



July 20, 2016

Via email to comments@lostpineswater.org

Mike Talbot, Lost Pines GCD Board President and Members
James Totten, General Manager
District and Board Counselors
GMA-12 Districts and Representatives

RE: Proposed Desired Future Conditions (DFCs) for the District and GMA-12

Dear President Talbot, Board Members, General Manager Totten and Counselors,
Environmental Stewardship (ES) commends several members of the Board, namely Keith Hansberger, Billy Sherrill, Michael Simmang, and Alice Darnell, and General Manager James Totten for having regularly attended the Groundwater Management Area 12 (GMA-12) meetings over the last several years and for providing meaningful input to the process.

ES respectfully provides its comments in the attached document and has been requested to advise you that three additional community organizations, Simsboro Aquifer Water Defense Fund, League of Independent Voters of Texas and Neighbors for Neighbors (Organizations), adopt and respectfully submit these comments as if they were original signatories. The Organizations are described in Appendix A attached to this letter. ES and the Organizations respectfully ask that this cover letter and comments be included into the official record of the District's July 20, 2016 hearing on Desired Future Conditions.

Our comments provide an in-depth review of Environmental Stewardship's concerns and how they have, or have not, been dealt with during the DFC review and adoption process. ES' comments to GMA-12 dating back to July, 2013, can be found on our website at <http://www.environmentstewardship.org/es-comments-gma-12-proposed-dfcs/>.

The following highlights our most critical and urgent recommendation.

We urge the Board and GMA-12 to:

- 1) adopt the Proposed DFCs and
- 2) amend the adopting resolution to (See Section F):
 - a) accurately state that the review process cannot be completed until adequate tools and information are available, and
 - b) therefore the Proposed DFCs do not yet provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater in the management area.

Though a great deal was accomplished during this second round of DFC review, and we applaud the much more open and transparent process, it is evident that a full and adequate consideration of several items was not possible because the tools, information, and time were not available to complete these tasks in compliance with Section 36.108(d). The considerations of critical concern to Environmental Stewardship, are (See Sections C, D and E):

- (4) other environmental impacts, including impacts on spring flow and other interactions between groundwater and surface waters, and
- (7) the impact on the interests and rights in private property, including ownership and the right of management area landowners and their lessees and assigns in groundwater, and
- balancing between *conservation* and *development* of these resources.

The District and GMA-12 have recognized and acknowledged deficiencies in the information and modeling tools available for evaluating the impacts of pumping on groundwater, surface water and other permits. And, to its credit, the GMA has initiated GAM improvements that should be available during the next round of review related to desired future conditions. This future review should provide better data and information to inform this process. It is essential and necessary that the District and GMA be able to apply such new information during the next round of DFC review and adoption.

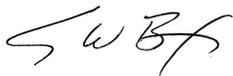
Since it is the duty of the groundwater conservation districts to protect the property rights of landowners like ES and others who want to conserve and preserve their groundwater in place for future use, non-commercial uses, sustainability, and environmental considerations, we look to you, the Lost Pines District and Board, to adopt desired future conditions that truly balance between the conservation and development of groundwater resources (See Section A & B).

The Districts and GMA-12 have recognized and acknowledged their responsibility and duty to balance the use of groundwater resources between developing and conserving the aquifer in adopting desired future conditions (See Section C, Consideration 7).

We also look to you to ensure that our concerns have been fully and adequately considered and that adequate and complete written responses are provided in the explanatory report demonstrating how our concerns were, or were not, incorporated into the finally adopted DFCs (See Sections A and B).

Finally, we are concerned that, for the reasons stated in our comments, the resolution adopting the Proposed Desired Future Conditions (DFCs) *falsely* states that the DFCs provide a balance between highest practicable levels of groundwater production and the conservation, preservation, protection recharging, and prevention of waste of groundwater in the management area. As such, we believe that the resolution adopting the DFCs must, before these DFCs are finally adopted, be revised to accurately reflect that the current review and consideration of the nine factors under Section 36.108(d) is incomplete. We believe it is more accurate to state that the DFCs do not yet balance conservation and development of the aquifers and request that you include a statement to this effect in your adoption of the Proposed DFCs this evening.

Respectfully submitted,



Steve Box
Executive Director
Environmental Stewardship

cc: Senator Kirk Watson, District 14
Senator Louis Kolkhorst, District 16
Representative John Cuyler, District 17

Judge Paul Pape, Bastrop County
Judge Paul Fischer, Lee County
GMA-12 Districts and Representatives

Attachment: Comments to Lost Pines GCD Board of Directors and GMA-12 regarding Proposed Desired Future Conditions adopted by GMA-12.
Appendix A. Statement of Joiner in Comments

Environmental Stewardship is a charitable nonprofit organization whose purposes are to meet current and future needs of the environment and its inhabitants by protecting and enhancing the earth's natural resources; to restore and sustain ecological services using scientific information; and to encourage public stewardship through environmental education and outreach. We are a Texas nonprofit 501(c) (3) charitable organization. For more information visit our website at <http://www.environmentstewardship.org/>.