

MINUTES

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

June 28, 2016

The Capital Area Ground Water Conservation Commission met at 9:30 a.m. on June 28, 2016 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. John Jennings.

The following members were present: Ronnie Albritton, Trey Argrave, Dale Aucoin, Barry Huggins, John Jennings, Amelia Kent, Jeff Miller, Nelson Morvant, Matthew Reonas, and Thomas Stephens.

Others attending the meeting were: Shawn Scallan, Capital Area Ground Water Conservation District; Dennis McGehee, Baton Rouge Water Company; Todd Talbot, ExxonMobil; Duncan Kemp, Louisiana Attorney General's Office; Roy Waggenpack, Owen & White; William Fontenot, Sierra Club; William Faulk, citizen; Kyle McCann, Louisiana Farm Bureau Federation; Sayi Malineni; Frank Tsai, LSU; Henry Graham, Louisiana Chemical Association; Amy Wold, The Advocate; Mary Gentry and Tiffani Barth, Louisiana Department of Environmental Quality; Stephanie Anthony, Louisiana Democracy Project; Robert Herrington, R & L Enterprises; and Mark Walton, former Commissioner.

Mr. Jennings stated that the minutes for the March 2016 meeting were sent to Commissioners for review. Mr. Reonas stated that he sent a requested revision to the March minutes yesterday to the Commission. Mr. Reonas stated that he did not know if the Commission wanted to discuss the revisions or accept as is. Mr. Jennings replied that he would like to see if any other Commissioner had any revisions first. Mr. Huggins stated that he had two revisions: page 1, under the Administrative Committee report item #1, change the word "maturing" to "renewing" and on page 2, first paragraph, change "June 2015" to "June 2016". Mr. Jennings stated that the Commission has not had this situation in which a board member would like to make such an extensive addition in which Mr. Reonas was requesting. Mr. Jennings stated that historically the Commission has never had verbatim minutes for their meetings. He stated that in June 2012 upon the request of Jim Welsh, Office of Conservation, suggested that the Board use a court reporter. The Administrative Committee brought up Mr. Welsh's request at their meeting in June 2012, and it was decided that the Commission would not use a court reporter to record the minutes of the meeting. Mr. Jeff Miller stated that he is not comfortable amending the minutes based on memory. Mr. Miller stated that based on Mr. Reonas' comments that this level of excruciating scrutiny that he is either trusting what the minutes state based on the recording or that he is not real sure that the nuances that Mr. Reonas refers to is trying to be communicated that weren't because it all seems to be straight forward in the minutes. Mr. Reonas stated that he did request a transcript of the minutes for the conversation dealing with the Communications Protocol. He stated that he was told that there was not time to transcribe that particular section. Mr. Miller stated that he is confused because the board voted to pass the communications plan at their March meeting and that it was over. He did not see a reason to go back and amend the minutes. Mr. Reonas stated that in terms of the nuance that he would just read it, beginning after the sentence on line 8 that reads "Mr. Reonas stated that he did not like the addition at all," Mr.

