Hays Trinity Groundwater Conservation District

Minutes for Open Meeting/Public Hearing of the Hays Trinity Groundwater Conservation District

Date: Thursday, April 2, 2020
Time: 4:00 pm
Teleconference

4:05 p.m.: Board Meeting Called to Order

Board Present: Linda Kaye Rogers - President, Holly Fults – Vice President, John Worrall – Secretary/Treasurer, Doc Jones, and Jeff Shaw

Board Absent: None

Staff Present: Charlie Flatten – General Manager, Kayla Shearhart – Assistant General Manager, Philip Webster - Hydrogeologist, Keaton Hoelscher – Geo-Technician

- **Board Roll Call:**
  Charlie Flatten:
  - Roll call, a quorum of the Board is present.
- **General Public Comment(s):** Mark Key, and Jimmy Skipton
- **General Comments and Announcements from Board & Staff:** None

General Manager's Report:
Charlie Flatten:
- District worked hard to adapt to working from home, following State and Local authorities.
- By order of the Governor, the District Office has been closed to visitors.
- Staff will take calls and conduct business as long as practicably able.
- Implemented a remote meeting platform that conforms to the Attorney General's relaxation of the Open Meetings Act.
- Met with Barton Springs Edwards Aquifer Conservation District (BSEACD) on how to implement the JWGMZ.
- Attended meetings with Water Supply Companies, other GCDs, and Hays County Commissioners.
- Attended meetings with recipients of Notices of Alleged Violation.
- Met with Water Supply Companies' staff to come to compromises on Rule 13 language.
- Staff has been working on JWGMZ background work, including press releases, webpage updates, FAQs, drought implementation, etc.
- Continuing work on the 2019 Annual Report and updating forms.
- 8 new well registrations in March 2020.
- 3 new public water supply connections in March 2020 (2 – Aqua TX; 1 – WWSC; 0 – DSWSC).

Status of Drought Briefing:
Charlie Flatten:
- Perdernales River and Blanco River still remain below drought levels.
- The trigger for the new JWGMZ indicates we should be in highest level of drought; the 10-day running average discharge has fallen below 3 cubic feet per second (cfs).

Science Update:
Keaton Hoelscher:
- On March 6, District received notice of the Arrowhead Ranch Phase 5 project, located on Arrohead Ranch Blvd and Hwy 290. District sent comments to send back to TCEQ on March 10.
- On March 10, District received notice of the Dripping Springs Elementary School 5 project, located at Darden Hill Road and Sawyer Ranch Road. Currently working on comments.
- On March 13, District received notice of the 7-11 Store project, located on 17118 W Hwy 290. Currently working on comments.

Philip Webster:
- Burton Well has been completed; the District is still collecting data.

Philip was accidentally dropped from the call; his report is continued later in the meeting (at 25 minutes and 31 seconds in the recording).

- The county-wide modeling and the Jacob's Well dye-trace study projects are on hold until further notice.

Consent Items

Item #1: Approval of Bank Reconciliations & Monthly Invoices

Item #2: Approval of January, February, and March Financial Report, Balance Sheet and, Budget to Actual Report

Item #3: Approval of March 5, 2020 Board Meeting Minutes

Board & Staff Discussion:

John Worrall:

- Concerning Item #1 & Item #2, we have fallen behind by several months due to his absence last month, and because the former bookkeeper made some errors, and the new bookkeeper has corrected those.
- Seeking board approval of the January, February, and March Balance Sheets and Budget to Actual Reports.

Public Comment(s): Jimmy Skipton

Board & Staff Discussion:

John Worrall:

- Revenues were not as much as expected this year.
- District is on budget for most things.
- The District is over budget on the Dedicated Well Project, which may be due in part because it was expected to be completed last year.

Charlie:

- It also might be due to the fact that the budget is spread out on a monthly basis, and the District received one large bill at the beginning of the year.

John Worrall:

- Legal fees are also considerably higher than budgeted.
- Part of the issue is that we have split the budget on a monthly basis, and the District is billed on a quarterly basis.
- It may also be due, in part, to the promulgation of Rule 15.
- Balance Sheet: About $845,000 in the money market account; about $30,000 in checking account; total of about $875,000 in liquid assets.

