

# POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT

## Board of Directors Meeting

POSGCD District Offices

310 East Avenue C

Milano, TX 76556

May 12, 2020 – 5:30 p.m.

### MINUTES

#### **Directors Present**

Sidney Youngblood- in person  
Lee Alford- in person  
Becky Goetsch- via online  
Tommy Tietjen- via online  
Steven Wise- via online  
Bob Wilson- via online  
Dana McClaren- via online  
Ed Savage – via online  
Chris Whittaker – via online  
Jay Wilder- via telephone

#### **Directors Absent**

None

#### **Staff Present**

Gary Westbrook- in person  
Doug Box- in person  
Elaine Gerren – via online  
Bobby Bazan – via online  
Ralph Sifuentes – via online

#### **Others Present**

Barbara Boulware-Wells  
Amy Jurica Hinnant- via online  
Blaire Parker- via online  
Dan Fisher - via online  
Shan Rutherford – via online  
Liz Ferry – via online  
Judith McGeary - via online  
Steve Young - via online  
Jaclyn Robertson – via online  
John Seifert- via online  
Stefan Schuster- via online  
James Bene- via online  
Clover Cochran- via online  
Victoria Messer- via online

#### **Entity**

The Knight Law Firm, LLP- via online  
Landowner  
SAWS  
Landowner  
Terrill & Waldrop  
R.W. Harden & Associates  
Landowner  
Intera  
TWRI/Texas A&M  
  
EPCOR  
R.W. Harden & Associates  
Landowner  
HPUWCD

## **Board Meeting**

### **1. Pledge of Allegiance**

Director Becky Goetsch led the pledges to the flags of the United States and Texas.

### **2. Invocation**

GM Gary Westbrook gave the invocation.

### **3. Call to Order and establish quorum**

The board meeting was called to order at 5:30 p.m. by President Sidney Youngblood. He proceeded to call the role of the Board and he declared a quorum had been established, with ten (10) directors verified by general counsel and staff to be in attendance either in person, by telephone or online.

### **4. Public Comment**

President Sidney Youngblood verified with GM Westbrook no individuals had requested to speak under public comment.

### **5: Public Hearing on Rules: Section 1 Definitions and Concepts, Section 4 Spacing and Monitoring Requirements, Section 7 Permits, Records, Reports, and Logs, Section 8 Transport of Groundwater, Section 14 Hearings, and Section 16 Management of Water Availability and Production, as well as differentiation of calendar days and business days, and additional clean-up language throughout the Rules.**

President Sidney Youngblood opened the public hearing at 5:42 pm and verified that all notices had been properly posted and that all persons that wish to speak are present on line. GM Westbrook also notes these draft Rules have been reviewed at two previous public Board meetings and also have been properly posted on the District website for review.

Judith McGeary thanked the Committee for their efforts and reviewed written comments submitted.

Shan Rutherford thanked the Committee for their efforts and reviewed written comments submitted.

President Youngblood turned the floor over to Becky Goetsch chair of the Rules Committee for any additional comment. Director Becky Goetsch thanked Shan & Judith for their comments. Director Goetsch stated that many hours were spent to get this right and she felt the Committee is ready to move forward with the changes and stands behind the proposed amendments. Director Goetsch turned floor over to GM Gary Westbrook, who had nothing further to add.

Director Goetsch invited comment from Barbara Boulware-Wells, General Counsel, The Knight Law Firm. Her only comment was that she knew the Board members spent an incredible amount of time to improve the rules, and these rules are evolving documents. She appreciated the comments being made, and the Board will review and revamp as needed.

Dr. Steve Young, District Hydrogeologist, Intera, was asked to comment. He agreed with General Counsel and had no further comment.

Director Steven Wise asked if the District has the ability to manage PDL's in addition to the DFC's. GM Gary Westbrook stated that his understanding is if it is in the management plan that he believes we can manage accordingly. General Counsel states that PDLs can be managed per the management plan. Dr. Young was asked to comment on this and he deferred to the Legal Counsel for this opinion.

President Sidney Youngblood Opens asked if any board members had questions. President Youngblood stated that the Rules Committee has met on several occasions and vetted this well before asking for these changes. He then stated that the Rules will be ever evolving as changes are needed.

President Youngblood closed the Hearing at 6:04 pm.

#### **6. Minutes of April 14, 2020 Board Meeting**

After discussion by the Board a motion was made by Director Lee Alford to accept the minutes of April 14, 2020 Board Meeting. The motion was 2<sup>nd</sup> by Director Tommy Tietjen. The motion passed unanimously 9-0 with role call vote and Director Chris Whittaker having left the meeting at 6:00 pm.

