

LONE STAR GROUNDWATER CONSERVATION DISTRICT

November 20, 2018

MINUTES OF PUBLIC HEARING ON THE PROPOSED RE-ADOPTION OF DISTRICT'S GROUNDWATER MANAGEMENT PLAN FROM SEPTEMBER 11, 2018

The Board of Directors of the Lone Star Groundwater Conservation District ("District") met in regular session, open to the public, in the Lone Star GCD - James B. "Jim" Wesley Board Room located at 655 Conroe Park North Drive, Conroe, Texas, within the boundaries of the District on November 20, 2018.

CALL TO ORDER:

President Melder presided and called to order the Special Board of Directors meeting at 10:13 AM, announcing that it was open to the public.

ROLL CALL:

The roll was called of the members of the Board of Directors, to wit:

Jon Paul Bouché
Harry Hardman
Webb Melder
Jonathan Prykryl
Larry A. Rogers
Jim Spigener
Stuart Traylor

All members of the Board were present, thus constituting a quorum of the Board of Directors. Also, in attendance at said meeting were Kathy Turner Jones, General Manager; Samantha Reiter, Assistant General Manager; Brian L. Sledge, District Counsel, District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit "A".*

PRAYER AND PLEDGES OF ALLEGIANCE:

President Melder called on Director Traylor, Secretary, for the opening prayer. Vice President Hardman led the United States Pledge of Allegiance and the Pledge of Allegiance to the State Flag - Texas.

PRESENTATION AND DISCUSSION OF RE-ADOPTION OF PROPOSED MANAGEMENT PLAN:

President Melder returned to this item after hearing public comments. Following public comment, Director Hardman asked Wade Oliver, INTERA if the District's methodology for Management Plan development was consistent with other groundwater district management plans. Mr. Oliver explained that Montgomery County was unique due to such high-water demand therefore the management plan differed, but the process itself was consistent to address the management goals and information statutorily required. Director Hardman called for Mr. Oliver's explanation of the graph presented by Mr. Beran. Mr. Oliver responded that he did not generate this particular graph but did pull together information like this four or five years ago for a presentation to the Texas Alliance of Groundwater Districts to articulate the value of artesian pressure or supporting high levels in an aquifer such as the Gulf Coast. He explained that the graph presented was a representation of well yield vs. confined aquifer depletion.

PUBLIC COMMENT:

President Melder noted the Board had received two documents (emails) from Mr. Mike Bass of The Woodlands and asked that they be included in the minutes. One email was directed to the newly elected Board, which included a copy of an email Mr. Bass sent to Mr. Larry French at the Texas Water Development Board. *Copies of these emails are attached hereto as Exhibit "B".*

A Resolution was provided by The Woodlands Joint Powers Agency supporting the elected Board of Directors timely re-adopting the District Management Plan in order to keep the District in compliance with state law and support the goal of aquifer sustainability. *A copy of The Woodlands Joint Powers Agency Resolution is attached hereto as Exhibit "C".*

Michael J. Massey of Houston provided comments to the Board, strongly recommending the Board focus on the health of reservoirs as its objective rather than well economics. *A copy of "Comments: Framework for Revising September 18, 2018 Groundwater Management Plan" is attached hereto as Exhibit "D".*

Marc Winberry (City Attorney) expressed opposition to adopting the proposed Management Plan Draft on behalf of the Conroe City Council, adding the plan continues to rely on a DFC that has previously been deemed no longer reasonable.

Bob Harden, representing Quadvest LP, referenced page 11 of the District's Management Plan and made note that the current DFC for the Management Plan was not rational, since the current DFC has previously been deemed as no longer reasonable. He also called for the definition of and identification of the word "common" when referring to "common subsurface reservoir".

Wade Oliver, INTERA hydrogeologist and LSGCD consultant, stated he had worked with other groundwater districts and their management plans. He explained that the management plan

must be updated every five years, adding Lone Star GCD's last plan was updated November 12, 2013. Further, the MAG model used in the District's amended plan was the 64,000-acre feet of water as the most recent DFC approved by GMA 14. Lastly, he reminded the Board that using the 64,000-acre-foot figure did not restrict the Board from amending the groundwater management plan in the future to include the 100,000-acre foot from Run "D" once agreed upon by GMA 14.

