

## Groundwater Management Area #1 Meeting

### Minutes

February 21, 2014

The Groundwater Management Area Number 1 (GMA #1) met on Friday, February 21, 2014, at 10:00 a.m. in the PRPC 3<sup>rd</sup> Floor Conference Room, 415 SW 8<sup>th</sup> Avenue, Amarillo, Texas with the following members in attendance:

#### Voting Members Present:

Jim Haley, Hemphill County Underground Water Conservation District, Bob Zimmer, North Plains Groundwater Conservation District, Lynn Tate, High Plains Underground Water Conservation District and John R. Spearman, Panhandle Groundwater Conservation District

#### Other Groundwater Management Area 1 Representatives Present at Table:

Janet Guthrie, Hemphill County Underground Water Conservation District, Steve Walthour, North Plains Groundwater Conservation District, Jason Coleman, High Plains Underground Water Conservation District and C.E. Williams, Panhandle Groundwater Conservation District

#### Guests Present:

Danny Krienke, Ray Brady, Robert Bradly, David Bowser, Danny Hardcastle, Emmett Autrey, Gene Born, Jed Leibbrandt, Gray Sanders, Bill Mullican, Dale Hallmark, Dee Vaughan, Keith Good, Jessica Mitchell, Danelle Barger, Mike Wagner, William Loopesko, Dave Colvin, Steve Shumate, Mark Howard, Ben Weinheimer

#### Staff Present:

Kyle Ingham, Local Government Services Director; Jamie Allen, Local Government Services Coordinator; Joe Price, Local Government Services Program Specialist

1. The meeting was called to order at 10:00 a.m. with Chairman Spearman presiding.
2. **Roll Call and Introductions were made.** Chairman Spearman for the benefit of the public asked the members to identify themselves. Mr. Spearman made note that a quorum was present. Guests to the meeting also introduced themselves.
3. **Discuss and consider the minutes from November 7, 2013, GMA #1 Meeting.**

Lynn Tate made a motion to approve the minutes as amended to correct attendance record and Jim Haley seconded the motion. Motion carried unanimously.

4. **Discuss and Consider – Report from GMA#1 Manager’s Discussion on December 11, 2013, Related to Desired Future Condition Development Process**

Kyle Ingham gave a report on the Manager’s Discussion held on December 11, 2013. Mr. Ingham discussed each of the topics that were discussed at the meeting, as well as the recommendations that were made. Lynn Tate made a motion to include the informal notes from that meeting as part of the official record for further review. Jim Haley seconded that motion. Motion carried unanimously. C.E. Williams thanked Kyle Ingham for his work on compiling the notes from that meeting.

**6. DEVIATION ON AGENDA AT CHAIR'S DISCRETION TO NUMBER 6: Discuss and Consider – GMA #1 District Resources Available to Address the Nine (9) DFC Required Considerations Related to Texas Water Code 36.108(d)(1-9)**

- a. North Plains Report - Steve Walthour gave a report on North Plains' effort to complete this item. He noted that North Plains had supplied all of the other Districts with a template to review these issues. He also stated that PRPC had reviewed the Nine DFC Considerations and had compiled a review for the PWPG. Mr. Walthour noted that the only item on which North Plains has no information is the impact on Subsidence. North Plains has just completed a study on socioeconomic impacts and will present at the appropriate time.
- b. Hemphill County Report - Janet Guthrie thanked Kyle Ingham and Steve Walthour for their provided information. She noted that Hemphill County has a substantial amount of information on water levels and water quality. Regarding Environmental Impacts, Hemphill County has compiled information regarding springs and flows. She also noted that Hemphill would provide the group information on stream-flow measurements in Hemphill and Roberts Counties, which has previously been provided to Interra. She noted that a 3D visualization model had been created for presentation to the public which demonstrates impacts of drawdowns to natural discharge to rivers, creeks and streams in Hemphill County. Ms. Guthrie noted that the long term hydrograph tracking could be used to determine why subsidence is not an impact. On Socioeconomic impacts, she discussed that hunting and tourism could be mentioned as a factor to consider in relation to extreme drawdowns and loss of natural discharge. In relation to feasibility achieving the DFC, Hemphill will rely on the DFC tracking report which is done on a volumetric basis. There is an acceptable decline rate analysis report to determine the means in meeting the DFC.
- c. High Plains Report - Jason Coleman with High Plains stated that studying the information available was a useful exercise for High Plains. He discussed that staff will be heavily involved with the compilation of information for these 9 factors.
- d. Panhandle Groundwater Report - C.E. Williams stated the Panhandle Groundwater Conservation District has numerous groundwater availability models both in the Ogallala and Dockum aquifers which will be useful in this review. He stated that there are Playa Lake Joint Venture Studies which will be included, specific to PGCD. He also noted that most of the Districts will have similar information and that most of the information though the compilation will be challenging he would like to see included will also be included by the other districts.
- e. PWPG/Regional Water Plan Report - Kyle Ingham noted that the Regional Water Plan has been reviewed for this process as well. He outlined the specific references to the locations where specific concerns were addressed in the Regional Water Plan on each of the legislated 9 items. He noted that each of the Districts provided their own information independently previously and has included a listing of the location reference for the 11/11/09 GMA#1 Public Hearing on the provided template.

