

Board of Commissioners Meeting Minutes
Capital Area Groundwater Conservation District
November 2, 2023, 9:30 a.m.

- I. Call to Order**
Karen Gautreaux – Capital Area Groundwater Conservation Commission (CAGCC) Chair
- II. Roll Call**
Gary Beard – CAGCD Executive Director
Members present: Mr. Brown, Mr. Ewing, Ms. Gautreaux, Mr. Leo, Ms. Machen, Ms. Broome, Mr. Means, Mr. Reonas, Mr. Savoy, Mr. Seagraves, Mr. Engemann (arrived late), Mr. Shaheen (arrived late), Mr. Phares (arrived late) and Mr. Vetter.
Members absent: Mr. Dawson, Ms. Field, and Mr. Hobbins.
- III. Establishment of a Quorum**
Karen Gautreaux – CAGCC Chair
Chair Gautreaux declared the presence of a quorum with 11 members present.
- IV. Invocation**
Gary Beard – CAGCD Executive Director
- V. Pledge of Allegiance**
Gary Beard – CAGCD Executive Director
- VI. Recognition of Guests**
Karen Gautreaux – CAGCC Chair
Chair Gautreaux started the recognition of guests with a special guest – Commissioner of Conservation, Monique Edwards. She asked the Commissioner if she would like to share her thoughts. Commissioner Edwards said she was so glad to join the Board members and staff of Capital Area Groundwater and that she knew everyone was well cared for with Matt Reonas on board. She said her Department is very much supportive of the efforts of the Commission and the one thing she wanted to leave with us with is, “water is the most necessary thing that any human being should have.” She said it is the responsibility of all of us to ensure that we continue to have an adequate supply of water, and that generations coming after us will also have a generous supply.
Chair Gautreaux thanked the Commissioner for her support, as well as the support of her staff, especially Mr. Reonas.
Guests present: Roy Waggenpack – Owen and White; George Lonsonski – Lonsonski & Associates; Ryan Clark – Halff & Associates; Kristyn Rodriguez – Baton Rouge Water Company (BRWC); Rory Denicola – Exxon Mobil; Dennis McGehee – BRWC; Brett Furr – BRWC; Patrick Kerr – BRWC; Shanna Mason – DEQ; Anthony Simon – Secure Water; Rachel Lambert – interested party; Scott Bergeron – interested party; and David Mitchell – The Advocate.

VII. Amendments to the Agenda

Karen Gautreaux – CAGCC Chair
No amendments to the agenda.

VIII. Approval of Minutes – September 21, 2023, Meeting (action required)

Karen Gautreaux – CAGCC Chair
Motion by Mr. Means and second by Mr. Leo to approve the minutes of the September 21, 2023, meeting. Unanimous. Motion passed.

IX. Executive Director’s Report

Gary Beard – CAGCD Executive Director

New Administrative Assistant – Jennifer VanValkenburg. Mr. Beard introduced the new Administrative Assistant, Jennifer VanValkenburg. He said he was so happy to have Jennifer join the District’s staff. He welcomed her and added if the Board needs anything, they now have Jennifer, Kellie, and Lisa to assist.

Chair Gautreaux welcomed Jennifer on behalf of the Board.

A. Audit Update

Mr. Beard said everything is working out with the audit and so far, everything is looking in good order. He said Postlethwaite and Netterville had changed their name to EisnerAmper and they will have a report for us at the next Board meeting.

B. Monitoring System Update

Mr. Beard said the engineering is proceeding and it looks like we have some good opportunities to go to bid soon, to begin work in the twenty-three monitoring wells that will be placed along the southern fault line.

Mr. Beard said he did make a request for additional funding from next fiscal year with the Division of Administration and hopefully we will be able to continue the program to put our monitoring wells throughout the district and along the fault line and move forward with the prototype. He said the German manufactured probe is one of a few in the world that would work at those depths to measure salinity and pressure.

C. Rating System

Mr. Beard mentioned there was a discussion about the fire rating system at the last meeting. He said he did meet with the fire chief in Baton Rouge and speak with him about the fire department’s needs and low-pressure areas. Mr. Beard said he explained to the Chief about the mandate that the District has under law through enabling legislation and that he would certainly work with him and the Fire Department. Mr. Beard said a line of communication with the Chief has been opened. Chair Gautreaux suggested inviting the Fire Chief to go over what they consider issues so that we are aware of their concerns. She said we certainly don’t want to put anyone in peril by not considering the Chief’s concerns.