Bill Beran, citizen of Montgomery, congratulated the new-elected board members. He discussed a graph contrasting the well water yield with Jasper aquifer-type depletion offering the case that if another 1% of water was removed from the aquifer it could have serious problems to the water supply. *A copy of graph is attached hereto as Exhibit "E".*

Robert H. Leilich, (President, MUD 1 – The Woodlands) representing himself, commented that he takes a pragmatic view to water conservation. Mr. Leilich explained that he was concerned with future water rates and not using the full capability of the resources available, including Lake Conroe. Leilich noted he worried about the dropping water levels in south Montgomery County and had concerns on subsidence. Mr. Leilich stated, "why do we not allow our groundwater resources to recover? We are letting a valuable resource to go downstream and foregoing the opportunity to recharge the aquifer." Mr. Leilich ended by adding that he is in favor of healthy reservoirs and believes that the Board should take responsible action to ensure the health of our reservoirs now and in the future.

**DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY TO APPROVE
RESOLUTION #18-010 RE-ADOPTING DISTRICT MANAGEMENT PLAN:**

Mr. Sledge gave the expiration date of December 17th, 2018 for the existing Management Plan. He explained that he had spoken to the TWDB and if the plan were to be submitted to them before Thanksgiving, the TWDB expected they could approve the plan before its expiration and the District would remain in compliance. Director Hardman asked District Counsel if the District could ask for a deadline extension for re-adoption of the Management Plan. Mr. Sledge explained that he had talked with the TWDB and their response was that an extension was not covered under their rules. Director Hardman inquired as to repercussions to the District should the Management Plan not be re-adopted by the deadline. Mr. Sledge answered with three possibilities: 1) TCEQ could take action against LSGCD for not submitting a Management Plan, such as ordering the District to submit a plan and/or worse-case scenario – could dissolve the Board (though that is not likely); 2) Texas State Auditor could give an "out of compliance with the law" review; 3) the District's auditor could note it as a deficiency; and/or 4) others could report LSGCD for noncompliance. Mr. Sledge stated that TWDB was aware of the November election and newness of the Board. Mr. Sledge explained that the District's Management Plan would need to include DFC numbers. Further, the TWDB would only approve the District's Management Plan by using DFC numbers from either the 2010 DFC of 62,000-acre feet per year or the 2016 DFC of 64,000-acre feet per year. Mr. Sledge clarified that the TWDB would not approve the Management Plan if the 100,000-acre feet per year number was used as the DFC

because the TWDB cannot approve a Management Plan with DFCs that have not been agreed to by GMA 14.

After further discussion amongst the Board, Director Hardman made a motion to submit a request for extension and update to the TWDB. He also requested that a continuance be scheduled for mid-January for the re-adoption of the District's Management Plan to allow for further review and discussion. The motion was seconded by Director Spigener and it carried.

ADJOURN:

There being no further business, upon a motion made by Director Bouché and seconded by Director Traylor, the meeting was adjourned at 11:19 AM.

PASSED, APPROVED, AND ADOPTED THIS 27th DAY OF NOVEMBER 2018.



Board Secretary, Stuart Traylor



Exhibit "A"

SIGN IN SHEET

November 20, 2018
Special Meeting at 8:30 AM

Do you wish to speak on an agenda item?	NAME	CITY, STATE, ZIP	E-Mail	Would you like to receive LSGCD updates & information?
	TINA FELKAI	CONROE	ON FILE	
	MICHAEL TURCO	Friendswood, TX	mturco@shsdservice.org	
	SHANE PORTER	MONTGOMERY, TX	ON FILE	
	Bob Lux	The Woodlands, TX	boblux4mud60@gmail.com	✓
	Mark Evans	North Harris County Regional Water Authority	mevans@nhrwa.com	
	Marc Wimberry	Conroe	mwimberry@cityofconroe.org	
✓	Michael Maddy	Houston	mjm@pondservice.com	✓
	Chris Uzarski	Montgomery	uzarski@consolidated.net	✓
	Deb Hackett	Austin TX 78730	on file	✓
	Wade Oliver	Sugar Land, TX	woliver@intra.com	
	Scott Currie	THE WOODLANDS, TX 77382	Scott@sideofreason.com	
No	Michael Sullivan	Conroe, TX 77301	msullivan@bkeylongmeeting.com	
	Annece Cusick	The Woodlands TX 77382	andreea@sideofreason.com	✓
	Claude Humbert	Spring Creek V.D.	Claude_humbert@sbeglobal.net	✓

655 Conroe Park North, Conroe, TX 77303
Ph: (936) 494-3436 Metro: (936) 441-3437
www.lonestargcd.org

Speaker Request Form

Those wanting to comment or register support for or against a specific agenda item are asked to fill out the Speaker Request Form.

