

*MINUTES*

*CAPITAL AREA GROUND WATER  
CONSERVATION COMMISSION*

*December 8, 2015*

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The Capital Area Ground Water Conservation Commission met at 9:30 a.m. on December 8, 2015 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, Mr. John Jennings.

The following members were present: Trey Argrave, Dale Aucoin, Johan Forsman, Barry Huggins, John Jennings, Amelia Kent, Jeff Miller, Nelson Morvant, Matthew Reonas, Thomas Stephens, Dan Tomaszewski, and John Westra.

Others attending the meeting were: Shawn Scallan, Capital Area Ground Water Conservation District; Dennis McGehee, Baton Rouge Water Company; Frank Tsai, LSU; Todd Talbot, ExxonMobil; Megan Terrell, Louisiana Attorney General's Office; and Mark Walton, former Commissioner.

The September 2015 minutes were distributed for review. Mr. Reonas requested that under the section, Report from the Administrative Committee, item #2, page 1 where it states, "Mr. Reonas reported that he has a formal quote that is under \$1,500." be corrected to read "Mr. Reonas reported that he has an estimate that is under \$1,500." Mr. Forsman requested that on page 6, second paragraph that the word "effect" be changed to "affect", and also on page 7, second paragraph that the spelling of the word "scheduled" be corrected. Ms. Kent made a motion that the minutes of September 15, 2015 meeting be approved as amended. Mr. Aucoin seconded the motion and it passed unanimously.

**I. Report from the Administrative Committee**

At the request of the Chairman, John Jennings, Ms. Amelia Kent reported on the meeting that was held December 8, 2015 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 at 9:30 a.m.

1. Copies of the Financial Conditions as of November 30, 2015 were distributed for review and comment. Ms. Kent noted that there is one certificate of deposit that will mature December 2015. The administrative committee recommended that the sum of the cd expiring in December be transferred into the savings account so that the funds would be available if needed for the scavenger well project. Mr. Aucoin made a motion to transfer the funds from the cd to the savings account. Mr. Reonas seconded this motion and it passed unanimously.

2. The administrative committee discussed a formal communications plan. Ms. Kent stated that the administrative committee recommended accepting the plan with one edit. The edit was on page 2, under item 10, public records requests, inquiries. It presently states, "All requests for public records kept by the CAGWCC should be acknowledged in verbal, written, or electronic format within two working days of receipt, with either the requested information provided, if possible, or a reasonable estimate of time and cost provided to the public, per state law as found in R.S.44:1 et seq." The administrative committee recommended instead of the specified "two working days" that this be revised to state "and respond according to the Freedom of Information Act guidelines". Mr. Walton questioned how many days are in the guidelines. Mr. Reonas stated that the State has guidelines according to R.S. 44:1 et seq. Mr. Reonas

questioned Megan Terrell about the number of days to respond to a request. Ms. Terrell stated that if she is not mistaken it use to be 3 days, but the guidelines were amended a few years ago. She stated that she thinks one has 5 days to respond either with the requested materials or a time frame when the information will be available. The administrative vote was 3 to 1 in favor of recommending the formal communications plan with the one edit as discussed. Mr. Walton commented that on item 9, it states, "The minutes of the CAGWCC meetings shall be published quarterly and in a timely fashion on the CAGWCC website following the conclusion of such meeting as the official record." Mr. Walton stated that the minutes of the meeting are not officially approved until the following meeting. Mr. Reonas stated that it can be revised to state, "The approved minutes of the CAGWCC meetings....."