Reonas stated that he would like to add the following for clarification, "Mr. Reonas noted that the communications policy". He then commented that this is more substance of discussion and kind of the nuance he is getting at. Mr. Reonas then continued to read his revision, "it was introduced at the September meeting and had been provided for review well before the December meeting where it received lengthy discussion requested changes were then incorporated into the final draft and provided to Commission members the day after the December meeting". Mr. Reonas went on to say that the communications policy had been introduced, worked over and then a final set of comments. Mr. Reonas stated there was another open comment period through January in which no comments were received. Mr. Reonas then went on to read his revisions stating Mr. Reonas noted that the suggested change under debate which was added at the last minute was only suggested and provided for consideration today, the date of the meeting, despite ample previous opportunity for review and comment. Mr. Reonas stated that the following revision is the reason that he did not like the way it was stated in the minutes. "He added that he has consistently opposed last-minute changes or requests for action (like votes) in meetings without adequate time for review. He stated unfortunately, in his opinion, this was another example of such an instance, and therefore opposed the suggested change on principle." Mr. Reonas stated that he remembers making the jest of those comments. He stated that he did not know if that was the exact verbiage, but he did know that that was his objection. Mr. Miller stated that he would like to hear that portion of the meeting again or have the exact verbiage. Mr. Miller stated that the communications policy was approved with no objections from any Commissioner. Mr. Reonas stated that he wanted to make sure for the record that his objection to that change as he has objected to previous changes or request for action on the day of votes without having the option for adequate time for review and comment. Ms. Kent asked if that had to be reflected in the minutes. She stated that she attended a meeting recently where there was a similar manner where there were no votes on the matter of principle due to not following protocol. She stated the council member voting no stated it was due to the available time to review. Ms. Kent believed that this was not going to be reflected in the minutes of that meeting. Ms. Kent continued on to say that this council member made his position known and if anyone questions him upon reflection of those public minutes that's his stance. Ms. Kent stated that Mr. Reonas' request is quite parallel to this situation. She asked does this really need to be reflected in the minutes verbatim. Mr. Reonas stated that the issue comes down to what these minutes are, being he considers them published. Mr. Huggins then offered a suggestion in the form of a motion that may solve the problem and allow the meeting to move forward. Mr. Huggins made a motion to approve the March 15, 2016 minutes with the two typo corrections presented from Mr. Huggins earlier along with a note that the entire audio recording of the meeting is available for review upon request. Ms. Kent seconded this motion. Nine members were in favor and one member opposed. The motion passed. Mr. Reonas then asked if he could get a copy of the recording. Ms. Scallan responded yes.

I. Report from the Administrative Committee

At the request of the Chairman, John Jennings, Mr. Huggins reported on the meeting that was held June 21, 2016 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 June 28, 2016 at 9:30 a.m.

1. Copies of the Financial Conditions as of May 31, 2016 were distributed for review and comment.

2. Mr. Huggins made a motion to amend the budget for fiscal year 2015-2016. He recommended the following: increase postage to \$800; increase printing to \$1,550; increase information technology to \$9,500; and decrease saltwater remediation to \$0 due to the extension of the project into fiscal year 2016-2017. Mr. Jennings seconded that motion and it passed unanimously.

3. Copies of the proposed budget for fiscal year 2016-2017 were distributed for review. Mr. Huggins made a motion to accept the budget with the following changes: increasing saltwater remediation to \$294,100; add \$1,000 for a leadership award; and increase educational outreach by another \$2,000 for a total of \$7,000. Mr. Stephens seconded that motion. Mr. Miller questioned the committee about the leadership award. He wanted to know the details of this award. Mr. Reonas reported that he submitted four requests/revisions to the budget before the meeting last week for consideration. He stated that the first one was the allocation of additional funds for travel for professional development of individual Commissioners. Mr. Reonas thanked the administrative committee for seeing the value of education and the water leadership prize. The water leadership prize was number two. Mr. Reonas stated that the Commission currently has a Leo Bankston award for conservation initiatives within the district. Mr. Reonas stated that he wants to put together a water leadership prize that would recognize individual contributions interpreted as broadly as possible in the field of ground water resources in particular outstanding leadership, research or education. He stated that he thought about establishing a nomination committee for the prize, but would leave the details up to the Chairman and Director. He stated that the award could be for specific projects, long term contributions and things of that nature. He stated that the Commission could have a small dinner/reception for the award recognition. Mr. Miller stated that he is on the board to find saltwater and keep it at bay and that he is not comfortable with doubling rates and then turning around and starting to spend money on anything other than saltwater remediation and drilling. Mr. Miller stated that he is aware that the Department of Natural Resources does good work on educational development and questioned if this would be duplicating this effort. Mr. Reonas stated that this prize is more an issue of public awareness, public relations and trust. Mr. Reonas stated that this is a group that nominally works in the field of protecting the ground water resource that supplies a half million people within this district with public supply. He stated that he didn't think that a \$1,000 to help bolster this group's image and perhaps recognize some of the people who have put a lot of time and effort is not worthwhile. Mr. Reonas stated that he has noted in the past that this group could do a lot more in terms of public relations and public

