

Lost Pines Groundwater Conservation District

Board of Directors Agenda Minutes

Wednesday, September 20, 2023

The Board of Directors convened at 6:05 p.m. in a meeting pursuant to public notice having been given, at Elgin Public Library City Center, City Council Chambers, Elgin, Texas. The following members of the Board were present: President Elvis Hernandez; Vice-President Kathryn Rogers; Secretary-Treasurer Michael Simmang; Directors: Melissa Cole, Herbert Cook, Phil Cook, Larry Schatte, Billy Sherrill and Sheril Smith.

Staff members present: Jim Totten, General Manager, Peggy Campion, Dana Goertz and Javier Saenz.

Consultants present: Natasha Martin, Attorney and Dr. Bill Hutchison, Allan Standen and Vince Clause, Hydrogeologists.

President Hernandez called the meeting to order, welcomed the public and recognized Stan Gerdes, State Representative, Texas House, District 17.

2. *Public Comments.* The Board heard public comments from Rodney Exner and Nancy McKee.

3. *Consent Agenda:*

- a. *Minutes of the June 21, 2023 Rules Hearing and regular Board meeting.*
- b. *Financial report through June 30, 2023*
- c. *Invoices received and payments greater than \$5,000.00*
- d. *Water well monitoring update.*
- e. *Recent and future educational opportunities, calendar and events.*

Director P. Cook requested that item c. be pulled from the consent agenda. Director Cole moved to approve the consent agenda with item c. removed. Vice-President Rogers seconded the motion, which carried unanimously. Director P. Cook requested clarification on an invoice from Amazing Floors. After receiving an explanation on the invoice, Director H. Cook moved to approve 3 c. Director P. Cook seconded the motion, which carried unanimously.

4. *Regular Agenda:*

a. *Announcements.* Vice-President Rogers reported on the Groundwater Summit that she attended in August. Please see attached report.

b. *Continued public hearing regarding the applications of Thomas Turfgrass for Operating Permits for four wells in Bastrop County under District Well Nos. 5-47-9-0018, 58-47-9-0021, 58-47-9-0022, and 58-47-9-0020 in the Carrizo Aquifer, and to withdraw a total production of 3,950 acre-feet of water per year combined to be used for irrigation purposes on the Six Sprigs Farm in*

Bastrop County. Applicant further requested to aggregate annual and instantaneous withdrawals from the four wells. At 6:23 p.m., President Hernandez opened the public hearing. Natasha Martin, General Counsel for the District, reviewed the process for the public hearing and general groundwater conservation district jurisdiction. General Manager Totten reviewed the amended draft permit for the Board and then answered questions concerning the application from President Hernandez, Vice-President Rogers, Directors P. Cook and Smith. Dr. Bill Hutchison then gave a report to the Board and answered questions from President Hernandez and Director P. Cook. The Board then heard comments from Tom Glass, Jesse Akins, Andy Weir, Jim Miller, Bill Gammerdinger and Jay Watson. Mr. Watson answered questions from President Hernandez. The Board also heard comments from Wallace Hart, David Hess and David Kohler. Richard Kerzee, Attorney for Thomas Turfgrass, Seth Thomas with Thomas Turfgrass, John Seiffert, Hydrogeologist, Thomas Turfgrass, Trey Nesloney, Attorney for Thomas Turfgrass and Emory Thomas, owner of Thomas Turfgrass gave comments to the Board. Thomas Turfgrass representatives answered questions from the Board. At 9:08 p.m., President Hernandez closed the public hearing. The Board went into executive session at 9:09 to discuss agenda item 4b. pursuant to Texas Government Code Sec. 551.071, or any closed session permitted by law, to consult with its attorney. At the conclusion of the closed meeting, the Board went back into open meeting at 9:40 p.m. President Hernandez announced that no votes were taken during the closed meeting and will be postponed to a later agenda.

c. *Discussion, consideration of and possible action on the Thomas Turfgrass applications as described in Item 4(b) and the request to aggregate production described under Item 4(b).* There was no discussion on this agenda item.