Mr. Reonas asked Ms. Kent if he could make a pitch on the communications plan and give the Commission some background information. Mr. Reonas stated that a communications subcommittee was formed with the following members: Amelia Kent, Dale Aucion, Jeff Miller along with Matt Reonas. Mr. Reonas stated that they have not only worked on an educational brochure but also on a formal communications plan. Mr. Reonas stated that he introduced a draft of the formal communications plan to the administrative committee at the September 2015 meeting. A draft of the plan was emailed to the Commissioners before Thanksgiving for comments. Mr. Reonas stated that he received one comment from Commissioner Jennings. His comment concerned item 1 in which the following edit was made to address the Chairman's concern, "This stipulation in no way limits individual Commissioners from free association and expression on any matter whatsoever but rather applies to questions regarding CAGWCC adopted policies, public records, fiscal matters, procedures, and processes where it is most beneficial to have a single, authoritative voice." Mr. Reonas stated that Mr. Stephens' comment at the administrative committee was that the document was common sense. Mr. Reonas stated that the Commission has no procedures in place now and that the Commission has operated informally in the past, but over the past two years in back to back legislative sessions, the Commission has had bills directly and indirectly aimed at the Commission. He stated that the longer the Commission goes on with informal processes and plans or in the absence of plans, the more ammunition this provides for people to poke holes in the Commission and how it operates. Mr. Reonas stated that the Louisiana Department of Natural Resources, Office of Conservation has a set policy for communications. He stated that every other organization, Baton Rouge Water Company, Exxon, Entergy all have operations protocol for communications. He stated that his main goal here was to provide protocols to make sure that nothing slips through the cracks that will impact the Commission in a negative way. Mr. Reonas stated that he can point to 3 or 4 or half dozen instances if necessary where a simple review would have saved what he considers some heart burn on particular issues. Mr. Reonas stated that the Commission knows that he has been vocal at times on public relations. Mr. Reonas stated that what this plan does is it sets up some basic protocols where the Director is the responsible spokesperson for the Commission for outreach, public and government relations, but the document also provides a role for the Executive Committee as well. The plan puts a responsibility on the Executive



Committee to have a review strategy as to how the Commission presents itself to the public. Mr. Reonas stated that the Office of Conservation's position is that they would like to see the Commission succeed and one of the ways that the Commission will succeed is to have a good public relations front and that cannot be done without a good communications plan. Mr. Reonas asked the Commission to support adoption of the plan, not as a resolution but as a standard operating protocol. Mr. Reonas stated that was his argument in favor of adopting the plan and would be happy to answer any questions.

Mr. Forsman stated that item 3 of the communications plan states, "The committee shall have review authority over all external communications outside of standard billing and invoice measures, regular emails, other correspondence conducted as part of daily office/administrative function by the Director and staff. Other letters and correspondence dealing with policy decision, elected officials or government agencies, news media, fee increases, applications or inquiries for funding, official notices and postings, and other such examples of external communications shall be routed through the committee for review." Commissioner Forsman asked what would be the implications of this. He went on to say if the office is contacted on any of these particular items, does this mean the Director will not be able to speak with them until he contacts the Executive Committee for their approval? Mr. Reonas responded no, the Director would be able to speak on the Commission's behalf, but that the Director would need to notify the Executive Committee of the conversation. Then Mr. Reonas referred to item 5 of the plan which states, "any inquiries or requests of elected officials, media, or the general public be directed immediately to the Director for routine handling. Executive Committee member shall be apprised in a timely fashion for consultative purposes...." Mr. Reonas then asked Mr. Forsman if there was any language he would like to add to the plan. Mr. Forsman stated that he was a little concerned about the Director not being able to take calls concerning particular issues. He added that he does not want to inhibit the Director from conducting Commission business. Ms. Kent stated that the administrative committee does not want this to be a limiting document but would like the document to be worded in such a manner that it allows the staff to continue their work as needed. She went on to add that driving this plan and more specifically the drive behind having a plan is to allow more eyes on things such as official letters and press releases. Ms. Kent also added that by no means do they want to inhibit dialogue.

Mr. Reonas stated that item 3, second paragraph of the plan states that "The committee shall have review authority.....", not primary response authority. Mr. Forsman then recommended that the wording in item three be changed to read, "The committee will have review authority.....". Mr. Reonas then suggested the following edits to the plan: 1) Item 3, second paragraph, second sentence, "Other letters and written correspondence dealing with policy decisions, elected officials or government agencies, news media, fee increases, applications or inquiries for funding, official notices and postings, and other such examples of external communications shall be provided to the committee for review before posting."; 2) Item 5, first sentence, "It shall be the policy of the CAGWCC that any inquiries or requests from elected

officials, media, or the general public be directed immediately to the Director for routine handling if feasible.” Mr. Reonas stated for example if a Commissioner receives a call from a Mayor, Senator or newspaper journalist and they ask for information on a particular issue, it would be at the discretion of the Commissioner to respond. He stated that probably the safest thing to do would be to pass the inquiry to the Director. With the communications plan, a Commissioner could explain that it is the policy of the board that the Director replies to these types of requests as he is the authorized spokesperson. Mr. Reonas went on to say that the Office of Conservation periodically gets calls from media. Mr. Reonas stated that their policy to give the inquiry to the public information office to make sure that it goes through the appropriate levels. He stated that he is sure that LA DHH and LA DEQ have a similar protocol. The public information office will then consult with whom they need to and then the response will go out accordingly.