Mr. Beard agreed.

X. Chairman’s Report

Karen Gautreaux – CAGCC Chair

Chair Gautreaux had no chairman’s report and said she would contribute to the Executive Committee report.

XI. Administrative Committee Report

Patrick Hobbins – CAGCC Administrative Committee Chair

Chairman Hobbins was not present at the meeting, therefore, there was no Administrative Committee report.

XII. Technical Committee Report

Tom Seagraves – CAGCC Technical Committee Chair

Chair Gautreaux called on Mr. Seagraves to present the Technical Committee report.

Chairman Seagraves said the meeting the day before was primarily dedicated to reviewing well permits. He said six well applications were considered and the well permit voting went along with the impact on the Baton Rouge fault. He said the models from Max Lindaman with USGS and Dr. Tsai with LSU showed the impacts of the wells’ proposed withdrawals along the fault. He said several motions initiated did not proceed to a vote. He said BRWC had requested a permit for the Istrouma well and there was a lot of discussion to try to figure out how to reduce its impact.

The four wells that made it through the Technical Committee are Pointe Coupee Lakeland well, Town of Slaughter well, Parish Water Company (PWC) Rambling Oaks well, and WBR Arena No. 2. Mr. Seagraves said three wells had no real impact on the water quality around Baton Rouge but, unfortunately, WBR’s Arena well does have an impact. He said more information is required; therefore, the Committee decided to request a discussion at the Board meeting today.

Mr. Reonas said he felt that both the Lakeland well and the Town of Slaughter well were far north of the DS/Scotlandville Fault and pumping was minimal along with effects on the Denham Springs fault. Mr. Reonas extended his gratitude to Max and Dr. Tsai for providing valuable information allowing the Board to evaluate not only the drawdown impacts, which, particularly at the BR Fault, you can equate with impacting saltwater encroachment.

A. District 1 Pointe Coupee – Lakeland (action required) and

B. Town of Slaughter – (action required)

Motion by Mr. Reonas and second by Mr. Means to approve both the Pointe Coupee Lakeland well and the Town of Slaughter well.

Mr. Leo said he would like to reinforce Mr. Reonas’s remarks about the value provided by Max and Dr. Tsai and expressed how helpful their models are and how the explanation of their research guided him to the right decision.

Chair Gautreaux asked Mr. Beard to call the roll.

Mr. Brown – Y, Mr. Engemann – Y, Mr. Ewing – Y, Ms. Gautreaux – Y, Mr. Leo – Y, Ms. Machen – Y, Ms. Manning-Broome – Y, Mr. Means – Y, Mr. Reonas – Y, Mr. Savoy – Y, Mr. Seagraves – Y, Mr. Vetter – Y.

Unanimous. Motion passed.

C. Parish Water Company, Rambling Oaks – (action required)

Chairman Seagraves said this is purely a replacement well, and it is also north of the Denham Fault. There is no significant impact. He asked for comments from commissioners.

Mr. Reonas made comments specific to this particular well, as well as the two others considered from BRWC at the Technical Committee meeting. He said he was disposed to being favorable to two of them, putting aside the current issues between the District/Commission and BRWC. Specifically, the Rambling Oaks Well, which has passed through, there is no impact at the Baton Rouge Fault. It is north of the Denham Springs-Scotlandville Fault. He was also favorable to the Hurricane Creek well. Mr. Reonas commented on new well permits being issued by the Commission to a well owner who is out of compliance.

Ms. Manning-Broome asked about the level of oversight for this new well and the Commission's equipment being installed on these wells to acquire accurate information. Mr. Beard responded stating that BRWC will not allow us on the property to install our meter in accordance with the regulations. Ms. Manning-Broome asked about the reasoning behind permitting new wells that cannot be properly regulated and the impact of denying this permit. Mr. Beard said there would not be production coming out of this well and they would have to make it up through existing wells. Mr. Leo said he shared Ms. Manning-Broome's concern, but he is prepared to vote to approve this permit application. He said he has been persuaded by conversations with some Commissioners and what he heard from BRWC that this well is a replacement well.

Motion by Mr. Leo and second by Mr. Means to approve the application for a permit to drill a replacement water well – Rambling Oaks Well, as presented in the application. Discussion continued among the Board members.