d. *Discussion, consideration of and possible action on a resolution approving participation in the Bureau of Reclamation WaterSmart Applied Science Grant Program.* General Manager Totten provided background on the cost sharing grant and recommended a 50/50 share. Secretary-Treasurer Simmang moved to approve the 50/50 cost share. Vice-President Rogers seconded the motion, which carried unanimously. Director Cole then moved to approve the resolution approving participation in the Bureau of Reclamation WaterSmart Applied Science Grant Program. Secretary-Treasurer Simmang seconded the motion, which carried unanimously.

e. *Committee Reports with possible Board discussion. No action will be taken.*

i. *Financial Services Committee.* The financial services committee did not meet.

ii. *Governance Committee.* President Hernandez reported that the governance committee had met. Please see attached report.

iii. *Infrastructure Committee.* The infrastructure committee did not meet. Director H. Cook gave an update on the new office building.

iv. *Education Outreach Committee.* The education outreach committee did not meet.

v. *Management Committee.* The management committee did not meet.

f. *General Manager's Report.* President Elvis Hernandez next recognized General Manager Totten to present the General Manager's report. Please see attached.

g. *Hydrogeologist's Report.* There was no report given.

h. Discussion of Lost Pines groundwater Conservation District legislation, related legislation and/or activities occurring that affect or pertain to the District and groundwater. There was no legislative report given.

i. Consideration of future agenda items. There will be a springs initiative presentation by the Texas Water Development Board on a future agenda.

j. Discussion, consideration, and possible action on District Board meeting calendar. There was nothing at this time.


k. Set date and location of next meeting. The next regular Board meeting will be held October 25, 2023 at City of Giddings Council Chambers, Giddings, Texas.

President Hernandez adjourned the meeting at 10:04 p.m.

Approved:



Elvis Hernandez, President



Michael Simmang, Secretary-Treasurer

Texas Alliance of Groundwater Districts Summit 2023

The Texas Alliance of Groundwater Districts held its 2023 Groundwater Summit in San Antonio August 29-31. Over 400 people attended, and soon, they will put the entire recorded presentations on their Youtube channel, which can be freely accessed by anyone. I can recommend several segments:

TexMesonet by the Texas Water Development Board concerning their ongoing mesoscale network of weather stations across Texas. They are actively recruiting locations, requiring a dedicated 40'x40' parcel, not near any highways nor any large bodies of water. If interested, please call 512-463-7847. I looked at the map and didn't see any locations within our district, so it would be nice if someone was interested.

Managing Groundwater in a Drought panel discussion was quite good, Charlie Flatten of Hays Trinity GCD was on the panel and had much to say about Education outreach in their communities

Correlative Rights Panel discussion was very appropriate and worth a viewing

Keynote address by the new Executive3 Director of Texas Parks and Wildlife had a very informative and graphic presentation comparing the droughts of 2011, 2022 and 2023 in vivid technicolor

These are just a few highlights. I have the program if you'd like to borrow, or of course everything is on the website at texasgroundwater.org

Kay Rogers

Lost Pines Groundwater Conservation District

P. O. BOX 1027
Smithville, TX 78957

Attachment

MEMORANDUM

DATE: September 20th, 2023
TO: President and Board of Directors
FROM: General Manager & Staff
SUBJECT: September 2023 General Manager's Report

1. Statistics Exempt Wells:
LPGCD Form 100's Drilling Permits received
August 1st through August 31st 2023 (20)
LPGCD Form 300's Certificate of Registrations received
August 1st through August 31st 2023 (0)

