

**Minutes of the
South Central Texas Regional Water Planning Group
September 3, 2015**

Chairman Con Mims called the meeting to order at 9:30 a.m. in the San Antonio Water System's (SAWS) Customer Service Building, Room CR 145, 2800 US Highway 281 North, San Antonio, Bexar County, Texas.

28 of the 30 voting members, or their alternates, were present.

Voting Members Present:

Tim Andruss	Gary Middleton
Donna Balin	Con Mims
Gene Camargo	Robert Puente
Alan Cockerell	Annalisa Peace for Iliana Pena
Will Conley	Steve Ramsey
Ron Fieseler for Don Dietzmann	Rick Illgner for Roland Ruiz
Art Dohmann	Dianne Savage
Blair Fitzsimmons	Suzanne Scott
Vic Hilderbran	Greg Sengelmann
Kevin Janak	Thomas Taggart
John Kight	Dianne Wassenich
Russell Labus	Bill West
Glenn Lord	Adam Yablonski
Doug McGooky	
Dan Meyer	

Voting Members Absent

Rey Chavez
David Roberts

Non-Voting Members Present:

Norman Boyd, Texas Department of Parks and Wildlife
Temple McKinnon, Texas Water Development Board (TWDB)
Ken Weidenfeller, Texas Department of Agriculture
Ronald Fieseler, Region K Liaison

Non-Voting Members Absent:

Steve Ramos, TCEQ – South Texas Watermaster Specialists
Charles Wiedenfeld, Region J Liaison

AGENDA ITEM NO. 1: PUBLIC COMMENT

Chairman Mims called the meeting to order and asked for any public comments. Several individuals made comments to the planning group.

Mayor Lisa Jackson (City of Cibolo): We are here to listen, and encourage you to consider item nine. It's very important for our city and the Cibolo Valley Local Government Corporation. We just wanted to let you know that we are really hoping that you can help in making this happen. For the future of our water, the next 50 years is going to go by really quick. As Cibolo has just now

celebrated its fiftieth birthday, we are looking ahead. We appreciate you listening to us this morning. Thank you.

Commissioner Larry Wiley (Wilson County): I am here today on behalf of the Wilson County Court to speak in opposition to item number nine. The court unanimously stands together in a resolution that we did in opposition to this. In addition, all the municipalities in Wilson County have done a resolution in opposition, along with all the water purveyors. I understand the need that Cibolo has over the next 50 years. We have our needs as well, and it is our stance that those needs need to be protected. In the last decade, Wilson County was the sixteenth fastest growing county in the state out of 254 counties. All the information that we have so far suggests that through the first half of this decade, that that growth has only accelerated. We need our water for our citizens. That Schertz-Cibolo project... we've dealt with SAWS in the past. I understand the need for water, but I feel like other sources need to be looked at strongly. Desalination... conservation could do a lot. I have visited with a number of people who have cistern systems that supply all of their water need. There should be some program that would be available to somehow encourage citizens to take that approach. We need to keep our water for our growth. If you go to Wilson County for your water needs now, where do you go later?

And very quickly, if I may, I am going to change hats. I'm a rancher, and I am a director of the Independent Cattleman's Association. My ranch is in the middle of the Cibolo Valley LGC project. They are not asking for an acre-foot, or an acre and a half. They are asking for it all. You're going to really handicap agriculture. I think that is a big mistake. Water is very important. A nice sirloin is very import as well, or a filet mignon, and the vegetables that go with it. If I look at my property, which is in the middle; and if I need to drill a well, I cannot drill a well. If we have a really bad drought situation, and there's a need to do a little irrigating, we can't irrigate. The next 50 years that water is all tied out. I would ask you to very strongly consider not approving this project. Thank you.

Dudley Wait with the City of Schertz: Please continue to keep that project (regarding agenda item nine) in the overall regional plan. This project is a next generation project. The City of Schertz has been in a similar situation for a very long time through the Schertz-Seguin LGC. I believe that we have proven through that, that we are good corporate citizens. We have taken care of the project well. We have taken care of the land. We have taken care of the needs of the county as well as meeting the rules and working with the local water board. The intent is to do that here if this project stays in the plan. There are much more discussion to be had, and a long way to go before this project is ready. My understanding is that the place for those discussions is with the local folks once this regional water plan is approved. I believe that is the course we should focus on. Keep this project in the plan. Allow CVLGC and the local folks to work out this deal. Hopefully we can meet the needs of everybody through good debate and discussion over the coming years.

Justin Murray: The Cibolo Valley Local Government Corporation came to this meeting only three short months ago, and relayed that there were no unique challenges to this project that would preclude its ability to remain in the 2016 Initially Prepared Plan. Since that time there has been no discovery of additional facts that should cause this board to reconsider its action to continue supporting the CVLGC water management strategy and its ability to meet the needs in the cities of Schertz and Cibolo. Just as the cities of LaVernia and Floresville in Wilson County have had to plan to meet future water needs, so have Schertz and Cibolo. However, since that meeting, there has been additional public support for that project, both in Wilson County and Guadalupe County. CVLGC received letters of support from Representative Kuempel, whose district covers Wilson and Guadalupe counties, Senator Campbell, Guadalupe Commissioners Court, among others in

support of this project and the ability for Texas to exercise their landowner rights, including those to sell groundwater. CVLGC looks forward to working with the Evergreen Underground Water Conservation District to seek permits for this project. Permitting is the appropriate time to address technical concerns regarding well mitigation and many other concerned citizens that also commented during the public process. The misrepresentation of facts regarding our leasing have been false. The intent of CVLGC is to reserve only one acre foot per acre. The terms of the lease allow a landowner to opt out of any given year if agriculture production is more beneficial to the landowner. EUWCD rules and state law protect exempt wells, and CVLGC does not aim to change that. I appreciate your support for this project, the City of Schertz, the City of Cibolo, the continued growth of our region, and landowner rights.

Ellen Burke, resident of San Antonio, expressed some general concerns about a water policy study that was not made public, local transparency on water rates, and the Vista Ridge Project.

AGENDA ITEM NO. 2: APPROVAL OF MINUTES FROM THE SOUTH CENTRAL REGIONAL WATER PLANNING GROUP'S MEETING ON FEBRUARY 5, 2015

Dianne Wassenich moved to approve the amended minutes of February 5, 2015. Gary Middleton moved to second the motion. The minutes were approved by consensus.

AGENDA ITEM NO. 3: APPROVAL OF MINUTES FROM THE SOUTH CENTRAL REGIONAL WATER PLANNING GROUP'S MEETING ON APRIL 2, 2015

Dianne Wassenich made a motion to approve the minutes of April 2, 2015. Gary Middleton moved to second the motion. The minutes were approved by consensus.

AGENDA ITEM NO. 4: STATUS OF EDWARDS AQUIFER HABITAT CONSERVATION PLAN (EAHCP) – NATHAN PENCE, EXECUTIVE DIRECTOR OF EAHCP

There was no report to give on the status of the Edwards Aquifer Habitat Conservation Plan (EAHCP).