awareness to promote trust and confidence in what the group does. He stated that the old refrain it's been forty years and we're just now getting around to addressing some of these major issues is a difficult argument to get around. He stated that none of us go back that far and have that burden in terms of personal responsibility but here we are in 2016 with that responsibility. He stated that a lot of that goes back to again the last three years in a row there has been legislation lodged against this group directly and indirectly. Chairman Jennings stated that the Commission needed to stay on the current topic. Mr. Morvant then commented that this topic could be tabled for a committee to review later. Mr. Jennings stated that the \$1,000 is in the budget for fiscal year 2016-2017 to be voted on at this meeting. He stated that the budget would need to be amended at this point. Ms. Kent stated that Mr. Reonas has made it clear that the funds are there for the prize but it is up to the Director and Chairman to do with as they see fit. Mr. Jennings stated that it depends on the comfort of the Commissioners as to whether they want the \$1,000 for the prize in the budget or not. Mr. Aucoin stated that he supports the prize and feels that education is important. He mentioned for example one of Dr. Tsai's students would be available to receive that award along with others in the public eye. Ms. Kent noted that it would be safe to keep the line item of \$1,000 in the budget and if it develops then the Commission is prepared financially. Mr. Jennings stated that he had mentioned to the Director recently about making this a scholarship rather than a prize. Mr. Miller stated that he would be more comfortable with a scholarship because it encourages future research. Mr. Stephens stated that while the scholarship is a great idea he questioned the Commission giving away public money. Mr. Duncan Kemp stated that it is unconstitutional to donate public money. Mr. Kemp stated that he would need to do some research on whether or not a scholarship or grant given out of public money would be constitutional. He stated that there is a specific constitutional provision that prohibits the donation of public property or money. However, he stated that there are some exceptions, one being possibly education. Mr. Reonas stated that this would tie into his request to increase the educational outreach to include some teacher stipends for workshops. Mr. Kemp stated that he will research this question and report back to the board. Mr. Stephens stated that individuals could still be recognized and presented with a certificate. He also added that as far as he knows giving public teachers money to come to a seminar is technically unethical on their part. Mr. Kemp recommended that the board accept the budget as is and can later amend the line item of the water leadership prize if needed. Ms. Kent made a motion to amend the original motion to accept the budget with removing the line item, water leadership prize, for \$1,000 pending a legal opinion. Mr. Aucoin seconded this motion. Nine members were in favor and one member opposed. The motion passed. Mr. Jennings then asked for a vote on the motion for approving the budget for fiscal year 2016-2017. Nine members were in favor and one member opposed. The motion passed. Mr. Reonas stated that he opposed on the grounds that he has concerns with the salaries and priorities there.

4. Mr. Huggins reported that the Commission held their required public hearing on June 21, 2016 for the 2016-2017 budget. No public comments were received.

II. Report from the Technical Committee

The report of the Technical Committee was made by Chairman John Jennings. Minutes of the meeting were distributed (attached). Following is a summary of topics discussed at the meeting on June 14, 2016 further discussion and action at the regular Commission meeting on June 28, 2016.

1. In Dr. Frank Tsai's absence, Director Duplechin gave a brief update on the project:

- Completed a Baton Rouge groundwater model including 400-foot sand to 2,800-foot sand. The results were presented to the 10th Annual Louisiana Groundwater, Surface Water and Water Resources Symposium in April and 2016 Data Flow conference in May.
- A technical manuscript was submitted to a refereed journal for review for publication.
- Completed the estimation of historical electricity consumption (1975-2014) for the well pumps in the model domain.
- Working on the theory of using horizontal wells to mitigate saltwater intrusion

Dr. Tsai gave a more detailed update on his project, "Conjunctive Management of Baton Rouge Multi-Aquifer System for Saltwater Intrusion Mitigation" at the regular Commission meeting.

