

MINUTES

OF THE

SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

At the
Bee Cave School House
13333-A Highway 71 West
Bee Cave, Texas 78738
(Bee Cave Schoolhouse is located adjacent to Lake Travis Fire and Rescue Station 603)

Wednesday, December 4, 2019 at 9:00 am

1. Call to order, declare meeting open to the public, and take roll

Director and Board President Scadden called the meeting of the Southwestern Travis County Groundwater Conservation District (SWTCGCD or District) Board of Directors to order at 9:01 AM on December 4, 2019. Five District Directors were present constituting a quorum, including Directors Hennings, Dower, Urie, Scadden, and Van Ackeren. Director Davis arrived at 9:04 AM. Also present were Kirk Holland, Charlie Flatten, Kodi Sawin, Vicky Kennedy, Carl Jones, and Pete Golde.

The meeting sign-in sheet is attached as Exhibit A

2. Public comments

Director Scadden called for public comments and there were no public comments.

3. Discuss, consider and possibly act on approving the previous meeting minutes

Approval of the November 15, 2019 Meeting Minutes.

Pete Golde advised that there were a few last minute edits from Attorney Golde. He read these changes including:

- Changing the reference to the "Order to Approve the Canvassing of Returns" to the full formal name which is the "Order Canvassing the Returns and Declaring the Results of November 5, 2019 Special Election and Other Matters in Connection Therewith" in three places in Item 4.
- Minor clarifications of the process for signing the Statements of Officers and administration of the Oaths of Office in Item 5.
- Clarification of Director O'Malia's former position as Temporary Director and clarification that the vacant director position was not included in the drawing for terms in Item 7.

On a motion by Director Hennings and a second by Director Dower the final draft version of the November 15, 2019 meeting minutes was approved – 5 Ayes to 0 Nays

A copy of the approved November 15, 2019 Meeting Minutes is attached as Exhibit B

Director Davis arrived at 9:04 AM

4. **Work Session on Management Planning and Rulemaking.** The SWTCGCD Board will hold a work session to initiate development of concepts for an initial Management Plan (MP) for the GCD and for rules that support the MP. The work session is open to the public but public participation during the work session will be limited. No actions will be taken by the Board in the work session. Topics to be taken up in the work session include, but are not limited to:
 - a. **Orientation of Board to the MP and Rules**
 - b. **Discussion of potential guiding principles for developing MP**
 - c. **Discussion of possible intended approaches to groundwater management activities**
 - d. **Review the Director assignments to the Management Plan Committee**
 - e. **Review of next steps**
 - f. **Recap and Q&A**

Director Scadden turned the work session over to Kirk Holland who outlined the process. Mr. Holland said that no final decisions would be made at today's work session. Only concepts would be discussed including guiding principles which are the underpinnings of the process, intended approaches which are specific objectives and strategies, statutory provisions provided by enabling legislation and Chapter 36 (Water Code). Mr. Holland said that the goal for today's work session is a set of guiding principles and intended approaches for use in the first draft of the Management Plan (MP) in early 2020. He and Ron Fieseler and Vicky Kennedy have developed a draft based on the Blanco Pedernales Management Plan. Director Scadden added that we are using the Blanco Pedernales based plan as a starting point after evaluation of the plans from numerous GCDs.

A copy of the About This Work Session, Guiding Principles, and Intended Approaches document provided by Mr. Holland is attached Exhibit C

Kirk Holland then handed out a document titled Some Things to Consider about Management Plans and Rulemaking for the SwTCGCD Board Work Session. Director Scadden said that time is of the essence in getting the Management Plan and Rules established. Director Hennings commented that it will be an iterative process. Vicky Kennedy asked if a rule to collect fees can be implemented before the Management Plan is approved and Kirk Holland said no it cannot. Director Scadden said that there needs to be a public review process. Director Hennings said that the Texas Water Development Board (TWDB) approves the Management Plan and the SWTCGCD Board approves the rules. Kirk Holland added that this would be after public hearings which will require 10 days' notice and a 30 day comment period. He went on to say that you can have parallel paths of developing the Management Plan and rules but any changes to the rules require a public process (hearings and comment period) and the Management Plan provides the basis and authorization for the rules.

A copy of the Some Things to Consider about Management Plans and Rulemaking for the SwTCGCD Board Work Session hand-out document is attached as Exhibit D

Kirk Holland then initiated a discussion of "Area 2" as defined in the Travis County/BSEACD Groundwater Study as the area between the Bee Creek Fault and the Mount Bonnell Fault. He said that in Area 2 the Middle Trinity can never achieve Desired Future Conditions (DFC) and needs to be designated needs to be designated as "non-relevant" since the lack of adequate recharge indicates that part of the aquifer will never be able to achieve the current DFC. The groundwater in this area is being depleted as the withdrawal exceeds the limited recharge. He added that part of Area 2 is in northern Hays County. Mr. Holland said the there is also a need to

subdivide the Trinity Aquifer into Upper, Middle, and Lower subdivisions each with a different DFC. If a new subdivision is approved by GMA 9 then the TWDB is obligated to model the new subdivision. Director Hennings provided three graphics she had prepared illustrating groundwater "mining" in Bee Cave, pumping in the Middle and Lower Trinity and the problem with drawdown and the DFC in the Middle Trinity.

Copies of the three graphic illustrations from Director Hennings are attached as Exhibit E

Mr. Holland then handed out and reviewed the Guiding Principles Spreadsheet titled CONSIDERATION OF OVERARCHING GUIDING PRINCIPLES Potential Statements of Guiding Principles for SwTCGCD. Director Scadden asked the Board to consider if they agree with each of the Guiding Principle statements. Mr. Holland then reviewed the Intended Approaches. After some discussion it was agreed that he would reword some of the Intended Approaches to be less provocative. He asked the Directors to review the Guiding Principles and the Intended Approaches and provide him with comments.

A copy of the CONSIDERATION OF OVERARCHING GUIDING PRINCIPLES Potential Statements of Guiding Principles for SwTCGCD spreadsheet is attached as Exhibit F

5. Public Comment on development of the initial SWTCGCD Management Plan

There was no public comments on the SWTCGCD Management Plan

6. Discuss, consider, and possibly act on concepts for guiding principles and intended approaches in developing the initial SWTCGCD MP.