Wells plugged: 0 Water quality test: 10 Wells gauged: 29

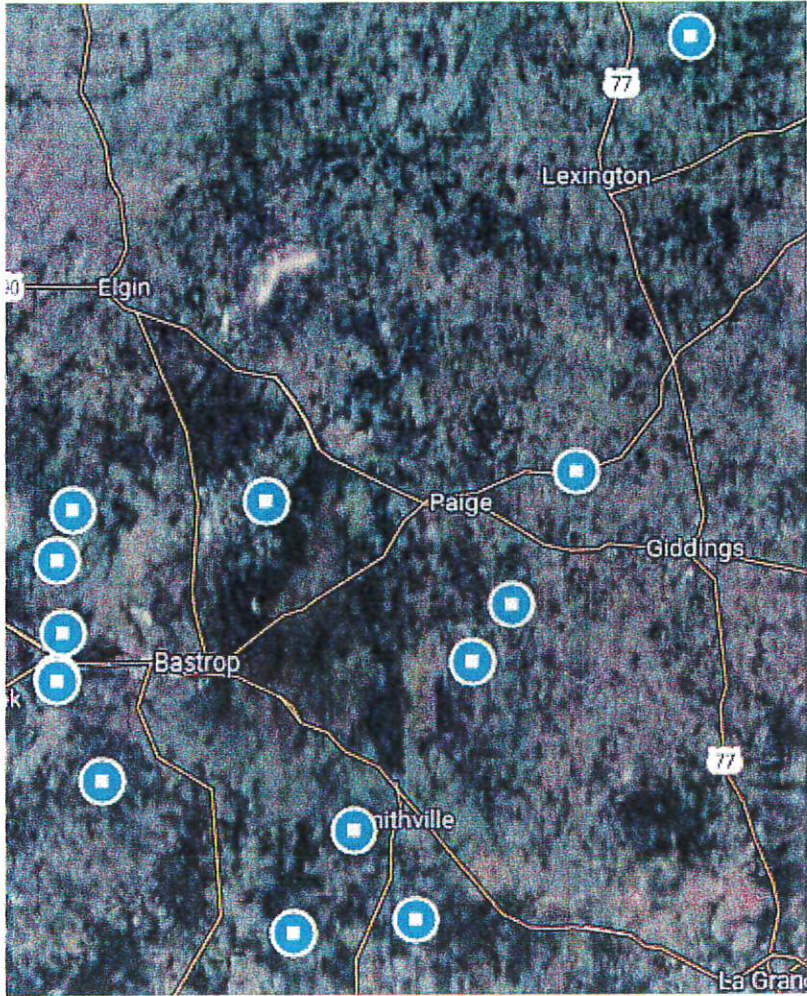
Drought Conditions: One hundred percent of Lee County is reported as experiencing D4 exceptional drought conditions. Approximately ninety-eight percent of Bastrop County is reported as experiencing D4 exceptional drought conditions while the remaining two percent is experiencing extreme (D3) drought.
(Drought.gov)

	Bastrop County	Lee County
August	Extreme Drought (D3) 37% Moderate Drought (D2) 63%	Extreme Drought (D3) 43% Moderate Drought (D2) 57%
September	Exceptional Drought (D4) 98.4% Extreme Drought (D3) 100%	Exceptional Drought (D4) 100%

1. GMA 12 met on August 24th at the POSGCD offices in Milano. A memo summarizing the meeting was sent out to the Board on August 30th and is attached to this report. The GMA has solicited feedback from the respective boards regarding the definitions of some of the considerations required in the DFC process. Also the GMA has proposed a limited meeting of committees from each District to begin discussing an outline for shared mitigation programs.
2. The office renovations are proceeding with the ceiling tiles and emergency lighting being installed. Additionally, the flooring and cabinets have been installed. District staff is working on getting quotes for A/V equipment for the meeting space and quotes for IT infrastructure support.
3. The District has received three responses so far to the reposted Education and Outreach Coordinator position. The District staff are working to schedule online interviews with the applicants and the E/O Committee.
4. The second meeting of the stakeholder rules advisory committee took place on the 24th of August at the Giddings Public Library. The agenda included presentations from the district's consulting hydrogeologist and the general manager of the Guadalupe County Underground Water Conservation District. A summary of the meeting is included in the packet. The third stakeholder committee meeting is next Wednesday at the offices of Aqua WSC in Bastrop.
5. Pending Permits:
 - i. Manville WSC, Aqua WSC planned for the regular November meeting

6. Upcoming meetings

- i. GMA 12, October 26th 10 a.m. POSGCD Offices, Milano TX and online
- ii. Region K, October 4th 10 a.m. LCRA Dalcau Center





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James Totten, General Manager

Date: 8/30/23

To: Lost Pines GCD Board of Directors

From: General Manager

Subject: GMA 12 meeting discussion points and questions (8.24.23)

The GMA 12 on the 24th of August ended up producing some interesting discussion and ideas about how to proceed in the current planning cycle. There was no formal action at the GMA on most of the ideas that were discussed instead the GMA decided it was better to bring some of the concepts back to the respective boards for feedback.

