

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

Joint Planning Group Meeting

**Friday, December 8, 2017
9:30 AM**

MEETING MINUTES

A regular meeting of GMA 14 was held Friday, December 8, 2017, at 9:30 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 9:37 AM with a roll call of District representatives and Interlocal Agreement Participants. Districts represented included: Kent Burkett, Brazoria County GCD, 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; Robert Thompson, Fort Bend Subsidence District; and Mike Turco, Harris-Galveston Subsidence District. Also in attendance at the meeting were Larry French, Texas Water Development Board (TWDB); and members of the public. District representatives and Interlocal Agreement Participants not in attendance were Pudge Willcox, Chambers County. (*see Attachment "A" for a list of attendees*).

Ms. Jones called for and opened the floor to public comment. There were no cards filed for anyone wishing to make public comment.

Ms. Jones proceeded with requests for and receipt of posted notices from District Representatives. Ms. Jones then asked for consideration of the approval of the minutes from the cancelled GMA 14 meeting on November 6, 2017. After discussion and upon a motion by Mr. Burkett, seconded by Mr. Ashmore, the minutes for the cancelled November 6, 2017 meeting were approved unanimously.

Meeting convened as a meeting of the GMA 14 Joint Planning Interlocal Agreement Participants.

The GMA 14 Joint Planning Interlocal Agreement Participants meeting was called to order at 9:40 AM.

Ms. Jones next recognized Mr. Holland to introduce Mr. John Philip Jones, Texas 4-H Water Ambassador from Waller County, for a presentation of information regarding the Texas 4-H Water Ambassador Program and his experiences through the water tour of Texas (*see Attachment "B" for Mr. John Philip Jones Presentation*). Of the inaugural class of Ambassadors, GMA 14 is represented by four of the sixteen Ambassadors from Brazoria, Montgomery, Walker, and Waller Counties.

Ms. Jones called for the presentation of information from the Texas Water Development Board and discussions of items of interest to the GMA. Mr. French provided general information from TWDB, including the resignation of Chairman Bruun to pursue candidacy in the U.S. House of Representatives and a new minor aquifer designation in the areas of GMA 6 & 8.

Ms. Jones initiated a discussion of the "Final Order" resulting from the petitions regarding the reasonableness of Desired Future Conditions (DFCs) adopted by Lone Star GCD (LSGCD) and presentation of a request submitted by LSGCD to GMA 14 to begin the process of adopting new or amending DFCs. Ms. Jones provided background for the request and the agenda item. On November 20, 2017 LSGCD sent a proposal to GMA 14 District Representatives to consider adopting new or amending DFCs, consistent with the Final Order. Ms. Jones gave the floor to LSGCD legal counsel Mr. Brian Sledge and technical consultants Mr. Bill Mullican and Mr. John Seifert to explain the background and issues that led to the Final Order. Mr. Sledge began with the history that three years ago LSGCD commissioned a Strategic Water Resources Planning Study (the Study). The Study was conducted by LBG-Guyton, and Mr. Mullican served as LSGCD's owner's representative. Task 3 of the Study looked at what additional groundwater resources could be developed in Montgomery County without significant negative impacts. A survey of users was conducted to collect information on individual wells in order to define how much additional impact could be tolerated. Several GAM runs were executed to simulate impacts from various future pumping scenarios. After consideration of the results of the Study, the LSGCD Board of Directors in October adopted Run D as its preferred option for consideration by GMA 14. Most of 2017 was spent on the DFC appeal process leading up to the SOAH hearing on November 6, 2017. On October 10, 2017, the LSGCD Board of Directors was presented with the results of Task 3 of the and adopted the results of Run D as its new management goal, and directed LSGCD District Representative to bring the proposal for Run D to GMA 14 to pursue changes. The Parties in the DFC appeal then conferred and came to a settlement agreement, through special meetings of LSGCD Board of Directors and Conroe and Magnolia City Councils, supporting the decision to pursue Run D. Since the Final Order included a determination that the DFCs adopted by LSGCD were no longer reasonable due to the change in LSGCD management goals, the Final Order requires GMA 14 to come back together, review results and the proposal, and start the process to approve new or amended DFCs. A note was made by Mr. Martin that the obligations under 36.1083(p) were not triggered because the DFCs were not deemed unreasonable, but that the statute was triggered per the Final Order.