Director Hennings said that she is meeting with Ron Fieseler before the celebration tomorrow to talk about Area 2 concerns and options to address these from a GMA9 perspective. Director Scadden said that he would email Mr. Fieseler on this subject as well and request that this item be added to the next meeting agenda for GMA9. Mr. Holland also said he would talk to Mr. Fieseler.

7. Adjourn.

On a motion by Director Dower and a second by Director Urie the Board voted to adjourn the meeting – 6 ayes to 0 nays. The meeting was adjourned at 11:48 AM.

PASSED, APPROVED AND ADOPTED THIS 8th day of January 2020



Tim Van Ackeren, Secretary

Exhibit A

Attendee Sign-in Sheet

Exhibit B

Approved Minutes from November 15, 2019 Board Meeting

MINUTES

OF THE

SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

At the
Bee Cave School House
13333-A Highway 71 West
Bee Cave, Texas 78738
(Bee Cave Schoolhouse is located adjacent to Lake Travis Fire and Rescue Station 603)

Wednesday, November 15, 2019 at 10:00 am

1. Call to order, declare meeting open to the public, and take roll

Director and Board President Scadden called the meeting of the Southwestern Travis County Groundwater Conservation District (SWTCGCD or District) Board of Directors to order at 10:00 AM on November 15, 2019. Five District Directors were present constituting a quorum, including Directors Hennings, Dower, Davis, Scadden, and O'Malia. Director Urie arrived at 10:05 AM and Director Buddin was absent. Also present were Director Elect Van Ackeren, State Representative Vikki Goodwin, visitors; Kirk Holland, Carl Jones, Gene Lowenthal, Vince Clause, Allen Standen, Amy Rae Dadamo, and Pete Golde.

Director Scadden thanked everyone for their support in getting the SWTCGCD confirmed and he welcomed Representative Vikki Goodwin

The meeting sign-in sheet is attached as Exhibit A

2. Public comments

Director Scadden called for public comments and there were no public comments. He then asked to go around that room and have everyone introduce themselves. Director O'Malia thanked the Board and offered to help going forward after his retirement from the Board and Gene Lowenthal commented that the 75% vote to confirm the SWTCGCD "rocks" adding that he plans to "retire" from work on groundwater issues and he wished the SWTCGCD success.

3. Discuss, consider and take action on previous meeting minutes

Approval of the October 9, 2019 Meeting Minutes.

On a motion by Director Dower and a second by Director Hennings the Final draft version of the October 9, 2019 meeting minutes was approved – 4 Ayes to 0 Nays with 2 Directors (Davis and Urie) Abstaining

A copy of the approved October 9, 2019 Meeting Minutes is attached as Exhibit B

4. Discuss, consider, and possibly act on matters related to the statutorily required canvass of the votes received in the November 5, 2019 election to Confirm Creation of the SWTCGCD and to Elect the Initial Board of Directors, including approval of the Canvassing Record and issuance of Certificates of Election to the initial directors.

The SWTCGCD Attorney, Theresa Golde, discussed the Canvassing Record with the Board, which is the Order Canvassing the Returns and Declaring the Results of November 5, 2019 Special Election and Other Matters in Connection Therewith. Attorney Golde explained that the final results were obtained from Travis County and are reflected in the Order. The temporary Board of Directors then transitioned control of the Board over to the Directors Elect, and the Certificates of Election were issued to each Director Elect and signed by the President of the Board.

On a motion by Director Davis and a second by Director Hennings the Board approved the Order Canvassing the Returns and Declaring the Results of November 5, 2019 Special Election and Other Matters in Connection Therewith – 6 Ayes to 0 Nays

The approved Order Canvassing the Returns and Declaring the Results of November 5, 2019 Special Election and Other Matters in Connection Therewith is attached as Exhibit C

The Certificates of Election are attached as Exhibit D

- 5. Discuss, consider, and possibly act on matters related to implementing the outcome of the November 5, 2019 election, including receiving the mandatory Sworn Statements from the initial directors, administering Oaths of Office by the initial directors, and approving the payment of performance bonds executed by and for each initial director.**

Each Director Elect signed the Statements of Officer and gave it to Attorney Golde. Representative Goodwin then administered the Oath of Office to all of the elected Directors. Then, the Oaths of Office were signed by each Director and were notarized by the City of Bee Cave notaries who had been invited by Director Scadden to be present at the meeting.

On a motion by Director Scadden and a second by Director Davis the Board approved the procurement of performance bonds for each of the Directors – 6 Ayes to 0 Nays

The Statements of Officers and Oaths of Office are attached as Exhibit E

- 6. Discuss, consider, and possibly act on the ratification of all prior acts and decisions of the previous Temporary Board of Directors.**

On a motion by Director Dower and a second by Director Hennings the Board approved the ratification of all prior acts and decisions of the previous Temporary Board of Directors – 6 Ayes to 0 Nays

- 7. Discuss, consider, and possibly act on the determination of the terms of office for the Initial Directors.**

Attorney Golde conducted a drawing to determine which Directors would have two-year terms with former Temporary Director O'Malia drawing the names. The result of the drawing was that Directors Urie and Van Ackeren will serve two-year terms, and Directors Dower, Davis, Hennings, and Scadden will serve four-year terms. The vacant position was not included in the drawing.

- 8. Discuss the vacancy on the Initial Board of Directors.**

Director Scadden expressed the desire that the Board recruit and appoint a seventh director to fill the vacant director position at next month's meeting and he proposed that he would put it on the agenda for that meeting. He went on to say that Carl Jones from Spicewood may be interested in filling the vacancy since he has a well that almost went dry during the drought and he and his neighbors are concerned. They are also interested in the correlation between lake levels and groundwater levels. Carl Jones said that he was thrilled that the SWTCGCD was confirmed and that he would like to participate in helping to conserve groundwater.

Director Scadden suggested that the Board form a sub-committee to work on filling the vacancy and further suggested that Directors Hennings, Dower, and Davis make up the sub-committee nothing that he and Directors Urie and Van Ackeren will be working on the budget.

