numbers are tracked and administered.
- Cooperate in Conservation Planning -- A more coordinated and intentional effort should be made by the EAHCP Implementing Committee or by individual permittees to develop partnerships with JBSA to further the conservation interests of all concerned parties and to explore participation of JBSA in the next EAHCP and associated ITP.

- **Improve Reporting and Sharing of Information** -- The EAHCP Implementing Committee should request that USFWS and/or JBSA share the annual reports required in the JBSA BO so that federal use can be more accurately understood during planning discussions concerning the next EAHCP and ITP – especially considering the desire that the next permit be for a longer term. It is presumed that the new reporting requirements in the JBSA BO led to the decline in use reporting directly to the EAA, given that usage reporting began to decrease at the same time as the issuance of the latest JBSA BO in 2013.

Please note that this issue is to be reported at the May 23rd Implementing Committee. In the meantime, if you have any questions regarding this issue, please do not hesitate to call.

Sincerely



Roland Ruiz
General Manager

Copy: EAA Board of Directors