

MINUTES

CAPITAL AREA GROUND WATER CONSERVATION COMMISSION

December 9, 2019

I. Call to Order

The Capital Area Ground Water Conservation Commission met for a regular meeting at 2:30 p.m. on December 9, 2019 in the U.S. Geological Survey's auditorium at 3535 South Sherwood Forest, Suite 120, Baton Rouge, Louisiana. The meeting was called to order by the Chairman, Nelson Morvant.

II. Roll Call

The following members were present: William Daniel, Mark Frey, Barry Hughhins, John Jennings, Dennis McGehee, Nelson Morvant, Joey Normand, Thomas Perkins, Matthew Reonas, "J.A." Rummler, Ryan Scardina, Tom Stephens, Todd Talbot and Hays Town. The following members were absent: Ronnie Albritton, Kenneth Dawson, Julius Metz and Mark Walton.

Others attending the meeting were: Anthony Duplechin and Shawn Scallan, Capital Area Ground Water Conservation District; Harry Vorhoff, Louisiana Attorney General's Office; David Mitchell, The Advocate; Lindsay Gouedy, Sparta Ground Water Commission; Max Lindaman, U.S. Geological Survey; Michael Layne & Trey Savoie, Baton Rouge Water Company; Adrian McGinnis, Alyssa Dausmann & Ryan Clark, The Water Institute of the Gulf; John Johnston III & Daryl Carlson, Louisiana Geological Survey; Kathy Wascom & Mary Lee Orr, Louisiana Environmental Action Network; Jesse Means III, Louisiana Department of Environmental Quality; Roy Waggenspack, Owen & White; John McKowen, CPA; Sayi Malineni, Retired Geologist; and Tyler McCloud & Su King, Louisiana House of Representatives.

III. Minutes

Mr. Town made a motion that the minutes of the September 25, 2019 be approved. Mr. Hughhins seconded the motion and it passed unanimously.

IV. Report from the Administrative Committee

At the request of Chairman Morvant, Mr. John Jennings reported on the meeting that was held December 4, 2019 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 December 9, 2019 at 2:30 p.m.

- It was recommended by the Administrative Committee to revise the meeting schedule for the full board, administrative & technical meetings. Mr. Hughhins made a motion that the full board meet in the following months: February, April, June, August, October & December; and the Administrative & Technical committees meet in the following months: January, March, May, July, September & November. The full board & committee meetings will be held the second Tuesday of the month. Mr. Daniel seconded the motion and it passed unanimously. It was noted that with proper advance notice meeting dates and times can be changed.
- The Administrative Committee discussed the need for a sergeant at arms and parliamentarian for all meetings. The committee decided that they will request that all members of the board act professional and civil during meetings.
- Financial conditions as of October 31, 2019 were provided to the board.
- Mr. John McKowen reported on the CAGWCC audit for fiscal year 2018-2019. Mr. Normand made a motion to accept the audit. Mr. Morvant seconded the motion and it passed unanimously.
- The Administrative Committee recommended the following members for 2020 officers: Nelson Morvant, Chairman; William Daniel, Vice-Chairman; and Mark Frey, Treasurer. Mr. Daniel made a motion to delete item e from the Administrative Committee report. Mr. Hughhins seconded the motion. Mr. Hughhins then made a substitute motion to accept nominations from the floor for CAGWCC officers for 2020 instead of the committee recommendation. Mr. Daniel seconded the motion. Mr. Daniel requested a roll call vote. The board voted as follows: yeas: Daniel, Frey, Hughhins, Jennings, McGehee, Morvant,

Normand, Perkins, Reonas, Rummier, Scardina, Stephen, Talbot & Town.; nays: none; absent: Albritton, Dawson, Metz & Walton. The motion passed.

Mr. Jennings made a motion to open the floor for nominations for Chairman. Mr. Huggins seconded the motion. Mr. Huggins then made a substitute motion that the Commission nominate each individual office and elect the three officers with one motion. Mr. Jennings seconded the motion. The motion passed unanimously. Mr. Huggins nominated Nelson Morvant for Chairman. There were no other nominations from the floor for Chairman. Mr. Huggins nominated William Daniel for Vice-Chairman. There were no other nominations from the floor for Vice-Chairman. Mr. Huggins nominated Mark Frey for Treasurer. There were no other nominations from the floor for Treasurer. All officers were appointed by acclamation.

