

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, July 14, 2021

The Board of Directors convened at 7:00 p.m. in an in person/telephonic/video conference meeting pursuant to public notice having been given, pursuant to the Office of the Governor's temporary suspension of certain open meetings act laws due to the novel coronavirus. The following members of the Board were present: President Michael Talbot; Vice-President Sheril Smith; Secretary-Treasurer Michael Simmang; Directors: Herbert Cook, Billy Sherrill and Carl Steinbach.

Recused board members present and not participating: Phil Cook, David Fleming and Kay Rogers.

Staff members present: Jim Totten, General Manager; and Peggy Campion.

Consultants present: Natasha Martin, Attorney on behalf of the General Manager and Greg Ellis, Special Counsel.

1. President Talbot called the meeting to order.
2. Welcome and introductions.
3. *Public Comments.* The Board heard comments from the public.

4. *Final Hearing on applications of Lower Colorado River Authority for Operating Permits and Transport Permits for 8 wells located in Bastrop County, Texas and the Administrative Law Judges' Proposal for Decision issued in SOAH Docket No. 952-1900705 recommending granting said permits in an aggregate amount of 25,000 acre-feet of water per year from the Simsboro Aquifer along with other terms and conditions.* Directors Fleming, P. Cook and Rogers were recused from this agenda item. Special Counsel Ellis advised the Board as to what can be considered when determining a decision on the hearing. Special Counsel Ellis had questions for each of the attorneys to answer. The first was if the references to waste should be removed. The Board heard from Emily Rogers, Counsel for Lower Colorado River Authority (LCRA), who believed the reference to waste should be removed. The Board then heard from Natasha Martin, attorney for General Manager Totten, Don Grissom, Attorney for Brown Landowners, Marisa Perales, Attorney for Environmental Stewardship, Paul Terrill, Attorney for Recharge Water, Mike Gershon, Attorney for Aqua WSC and Cole Ruiz, Attorney for City of Elgin. The attorneys for the General Manager and the Protestants were in agreement that references to waste be kept in place. Emily Rogers, Attorney for LCRA, presented her rebuttal and answered questions from the Board. The attorneys were then asked their position on the waiver of the pump test requirement. Ms. Rogers, Attorney for LCRA, stated that the District's 2016 rules allowed the General Manager to waive the pump test requirement. The Attorney for the General Manager also stated that the pump test could be waived and supported requiring LCRA to pump before water is produced.

Attorneys for the General Manager and Protestants support requiring a pump test before permit issuance with the attorney for Environmental Stewardship having no position on the matter. After taking questions from the Board and Special Counsel Ellis, the Board went into executive session at 8:17 p.m. At the conclusion of the closed meeting, the Board went back into open meeting. After returning to open session at 9:05 p.m., President Talbot noted that Director Schatte joined the meeting during executive session and that no action had been taken. Greg Ellis, Special Counsel to the Board, recommended that the Board continue the hearing to a future date to allow more time to consider the pump test issue. President Talbot called for a motion. Director Steinbach moved to continue the hearing to a future date. Vice-President Smith seconded the motion, which carried unanimously.

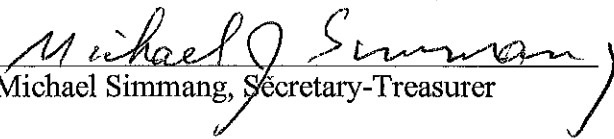
5. *Consideration of and possible action on the applications of Lower Colorado River Authority for Operating Permits and Transport Permits for 8 wells located in Bastrop County, Texas and to withdraw an aggregate amount of 25,000 acre-feet of water per year from the Simsboro Aquifer to be used in Bastrop, Lee and Travis Counties.* With the final hearing continued to a later date, no action was taken on this item.

President Talbot adjourned the meeting at 9:11 p.m.

Approved:



Sheril Smith, President



Michael Simmang, Secretary-Treasurer