2. Commissioner Aucoin deferred to BRWC and Layne Christensen for an update on the work sampling two existing water wells owned by Baton Rouge Water Company. Dennis McGehee explained that a delay in completion of the project had been requested due to uncooperative weather and the fact that the Convention Street well had to be "mucked out" as a considerable amount of material had settled to the lower portion of the well. Some information has been received by the District. It was decided that it would be in order to grant a 30-day "no-cost" extension to the contract.

3. Former Commissioner Walton gave an update on annual pumpage from the 1,500-foot sand and 2,000-foot sand. Pumpage in each was below mandated limits. There was some question about including the "1,700-foot" in the report and how it would affect reported pumpage from other sands. It was ultimately decided that the ad-hoc group would re-visit the methodology used in compiling the report

4. John Lovelace was unavailable for giving a progress report on USGS' Baton Rouge Area groundwater model. A progress report was handed out for period ending June 17, 2016.

5. Ryan Clark, a Coastal Geologist with the Water Institute of the Gulf, made a presentation on "A Framework to Address Ground and Water Sustainability in Louisiana" a cooperative effort between the Water Institute, the Coastal Restoration and Protection Authority (CPRA) and the Louisiana Office of Conservation. The projects goals were to:

- Establish a standardized set of measures: evaluating regional water supply
- Setting baseline water budgets -groundwater and surface water
- Set up a process to
 - –Convert available types of water data into a more universal format
 - –Create modular framework that could be
 - •Tested in areas with sufficient data and existing tools
 - •Capable of use in sparser data areas
 - •More refined tools and data can be substituted

In Summary, the project:

- Created framework for assessment of water supply & demand usable statewide
- Tested on areas with data available, and existing studies for comparison
- Can be applied to other areas of the state with sparser data and fewer existing studies
- Modular, improvable/customizable with new data and tools

6. Under other business Commissioner Reonas extended an invitation by Commissioner of Conservation Ieyoub to host Septembers regular Commission meeting downtown in the LaSalle Building. He also briefly spoke about an awards program for recognition to individuals for water conservation efforts. He plans to speak about it in depth at the Commission meeting. Chairman Forsman relayed a request by Dr. Tsai on subsidence in the Baton Rouge area. USGS will be asked to give an update on the collection of subsidence data.

III. Director's Report

In Mr. Duplechin's absence, Mr. Jennings gave the Director's report. Mr. Duplechin provided testimony at the House and Natural Resources & Environment Committee. The Director along with several members of the Commission attended the Water Institute of the Gulf reception. He participated in an update on the groundwater situation to the Baton Rouge Chamber. He provided review to the Baton Rouge Tram Link which stated that there would be no detrimental effects on ground water resources in the district from the project. He spoke to eight classes at Dutchtown High School. Mr. Jennings stated that the Director is currently attending the Groundwater Management District's Association summer conference in Yakima, Washington where he will be giving a presentation on the "2,000-foot" sand. Mr. Reonas also added that the Director submitted the annual report for the Commission to the Commissioner of Conservation and House of Natural Resource Committees required by Act 790 of 2012.

IV. Chairman's Report

Mr. Jennings appointed the Nominating Committee for the 2017 officers. The committee will be Trey Argrave, John Westra and John Jennings. The committee will present their nominations at the September meeting. Mr. Jennings reported that due to increase duties at the Department of Environmental Quality, he will be stepping down as the Chairman of the commission. Mr. Jennings stated that Barry Huggins will be serving as the Chairman for the remainder of the year.