On a motion by Director Dower and a second by Director Van Ackeren the Board approved the formation of a sub-committee consisting of Directors Hennings, Dower and Davis to recruit a candidate to be appointed to the vacant director position – 6 Ayes to 0 Nays

9. Committee Reports

- a. Finance – Director Urie presented the finance reports for September and October stating that the bank balance at the end of September was \$1,407.79 after the issuance of five checks and the receipt of \$0.15 in interest and the balance at the end of October was \$12,692.85 after receipt of \$15,000 from Travis County and issuance of one check and receipt of \$0.06 in interest.

The financial reports for September and October are attached as Exhibit F

- b. Legislative – Nothing to report
- c. Science-Outreach – Director Scadden congratulated and thanked Director Hennings for a successful outreach effort for the election. Director Hennings said that she, and Directors Davis and Scadden would be going to the GMA 9 meeting where BSEACD would be providing an update on the Hydrogeologic Study. Director Scadden added that there will be a celebration of the confirmation of the SWTCGCD at the Saltgrass restaurant in Bee Cave on December 5th.
- d. Groundwater Management Plan Committee – Director Scadden said the he and Kirk Holland have been in touch with the Texas Water Development Board regarding modeling and the we need to schedule a work session to initiate the Groundwater Management Plan development suggesting a two hour work session on December 4th from 9 to 11 AM.

10. Discuss, consider, and possibly act on SWTCGCD budgeting activities, Travis County funding and the ILA with Travis County.

Director Scadden said that the Travis County ILA is in place and the initial \$15,000 has been paid with \$100,000 more earmarked for the first year. He proposed that Director Van Ackeren be part of the Budgeting Sub-Committee making the committee membership being Directors Scadden, Urie, and Van Ackeren.

On a motion by Director Davis and a second by Director Hennings the Board approved the formation of a Budget Sub-committee consisting of Directors Scadden, Urie and Van Ackeren – 6 Ayes to 0 Nays

Director Scadden then asked for input from all directors on budget items. Director Dower added that we need a budget as soon as possible and that it can always be amended later. Attorney Golde advised that the Travis County ILA requires a budget to be submitted to Travis County within 30 days of today (Canvass Vote).

11. Discuss, consider, and possibly act on the Draft SWTCGCD Financial Guidelines.

Item delayed until later in the meeting

12. Discuss, consider, and possibly act on IT matters including, but not limited to, GCD emails and our website.

Item delayed until later in the meeting

13. Discuss, consider, and possibly act on an Interlocal Agreement with Bandera County River Authority and Groundwater District for the purpose of Joint Planning with GMA 9 for preparation of and payment for the DFC Explanatory Report – Third Planning Cycle.

Director Hennings explained that the total cost of the DFC report is \$59,000 divided among 9 GCDs is just under \$6,600 per GCD or about \$2,200 per year spread over three years. Bandera County River Authority and Groundwater District may be willing to carry the SWTCGCD portion of the cost for a longer period. Director Dower suggested that the SWTCGCD should ask for forbearance before signing the ILA. Director Scadden expressed the opinion that the SWTCGCD should sign the ILA to be a fully participating member of GMA 9. He suggested that the Board needs to vote on this today so that they can bring it to the GMA 9 meeting. He said that Director Dower is asking the Board to wait until they can get clarification of what GMA 9 is going to expect from the SWTCGCD and when. Kirk Holland said that the SWTCGCD needs to have a DFC and the report supporting it to have a Groundwater Management Plan. Director Urie asked if this would be an approved expense under the Travis County ILA and Director Scadden responded that it would be. Director Scadden then said that he would be agreeable to not signing the ILA now and ask for clarification and payment terms at the GMA 9 meeting on Monday. Director Dower added that we don't even have a budget yet. Director Scadden asked "What is our ask? – Three years of equal payments? – That he and Director Hennings negotiate the best terms that they can?". Kirk Holland said he thinks a reduced share is not going to be looked upon very well but delayed payment might be acceptable. Director Hennings suggested that the Board wait until they have a better understanding of the costs and schedule. Director Scadden said that he would not sign the ILA now and will ask for clarification and delayed payment terms but not reduced cost. Director Hennings pointed out that there were words in the ILA suggesting that reduced cost is a possibility that GMA 9 would consider. Director Dower added that there are also words to the effect that a request for exemption would also be considered. Director Scadden then said that he would ask what GMA 9 can offer.

Director Scadden then asked for pre-approval for reimbursement for mileage to drive to the GMA 9 meeting in Bulverde. Director Urie said he was OK with that if it is a Travis County approved expense and Director Dower added that we have got to get a budget.

On a motion by Director Van Ackeren and a second by Director Urie the Board approved reimbursement of Director Scadden for mileage to drive to the GMA 9 meeting in Bulverde – 5 Ayes to 0 Nays with one Director (Davis) abstaining

Agenda Item 12. Discuss, consider, and possibly act on IT matters including, but not limited to, GCD emails and our website was now taken up

Director Scadden asked that former Directors' Buddin and O'Malia email accounts be cancelled and that Director Van Ackeren be added. Director Dower advised that the cost is \$10 per month per email address and suggested that the service be extended for six months. It was the consensus of the Board that it be extended for one year.

On a motion by Director Scadden and a second by Director Davis the Board approved extending email service for a period of one year – 6 Ayes to 0 Nays

Director Dower advised that there are many changes that now need to be made to the website and that he would begin to work on it.

Agenda Item 11. Discuss, consider, and possibly act on the Draft SWTCGCD Financial Guidelines was now taken up

Director Dower reviewed the Draft Financial Guidelines previously provided to the Board. He said that he would like to get approval of these draft guidelines. They are all from state law and he would like to adopt as SWTCGCD guidelines to document fiscal responsibility. Director Hennings asked if we can include the Travis County ILA requirements to which Director Dower responded yes and we also need to adopt a fiscal year.

On a motion by Director Davis and a second by Director Van Ackeren the Board adopted the SWTCGCD Financial Guidelines as presented with the reference to the Travis County \$2,500 limit deleted – 6 Ayes to 0 Nays

A copy of the SWTCGCD Financial Guidelines is attached as Exhibit G

14. Discuss and possibly establish agenda items for the next Board meeting.

- Fiscal Year
- Budget
- Board Vacancy
- GMA 9

15. Discuss, consider, and possibly act on setting the date, time, and location for the next Board meeting.

The December 4th meeting will be a work session and the second Wednesday in January is January 8th. The Directors agreed to hold a Board Meeting on Wednesday, January 8th, 2020.