Ms. Manning-Broome said the Board has been given inaccurate information on the withdrawal rates and asked if the Commission would be allowed to put the monitors on the wells. She wanted to know if there is anything legally prohibiting the meter installation, which would allow oversight of the withdrawal rates and ensure accuracy of the data.

Mr. Foster stated he had reviewed the transcript of the Senate hearing several times where Mr. Kerr admits that the meters on the BRWC wells were not performing as they should. He reminded the Commission that the data provided by BRWC was reviewed by an expert who confirmed the data was not accurate. BRWC was guessing at the information. Mr. Kerr said at the Senate hearing that they have replaced all their wells and all their meters with "brand-new, state-of-the-art mag meters." Mr. Foster said Capital Area Groundwater has not inspected these nor seen them even though the Commission has the authority in law to approve meters installed by well owners. He continued by saying BRWC has on their own, knowing the type of metering system currently being installed by the District, purchased and installed a different kind of meter.

He said he has discussed with Mr. Furr the possibility of putting our meters there too and getting monitoring and they would house our monitoring boxes, empowering us so that we do not have to put a slab and panel for each well.

Mr. Leo said his revised motion is to approve this permit with the condition that BRWC agrees to allow us to put our meter on this well. Ms. Manning- Broome seconded this motion. No additional comments from the Commissioners.

Chair Gautreaux asked if the public had any comments.

Mr. Furr made comments and asked the Board to approve the other two wells that did not make it out of the Technical Committee.

Chair Gautreaux said she thinks it is important for the Board to better understand the fire system, and specific information related to capacity.

Ms. Manning-Broome asked if she could withdraw her second of Mr. Leo's substitute motion.

Chair Gautreaux confirmed the second on Mr. Leo's motion withdrawn.

Mr. Foster asked if there was a second to Mr. Leo's motion.

Ms. Machen seconded the motion.

Mr. Kerr commented and asked for consideration of their well permit approval.

Chair Gautreaux said she wanted to be clear that the Commission is after the data and not just BRWC, but not having the data really hinders us from progressing in the right direction. She said the Board has heard a discussion several times that both the Board and BR Water are working together, but so far, we have not seen any results. She said she hopes it happens soon.

Mr. Savoy said if we have dual meters, we can validate and calibrate data. He said he thinks it is counterproductive if we do not install this. He said this would make Dr. Tsai's models even more accurate.

Mr. Kerr suggested to Mr. Savoy instead of spending money on one hundred wells to meter yourselves, as you write the rules about auditing, BR Water would welcome us to put our meters on any one of their wells for an extended period to compare them to their numbers. He said he is amenable to this.

Mr. Vetter expressed confusion by Mr. Kerr stating his amenability to using a strap-on meter but also being opposed to it.

Mr. Kerr said they have one there permanently and he thinks it is a waste of public money.

Mr. Vetter said the waste of public money is this lawsuit.

Mr. Kerr said I agree.

Ms. Manning-Broome said he [referring to Mr. Kerr] is fear-mongering around risk and what this means to people and fire ratings. She wanted to ensure the public knows the Commission is making decisions in the best interest of the people and the residents of the area in which this aquifer lies and decisions are not based on feelings. She reiterated the critical nature of accurate data. "For the first time in the history of this organization you have commissioners who have a personal stake in ensuring that the people of this area have access to groundwater."

Ms. Machen said we are trying to make evidence-based decisions.

Mr. Leo said there is no partnership between a regulatory agency and its regulated entities. He said there must be an arms-length distance between a regulator and the entities it regulates. That relationship can be cooperative depending upon circumstances. He also commented that right now the relationship is extraordinarily uncooperative and the ability of this regulatory agency, charged with protecting the aquifer's quality and quantity, to determine what amount of water is being withdrawn from wells and the impact of that withdrawal rate and pace on the quality of the aquifer, is hindered.

Chair Gautreaux called on Ms. Lambert for public comments.

Rachel Lambert, Interested party. Ms. Lambert said we need good data, but there is a fact out there that these meters are strap on, and they are inherent to error. She said the fact is the existing, in-line meters are being used to calibrate the strap-on meters in the field. She claimed there are witnesses to this practice. She said the Commission is taking on liability by telling water system operators how to operate their systems, which could lead to boil advisories for a tri-parish area.

