

**UPPER GULF COAST AQUIFER PLANNING AREA
(GMA 14)**

Joint Planning Group Meeting

**Thursday, May 28, 2015
9:00 AM**

MEETING MINUTES

A regular meeting of GMA 14 was held Thursday, May 28, 2015, at 9:00 AM, in the board room of the Lone Star Groundwater Conservation District located at 655 Conroe Park North Drive, Conroe, Texas.

The meeting was called to order by Kathy Turner Jones (Lone Star GCD) at 9:08 AM with a roll call of District representatives and Interlocal Agreement Participants. Districts represented included: Kent Burkett, Brazoria County GCD (joining at 9:24 AM), Zach Holland, Bluebonnet GCD, Kathy Turner Jones, Lone Star GCD, Gary Ashmore, Lower Trinity GCD and John Martin, Southeast Texas GCD. Interlocal Agreement Participants included: The Honorable John Brieden, Washington County Judge; Pudge Willcox, Chambers County; Robert Thompson, Fort Bend Subsidence District, and Mike Turco, Harris-Galveston Subsidence District. Also in attendance at the meeting were: Jason Afinowicz, Freese and Nichols, Inc.; Larry French, Texas Water Development Board (TWDB); Bill Mullican, Mullican and Associates; and members of the public (*see Attachment "A" for a list of attendees*).

Ms. Jones welcomed everyone to the meeting and recognized District Representatives, Interlocal Agreement Participants, Agency Representatives, staff, and consultants for introduction.

Mr. Ken Kramer, representing as the volunteer Water Resources Chair of the Lone Star Chapter of the Sierra Club and himself as a resident living and owning property within GMA 14, was recognized to address the group with public comment. Mr. Kramer noted he has been involved with water issues in Texas for over four decades. One of the things the Sierra Club and himself have focused on is marshalling groundwater and surface water resources to be sustained over time to provide and protect growth, values, and a strong environment. All GMAs have encountered controversial issues, but it is important to maintain focus on generations and be conservative of those resources. Mr. Kramer encouraged the GMA members to stick to their guns to make sure the decisions made allow people in the future to have the groundwater resources we currently enjoy for decades into the future. He looks forward to working with the GMA as the process continues and supports the efforts of groundwater conservation. With further public comment registered for Agenda Item #7 presentations, Ms. Jones proceeded with receipt and requests of posted notices from the group. Ms. Jones then asked for consideration of the approval of the minutes from the GMA 14 meeting on November 18, 2014. After discussion

floor to the agenda item, Mr. Martin raised a point of order (*see Attachment "B" for the point of order*). Ms. Jones thanked Mr. Martin for his point of order and moved into the agenda item of receiving technical presentations from entities/individuals in GMA 14 who desire to propose possible alternative desired future conditions options from those currently being discussed in the joint planning process. All entities/individuals appearing before GMA 14 for this agenda item were afforded 15 minutes to make technical presentations on alternative desired future condition options. All proposed alternative desired future conditions options presented will be documented in the GMA 14 Explanatory Report.

Mr. Mike Massey representing Lake Conroe Communities Network (LCCN) was recognized and asked to formally introduce himself and who he represents. Mr. Massey proceeded to provide comments from a handout (*see Attachment "C" for LCCN comments*).

It was brought to the attention of the Chair that there needed to be action taken on Mr. Martin's point of order. Mr. Martin made the motion to accept the point of order. Mr. Holland asked for clarification of the desired action from the point of order, and added that it was his understanding that the point of order meant that the group would hear the presentations with the understanding that any alternative desired future conditions options possibly proposed are not raised to formal consideration due to their not being included to date through the GMA 14 administrative procedures. Mr. Martin confirmed that all we are hearing is the presentations at this time. Ms. Jones added that was the intent of the agenda item. Judge Brieden seconded the motion. With no further discussion, Ms. Jones called for a vote which passed 8-1 with Mr. Holland voting against.

Ms. Jones next recognized Mr. Michael R. Thornhill, P.G. of Thornhill Group, Inc. representing Montgomery County Investor Owned Utilities (*see Attachment "D" for Thornhill presentation slides*). Mr. Thornhill began by acknowledging Mr. Martin's comments and noting that while his presentation would center on work and discussions performed in Montgomery County, they would be presenting alternative desired future conditions options for consideration to Lone Star GCD as well as the other District Members as he believes the desired future conditions should be aquifer wide. He then proceeded with his presentation.

