

MINUTES

CAPITAL AREA GROUND WATER CONSERVATION COMMISSION

September 19, 2017

I. Call to Order

The Capital Area Ground Water Conservation Commission met for a regular meeting at 9:30 a.m. on September 19, 2017 in the U.S. Geological Survey's auditorium at 3535 S. Sherwood Forest Blvd., Suite 120, Baton Rouge, Louisiana. The meeting was called to order by the Chairman, Barry Huggins.

II. Roll Call

The following members were present: Ronnie Albritton, William Daniel, Barry Huggins, Johan Forsman, John Jennings, Amelia Kent, Julius Metz, Jeff Miller, Nelson Morvant, Matthew Reonas, Ryan Scardina, Thomas Stephens, Todd Talbot, and Mark Walton. The following members were absent: Henry Davis and Jens Rummler.

Others attending the meeting were: Anthony Duplechin and Shawn Scallan, Capital Area Ground Water Conservation District; Lana Venable, ExxonMobil; Roy Waggenspack, Owen & White; Harry Vorhoff, Louisiana Attorney General's Office; Steve Hardy, The Advocate; Lindsay Goudey, Sparta Ground Water Commission; Dennis McGehee, Baton Rouge Water Company; Joey Hebert, Georgia Pacific; Russel Honore, Green Army; Stuart Lambert and Bruce Duhe, Layne Christensen; William Fontenot, Sierra Club; Kyle McCann, Louisiana Farm Bureau; John Lovelace, U.S. Geological Survey; Su King and Tyler McCloud, Louisiana House of Representatives Staff; Jonathan McFarland, Louisiana Department of Environmental Quality; Representative C. Denise Marcelle, Louisiana State Representative; Kathy Wascom, Louisiana Environmental Action Network; Henry Graham, Louisiana Chemical Association; J.W. Wiley, and Lee McHenry, Louisiana State Senate Staff.

III. Minutes

Mr. Morvant made a motion that the minutes of the July 3, 2017 meeting be approved. Mr. Reonas seconded this motion. The minutes were approved and passed unanimously.

IV. Report from the Administrative Committee

At the request of the Chairman, Barry Huggins, Mr. Stephens reported on the meeting that was held September 12, 2017 at 8:30 a.m. Following is a summary of items discussed at the meeting and further discussion and action at the regular Commission meeting on September 19, 2017 at 9:30 a.m.

- The Administrative Committee recommended the following members for Capital Area Ground Water Conservation Commission officers for 2018: Barry Huggins, Chairman; Nelson Morvant, Vice-Chairman; and Thomas Stephens, Treasurer. Mr. Morvant asked for floor nominations for the office of Chairman. There were none. Ms. Kent made a motion that nominations be closed. Mr. Morvant seconded this motion. Mr. Huggins was appointed as Chairman. Mr. Huggins asked for floor nominations for the office of Vice-Chairman. There were none. Ms. Kent made a motion that nominations be closed. Mr. Daniel seconded this motion and it passed unanimously. Mr. Morvant was appointed as Vice-Chairman. Mr. Huggins asked for floor nominations for the office of Treasurer. There were none. Ms. Kent made a motion that nominations be closed. Mr. Jennings seconded this motion and it passed unanimously. Mr. Stephens was appointed as Treasurer.
- Mr. Daniel made a motion to authorize the staff to request proposals. Mr. Morvant seconded this motion and it passed unanimously. Director Duplechin stated that the procedure would be to present the proposals received to the Administrative Committee and then to the full board for approval.

- Mr. Stephens made a motion to authorize the Commission staff to research the hiring of a public relations consultant/firm to represent the Commission and present a recommendation at the next Administrative meeting. Mr. Daniel seconded this motion and it passed unanimously.
- Mr. Jennings made a motion to authorize the Commission staff to evaluate and make a recommendation to hire outside legal counsel. Mr. Stephens seconded this motion and it passed unanimously. Mr. Duplechin stated that the scope of services will be patterned after the current Attorney General's contract for legal services.
- Mr. Daniel made a motion that the Capital Area Ground Water Conservation Commission include in their comments to the Office of Conservation concerning Act 425 that the Louisiana Administrative Procedures Act be followed so that it would allow for the maximum amount of public input. Mr. Stephens seconded this motion. The vote was yes – 13 members and no – 1 member. The motion passed. It was noted that two commissions are impacted by Act 425. Those being Sparta Ground Water Commission and the Capital Area Ground Water Conservation Commission. It was noted that the Commissions received two different checklists from the Office of Conservation. Mr. Huggins stated that he is simply requesting that the Commission ask the Office of Conservation to take the most open and transparent process possible and to take comment from the public.

V. Report from the Technical Committee

The report of the Technical Committee was made by Nelson Morvant. Following is a summary of topics discussed at the meeting on September 12, 2017 further discussion and action at the regular Commission meeting on September 19, 2017.