V. Other Business

Mr. Jennings presented the nomination for the 2016 Leo Bankston award. Mr. Jennings thanked Mr. Reonas for writing up the following presentation:

The Capital Area Ground Water Conservation Commission (CAGWCC) is pleased to announce that its Awards Committee has selected the Baton Rouge Water Company to receive the 2016 Leo Bankston Award for the innovative use of technology in groundwater protection and/or conservation. In particular, the committee is recognizing the work of Baton Rouge Water in the planning, design, and installation of the "scavenger" well system in the 1500-foot sand of the Baton Rouge Aquifer System intended to protect the large public supply center at the Lula Street Pumping Station from further saltwater encroachment. Nearly two years of data show the "scavenger" system to be working as predicted. Importantly, the successful implementation of this project has served as a guide for further action by the CAGWCC in its approach to management of saltwater encroachment in the 2000-foot sand. The Awards Committee deemed the technological innovation of the "scavenger" well system and its impact on future management actions to be determining factors in the final evaluation.

The Awards Committee found the decision an especially tough one with several quality applicants. The committee would like to commend Exxon Polyolefins for their conservation measures in the use of new nozzles at their hopper car wash operation. The committee especially would like to recognize the leadership of the ExxonMobil Baton Rouge Complex, including the refinery and chemical plant, for their significant reduction in regulated groundwater use from the 2000-foot sand through the use of clarified river water and the movement of production to the unregulated 400-foot sand. The reduction from the 2000-foot sand totals approximately 3.6 million gallons a day, or a 43% drop from average daily usage in 2012. This very large reduction required a substantial commitment of time and resources in adherence to the CAGWCC's 2000-foot sand management plan. The efforts of the ExxonMobil team to meet the spirit and letter of this management plan are hereby acknowledged, with the recommendation that the ongoing reduction be submitted for consideration as a very worthy candidate for the 2017 Bankston Award.

The Bankston Award was first presented in 2003 in memory of Leo Bankston, who was instrumental in the creation of the CAGWCC and served as founding chairman in 1975. It is given on an annual basis to any groundwater user in the Capital Area Ground Water Conservation District (CAGWCD) that has implemented significant reductions in groundwater use or has in some other way helped protect the Baton Rouge Aquifer System. Previous recipients include Honeywell, ExxonMobil, Georgia Pacific, and the City of Baker.

Ms. Kent made a motion that Baton Rouge Water Company be the recipient of the 2016 Leo Bankston Award. Mr. Reonas seconded the motion and it passed unanimously. There will be a presentation made at the September meeting. Mr. Reonas suggested that the Director prepare a press release/announcement for the award.

Mr. Reonas reiterated the invite extended by Commissioner Ieyoub for the Commission to meet at the LaSalle building for the September meeting. Mr. Reonas stated that the Commissioner is very interested in what is going on with the Capital Area and wants to be involved. Mr. Reonas thinks this is an opportunity for the Commissioner of Conservation to see how the board works and meet the members and talk about the issues. Mr. Jennings stated that he will leave the decision to meet at the Office of Conservation to the Director and Barry Huggins.

Mr. Reonas brought up the water leadership prize. He stated that he is flexible on whether or not a prize is associated with it. He stated that it is an opportunity much like the Bankston award to recognize individual achievement or contributions to the management and ground water resources in the District. Mr. Jennings stated that it sounds like the only way this can be done is just by presenting a certificate. Mr. Reonas questioned the Chairman if a motion needed to be made to create a water leadership award. Mr. Kemp stated that at this point that the agenda was being changed somewhat and suggested that this item be placed on the agenda for September.

Mr. Reonas brought up the issue of by-laws for the Commission. He stated that a sub-committee was formed. He stated that Joey Hebert submitted some information, but that there has not been much head way on it. Mr. Reonas asked if the sub-committee could get some support from the Director and his administrative staff to put together some recommendations. Mr. Reonas urged the Director to reach out to some of his contacts and gather by-laws from other groups. Mr. Jennings stated that he will get the Director to look into it.

