

MINUTES

***CAPITAL AREA GROUND WATER
CONSERVATION COMMISSION***

March 21, 2017

The Capital Area Ground Water Conservation Commission met at 9:30 a.m. on March 21, 2017 in the Amite River Basin Commission's conference room at 3535 S. Sherwood Forest Blvd., Suite 135, Baton Rouge, Louisiana. The meeting was called to order by the Chairman, Mr. Barry Huggins.

The following members were present: Ronnie Albritton, William Daniel, Henry Davis, Johan Forsman, Barry Huggins, Julius Metz, Jeff Miller, Nelson Morvant, Matthew Reonas, Jens Rummeler, Thomas Stephens, Todd Talbot, and Mark Walton.

Others attending the meeting were: Anthony Duplechin and Shawn Scallan, Capital Area Ground Water Conservation District; Lana Venable, ExxonMobil; Roy Waggenpack, Owen & White Engineers; John Lovelace and Max Lindaman, U.S. Geological Survey; Harry Vorhoff, Louisiana Attorney General's Office; Sayi Malineni, retired engineer; Clayton Miller, Mid Southwater; Greg Baldwin, citizen; Dale Aucoin, former Commissioner; Tyler Gray and Bret Sparks, LMOGA; Steve Hardy, The Advocate; Henry Graham, Louisiana Chemical Association; and Russel Honore, Green Army.

Mr. Reonas made a motion that the minutes of the December 13, 2016 meeting be approved. Mr. Stephens seconded this motion and it passed unanimously.

I. Public Comment on Agenda Items

There were no public comments on agenda items.

II. Report from the Administrative Committee

At the request of the Chairman, Barry Huggins, Mr. Stephens reported on the meeting that was held March 21, 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 March 21, 2017 at 9:30 a.m.

1. Copies of the Financial Conditions as of February 28, 2017 were distributed for review and comment. Mr. Stephens stated that to date the U.S. Geological Survey has not billed the Commission for the modeling study and that an invoice is expected before the end of the fiscal year. The staff will renew the certificate of deposit that matures on March 22, 2017.

2. Copies of the proposed budget for fiscal year 2017-2018 were distributed for review. Mr. Reonas inquired as to how he could make revisions to the budget. Mr. Stephens stated that he could send any revisions to the budget and that they will be addressed at the administrative meeting in June. Mr. Stephens stated that because expenses will exceed \$500,000 for fiscal year 2017-2018, the Commission will be required to hold a public hearing in order to adopt it. The hearing will be held at 8:30 a.m. on June 21, 2017 at the District office. The budget will be considered at the June 2017 meeting.

3. Mr. Stephens stated that the Administrative Committee recommended that the Commission consider entering into a legal contract for legal services for any contractual work needed in the future. Mr. Stephens then made a motion for the Capital Area Ground Water

Conservation Commission to enter into a contract for professional legal services with the Louisiana Attorney General's Office for review of any contractual work with the Commission. Mr. Jennings seconded this motion and it passed unanimously. During the administrative meeting, it was requested that Mr. Reonas inquire about legal services through the Department of Natural Resources.

4. Director Duplechin stated that the Commission has one user who has failed to pay their 1st quarter 2016 delinquent fee along with payments for pumpage fees for both the 3rd and 4th quarters, 2016. Mr. Stephens made a motion authorizing the Director to seek legal services with the Attorney General's office with this matter. Mr. Daniel seconded this motion and it passed unanimously. It was noted that this issue falls under the obligations of the Attorney General's office and that the Commission will not be charged for this service.

III. Report from the Technical Committee

The report of the Technical Committee was made by Nelson Morvant. Minutes of the meeting were distributed (attached). Following is a summary of topics discussed at the meeting on March 14, 2017 further discussion and action at the regular Commission meeting on March 21, 2017.

1. The ad-hoc group reported that the contractual agreement with Owen & White to assist the Commission in preparation of a bid package, including design, bidding and construction support, for installation of the first exploratory well, S-18 (adjacent to the DPW Sewage Lift Station on Acadian Thruway) had been signed. Roy Waggenpack of Owen & White reported that he had gotten the site drawings for the proposed location and is ready to meet with the ad-hoc group to discuss the specifics that will be included in the bid package. He explained the types of work that Owen & White does for public bodies.

2. Mark Walton reviewed the most recent pumping from the 1,500-ft and 2,000-ft sands. All pumpage was within mandated limits.