#### **7. Minutes of April 27, 2020 Board Meeting**

GM Westbrook advised the Board of a clerical correction to the amounts listed in the draft minutes. The Clara Hills award was corrected to \$208,575, and Southwest Milam WSC award corrected to \$135,714. After discussion by the Board a motion was made by Director Wise to approve the corrected minutes of April 27, 2020 Board Meeting. The motion was 2<sup>nd</sup> by Director Ed Savage. The motion passed unanimously with role call vote.

#### **8. Consider Rules: Section 1 Definitions and Concepts, Section 4 Spacing and Monitoring Requirements, Section 7 Permits, Records, Reports, and Logs, Section 8 Transport of Groundwater, Section 14 Hearings, and Section 16 Management of Water Availability and Production, as well as differentiation of calendar days and business days, and additional clean-up language throughout the Rules.**

President Youngblood turned the floor over to Director Becky Goetsch. She stated she had no further comment and was ready to move forward. President Youngblood asked for any additional comment from GM Westbrook. He stated he has none. President Youngblood ask all committee members for additional comment. There were no comments. After discussion by the Board a motion was made by Director Goetsch to adopt the amendments to the rules as presented. The motion was 2<sup>nd</sup> by Director Tommy Tietjen. The motion passed unanimously with role call vote.

#### **9. Consider District Mission Statement**

President Youngblood stated the Advisory Committee looked at how this Mission Statement could be updated to provide balance to conservation and Landowner Rights. President Youngblood presented an amended Mission Statement to be considered to be adopted by the District. This would be included on the District website and included in District education materials and the next revision to the management plan.

Director Dana McClaren reminded the ownership rights of the landowners are well defined by Texas Water Law. She was concerned that this language might be misinterpreted. Ms. Boulware-Wells, General Counsel, notes the committee desired to express the challenge of balancing conservation with the ownership rights of groundwater, and in adding the last sentence, they acknowledged the landowner rights. Director McClaren asked if we could modify the statement so that it does not appear that we are trying to impede the landowner's rights. GM Westbrook asks if adding a comma after "science" would address this concern.

Director Tietjen stated we are still bound by state law. This is just a mission statement, not law. Director Wise reminded, Texas is a Rule of Capture State, and agreed with General Counsel on desire to recognize the Board's struggle of trying to balance conservation and preservation with rule of capture laws. General Counsel offers, and Director McClaren agrees, that adding the comma after science per GM Westbrook is a good alternative, and possibly replacing "recognizing" with "supporting."

Director Goetsch stated she wanted to keep the owner's rights to assign or produce in the statement. A motion was made by Director Wise to approve the Mission Statement as amended with the two changes as noted above. The motion was 2<sup>nd</sup> by Director Jay Wilder. The motion passed unanimously with role call vote.

The adopted District Mission Statement will read:

“The Post Oak Savannah Groundwater Conservation District (POSGCD) mission is to adopt and enforce Rules consistent with State law and based on best available science, which provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, while supporting the ownership of groundwater and the owner's right to assign or produce that property.”

**10. Request from City of Somerville for extension for time to complete work under 2018 Groundwater Conservation Grant**

GM Gary Westbrook stated the City of Somerville had spoken with their engineer and they had problems crossing some landowner properties for access, which has caused delays and therefore necessitated this request for an extension of time. GM Gary Westbrook recommends to approve this extension as requested. The motion was made by Director Tietjen to grant the extension. The motion was 2<sup>nd</sup> by Director Lee Alford. The motion passed unanimously with role call vote.

**11. Consideration of Applications submitted by Vista Ridge as required by Board of Directors at the February 13, 2020 hearing and direction to General Manager as to action thereto.**

President Sidney Youngblood asked for consideration of the application submitted by Vista Ridge on February 13, 2020 hearing and direction to General Manager as to action thereto. GM Westbrook stated that the application is administratively complete. General Counsel verified that the application is administratively complete. President Youngblood asked for verification by Dr. Young with Intera and he verified that it is complete from a Hydrologist stand point. President Youngblood asked for questions or comment by the Board. None is offered. A motion was made by Director Ed Savage to approve the application as submitted. The motion was 2<sup>nd</sup> by Director Steven Wise. The motion passed unanimously with role call vote.

**12. Support of study by Texas A&M Agri-Life in Estimating Recharge in the Carrizo-Wilcox Aquifer**

A scope of work was given to all Directors. GM Westbrook stated this is an effort to improve our understanding of recharge of the Aquifer. There is a \$500,000 grant from USDA being applied for by Texas A&M. Our commitment will be a letter of support and \$ 30,000. Director Tietjen asked for clarification on the total amount of commitment. GM Westbrook stated the total commitment with overhead will not exceed \$30,000.00 and that a revision to the letter is being drafted.

A motion was made by Director Alford to approve with a maximum commitment of \$30,000. The motion was 2<sup>nd</sup> by Director Goetsch. The motion passed unanimously with role call vote.