Mr. Beard said he has heard this comment several times that calibration is based off an existing meter on site, and that is totally inaccurate. The meters have been calibrated in an independent laboratory. When they are installed, the readings are compared to existing meters, but this is not calibration.

George Lonsonski and Dennis McGehee offered comments on verifying data and in support of the Rambling Oaks well permit approval, respectively.

Motion by Mr. Vetter and second by Mr. Engemann to approve the well based on the recommendation of the Technical Committee.

Mr. Leo repeated his substitute motion – It is that the commission approve the application for a well drilling permit for the Rambling Oaks Well on the condition precede that BRWC or PWC, as the applicant is described on them, permit us to install, permit the commission to install its new meter on that well. Ms. Machen seconded the motion.

Mr. Reonas confirmed with Mr. Kerr that when the Rambling Oaks well is put online the other well on site would be P&A'd and that volumes would continue to be reported.

Mr. Beard said there is a single motion on the floor to approve the well with the caveat that our meter is installed.

Mr. Leo withdrew the substitute motion.

Mr. Leo re-stated his original motion – That the Commission approve PWC's application for a permit to drill the Rambling Oaks Well. There was a second by Mr. Means.

Roll call: Mr. Brown – Y, Mr. Engemann – Y, Mr. Ewing – Y, Ms. Gautreaux – Y, Mr. Leo – Y, Ms. Machen – abstain, Ms. Manning-Broome – abstain, Mr. Means – Y, Mr. Reonas – Abstain, Mr. Savoy – Y, Mr. Seagraves – Y, Mr. Vetter – Y, Mr. Phares – Y. Motion carries.

D. West Baton Rouge, Arena well – (action required)

Mr. Seagraves said the West Baton Rouge well, completed in the 1,200-ft sand, did go through the Technical Committee. He asked for comments from the Commissioners.

Mr. Reonas said he made a motion to pass this on to the full Board because he felt like it needed to go to the full Board for consideration as a whole. He expressed the desire for WBR to provide some data, make a presentation, and to provide more information on their operations. He expressed concern over the 2,000-ft sand currently in the WBR application. Mr. Reonas commented on the need for cooperation to find a solution to provide water and protect the aquifer.

Mr. Waggenpack gave some background on the water supply in WBR parish. He also offered information on the water quality of the 1,200-ft sand in that area. He and Mr. Reonas discussed the need for a holistic/comprehensive plan going forward.

Mr. Reonas said the Commission would love to be able to work with West Baton Rouge and the utilities there and, also, to work with BRWC on their comprehensive plan, which they said they have but have not yet shared. He commented that the Commission would love to have that plan, and to be able to work with BRWC on this kind of planning.

Mr. Kerr with BRWC commented on the necessity of statewide water policy and said BRWC never had a comprehensive plan. Mr. Reonas said Mr. Furr stated at the Technical Committee meeting in July that BRWC did indeed have a comprehensive plan. Mr. Kerr apologized and said he will stand there and correct Mr. Furr. “BR Water Company does not have a comprehensive plan.” He said they have a belief that the system has been functioning well, but there is a chronic problem in the aquifer. He said BR Water does not have an acute problem and what they are trying to solve right now is an acute problem. He said what they need is time.

Mr. Reonas made a motion, second by Mr. Seagraves, to defer the permit for West Baton Rouge indefinitely until sometime in the future. The commissioner’s Motion passed.

Ms. Lambert made comments regarding the lack of acumen on the Technical Committee and the \$50,000,000 and time required for WBR to extend infrastructure northward. She answered Mr. Vetter’s question about who she was representing by stating she was representing herself in her role as a Professional Engineer with a water system background.

Mr. Reonas addressed Mr. Leo’s question about deferring the motion indefinitely. Mr. Reonas went on to say the Commission is not trying to tell a public supply provider how to run their operations. He said the Commission is trying to plan conservation of this aquifer system. He said he was a part of a meeting with the mayor in 2018, and they did a very detailed presentation on these long-term issues. He said one of the issues was that there is degradation of the aquifer system that has been

going on for a long time. He said based on an entire range of evidence there is a need for a long-term vision. He said his exact words at that time was that the people in this region are going to pay now or pay later. He said Hayes Town Jr. was on the Commission a few years back. He said Hayes always said he was good friends with Eugene Owen, the then-president of BRWC, and Eugene Owen would tell him that people in B.R. were going to end up pay two or three times what we are paying now for water. And that comment was from the head of BRWC. Mr. Reonas said he believed him on this point based on other evidence. Mr. Reonas said we either make investments now in planning and infrastructure or we must do it in an emergency.