AGENDA ITEM NO. 5: STATUS OF GUADALUPE, SAN ANTONIO, MISSION, AND ARANSAS RIVERS AND MISSION, COPANO, ARANSAS, AND SAN ANTONIO BAYS BASIN AND BAY STAKEHOLDER COMMITTEE (BBASC) AND EXPERT SCIENCE TEAM (BBEST)

Suzanne Scott briefed the planning group on recent developments pursuant to the BBASC, noting that the next meeting was to be held on September 30, 2015 at the River Annex of the Guadalupe-Blanco River Authority. The BBASC was to receive the final reports on the studies conducted by the science teams pursuant to the previously sought grants from the Texas Water Development Board (TWDB). Additionally, Mrs. Scott informed the group that TWDB has appropriated an additional two million dollars for extending the studies, or conducting new ones.

AGENDA ITEM NO. 6: CHAIR'S REPORT

Chairman Mims moved the Chair's Report to later on in the agenda (after Agenda Item No. 15).

AGENDA ITEM NO. 7: TEXAS WATER DEVELOPMENT BOARD (TWDB) COMMUNICATIONS

Temple McKinnon, Texas Water Development Board (TWDB), briefed the planning group on SWIFT funding processes including scoring criteria and schedule. Mrs. McKinnon noted that the regional prioritization (prioritization of water management strategies completed at the Regional Water Planning Group level pursuant to the Regional Water Plan) is allotted fifteen of one hundred points in terms of the State's scoring criteria for statewide prioritization. Mrs. McKinnon also discussed a number current board (TWDB) items including interregional conflicts and the regional water planning area boundaries five-year evaluation.

AGENDA ITEM NO. 8: DISCUSSION AND APPROPRIATE ACTION REGARDING CONSULTANTS WORK AND SCHEDULE

Brian Perkins, HDR Engineering, reported on the schedule for plan development highlighting upcoming planning group deadlines and target dates for completing tasks. December 1, 2015, is the deadline for the submission of the 2016 Regional Water Plan.

Mr. Perkins discussed the public comment period that began after May 1, 2015, and continued through August 14, 2015.

Mr. Perkins also provided an update on the potential issues to the planning process that HDR and the Administrator are tracking. Mr. Perkins noted HDR's efforts to track and complete the remaining chapters of the 2016 Regional Water Plan, including the Infrastructure Finance Reports, Socio-economic Impacts Analysis (completed by TWDB), and the prioritization of projects.

Bill West noted that United States Supreme Court denied the plaintiff's appeal in the Whooping Crane lawsuit, effectively concluding the lawsuit.

AGENDA ITEM NO. 9: DISCUSSION AND APPROPRIATE ACTION REGARDING IF AND HOW THE TWO TECHNICALLY EVALUTED VERSIONS OF THE CIBOLO VALLEY LGC CARRIZO PROJECT ("MAG-LIMITED" AND "WITH CONVERSIONS") WILL BE INCLUDED IN THE 2016 REGIONAL WATER PLAN

Chairman Mims opened up discussion by explaining that there were two versions of the Cibolo Valley LGC (CVLGC) Carrizo Project recommended in the 2016 Regional Water Plan: the *MAG-limited* project, which shows a firm yield of zero, and the version which purports to purchase existing permits and convert said permits for municipal use (known as the "Carrizo Project with Conversions" or simply "*with conversions*."

Brian Perkins concurred and elaborated, saying that there were actually three versions of this project in the plan. The two versions mentioned by Chairman Mims were recommended, and the other was an alternative strategy. The alternative version is the *envisioned* project (i.e. the project as envisioned without the restriction of the MAG), which has a yield of 10,000 acre feet. Mr. Perkins continued, saying that the *envisioned* project entails CVLGC developing 10,000 acre feet of water by applying for a new groundwater rights permit directly from the Evergreen (Evergreen Underground Water Conservation District). CVLGC would then develop the 10,000 acre feet of groundwater, treating and delivering it to Schertz and Cibolo in the planning phase. That project is

alternative because the current TWDB rules and MAG limitations prevent the project from being recommended in the regional water plan.

Mr. Perkins noted that because the permits issued in Wilson County exceeded the MAG in Wilson County, the Region L planning group chose to show that there is no additional groundwater available in Wilson County. However, if things changed (i.e. MAG/ or state rules), that alternative project could be easily amended into the 2016 Regional Water Plan by way of substitution.

Mr. Perkins explained that the recommended strategy (MAG-limited) is the exact same project as the envisioned strategy, but due to the MAG limitation, the project shows zero firm yield (which is permissible by TWDB's rules and guidance regarding recommended strategies). The recommended *MAG-limited* strategy has the same facilities. Mr. Perkins further explained that, if CVLGC were to apply for new groundwater permits from the Evergreen directly, Evergreen could choose to issue those. However, for planning purposes, since groundwater permits under the MAG in Wilson County were fully allocated already, the project showed a zero firm yield.

Mr. Perkins continued, stating that the third version (*with conversions*) that was currently being recommended, consisted of the same project facilities, same project area, and same customers as both the *MAG-limited* recommended strategy and the envisioned alternative strategy. The difference was, rather than approaching Evergreen for new groundwater permits, CVLGC would work with local groundwater permit holders, and either lease or buy enough of those permits, and convert them from irrigation or mining use to municipal to meet their regional water need. The recommended version meets the required MAG limitations because CVLGC would not be seeking new appropriations of groundwater, but rather seeking permits that have already been allocated for another purpose (but re-purposed for municipal use). Therefore, the *with conversions* strategy yields 10,000 acre foot per year.

Mr. Perkins asked for questions.

Commissioner Will Conley asked what the purpose was of having a project, which yields zero, identified in our plan as a recommended water management strategy.

Brian Perkins replied, saying that the current plan has a number of projects that show a zero firm yield. Such projects are treated just like all other recommended water management strategies. TWDB will accept zero firm yield water management strategies as recommended strategies. When it comes to funding those projects, the implication imposed by the zero firm yield may burden those applicants. Mr. Perkins continued, noting that much like other projects' firm yields are limited under the MAG, so are the zero firm yield projects. The concept is the same. By including these projects in the plan as a recommended strategy, the sponsors can pursue SWIFT funding and permits from either a state agency or groundwater conservation district depending on the water source. Though the projects' yield may burden their chances of receiving a favorable score, the project sponsors at least have the ability to pursue funding and permitting opportunities.

Chairman Mims added that Region L dedicated a Groundwater Workgroup, led by Greg Sengelmann, who developed the recommendation that the full Region L planning group approved as to how to deal with groundwater projects that exceeded the MAG limits. The recommendation approved by this body was that such projects could be shown as having zero yield. The workgroup supported their recommendation with two reasons: 1) the TWDB will not allow a project – which exceeds the MAG – in the plan as recommended strategy, and 2) that such projects – limited by the MAG – will remain in the plan as recommended strategies with the understanding that the

MAG limits may increase in the future, and if so, they (zero firm yield projects) would be in the plan as recommended strategies. The other possibility mentioned by Chairman Mims, was that groundwater districts' rules may change. In which case, if the rules changed favorably to a particular zero firm yield project, the strategy would already be in the plan as a recommend strategy (eligible to pursue permits and SWIFT funding).

Brian Perkins confirmed Chairman Mims's points, noting that the planning group approved that recommendations, and has been working with it ever since.

Chairman Mims added that there was a list of different recommendations depending on the situation, all having to do with groundwater. Those recommendations were reflected in the Chapter 8 Policy Recommendations, which were also approved by the Region L Planning Group.

