

POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
July 13, 2021 – 5:30 p.m.

MINUTES

Directors Present

Sidney Youngblood – in person
Becky Goetsch – in person
Lee Alford – in person
Tommy Tietjen – in person
Jay Wilder – in person
Bob Wilson – In person
Ed Savage – in person
Steven Wise – in person
Dana McClaren – via telephone
Ward Roddam – via telephone

Directors Absent

None

Staff Present

Gary Westbrook – in person
Bobby Bazan – in person
Doug Box – in person
Elaine Gerren – in person
Craig Andrews – via telephone
Jordan – Aldridge – via telephone
Barbara Boulware-Wells- in person

Others Present (in person) Entity

| | |
|-----------------|--|
| Kermit Heaton | Self |
| Judith McGeary | Farm and Ranch Freedom Alliance & Self |
| Alan Gardenhire | Self |
| Pamela Hornby | Self |
| Andy Wier | SAWDF & Self |
| Andy Hovorak | Burleson County Landowner |
| Nathan Ausley | Burleson County Landowner |

Others Present (online)

Entity

| | |
|------------------|------------------------------|
| Michelle Ganges | League of Independent Voters |
| Jaclyn Robertson | Texas A&M AgriLife |
| Amy Hinnant | Burleson County Landowner |
| Blaire Parker | SAWS |
| James Bene | RW Harden |
| Jay Davis | KRXT Radio |
| Linda Adair | Burleson County Landowner |

Linda Curtis
Stefan Schuster
Steve Young
Charles McGregor
512-430-0944
512-468-8789
713-516-4474
Visitor

SAWDF
EPCOR
Intera
KRXT Radio

1.) **Pledge of Allegiance**

Steven Wise led the Pledge of Allegiance to the United States and Texas flags

2.) **Invocation**

Gary Westbrook gave the invocation.

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

The Board meeting was called to order at 5:36 p.m. by President Sidney Youngblood. He declared a quorum had been established, with directors verified by general counsel and staff to be in attendance in person.

President Youngblood recognized past POSGCD Board members in attendance, Nathan Ausley and Andy Hovarak, and thanked them for their past service and for their attendance.

4.) **Public Comment**

President Youngblood asked GM Westbrook if anyone had requested to speak under this agenda item. GM Westbrook stated that no one requested to speak.

5.) **Public Hearing on Rules Section 1.1 Definition of Terms, Section 1.1.2 Ownership Interest Conflict or Question, Section 4.2 Exceptions to Spacing Requirements, Section 4.3 Monitoring Requirements, Section 5 Production Limitations, Section 7.7 Permits Issued by the District, Section 7.15 Operating Permits, Section 11 Metering and Measuring, Section 13.1 Waste, Section 15.4 Penalties for Non-Compliance, Section 16.4 Actions Based on Monitoring Results, Section 16.6 Adjusting Maximum Production Permitted.**

President Youngblood opened the public hearing at 5:40 and gave clarification on the Rule amendments being proposed. Rules Committee Chair Director Goetsch was asked for opening comments. She stated that we have reviewed and studied the changes and are ready to consider the amendments. She asked General Manager Gary Westbrook to go over the proposed amendments, and he reviewed each recommended amendment. Mr. Westbrook noted that previously discussed amendments to Section 5 had been removed at the last meeting. Allen Gardenhire asked for clarification on Rule 11.3. Mr. Westbrook confirmed the amendment was still recommended. Mr. Westbrook then stated he did not have any requests to speak on the amendments.

President Youngblood asked if anyone online wished to make comments on the draft amendments to the Rules. No one offered comment. He then asked if anyone present would like to address the Board. Again, no one offered comment.

The public hearing was closed at 5:54.

6.) **Public Hearing on Proposed Desired Future Conditions of Groundwater Management Area 12**

President Youngblood opened this hearing at 5:54 and asked DFC Committee Chair Director Steven Wise if he had any comments. Director Wise did not.

GM Westbrook provided a summary and discussion on the DFC process and the District's concerns. Mr. Westbrook reviewed the process and then a document which the District will be filing as comments on the Proposed DFCs for GMA 12 with the other GCDs in GMA 12.

President Youngblood then invited comment from those in attendance online and in person.

Comments were made by the following people.

- 1.) Andy Hovorak asked which other Districts were in favor of increasing the DFCs for the Carrizo aquifers. GM Westbrook stated that all the other Districts in the GMA12 voted for it, but that we did not. Mr. Hovorak thanked the Board for opposing the increase.
- 2.) GM Westbrook read comments received by e-mail from Ms. Pavlas urging the district to reject the proposed DFC's for GMA12.
- 3.) Linda Curtis – via online – Ms. Curtis thanked the board and said she is eating her words due to saying that Mr. Westbrook was jerry rigging the DFC's. She asked for socio-economic impacts to be considered when considering the DFC's and to add the socio-economic impacts of the cost of growth. She urged the Board to reject the proposed DFC's for GMA12.
- 4.) Judith McGeary – She stated that she is pleased with the POSGCD's position of the vote against the Proposed DFC's and urged the district to hold on to this stance. She stated she has been involved with the District in crafting its Rules for curtailment and maintaining the current DFCs are important. She also has attended meetings of the District for years and has heard many times GM Westbrook, the Board, and even Vista Ridge state that all permits could be curtailed under the Rules to meet the management goals of the District. She stated that any threats of a lawsuit over curtailment of permits by Vista Ridge would not be successful and the GMA should not consider that threat in adopting DFCs.
- 5.) Andy Weir – Bastrop County landowner representing himself and he is also a member of SAWDF. He is asking the Post Oak Savannah GCD to reject the proposed DFC's being considered by GMA12 stating the nine factors in Chapter 36.108 have not been properly discussed and considered.
- 6.) Steve Box – Executive Director of Environmental Stewardship is concerned about the impact the Proposed DFC's will have on the future. He asks that the DFCs include more protection for surface water. He is requesting that the proposed DFCs be rejected and sent back to the GMA12 for revisions.
- 7.) Kermit Heaton – Landowner & well owner in Bastrop County. He stated he is here is asking Post Oak Savannah to reject the DFC's that have been proposed. He does not want to wait until it is too late to speak.