Mr. Furr commented on Mr. Reonas's discussion regarding West Baton Rouge wells. Ann Trappey with BRAC introduced herself and told the Board that she is the interim CEO for the Baton Rouge Area Chamber. She said she would like to convene everyone and develop a plan.

Mr. Beard said he had spoken to Patrick Hobbins, and he suggested they sit down with the West Baton Rouge people and start looking at their northern most wells, which are on the northern side of the fault, and look at their infrastructure and see if they can determine a better stratum. Then they would go back to the Technical Committee with an appropriate solution for their water supply that meets the requirements of what the District is doing with Dr. Tsai's model.

Motion by Mr. Reonas and second by Mr. Seagraves to defer West Baton Rouge Parish's permit indefinitely, with the understanding Mr. Beard and his staff will continue working with West Baton Rouge.

Roll Call: Mr. Brown-Y, Mr. Engemann-Y, Mr. Ewing-Y, Ms. Gautreaux-Y, Mr. Leo-Y, Ms. Machen-Y, Ms. Manning-Broome-Y, Mr. Means-Y, Mr. Phares-N, Mr. Reonas-Y, Mr. Savoy-Y, Mr. Seagraves-Y, Mr. Vetter-Y. Motion passed.

XIII. Executive Committee Report

Karen Gautreaux – CAGCC Chair

Chair Gautreaux said the Executive Committee met prior to the Technical Committee and they discussed litigation. They also discussed the potential resolution and agreed to refer it to the Administrative Committee.

Mr. Reonas said this was just a resolution for the Commission to consider whether or not they should be granting permits when users were in non-compliance with District rules and regulations.

XIV. Member Agenda Items

Gary Beard – CAGCD Executive Director

No member agenda items.

XV. Old Business

Gary Beard – CAGCD Executive Director

Mr. Beard said at the next meeting there will be a presentation of Phase II of the study analysis being done by The Water Institute of the Gulf. He said it is moving forward and this will bring everybody up to date.

XVI. New Business

Gary Beard – CAGCD Executive Director

No new business.

XVII. Commissioner Comments

Karen Gautreaux – CAGCC Chair

Ms. Manning-Broome said she appreciated Ms. Trappey’s suggestion and agreed there should be more convenings and strategy discussions with users of the aquifer.

Mr. Seagraves said that we need to make sure before we transmit the permit application to Dr. Tsai, that we know exactly what the net water withdrawal is going to be. He said if he recalls from the Technical Committee meeting, Rambling Oaks well permit, it was double counted because they were not sure about the capacity that was currently on record.

Ms. Machen added to Ms. Manning-Broome’s comments, proposing that we also engage expertise to look at other aspects, in addition to the drawdown, that affect the saltwater intrusion.

Chair Gautreaux said she thinks we will need to have a picture of all the usage. She said we need to look at plans for sustainability in the industrial base to create a picture of overall usage in the aquifer.

Ms. Manning-Broome said if we do have a particular zone that is high risk, seems like a good place to start.

Mr. Leo said he supports the idea that Ms. Manning-Broome proposed and elaborated on some ideas and other suggestions.

XVIII. Announcements

Karen Gautreaux – CAGCC Chair

XIX. Public Comment (Non-action items only)

Karen Gautreaux – CAGCC Chair

Mr. Waggenspack with Owen and White said he would like to know when all the upcoming meetings will be held. Mr. Beard said the Board voted to meet every other month beginning in February, on the third Thursday of the month.


Mr. Lonsoski added that for those who like to read, there is an article in the New York Times – “A Tangle of Rules to protect America’s Water is Falling Short.” Also, there are three case studies in Missouri, Texas, and Vermont.

Dennis McGehee with BR Water Company said he would like to thank the Board for moving forward on the Rambling Oaks Well.

XX. Adjournment – (action required)

Karen Gautreaux – CAGCC Chair

Motion to adjourn by Mr. Leo and seconded by Mr. Savoy. Motion passed.


Gary J. Beard, Executive Director