Motion:

Doc Jones: Motion to accept financial reports as presented.
Jeff Shaw: Seconded

Vote: 5-0 In Favor (Doc Jones, John Worrall, Holly Fults, Jeff Shaw, and Linda Kaye Rogers); motion passed

Motion:

John Worrall: Motion to approve minutes from March 5, 2020.
Jeff Shaw & Doc Jones: Seconded.

Vote: 5-0 In Favor (Doc Jones, John Worrall, Holly Fults, Jeff Shaw, and Linda Kaye Rogers; motion passed

Discussion and Possible Action

Item #4: Approval of operating permit amendment application for Camp Young Judaea

Public Comment(s): Jimmy Skipton, David Baker, Mark Key, and Eddie McCarthy

Board and Staff Discussion:

Philip Webster:

- Using data gathered during the Camp Young Judaea pump test, staff was unable to assess any long-term impact on Jacob's Well.
- No short-term impacts were recorded during the pump test, however the lower resolution of the USGS gage at Jacob's Well would not be able to pick up small impacts.
- There were impacts on a neighboring well during the pump test.

Motion:

Doc Jones: Motion to approve the permit amendment for Camp Young Judaea.
Jeff Shaw and John Worrall: Seconded.

Vote: 5-0 In Favor (John Worrall, Doc Jones, Jeff Shaw, Holly Fults, Linda Kaye Rogers); motion passed

Item #5: Approval for District to use Direct Deposit

Public Comment(s): None

Board and Staff Discussion:

Charlie Flatten:

- Direct Deposit is a best management practice that most businesses utilize.
- The GCDs are also starting to utilize direct deposit.
- HTGCD's lawyer has suggested board approval before proceeding to use direct deposit.

Motion:

Jeff Shaw: Motion to allow the District to use direct deposit.
John Worrall and Holly Fults: Seconded.

Vote: 5-0 In Favor (John Worrall, Doc Jones, Jeff Shaw, Holly Fults, Linda Kaye Rogers); motion passed

Item #6: Approval of Board Order #197; adoption of Rule 15: Jacob's Well Groundwater Management Zone

Public Comment(s): Jimmy Skipton, and Mark Key

Board and Staff Discussion:

Charlie Flatten read the end portion of Order 197 for all in attendance.

Motion:

Jeff Shaw: Motion to approve the Board Order for the previously voted upon Rule 15.
John Worrall: Seconded.

Vote: 5-0 In Favor (John Worrall, Jeff Shaw, Holly Fults, Doc Jones, Linda Kaye Rogers); motion passed

Item #7: Interlocal Agreement with Barton Springs Edwards Aquifer Conservation District (BSEACD); dedicated observation wells near Jacob's Well Spring

Public Comment(s): Mark Key, David Baker, and Jimmy Skipton

Board and Staff Discussion:

Linda Kaye Rogers:

- This will be a joint effort between the two Districts to drill observation wells near Jacob's Well Spring.

Philip Webster:

- The plan is to drill two wells: one will be a multi-port well, and one will be a Lower Trinity well.
- Our contribution will help extend one well from the Middle to the Lower Trinity.

Some discussion on the potential funding of the project, how much it will cost, and how much the District will contribute, and other entities that are planning to contribute.

John Worrall:

- According to the District budget, HTGCD plans to contribute $25,000 to this project.

Charlie Flatten:

- Hays County has contributed $58,000 toward the installation of the well.
- BSEACD will contribute multi-port equipment, valued at $15,000.
- BSEACD is asking HTGCD to contribute $25,000.

Motion:

John Worrall: Motion to approve the Interlocal Agreement.
Holly Fults: Seconded

Vote: 5-0 In Favor (John Worrall, Jeff Shaw, Holly Fults, Doc Jones, Linda Kaye Rogers); motion passed

Item #8: Rule 13 changing Drought Trigger locations and split District into separate Southern and Northern Drought segments passed on Regional Water Planning Area boundary

Public Comment(s): Mark Key, Jimmy Skipton, Eddie McCarthy speaking on behalf of Black Market and other clients, and Garret Allen

Board & Staff Discussion:

Charlie Flatten:

- To clarify, this item is to put a draft of Rule 13 out for public comment; it is not to enact the rule.

