

LONE STAR GROUNDWATER CONSERVATION DISTRICT

September 17, 2015

MINUTES OF PUBLIC HEARING ON GROUNDWATER MANAGEMENT AREA 14 PROPOSED DESIRED FUTURE CONDITIONS

The Board of Directors of the Lone Star Groundwater Conservation District ("District") met in regular session, open to the public, in the District Board Room located at 655 Conroe Park North Drive, Conroe, Texas, within the boundaries of the District on September 17, 2015.

President Tramm called to order the Public Hearing on Groundwater Management Area (GMA) 14 proposed Desired Future Conditions (DFCs) at 8:50 a.m.

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

Sam W. Baker
John Bleyl, PE
Jace Houston
Roy McCoy, Jr.
Rick Moffatt
Jim Stinson, PE
Richard J. Tramm
Scott Weisinger, PG
W. B. Wood

Members of the Board were present, with the exception of Director Baker, Director Houston, Director McCoy, and Director Weisinger, thus constituting a quorum of the Board of Directors. Also, in attendance were Kathy Turner Jones, District General Manager; Brian Sledge, General Counsel; Shauna Fitzsimmons, Attorney; Mark Lowry, District Consultant; District staff; and members of the public. *Copies of the public sign-in sheets are attached hereto as Exhibit "A".*

President Tramm announced that the public hearing on proposed DFCs was called to order and open to the public. President Tramm stated that the purpose of the public hearing was for the Board of Directors to hear comments on the proposed DFCs adopted by Groundwater Management Area 14 (GMA 14) that are relevant to the District. President Tramm noted for the record that notice of this hearing was published and posted as required by Section 36.063(b) and (c) of the Texas Water Code. President Tramm stated that the adopted proposed DFCs were developed by the various groundwater conservation district representatives that comprise GMA 14. President Tramm stated that it is the District's current intention that the Board of Directors will discuss the summary report and any suggested revisions in conjunction with the regular October Board of Directors meeting on October 13th, and that comments will be accepted until 5 PM, October 5, 2015.

Bill Mullican, who serves as a consultant for GMA 14 on the DFC development process, gave an overview of the DFC process and the proposed DFCs that have been adopted by GMA 14 and are being considered during the current 90-day public comment period. Mr. Mullican discussed the different GMAs in Texas with a focus on GMA 14, the new DFC adoption process, the GMA 14 considerations of the nine statutory factors set forth in Section 36.108, Water Code, set forth in Section 36.108(d-2), Water Code, the statutory balancing test, and the DFCs proposed for Montgomery County. Mr. Mullican noted that information regarding the proposed DFCs, including meeting agendas, all public comments, presentations, reports, and other relevant documentation, has been made available to the public for the duration of the 90-day public comment period. A link to where all relevant information is included in Mr. Mullican's presentation. *A copy of the presentation is attached hereto as Exhibit "B".*

Public comments received:

Scott Sustman, President of the Lake Conroe Communities Network, presented written testimony. The primary focus of Mr. Sustman's comments were centered on the socioeconomic impacts of fluctuating water levels at Lake Conroe. *A copy of the testimony is attached hereto as Exhibit "C".*

Mike Thornhill, a hydrogeologist with the Thornhill Group, and representing Quadvest, provided oral comments stating his belief that the proposed DFCs are not valid legally, based on his interpretation of Texas water law. Mr. Thornhill's comments primarily focused on his belief that DFCs should be aquifer-based. Mr. Thornhill did not provide any written comments or provide a written presentation during the hearing.

Bob Harden, a hydrogeologist with R W Harden & Associates and representing the City of Conroe, gave a presentation on artesian pressure versus water table storage in aquifers. *A copy of the presentation is attached hereto as Exhibit "D".*

Marty Jones, an attorney with Sprouse, Shrader, Smith PLLC, and representing Quadvest, provided oral comments in support of comments previously made during the hearing. He stated that all the districts in GMA 14 should unite and consider joint planning and have a DFC for each aquifer, in lieu of what he considers to be DFCs based on county boundaries. Mr. Jones did not provide any written comments for the hearing, however, he had previously submitted a letter to all districts in GMA 14 and asked that it be included in the record. *A copy of the letter, dated August 25, 2015, is attached hereto as Exhibit "E".*

Wade Oliver, a hydrogeologist with INTERA, Inc., representing Montgomery County WCID #1, Porter Special Utility District, San Jacinto River Authority, Southern Montgomery County Municipal Utility District, The Woodlands Joint Powers Agency, City of Houston, Fort Bend Subsidence District, Harris-Galveston Subsidence District, and the North Harris County Regional Water Authority, provided a presentation on the factors that GCDs must consider when adopting proposed DFCs. As part of this presentation, Mr. Oliver provided a technical overview of the concept of Total Estimated Recoverable Storage that must be considered when adopting proposed DFCs and compared it to the functional realities of maintaining artesian head in water wells in confined aquifers. *A copy of the presentation is attached hereto as Exhibit "F".*

Van Kelly, with INTERA, Inc., and representing Montgomery County WCID #1, Porter Special Utility District, San Jacinto River Authority, Southern Montgomery County Municipal

Utility District, The Woodlands Joint Powers Agency, City of Houston, Fort Bend Subsidence District, Harris-Galveston Subsidence District, and the North Harris County Regional Water Authority, provided a presentation on debunking proposed storage-based (TERS) Desired Future Conditions that have been suggested by some of the other commenters who are in opposition to the adopted proposed DFCs developed by GMA 14. In summary, Mr. Kelley highlighted that DFCs based on TERS are out of step with the District's Mission Statement, that they do not represent "better science," that there is no logical basis for the storage-based DFCs that have been suggested by other commenters to the District, and that those suggested storage-based DFCs are based on "reverse engineering" just as the commenters who have recommended them have complained of when referring to the DFCs developed by GMA 14. *A copy of the presentation is attached hereto as Exhibit "G".*

President Tramm announced that the sign-in sheet indicated that everyone who wanted to present comments on the proposed DFCs had now done so, but asked if there was anyone present who desired to provide comments. No one present at the hearing indicated a desire to present further comment. President Tramm then noted that the administrative record would remain open for the submission of any additional written comments to the District until 5:00 PM, October 5, 2015.

President Tramm adjourned the public hearing on GMA 14 proposed DFCs at 10:43 a.m.

PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF OCTOBER, 2015.



Rick Moffatt, Board Secretary