- The Administrative Committee discussed the need for a court reporter for all meetings. Also discussed was a new venue for board meetings. Mr. Daniel, Mr. Morvant & Mr. Normand were asked to look for a new venue. Mr. Daniel reported that Ms. King spoke with the clerk about using the legislative committee rooms for board meetings. The clerk approved the Commission using the committee rooms. The agenda will need to be available no less than 10 days prior to the meeting. Mr. Huggins asked Mr. Vorhoff if meeting dates and times can be changed if needed. Mr. Vorhoff stated yes with proper notice.
- Mr. Duplechin then reported on the Attorney General's opinion on the rule of capture. The letter stated that it is the policy of the Attorney General that our office will not issue an opinion "on complex or important issues of law, and where the Attorney General deems that the requestor should either seek a declaratory judgement or seek other courses of action that may be more appropriate than the issuance of an official opinion".
- A draft of by-laws and rules of order written by Su King were presented. The Administrative Committee requested that members send their comments on both documents to Shawn Scallan by January 10, 2020. The comments will be addressed at future administrative meetings.

V. Report from the Technical Committee

The report of the Technical Committee was made by Barry Huggins. Following is a summary of topics discussed at the meeting on December 4, 2019 at 1:30 p.m. and further discussion and action at the regular Commission meeting on December 9, 2019.

- John Lovelace of the USGS gave a progress report on the Baton Rouge model.
- Dr. Tsai gave a report on the Board of Regents ITRS Projects.
- Commissioner Walton presented an overview of the most recent pumping rates from the "1,500-foot" and "2,000-foot" sands to monitor compliance with agreed on reductions and/or commitments.
- Mr. Duplechin reported on the Planning & Specifications Subcommittee meeting.
- Mr. Doug Carlson & Mr. John Johnston, Louisiana Geological Survey, gave presentations on the Southern Hills Aquifer System.
- Mr. Huggins stated that the board must do an annual review and re-adoption of pumping limits. Mr. Reonas made a motion that the current pumping limits of 25 million gallons per day for the "1,500-foot" sand and 23.5 million gallons per day for the "2,000-foot" sand be adopted for calendar year 2020. Mr. Jennings seconded the motion. Mr. Vorhoff will assist the Commission with the rule making process to legally enforce the pumping limits. Mr. Reonas then withdrew his motion and made a substitute motion to table this item. There was no second. Mr. Normand made a motion to start the rule making process to limit pumping to 25 million gallons per day for the "2,000-foot" sand and to limit pumping to 20 million gallons per day for the "1,500-foot" sand. Mr. Normand amended his motion to strike the "2,000-foot" sand and stick with the "1,500-foot" sand. There was no second. Mr. Morvant then made a motion that the current pumping limits of 25 million gallons per day for the "1,500-foot" sand and 23.5 million gallons per day for the "2,000-foot" sand be adopted for calendar year 2020 and begin the rule making process. Mr. Frey seconded the motion. The motion passed unanimously.
- Alyssa Dausmann of The Water Institute of the Gulf gave an update on their project. The extension of the contract at no cost was discussed. Mr. Reonas then made a motion to

amend the agenda to consider extending the current contract with CPRA and The Water Institute of the Gulf for long term planning. Mr. Daniel seconded the motion. The board voted as follows: yeas: Daniel, Frey, Huggins, Jennings, McGehee, Morvant, Normand, Perkins, Reonas, Rummler, Scardina, Talbot & Town; nays: none; absent: Albritton, Dawson, Metz, Stephens & Walton. The motion passed. Mr. Daniel made a motion to extend the contract with CPRA for at least one year and if possible three years. This involves only the length of the contract with no additional funds. Mr. Jennings seconded the motion. The motion passed unanimously.