Will Conley asked what the value to the sponsor would be to have a zero firm yield strategy in the plan with those additional conditions put on the description of the project?

Brian Perkins said that the advantages of being in the plan, even at a zero yield, are that one could still pursue SWIFT funding pursue permits from agencies that require consistency with the plan.

Dianne Wassenich stated that, from her understanding, having zero firm yield projects in the plan was a matter of expediency. Rather than having to amend an alternative water management strategy to a recommended status, the project would already be in the plan.

Brian Perkins agreed, adding that Mrs. Wassenich's point was also an advantage of having an alternative strategy.

Suzanne Scott asked whether the Carrizo in Wilson County has had its current MAG limits for some time. Brian Perkins confirmed. Mrs. Scott asked whether the Evergreen had stopped issuing permits. Mr. Perkins said the Evergreen should be able to answer that question. He was not aware.

Mrs. Scott asked Russell Labus and Diane Savage whether any new permits had been issued in the Evergreen under the current MAG limitation.

Russell Labus answered that new permits have been issued over the MAG.

Mrs. Scott asked if such decisions were made by the groundwater district

Brian Perkins confirmed, saying that it is up to the groundwater district to make those types of determination. The regional planning groups are tasked with considering the MAG when recommending projects. This planning group chose to look at the fact that permits may have been issued in excess of the MAG, and that at any time some or all of those permit holders may start pumping all of their water.

Mr. Perkins continued, explaining that the groundwater districts are looking at the desired future conditions, the drawdowns over a long-term span. The districts are monitoring that and realizing that not every year, everyone is pumping one hundred percent of their permit. For example, irrigators are only pumping when it's not raining. Oil and gas industry is only pumping water when it is economical to develop new oil and gas wells. Each year changes, so they are monitoring the drawdowns.

Mrs. Scott then queried whether recommending a project in the plan would necessarily ensure that such project would ever get a permit

Mr. Perkins said that recommending projects in the plan does not necessarily ensure a project achieves funding from the regulatory agency overseeing the allocation of the particular source.

Mrs. Scott made the point that the groundwater district has been delegated the responsibility of determining whether permit seekers may be issued a permit. Ultimately, the project has to go before the district, and based on their rules and the landowner's rights, the district could deny the permit application.

Brian Perkins concurred, saying that ultimately the groundwater conservation district is the regulator. The district will issue (or deny) the permits, or issue the conversion of permits, and the district will be responsible for regulating. The planning group does not regulate.

A question was raised regarding the *conversions* version of the project, and whether the "Local Carrizo Conversions" project was the same as this conversions for CVLGC?

Mr. Perkins said that the concept was the same. The only difference was that, on the Local Carrizo Conversions, that water would be used locally. CVLGC is doing the same thing, except they are shipping the water to a different county.

Greg Sengelmann stated that the project meets the groundwater committee's recommendations as it is, but voiced the concern there was no real "alternative" strategy because all three projects (two recommended and one alternative) all rely on the same source (Carrizo in Wilson County). If CVLGC fails to obtain the permits, there is no alternative. Mr. Sengelmann mentioned that he hoped the planning group could work through that flaw in the planning process in next round of planning.

Chairman Mims commented that Mrs. Scott's point was worth repeating; that there is no assurance that any of the projects in the Region L plan will ever be developed. Those decisions rest with the permitting agencies. Chairman Mims mentioned that the public tends to put much more responsibility on the planning group than is necessarily assigned by TWDB.

Donna Balin asked whether other planning groups have treated projects yielding zero acre feet a year like Region L treats such projects.

Ronald Fieseler stated that Region K does not have any zero firm yield projects in their plan.

Brian Perkins noted that, Region G, had discussed it, but was not certain whether the Region G Planning Group moved forward with any projects with a zero firm yield.

Temple McKinnon added that Region F discussed the issue as well, but could not confirm whether a zero firm yield project was recommended. Mrs. McKinnon noted that several regions were constrained by these MAG limitations and have had similar discussion of how to address needs.

Robert Puente commented that the planning group does not regulate. The planning group does not permit. By prejudging these projects, the planning group could be accused of taking away the power of groundwater districts.

Mrs. Scott agreed.

Chairman Mims added that he agreed, and that the planning group could be interfering with their governmental activities.

Dianne Wassenich stated that, as a representative of the public, she had never seen such a united document as the one issued by the Wilson County Judge to each of the planning group members (referring to a compilation packet that included support from every water supplier, and every city in Wilson County that supported removing the CVLGC projects [MAG limited and Conversions] from the 2016 Regional Water Plan). Mrs. Wassenich said she had realized that there are other projects that propose to draw from the Carrizo Aquifer in Wilson County, and that it was only recently she had learned that the Carrizo cannot recharge as quickly as she had understood. She mentioned that the Carrizo Aquifer has been called prolific, and the water that will serve your grandchildren. In terms of the recharge rate, it will take at least hundreds of years to replace water that is used today. Mrs. Wassenich added that she did not support these projects in the current context of the Region L plan.

Bill West asked Mrs. Wassenich what the source of her information was.

Mrs. Wassenich replied that soon it would be an hydrogeologist reviewing the information, but currently the information stems from the people of Milam, Lee, and Burleson counties. Adding that she believe the analysis from the Bureau of Economic Geology, Mrs. Wassenich said she was concerned that water planners were being misled about the mining of the Carrizo and what that means for your surface water.

Responding to earlier discussion, Russell Labus said that, even though the Evergreen is permitting over the MAG, the pumping volumes that the Evergreen collects on an ongoing basis are still below the MAG. Those numbers are closing in on the MAG every year. At some point it will be up to the Evergreen Board to decide either to cut pumping allotments for future permits, or to deny permits altogether.

Mrs. Scott replied, asking Mr. Labus if he would want to keep the decision to deny permits local. The decision to deny permits, even if this MAG limited project stays in the plan, is up to the Evergreen and its Board. If over pumping is occurring, that is something the groundwater district board would definitely want to have final say in. That decision to permit this project (CVLGC) is the groundwater district's to make.

Russell Labus said that the reality of that situation is that this decision will end up in court.

Commissioner Conley replied that the decision would go to Court whether it's in this plan or not.

Suzanne Scott concurred, but suggested that the Legislature put those decisions in the hands of groundwater districts' boards.

Blair Fitzsimmons responded that that groundwater districts have recently been intimidated by lawsuits. She noted that board members of the Lost Pines GCD were sued as individuals because of a decision that was made. Considering those factors, along with the opposition from the Wilson County, the planning group would not be fulfilling their duty by not contemplating these decisions.

John Kight stated the Legislature identified the preferred method of managing groundwater is through groundwater districts. Then the Legislature decided that the area of groundwater management needed to be expanded more or less over aquifers, and required the groundwater districts to complete models to gauge water availability. Then the Legislature had ground water management areas come up with the desired future condition to project over the next 50 years. The planning group knows that there is zero water available for the CVLGC projects. Continuing,

Mr. Kight asked why the planning group would give CVLGC the pre-emptive 10,000 acre feet, essentially taking it out of the Evergreen's control.

Several members express disagreement.

Robert Puente replied that the planning group's decision does not take the permitting decision out of the control of the groundwater district.