Next, Ms. Jones recognized Ms. Susan Butler of CH2M, presenting on behalf of Mr. Bill Goodrum, with Forestar Real Estate Group. Ms. Butler presented prepared comments to the group (*see Attachment "E" for Forestar comments*). Ms. Jones added comments regarding the participation of Liberty County in the GMA as an Interlocal Participant. Liberty County was a participant in the initial planning cycle. When the efforts began to move forward with the current cycle the GMA reached out multiple times to welcome them back. Unfortunately the Commissioners Court did not feel the need to participate. Ms. Jones encouraged Forestar to communicate and try to renew the interest of the Commissioners Court as well.

Ms. Jones recognized Mr. Marty Jones of Sprouse, Shader, Smith PLLC, an attorney representing Quadvest and Stoeker Corporation. Mr. Marty Jones expanded on a brief point

nine factors. The question then is, are we going to go all the way back through all of the discussions for this one particular potential DFC. Mr. Mullican then pointed out that it was generally agreed to at that point and time that in some form we had already had several meetings worth of discussions and considerations of the factors and there were three options on the table. With the documentations in the minutes, the GMA could ratify all of the consideration discussions to the DFC consideration. Or the GMA could come back and present an executive summary of the presentations and information presented over the last couple of years. The third option was for Mr. Afinowicz and Mr. Mullican to schedule an all-day meeting and go through them at the same level of detail that the group went through the originally. Mr. Holland asked for clarification that where the GMA is today is moving the current considerations forward to the next meeting for consideration as the adopted DFC for action and starting the 90-day public hearing process. Mr. Mullican noted that according to the *Administrative Procedures Section 3.04*, GMA 14 District Representatives would elevate the DFC to go through the considerations of the nine factors. Mr. Martin then asked if a summary of the nine considerations would be sufficient, as the considerations have already been discussed. Mr. Mullican remarked that it could be as simple as ratifying all of the discussions the group had in the past, However, Mr. Mullican also pointed out that on a couple issues, for example socioeconomic impacts, private property rights impacts, and even feasibility, there was at least an implied commitment that we would revisit to ensure the list of socioeconomic impacts, private property rights impacts, and the approach taken on the feasibility analysis was still agreeable with everyone. Mr. Mullican suggested a somewhat extended executive summary overview of exactly what we have covered up to this point. Mr. Martin inquired of the time needed for such a review. Mr. Mullican commented that between Mr. Afinowicz and himself it could be taken care of in a couple of hours. Mr. Mullican summarized that the vote today is to make the potential DFC approved in November under *Administrative Procedures Section 3.03* eligible to go through the nine considerations. Mr. Martin asked if we had actually done that at the last meeting. Mr. Mullican stated that they had not, and asked that the group recall there are four (4) votes required for DFCs. If a DFC is submitted to the GMA for consideration you first have to vote that it is official because somebody may walk in asking for artesian pressure to be restored to pre-1900 levels and you don't want to document that in the explanatory report, so it would never rise to passing the first hurdle. The second vote is to formally say this DFC is to be run through the nine considerations, but doesn't mean that you aren't going to add other DFC considerations, just that this DFC has risen to the level of considering the nine factors. Mr. Mullican then presented a draft document he believed necessary for the benefit of showing the significant events that have occurred over the past couple of years in relation of our progression of the DFC process. Ms. Jones stated that the Lone Star GCD Board has discussed their position regarding this matter and realizes there will be potential alternative DFCs presented to the Lone Star GCD for consideration, but at this time the Lone Star GCD Board feels we need to move forward but want to make it known to the public and GMA 14 that should these alternative DFCs be brought to and approved by the Lone Star GCD, GMA 14 will then need to consider the potential

move forward, scheduling a June meeting where we may not be able to get anything done and then scheduling additional meeting, Mr. Holland noted his intentions to clarify and understand how to incorporate the administrative procedures and understand them in practice to best and efficiently utilize the time and efforts of everyone involved with the likelihood of alternative DFCs being proposed. Mr. Holland made the motion of approving eligible DFC options to be formally considered as a potential candidate for proposal and adoption according to *Administrative Procedures for the Consideration, Proposal, and Adoption of Desired Future Conditions for GMA 14, Section 3.04*. Mr. Martin seconded. Mr. Jones called for a record voted. Each member voted in the affirmative.