Date of Meeting: 11/10/18
Name: Michael J. Massey
Address: 2342 Tanglewood St.
City: Houston State: TX Zip: 77005
Email: mjm@pandmservice.com

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization _____

Speaker's Official Capacity _____

Agenda Item No.: _____

☐ **FOR** (If applicable)

☐ **AGAINST** (If applicable)

Registering Position, **NOT** Testifying _____

To speak on an item not listed on the agenda, please indicate area of interest: _____

Please remember to step to the lectern as soon as you are recognized by the chair; state your name before beginning your presentation. If you have written notes you wish to present to the Board, PLEASE FURNISH AN EXTRA COPY FOR DISTRICT FILES.

The Board will appreciate each speaker limiting an address on any one item to three (3) minutes * Thank you for your cooperation

* Only three speakers will be recognized **speaking for** and three speakers **speaking against** any one issue.



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Date of Meeting: 11/20/2018
Name: Marc Winberry
Address: _____
City: _____ State: _____ Zip: _____
Email: _____

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization City of Conroe
Speaker's Official Capacity City Attorney

Agenda Item No.: _____

☐ **FOR (If applicable)**

☐ **AGAINST (If applicable)**

Public Hearing
Management Plan

Registering Position, **NOT** Testifying _____

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Speaker Request Form

Those wanting to comment or register support for or against a specific agenda item are asked to fill out the Speaker Request Form.

Date of Meeting: 11-20-18
Name: Bill Beran
Address: 12002 WALDEN RD
City: MONTGOMERY State: TX Zip: 77356
Email: wberan@CONSOLIDATED.NET

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization SELF
Speaker's Official Capacity _____

Agenda Item No.: _____

- ☒ FOR (If applicable)
☐ AGAINST (If applicable)

Registering Position, NOT Testifying _____

To speak on an item not listed on the agenda, please indicate area of interest: WELL YIELDS IS MORE THAN 1% - 2%
IS DRAWN OUT OF THE 180,000,000 AC-FT
TOTAL STORAGE

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Date of Meeting: 11-20-18
Name: BOB HARDEN
Address: 804 GLENLAKE Drive
City: AUSTIN State: TX Zip: 78738
Email: bob@hardenhydrology.com

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization Quadvest LP
Speaker's Official Capacity Consultant

Agenda Item No.: _____
☐ **FOR (If applicable)** Public Hearing
☐ **AGAINST (If applicable)** Management Plan

Registering Position, **NOT** Testifying _____

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Date of Meeting: 11/20/2018

Name: Wade Oliver

Address: _____

City: _____ State: _____ Zip: _____

Email: woliver@intera.com

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization INTERA

Speaker's Official Capacity _____

Agenda Item No.: _____

☐ **FOR (If applicable)**

☐ **AGAINST (If applicable)**

Registering Position, **NOT** Testifying _____

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Speaker Request Form

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Date of Meeting: 11/20/18
Name: Robert H. Heilich
Address: 11 Chestnut Hill Ct.
City: The Woodlands State: TX Zip: 77380
Email: bobleilich@att.net

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization The Woodlands MUD 1
Speaker's Official Capacity President, MUD 1

Agenda Item No.: _____

- ☐ **FOR (If applicable)**
☐ **AGAINST (If applicable)**

Registering Position, **NOT** Testifying _____

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Exhibit "B"