- Mr. Huggins made a motion to adopt the revised document, "Management of the Southern Hills Aquifer System in the Baton Rouge Area" with the following addition, "CAGWCC increased pumpage fees to \$10.00 per million gallons in 2016, with \$5.00 per million gallons dedicated to finance geophysical test holes/wells to be used to locate a scavenger well(s) to remove salt water from the "2,000-foot" sand. Upon location of suitable sites, detailed engineering can proceed through preparation of a definitive estimate, followed by securing funds and installation." Mr. Jennings seconded this motion and it passed unanimously.
- Mr. Huggins made a motion to adopt the revised document, "Summary Plan for the Management of Salt Water Migration in the "1,500-foot" and "2,000-foot" sands of the Baton Rouge Aquifer System". Mr. Stephens seconded this motion and it passed unanimously.
- Mr. Huggins made a motion to authorize the Commission to continue funding through 2022 for the U.S. Geological Survey proposal titled, "Development and Maintenance of a Computer Model to Simulate Groundwater Flow and Saltwater Encroachment in the Baton Rouge Sands, Louisiana". Mr. Stephens seconded this motion and it passed unanimously.

VI. Request to Move Agenda Item

Mr. Reonas made a motion to move agenda item, Legal Report, to right before agenda item, Adjournment. Mr. Daniel seconded this motion and it passed unanimously.

VII. Director's Report

Director Duplechin reported that he is continuing to work with Owen and White to assist the Commission in preparation of a bid package including design, bidding and construction support for installation of the first test hole. He reported that he continued to work with the Attorney General's office on collection of fees from East West Copolymer. Mr. Duplechin reported that he and Chairman Huggins attended a meeting of the Sparta Commission in Arcadia. Director Duplechin coordinated the initial meeting of the Planning and Specification Subcommittee. He reported that he attended the Water Synergy project meeting which was held at the Water Institute of the Gulf. Mr. Duplechin reported that at the direction of the Administrative Committee, he reviewed the items in the checklist from Commissioner Ieyoub concerning Act 425.

VIII. Chairman's Report

Mr. Huggins did not have a report.

IX. Other Business

There was no other business.

X. Public Comment

Mr. William Fontenot, Sierra Club, commented that he wants the members of the Commission to understand that they are on the Commission as individuals and not their appointed entity. Mr. Fontenot referred to Article IX of the new constitution which deals with Natural Resources including air, water, oil, natural gas and forest. Mr. Fontenot stated that Section one of Article IX stated, "The natural resources of the state, including air and water, and the healthful scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people. The legislature shall enact laws to implement this policy." Mr. Fontenot reported that the Louisiana Supreme Court gave a 9-0 court decision in a case in Ascension Parish dealing with a proposed hazardous waste facility. This decision gave the people their first interpretation of Article IX, section 1. The Supreme Court stated that all public officials must make sure that they are representing the public interest. All public officials must make sure that when they are making a decision which may adversely impact human health or the environment that the applicant has considered alternative sites, projects and processes and that the ones selected are the most protective of human health and environment. Mr. Fontenot added that the Commission was created 42 years ago.

Ms. Kathy Wascom, LEAN, stated that looking at the legislation that was recently passed that one could understand the reason for the questioning of the Commission's agenda items. She stated during the hearing for the legislation for the bill (Act 425) that Chairman Huggins and Director Duplechin both opposed the legislation. Mr. Duplechin stated that he did not oppose the legislation. Ms. Wascom stated that perhaps there were reasons to change the reporting dates which could have been easily amended at the time, but the reasons for the opposition to the legislation were not made very clear. She stated that the bill was amended on the senate floor which then went back and forth to conference committee to finally get the bill passed. Ms. Wascom stated that it was a long convoluted process for something that she thought should have been what government bodies do such as follow the open meetings law and file reports. She stated that the opposition to the bill was a surprise. Ms. Wascom stated this is why she was asking questions about lobbyists, public relations and attorneys. Ms. Wascom stated that her group's overriding intent is to protect groundwater specifically the drinking water. Ms. Wascom asked the Commission to consider holding their meetings at the local Goodwood library or the DNR facility.

Representative Denise Marcelle reiterated that her intention for the bill was for transparency, reporting and to work towards how to keep our water as best as possible. She stated that she is learning about the scavenger wells and other things that she was not aware of through the Board's meetings. She stated that she wants to get additional information on what we can do together to make it better for our future generations. She thanked the Commission for working together on this issue.

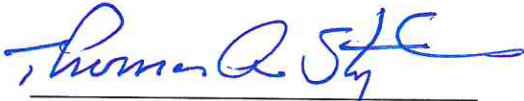
Lana Venable, ExxonMobil, wanted to correct a statement that was made during the meeting by Ms. Wascom. She stated that ExxonMobil made reductions voluntarily in agreement with the Office of Conservation back in 2012, not due to a settlement.

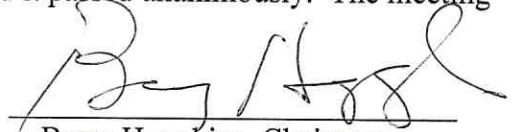
XI. Legal Report

Mr. Harry Vorhoff, Attorney General's Office, reported on a few inquiries from the July meeting. He stated that after reviewing the Commission Enabling Act, it is clear that the Commission may seek an injunction for any user that is delinquent on their pumpage fees. Mr. Vorhoff then reported that all Commission business must go through a standing committee. Mr. Morvant then made a motion that the Commission go into Executive session. Mr. Stephens seconded this motion and it passed unanimously.

XI. Adjournment

There being no further business before the Commission, Mr. Morvant made a motion that the meeting be adjourned. Mr. Talbot seconded this motion and it passed unanimously. The meeting was adjourned at 11:38 p.m.


Thomas Stephens, Treasurer


Barry Huggins, Chairman