John Kight acknowledged that the Evergreen could always deny permits, but that the planning group's decision to keep the project in the plan would always be hanging over their head.

Gene Camargo asked Mr. Perkins, if using a two to one ratio (i.e. 2 acre feet permitted to the 1 acre foot, which is the MAG limit), what would happen to the 50 percent appropriated under the permits, but not under the MAG.

Mr. Perkins explained that in some districts there is a measure of protection for the senior or exempt status. He directed Mr. Camargo's inquiry specific to the Evergreen's practices to Mr. Labus and Mrs. Savage.

Mr. Labus stated that the Evergreen does not have historical use permits.

Suzanne Scott, responding John Kight's previous comments, expressed her concern that the planning group decided to create a committee that developed and recommended a process, which was accepted by the planning group on how to handle the MAGs in the context of TWDB rules. Each groundwater district was involved in that process and brought that recommendation to the full group. The planning group made decisions about the CVLGC projects and a few others that are at zero firm yield. There were long discussions regarding the process and the methodology behind including zero firm yield projects in the plan acknowledging the groundwater workgroup's recommendation. That decision is included in the planning group's policy statement and is a footnote on every single MAG limited project. Mrs. Scott continued, saying her concern was that the group would be making decisions not consistent with the planning group's agreed process, creating an opportunity to push other MAG limited projects out of the plan. Mrs. Scott added, that while she understands the concern amongst the residents of Wilson County about this project, that decision truly rests with the groundwater district.

Chairman Mims said that his position is that, the issue of changing the Planning Group's position on how to treat MAG limited groundwater projects, is not on the agenda. There may be an opportunity, not on this agenda, but in some future work that is going to be proposed later on in the agenda, where the planning group could revisit all of these process issues.

Blair Fitzsimmons (Agriculture Representative) commented, she finds herself in a very uncomfortable situation. While sympathetic with Wilson County and the Wilson County landowners, agriculture is at a distinct disadvantage. She explained that municipal stakeholders, many of which are fixed income, can convince landowners to sell or lease their permits. They provide a nice financial incentive, but agriculture is a hundred billion dollar industry in this state. She continued, saying that if agriculture continues to be stripped of water, water planners will seriously undermine the agriculture industry. However, as an industry, agriculture supports groundwater as private property right. The CVLGC project speaks to that. Mrs. Fitzsimmons then asked, what safeguards were in place to ensure a landowner is selling his water, and not his neighbors.

Donna Balin added that she had not seen so much opposition to a particular project before, especially from municipalities including Wilson County, Floresville, Poth, Stockdale, La Vernia, Wilson County Commissioners Court, and The South Central Texas Independent Cattlemen's Association. She suggested that, in order to honor the public comment process, the comments should be taken into consideration.

Thomas Taggart made the point that there were many letters in support of the project that were reviewed by the Public Comment and Plan Assessment Workgroup, and asked Sonia Ximenes, Ximenes and Associates, to provide the group with those statistics

Sonia Ximenes, said that there were at least 193 form letters received supporting the projects.

Annalisa Peace made note of the difficulty in getting resolutions passed by county commissioner courts and by the municipal bodies. The opposition to these projects represents an overwhelmingly well-organized consensus that they do not want the project.

Bill West made the point that if the planning group were to convert the planning process, in Region L or other regions, into a popularity contest, the entire world will attend these meetings and voting for or against a project. He argued that such a process would be flawed.

Robert Puente reiterated his point that as a planning group, they would be usurping the power of the groundwater districts. In the case where public opposition is a factor, the elected officials should feel the pressure at the permitting stage. The planning group members, in their capacity as voting members, are not elected officials. The planning group is charged with the task of planning. Mr. Puente noted that the planning group is not the venue in which to kill viable projects.

Commissioner Conley added that it is important for the persistence of government to stay in their lane. Making those types of decisions is not what planning group has been charged with. Commissioner Conley continued, saying he would make one exception to his consideration of projects being prejudged by the planning group. The expectation was for cases where no regulatory authority in the project area existed, which was the case in Hays County. However, under the particular circumstances at hand, the groundwater is fully regulated under the ways and the means that was intended by state officials. Commissioner Conley asked whether the Evergreen Board members were appointed or elected.

Dianne Savage answered that they were elected. Russell Labus added that there was one Governor-appointed member. Mrs. Savage added that all of the boards on the rural water companies are elected, the councils are all elected.

Commissioner Conley suggested that, in response to Mrs. Savage's aforesaid confirmation, those elected officials are local people making local decisions on how their resources should be distributed in the future. Adding that, as a representative the counties interest, he has experienced the type of disagreement of that between Schertz/ Cibolo and Wilson County, Commissioner Conley sympathized with both parties. He commented that there were other water resources in the area of Schertz and Cibolo, and that there may be more appealing options, but that those decisions were up to the corporation. Commissioner Conley expressed his support for the process the planning group has gone through, and that he supports the plan in its current form.

Gene Camargo pointed out that planning evolves with the group's understanding of the water resources. Using the Edwards Aquifer and Carrizo-Wilcox Aquifer as examples, Mr. Camargo

expressed his opinion that the planning group should make an effort in the future to better understand the resources, and see where policies might need changing.

John Kight revisited the topic of numbers regarding the comments received from the public on the CVLGC projects, asking Sonia Ximenes to confirm the number letters supporting the CVLGC project received.

Ms. Ximenes stated that there were 193 letters supporting the inclusion of the CVLGC projects in the plan in its current state.

Mr. Kight then asked Ms. Ximenes to confirm the number of those support letters from Wilson County and outlying areas.

Ms. Ximenes noted that the majority of those support letters were from Schertz.

Mr. Kight replied that the supporters of the project were from areas other than those areas where permit holders and landowners lived (noting that the people in support of the project do not own the water, but the people against the project do own the water).

Diane Savage presented a list of the water and wastewater connections, all the rural water companies, and the municipalities that showed those throughout Wilson County that submitted resolutions to the planning group. She noted that, though there may be 193 letters supporting the CVLGC projects, there was a substantial amount of comments supported by boards and elected officials for 47,000 people in the county.

*****When the recorder reaches its data capacity during recording, the recorder will shut off automatically. This occurred during the first half of the meeting on September 3, 2015. Storage was made on the device, and the recorder was re-started for the remainder of the meeting, beginning with Agenda Item 13. The remainder of the minutes for Agenda Item No. 9 through the end of Agenda Item 12 was developed from notes, memory, and input from those in attendance.*****

A lengthy discussion ensued containing the following points made by various planning group members:

- The mass volume of comments prepared by the public and delivered to the planning group for and against the projects' inclusion in the 2016 Regional Water Plan warrants deep consideration.
- The planning group dedicated many hours of discussion and vetting to make a decision on how to handle projects with zero firm yield in the context of MAG limits. That decision is reflected as a footnote on every MAG limited recommended water management strategy, and is included as a statement in Chapter 8 of the 2016 Regional Water Plan, which was also approved by the full planning group.
- Points were made that the CVLGC projects had more supporters than non-supporters, and vice versa.
- The decision is not a popularity contest, but one turning on the expertise, judgment, and interests of the planning group members and the areas they represent.
- Points were reiterated that the planning group's duty was not to stop projects from obtaining funding, but to ensure the needs of the planning area were met. Likewise, the planning group should defer to the local elected officials and regulating bodies (be it a

groundwater conservation district, Texas Commission on Environmental Quality [TCEQ], or county officials [where no designated regulatory body exists]) to make decisions pertaining to the permitting, use, and pumping of water).