16. Discuss, consider, and possibly act on the election of officers of the Initial Board of the Southwestern Travis County Groundwater Conservation District for the following year.

Director Scadden proposed that the existing slate of officers be re-elected with Tim Van Ackeren replacing John O'Malia as Secretary. There were no alternative suggestions or volunteers for officer positions.

On a motion by Director Dower and a second by Director Davis the Board approved the following slate of officers; Director Scadden – President, Director Davis – Vice President, Director Urie – Treasurer, Director Van Ackeren – Secretary.

Director Scadden suggested that the Board designate Director Van Ackeren as the SWTCGCD Records Management Officer and Director Dower suggested that he also be designated as Public Information Officer.

On a motion by Director Scadden and a second by Director Dower the Board appointed Director Van Ackeren as the SWTCGCD Records Management Officer and Public Information Officer – 6 Ayes to 0 Nays

17. Adjourn.

On a motion by Director Hennings and a second by Director Davis the Board voted to adjourn the meeting – 6 ayes to 0 nays. The meeting was adjourned at 1:20 PM.

PASSED, APPROVED AND ADOPTED THIS 4th day of December, 2019

Tim Van Ackeren, Secretary

Exhibit C

About This Work Session, Guiding Principles, and Intended Approaches

About This Work Session

Meeting Objectives:

- Provide directors an opportunity to learn and ask general questions about GCD management plans and rules
- Establish a context and a possible policy framework required to make progress on the Initial MP and rulemaking for SWTCGCD
- Not a presentation but a facilitated dialogue among the SWTCGCD directors now (public will have an opportunity to comment later in this open meeting)
- No final policy decisions to be made today: emphasis will be on “potential”/“possible”

What Are “Guiding Principles”?

- GPs are general, overarching policies that SWTCGCD desires to emphasize in promoting the two concurrent strategic purposes of GCDs in TWC Chapter 36.002 (more later)
- GPs provide the underpinnings of a GCD-specific MP

What Are “Intended Approaches”?

- IAs are more specific objectives and strategies that SWTCGCD intends to use in achieving the statutorily defined goals for GCDs (more later)
- IAs generally flow from one or more GPs or statutory provisions, and provide the basis for GCD-specific MP objectives and/or GCD rules

Output and Next Steps:

- Consensus GPs and IAs will be identified for incorporation in first draft of Initial MP
- Board determines whether, when, and how more discussion of other designated GPs and IAs should be used to arrive at a consensus on them for inclusion in Initial MP
- Board committee, with consultant support, develops/reviews/revises a first draft of Initial MP for consideration by full Board in early 2020

Any Questions, Before We Move On?

Guiding Principles

For Groundwater Management by SWTCGCD

Guiding Principles are over-arching policy statements that express how SWTCGCD will promote the Chapter 36 *strategic purpose(s)* for GCDs in Texas:

1. "...provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions..." [and further]
2. "...to protect property rights, balance the conservation and development of groundwater to meet the needs of this state, and use the best available science [as described in this subchapter] in the conservation and development of groundwater through rules developed, adopted, and promulgated by a district in accordance with the provisions of this chapter." (§36.0015)

In addition, Chapter 36 provisions for joint groundwater planning by GCDs in Texas more specifically require that the policy-level *desired future conditions* established by GMAs:

"...provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area." (§36.108(d-2))

Begin Review and Discussion of Guiding Principles Portion of Table Previously Provided

Intended Approaches To Groundwater Management by SWTCGCD

Intended Approaches describe more specifically how SWTCGCD's Management Plan will address the *groundwater management goals* specified in TWC §36.1071(a) and elaborated in both TAC §356.10 (definitions) and TAC §356.52 (process):

“...the district shall, in coordination with surface water management entities on a regional basis, develop a management plan that addresses the following management goals, as applicable:

- (1) providing the most efficient use of groundwater;
- (2) controlling and preventing waste of groundwater;
- (3) controlling and preventing subsidence;
- (4) addressing conjunctive surface water management issues;
- (5) addressing natural resource issues;
- (6) addressing drought conditions;
- (7) addressing conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective; and
- (8) addressing the desired future conditions adopted by the district under Section 36.108.”

Each management goal will have *specific outcome-based objectives and quantitative performance standards* in the MP that delineate how SWTCGCD intends to address the goal. We don't have to deal with those specifically in this Work Session.

In addition, TWC §36.1071(b) requires that the Management Plan:

“...shall be developed using the district's best available data and forwarded to the regional water planning group for use in their planning process.”

Begin Review and Discussion of Intended Approaches Portion of Table Previously Provided

Exhibit D

Some Things to Consider about Management Plans and Rulemaking
for the SwTCGCD Board Work Session

Some Things to Consider about Management Plans and Rulemaking for the SwTCGCD Board Work Session

