

LOST PINES GROUNDWATER CONSERVATION DISTRICT

Board Meeting
Thursday, October 27, 2022 - 7:00 p.m.

American Legion - Post 533
3003 Loop 160 E
Bastrop, TX 78602

AGENDA

The subjects to be discussed or considered, or upon which any formal actions may be taken, are as listed below. Items may or may not be taken in the same order as shown on the meeting notice.

- 1) Call to Order, Establish Quorum, Welcome and Introductions - President Sheril Smith
- 2) Public Comments - limit 3 minutes each person.
 - a) Non-Agenda Items
 - b) Agenda Items
- 3) Regular Agenda:
 - a) Discussion, consideration, and possible action on the purchase or lease of real property for the District office.
 - b) Discussion, consideration, and possible action on a resolution establishing a District-wide temporary moratorium on the acceptance and processing of new non-exempt operating and transport permit applications or applications to amend existing non-exempt operating and transport permits.
- 4) Executive Session:
 - a) Executive session of the Board pursuant to Tex. Gov't Code section 551.072, or any closed session permitted by law, on Item 3(a) related to the purchase, lease, or value of real property for the District office.
 - b) Executive session of the Board pursuant to Tex. Gov't Code section 551.071, or any closed session permitted by law, to consult with its attorneys and seek advice regarding Item 3(b) relating to establishing a District-wide temporary moratorium on the acceptance and processing of new non-exempt operating and transport permit applications or applications to amend existing non-exempt operating and transport permits.

Adjourn.

Date:

Oct 24 2022

Peggy Campbell
Peggy Campbell, Assistant Secretary

FILED AND RECORDED

FILED

OCT 24 2022

Krista Bartsch
Bastrop County Clerk

OCT 24 2022

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Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

Note: The Board may recess into Executive Session to consult with its attorneys regarding any posted matter in which the Board may seek the advice of its attorneys under Government Code 551.071 or for any action on the agenda for which a closed session is permitted by law, and will reconvene in open session for any appropriate action on any matter considered in Executive Session.

Note on Public Comments: The Board will receive comments from the public on any matters within the jurisdiction of the Lost Pines Groundwater Conservation District. However, the Board will not hear public comments related to any contested case hearing or other litigation matter that is subject to a prohibition on ex parte communications (including a contested permitting matter) between the conclusion of the public hearing for such matter and the date the Board considers a proposal for decision or renders a final decision on the matter. The Board will not take action on public comments, but may request that matters addressed during public comments be placed on a future agenda for consideration.

Persons with disabilities who plan to attend the District's agenda and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print, or Braille are requested to contact Peggy Campion, Assistant Secretary, at 512-360-5088 at least two (2) work days prior to the agenda, so that appropriate arrangements can be made. Persons who desire the assistance of an interpreter in conjunction with their oral presentation at this district agenda are requested to contact Peggy Campion, Assistant Secretary, at 512-360-5088 at least five (5) days prior to the agenda so that appropriate arrangements can be made.

FILED

OCT 24 2022

Krista Bartsch
Bastrop County Clerk

FILED AND RECORDED

OCT 24 2022



Sharon Blasig
SHARON BLASIG
COUNTY CLERK, LEE COUNTY, TEXAS

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Oct. 24, 2022


Peggy Champion, Assistant Secretary

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**RESOLUTION DECLARING A TEMPORARY MORATORIUM OF THE
LOST PINES GROUNDWATER CONSERVATION DISTRICT ON
PROCESSING AND PERMITTING NEW NON-EXEMPT OPERATING AND
TRANSPORT PERMIT APPLICATIONS AND SOME APPLICATIONS TO
AMEND NON-EXEMPT OPERATING AND TRANSPORT PERMITS**

WHEREAS, the Lost Pines Groundwater Conservation District (the “District”) was created in 1999 by Senate Bill 1911, 76th Texas Legislature, pursuant to Section 59, Article 16 of the Texas Constitution and Article 7880-3c, Texas Civil Statutes (now Chapter 36, Texas Water Code); ratified by the 77th Texas Legislature in 2001, and confirmed by voters in Bastrop and Lee Counties in November 2002;

WHEREAS, the District was created by the Legislature to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater in regard to the aquifers within the boundaries of the District;

WHEREAS, the District was also created to protect property rights, balance the conservation and development of groundwater to meet the needs of this State, and use the best available science in the conservation and development of groundwater through rules developed, adopted, and promulgated by the district;

WHEREAS, pursuant to rulemaking authority granted to the District in Tex. Water Code 36.101 and other legal authority, the District Board of Directors has adopted rules and orders designed to regulate the use of groundwater within the District’s boundaries (“Rules”); and

WHEREAS, pursuant to Texas Water Code § 36.1071, the District is mandated to adopt a comprehensive management plan that includes the District’s Desired Future Conditions (“DFCs”) for the aquifers in the District and the Texas Water Development Board’s (“TWDB”) modeled available groundwater (“MAG”) based on the DFCs;

WHEREAS, pursuant to Texas Water Code § 36.1071(f), the District must adopt rules necessary to implement the management plan;

WHEREAS, as of October 27, 2022, the Board meeting at which this Resolution was considered, the District had not received the MAGs from the TWDB;

WHEREAS, at the October 19, 2022, Board meeting, the District adopted amendments to its Management Plan’s mission, goals, objectives, and performance standards;

WHEREAS, the Board seeks a reasonable timeframe to allow the District to (i) receive the MAGs from the TWDB; (ii) evaluate the District Rules and propose amendments to the District’s Rules to incorporate the amendments to the Management Plan; (iii) determine if any legislative actions in the upcoming 88th Session of the Texas Legislature impact the District, its

rules, or its management plan; and (iv) provide recommendations to the Board to consider amendments to the District Rules;

WHEREAS, until the District's MAGs are finalized and upcoming legislative session has ended, the District Board finds that caution should be exercised with respect to new groundwater authorized to be produced within the District;

NOW, THEREFORE, BE IT RESOLVED that, effective immediately upon adoption of this resolution through July 1, 2023, or until the end of any special session of the Texas Legislature and further resolution of this matter by the Board, whichever occurs first ("Term"), and, in order to fulfill its obligations to regulate the groundwater in the District, the District Board of Directors hereby:

(1) directs the District, through the general manager, to cease all activities related to accepting applications for any new non-exempt operating and transport permits, and any amendments to non-exempt operating and transport permits if those amendments would result in an increase in authorized groundwater production ("Prohibited Applications"); and

(2) directs the District, through the general manager, to continue to accept, review and process pending applications of any type already received by the District, and accept, review and process exempt well registrations, non-exempt operating permit renewals, non-exempt transport permit renewals, amendments to non-exempt permits that do not increase the authorized groundwater production amount, permit ownership transfers, and replacement wells so long as each request does not result in an increase in authorized production ("Exceptions");

(3) directs the general manager to update the Board quarterly during the Term regarding processing of any Exceptions, as defined herein, and any TWDB and legislative updates regarding the District; and

(4) FURTHERMORE, it is the intention of the District Board of Directors that the moratorium on Prohibited Applications only applies to the applications received on, or after, the effective date of this resolution and will not affect applications currently pending before the District.

PASSED, APPROVED, AND EFFECTIVE on October 27, 2022.

Sheril Smith, President

ATTEST:

Elvis Hernandez Secretary/Treasurer