- Not every water management strategy included in the regional water plan will come to fruition. If a water management strategy is not included in the regional water plan, it will not necessarily be precluded from development. However, a planning group's decision to not include a project in the regional water plan could be considered a harbinger to the eventual viability of the project at the permitting stage in certain groundwater districts.
- There were various concerns raised about the process and responsibilities of the Planning Group, including:
 - Whether the planning group's technical projections in terms of population growth, agriculture demands, general water needs were accurate in Wilson County.
 - Whether the planning group has a duty, where a strategy is potentially feasible, to block said strategy – based on merits not found in TWDB Rules – from the regional, and therefore the state water plans, thus preventing projects from applying to TWDB for funding.
 - The weight that ought to be given to comments from the public
 - Whether the current practices adequately assess water management strategies in terms of environmental impacts and future demand and need.
 - The role of planning groups in influencing permitting entities.
 - The role of planning groups influencing development plans of water suppliers.

After the discussion, Chairman Mims asked a representative planning group member of those opposed to the CVLGC projects to make comments. Russell Labus made the following comments:

There has been much controversy over this Cibolo Valley LGC project over the last nine months to a year. There has been discussion and debate right here at the last couple of Region L meetings. There was a public meeting held in Wilson County in March to inform the public of the CVLGC proposed project. There were three public hearings held in June to voice concerns on any project in the Initially Prepared Plan. I would say probably 90-95 % of the testimony given at all three of those hearings, was in opposition to this project. There has been tremendous and intense public outcry, concern, and opposition to this project from county officials, municipalities and city councils, rural water supply corporations, organizations such as the Independent Cattlemen's Association, a former Region L Board member – whom many of you know – and who is a professional geologist, as well as individuals and landowners who could possibly be affected by this project. Each of you received bound notebooks containing all of the resolutions, letters, newspaper articles, and petition letters opposing the project of which these people went to great lengths and spent much time putting together. This public opposition cannot be ignored. That is one of the very reasons for holding the three public hearings... to gather public input. This input must at least be given some weight in our decision. Everything that could have been said

has probably already been said, but I'm going to try to summarize one more time why this project should be removed from the IPP altogether, replaced with an alternative strategy, or – at the very most – put into the “needs further study” category.

First and foremost, again, this project has a zero firm yield for planning purposes. Therefore, how can it possibly be included the Regional Plan at all? This goes against all the work that the GMA's have done in establishing the MAG's and the DFC's for their respective management areas. This project is in direct conflict with the MAG and thereby creates a conflict with multiple demands seeking the same supply source. Section 5.2.14.5 of the IPP specifically states, and this is verbatim, that implementation of this project “could involve conflicts with other water supply plans as they will be competing for limited groundwater supplies within Wilson County and Evergreen UWCD. It goes on further to say that the development of groundwater in the Carrizo-Wilcox Aquifer in the South Central Texas Water Planning Region must address several issues: (and these are points directly out of the IPP under the bullet point of EUWCD permits) 1) analysis of pumping impacts on groundwater levels, 2) mitigation of impacts on existing well owners, 3) drought and water conservation plans, and 4) the needs assessment of the receiving water utilities. A couple of other bullet points further down that must be addressed are: water levels in the aquifer – including dewatering of the current artesian part of the aquifer, competition with others in the area for groundwater, and regulations by the EUWCD including periodic renewal of permits and potential pumping reductions.

Out of those bullet points, as far as needs assessment of the receiving water utilities goes, According to the water demand projections in the IPP, the Cibolo area does not show a need until about the year 2030, or about 15 years from now, and that need is projected at only a little over 1800 acre feet. The Schertz area shows a surplus or a break-even point until about 2060, at which point the need is only a little over 2200 acre feet. As far as the bullet point of analysis of the pumping impacts on groundwater levels goes, with these water demand projections, it is clear that there is still adequate time to do detailed hydrogeological studies and ground water modeling to get a better handle on just what the effects that a large scale pumping project such as this would have on the Carrizo aquifer locally, both in terms of drawdown levels and water quality. And keep in mind that these effects are additive to the existing Schertz-Seguin LGC well field located just across the county line to the west in Gonzales County, of which this project as proposed, would share a common pipeline route with. To my knowledge, there has been no such effort of any sort put forth from the CVLGC on this, nor has the bullet point of mitigation of surrounding existing wells been addressed. I have not seen anything put forward addressing the bullet point of drought and water conservation plans either. Now I realize that projects that are proposed in the regional plan are preliminary and very conceptual at this point, and many of the details have not been worked out yet, I get that, but to get a project thrown into the plan with the goal of obtaining state funding down the road, without at least having a better handle on the effects on the Wilson County residents, landowners, farmers and ranchers, municipalities, and rural water supply corporations, I think is a real tragedy. These are people that live in Wilson County, many for generations, and whose livelihood depends on water from the

Carrizo.

One of the versions in the IPP depends on using existing converted Carrizo groundwater permits. At the Evergreen level, a converted permit would still have to go before the Board as an "amended" permit, not just a simple change of ownership, changing the well operator, changing the use category, and also changing the pumping volume reporting requirements, and may also trigger some other sections of our rules.

The I-35 corridor is no doubt one of the fastest growing areas in the state and a lot of that is attributed to Texas's economic growth. And with that growth comes increased water demands. But Wilson County has also experienced its own growth, as the population of San Antonio and New Braunfels pushes outward into the surrounding counties, suburbs, and smaller towns. According to pumping volume data compiled by my staff as part of our normal operations, municipal water usage in towns such as La Vernia, Floresville, and Stockdale, as well as rural water supply corporations in these areas has increased in the range of 18% to 23% since 2010. All of these rely on Carrizo water. And although the Eagle Ford activity has slowed somewhat this year, it has no doubt contributed to increased Eagle Ford workforce populations. That coupled with the water demands of the oil and gas operations has added to increased water demands in Wilson County. But out of the water usage categories agricultural pumping was still the largest water usage category in Wilson County, comprising about 64% of total pumping. With increased population and growth also comes increased demand for food and Fiber production, so this number is significant.

In light of these points, I respectfully request that we consider alternative sources to meet their needs, and remove this project as it is proposed from the plan or move it into the "needs further study" category.

Next, Chairman Mims asked a representative planning group member in support of the CVLGC projects to give a statement. Alan Cockerell gave the following statement:

My name is Alan Cockerell and I am the General Manager of the Schertz/Seguin Local Government Corporation (SSLGC) and Executive Director of the Cibolo Valley Local Government Corporation (CVLGC).

CVLGC is comprised of two cities, Cibolo and Schertz. The collective population is approximately 58,786, which exceeds the current estimates in the IPP. The approved project under consideration is for 10,000 ac-ft of water to be produced from a Carrizo-Wilcox well field in Wilson County.

One version of the project is MAG-limited and the other uses the ability of CVLGC to convert existing permits to municipal use. Both versions meet all the requirements set forth by the TWDB to be included as "recommended" in the regional plan. The Region L consultant, HDR has completed all the required technical analysis which is provided in the IPP.