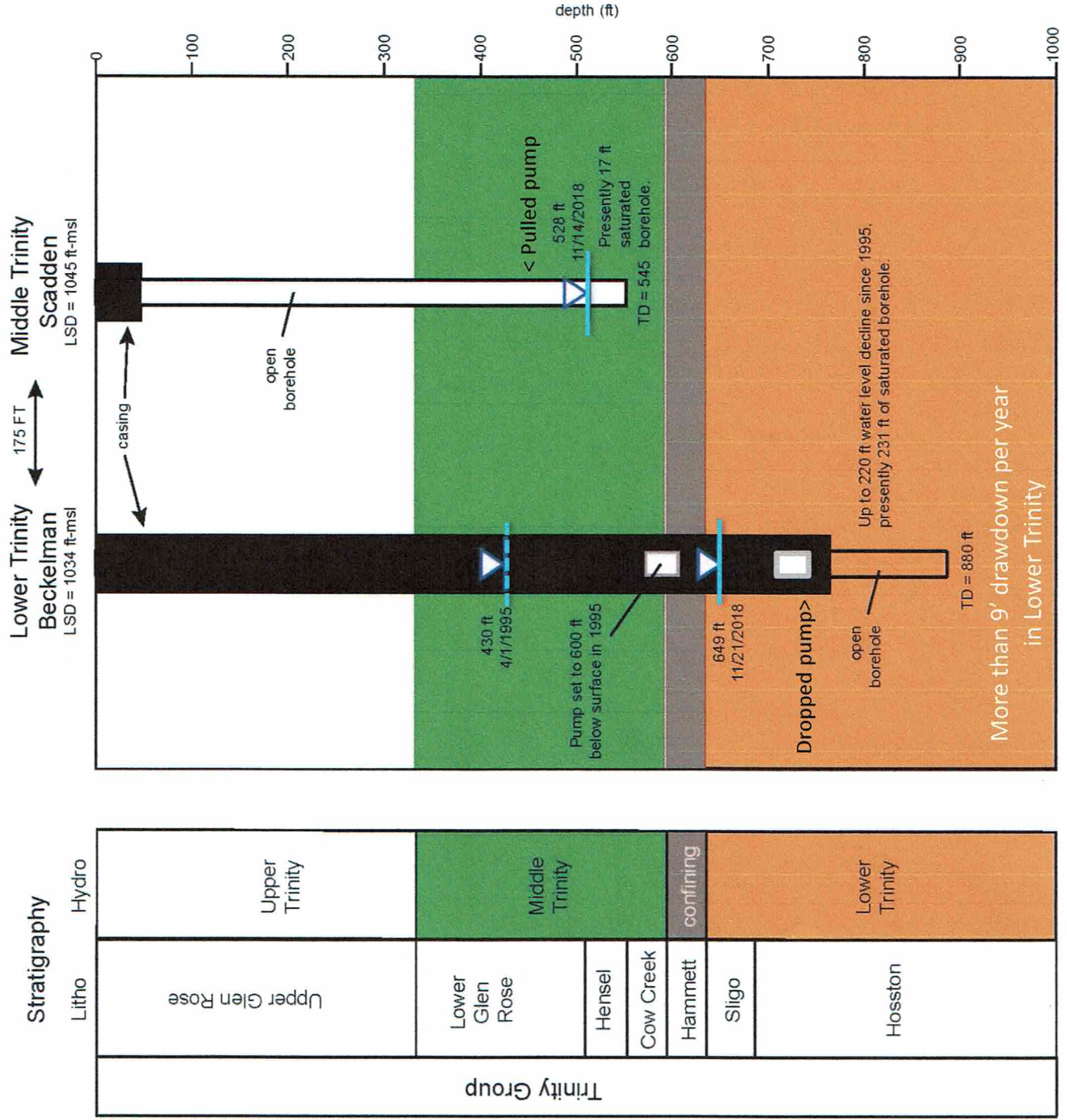
1. Management Plans (MPs) are mandatory plans that must be reviewed/(re)adopted/(re-) approved at least every five years. TWDB administers submitted MPs under TAC Ch. 356.
2. MPs must be consistent with the provisions of the enabling statute and of Ch. 36 if not modified by the enabling legislation. Logic flow: Enabling Leg -> Ch. 36 -> MP
3. MPs provide not only the basis for, but also the authorization of, the GCD rules. IOW, if a prospective action is not supported at least implicitly in the current TWDB-approved MP, a rule cannot be established that deals with that prospective action. Logic flow: MP -> Rules
4. MPs must, among other things, support the achievement/maintenance of a GMA 9-established Desired Future Condition (DFC) for an aquifer that is determined by the GMA to be relevant for joint planning purposes. Logic flow: DFCs by GMA -> MPs by GCDs
5. GCD Rules must also provide for achieving/maintaining the DFC, as established by the GMA. Logic flow: DFCs -> Rules. In practice, MP revisions and rulemaking typically proceed in parallel in a feedback/feedforward fashion, but each has its own approval requirements.
6. The Modeled Available Groundwater (MAG), as determined by TWDB using the approved Groundwater Availability Model (GAM) for the aquifer, is the maximum amount of exempt and non-exempt pumping that over the long run is consistent with achieving the DFC.
7. The MAG is simply one consideration for GCD boards in groundwater regulation. It should not be construed to be a pumping ceiling *per se*, although it could be established as such by the GCD board via rulemaking.
8. Unlike with the MAG, achieving the DFC is an absolute requirement for MPs and Rules, and it offers the most legally defensible basis for groundwater regulation. (GMA 9 WIDE)
9. At the end of the day, appropriately promulgated Rules authorize all groundwater management activities in a GCD. If isn't in the GCD Rules, a Board cannot undertake such an activity.
10. DFCs (and MAGs) are only established for "relevant aquifers", but GCD rules addressing groundwater regulation can be promulgated for non-relevant aquifers too. The important difference is that rules for non-relevant aquifers are more easily legally challengeable because they do not support an established DFC or its associated MAG.
11. A GMA can elect to subdivide a relevant aquifer, either areally, hydrostratigraphically, or both, on the basis of one or more *aquifer* characteristics, and each subdivision would then have its own DFC/MAG. The subdivision should be science-based and must be recognized/addressed in the MPs of the affected GCDs.
12. A GCD, through its own rulemaking process, can similarly elect to establish groundwater management zones (MZs) in its jurisdiction, and the MZs may then be, but are not required to be, aligned with the aquifer subdivisions, if any. Subdivision-specific DFCs may help support groundwater management regulation in MZs, and vice versa.