Steve Walthour thanked Kyle Ingham for reviewing the information and presenting it in a concise format. C.E. Williams asked if the 2011 plan would be the basis for this required report and Mr. Ingham noted that the 2011 plan is the initial basis. Mr. Williams discussed that utilizing the most relevant and recent data would be important in considering this information. Danny Krienke asked what the Statute states about which information should be used to satisfy this requirement. Mr. Ingham answered that statutorily, the 2012 State Water Plan has to be reviewed and information must be compared to and with that document but that other documents may be utilized if they

provide more in-depth information. Bob Zimmer thanked each of the Districts for utilizing the template provided and stated that GMA#1 has sufficient resources to handle the required items. Use of North Plains Staff has been approved by North Plains Groundwater Conservation District's Board to compile the information required for this process. He noted that North Plains is available and able to provide staff resources. No action was required on this item.

**8. Discuss and Consider – Necessity and Processes for Procurement of Joint GMA#1 Professional Services Including DFC Development, Modeling and/or Legal Review**

C.E. Williams discussed what options came from the Manager's Meeting on December 11, 2013. He noted that working with Bill Mullican as a Consultant was one option for the GMA to consider. Mr. Mullican has put together a Scope of Work with associated costs. Mr. Williams noted that Mr. Mullican has worked with many other Regions in Texas on similar efforts. Janet Guthrie asked what Mr. Mullican would provide that is different than the work that has already been presented. Mr. Mullican answered that information from all Districts will need to be synthesized and presented which will constitute a large portion of his responsibility and the experience in how that data is presented is highly important. Jim Haley asked what information has materially changed from the last time DFCs were adopted. Kyle Ingham noted that last time the DFCs were adopted based on GMA#1 work and then the DFCs were challenged. He stated that the "9 items" were reviewed after DFC adoption as part of the petition process previously, as opposed to review prior to DFC adoption as required during this process. Bob Zimmer reiterated that North Plains Staff is willing to do the work required and that his Board has authorized that decision. John R. Spearman asked about Contract Termination upon fulfillment of the GMA's desires and Mr. Mullican answered that this would be an additional task order added as an addendum to his current PGCD contract. Kyle Ingham stated that PRPC willing to provide procurement services to procure consultants for this process and outlined how that option could be fulfilled if the GMA#1 chose to jointly hire a consultant. The group asked about procurement timelines and Mr. Ingham worked through the timeline which would probably constitute approximately 45 days waiting for responses to an RFQ, reviewing and scoring the RFQ, and ultimately awarding a contract. Lynn Tate asked Bob Zimmer if North Plains staff is willing to coordinate amongst and with all Districts and Mr. Zimmer answered affirmatively. Mr. Walthour asked how the PRPC process would work. Kyle Ingham noted that PRPC does not have professional experience as an engineer, groundwater modeler or attorney. However, he stated that PRPC has clerical experience and can compile and present documents and information that is currently available. Bob Zimmer stated that if at any time, North Plains cannot fulfill any of the requirements associated with the 9 items, at that time it would seek further assistance and guidance from the GMA#1 and potentially additional contractors. Mr. Zimmer noted that there are 3 basic categories including legal issues, which can be addressed by each District's attorney, the economic aspect, which can be addressed possibly by Mr. Steve Amosson and finally the environmental aspect which can be addressed utilizing PWPG data or by utilizing a specialist. Mr. Williams asked what North Plains concern is with pulling in an outside consultant and Mr. Zimmer answered that North Plains doesn't have a concern, but that North Plains has the capacity to do the technical portions of the work in addition to PRPC's current responsibilities. Mr. Williams noted that an outline should be created to determine specifically what entity will be responsible for what duties and outcomes. Jim Haley noted that each District should be responsible for the provision of their own work and that PRPC should compile the data with NPGCD providing technical guidance. Lynn Tate answered that coordination with other Districts could be completed.