**13. Consider Recommendations from DFC Committee concerning the following: a. Groundwater Well Assistance Program (GWAP) and GWAP Annual Needs Assessment (GANA) b. Desired Future Conditions for aquifers in GMA 12 c. Additional studies and reports to assist the District in management of aquifers**

President Youngblood asked Director Wise to review recommendations from DFC Committee. Director Wise explained recent items studied during DFC Committee workshops and offered the following:

**a. Groundwater Well Assistance Program (GWAP) and GWAP Annual Needs Assessment (GANA)**

Director Wise noted the committee will move forward with evaluation of these items and return to the Board with recommended updates and changes to both, as well as to the Guidance Document for Evaluating Compliance with Desired Future Conditions and Protective Drawdown Limits.

**b. Desired Future Conditions for aquifers in GMA 12**

The committee has evaluated many different scenarios and recommends that a modified version of the

current PS7 Groundwater Availability Model (GAM) Run could be used for the current round of joint planning for development of Desired Future Conditions (DFCs) in Groundwater Management Area (GMA) 12.

**c. Additional studies and reports to assist the District in management of aquifers**

With recent improvements to science in groundwater, and continuing to evaluate recent hydrogeologic work by the District, the Board should consider charging the DFC Committee and Rules Committee with formal development of additional tools and reports to further guide the Board in decisions concerning management of groundwater resources moving forward. A graphic was presented to the Board as an example for consideration.

GM Gary Westbrook noted this kind of work would not have been nearly as successful with the old groundwater availability model, but with the recent improvements to science the District will be able to better evaluate aquifer conditions and also be able to develop these types of tools to guide decisions by the Board for management decisions. GM Westbrook would like for the Board to take action on approving the recommendations under agenda items 13.b. and 13.c. A motion was made by Director Bob Wilson to approve and move forward with recommendations under agenda items 13.b. and 13.c. The motion was 2<sup>nd</sup> by Director Goetsch. The motion passed unanimously with role call vote.

**14. Report on recent activities of groundwater level monitoring from Water Resource Management Specialist**

Bobby Bazan, Water Resource Manager for the District presented a detailed report that was part of the board packet on the recent activities of groundwater level monitoring.

**15. Review of Recent Education Efforts and Activities**

Doug Box, District Education Manager gave an update on recent education efforts and activities. He stated we are scheduling virtual workshops with Texas A&M AgriLife due to Covid-19. Also, a letter was sent out to all landowners who had signed up for the Aquifer Conservancy Program during 2019 expressing appreciation. These letters also included brochures on the ACP with encouragement for these landowners to share with other landowners to increase the number of landowners and amount of acres enrolled. Twitter & Facebook are still being utilized. GM Westbrook said we are looking at how our education efforts are being handled throughout the summer, and stated that we are also looking at ways to do a virtual Groundwater Summit if the need arises due to COVID-19.

**16. Receive report from District Manager on recent District activities and take appropriate actions.**

**A. Permit applications filed with the District and Hearing Dates; Emergency Permits Granted**

GM Westbrook reported no permits filed requiring Hearings and no Emergency Permits granted.

**B. Well Drilling activities: registrations, applications, completions, plugging, inspections**

GM Westbrook reported 24 Registrations, 20 new applications, 8 completion, 2 plugged wells, 2 well inspections

**C. Recent and future District presentations and activities**

**1. Texas Alliance of Groundwater Districts Groundwater (TAGD) Summit of September 1-3, 2020**

GM Westbrook reminded all directors to let him know if they want to attend so that accommodations can be made.

**2. Update to 2020 Groundwater Conservation Grants**

GM Westbrook noted this was addressed in agenda item 7.

**3. Office staffing, protection of staff and public, social distancing**

GM Westbrook stated that the staff is doing a good job with social distancing, with the intent of protecting the public as well as District employees. He stated 3 employees alternating days in and out and he is here every day. He will keep an eye on what the governor does as to managing the office.

**4. Storage Building**

GM Westbrook reported the District purchased a storage building for storing monitoring equipment. As this department continues to grow so does the equipment needed for daily operations.

**17. Bills received, current financial status, Investment Officer Report.**

After discussion by the Board a motion was made by Director Jay Wilder to accept the Bills, current financial status, and investment officer report. The motion was 2<sup>nd</sup> by Director Bob Wilson . The motion passed unanimously with a roll call vote.

**18. Dates, locations, and times of future meetings.**

President Sidney Youngblood noted the next scheduled regular meeting will be on June 9, 2020 at the District Office at 5:30 pm.

**19. Adjourn Board Meeting**

The meeting was adjourned the meeting at 7:30 p.m.

**THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON MAY 12, 2020 WERE APPROVED AND ADOPTED BY THAT BOARD ON MAY JUNE 9, 2020.**

\_\_\_\_\_  
Sidney Youngblood, President

**Attest:**

\_\_\_\_\_  
Tommy Tietjen, Secretary/Treasurer

Date \_\_\_\_\_