Exhibit E

Three graphic illustrations from Director Hennings



Groundwater Mining in Bee Cave

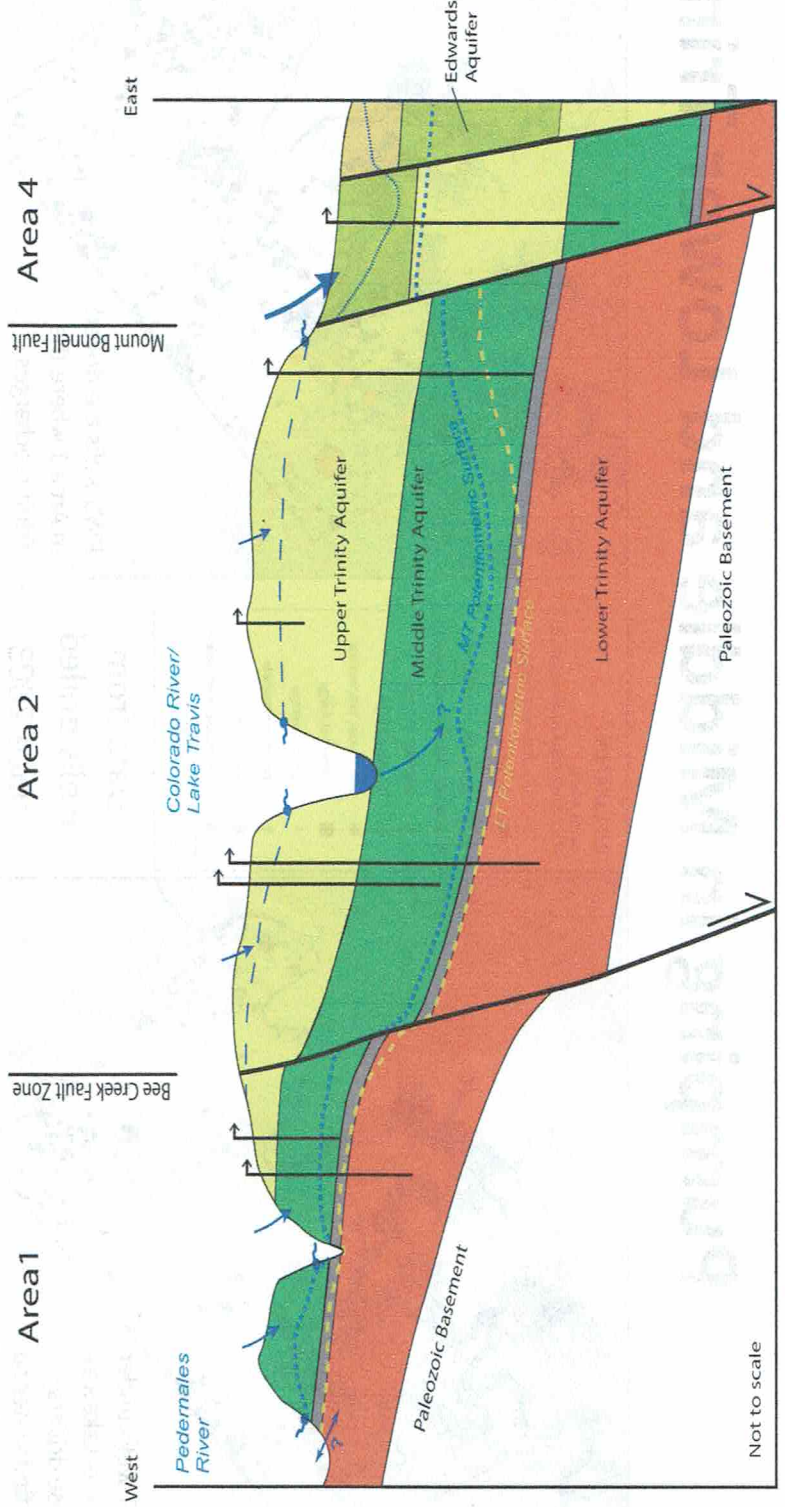


Area 2



SWTCGCD Production was half of its MAG, while drawdown was 5-7x DFC in both Trinity Aquifers

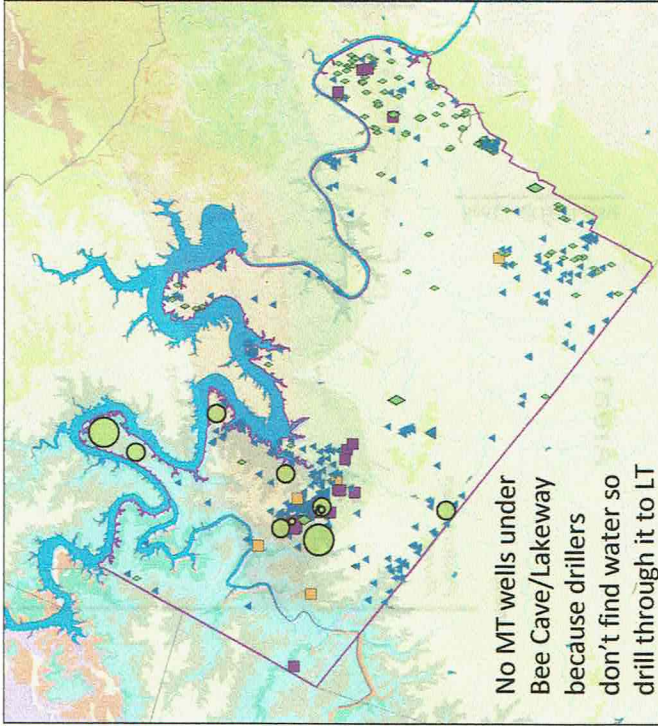
- 2020 MAG for Travis County Portion (SWTCGCD) of GMA9 = 8672 acre-ft
- 2019 SWTCGCD Annual Production estimated at =4296 acre-ft for 49.5% of that MAG
- DFC for GMA9 Trinity is maximum drawdown of 30' by 2060 (40 years into the future)
- MT drawdown near Bee Cave is >150' since 1978 (41 yrs) – 5x entire Trinity 40 yr DFC
- There is only about 30-40' of water in the MT near Bee Cave.
- LT drawdown near Bee Cave is >200' since 1978 (41 yrs) – 7x entire Trinity 40 yr DFC



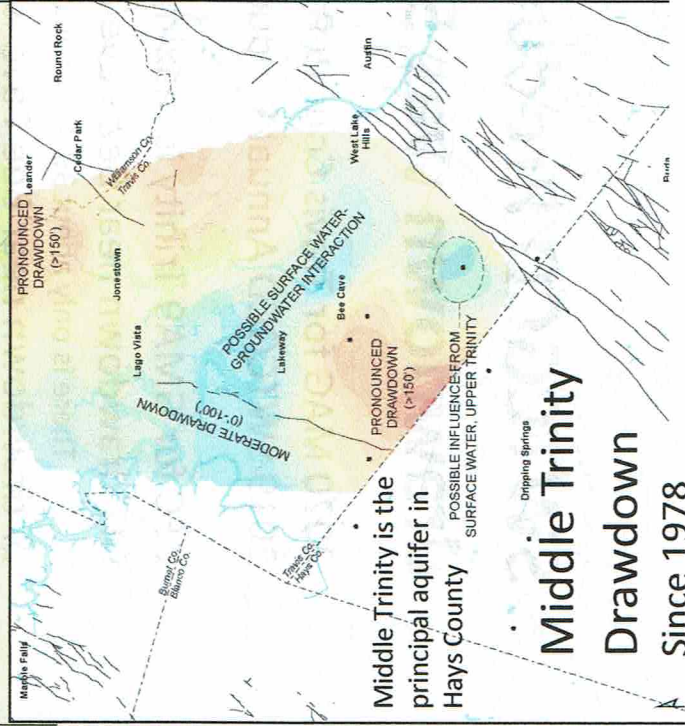
How can we write rules to manage future drawdown when $\frac{1}{2}$ the annual MAG production rate has resulted in 5-7x the drawdown in the most recent Groundwater Availability Model?