From: [Mike Bass](#)
To: [Kathy Turner Jones](#)
Cc: [Robert Leilich](#); [garry.oakley](#); [Jackie W. Chance Sr.](#); [gwnewman.mud46@gmail.com](#); [gregg@5hopes.com](#); [helenbostock@comcast.net](#); [bruce.cunningham@gmail.com](#); [gaynorformud6@gmail.com](#); [kent@teamgolf.com](#); [cdominguez@hcnonline.com](#); [Cristina O'Jibway](#); [Tara Garcia](#); [Zachary Stephenson](#); [Ariane Marion](#); [Angus Lupton](#); [Jason Millsaps](#); [gbunch@thewoodlandtownship-tx.gov](#); [JMcMullan@thewoodlandtownship-tx.gov](#); [asnyder@thewoodlandtownship-tx.gov](#); [Brian Boniface \(bboniface@thewoodlandtownship-tx.gov\)](#); [jabrown@thewoodlandtownship-tx.gov](#); [brieser@thewoodlandtownship-tx.gov](#); [Jeff Forward \(Jeff.forward@chron.com\)](#); [DNorrell@thewoodlandtownship-tx.gov](#); [wcawthon@communityimpact.com](#); [jhouston@sira.net](#); [jstinson@wjpa.org](#)
Subject: RE: LSGCD 2018 Draft Management Plan Public Hearing- Letter to Board of Directors Correction as To Meeting Time
Date: Thursday, November 08, 2018 5:17:26 PM

To LSGCD Board of Directors

On November 20, 2018, I understand the newly elected LSGCD Board of Directors will hold a Public Hearing at 10 AM to discuss, consider, receive public comment, and potentially act on the re-adoption of the District's Groundwater Management Plan. It also my understanding the [2018 Draft Proposed District Management Plan](#) was initially approved by the previous Board on Sept. 18, 2018 and submitted to the Texas Water Development Board (TWDB) for their administrative review. I provided the previous Board a letter similar to this one in regard to their September 18 proposal. My views have not changed. I have previously provided these same comments to Mr. Larry French, TWDB Groundwater Division Director.

I regret I cannot attend your upcoming November 20, 2018 Public Hearing as I have a previously arranged out of town family commitment. I request this Letter be provided to all LSGCD Board Members in advance of this Public Hearing and be included in the minutes and any other documentation pertaining to this Public Hearing. I also request the District provide a copy of this letter to all members of Ground Water Area (GMA) 14.

The foundation for my comments herein is based on my understanding of the following facts:

1. Groundwater Conservation Districts (GCDs) are regulatory bodies charged with conserving groundwater and are governed by Texas Water Code Chapter 36. *The purpose of GCDs are "to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater and of groundwater reservoirs or their subdivisions and are to control subsidence."* See Texas Water Code Section 36.0015.
2. In developing the current Management Plan, the District used the desired future conditions that were adopted by GMA 14 in 2016 and the corresponding Modeled Available Groundwater (MAG) numbers, because

it was required by TWDB to use either those numbers or the 2010 Defined Future Conditions (DFC) or the MAG numbers in order to adopt a plan that would be approved by the TWDB. The TWDB has stated unequivocally that it will not approve a plan that has the Run D DFCs and their 100,000 acre-feet per year MAG numbers unless and until those numbers have been approved by GMA 14. The TWDB has also unequivocally stated that it will not approve a plan without any DFC or MAG numbers. The District has chosen the 2016 DFC numbers, 64,000 acre-feet, which represent 2,371 acre-feet per year more in pumping than previous numbers considered.

3. The members of GMA 14 have previously disapproved an increase in the current DFC to the Run D DFCs and its 100,000 acre-feet per year MAG.
4. The Woodlands is the biggest user of water in the County. In this respect, The Woodlands is decidedly different than the rest of the County. Policies that may serve the rest of the County may not be in the best interest of Woodlands residents and businesses. The Woodlands has experienced a greater decline in water levels than the rest of the County. It also has the greatest risk of subsidence. Both are facts validated by the recent 2018 USGS Study and the Harris Galveston County Subsidence District. This information is not "junk science" as some have contended. This situation also extends down into Northwest Harris County.

In South Montgomery County, The USGS has reported that groundwater levels have decreased an average of 10-20 feet a year since 2000 in the two aquifers supplying our community (Evangeline and Jasper aquifers). This trend was reversed in 2016 when surface water was blended with the groundwater supply, indicating the advantage of The Woodlands partial conversion to ground water usage. This information is not based on "bogus studies" but on recent reports by The United States Geological Survey (USGS) based on their long standing well monitoring. USGS has documented a 320-foot decline in the Evangeline aquifer since 1977, and a 200-foot decline in the Jasper aquifer since 2000 alone.