Run D focused on maintaining pumping levels adopted in the 2016 DFCs for all areas outside Montgomery County with pumping in Montgomery County gradually increased over time. This increase in pumping in Montgomery County is predicted to result in greater drawdowns for several areas both inside and outside of Montgomery County. Of note, while there is no timeline for this consideration in statute, the LSGCD Board of Directors is requesting an expedited timeline to address other pending issues in Montgomery County. The Run D proposal would result in new drawdowns and DFCs throughout the GMA. There could be an option to attempt to match current DFCs by adjusting pumping levels utilized in the 2016 DFC Resolution, but that wasn't what LSGCD did in Run D. One question LSGCD has discussed with TWDB was if we went through the entire DFC process to propose new DFCs consistent with Run D on this expedited schedule, would it count toward completion of the joint planning cycle which is to be completed by January 2022, or would we have to turn around and do an entire new round of joint planning between approval of Run D and January 2022. Since the DFCs would change substantially for all districts under Run D and GMA 14 would have to use new information from the 2017 State Water Plan, Run D would meet the GMA 14 districts obligation under the current cycle of joint planning and they would not have to do it all over again before January 2022. Alternatively, if the GMA 14 districts are unwilling to pursue Run D, they could try to pursue an option of keeping their current DFCs while changing LSGCD's DFCs to those in Run D by trying to adjust pumping in additional model runs that have not yet been performed, which might take substantial time and would result in lower pumping numbers for the other districts. In that case there might not be changes substantial enough to the other districts' DFCs to count for the third cycle of joint planning, and another round of DFCs would need to be developed and adopted by the deadlines in 2021-2022. However, the DFCs adopted on the scale that covers all of GMA 14 complicate that analysis. Mr. Sledge concluded that the settlement agreement and the Final Order resolved the DFC appeal but the District Court case remains an outstanding issue which is being worked on and is in mediation.

Mr. Holland asked if the options on the table for this proposal was to approve or disapprove an amendment to the 2016 DFCs or begin the third cycle of joint planning. Mr. Sledge noted that GMA 14 has a statutory obligation to revise the DFCs because of the Final Order from LSGCD, and that they could do that by amending the current DFCs or adopting new DFCs. Either way, what LSGCD is requesting is that GMA 14 adopt Run D.

Mr. Martin raised issue with the stated obligation with the fact the statute is triggered if the DFC is deemed "unreasonable" but the Final Order notes "no longer reasonable," which is different terminology and he does not believe GMA 14 is obligated to make changes. An astute observation, Mr. Sledge noted, but said he did not think it made a practical difference at this point, because GMA 14 has already convened within the 60 days required by the statute to begin the process of revising the DFCs, whether they were required to or not. And, although there is no timeline in statute for revising the DFC, the LSGCD board is requesting that GMA 14 an aggressive and expedited timeline for completing these revisions. Mr. Sledge noted that if GMA

14 adopts Run D, the third cycle would be met earlier than the deadline. If GMA 14 does not change the DFC to reflect Run D, but rather adjusts pumping outside of Montgomery County so that only the DFCs in Montgomery County are amended, then GMA 14 would probably not complete the requirements necessary for the third cycle.

Mr. Holland asked if we go down the path of amending the 2016 DFCs, why we would have to amend to the 2017 State Water Plan numbers when they were not the basis for consideration. Mr. Mullican noted that the DFCs are a reflection of what artesian water levels do in relation to the controllable input to the model of pumping. So to keep the DFCs the same would require tens to hundreds of model runs to manipulate the pumping to maintain the drawdowns outside Montgomery County in order to do a surgical change to Montgomery County and we would still have to have the third cycle adopted by January 5, 2022 using the 2017 State Water Plan numbers. Question is do you want to go through the surgical procedure which will not be simple and not knowing how the changes will impact or change things for everyone, or go through the expedited or non-expedited schedule of full change by pursuing Run D. Mr. Holland further questioned the surgical approach and whether manipulating the pumping and MAG would impact any current or proposed projects from obtaining funding that would be bumped because of a lack of yield in the State Water Plan before we could correct again by the 2022 deadline. Mr. Mullican acknowledged that scenario could be a possibility of the surgical approach. Mr. Holland asked about whether the change in management goals by LSGCD opens the door for projects coming on-line within this cycle that would benefit from the surgical approach that could not or would not wait for the 2022 Plan for taking immediate advantage for funding this round instead of next. Mr. Sledge was not aware of any projects that would come online as a result of this change. This is still in mediation on how Run D would be implemented in LSGCD's rules, and really only talking about the development of groundwater resources for growth over time.