Pumping in Middle and Lower Trinity

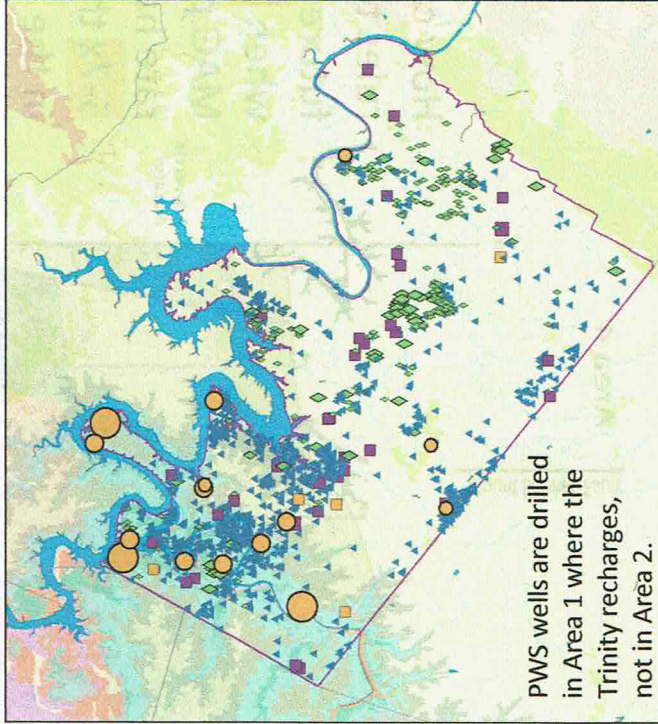


No MT wells under Bee Cave/Lakeway because drillers don't find water so drill through it to LT

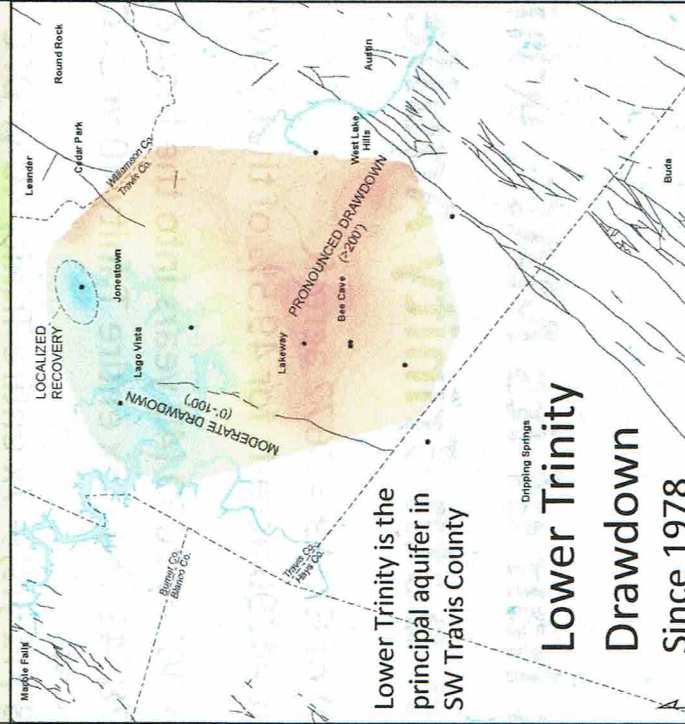


Middle Trinity is the principal aquifer in Hays County

Middle Trinity Drawdown Since 1978



PWS wells are drilled in Area 1 where the Trinity recharges, not in Area 2.



Lower Trinity is the principal aquifer in SW Travis County

Lower Trinity Drawdown Since 1978

Exhibit F

CONSIDERATION OF OVERARCHING GUIDING PRINCIPLES Potential Statements of Guiding Principles for SwTCGCD

CONSIDERATION OF OVERARCHING GUIDING PRINCIPLES

Potential Statements of Guiding Principles for SwTCGCD

ID Number	Prospective Statement	Included in Other Management Plans?				Comment
		Blanco Pedernales GCD	BSEACD	Central Texas GCD	Hays Trinity GCD	
GP-1	All groundwater planning and regulatory decision-making by the District will be consistent with "best science and data" then available to the District.	Yes	Yes	Yes	Yes	This may be redundant with Ch. 36 but may be desired to be included for public-facing reasons.
GP-2	The strategic goal of the District is to manage its groundwater resources in a sustainable fashion, including a reasonable balance between providing a reliable groundwater supply for the community and, where applicable, maintaining springflows and base flow of streams of sufficient amount and quality.	Yes?	Yes	Yes?	Yes	This could be included in a separate subsection of the MP called "Strategic Goals", or an introductory paragraph to Guiding Principles. Only two of the other GCDs explicitly address protection of springflows/baseflows as part of sustainable use.
GP-3	Collaboration with surface water providers and surface water and groundwater planning entities will be used to facilitate the economically sustainable management of groundwater resources and the equitable distribution of surface and groundwater resources.	Yes	Yes	Yes	Yes	If this were changed from a GP to an IA, then effective collaboration with Region K and GMA 9 probably should be specifically mentioned. But it seems more like a GP.

