
GROUNDWATER MANAGEMENT AREA 12 MEETING

This meeting was held in person with virtual attendance and participation.

The meeting recording may be viewed at

<https://posgcd.org/gma-12-agendas-minutes/>

July 31, 2024 – 10:00 a.m.

GMA 12 Members Present in Person

Gary Westbrook	POSGCD
Elvis Hernandez	LPGCD
David Bailey	METGCD
Alan Day	BVGCD
Wendi Labus	FCGCD

GMA 12 Members Absent

None

Others Present in person

Entity

Steve Young	Intera
Robert Bradley	TWDB
Andy Wier	SAWDF
John Asbury	Landowner
Don Hardy	Landowner
Justin Thompson	Bureau of Economic Geology
Kayla Schnell	Lee County
Frank Malinak	Lee County Judge
Michael Thornhill	Thornhill Group
Eric Seeges	TGI
Paul Kirby	DBS&A
Jim Totten	LPGCD
Claire Marks	LPGCD
Mike Simmang	LPGCD
Herb Cook	LPGCD
Nancy McKee	Landowner
John DeGomez	Landowner
Sheril Smith	LPGCD
Bill Rhodes	Landowner
Becky Goetsch	POSGCD
Kaleigh Nuyttens	RW Harden Associates
Courtney Gentry	POSGCD
Jaelyn Wise	POSGCD
Michael Redman	POSGCD
Greg Perry	POSGCD
Kit Worley	POSGCD
Alan Gardenhire	SLR

Others Present online

James Beach
(512) 480-5638
Barbara Boulware-Wells The Knight Firm
Blair Parker
Bob Harden
Bobby Salehi
Chris Drabek
Cole
Dacy Cameron, Aqua WSC
Daniel E. Smith
Danny Wiseman - College Station
Ginga
Glenda Champagne
Jame Bene'
Jennifer Badhwar-TWDB
Jim Mathews
Kathy Kaufman
Leslie Soto
Liz Ferry - RWH&A Megan Lamb
Melissa Cole, LPGCD BOD
Mike Orosco
Stefan Schuster
Stephen Allen
Thomas L Arsuffi, LPGCD BOD
Vince Clause - LRE Water
William Seifert

MINUTES

1. Invocation

The invocation was given by David Bailey.

2. Pledge of Allegiance

Elvis Hernandez led the pledges to the flags of the United States and Texas.

3. Call meeting to order and establish quorum

Gary Westbrook called the meeting to order at 10:01 a.m. and noted that all five voting members of GMA 12 were present in person and they introduced themselves.

4. Welcome and introductions

Mr. Hernandez introduced LPGCD Directors Sheril Smith, Herbert Cook, Michael Simming and Lee County Judge Frank Malinak. He also introduced General Manager Jim Totten and Claire Marks.

Mr. Westbrook introduced POSGCD Director Becky Goetsch.

5. Public Comment on Agenda Items

Andy Wier, SAWDF, made comment regarding the expression of DFCs. He stated he'd like to see GMA 12 make the change to using the percent of remaining drawdown, which he believes would be more informative.

6. Minutes of May 23, 2024 Groundwater Management Area (GMA 12) Meeting

Alan Day moved to approve the Minutes of the May 23, 2024 GMA 12 Meeting. He was seconded by Mr. Bailey. The approval of the May 23, 2024 GMA 12 Meeting Minutes was unanimous of all present.

7. Discussion of presentations and comments received by GMA 12 to date, including reports by GCDs in GMA 12 at May 23, 2024 GMA 12 Meeting

Mr. Hernandez stated the LPGCD reviewed a presentation by BVGCD regarding recent BV2 GAM run. LPGCD is concerned about impacts to their District and asked their consultant to perform an analysis of BVGCD's permits to determine impacts. This analysis will be available in mid-September and will be presented to their Board at their September Board Meeting. Mr. Day noted that a presentation was given at the last GMA 12 meeting inclusive of all of BVGCD's permits if they were fully implemented, but stated that this is not where BVGCD is headed.

8. Discussion and possible action regarding existing DFCs, alternate DFC methods and parallel tracks

Mr. Hernandez stated that LPGCD had consultants provide 3-Dimensional mapping of their District, which was completed in January of 2024. They then did an analysis of northern Lee County area and determine the remaining available drawdown in that area. LRE has now been tasked to do the same of the entire District to determine the current available remaining drawdown. Mr. Westbrook asked if S-19 Run was used for this analysis. Mr. Hernandez stated it had not been compared to S-19 at this time. LPGCD asked their consultant to convert the existing DFCs to a remaining artesian head for the year 2070 in order to better evaluate and move toward using the method of using a percentage of available water. LPGCD would like to change DFCs to a percentage of remaining water above the aquifer and would like GMA 12 to agree on a pumping file. Mr. Westbrook stated this method might prove to be compatible with current DFCs and also with consideration of limits of unreasonable impacts adopted by POSGCD. Dr. Steve Young asked for clarification of which surfaces are being used for top and bottom of aquifers and stated that should be discussed.