3. John Lovelace of the USGS gave an update on the Baton Rouge Model.

PROGRESS AND SIGNIFICANT FINDINGS:

- The water-level observation data set was modified to remove "redundant" observations (more than one measurement per well within a model stress period, and enable calibration to water-level drawdowns in addition to water levels.
- Additional borehole hydrogeologic data was used to revise the hydrogeologic framework model. The groundwater model was revised to incorporate this new structure.
- The constant-density MODFLOW version of the groundwater flow model incorporating the revised hydrogeologic framework was calibrated with PEST++ to observed water levels.
- The historic chloride concentrations measured at observation wells screened within the "1,500-foot," "2,400-foot," and "2,800-foot" sands were used for preliminary calibration of solute-concentration boundary conditions and the

effective porosities and dispersivities within those aquifers, and the simulated hydraulic conductance in different portions of the Baton Rouge fault.

PLANS FOR NEXT QUARTER:

- Finalize calibration of the groundwater transport model to observed chloride concentrations in the “1,500-foot,” “2,400-foot,” and “2,800-foot” sands.
- Identify pumping scenarios of interest for simulation of future water-level changes and saltwater encroachment in the “1,500-foot,” “2,400-foot,” and “2,800-foot” sands.
- Incorporate revised hydrogeologic framework into the web-based cross-section viewer.

4. Dr. Frank Tsai of the LSU Engineering Department gave an update on the Conjunctive Management Study that he is conducting. The study is scheduled to be completed at the end of May 2018. He informed the Committee that they had completed a groundwater model that covers the MRAA and the 400-foot sand to the 2800-foot sand; a technical paper was published to Hydrogeology Journal “Modeling complex aquifer systems: a case study in Baton Rouge, Louisiana (USA). A presentation will be given to the 11th Annual Louisiana Groundwater, Surface Water & Water Resources Symposium (April 11-12), Saltwater Intrusion modeling for the Baton Rouge aquifer system, Southeast Louisiana. He is also working on saltwater intrusion mitigation methods using hydraulic controls.

He presented an overview of the wells in the Baton Rouge area that are completed in multiple sands, focusing on the Commission’s “Connector Well” , and Baton Rouge Water Company’s Lafayette Street station and a well at Exxon.. He also spoke on inter-action between the Mississippi River and the shallow aquifers in the Profit Island vicinity

5. Doug Carlson of the Louisiana Geological Survey briefed the Committee on the upcoming Groundwater Symposium at LSU.

6. Commissioner Reonas briefed the Committee on the study report the Office of Conservation’s report in response to HCR 115. Electronic copies of the report had been sent to members of the Committee by email. He explained that the concept of sustainability is somewhat difficult to assess. They decided to look at a 5-year timeframe and came to the conclusion that groundwater resources in the Southern Hills Aquifer System to substantially sustainable (in Louisiana) for the next five year, but that there are certain unacceptable effects in certain sands in some portions of East Baton Rouge Parish. Mr. Reonas stated that in his presentation he neglected to mention that the U.S. Geological Survey put together a regional groundwater fact sheet for the Southern Hills region as a supporting document. Mr. Lovelace stated that the fact sheet has been approved and is in final layout. He stated that it

has not been printed yet, but is available online. Mr. Reonas stated that he wanted to acknowledge the Survey's support on this project.

IV. Director's Report

Mr. Duplechin reported that he worked with Owen & White to get the agreement in place for the bid package for the installation of the first exploratory well. The Director coordinated ad hoc group meetings and continued working on unpaid pumpage fees and penalties from one user. Mr. Duplechin contacted the Louisiana Board of Ethics concerning a possible conflict of interest with one board member. The District staff received notice that this board member would need to stop receiving a salary from Owen & White in order to remain a member. The Director attended the Ground Water Management District's Association (GMDA) meeting in January. During the business meeting, the Director reported that he was elected Vice President for 2017-2018. One of his duties will be to set up January 2018 meeting for GMDA. Mr. Duplechin stated that he will be hosting the annual meeting in Baton Rouge.

V. Chairman's Report

Mr. Hugghins presented a certificate of appreciation to Commissioner Dale Aucoin for his service on the Commission. Mr. Aucoin thanked the Commission and stated that he felt that during his time on the board that the Commission has made progress particularly over the last two years. Mr. Hugghins also had a certificate of appreciation for Commissioner Dan Tomaszewski. Mr. Tomaszewski was unable to attend the meeting.