GP-4	The District will be an educational resource for the community as to aquifer conditions and status, groundwater conservation, and drought response, including reducing use and utilizing alternative supplies.	Yes	Yes	Yes	Yes	May consider deleting the final phrase, unless the Guiding Principle (GP) is changed to be an Intended Approach (IA).
GP-5	The District will encourage voluntary compliance but will enforce its regulations in a legal, just, and impartial fashion that is equitable to the entire groundwater-user community.	Yes	Yes	No?	Yes	
GP-6	The District will prevent waste of groundwater by ensuring authorized amounts of withdrawals are reasonable for the permitted use and, to the extent feasible, by preventing pollution of the groundwater in its aquifers.	No?	Yes	No?	Yes	This could be more of an Intended Approach to the statutory requirement.
GP-7	The District will encourage the involvement of stakeholders and the public in all of its activities, and will regularly inform the public and stakeholders of the status of ongoing activities.	Yes	Yes	Yes	Yes	

Other/Additional Possible Statements of Guiding Principles for SwTCGCD

Included in Other Management Plans?

ID Number	Prospective Statement	Included in Other Management Plans?				Comment
		Blanco Pedernales GCD	BSEACD	Central Texas GCD	Hays Trinity GCD	
GP-8	The District will consider protecting the historical use of the groundwater resources in its decision-making, including minimizing adverse effects on water-level or potentiometric surfaces of existing wells and on water quality supporting such use that existed before formation of the District.	Yes	Yes?	Yes	Yes	As stated, this may be more of an Intended Approach than Guiding Principle. BSEACD's Historical Use date was related to when the sustainable yield was exceeded, not its formation date.
GP-9	All rulemaking, rule enforcement, and policies supporting groundwater regulation must be consistent with the TWDB-approved Management Plan, and the Management Plan must be consistent with the District's enabling legislation and applicable parts of Chapter 36.	Yes	Yes	No?	Yes	This statement could be redundant with statute. But this relationship needs to be reinforced. The MP is not just a PLAN, but a de facto AUTHORIZATION of rules and policies.
GP-10	The District will establish and use an extensive monitoring well network to assess the conditions of all aquifer or aquifer subdivision on a continuing basis, and in turn to inform the regulatory program and the public.	Yes	Yes	Yes	Yes	This could be an Intended Approach, but it is a central, overarching component of SwTCGCD programs.

DESCRIPTION OF INTENDED APPROACHES TO GROUNDWATER MANAGEMENT

Details of Potential Approaches to Groundwater Management for SwTCGCD

ID Number	Prospective Intended Approach	Included in Other Management Plans?				Comment
		Blanco Pedernales GCD	BSEACD	Central Texas GCD	Hays Trinity GCD	
IA-1	"Domestic use" will include residential lawn and landscape irrigation, provided the groundwater well used for such irrigation otherwise meets the requirements for an exempt well.	?	Yes	?	?	This is a key, controversial use in SwTCGCD, so it probably needs to be addressed somewhere in the MP.
IA-2	Drought management will incorporate drought severity stages with mandatory curtailments for non-exempt wells and aspirational curtailments for exempt wells.	No?	Yes	No?	Yes	
IA-3	Continue to develop groundwater production limits based on promoting scientific study of the aquifer and its subdivisions and on improving estimates of modeled available groundwater.	Yes	Yes	Yes	Yes	
IA-4	District will focus on areas/zones of critical depletion and/or poor water quality by subdividing the aquifer into management zones for differential regulation and planning that are required to avoid unreasonable impacts.	Yes	Yes	Yes	Yes	

IA-5	<p>Promulgate mandatory well construction standards and methods, beyond those required of all wells by TDLR, and well maintenance and abandonment procedures that protect zones of higher quality water from zones of poorer quality water.</p>	Yes	Yes	?	Yes	Could be a Guiding Principle
IA-6	<p>In joint planning in GMA 9, the District will ensure that the DFC(s) adopted by the GMA provide an adequate basis for protecting the District's groundwater users and uses, including advocating for GMA subdivisions if necessary to accomplish this goal</p>	Yes	Yes	Yes	Yes?	<p>If this IA happened to be changed to be a GP, then the final phrase might need to be deleted.</p>
IA-7	<p>The District will, by rulemaking, define "unreasonable impacts" to include exceedence of the District-specific MAG for the applicable DFC by a specified amount; depletion of springflows or baseflows of streams in hydrologic communication with the aquifer during drought conditions; and exceedence of some threshold established by the Board as constituting a specified undesirable or injurious condition.</p>	Yes	Yes	Yes	Yes	
IA-8	<p>All authorized revenue sources for the District will be pursued for needed financial support of District activities, but the discretion available to the District Board regarding any particular revenue source will be utilized to ensure equitable fee generation among the sources.</p>	No	No	No	No	<p>This arises from the multiple revenue sources and the "up to" wording in in the enabling legislation. Also, three of the four other GCDs do not have a dominant production fee-based revenue stream.</p>

Since aquifer science indicates that the applicable DFC of the Trinity Aquifer is likely to be exceeded in the future, the District will consider establishing, by rulemaking, an interruptible-supply permit program, with curtailments specified by drought status for permits after a specified date.

IA-9

Alternatively, the Intended Approach would be to have an across the board reduction in existing "firm-yield" permitted amounts. But the Board may not want to specify this complexity in the Initial MP.

No

Yes

No

No

Notes on Table of Possible Statements

1. In absence of a supplemental, GCD-specific strategic purpose at this juncture, the MP will necessarily be based on the Purpose statement in TWC Chapter 36, which states: "In order to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution, groundwater conservation districts may be created as provided by this chapter. Groundwater conservation districts created as provided by this chapter are the state's preferred method of groundwater management in order 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 a district in accordance with the provisions of this chapter."
2. Guiding Principles as well as Intended General Approaches to GW Management must be consistent with Ch 36 and enabling legislation.
3. The ID Number is just for facilitating reference internally. The order in which the statements are included in the table are not intended to be priority order.
4. Some statements that are included in the table as Guiding Principles may be changed to be Intended Approaches by the District Board, and vice versa. Any listed Guiding Principles that the Board does not want to list, for whatever reason, probably should be reclassified and listed as Intended Approaches to GW Management in the MP.
5. Note 4 notwithstanding, the Board, whether Temporary or Initial Elected, will decide whether a listed statement is appropriate for the SwTCGCD, whether it is a Guiding Principle or Intended Approach, or alternatively whether or not it should be identified at all in the Initial MP.
6. Some statements with indications that they are included in other GCDs' MPs may not be explicitly worded as shown, and some may be emphasized in other parts of their MPs or even implied. So the wording shown as Possible Statements is an amalgam and are not reproduced *exactly* as shown in any part of the other four MPs.