
PRESS RELEASE



Lone Star Groundwater Conservation District

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THE JOINT PLANNING PROCESS: GMAs and DFCs

October 2, 2020 – Welcome back to our educational press release series! Thus far, we have discussed bits and pieces of the recently adopted District rules, including the new permitting process and procedures, the permit renewal process (currently underway) and in our last release, we took you back a bit and provided a history of the recent studies, regulations and important cases that have brought the District where it is today.

The focus for our third release will be on the joint planning process – what it is, how groundwater conservation districts (GCDs) are included in the process, and what it means specifically for Lone Star GCD.

First, let's start with the basics – a GCD is only one piece of the groundwater management pie. In 2002, the Texas Water Development Board (TWDB) adopted the first delineations of groundwater management areas (GMAs). To the extent feasible, GMAs coincide with the boundaries of a groundwater reservoir or subdivision of a groundwater reservoir reflecting the understanding that aquifer wide management was necessary because aquifers do not begin and end at county lines. GMAs were created “in order to provide for the conservation, preservation, protection, recharging and prevention of waste of the groundwater, and of the groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution...”. To put it simply, GMAs are areas made up of various GCDs that share the same aquifer formation(s) and work together to plan for the future of those aquifers.

There are currently 16 GMAs in Texas with varying number of GCDs and which cover numerous counties in their area – some GMAs have as few as 4 GCDs within their management area, while others have anywhere from 10-20+ GCDs. There are even some GCDs that are in more than one GMA. Lone Star GCD is a member of GMA 14, which covers 20 counties and includes GCD representation from Bluebonnet GCD, Brazoria County GCD, Lower Trinity GCD, and Southeast Texas GCD. GMAs host meetings, open to the public, and discuss the ongoing of their districts, review scientific data related to the aquifers within their area and work together on how best to manage these aquifers, in what we like to call “joint planning”.

In 2005, a new term was created and became a directive for GMAs across Texas. It was called the “*desired future condition (DFC)*”. The term DFCs was first defined in the Texas Administrative Code as “*the desired, quantified condition of groundwater resources (such as water levels, spring flows, or volumes) within a management area at one or more*

specific future times as defined by participating groundwater conservation districts within a groundwater management area as part of the joint planning process”.

DFCs are defined in Chapter 36 of the Texas Water Code to mean a quantitative description, adopted during joint planning, of the desired conditions of the groundwater resources in a management area at one or more specified future times. **To put it plainly, the DFCs are a goal, specifically, what the GCDs in the GMA decide they want the aquifers within their areas to look like at a specified future time.** TWDB sets the time period to coincide with the current planning period for the regional and state water plans. **For this round of joint planning, TWDB has set that specific time period at 70 years.** GCDs within a GMA were required to determine the initial desired future condition of their aquifers by September 1, 2010.

In 2011, SB 660 was passed, which laid out a more specific process for GMAs to adopt DFCs. The process requires GCD to consider 9 factors when determining DFCs – aquifer uses or conditions, water supply needs and strategies from the state water plan, hydrological conditions for each aquifer, other environmental impacts (i.e.: impacts on spring flows, interactions between groundwater and surface water), impact on subsidence, socioeconomic impacts, private property rights, feasibility of achieving the DFC, and any other information relevant to the DFC. The new law set a standard for proposed DFCs mandating that it reflect a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging and prevention of waste of groundwater and control of subsidence in the management area. The GMA reps must consider and weigh all of these before voting on a proposed DFC. *The statute does not dictate how much weight a particular factor should receive; however, the only factor that receives constitutional protection is private property rights.*

Following the conclusion of the factor considerations, the DFC must then be approved by the individual GCDs, which includes holding public hearings and allowing for a 90-day comment period. Next, an explanatory report must be created by the GMA which identifies each DFC considered, explains the policy and technical justifications for each, documents the consideration of the 9 factors and any impacts on the DFC options, lists other DFC options considered and reason why they were not adopted, and finally includes all comments received by the GMA or GCDs during the hearing processes. Whew! That's a lot of work and can typical take anywhere from 2-4 years. It's important to note that though the desired future conditions are a goal for 70 years in the future, by law the GMAs must participate in this process every 5 years.

In next week's release, we will continue our discussion on joint planning by expanding on the 9 factors and addressing how modeling is utilized in the process.

A copy of the approved District Rules, a summary of the amendments and Frequently Asked Questions on the new rules can be found on the District's Management & Rules page. For more information on the Lone Star Groundwater Conservation District, please visit www.LoneStarGCD.org or follow us on www.Facebook.com/LoneStarWater. For questions, please contact the District at (936) 494-3436.

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