VI. Other Business

Mr. Reonas commented that in the past that the item, public comments, was placed at the end of the meeting on the Commission's agenda and now it is placed at the beginning of the meeting. Mr. Reonas stated that this raised several concerns of his. He stated that he was concerned about the specificity of the agenda itself. He stated that by looking at the agenda that it didn't really appear that there would be a lot of business or specific actions for the this meeting even though some votes were taken. He stated that the general public would see four reports and other business. The public would have no concept of what that other business and reports would include. Mr. Reonas stated that with this agenda the Commission is not really holding up their end of the bargain in terms of public understanding of what the Commission does. Mr. Reonas requested that going forward that the Commission has more specific agendas. He stated that he doesn't have a problem with the public comments being at the beginning of the agenda because he understands that it meets the Open Meetings Law.

Mr. Reonas then brought up the issue of public access to the Commission meetings. He stated that the meetings are on Tuesday mornings at 9:30 a.m. He stated that the Commission is a group that protects the groundwater resources in this District that supply industry, agriculture, and drinking water to over a half million people in the five parish area. He stated that the

operating budget is currently \$600,000 and that fees will more than likely need to be raised in the near future. He stated that all the Commissioners have obligations to attend the meetings and went on to say that there is no per diem for Commissioners. He stated that how many other interested members of the public attend the meetings except for a few retirees, vendors, and U.S. Geological Survey employees. He stated that there are numerous people who are aware and have an interest in groundwater and groundwater management but are unable to attend the meetings. Mr. Reonas recommended that the Commission look at how other commissions with similar responsibilities and budgets go about their business in terms of meetings. Mr. Reonas stated that the committee meetings are fine during the day because most of that business is funneled to the regular meeting. He went on to say that the more he thought about the meeting being held during morning time that it seems that it is fundamentally constructed to not allow the public to comment or have interaction with what the Commission does. He stated that he wants to challenge the Commission to evaluate as to why the Commission meets quarterly at 9:30 a.m. when the vast majority of the public would not be able to attend. Mr. Walton questioned Mr. Reonas as to when the Office of Conservation holds their meetings for the State Water Commission. Mr. Reonas stated at 11:00 a.m. He also stated that public hearings are generally held in the evenings. Mr. Reonas stated that most of the members from the State Water Commission travel from out of town and that there is no per diem or budget for that Commission. Mr. Walton then stated that having no budget is not relevant to the subject. Mr. Reonas then asked Mr. Huggins what time the West Baton Rouge Council meets. Mr. Huggins responded at 6:30 p.m. Mr. Reonas then stated that he thinks the amount of the budget is relevant. Mr. Huggins then stated that he will ask the Administrative Committee to consider the meeting time of the Commission at their next meeting and have a recommendation. Mr. Huggins stated that he is good with any meeting time but he did not think that the meeting time was constructed to exclude anyone. He stated that if you follow that logic then you ought to have congress and the legislature meetings at night. Mr. Reonas stated that he was not accusing anyone in the room.

Mr. Walton then commented on Mr. Reonas' first point on the issue of public comments. Mr. Walton stated the way he reads the Open Meetings Law that before there is a vote on any item that the Commission is required to open the floor for comments from the public. He stated that the proper way is to make a motion, second the motion, open the floor for public comment, close the discussion and have a vote. Mr. Walton also stated that having public comment on the agenda at the beginning of the meeting is fine. Mr. Daniel stated that he thinks the agendas need to be more detailed and should not be suggested agendas but actual agendas. He also stated that any item that requires a vote should be placed on the agenda. He stated that two items were discussed at the administrative meeting and voted. He stated that he didn't think that it was proper way to handle business. Mr. Daniel went on to say that he doesn't think there is anything more important than water in East Baton Rouge Parish. He stated that it is critically important for the industry and that without good water it would be hard to attract people to your parish to live and work.

Mr. Huggins then asked Mr. Vorhoff if the Commission needs to go back and revote on the two resolutions that were passed in the Administrative Committee report. Mr. Vorhoff stated that the way he reads the Open Meetings Law is that it is a bit ambiguous that you just need to have public comment before voting. Mr. Vorhoff recommended that any item that requires a vote should be placed on the agenda in the future. Mr. Morvant then made a motion to amend the agenda to add the two items previously voted on in the Administrative report. The two items were: 1) enter into a contract for professional legal services with the Louisiana Attorney General's office of review of contractual work and 2) authorize the Director to seek legal action on delinquent pumpage fees. Mr. Daniel seconded this motion and it passed unanimously.