Director Becky Goetsch asked if any of the speakers had presented to any other Districts in GMA 12. Most had presented to other Districts in GMA 12.

President Youngblood then asked if anyone else would like to provide comments. No one else offered comment.

The public hearing closed at 6:56 p.m.

7.) Consent Agenda

All of the following items on the Consent Agenda are considered to be self-explanatory by the Board and will be enacted with one motion. There will be no separate discussion of these items unless a Board Member requests.

- a) Minutes of June 7, 2021 Board Meeting
- b) OSHA Staff Training of July 6, 2021
- c) Approval of Speakers and topics for 2021 Milam and Burleson Counties Groundwater Summit
- d) Tinker Water Education Program Report
- e) Review of Recent Education Efforts and Activities
- f) Bills received, current financial status, Investment Officer Report.
- g) Receive report from General Manager on recent District activities and take appropriate actions.
 1. Permit applications filed with the District and Hearing Dates; Emergency Permits Granted
 2. Well Drilling activities: registrations, applications, completions, plugging, inspections
 3. Groundwater Well Assistance Program (GWAP) Update: investigations and corrective actions taken
 4. Recent and future District presentations and activities
 - a. Texas Water Conservation Association (TWCA) Conference of June 9-11, 2021
 - b. Texas Alliance of Groundwater Districts (TAGD) Meetings of June 8-9, 2021
 - c. Texas Aquifers Conference of June 30-July 1, 2021
 - d. June 1 – August 31 Enrollment period for Aquifer Conservancy Program
 - e. Texas Alliance of Groundwater Districts (TAGD) Groundwater Summit of Aug. 30-Sep. 1
 - f. Milam and Burleson Counties Groundwater Summit August 12, 2021

g. Texas Groundwater Association Conference of August 2-4, 2021

Board President Sidney Youngblood opened the Consent Agenda for discussion and action. A motion was made by Director Wise to approve the Consent Agenda. The motion was 2nd by Director Tommy Tietjen. The motion passed unanimously.

8.) Regular Agenda

a) Consider Amendments to the Rules Section 1.1 Definition of Terms, Section 1.1.2 Ownership Interest Conflict or Question, Section 4.2 Exceptions to Spacing Requirements, Section 4.3 Monitoring Requirements, Section 5 Production Limitations, Section 7.7 Permits Issued by the District, Section 7.15 Operating Permits, Section 11 Metering and Measuring, Section 13.1 Waste, Section 15.4 Penalties for Non-Compliance, Section 16.4 Actions Based on Monitoring Results, Section 16.6 Adjusting Maximum Production Permitted.

President Sidney Youngblood asked for any discussion on this item. After brief discussion, a motion was made by Director Timmy Tietjen to approve the amendments as presented, without Section 5. The motion was 2nd by Director Becky Goetsch. The motion passed unanimously.

b) Public Hearings to be held on August 27, 2021: GM Westbrook clarified these hearings will be held July 27, 2021, and not August 27, 2021, as listed on the agenda.

1. Application filed by ALCOA to amend permit POS-D&O-0148

2. Application filed by ALCOA to acquire a permit to transport water out of the district

GM Westbrook provided clarification and a presentation outlining the application submitted by ALCOA and clarified that the date on tonight's agenda is incorrect and that the hearing will be held on July 27, 2021 at the POSGCD offices at 3:00 pm.

c) Joint planning process and Desired Future Conditions (DFCs), groundwater resources in the District, and future process for evaluating District DFCs for Groundwater Management Area 12 (GMA 12) and Groundwater Management Area 8 (GMA 8)

GMA 8 will have a GMA meeting on the July 20, 2021, to consider the proposed Desired Future Conditions that were adopted for GMA 8, and possibly take appropriate action.

9. Dates, locations, and times of future meetings

President Youngblood stated the next regularly scheduled meeting would be August 10, 2021 at 5:30 at the District Office. GM Westbrook reminded all that we will have the Hearings on July 27th and the Milam and Burleson Counties Groundwater Summit on August 12th, 2021.

10. Adjourn Board Meeting

Director Wise moved to adjourn the meeting. The meeting was adjourned at 7:09 pm

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON JULY 13, 2020, WERE APPROVED AND ADOPTED BY THAT BOARD ON AUGUST 10, 2021.


Sidney Youngblood, President

Attest:


Gary Westbrook, Assistant Board Secretary

Date

8/10/2021