- a. The Harris Galveston Subsidence District has forecasted the greatest risk of future land subsidence occurs in NW Harris County and South Montgomery County. The area south of SH 242 has already experienced greater land subsidence than Conroe.
- b. A recent subsidence study commissioned by the Harris Galveston Subsidence District confirms that the Jasper Aquifer is subject to compaction through aquifer over development. This compaction

increases the risk of further land subsidence for South Montgomery County and Northwest Harris County.

- c. The LSGCD has yet to reliability estimate the risk of or rate of land subsidence within South Montgomery County. Until such information is known, LSGCD should avoid annual pumpage goals that exceed the aquifer recharge rate.

My reading of the 2018 Draft Management Plan is that this draft recommends readopting the current 64,000 acre-foot Desired Future Condition (DFC), a goal consistent with the currently estimated sustainable aquifer recharge rate. However, the new plan also discusses the Board's proposal to eventually increase the annual pumpage rate from 64,000 acre-feet to 100,000 acre-feet per year, a 59% increase. This proposed increase would exceed the aquifer recharge rate estimated to be between 60,000 to 70,000 acre-feet per year.

I wish to lodge my objection to any change to the current annual goal of 64,000 acre-feet, or to any goal that is not consistent with "sustaining" our aquifers.

LSGCD proposes to change its aquifer management objective from one of "sustainability" to "one that will allow certain measured aquifer level declines over time." I contend this change is inconsistent with the responsibilities of the LSGCD Board, as stated in the proposed plan and the Texas water Code:

"...to limit production of groundwater from the resources within its boundaries to a sustainable level, so that the groundwater resources of Montgomery County are not depleted for future generations. For purposes of this plan, the word "sustainable" means limiting total groundwater production in the District or in a management zone designated by the District to an amount that does not exceed the amount of effective deep aquifer recharge available in the District or the management zone..."

The proposed change is also inconsistent with LSGCD's responsibility to mitigate the risk of subsidence resulting from the over development of our aquifers. Your October 2017 Study (Run D) estimated that increasing pumpage to 100,000 acre-feet per year would result in an eventual 224 ft. decline in aquifer water levels. What impact will this decline have on the compaction of our aquifers? What impact will this decline have on subsidence rates? I am not

willing to kick the ball down the years and let my kids in The Woodlands deal with this issue.

Any increase in the proposed pumpage beyond the 64,000 acre-foot DFC is especially worrisome given the previously stated facts. An increase in pumpage greater than the current 64,000 acre-foot DFC may help settle the current disputes but will do so at the expense of those of us living in South County. By copy of this letter, I am also requesting The Woodlands Township Board and the Woodlands Municipality Districts to formally object to any change to the current goal of continued aquifer sustainability and express their support for maintaining the current 64,000 acre-foot DFC, both of which I believe are in the best interest of businesses and residents within The Woodlands.

In closing, I request the LSGCD Board to adopt a management plan, now and for the future, that fully supports the goal of aquifer sustainability.

Regards

Mike Bass
143 N Berryline Circle
The Woodlands, Texas, 77381
713-299-1184
mkbass1@live.com

Exhibit "B"

From: Mike Bass
To: mike.bass@live.com
Cc: mike.bass@live.com; gary.franchot@lsgcd.org; gary.franchot@lsgcd.org; gary.franchot@lsgcd.org
Subject: Proposed LSGCD 2018 Management Plan

Dear Mr French, I understand from Kathy Turner Jones that you are the TWDB Groundwater Division Director. I further have been informed that the Lone Star Groundwater Conservation District (LSGCD) has submitted their final draft of their 2018-2022 Management Plan to the Texas Water Development Board (TWDB) for review pursuant to their Resolution which can be found at <https://static1.squarespace.com/static/58347802cd0f6854e2f90e45/v/5ba251d22b6a28d108d23e13/1537364435596/Resolution+%2318-007+Signed.pdf>

I am not sure how high up through the TWDB this review process will go, but I wanted to make you aware of a Letter of Objection (see below) I provided the Board and our local legislative delegation. It is my understanding my Letter of Objection was not considered during the Board's September 18, 2018 deliberations in approving the draft plan forwarded to your organization.