Mr. Huggins then asked for public comment on entering into a contract for legal services with the Attorney General's office. Mr. Russel Honore commented that his concern is that the Attorney General is a good friend of his but more than once he said that his job is to protect the oil and gas industry who use a lot of water in the Southern Hills Aquifer system. He stated that if this legal service involves the amount of water use then Mr. Honore suggested that the Commission have an option to use another attorney. He stated that the Attorney General sees his job as protecting industry as opposed to any other priority. Mr. Stephens made a motion to enter into a contract for professional legal services with the Louisiana Attorney General's office of review of contractual work. Mr. Daniel seconded this motion. Mr. Huggins asked for any discussion from the board. Mr. Reonas wanted to clarify what Mr. Honore was saying. Mr. Reonas stated that this is just contractual review that the Commission is not entering into a contract with the Attorney General to pursue litigation on the Commission's behalf. Mr. Jennings stated that if the Commission did have litigation with someone that he believes the Attorney General's office would take it anyway. Mr. Vorhoff stated that in terms of enforcement of the statues and regulations, the Attorney General is statutorily required to represent the Commission. Mr. Huggins commented that he doesn't think that the Attorney General himself would be doing any contract reviews. The Chairman then called for a vote on this motion. It passed unanimously.

Mr. Huggins then asked for public comment on authorizing the Director to take action to collect delinquent pumpage fees. Mr. Honore commented that his concern would be if this action would be against a public institution such as a school or vulnerable people or businesses suffering from the flood. If this is the case, then he urged the board to show some leniency until they are able to get their feet back on the ground. Mr. Stephens then made a motion to authorize the Director to take action to collect delinquent fees. Mr. Jennings seconded this motion. Mr. Huggins asked for any discussion from the board. There was none. The Chairman called for a vote on this motion. It passed unanimously.

Mr. Reonas encouraged the board members to submit their comments to Mr. Stephens on the issue of Commission meeting time prior to the next meeting. Mr. Reonas wanted to remind everyone that the Commission is a public body with considerable public trust. Mr. Talbot asked

if Mr. Reonas thought that the Commission was limiting people or that the audience was impacted by the time of their meetings. Mr. Talbot asked if this was an effort to get more people to attend the meeting and just to be more transparent. Mr. Reonas responded that he does think the time is limiting.

Mr. Reonas then brought up his second item that he would like the board to consider. This involves the composition of the ad hoc group. Mr. Reonas requested that the Director give him some background information on this group prior to the meeting. Mr. Reonas stated that the group was created in 2013. Mr. Walton stated that the chairman of the technical committee created the group and that this group reports to the Technical Committee Chairman. Mr. Reonas stated that the group serves as the policy arm for the technical committee. Mr. Reonas stated that he has attended many technical committee meetings and that this committee usually defers to what the ad hoc group recommends. Mr. Reonas stated that he doesn't know if you can accuse the technical committee, myself included, as being lazy in their duty to come up with other options. Mr. Walton then asked Mr. Reonas to read Director Duplechin's email regarding the makeup of the ad hoc group. The email reads "The ad hoc group was formed in 2013 when Joey Hebert and John Jennings were Commission Chairman and Technical Committee Chairman respectively. The group was started for technical discussion of the "2,000-foot" sand in a round table non-committee setting. Its goals were identify alternatives, identify costs, identify timeline, determine financing, and define when to invite technical information resources to ad hoc meetings. The group was created by the technical committee chairman. Initially the group consisted of three active Commissioners and one former Commissioner which lasted until the end of 2013. It then went to two active Commissioners and two former Commissioners. Since that time there have never been more than two active Commissioners. The original group was Dale Aucoin, Dennis McGehee, Joey Hebert and Mark Walton. At the request of the ad hoc group, Dan Tomaszewski was added to the group after he became a Commissioner." Mr. Reonas stated that presently since Dale Aucoin is no longer a board member, the group consists of Dale, Joey Hebert from Georgia Pacific, Dennis McGehee from Baton Rouge Water Company, Dan Tomaszewski, retired from U.S. Geological Survey and Mark Walton. Mr. Reonas stated that his concern with the group is that there is only one active Commissioner that is formulating policy that is being accepted by the technical committee. Mr. Reonas then made a recommendation that the ad hoc group be composed of majority Commission members and receive notices of those meetings. He stated that he would like to be aware of when the meetings are and specifically what technical information resources are being invited to the ad hoc meeting to determine what policy they're going to make and what avenues they are going to pursue for remediating saltwater encroachment. Mr. Reonas stated that he researched through the Commission documents and found that in 1999 a Long Range Planning Committee was established. He stated that in the makeup of this committee that there would always be an active Commission member majority and no more than two nonmembers. Mr. Reonas stated that his concern is that you have regulated users within the ad hoc group that are driving the policies of this group and then adding it to the technical committee and pushing it to the board. He stated