Mr. Walton then asked if the plan would restrict Commissioners about talking to others about Commission policy. Ms. Kent stated that item 1 allows for Commissioners to speak freely. Mr. Jennings stated that he would like to change in item one, sentence one “authorized spokesperson” to “official spokesperson”. He stated that the word authorized comes across to the public that the Director is the only person that can speak for the Commission. This leaves it open for others to speak about the Board if they wish.

Ms. Kent stated that given there are so many edits to the Communications Plan document, she asked the Board if they would like to see a revised document or felt that they could approve the document at the meeting today. Mr. Tomaszewski commented that he would like to see an amended plan. Mr. Tomaszewski stated that he did not feel comfortable with two working days to respond to a request. He stated with a staff of two and the Director being part time that two working days would be difficult for the staff. He stated that some requests could be rather detailed. Mr. Reonas said not necessarily to answer the request. Mr. Tomaszewski stated that even acknowledging the request would be difficult. Mr. Tomaszewski stated that he would rather see 3 to 5 days response time. Mr. Reonas commented that he was good with that time frame. Ms. Kent stated that her thoughts are to consider the communications plan a working draft and to wait until the March 2016 meeting to present the amended plan. She asked that the revised communications plan be emailed to all Commissioners for comment and review. Mr. Reonas stated that he will email the amended plan tomorrow. Mr. Reonas requested that Ms. Kent take a vote from the Commission on delaying the consideration of adopting the communications plan. The vote was 7 to 3 in favor of postponing. Mr. Reonas stated that he wanted the Commission to be aware that we will be rolling into a legislative special session in February and a regular session in March without a communications plan in place. He questioned if everyone was ok with that? He mentioned the upcoming pumpage fee increase and the hearing were concerns of his. Mr. Walton stated that much of the communications plan was common sense. Mr. Reonas stated that has been the problem that common sense has not at times been utilized here. He offered numerous examples. For example, Mr. Reonas held up the September



newsletter that stated, "Commission raises pumpage fees". He questioned the Board if a better job could have been done with the newsletter heading rather than saying the Commission socks it to the average consumer. Mr. Stephens requested that the Commission move on to the next item. Ms. Kent requested that Mr. Reonas email out his amended version of the communications plan tomorrow and that the Board will review the plan at their March 2016 meeting.

3. Ms. Kent stated that the administrative committee had some legislative concerns and any action that may need to be addressed throughout the session. The committee decided that for those Commissioners on the Board who represent private groups that they encourage them to reach out to their lobbyist for support if the need arises. She stated that the Commission is a political subdivision of the State and utilizes public funds and that the Committee did not feel comfortable with using Commission funds in this situation. Mr. Jennings encouraged the Commissioners to stay in touch with their lobbyist during session. He also stated that if any group would need the assistance of the Commission that possibly he along with the Director could meet with a Commissioner's organization to aid in support of any bill that may be introduced. Ms. Kent stated that this would be situation specific that would affect and or threaten the Commission. No action was required on this item.

4. Commissioner Kent stated that the committee discussed that the Commission has no by-laws. She stated that the Commission was established by Enabling Act No. 674 which covers things such as the establishment of the Board and protocol for pumpage fee increases. The committee discussed and recommended that a subcommittee be formed to create by-laws. This would allow protocol for the operations of the Board. Ms. Kent stated that this would help the Commission have a written document to refer to in the future. Ms. Kent gave an example that the creation of the administrative and technical committees are not written in the Commission's establishing legislation. She stated that the Commission needs to have documents available as a point of reference. Mr. Reonas asked the Chairman how the subcommittee would be created. The Chairman stated that he would appoint the subcommittee. Mr. Jennings commented that by-laws would document how the Commission operates. He stated that Commission membership changes and that this would help in the operations of the Board. Mr. Huggins made a motion to form a subcommittee to establish by-laws for the Capital Area Ground Water Conservation Commission. Mr. Forsman seconded this motion and it passed unanimously.

## **II. Report from the Technical Committee**

At the request of Mr. Jennings, the report of the Technical Committee was made by Committee Chairman, Johan Forsman and minutes of the meetings were distributed (attached). Following is a summary of topics discussed at the meeting on December 1 2015 further discussion and action at the regular Commission meeting on December 8, 2015.