Dear LSGCD Board Members,

I request this letter be read during Public Comments and included as an attachment to your meeting minutes. I also request the District provide a copy of this letter to all members of GMA 14.

On September 18, 2018, I understand you will consider adopting, as required by the Texas Water Code, a new 2018-2022 LSGCD Management Plan. This new plan recommends extending the current 64,000 acre-foot Desired Future Condition (DFC), a goal consistent with the estimated sustainable aquifer recharge rate. However, the new plan also discusses the Board's proposal to eventually increase the annual pumpage rate from 64,000 acre-feet to 100,000 acre-feet per year, a 59% increase. This proposed increase would exceed the aquifer recharge rate estimated to be between 60,000 to 70,000 acre-feet per year

I wish to lodge my objection to any change to the current annual goal of 64,000 acre-feet, or to any goal that is not consistent with "sustaining" our aquifers.

As I read the new plan, LSGCD proposes to change its aquifer management objective from one of "sustainability" to "one that will allow certain measured aquifer level declines over time." I contend this change is inconsistent with the responsibilities of the Board, as stated in the proposed plan:

"...to limit production of groundwater from the resources within its boundaries to a sustainable level, so that the groundwater resources of Montgomery County are not depleted for future generations. For purposes of this plan, the word "sustainable" means limiting total groundwater production in the District or in a management zone designated by the District to an amount that does not exceed the amount of effective deep aquifer recharge available in the District or the management zone..."

The proposed change is also inconsistent with LSGCD's responsibility to mitigate the risk of subsidence resulting from the over development of our aquifers. Your October 2017 Study (Run D) estimated that increasing pumpage to 100,000 acre-feet per year would result in an eventual 224 ft. decline in aquifer water levels. What impact will this decline have on the compaction of our aquifers? What impact will this decline have on subsidence rates? I am not willing to kick the ball down the years and let my kids in the Woodlands deal with this issue.

It appears this new plan is simply a political move to settle the current litigation and dispute between LSGCD and Conroe/Montgomery, et.al. at the expense of those of us living in South County. To eventually adopt a proposal to increase the DFC to 100,000 acre-feet per year also raises the question of why the 30% Groundwater Reduction Program was ever adopted in the first place?

Any increase in the proposed pumpage beyond the 64,000 acre-foot DFC is especially worrisome given:

- The Harris Galveston Subsidence District has forecasted that the greatest risk of future land subsidence will occur in NW Harris County and South Montgomery County. The area south of SH 242 has already experienced greater land subsidence than Conroe.*
- A recent subsidence study commissioned by the Harris Galveston Subsidence District confirms that the Jasper Aquifer is subject to compaction through aquifer over development. This compaction will increase the risk of land subsidence for South Montgomery County and Northwest Harris County.*
- The District has yet to reliability estimate the rate of land subsidence if annual pumpage goals are allowed to exceed the aquifer recharge rate.*

Thus, an increase in pumpage greater than the 64,000 acre-foot DFC may help settle the current legal dispute but will do so at the expense of those of us living in South County. This sounds like a very politically driven decision rather than the right one for all of us! I ask that the Board adopt a management plan, now and for the future, that supports the goal of aquifer sustainability.

Regards

Mike Bass

143 N Berryline Circle

The Woodlands, Texas, 77381

713-299-1184

mkbass1@live.com

Exhibit "C"

RESOLUTION OF THE WOODLANDS JOINT POWERS AGENCY REGARDING LONE STAR GROUNDWATER CONSERVATION DISTRICT ADOPTION OF DISTRICT MANAGEMENT PLAN AND MANAGEMENT OF MONTGOMERY COUNTY AQUIFERS

WHEREAS, the Lone Star Groundwater Conservation District ("LSGCD"), following its creation by the Texas Legislature in 2001, began an effort to address rapidly declining water levels in the aquifers of Montgomery County and the negative impacts of those declines to private property owners, public water systems, and other stakeholders;

WHEREAS, LSGCD adopted a policy of promoting sustainable management of the aquifers to address water level declines in its District Rules and District Management Plan in 2003, and continued to pursue sustainable management of the aquifers through the implementation of its District Regulatory Plan and the partial conversion in 2016 of many water users in Montgomery County from groundwater resources to surface water and other alternative water sources;

