

SIERRA CLUB COMMENTS ON PROPOSED EMERGENCY RULES FOR EDWARDS AQUIFER AUTHORITY

Presented March 13, 2007 to Edwards Aquifer Authority Board

We recognize the EAA Board's decision to abide by the Texas Attorney General Opinion of January 9, 2007. As such, we understand the need for the Board to develop emergency rules in response to the Opinion. However, we do wish to make note of some issues of concern.

- 1) As the stated purpose of these Emergency Rules is in response to the Attorney General Opinion, we find no reason that justifies changes to EAA rules regarding quarterly reporting or discretionary uses

- 2) We understand that the EAA's interpretation of the AG ruling requires that only J-17 be used to initiate Critical Period. However, we do not feel that springflow levels are being adequately utilized for subsequent trigger levels.
 - a) The Stage II Trigger level for San Marcos springs is 96 cfs; this is below the established jeopardy level for endangered species at the springs.
 - b) There are no trigger levels for Stage IV based on springflow from either San Marcos or Comal Springs.

Responses to Aquifer levels declines require rapid, and in some cases, untested responses. The Sierra Club encourages the EAA Board to modify the Stage Trigger Levels for Comal and San Marcos springs in order to allow the Aquifer and its water users more adequate time to respond to a developing crisis.