Ms. Jones asked Mr. Mullican if there were any further briefing and discussion of progress to date for GMA 14 and remaining requirements and schedule as the item had been well discussed in relation to the previous agenda item. Mr. Mullican noted that everything had been well covered. He asked the GMA members to remember that whenever the GMA does finally adopt a proposed DFC we will get back together all of the information reviewed and used throughout the entire process of your considerations which will take a small amount of time to accumulate.

Ms. Jones asked for any presentations and discussions by Districts of recent activities of interest to or impacting the GMA 14 planning group. Ms. Jones commented that Lone Star GCD's hearings and public workshops and the work on amendments to rules and regulatory plans had been well aired through the events of the meeting.

Mr. Jones called for discussion of next meeting date, location, and agenda items. Ms. Jones asked for a note for future agenda items to have a financial item to allow for more robust discussions and noted that copies of the financials are at the seats of the members and interlocal participants. In recalling earlier discussions of possible meeting dates, Ms. Jones asked for further discussion and proposal for dates and times. Mr. Burkett followed up on a more clear answer to Mr. Holland's previous inquiries. If this body wanted to consider or progress the DFCs on the table as well as having the option of considering other alternative DFCs, in terms of times and number of meetings, how best would we accomplish those two tasks, i.e. further consideration of current DFC and leaving option open for consideration of other DFCs. Do we have a meeting in June or is it postponed to a later date to give consideration of those factors? Mr. Mullican responded that this represented two different questions. The first question is how long do we delay or allow for, if in fact Lone Star is going to hear and adopt alternative DFC consideration, Mr. Holland noted the June meeting gives two weeks to get something presented and approved through the Lone Star Board and get the 14 day requirement met. Ms. Jones added how or what would be added or play into an anticipated June agenda. Mr. Mullican stated that the Lone Star Board Meeting is June 9th, 14 day deadline is June 11th. That would mean in one meeting you would be getting a presentation and the Board would be agreeable. Ms. Jones stated that it is unlikely that timeline could be met and added that she is not suggesting we don't go with July but that we may not even be ready then. We would want the opportunity for review and ample consideration of anything presented to the District. Mr. Burkett added that right now we

realizes there is a lot of money supporting wanting to hurry up and fund the DFC so other projects can move forward, but the problem she sees is the information in the models. She prepared an entire presentation during the Fort Bend and Harris County Groundwater hearing here recently and provided substantial evidence on how USGS groundwater resources division has neglected some of their duties and she highly recommended downloading the presentation from the website or she would be happy to provide you a copy. She thinks moving forward; having a reason to adopt a DFC would be a wise decision. She further stated that she knows the group thinks that what they are doing is helping move progress along, but if you do not have a problem to begin with she does not see the need to move forward. One of the many things she has brought to several people's attention, if your DFC is based on what the water levels are in these wells and essentially already know it is a conflict of interest of boundary laws of jurisdiction of a governmental body and urge caution in adopting DFCs. Mr. Marty Jones was recognized to clarify his point that the City of Conroe is proposing additional DFCs to Lone Star GCD, and that the intent of the City of Conroe is to present an alternative DFC at least for the Jasper Aquifer to all GCDs in the GMA. Mr. Scott Weisinger, Lone Star GCD Board Member, was recognized and wanted the GMA to know that the Lone Star GCD got a letter from Austin from the local legislative delegation that asked the District to slow things down. This isn't something that was just generated within Montgomery County, we got a letter. Mr. Weisinger stated that there is a lot going on that GMA 14 did not know and are not getting all the information. Ms. Jones added that anyone who would like a copy of that letter can contact her and it will be provided. Mr. Willcox added a comment of his feelings of strong support of public input to decision issues. It sounds like 95% of the problem is going to have to be changed in Austin. In hearing all of the presentations today, this group has followed what it is bound to in State Law. My point is, you really need to start now for the next legislative session and make visits to the committees and representatives when the whole ballgame is in their court and we are trying to do what they have said to do. If an entity does not follow what the State has outlined, the entity is disqualified from substantial assistance. Keep talking and move the discussions higher as well.

Without further discussion or comment and there being no further business, the meeting was adjourned at 11:04 AM.

PASSED, APPROVED, AND ADOPTED THIS 21 day of June