1. Commissioner Reonas gave an update on the informational brochure and logo e-design. It was hoped to have the brochure finished by the end of 2015, but definitely prior to any

special session of the Legislature in the spring. The design graphic consultant he is using submitted a "request for work" that totaled roughly \$1,600 for the brochure design and another \$300 for the logo. He distributed a sample color cover page for the brochure. Waiting on technical committee comments on the content, once approved, can move ahead with graphic design part of it. Work has stopped pending committee approval. Matt thinks there should be a more technical piece prepared for the Legislators; more of a front and back fact sheet. John Jennings said he was responsible for slowing down the work. Since this brochure would be in the public eye, he wanted to make sure all commissioners had a chance to look it over and offer comments. Matt said the initial printing of the brochure would be 500 copies. Mr. Reonas stated that all total it would be approximately \$3,500. Comments must be received by 4 DEC.

At the regular meeting, Mr. Reonas stated that he received comments from several Commissioners and is incorporating their ideas into the text. Mr. Reonas stated that the brochure would just be an overall summary of who the Commission is. It will include graphics and data. The target demographic would be elected officials, policy makers, pumpage fee customers and the media. Mr. Reonas stated that how the brochure is deployed may require some thinking. He suggested that it could be delivered as a mass mailer or target certain legislators especially if any bills are introduced that will impact the Commission in the upcoming session. However, if there are no bills introduced then it may be that the Commission would like to wait and then eventually send it to parish leaders, Senators and Representatives. Mr. Reonas stated that the technical committee gave their approval; therefore, the subcommittee is moving forward with the brochure, but is still open to changes. Mr. Reonas stated that once it is completed that it will be sent to the Commissioners for review. Mr. Reonas then mentioned the Commission's logo. He stated that the subcommittee will send out 2 or 3 designs and get the Commissioner's opinions and take a vote. Mr. Reonas stated that he will take comments on the text for the brochure until Christmas. Mr. Jennings asked the Board if there were any comments or changes on the text. There were no comments given. Mr. Jennings suggested that Mr. Reonas move forward with the graphic designer and format the brochure and then send out a draft.

2. Dale Aucoin reported that the ad hoc group had one meeting since the September meeting of the Technical Committee, but they had been in contact with each other via email. The focus of these meetings continues to be the management of saltwater intrusion in the "2,000-foot" sand and the location of exploratory wells. The group consensus for a starting point is near the intersection of Perkins Road and the railroad, near the Perkins Road Overpass. It was discussed whether or not an engineering firm is needed at this point. Layne Drilling has given a cost estimate for installation of the exploratory well. Exxon/Mobil and GP have used Layne and done their own engineering type work. Commissioner Jennings brought up the possibility of having to put the work out for bid under an RFP. Director Duplechin will review the bidding requirements. It was decided that the ad-hoc would work on a proposal for the work.



At the regular meeting, Mr. Jennings reported that the Director reviewed the need for the Commission to obtain public bids for the well. It was determined that the Commission is required to obtain bids according to R.S. 38:2212C(1) states that the term contract shall be equal to the sum of \$150,000 per project including labor, materials, equipment as per the rates in the latest edition of the Associated Equipment Dealers Rental Rate Book and administrative overhead not to exceed 15 percent. Mr. Jennings also stated that the question came up during the technical committee meeting if the observation/test well that was drilled in conjunction with the connector well went out for bids for the 319 grant. He stated that it did. Mr. Stephens asked what the estimate was for the exploratory well. Mr. Aucoin reported \$185,000. Mr. Stephens stated that the ad hoc group has asked the questions as to whether or not an engineer would be needed for this project. Mr. Stephens stated that for a project with this scope that he believes an engineer will be needed. Mr. Aucoin said that this has been previously discussed, and it is his thought that an engineer would not be needed based on the experience that people have had with drillers. Mr. Aucoin stated that he has avoided putting an engineering package together and would rather the option of using the driller's scope for the exploratory/test well. He stated that this issue is open for discussion. Once the drilling of the scavenger takes place, Mr. Aucoin stated that they will likely need engineering services at that time. Mr. Aucoin commented that as far as the overseeing of the driller that the ad hoc group needs more discussion on this. Mr. Stephens stated that East Baton Rouge, Department of Public Works are required to have an engineer or architect to oversee a construction project. Mr. Aucoin requested that Mr. Stephens look further into the city parish's law and report back to the Commission. Mr. Aucoin reported that he is hoping the ad hoc group will be ready to start the project the second quarter of 2016.