WHEREAS, LSGCD is required by law to re-adopt its District Management Plan at least once every five years and to include in its District Management Plan certain information required by state law and the rules of the Texas Water Development Board;

WHEREAS, the current LSGCD District Management Plan will expire in December 2018;

WHEREAS, the appointed LSGCD Board of Directors has refrained from re-adopting the District Management Plan in response to requests from local officials, but has submitted the District Management Plan in "draft form" to the Texas Water Development Board for review, so as to allow the elected LSGCD Board of Directors to take action to re-adopt the District Management Plan in time for LSGCD to stay in compliance with state law;

WHEREAS, the District Management Plan submitted to the Texas Water Development Board includes the Desired Future Conditions for the aquifers that were previously approved by the members of Groundwater Management Area 14 in 2016 and which promote the sustainable management of the aquifers in Montgomery County;

WHEREAS, the Texas Water Development Board has advised LSGCD that it will only approve a District Management Plan that contains Desired Future Conditions for the aquifers that have been approved by the members of Groundwater Management Area 14, and recent proposals for Desired Future Conditions that would allow for increased pumping of groundwater above sustainable levels have not been approved by Groundwater Management Area 14, and are therefore not eligible to be include in the District Management Plan;

WHEREAS, recent studies by the Harris-Galveston Subsidence District have demonstrated that land subsidence resulting from overpumping of groundwater is occurring in Montgomery County, which could lead to significant negative economic consequences in Montgomery County, including increased property damage in flood events;

WHEREAS, if the elected LSGCD Board of Directors does not timely adopt the District Management Plan previously submitted to the Texas Water Development Board, LSGCD will be out of compliance with state law and risk state oversight of local groundwater management by the Texas Commission on Environmental Quality;

WHEREAS, The Woodlands Joint Powers Agency is the administrative agency for ten municipal utility districts responsible for the provision of retail potable water supply services to The Woodlands, a community located within LSGCD's boundaries and having a population of approximately 100,000 people and numerous businesses, institutions and other potable water users; and

WHEREAS, a primary source of potable water for The Woodlands is groundwater, and the timely re-adoption of the current LSGCD District Management Plan and the sustainable management of the aquifers in Montgomery County is vitally important to the quality and reliability of such underground water supply.

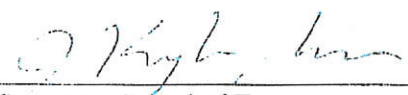
NOW, THEREFORE, BE IT RESOLVED BY THE WOODLANDS JOINT POWERS AGENCY BOARD OF TRUSTEES THAT:

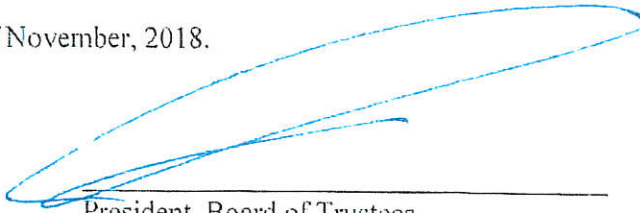
Section 1: The Woodlands Joint Powers Agency fully supports the elected LSGCD Board of Directors timely re-adopting the LSGCD District Management Plan previously submitted to the Texas Water Development Board, which will both keep LSGCD in compliance with state law and support the goal of aquifer sustainability.

Section 2: The Woodlands Joint Powers Agency fully supports the continued management of the aquifers in Montgomery County on a sustainable basis and opposes any changes to the Desired Future Conditions for the aquifers in Montgomery County with Groundwater Management Area 14 or otherwise that would allow additional pumping of groundwater above sustainable levels and risk additional water level declines, land subsidence, and other impacts to private property rights of current and future generations in The Woodlands and Montgomery County.

PASSED AND APPROVED this 14th day of November, 2018.

ATTEST:


Secretary, Board of Trustees


President, Board of Trustees

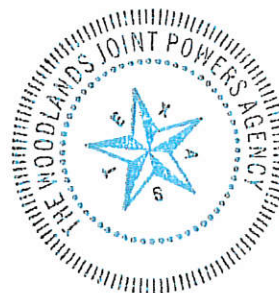


Exhibit "D"

Comments: Framework for Revising September 18, 2018 Groundwater Management Plan

By:

Michael J. Massey, Ph.D.