Mr. Burkett asked if there was a deadline to have this settled. Mr. Sledge noted there is pressure and a desire to be done as expeditiously as possible, but no firm deadline. In response to a question by Mr. Burkett, Mr. Sledge noted that LSGCD's desire to pursue the LSGCD request for Run D, but on a much quicker timeline than dragging out to 2022, adding that its management plan and rules revisions would be waiting on the new DFCs. Mr. Burkett noted LSGCD has paid for significant modeling and efforts and asked if GMA 14 would be able to use that toward the consideration of DFC studies or will we have additional study to fund. Mr. Mullican stated we would be able to fully utilize everything done to this point from the LSGCD study.

Mr. Holland asked about the district management plan update and re-adoption requirements after new DFCs are adopted. Mr. French noted within two years of adoption, management plans must be updated. Mr. Holland noted that Mr. Martin had just completed a re-adoption, Mr. Burkett was in the process of completing his, and LSGCD and Bluebonnet GCD would be due in 2018, so would there be an ability to complete one single revision and re-adoption with the new

expedited cycle or would the GCD have to do two complete re-adoption processes of management plans. Mr. French commented that your five-year clock is reset when you re-adopt a management plan. Mr. Holland noted that Bluebonnet GCD would adopt useless numbers we know are in the process of being altered within months of adoption and then be required to re-adopt within two years of adoption of the new DFCs.

Mr. Mullican and Mr. Seifert began the technical presentation of Run D and the LSGCD study (see *Attachment "C" for Run D and LSGCD Study Presentation Report*). Judge Brieden asked for clarification of what this Study and the change in management goal did. As he understands, Montgomery County was under a restriction and that reduction was lifted and they could return to their previous pumping. Mr. Sledge clarified the reduction had already taken place but that users would be allowed to grow on groundwater until 2032 and delay the need for development of alternative supplies.

Mr. Turco asked for clarification of the study, if the model was adjusted anywhere besides the pumping in Montgomery County. Mr. Seifert confirmed and noted the Jasper layer tails off with fewer and fewer active cells in the model as it slopes toward the coast. Areas of higher decline averaged on smaller areas results in much higher average declines. Mr. Turco noted that with only pumping changes in Montgomery County that the effects of drawdowns were very widespread outside of Montgomery County, which are to be expected in neighboring counties but not necessarily Fort Bend and others further removed. Mr. Seifert made reference to transmissivity throughout the model. Mr. Turco also noted the average subsidence maps which means some areas were greater and others lower than the average mentioned, which Mr. Seifert confirmed.

Ms. Jones called for a discussion regarding the issue of and process for identifying commonalities and differences between the rules of the various districts that manage groundwater resources in GMA 14 and the reasons for these commonalities and differences. Ms. Jones framed the discussion with the background of legislative inquiries and bills filed in the previous session and work within the Texas Alliance of Groundwater Districts. Mr. Sledge outlined the legislative background and the related interim charges and Mr. Ashmore laid out his efforts to propose a way to build upon the efforts of other GMAs to obtain the information from the districts and advance discussions between them. Mr. Ashmore noted that this was not a firm or complete list and encouraged input on items that would be beneficial to include. Ms. Jones noted that much of the discussion regarding layout and items had incorporated the next agenda item of discussion regarding identifying the various services provided by the districts that manage groundwater resources in GMA 14. The template would be distributed through the group and Mr. Ashmore would be the point of contact for this data collection.

Ms. Jones noted that the next agenda item of discussion regarding joint planning schedule and budget needs may be premature as action on the path forward had not been decided. Ms. Jones asked Mr. Mullican to lay out the expedited schedule that had been discussed internally as part of

the mediation efforts. Mr. Burkett interjected and asked that now that we have had the options discussed in the previous agenda item that it would be helpful to hear the option to timeline outline of the proposal and alternatives, the time and money associated with the option. Mr. Turco added there was confusion as to the discussion being framed around a future agenda item outside the Interlocal Participants meeting, where the Participants did not have a vote but could or would have information, regulatory plan updates, or be asked to financially support the efforts that would be pertinent to the decision and discussion. Mr. Turco noted that the HGSD would be in the process of completing their regulatory plan update by the 2020 timeline and would hate for the group to complete the joint planning cycle just to have to restart the process or further amend with even more additional information. Mr. Sledge began with re-outlining the options moving forward, expedited or five-year cycle, and noted the overall costs would be the same for the expedited option, just on an accelerated basis. Scheduling individual meetings on factors was great, but on the expedited schedule monthly meetings on the factors would be proposed rather than having several months between meetings but to preserve the scheduling and process taken in the previous cycle. Mr. Holland asked for clarification on the timeline difference between the expedited and five-year cycle. Mr. Mullican answered that there is considerable interest in getting new DFC/MAG completed as soon as possible with a hypothetical plan of monthly meetings to complete cycle by March-April 2019. Mr. Mullican noted the need for first meeting to have candid discussion on lessons learned from the second cycle and develop the scope of work with those lessons learned in mind. Mr. Sledge noted the approach was targeted to cause the least amount of impact to the other districts while addressing the regulatory and permitting limbo LSGCD is in as a result of this management objective change. Hopefully at least some of the work from the second cycle will be fresh enough to be used in this cycle with only minor alterations for the changes to data and the 2017 State Water Plan. Mr. Mullican noted that at the beginning of the last cycle, before delays in the TWDB approval of the GAM derailed our efforts, we wanted the DFCs to align to the 2017 State Water Plan. The expedited schedule would result in the new DFCs being available in time for use in the 2022 State Water Plan and be the only GMA to do so. Mr. French added the draft 2022 State Water Plans are due March 2020 which would have MAGs that would be utilized in the next plan and TWDB would have to have any DFCs nine months prior to generate new MAGs.