3. Mr. Walton presented a "new and improved" recap of pumping rates from the "2,000-foot" and "1,500-foot" sands to monitor compliance with agreed on reductions and/or commitments, pointing out some inconsistencies in the numbers reported by Baton Rouge Water Company. Mr. McGehee said he would check into it and follow-up with Shawn. (It was discovered that there was a reporting problem with the report that included wells EB-1423 and EB-1424. Corrections were made to the report.)

4. John Lovelace of the USGS presented an update on the Baton Rouge modeling. He distributed copies of the report "Simulation of Groundwater flow and chloride transport in the '1,200-foot' sand with scenarios to mitigate saltwater migration in the '2,000-foot' sand in the Baton Rouge area, Louisiana."

Work continued to refine the hydrologic structure used in the model. The multi-node well (MNW) file, which is used to represent pumping wells in the model, was updated with pumpage data from 2013-14 for about 425 wells in the model area. Model output from 2 pumpage scenarios were revised to present water-level contours that were corrected for density differences in areas along the fault where the "2,000-foot" sand is affected by saltwater. Because saltwater has a higher density than freshwater, water levels in areas where an aquifer contains

saltwater appear lower than in areas where the aquifer contains freshwater. In the “2,000-foot” sand, the density difference resulted in lower simulated water levels in salty areas just north of the fault, which gave the appearance that water was moving southward across the fault, rather than northward. Simulated water levels were recalculated to account for the density differences. The “freshwater equivalent” heads were then contoured and the results showed the expected northward movement of water along the fault. It was suggested that future reports include the “freshwater equivalent” heads.

Plans for the next quarter include:

- Complete adjustments to the model layers.
- Update water-level and chloride-concentration observations specified in the model with data through 2014.
- Create water-level surfaces of the upper-most aquifers in the model area for 2009 and 2014 to represent specified heads for the upper layer of the model. Potentiometric maps of the “400-foot” sand and upland terrace aquifer from 2009 and 2014 will be enhanced and extended using water-level data from the Mississippi River alluvial aquifer and other near-surface aquifers in the model area to create water-level surfaces extending across the entire model area. The resulting surfaces will be incorporated into the model as specified heads for the upper layer.
- Begin calibrating the model for flow and saltwater transport in the “2,400-foot” and “2,800-foot” sands.

5. Commissioner Reonas asked if there were monitor wells around Baton Rouge Water Company’s “1,500-foot” sand scavenger well, and is the Commission “keeping tabs” on chloride levels in the area as related to the scavenger well. Mr. McGehee reported that the information submitted by BRWC is sent to the District as well as the Office of Conservation.

6. Director Duplechin reported on the upcoming meetings and the public hearing for the rule change for the pumpage fee increase. He distributed the “October” rule timetable from the Office of the State Register.

### **III. Director’s Report**

In the absence of Director Duplechin, Chairman Jennings gave his report. Mr. Duplechin was appointed by Governor Jindal to the Louisiana Water Resources Commission. He will serve as a representative of the Capital Area Ground Water Conservation Commission. The Director attended the Capital Regional Water in 2050 at the Pennington Biomedical Center.



The Director submitted the documents needed to increase water well pumpage fees in the District from \$5.00 per million gallons to \$10.00 per million gallons. The Chairman reported that the public hearing is scheduled for December 29, 2015 at 1:00 p.m. in the Commission's conference room. If all goes as planned, the official rule will be published in the Louisiana Register on February 20, 2016.

**IV. Chairman's Report**

Mr. Jennings reported that the officers for 2016 are as follows: Mr. John Jennings for the office of Chairman; Mr. Barry Huggins for the office of Vice-Chairman and Dr. John Westra for the office of Treasurer. Mr. Jennings thanked Amelia Kent and Dale Aucoin for serving as officers. Mr. Johan Forsman will continue to serve as technical committee chairman for 2016.

Mr. Jennings then asked for volunteers to serve on the subcommittee to set up by-laws for the Commission. Mr. Jennings appointed Matt Reonas, Mark Walton and Nelson Morvant. Mr. Jennings stated that he will also contact Joey Hebert to see if he would serve on the subcommittee.

**V. Public Comment**


There was no public comment.


**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, March 15, 2016 at 9:30 a.m. in the U.S. Geological Survey's auditorium. The next Technical Committee meeting will be Tuesday, March 8, 2016 at 1:30 p.m.

**VII. Adjournment**

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

  
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John Jennings, Chairman

  
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Amelia Kent, Treasurer