that in public interest the group should have an active Commission member majority. He noted that the group presently has one Commission member. Mr. Reonas asked Mr. Morvant, Technical Committee Chairman, if he would like to pursue this topic at the next technical committee meeting. Mr. Walton stated that the ad hoc group does not by any way shape or form dictate policy. Mr. Morvant stated that the technical committee is provided technical expertise by this group who has provided an informed decision of the Baton Rouge fault which is naturally occurring and is aspirated by the pumpage over that fault. He stated that the group is using the best science available to come up with ideas. Mr. Morvant stated that he will take a look at the group. He said the group was formed with four people with the purpose if there are too many members you never get a consensus. Mr. Morvant added that the group does incorporate the technical expertise of John Lovelace, USGS, and Dr. Tsai. Mr. Reonas asked if he could get notices of these meetings. Mr. Jennings commented that the Commission has operated very informally over the years. Mr. Jennings stated that there is no effort to be secretive. Mr. Walton stated that the ad hoc group meetings are not public. Mr. Huggins commented that anyone can bring a group of people and give input at the meetings. He stated that this is not meant to be an exclusionary situation. Mr. Huggins then asked Mr. Vorhoff for an opinion on this group. He stated that all committee meetings are subject to the Open Meetings Law and are required to have an agenda with specific items and public comments before voting on any item. He stated that the ad hoc group reports to the Technical Chairman. This information is provided at an official technical committee meeting and this is where the public has the opportunity to provide meaningful comment. The committee can then proceed as needed. Mr. Reonas stated that the point here is if we need to contract for technical information that we have a technical work group that is composed of Georgia Pacific, Exxon, Gulf States/Entergy, Baton Rouge Water Company and USGS. That has the perception of the regulated users driving the policy of the technical committee and ultimately the board. Mr. Reonas stated that he is not accusing these gentlemen of somehow underhanded or some kind of conspiracy. He stated that he is asking that the group be majority Commission members. He stated that if the Commission needed to contract out for science or other technical information that he is sure that there are engineering and geoscience firms that the Commission could reach out to that could provide a broad view of how to manage this system that might differ from what the representatives on this ad hoc group have. Mr. Huggins stated with the exception of someone who works for USGS or DEQ, everyone else on the board represents a regulated user.

Mr. Huggins stated that Bill Daniel brought up a good point in that perhaps the Commission has been a little remiss in not being more aggressive with planning. The Commission is looking at drilling a test well and then a scavenger well. He stated that the Commission needs a road map for where the Commission is headed and how it is going to be funded. He asked both the Administrative and Technical committees to give consideration for future planning. He stated that the Commission is in charge of protecting ground water resources of the Southern Hills Aquifer. The Commission needs a specific plan which includes funding.

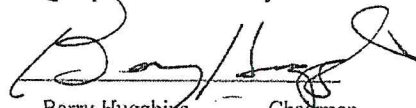
Mr. Russel Honore stated that the Green Army has had several inquiries over the past month from people who live on the south side of Baton Rouge near LSU by the river complaining of the taste of their water. The Green Army has had difficulty with trying to find where the water can be tested. Mr. Huggins asked if anyone has contacted Baton Rouge Water Company. Mr. Honore stated yes but no one has acknowledged any problem. Mr. Miller stated that he takes care of water quality for Baton Rouge Water Company and that he has not received any phone calls and that this is the first he has heard of this problem. He stated that he would be happy to talk with the concerned citizens. Mr. Honore thanked Mr. Miller and said that he would put him in contact with the people.

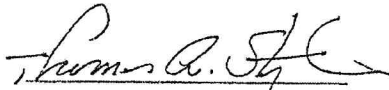
VI. Next Meeting

The Chairman reported that the next regular Commission meeting of the Capital Area Ground Water Conservation Commission will be scheduled on Tuesday, June 20, 2017 at 9:30 a.m... The next Technical Committee meeting will be Tuesday, June 13, 2017 at 1:30 p.m.

VII. Adjournment

There being no further business before the Commission, Mr. Jennings made a motion that the meeting be adjourned. Mr. Walton seconded this motion and it passed unanimously.


Barry Huggins, Chairman


Thomas Stephens, Treasurer