Ms. Jones adjourned the meeting of the GMA 14 Interlocal Agreement Participants and reconvening the Joint Planning Group meeting at 12:34 PM.

Meeting of the GMA 14 Joint Planning Interlocal Agreement Participants adjourned.

Ms. Jones reconvened the GMA 14 meeting and called for the annual review by districts of management plans (*see Attachment "D" for Management Plans*). Ms. Jones recognized Mr. Martin who began this conversation as Southeast Texas GCD recently updated and readopted their management plan.

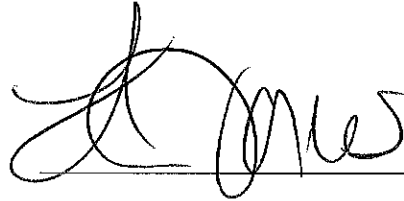
Ms. Jones called for a presentation and discussion by districts of recent activities of interest or accomplishments impacting the GMA 14 planning group. Mr. Martin noted a good year and looking forward to the next. Mr. Ashmore, Ms. Jones, Mr. Holland, and Mr. Burkett did not have any activities of interest to note. Mr. Turco noted an ongoing study being conducted by the HGSD and FBSD to evaluate the risk of subsidence in the Jasper Aquifer as it relates to brackish groundwater resources in Harris and Fort Bend counties that should be completed at the end of the calendar year, an aquifer storage and recovery study using Brazos River water that should be completed in 2018, and will begin the regulatory plan update at the end of 2018.

Ms. Jones next asked for discussion and consideration of any proposals to adopt new or amend existing desired future conditions, including without limitation review of the procedures, information, legal issues, technical issues, and financial issues related to any such proposals and determining whether any such proposals should be formally considered under the administrative procedures of GMA 14. Ms. Jones summarized the previous discussions and background on LSGCD's request for GMA 14 to revise the DFCs consistent with Run D. Mr. Holland and Mr. Burkett stated they would not be supportive of the surgical approach to amend only LSGCD's DFCs instead of the request submitted by LSGCD to consider Run D. Ms. Jones made the motion to approve for formal consideration "Run D" submitted by LSGCD to begin the process of adopting new DFCs. The motion was seconded by Mr. Ashmore. Mr. Martin opened discussion by asking about reactions to the significant changes in drawdowns moving forward with individual districts. Mr. Ashmore acknowledged the significant changes, but must go through the process to flesh them out more. Mr. Holland echoed and stated that there was much more information to be considered prior to adoption that would be part of the factors of consideration which had not been presented to date. Mr. Martin called for a vote and the motion carried unanimously.

Ms. Jones asked for any other business. Hearing none, Mr. Jones called for discussion of next meeting date, location, and agenda items. The next meeting was recommended for January to be held at the offices of the Lone Star Groundwater Conservation District, located at 655 Conroe Park North, Conroe, Texas 77303. After not being able to agree to a specific date, Ms. Jones noted she would poll the group on their availability for several January dates and select from everyone's availability and notify the group. Noted agenda items for consideration were scope of work, scope of RFQ for consultant, visual timeline of proposal and previous cycle, discussion of data collected by Mr. Ashmore on the commonalities and differences between districts, and financials.

Without further discussion or comment and there being no further business, the meeting was adjourned at 12:53 PM.


PASSED, APPROVED, AND ADOPTED THIS 24 day of January



A handwritten signature in black ink, appearing to read 'D. Jones', is written over a horizontal line.

Chairman

ATTEST:



A handwritten signature in black ink, appearing to read 'Z. Hill', is written over a horizontal line.

Secretary