The purpose of Region L is to provide comprehensive regional planning and to recommend water management strategies intended to meet the area's water needs. Region L is charged with the task of planning for water.

They are however not expected to rule on the merits of a specific project.

There are a number of other groundwater projects in the IPP. Any consideration that includes removing the CVLGC project from the IPP should also then require a review of all other similar projects, not merely MAG-limited projects.

Specific projects should not be meritoriously judged in the IPP. Projects should be included based on the needs of the requesting communities.

This project is in the early developmental stages and there is still much work to be done. CVLGC authorized a preliminary engineering report earlier this year which concluded that the Carrizo-Wilcox aquifer in Wilson County is the closest available water source with sufficient quantities of water to satisfy projected demands of CVLGC.

CVLGC is currently in the process of acquiring water rights from landowners sufficient for this project. It is being designed to limit the withdrawal of water to one acre-foot per acre of land. That will allow the landowners to retain an additional one acre-foot of water for their own use, under the current groundwater rules. This will provide the ability for landowners to continue agricultural operations while providing an additional income stream through the sale of water.

Once the land and water acquisition process is complete, a preliminary design will be finalized. Based on the well field design, groundwater modeling will be conducted which will provide necessary information for the submission of permit applications to the Evergreen Underground Water Conservation District.

The projected need for the CVLGC project is shown to begin in the 2030 decade. Planning is a timely process, and CVLGC's development of this project in the 2020 decade will provide for prudent planning time, as any entity wanting to implement a water project of this scope. It would be irresponsible for CVLGC to wait until the last minute for this project. The planning group spent a lot of time during the initial stages of this cycle discussing population projections and the uncertainty of that process. CVLGC has the same concerns and is being proactive with the timing of its project.

I would like to stress the following points:

- The CVLGC project was presented in the early stages of the planning process and all required studies were conducted by HDR.
- The CVLGC project meets the future needs of the cities of Cibola and Schertz.
- The CVLGC project was reviewed by this planning group and voted to be included in the IPP.
- The IPP contains numerous projects that are MAG- Limited and this project should not be singled out due to public opposition, especially one

could argue that there is more public support for this project than against.

I encourage my fellow planning group members to vote to include the CVLGC project in the Region L plan, as it meets the needs of the cities of Cibolo and Schertz while protecting the rights and needs of the landowners who are participating in the project.

Thank you.

Chairman Mims explained that, per the bylaws, Diane Savage, a voting member of the Region L Planning Group, had requested Agenda Item No. 9 be placed on the Agenda for September 3, 2015. The initial request for Agenda Item No. 9 stems from the concern of voting members and the public, largely from Wilson County, to remove the CVLGC strategies altogether from the Region L 2016 Regional Water Plan. Considering those concerns, Mrs. Savage asked that Agenda Item No. 9 call for a vote to remove the CVLGC strategies from the plan entirely, but – at the very least – to have the strategies removed from the list of recommended water management strategies to the a category of “alternative water management strategy” or a category of “needs further studies.” Chairman Mims noted that, because all of the strategies were technically evaluated with TWDB dollars, at the very least, they had to be listed as technically evaluated projects, but not necessarily recommended, alternative, or even as “needing further study.”

Chairman Mims continued, adding that the Public Comment and Plan Assessment Workgroup’s response to the comments received relating to the CVLGC strategies was to go ahead with Mrs. Savage’s request to vote to remove the CVLGC projects from the 2016 Regional Water Plan. This approach, Chairman Mims explained, was the recommendation of the Public Comment and Plan Assessment Workgroup, which consisted of a diverse group of planning group members representing both sides of the CVLGC strategies. Chairman Mims noted that Public Comment and Plan Assessment Workgroup agreed that a vote was the most diplomatic method to resolve the dispute.

Chairman Mims then explained how the voting process would play out, since it was different than the memo provided by Chairman Mims in the agenda packet distributed to the planning group on September 3, 2015. There was no opposition to Chairman Mims’s changes to the voting procedure. There was to be at least one vote per project. First, Chairman Mims explained, the vote, would determine if the particular project being voted on would be removed from the Regional Water Plan as a recommended water management strategy. If the project being voted on was not to be removed, then there would be no further votes on that version of the project. If the project (being voted on) was to be removed as a Recommended WMS, then there would be follow-up votes on whether to include it as an alternative or as “needing further study.” This process would apply to the two versions listed in the Regional Water Plan as recommended (i.e. the MAG-limited and Conversions projects). The vote on the version listed in the Regional Water Plan as alternative (i.e. the Envisioned project) would be whether to remove it from the Regional Water Plan as an alternative water management strategy.

The voting was to take place by a show of hands. Chairman Mims asked those in favor of removing the CVLGC MAG-limited strategy as a recommended strategy to raise their hands. There were 13 affirmative votes, failing to reach the 16 votes required for simple majority of planning group voting members. Therefore, there was no need to vote to remove the CVLGC MAG-limited strategy as an alternative strategy or a project “needing further study.”

Chairman Mims asked those in favor of removing the CVLGC Conversions strategy as a recommended strategy. There were 7 affirmative votes, failing to reach the 16 votes required for simple majority of planning group voting members. Therefore, there was no need to vote to remove the CVLGC Conversions strategy as an alternative strategy or as a project “needing further study.”

Chairman Mims asked those in favor of removing the Envisioned strategy as an alternative strategy to raise their hands. There were 8 affirmative votes, failing to reach the 16 votes required for simple majority of planning group voting members.

That concluded Agenda Item No. 9.

AGENDA ITEM NO. 10: DISCUSSION AND APPROPRIATE ACTION REGARDING THE PROCESS OF PRIORITIZING THE 2016 REGIONAL WATER PLAN PROJECTS

Brian Perkins, HDR Engineering briefed the planning group on the process by which the planning group prioritized the water management strategies in the 2011 Regional Water Plan per TWDB rules. He explained that, after that process, the regional water planning group Chairs Committee decided not to make any changes to the process for the 2016 Regional Water Plan Prioritization of Water Management Strategies.

A motion was made to authorize HDR Engineering to develop a prioritized list of water management strategies based on the criteria settled during the prioritization of the 2011 Regional Water Plan projects, to send that list out to the full planning group for comments, and to present those results at the next scheduled planning group meeting. The motion was seconded. There were no objections. The motion passed by consensus.

AGENDA ITEM NO. 11: DISCUSSION AND APPROPRIATE ACTION REGARDING COMMENTS SUBMITTED BY TEXAS WATER DEVELOPMENT BOARD IN RESPONSE TO THE 2016 REGION L INITIALLY PREPARED PLAN

Brian Perkins presented comments on the Region L 2016 Initially Prepared Plan (IPP) from the Texas Water Development Board (TWDB). A document was provided in the agenda packet delineating their specific comments and questions addressing the IPP from TWDB. The document also highlighted the specific changes and responses developed by the Public Comment and Plan Assessment Workgroup and HDR Engineering, as required by TWDB Rules.

A motion was made approving the planning group’s comments and any changes made in response to the comments provided by TWDB. The motion was seconded. There were no objections. The motion passed by consensus.