Mr. Reonas stated that he feels fundamentally that the Commission is upside down on salary priorities with a part time Director and a full time Administrative Assistant. He stated that he has heard from several people that the decision for a part time Director was that there wasn't enough work. He then said that his gut feeling is that there is a lot of work especially for managing a resource that supplies a half million people with their public supply every day. Mr. Reonas stated that he sent his budget requests and a salary study to all Commissioners. He stated that he wanted to go on record as that is his take on it going forward. Mr. Reonas stated that he would recommend that the Commission do a study and look at some other ground water conservation districts in Texas or around the nation to see how they operate and how their staffs are formulated. He stated then the Commission could use this study to guide the Commission going forward because right now the he feels that the emphasis is more on collecting the fee than managing the resource. He commented that he is not making any recommendations on action other than going forward and whether the Commission wants to put together a study group. He then stated that if the Commission feels that everything is good where they are then that's how they feel. Mr. Jennings stated that if anyone was to look at this it would be the Administrative Committee. Mr. Walton stated that the reason the Director was part time is because of his

retirement from the state. Mr. Jennings then reported that Don Dial has been the only full time Director of the Commission.

V. Public Comment

Mr. William Fontenot, Sierra Club, commented that he has been attending the Commission meetings since 1975 when he worked with Director A.N. Turcan. He stated that something that the Commission may want to consider that he feels is missing right now is that the members of the Commission and the users of the system have very little focus on conservation. Mr. Fontenot stated that Exxon has done some work to reduce their consumption of the ground water, and he thinks that should be the highest priority in particular with the larger users. He went on to say that he thinks that is very consistent with Article IX, Section 1 of the constitution adopted in 1974. It states the important 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 as much as possible and consistent with the health, safety and welfare of the people. He then stated that it goes on to say that the legislature shall enact laws to implement this policy. He stated that Baton Rouge Water Company really doesn't have any information that he receives in his water bill every month that says here is how you can reduce your consumption of the water. He stated that everyone here is interested in solving the problem but if there isn't focus on conservation that he thinks the Commission is missing out on a real opportunity.

Mr. Sayi Malineni reported that he has been attending Commission meetings for the last three years. Mr. Malineni stated that he sees the coordination among different agencies and striving to get to the point. He stated that 2050 is not that far away based on the geological models by U.S. Geological Survey and Dr. Tsai. Mr. Malineni then stated that the second point he would like to make is the Dr. Tsai's presentation brought up a very good point. It states that the water flow is south to north which is a great concern for the future. Mr. Malineni added that the coordination amongst members is excellent.

Mr. McGehee stated that he had some concerns about the Commission's image. Mr. McGehee stated that the Commission doesn't want the image of raising fees and then turning around and spending the money on things such as travel that may not be necessary, duplicating educational efforts or anything else. As being a past Commissioner and Chairman, Mr. McGehee doesn't want the members to get off of the focus of the Commission. He stated that the Department of Natural Resources (DNR) has some educational efforts and the Commission has helped with these efforts. Mr. McGehee stated that he does not want to see the Commission get into competition with DNR. He commented that DNR does a great job statewide on education. He stated that the fees were doubled specifically for a saltwater project. Mr. McGehee then read the Commission's mission statement, "The mission of the Capital Area Ground Water Conservation Commission is to provide for the efficient administration,

conservation, orderly development and supplementation of groundwater resources in the five parishes. The Commission will develop and promote and implement management strategies to provide for conservation, preservation, protection, recharging and prevention of waste in the groundwater resources over their jurisdictional authority." Mr. McGehee just wanted to reiterate that to the board and urge the board to not get off the purpose of the Commission.


Mr. Walton stated that the \$5.00 increase in pumpage fees was for a specific purpose of drilling test wells. It is not for the general use of the Commission. Mr. Walton stated that in the public notices and all documentation that was sent out stated that the purpose of the fee increase was for saltwater encroachment.

VI. Next Meeting

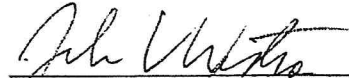
The Chairman reported that the next regular Commission meeting of the Capital Area Ground Water Conservation Commission will be scheduled on Tuesday, September 20, 2016 at 9:30 a.m.. The next Technical Committee meeting will be Tuesday, September 13, 2016 at 1:30 p.m.

VII. Adjournment

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



John Jennings, Chairman



John Westra, Treasurer