RESOLUTION NO. #19-002

RESOLUTION OF THE BOARD OF DIRECTORS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT APPROVING SUBMISSION OF THE DISTRICT GROUNDWATER MANAGEMENT PLAN FOR TEXAS WATER DEVELOPMENT BOARD REVIEW

THE STATE OF TEXAS §
§
LONE STAR GOUNDWATER CONSERVATION DISTRICT §

WHEREAS, the Lone Star Groundwater Conservation District ("District") was created by the Texas Legislature through the enactment of House Bill 2362, Chapter 1321, Acts of the 77th Legislature, Regular Session, 2001 (together with subsequent legislative amendments, the "Act"), pursuant to the authority of Article XVI, § 59 of the Texas Constitution, as a groundwater conservation district operating under Chapter 36, Texas Water Code, Section 59, Article XVI of the Texas Constitution, and the Act;

WHEREAS, the creation of the District was confirmed by the voters of Montgomery County on November 6, 2001, and as required by Chapter 356 of Title 31 of the Texas Administrative Code as in effect at the time, the District's original management plan was adopted and submitted to the Texas Water Development Board within two years of the confirmation election and subsequently amended and re-adopted in 2008 and again on November 12, 2013;

WHEREAS, Texas Water Code §36.1072(e) requires the District to review and readopt a management plan with or without revisions at least once every five years, and pursuant to Title 31, Texas Administrative Code, Section 356.54, the District must readopt that plan at least 90 days before the date the current plan expires;

WHEREAS, in September 2018, the prior nine-member appointed board of directors held a hearing and approved a revised, draft management plan for review and approval by the new seven-member elected board that would take office in November 2018 as a result of the passage of House bill 1982 by the 85th Texas Legislature (Regular Session) in 2017, which amended the Act;

WHEREAS, the new seven-member board of directors (the "Board") was duly sworn into office on November 16, 2018;

WHEREAS, the Board held a public hearing on November 20, 2018 for purposes of hearing public comment on re-adoption of the management plan prepared and approved by the prior board;

WHEREAS, on November 20, 2018, based on public comment received and internal deliberations, the Board voted for a continuance of the decision on approval of a management plan until mid-January 2019 to allow for further review and discussion;

WHEREAS, on January 15, 2019, the District held an open board workshop during which the District's management plan was discussed;

WHEREAS, on January 30, 2019, the District held a special meeting in conjunction with the Groundwater Management Area Planning Committee Meeting;

WHEREAS, under the direction of the new Board, the District's staff, legal counsel, engineer, and geoscientist reviewed, analyzed, and revised the District's management plan in accordance with the statutory requirements provided by Section 36.1071 of the Texas Water Code and the administrative requirements provided by Chapter 356 of Title 31 of the Texas Administrative Code;

WHEREAS, on February 12, 2019, the District approved the form of a revised management plan for publication and hearing ("Management Plan");

WHEREAS, the proposed Management Plan adopts several guiding principles for the District's regulatory program including without limitation (i) honoring and protecting private property rights by affording an opportunity for a fair share to every owner of each common reservoir, (ii) adopting and enforcing fair and impartial rules that allow for adjustments as warranted to achieve the management standards, and (iii) collecting and sharing data so each stakeholder can make informed decisions;

WHEREAS, on February 19, 2019, District staff and counsel had a teleconference with representatives at the Texas water Development Board ("TWDB") regarding the District's revised management plan approved for publication and hearing;

WHEREAS, the District issued notices in the manner required by state law and held a public hearing on the proposed Management Plan on March 12, 2018;

WHEREAS, based on written and public comments received by the District, no substantive changes were made to the proposed Management Plan;

WHEREAS, the District will coordinate with the appropriate surface water management entities after the public hearing and readoption of its Management Plan to afford surface water management entities within the boundaries of the District the opportunity to review and provide comments to the District on its Management Plan;

WHEREAS, the District will forward, after the public hearing and readoption of its Management Plan, a copy of the plan to the other districts in the management area;

WHEREAS, the Board finds that the proposed Management Plan meets all of the requirements of Chapter 36, Texas Water Code, and 31 Texas Administrative Code Chapter 356; and

RESOLUTION NO. #19-002

WHEREAS, the Board finds that readoption of its Management Plan at its March 12, 2019 meeting will restart the five-year statutory time period by which the District must readopt its Management Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THAT:

1. The above recitals are true and correct.

2. The Board hereby adopts the following guiding principles for the District's regulatory program:

   a. honoring and protecting private property rights by affording an opportunity for a fair share to every owner of each common reservoir;

   b. adopting and enforcing fair and impartial rules that allow for adjustments as warranted to achieve the management standards; and

   c. collecting and sharing data so each stakeholder can make informed decisions.

3. The Board hereby adopts the Management Plan as the Management Plan of the District, including any revisions made based on the comments received from the public at the hearing or Board meeting, and based on recommendations from the District Board, staff, legal counsel, engineer, geoscientist, or TWDB, and authorizes submittal of the Management Plan to the TWDB for review and approval.

4. The Board, District staff, and the District's legal counsel, engineer, and geoscientist are further authorized to take all steps necessary to implement this resolution and submit the Management Plan to the TWDB for its approval.

5. The Board, District staff, and the District's legal counsel, engineer, and geoscientist are further authorized to take any and all action necessary to coordinate with the TWDB as may be required in furtherance of TWDB's approval.

6. This Resolution shall be posted on the District's website and in its office.

AND IT IS SO ORDERED.

PASSED AND ADOPTED FOR SUBMISSION TO THE TEXAS WATER DEVELOPMENT BOARD TO BEGIN ITS REVIEW by a quorum of the Board of Directors on March 12, 2019.

LONE STAR GROUNDWATER CONSERVATION DISTRICT

By: _____
Webb Melder, President

ATTEST:

_____
Stuart Taylor, Board Secretary

LONE STAR GROUNDWATER CONSERVATION DISTRICT
TEXAS
MONTGOMERY COUNTY, TEXAS