AGENDA ITEM NO. 12: DISCUSSION AND APPROPRIATE ACTION REGARDING COMMENTS SUBMITTED BY TEXAS PARKS & WILDLIFE DEPARTMENT IN REPOSENSE TO THE 2016 REGION L INITIALLY PREPARED PLAN

Brian Perkins presented comments on the Region L 2016 Initially Prepared Plan (IPP) from the Texas Parks & Wildlife Department (TPWD). A letter from TPWD was provided in the agenda

packet delineating their specific comments in support of the IPP and a few of their concerns.

Mr. Perkins presented the planning group with some language developed by HDR Engineering and the Public Comment and Plan Assessment Workgroup in response to the TPWD comments. It was noted that, unlike the comments received from TWDB, the planning group was not required to respond to comments from TPWD, but had chosen to do so out of respect for being a statewide agency.

A motion was made to approve the Public Comment and Plan Assessment Workgroup's recommended response to comments received from TPWD. The motion was seconded. There were no objections. The motion passed by consensus.

Bill West noted GBRA's individual response to the TPWD letter, a copy of which was provided in the agenda packet for the planning group review.

AGENDA ITEM NO. 13: REPORT FROM THE PUBLIC COMMENT AND PLAN ASSESSMENT WORKGROUP AND DISCUSSION AND APPROPRIATE ACTION REGARDING THE PUBLIC COMMENTS SUBMITTED IN RESPONSE TO THE 2016 REGION L INITIALLY PREPARED PLAN

Chairman Mims briefed the group on the Public Comment and Plan Assessment Workgroup's recommended responses to the comments received from the public in connection with the 2016 IPP. A compiled list of the comments received, along with a summary of those comments, was provided to all of the planning group members.

Chairman Mims noted that the Public Comment and Plan Assessment Workgroup was charged with reviewing and considering comments received pursuant to the public comment period following the adoption of the 2016 IPP in April of 2015. The workgroup was charged with the tasks of preparing recommended responses for the planning group's consideration, and with attempting to resolve concerns expressed in recent meetings and in the public comments. Chairman Mims reminded the planning group of the workgroup's recommendation for addressing the comments received concerning the Cibolo Valley LGC water management strategies was to hold a vote to determine which, if any, CVLGC strategies would remain in the plan, and how they would be categorized in terms of "recommended," "alternative," or "needing further study" (see Agenda Item No.9).

Chairman Mims then presented a list of subjects, identified from the public comments and planning group members as concerns with the planning process, rules, and standards. The following is a complete list of those subjects:

- How Water Management Strategies are categorized; e.g. Recommended, Alternate, Needing Further Study.
- The appropriateness and adequacy of how demand and need are determined.
- The adequacy of environmental assessments of individual WMS's.
- The adequacy of evaluating the Plan's effects on freshwater inflows to San Antonio Bay.
- The extent to which innovative strategies should be used.

- A set of guiding principles to serve as a blueprint for long-term water sustainability.
- Evaluating the effects of reuse on stream flows and downstream water rights.
- Maintaining management supplies while avoiding “over planning”.
- Defining conflicts of interests of consultants and planning group members.
- The role of regional water planning groups in influencing population growth and land use.
- The role of regional water planning groups in influencing water development plans of water suppliers.
- The role of regional water planning groups in influencing permitting entities.
- Identifying special studies or evaluations deemed important to enhance the 2021 Plan and identification of outside funding sources.
- Any other subjects that the planning group agrees to address.

Chairman Mims continued, saying that the Public Comments and Plan Assessment Workgroup recommended that the aforesaid list of summarized items would be addressed by the following response

This comment will be addressed with a thorough discussion, along with a selection of other public comments received, in future Region L meetings, beginning in Calendar Year 2016, as part of an effort to use comments received on its 2016 Plan to improve its 2021 and future regional water plans

Chairman Mims clarified that the aforesaid response would be the planning group’s response to any comments connected to any of the categories (bulleted above) identified by the workgroup. Therefore, these items would be taken up at the beginning of the next planning cycle for individual consideration by the planning group as part of an effort to improve future regional water plans.

Suzanne Scott suggested adding an item to the list proposed by Public Comments and Plan Assessment Workgroup that would address concerns emerging from Agenda Item No. 9 (above). Mrs. Scott gave the example of dealing MAG limited projects having alternate sources of water. Mrs. Scott noted the planning group would be diligent to consider other policy issues that had risen from the discussion.

Chairman Mims replied, saying that, while he agreed that the planning group needed to have that discussion, he thought it would be prudent to take up those types discussions after having addressed the list recommended by the Public Comment and Plan Assessment Workgroup. He added that this would be a continually growing list to improve the planning process.

Chairman Mims asked for a motion to adopt the Public Comment and Plan Assessment Workgroup’s recommended response to the compiled list (bulleted above) of identified concerns emerging from the public comment period. Gary Middleton moved to adopt the recommendations. Tim Andruss seconded the motion. There were no objections. The motion passed by consensus.

Suzanne Scott suggested that a summarized discussion of the workgroup’s approved recommendation also be added to the Chapter 8 policy recommendations in the 2016 Regional Water Plan. Chairman Mims agreed, and suggested that Mrs. Scott work with Dianne Wassenich, who chaired the Policy Workgroup, to develop the language to be included in Chapter 8 of the 2016 Regional Water Plan. Mrs. Scott and Mrs. Wassenich agreed to the task, which would be considered in the approval the 2016 Regional Water Plan.

Chairman Mims continued with presenting the remaining comments considered by the Public Comments and Plan Assessment Workgroup, and their recommended responses:

Regarding pipeline alignments and/or combining pipelines

“Pipeline alignments presented in the Water Management Strategies of the 2016 Region L Plan are conceptual routes to estimate costs to move water from the strategy source to the receiving Water User Group(s). It is up to the sponsoring entity(s) to perform engineering studies and design to refine pipeline alignments and determine the project specifics.”

Regarding comments that are not pertinent to regional planning

“Any comments pertaining to water rates are outside the purview of the regional planning group. The specific rates charged by a water purveyor are set by the purveyor. The cost of a water management strategy is only one of many factors used in setting water rates.”

Regarding conservation, including leaky pipes

“TWDB direction and the regional water planning process recognize the importance of water conservation as a primary water management strategy. The 2016 Region L Plan has a goal that is below the 140 gallons per capita per day (gpcd) set by the Water Conservation Implementation Task Force. Region L anticipates it will continue emphasis on conservation opportunities to reduce future gpcd goals.”

Regarding conflict of interest for planning group membership

“Mr. Cockerell has been made aware of the requests to recuse himself from any vote on CVLGC water management strategies. Mr. Cockerell is one of three agricultural members on the South Central Texas Regional Planning Group.”

Chairman Mims asked for a motion to approve each of the aforesaid recommended responses. Suzanne Scott moved to approve the Public Comment and Plan Assessment Workgroup’s recommended responses. Glenn Lord seconded the motion. There were no objections. The motion carried by consensus.

Brian Perkins added that there were two comments of technical nature: One on pipeline alignment of a specific strategy, and the other on costing a project. Those were being resolved with the projects’ individual sponsors.