Chairman Spearman asked about what would happen if the DFCs are challenged again. Mr. Zimmer answered that North Plains would be prepared to defend what was presented and submitted if challenged and that all 4 Districts would be responsible for reviewing the information prior to adoption and that all members are bound to defend it if asked. Mr. Walthour reiterated that Bill Mullican is an outstanding consultant but further answered that much of the work could be able to be completed in-house by the Districts. He also stated that consultants could easily be hired by each District if further work needs to be completed. Mr. Ingham noted that there will be costs associated with any work that falls outside of the current scope for PRPC staff. Mr. Zimmer stated that if, between North Plains and PRPC there are gaps, procurement would have to be completed to address those gaps. There was general discussion of the Procurement statutes in relation to Groundwater Conservation Districts. Chairman Spearman asked for a motion to compile a proposal for services to be completed by North Plains Groundwater Conservation District and PRPC. Jim Haley asked, in lieu of a motion, that each District review where the Districts are deficient in completing the compilation of the data required to fulfill the 9 items. No Motion was put on the table. Bob Zimmer noted that North Plains' willingness to complete that work and synthesis of individual District information. Bill Mullican noted that he has recently completed a survey of the 15 GMAs in Texas and stated that previous processes cannot be compared to this DFC process. He noted that legal ramifications are significantly different now than they were. He also stated that GMAs around the state are addressing the DFC process uniquely based on their individual needs. Mr. Mullican further stated that there is no right way or wrong way to complete the DFC adoption process. Danny Krienke asked Mr. Mullican about the likelihood of challenge of DFC adoption and what specifically he thought would be challenged. Mr. Mullican answered that there are facts that must be considered previous to DFC adoption that were not required to be considered during the prior DFC adoption process. Steve Walthour stated that essentially this is new territory for each GMA in the State. He also stated that North Plains is looking forward to working with the Panhandle Groundwater Conservation District and its consultants to complete this process. Mr. Williams answered that Panhandle GCD would like to know what specific actions each entity will be required to complete prior to adopting a specific process. Mr. Mullican added that during the last DFC process, the TWDB Board consisted of 6 members that were volunteers and that this time the TWDB Board consists of 3 full-time employees. Mr. Zimmer added that the GMA, in this process, must consider every item on which a petition challenging the DFC adoption may occur. Chairman Spearman noted that asking Mr. Mullican to submit a proposal was simply an idea to get the process started. Mr. Haley stated that each Manager should review how much of the 9 item review can be completed by each individual District and that the next GMA meeting should address which gaps exist and how to fulfill them. Ms. Guthrie asked if this discussion is solely in relation to the drafting of the explanatory report and the responsibilities which could be carried out by North Plains and PRPC. She asked about the procurement of modelers and whether this item is in relation specifically to modeling. Mr. Zimmer answered that each of the "9 items" should be reviewed and that if modeling is required, that should be addressed when determination occurs. He also asked that the Joint Planning Committee have the 9 item review completed by the end of 2014, 3 items in each of the next quarters. Mr. Mullican answered that prior to the agreement of the proposed DFCs; the consideration process should be tied to the proposed DFCs that are already prepared. He noted that the DFCs should be presented prior to the consideration of the 9 items required, not that the consideration of the 9 items should be completed prior to a DFC proposal being completed. Jason Coleman asked about the possibility of Interra providing the modeling services. Mr. Walthour answered that

Interra has an obligation to provide at least one model run to NPGCD, PGCD, & HPUWCD, but that run wouldn't be completed until January 2015 and that GMA cannot wait until then to begin planning. He stated that North Plains does not anticipate many model runs needing to be run in this process that would be applicable to this process. Mr. Zimmer noted that his proposed DFCs today will be the same as the current DFCs. Ms. Guthrie stated Hemphill County believes that preliminary DFCs must be considered to begin discussion and review prior to the consideration process. It was noted that DFC discussion will be handled later in the agenda. Mr. Walthour stated that PRPC is capable of compiling a summary report on each of the 9 items and a completed report at the end. Mr. Ingham noted again that PRPC is capable of the clerical aspects of these activities, but technical guidance and analysis capacity would be required. Mr. Walthour stated that no further charges for North Plains' involvement in this process will be levied. Mr. Ingham noted that an hourly rate could be levied until it becomes incumbent to provide a contract amendment with PRPC if this is the direction that the group chooses to go. Mr. Tate made a motion to accept North Plains' offer to coordinate the 9 step process with clerical support from PRPC and assistance from each of the 3 other Districts. Jim Haley seconded. Motion carried with three votes for, no votes against, and apparent abstention by Mr. Spearman. Bob Zimmer asked that for the work that has been completed by Bill Mullican, a bill be submitted by Mr. Mullican and the work be split 4 ways to pay Mr. Mullican for the work completed to date. The group expressed appreciation for the high quality work performed by Mr. Mullican to date.