Linda Kaye Rogers:
- There have been several discussions with Wimberley and Dripping Springs about having their own triggers, based on Region K and Region L.
- This portion of the rule got very little negative comments.
- The rest of Rule 13 will be discussed in a stakeholder group, which may take a one or two months before one can meet due to COVID-19.
- We need to pass this portion of the rule before the District goes into drought in the summer.

Jeff Shaw:
- Suggested starting the stakeholders group soon, through digital forums.
- Suggested extending the 20-day comment period to 40 days to give everyone more time to look at the changes and make comment.

Holly Fults:
- We told our stakeholders and decided that a stakeholder process was the right way to do this.
- I understand that there are concerns about the impending summer and the potential for drought.
- I understand and agree that it makes sense that to split our District into two regions, to look at distinct reasons to have different triggers for the proposed "north" and "south" regions.
- I support taking a deeper dive into what the drought triggers should be for those regions.
- More than anything, I think we should engage the stakeholder process, engage the public water supplies, and other stakeholders.
- I do not support doing this piece-meal. I think we need to get input, and put the input against the science we have, and we need to identify the gaps in the science.
- I am not in agreement with putting this out for public comment right now.
- I think we need to have a calendar for planned stakeholder input and feedback, and we need to have a planned time to respond to that feedback.

John Worrall:
- Is in agreement with Holly: this is not the time to consider promulgating new rule and receive productive feedback.
- This is not the appropriate time, and I do not support this action.

There was extensive discussion on the pros and cons of extending the public comment period to allow people to give feedback, versus starting a stakeholder process.

Motion:

John Worrall: Motion to remove this action item from consideration.
Holly Fults: Seconded.

Board and Staff Discussion:

There is continued discussion on the difference between proposing rule and having a formal stakeholder process.

Vote: 2-3 Not In Favor (John Worrall and Holly Fults for, Jeff Shaw, Doc Jones, and Linda Kaye Rogers against); motion fails.

Motion:

Jeff Shaw: Motion to table action for now, and to start the stakeholder process immediately through Charlie.
Doc Jones: Seconded.

Vote: 5-0 In Favor (John Worrall, Holly Fults, Doc Jones, Jeff Shaw, Linda Kaye Rogers); motion passed

Item #9: Jacob's Well Management Zone Drought Stage Status (Order #198)

Public Comment(s): Brent Reeh, Mark Key, Jimmy Skipton, and David Baker

Board and Staff Discussion:

Linda Kaye Rogers:
- Currently, the drought trigger is for a 30% curtailment.

Motion:

Linda Kaye Rogers: Motion to drop curtailment to 20% until May 1st, and then reevaluate.
No Second.

Public Comment(s): Brent Reeh, Mark Key, Jimmy Skipton, and David Baker

Motion:

Linda Kaye Rogers: Motion to not implement the drought trigger curtailment for the JWGMZ, at this time, due to the COVID-19 pandemic.
John Worrall: Seconded.

Board and Staff Discussion:

Doc Jones:

- It's worth considering that restaurants and schools are closed and not using water, which should mean less water is used at this time.

Linda Kaye Rogers:

- May allow for more information gathering during this time.

Vote: 5-0 In Favor (John Worrall, Doc Jones, Holly Fults, Jeff Shaw, Linda Kaye Rogers); motion passed

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Future Agenda Items

- To look at an agreement with Blanco-Perdernales and Hill Country GCDs to take action on Kinder-Morgan losing drilling fluid into karst features and polluting neighboring wells.

Adjournment

Motion:

Doc Jones: Motion to adjourn.
John Worrall: Seconded

Vote: 5-0 In Favor (Linda Kaye Rogers, Holly Fults, John Worrall, Jeff Shaw, and Doc Jones); motion passes.

6:02 p.m.: Meeting Adjourned

Approved: Linda Kaye Rogers, President; 5-12-2020 ,2020
Linda Kaye Rogers

Approved: John A Worrall, Secretary/Treasurer; June 22, ,2020
John Worrall