VI. Board Nominee

Mr. Normand nominated Mr. Barry Huggins as board nominee. Mr. Morvant nominated Mr. Mark Walton as board nominee. Mr. Reonas nominated Mr. Charles Demas as board nominee. In order to send the nominee(s) name to the Governor, the nominee must receive a majority vote of the members of the board. A roll call vote was done on each nominee. The board voted on Barry Huggins as follows: yeas: Daniel, Frey, Jennings, McGehee, Morvant, Normand, Perkins, Reonas, Rummler, Scardina, Talbot & Town; nays: none; abstain: Huggins; absent: Albritton, Dawson, Metz, Stephens & Walton. Mr. Huggins received a majority vote. The board then voted on Mark Walton as follows: yeas: Jennings, McGehee, Morvant, Rummler, Scardina & Talbot; nays: Daniel, Frey, Normand, Reonas & Town; abstain: Huggins & Perkins; absent: Albritton, Dawson, Metz, Stephens & Walton. Mr. Walton did not receive a majority vote. The board then voted on Charles Demas as follows: yeas: Daniel, Reonas & Town; nays: Frey, Jennings, McGehee, Morvant, Normand, Perkins, Rummler, Scardina & Talbot; abstain: Huggins; absent: Albritton, Dawson, Metz, Stephens & Walton. Mr. Demas did not receive a majority vote. The Commission will submit Mr. Huggins name for board nominee.

VII. Proposed Committee Resolution

Mr. Morvant reported that Commissioner Matt Reonas proposed a resolution on committee memberships, assignments & board approval. Mr. Reonas stated that he will not make any action on this item at this time. Mr. Daniel stated that this will be addressed in the Commission's by-laws and can be discussed then.

VIII. Director's Report

Director Duplechin oversaw completion of the observation well. He met with The Water Institute of the Gulf and also with a representative of a firm looking to build an industrial park in West Baton Rouge to discuss availability of ground water resources. He reported that he met with an IT consultant to back up the District's computers. Duplechin assisted Ms. Gouedy in Lincoln Parish with the Water Fest. Director Duplechin finalized the rule for the pumpage fee increase. The rule was published in the November 20th Louisiana Register. Director Duplechin gave updates on requests from the September meeting.

IX. Chairman's Report

Mr. Morvant reported that the Executive Committee will meet in the beginning of the year to discuss the hiring of a full time Executive Director. The Committee is currently working on a job description for review. Mr. Morvant also urged the members to work together as a group to protect our ground water and to be open to ideas.

X. Commission Member Comments

Mr. Normand thanked the Chairman for including his items on the agenda for consideration. Mr. Jennings stated that the Commission needs to consider limiting agenda items due to the length of the past meetings. Dr. Perkins commented that the New Orleans District Corps of Engineers are studying the Darlington Reservoir. They are considering putting in a 25000 acre dry reservoir just south of I-10 on the Amite River. He didn't know if the Commission should get involved in this project. He stated that there will be meetings on this project December 16th and 17th. Mr. Frey commented that the Commission has a lot on their agenda. He urged the Commission to prioritize and plan accordingly for future meetings. Mr. Daniel commented that he likes more meetings. He stated that once the by-laws are in place the Commission can move into regulation.

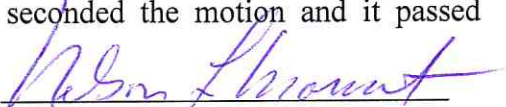
XI. Public Comment

Ms. Kathy Wascom commented that LEAN disagrees with some of the statements made in the Louisiana Geological Survey's presentation. She also commented on voluntary pumpage

reporting by users. She stated that there is no measurement criteria or enforcement. She urged the Commission to consider this when making their rules and regulations. Ms. Orr asked Commissioner Todd Talbot about the global settlement and that Exxon moved to 50% river water. Mr. Talbot stated that he was unaware of a global settlement but yes Exxon's water use was 50% river water. Ms. Orr then inquired about metering of water wells. Mr. Huggins stated that most of the unmetered wells are in small rural water districts.

XII. Adjournment

Mr. Morvant made a motion to adjourn. Mr. Jennings seconded the motion and it passed unanimously. The meeting was adjourned at 5:07 p.m.



Nelson Morvant, Chairman



Mark Frey, Treasurer