Mr. Day stated BVGCD will update the S-19 pumping file and asked if LPGCD has updated any pumping files or if they are planning to. Mr. Hernandez stated once analyses are done in September, LPGCD will be evaluating the S-19 file and will be adding a few newer permits.

9. Discussion of comments received on first 3 factors of Chapter 36.108(d) to be considered in adoption of Desired Future Conditions as presented to GMA 12 on October 26, 2023:

- a. **Aquifer uses or conditions within the management area, including conditions that differ substantially from one geographic area to another;**
- b. **The water supply needs and water management strategies included in the state water plan;**
- c. **Hydrological conditions, including for each aquifer in the management area the total estimated recoverable storage as provided by the executive administrator, and the average annual recharge, inflows and discharge**

Mr. Westbrook noted that all three of these items were presented by Intera at the October 26, 2023 meeting and to date no comments have been received at POSGCD. Other districts confirmed they had not received any comments either. This action was pursued since GMA 12 voted to continue with the currently adopted DFCs evaluating them using the nine factors. Dr. Steve Young, Intera, stated that there was a suggestion made in October to evaluate the drawdown at existing wells, which POSGCD has been doing for the past six years but has never received any comments on. He would like to receive comments on that idea.

Dr. Justin Thompson, Bureau of Economic Geology noted that on POSGCD's website, a form soliciting comments shows that comments were due in 2022. There could be confusion there.

Mr. Wier asked for clarification about what was discussed on this topic at the October GMA 12 Meeting. Mr. Westbrook clarified and noted that GMA 12 had decided to move forward and accept comments on the currently adopted DFCs throughout this process until final deadlines were reached.

Mr. Wier also discussed a previous request for a GIS file of the hydraulic heads simulated by Run S-19. After discussion among Mr. Westbrook, Dr. Young, and Mr. Wier, Dr. Young agreed to provide a shapefile of the simulated hydraulic heads at decadal intervals for all model nodes to Mr. Wier by the end of the following week.

Dr. Thompson stated Total Estimated Recoverable Storage (TERS) is bogus and not useful in the process, although required. Mr. Westbrook agreed.

10. Review, discussion and possible action regarding open GMA 12 action items and the adoption of a GMA 12 action item list

Mr. Westbrook noted this and other presentations are on the GMA 12 page on the POSGCD website. Mr. Hernandez presented a list of action items for GMA 12. After reviewing this list of items and receiving feedback he agreed to update the list to accurately reflect progress of GMA 12 and to keep the list current. Mr. Hernandez stated their consultant had completed the development of a code to use to calculate average drawdowns so the GMA and TWDB would be using the same code. Dr. Young stated other GMA 12 consultants had not received an application of the code to Run S-19 to evaluate the accuracy of the code and compare it to results from other codes. The purpose of using a variance in applying the DFC was discussed.

Mr. Westbrook encouraged all to review the discussions of the GCDs at the last GMA 12 meeting on comparisons of rules and management plans.

Making shapefiles for the DFCs available to the public was discussed.

Mr. Hernandez expressed his concerns with the process followed by GMA 12 in the previous rounds of joint planning which included adding permits to pumping files and using the results to adopt DFCs. Mr. Westbrook noted those concerns as the reason for beginning this round of planning by evaluating the currently adopted DFCs.

Mr. Hernandez noted the previous process doesn't allow for new permits to come on line in the future. He said there should be some assumption for new permits to come on line in the future.

To continue this discussion Mr. Westbrook opened agenda items 12 and 13 simultaneously to allow for free-flowing conversation on these topics.

Mr. Westbrook stated POSGCD believes the methodology which should be followed to adopt DFCs should be independent of permitted amounts. The aquifer should be evaluated based on the requirements of law independent of permits issued, and then manage the aquifer to that point. Evaluate impacts and choose balance based on law and the resulting amount of water should be shared among producers. As new permits come online room must be made for them by adjusting existing permits to achieve the DFCs. Permits should be considered as required but should not be the factor which drives DFCs. Mr. Hernandez agreed the pumping files should not drive the creation of DFCs, but rather are policy decision.