AGENDA ITEM NO. 14: DISCUSSION AND APPROPRIATE ACTION REGARDING THE ALIGNMENT OF PIPELINES TO ALLOW FOR EXPORT OF WATER TO REGION K, CONSISTENT WITH THE POSITION OF THE HAYS COUNTY COMMISSIONERS COURT

Commissioner Conley briefed the planning group on the water and wastewater plan for Hays County, which was adopted by the Hays County Commissioners Court. The Hays County Commissioners Water and Waste Water Plan (Hays County Plan) shows alternative pipelines and preferred routes going along Ranch Road 12 to provide a future needed water supply in Wimberley Valley. The Hays County Plan also identifies a route going along FM 150 and branching off towards Wimberley Valley. The larger amount of water then heads to Dripping Springs in Region K. The Hays County Plan also shows an alternative waterline coming out of the Buda area down 967 into Region K. As Regions K and L were coordinating, there were some miscommunications and inconsistencies with the regional water plans and the Hays County Plan. Commissioner Conley

expressed his desire, and the desire of the residents in Hays County, to have the regional water plan mirror the Hays County Plan as much as possible.

Brian Perkins clarified that the inconsistency lies more in Region K plan, and not the Region L plan. Commissioner Conley made the following motion regarding the alignment of pipelines for the Region L Regional Water Plan, which is in coordination with Region K. The pipelines in the Region L Regional Water Plan are consistent with the Hays County Plan approved by the Hays County Commissioners Court, and that the Region L planning group request Region K to adjust their pipelines to be consistent with Region L and the Hays County Plan. Ronald Fieseler seconded the motion. There were no objections. The motion carried by consensus.

AGENDA ITEM NO. 15: DISCUSSION AND APPROPRIATE ACTION REGARDING THE INCLUSION OF THE HAYS COUNTY FORESTAR PROJECT IN THE 2016 REGIONAL WATER PLAN AS A RECOMMENDED STRATEGY

Commissioner Conley, who requested this agenda item, motioned to remove the Hays County Forestar Project from the list of recommend water management strategies to a category of *technically evaluated* strategies. Chairman Mims asked whether removing the project would leave the planning group with unmet needs. Brian Perkins said there should be sufficient water between TWA and GBRA to meet those needs vacated by the Hays County Forestar Project. Bill West seconded the motion. There were no objections. The motion passed by consensus.

Adam Yablonski asked whether the project would be removed completely from the 2016 Regional Water Plan. Brian Perkins answered, saying that the Hays County Forestar Project would be included in the plan as a project that was technically evaluated (in Volume II), not as recommended or alternative water management strategy.

*****AGENDA ITEM NO. 6: CHAIRS REPORT (MOVED DURING THE MEETING)*****

Chairman Mims read the following remarks:

I want to take the time to share with you an experience about the matter of adopting the Region L 2016 Regional Water Plan. On January 19, 2006, Region L adopted its 2006 Regional Water Plan. Unfortunately, because of arguments within the planning group, we missed the statutory deadline for adoption. Since TWDB could not accept our plan – because it was filed late – the planning group placed every water project in 20 and a half counties needing TWDB financial assistant or TCEQ permits in jeopardy because that funding and those permits are tied statutorily or by rule to an approved regional water plan. That was the situation in this region for about 18 months. In effort to correct that problem, Robert Puente, Chairman of the House Natural Resource Committee filed House Bill 3776 during the 80th Legislative Session in 2007. The bill authorized TWDB to accept the 2006 Region L Regional Water Plan, and to include it in the 2007 State Water Plan. The bill was not well received, and there was real concern that it would not pass. Its failure would mean that public water projects in South Central Texas, most likely would remain disqualified for state funding and permitting until the planning group adopted its 2011 Regional Water Plan. Or to put it another way, public water projects would have remained disqualified for about five years because some planning group members were unable to find common ground and produce a regional water plan on time as the Texas Water

Code and the TWDB Rules expected us to do. This was stressful and embarrassing time for Region L, particularly for those who were trying to get House Bill 3776 passed. No other Regional Water planning group had before, or have since failed to adopt and deliver their plan on time. The bill finally did pass and became effective in June 2007.

Now, let's fast forward three years into the next planning cycle. As we were considering approval of our 2011 Initially Prepared Plan, the then Senator Glenn Hegar – whose district covered the southern part of the [Region L] planning area, sent to us a terse letter. Here are some of the excerpts.

“During the 80th Legislative Session, I worked very hard to ensure that House Bill 3776 was passed despite tremendous opposition from the Texas Senate. This legislation was very controversial, and there was much concern that it would cause a trend of Regional Water Planning Groups to postpone or to avoid tough decisions, and potentially miss deadlines with the idea that the legislature would once again step in and solve the problem. I want to remind you in the strongest possible terms that this was a one-time-only involvement by the legislature. The ramifications of missing the deadline are real, and this reminder should serve as motivation for Region L to work toward a consensus of addressing the needs of all water users and suppliers. Lack of an approved regional water plan could delay numerous important water projects. It's imperative that Region L meet the March deadline to submit your 2011 Initially Prepared Plan to TWDB. If you fail, there will be no legislative reprieve.”

Chairman Mims continued, saying he was taking time to talk about this because there are only five planning group members here today who were around during this experience: John Kight, Gary Middleton, Robert Puente, Bill West, and him. Chairman Mims added that he wanted to emphasize the importance of understanding the seriousness of underestimating the importance of the December 1, deadline of adopting our 2016 Regional Water Plan. It was Chairman Mims opinion that the planning group would have more serious consequences if they fail to adopt a plan by the deadline, than the consequences experienced after 2006. Chairman Mims emphasized that the planning group has a duty to adopt a regional water plan before the deadline. In the event that the planning group fails to meet the deadline, they should not expect a Legislative reprieve. In such an instance, the planning group should expect that water projects throughout the region will most likely be ineligible for TCEQ permits and TWDB financial assistance, including SWIFT funding, for at least five years. In such an instance, the planning group should also expect a well-deserved public backlash. The planning group can continue addressing concerns with the 2016 Regional Water Plan in the next planning cycle, and the planning group took steps to do exactly that earlier. Chairman Mims noted that, the planning group could not, however, easily deal with the consequences of failing to adopt and deliver the 2016 Regional Water Plan on time. Chairman Mims offered that the planning group members who plan on voting against the plan to speak with him to see about resolving their concerns to the extent possible and amenable to the planning group. He reiterated that the planning group could not fail to adopt the plan in November.

AGENDA ITEM NO. 16: POSSIBLE AGENDA ITEMS FOR THE NEXT SOUTH CENTRAL TEXAS REGIONAL WATER PLANNING GROUP MEETING

Temple McKinnon reminded the planning group of the need to have a separate agenda item to take action approving the prioritization of projects in the 2016 Regional Water Plan.

Steve Raabe reminded the planning group that there would be several agenda items after the adoption of the 2016 Regional Water Plan on the November meeting, which would speak to the development of the 2021 Regional Water Plan. One of those items would address the process of selecting technical consultants for the 2021 Regional Water Plan.

AGENDA ITEM NO. 17: PUBLIC COMMENT

Ellen Burke, resident of San Antonio, suggested tracking humans who consume water, and expressed concerns about the Vista Ridge Project.



GARY MIDDLETON, SECRETARY

Approved by the South Central Texas Regional Water Planning Group at a meeting held on November 5, 2015.



CON MIMS, CHAIR