**7. DEVIATION IN AGENDA AT CHAIR'S DISCRETION TO #8: Discuss and Consider – Processes and Roles in Going Through DFC Consideration and Adoption**

Items 7&8 were discussed concurrently.

**9. Discuss and Consider – Report on Texas Water Development Board (TWDB) Position on the Use of MAGs as a Cap in the Regional and Joint Planning Processes**

Robert Bradley, TWDB noted that there is a hand-out entitled "The Role of Modeled Available Groundwater in Regional Water Planning" which will guide MAG use in the Joint Planning Process. Mr. Bradley explained the guidelines within which GMAs must work on MAG usage. Mr. Walthour asked that regardless of rules, will the TWDB be utilizing the same model for runs as the Interra model that is being utilized once DFCs are adopted. Mr. Bradley answered that the planning database will be populated based on DFCs adopted and that the WPGs will be given that information.

**10. Discuss – Each GCD in GMA #1 Will Provide a Status Report on Process to Amend Management Plans and Rules Necessary to Achieve the Various Adopted Desired Future Conditions**

Chairman Spearman asked what each District feels it will propose a preliminary DFC. No District indicated the possibility of changing DFCs from the current DFCs in considering a preliminary DFC to take through the 9 item consideration. Mr. Ingham noted that statutorily this item is required to be discussed once a year and that the last time these items were discussed was July 2013. Hemphill County noted no additional information. Mr. Zimmer noted that North Plains updated its Management Plan in 2013. Mr. Tate noted that High Plains has not taken any action to update the management plan currently. He stated that High Plains hopes to have hearings in the summer with an adoption expected in the Fall. No Changes have been made to Panhandle Groundwater Conservation District's Management Plan.

**11. Discuss and consider – Action Relating to Future Planning and Meeting Schedules**

Mr. Walthour asked that Total Recoverable Storage be moved from discussion in January 2015 to the April 2014 meeting. He discussed that new information on this topic has been introduced and that piece should be reviewed. He also stated that Bill Mullikan's schedule should be utilized. Mr. Ingham asked about establishing a preliminary DFC prior to further discussion of the 9 Factors. Chairman Spearman noted that his board would be meeting prior to the April meeting. North Plains will be having meetings in late March and will have preliminary DFCs ready to draft at the April meeting.

**12. Public Comment**

North Plains' attorney, Keith Good stated that the attorney's from each District should work together as a legal team for this effort.

**13. Discuss – Other Business and Consider Any Future Agenda Items**

Discussed under Agenda Item #11

Danny Krienke made a suggestion that PRPC submit a report on Demand vs. Availability Projections at the next GMA #1 meeting from the PWPG

**5. DEVIATION IN AGENDA AT CHAIR'S DISCRETION TO END OF MEETING: Discuss and Consider – Action as May be Necessary in Regard to GMA #1 Officers and Membership**

Chairman Spearman noted that he will be resigning from the GMA effective this meeting due to family business. He stated that Danny Hardcastle would be his replacement on the GMA#1. Lynn Tate made a motion to nominate Bob Zimmer as the Chair of GMA#1 and Mr. Zimmer indicated his willingness to serve. Jim Haley seconded the motion. Motion carried unanimously. Jim Haley thanked Chairman Spearman for his work and the group applauded his efforts and joined Mr. Haley in appreciation. Lynn Tate made a motion to nominate Jim Haley as Vice-Chair and Bob Zimmer seconded the motion. Mr. Tate indicated his willingness to continue to serve in that capacity. Motion carried unanimously. Bob Zimmer nominated Lynn Tate as Secretary of the group and Mr. Tate indicated his willingness to serve in that capacity. Jim Haley seconded that motion. Motion carried unanimously. Mr. Zimmer asked that GMA consider the annual appointment of a GMA Representative to the PWPG. Jim Haley made a motion to appoint Danny Krienke to continue that position and Danny Krienke indicated his willingness to serve in that capacity. Lynn Tate seconded the motion. Motion carried unanimously.

**14. Establish the date and location for the next meeting.**

April 11, 2014 – 10:00am

**15. Adjournment**

There being no further business to come before the Board, Mr. Spearman declared the meeting adjourned at approximately 12:23pm.