GMA 12 Members discussed and answered questions from Lee County Judge Frank Malinak concerning GMA 12 actions and management by districts in GMA 12.

Mr. Day agreed the DFC is regulatory and not just planning. He also noted BVGCD rules also require curtailment to allow for new permits to come on line.

Mr. Hernandez asked if there was reason to see these DFCs changing. Mr. Westbrook stated the POSGCD Board desired to see the results of the evaluations of the DFCs before considering any changes. Mr. Hernandez confirmed the GMA is accepting comments currently as the process moves forward. Timing of the process was also discussed.

11. Discussion of timing for considerations of factors of additional six factors of Chapter 36.108(d) to be considered in adoption of Desired Future Conditions:

- a. Other environmental impacts, including impacts on spring flow and other interactions between groundwater and surface water;**
 - b. The impact on subsidence;**
 - c. Socioeconomic impacts reasonably expected to occur;**
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- d. The impact on the interests and rights in private property, including ownership and the rights of management area landowners and their lessees and assigns in groundwater as recognized under Section 36.002;**
- e. The feasibility of achieving the desired future condition; and**
- f. Any other information relevant to the specific desired future conditions**

Mr. Westbrook briefly discussed these factors and asked which district might lead discussions on these items. Mr. Hernandez asked the other districts to consider sharing an expense for a scope of work for socioeconomic impacts which had been distributed for discussion.

Mr. Westbrook asked if there was opportunity to use prior and current work by POSGCD as well as the tool previously presented by Dr. Thompson which provides assessments of impacts in this work. Mr. Day expressed similar sentiments. Mr. Hernandez welcomed the questions and agreed these might be appropriate.

Alan Gardenhire representing SLR asked if socioeconomic impacts which would possibly occur if water was not made available from the GMA be considered. Mr. Wier cited the recent work on behalf of LPGCD. Dr. Thompson commented on the similarities between his work and the efforts discussed by LRE on behalf of LPGCD as well as the importance of considering impacts on well owners.

After discussion, it was decided that BVGCD will present items 11b, 11e and 11f at the next GMA 12 meeting and LPGCD will present items 11c and 11d combined at a future meeting. It was agreed item 11a will require more discussion at future GMA 12 Meetings.

12. Discussion of requirements of Chapter 36.108 in adopting DFCs

There was no further discussion on this agenda item after earlier discussion.

13. Evaluation and discussion of past and future pumping files and scenarios using the Sparta/Queen City/Carrizo-Wilcox Groundwater Availability Model (GAM) and results, including predicted water levels and water budgets

After earlier discussion, Dr. Young noted that areas without GCDs should be included in these evaluations. Mr. Westbrook stated he has tried to reach out to Hutto who has a well field in the Hooper aquifer in the corner of Williamson County to engage them in the evaluations but he has not received any responses. He will continue this effort. David Bailey agreed to reach out to Bistone WSC for the same purposes.

14. Discussion of possible groundwater summit for GCDs in GMA 12

After discussion, Mr. Hernandez moved to table this discussion for a later date. He was seconded by Mr. Bailey. The motion passed unanimously of all present.

15. Discussion on sharing of responsibilities and expenses of cost for work performed by each GCD in recent rounds of joint planning

After discussion, Mr. Day stated that he will get a cost estimate for the explanatory report and bring that information back to the next GMA 12 Meeting. Mr. Hernandez stated the efforts should be equally shared at 20% each. Mr. Bailey proposed sharing be determined by budget.

16. Public Comment on non-agenda items

Judge Malinak made comment regarding concerns over groundwater in Lee County.

John Asbury made comment regarding concerns over surface and groundwater in Central Texas. He asked GMA 12 Members to consider developing aquifer recharge programs in their Districts.

17. Update from Texas Water Development Board

Robert Bradley gave an update, stating the Chapter 356 Rules have been approved by TWDB for publication and highlighted the changes that were made.

18. Agenda items and date for next meeting

Future agenda items will be on a draft agenda sent out prior to the next GMA 12 meeting. The next GMA 12 meeting is scheduled for September 20, 2024.

19. Adjourn

The meeting was adjourned at 12:51 p.m.

THE ABOVE MINUTES OF THE MEETING OF GROUNDWATER MANAGEMENT AREA 12 HELD ON JULY 31, 2024 WERE APPROVED AND ADOPTED BY GMA 12 ON _____.

ATTEST:

Post Oak Savannah Groundwater Conservation District

Mid-East Texas Groundwater Conservation District

Fayette County Groundwater Conservation District

Brazos Valley Groundwater Conservation District

Lost Pines Groundwater Conservation District