To:

Public Hearing of Lone Star Groundwater Conservation District (LSGCD) Board
November 20, 2018

Hello, my name is Michael Massey. Many of us hope and expect that, when given reasonable time to gel, the new Board's perspective coupled with the substance of comments being offered here today will result in critical modifications of the Plan produced by the lame duck Board on September 18th.

As former Treasurer of the Lake Conroe Communities Network (LCCN), I led LCCN's major Water Resource Management Campaign from 2012 through 2016. Over this period, I researched every aspect of the county's groundwater and surface water programs, met with every expert and published major analyses of relevant data, met/worked closely with every MUD, every local, county and state public official, and attended/testified at nearly every relevant public meeting held by any governing body.

Based on my experience, I offer basic comments here, broken into the following categories:

1. Rights
2. Permitting Rules
3. Existing Caps on Production
4. Real Science
5. Future Production Management

The new Board's Final Plan needs to address each of these elements head-on with a clearly articulated philosophy that is driven by transparency, compliance with the law, consensus science and the maximum fair share and safe availability of groundwater.

I am very optimistic that the new Board's path to success is straightforward when taken one logical step at a time.

1. Rights

State case law has resolved that, just like oil and gas, water resources are governed by the property rights of landowners. LSGCD needs to embrace this fundamental perspective in every aspect of its policies, rules and regulations. Owner property rights are not absolute, but subject to certain restrictions that include the doctrine of fair share and the safe management of groundwater reservoirs. LSGCD is responsible for monitoring the need for implementing constraints if and when necessary.

2. Permitting Rules

LSGCD's current permitting rules for well location, spacing, design, construction and operation need to be reviewed, upgraded and limited as needed to address and meet best engineering practices.

3. Current Caps on Total Water Production

LSGCD currently severely caps total groundwater production in Montgomery County. Consensus outside of LSGCD has been and remains that this policy of capping is based on false science. This false science has resulted in extremely expensive reactionary measures among water producers – including the opening of costly new wells in new reservoirs (notably the Catahoula) while dramatically cutting production from existing wells in existing reservoirs (notably the Jasper). The prevailing view [including mine] is that “the sky is not falling” and that current production caps should be eliminated. The new Board needs to resolve its position on the CURRENT policy of production caps.

4. Real Science

LSGCD needs to establish a program of real science through which it can monitor, assess and provide means for controlling reservoir operations if necessary for fair share allocations and/or to preserve basic reservoir health. Elements of that program should include:

- Transparency in design and consensus sharing of raw data with all interested parties
- Each reservoir treated separately and in total, not simply at arbitrary boundaries of Montgomery County or the gross aggregation of discrete reservoirs that comprise the Gulf Coast Reservoir System
- Monitoring programs designed to track not only well operations but also reservoir storage and recharge and fair sharing of production across each reservoir
- Annual reporting of the status and health of each reservoir

Such a program needs to be launched as soon as possible so that it quickly becomes the sound basis for a continuously evolving new perspective on reservoir health.

Montgomery County's various reservoirs span the geography of the counties that comprise the GMA 14. Any real science program needs to be rooted in the total geography of the County's reservoirs. Accordingly, the LSGCD needs to collaborate with the GMA 14 and where possible synchronize its perspectives on groundwater behavior and the policies that need to be enacted individually and among GMA 14 members.

5. Future Production Management

Future issues that could prompt new policies of selective constraint on individual well or reservoir-wide production can include:

- Pumping by one or more landowners (either within and across county boundaries) that leads to unfair sharing among all landowners
- Collective pumping that causes unacceptable reductions in measured reservoir storage

LSGCD management needs a strong coordination with its science program that insures early and consistent development and public reporting of any evidence of such issues. The case for new policy and any specific resulting regulation then needs to be derived from real science that has the consensus acceptance of all who will be impacted by any new regulation.

Exhibit "E"

WELL YIELD vs CONFINED AQUIFER DEPLETION

REPRESENTATIVE BEHAVIOR OF A JASPER-TYPE FORMATION

(based on INTERA "Estimated Recoverable Storage: What it Does, Doesn't, and Might Mean for Planning")