1) The representatives of GMA 12 agreed in principle that the GMA needed to have a single well defined and documented method for calculating drawdowns and other interpreting results from model runs. Historically, slight differences in the methods for evaluating data from model runs resulted in the need for the variance to allow for differences in how the data from the model was interpreted. By agreeing to a create a single defined, documented method the GMA is hoping to remove the need to have variances in this and future planning cycles. I have already spoke with Bill Hutchison and asked him to begin developing a program similar to the ones used in other GMAs that can be used by both the GMA, the Texas Water Development Board and the general public to interpret data from GAM runs associated with the development of desired future conditions. The program will also include a conversion between draw downs and remaining artesian head so that the two metrics can be evaluated together for each run.

2) There was discussion about weighting existing permits within each District based on whether or not the permits were associated with projects listed in the state water plans such that permits not connected to specific projects would have less weight in pumping scenarios that the GMA considers. This is idea that is worth further consideration and discussion.

3) The GMA would like each District to provide feedback and direction regarding how the nine factors included in Chapter 36.108 (d-2) are interpreted by each board of directors. For the October meeting the focus is on the first three factors:

(1) aquifer uses or conditions within the management area, including conditions that differ substantially from one geographic area to another;

Board of Directors

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James Totten, General Manager

In previous cycles this consideration focused on, existing uses (not permits) and changes in water levels in the formations in each District. I suspect that cross boundary impacts will take on a larger role in the discussions in this cycle relative to previous cycles.

(2) the water supply needs and water management strategies included in the state water plan;

This items is almost completely demand driven as it focuses on the needs and strategies in the state plan. For those who have not read the state plan, strategies can include increases of efficiency, new source development, water transfers or other actions that could be expected to allow a water user group to meet future demands.

(3) hydrological conditions, including for each aquifer in the management area the total estimated recoverable storage as provided by the executive administrator, and the average annual recharge, inflows, and discharge;

The TERS number has been a challenge for the Districts and GMA 12 in general as it represents an estimate of all water stored in the Carrizo Wilcox formation. This is an understandably large volume of water even though it is unlikely that the total volume could ever be economically produced. Estimates of average annual recharge, inflows and discharge are general derived from the GAM along with the TERS. In this cycle the GMA has agreed that water budgets at the GCD and county level showing any changes to inflows and discharge should be developed and included with any GAM to allow for comparison between different pumping scenarios.

If you have suggestions as to other items that should be added to the three considerations above or ideas as to how these three considerations should be defined please send them to me and I'll compile the Boards responses for further discussion.

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4) There were further discussion of shared mitigation programs, at least between the three central districts in GMA 12. The two main points of discussion were the lack of legislative clarity that public funds could be expended for mitigation outside of a District's boundaries and the need to develop common goals and procedures for any shared mitigation programs. Unfortunately, addressing the first topic will likely require another act by the legislature to clearly state that the provisions of HB 3059 are not limited to only activities within a District. However, to begin addressing the second discussion point it was suggested that two members from each of the boards of Brazos Valley GCD, Post Oak GCD and Lost Pines GCD begin meeting along with District staff to begin crafting an outline for how shared mitigation programs between the District would function.

5) In a significant departure from previous planning cycles the GMA discussed adopting preliminary (not proposed) desired future conditions that mirror those adopted in the last planning cycle with the intent of conducting hearings and gathering comments on the DFCs in light of current conditions in each District. The comments on the preliminary DFCs could then be used in conjunction with an evaluation of the nine factors from 36.108 to guide the process for developing proposed desired future conditions. The end result of this process would be that each district would have at least two, if not more, hearing on possible desired future conditions before the GMA developed the proposed DFCs that would be sent to each District for hearings.

6) The discussion of the MAG peak factor was tabled pending further information from the Texas Water Development Board. The original driver for including the peak factor on the agenda stemmed from a water user group in MidEast Texas GCD whose water strategy in the current state water plan planning cycle is going to be determined to be infeasible due to the reduction in the MAG for the Hooper formation in METGCD under the newly approved desired futures conditions. I anticipate that any future discussion on this item in the near term will be restricted solely to applying a peak factor to the Hooper MAG in METGCD.

If you have any thoughts, comments or suggestions on these points please send them along to me and I'll put them together as comments from the Board back to the GMA on these topics.

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