

Office of Conservation Response to “Act 425 proposed reporting guidance document comments,” included in CAGWCC Commissioner Johan Forsman to Commissioner of Conservation Richard Ieyoub electronic correspondence, Sept. 22, 2017.

For each report, please verify the following are provided:

- _____ **A. A list showing members and officers of the board of commissioners (“Board”) of the Capital Area Ground Water Conservation District (“CAGWCD”), including the bodies that such members represent and any changes in Board membership over the preceding six (6) months.** *Commissioner Forsman comments that this information is “readily available on the CAGWCC website.”* **OC response:** The agency appreciates that the information is available on the CAGWCC website, although it also must note that the lack of up-to-date information regarding membership was raised as an issue by its representative on the CAGWCD board in June 2017. This deficiency appears to have been corrected at the present time. More to the point, though, this report is intended to provide a concise overview of the groundwater resources of the CAGWCD and the actions and activities of the board overseeing the CAGWCD to the Louisiana Legislature, the Water Resources Commission (WRC), and the Water Management Advisory Task Force (WMATF), who should be considered the primary audience. The agency anticipates that the elected and appointed members of these bodies will be expecting to receive nothing less than professional, comprehensive, and up-to-date reports for review without the necessity of having to visit the CAGWCC website or other external sources.
- _____ **B. Copies of the agendas and minutes and/or summaries of all Board meetings and any public hearings conducted by the Board, including a list of submissions to the Board, for the preceding six (6) months.** *Commissioner Forsman comments that “approved minutes of regular CAGWCC meetings are only available after the regular meeting held in the quarter subsequent to the specific regular meetings to which the approved minutes apply.”* **OC response:** This information may suitably be placed as an appendix; unapproved minutes or meeting summaries may be listed as “provisional” or simply as “unapproved,” however the case may be at the time of publication.
- _____ **C. A brief summary of the (1) scope, (2) term, and (3) cost of any cooperative agreements and/or contracts entered into by the Board over the preceding six (6) months, such agreements and/or contracts being relative to the study and/or survey of the groundwater resources in the CAGWCD, including:** *Commissioner Forsman comments that “this item appears substantially similar to Item H on the checklist; please clarify.”* **OC response:** Per comments to CAGWCC Chairman Huggins in a separate response dated September 23, 2017, the agency will revise Item C to make it “all-encompassing,” as suggested by Chairman Huggins, while deleting Item H.
- _____ **1) Recommendations for conservation of groundwater resources within the CAGWCD;**
- _____ **2) Prevention and/or alleviation of damaging/potentially damaging groundwater level drawdowns within the CAGWCD;**
- _____ **3) Prevention and/or alleviation of damaging/potentially damaging land surface subsidence within the CAGWCD; and**
- _____ **4) Prevention and/or alleviation of damaging/potentially damaging groundwater quality degradation, including saltwater encroachment, within the CAGWCD.**

- _____ D. A narrative description and status update of actual and projected saltwater intrusion/encroachment within the groundwater systems of the CAGWCD. *Commissioner Forsman requests that the agency “clarify by what measure(s) ‘actual and projected saltwater intrusion/encroachment should be reported.’”* **OC response:** The agency recommends that the CAGWCC utilize established science as reported to it in the various studies and investigations it has funded, and through whatever other information is available, in determining the parameters of saltwater intrusion/encroachment in the CAGWCD.
- _____ E. A narrative description and status update of any actual and projected land surface subsidence within the CAGWCD. *No comment from Commissioner Forsman.*
- _____ F. Copies of updated CAGWCD management plans and/or other strategy documents adopted by the Board relative to the study, mitigation, and/or general management of groundwater resources, saltwater intrusion, and land subsidence within the CAGWCD. *After the first report submission, such documents may be submitted once annually at the discretion of the Board. No comment from Commissioner Forsman.*
- _____ G. A narrative summary and scientific analysis (if available) detailing the operational status and effectiveness of any structures installed within the groundwater systems of the CAGWCD to mitigate and/or otherwise manage actual and projected saltwater intrusion/encroachment. *No comment from Commissioner Forsman.*
- _____ H. A brief summary of the (1) scope, (2) term, and (3) cost of scientific investigations funded in whole or in part by the Board over the preceding six (6) months, such investigations being relative to the study and/or survey of the groundwater resources in the CAGWCD, including: *Commissioner Forsman comments that “this item appears substantially similar to item C.”* **OC response:** Per comments to CAGWCC Chairman Huggins in a separate response dated September 23, 2017, the agency will revise Item C to make it “all-encompassing,” as suggested by Chairman Huggins, while deleting Item H.
- _____ 1) Recommendations for conservation of groundwater resources within the CAGWCD;
- _____ 2) Prevention and/or alleviation of damaging/potentially damaging groundwater level drawdowns within the CAGWCD;
- _____ 3) Prevention and/or alleviation of damaging/potentially damaging land surface subsidence within the CAGWCD; and
- _____ 4) Prevention and/or alleviation of damaging/potentially damaging groundwater quality degradation, including saltwater encroachment, within the CAGWCD.
- _____ I. A brief summary of the findings of any scientific investigations relative to the study and/or survey of groundwater resources and land subsidence in the CAGWCD released over the preceding six (6) months, such investigations having been funded in whole or in part by the Board. *Copies of abstracts and links to full reports on-line are acceptable substitutions. No comment from Commissioner Forsman.*
- _____ J. A description of existing groundwater production limits within the CAGWCD as authorized by the Board, identifying (1) the date such limits were adopted, (2) the reason(s) for adoption of such limits, (3) the production limits by aquifer, and (4) the production limits

by regulated user. Here and hereinafter, "user" as defined by R.S. 38:3073. No comment from Commissioner Forsman.

- _____ K. **A list of existing regulated users within the CAGWCD.** *No comment from Commissioner Forsman.*
- _____ L. **The total regulated groundwater pumping volume for each regulated user within the CAGWCD over the preceding six (6) months.** *This list should show for each regulated user: (1) the total regulated groundwater pumping volume; (2) the classification by use (according to CAGWCD statutes and rules) of this pumping volume; (3) the parish location of this regulated groundwater production; and (4) the source, by aquifer(s), of this regulated groundwater production. Commissioner Forsman comments that "regulated pumpage data are readily available on the CAGWCC website."* **OC response:** As with the response to the comments on Item A above, the agency anticipates that the elected and appointed members of the Legislature, the WRC, and the WMATF will be expecting to receive nothing less than professional, comprehensive, and up-to-date reports for review without the necessity of having to visit the CAGWCC website or other external sources.
- _____ M. **The current charge or fee assessed on regulated groundwater use within the CAGWCD.** *No comment from Commissioner Forsman.*
- _____ N. **The total groundwater use assessment (fee) imposed on each regulated user over the preceding six (6) months.** *No comment from Commissioner Forsman.*
- _____ O. **A list identifying new wells registered within the CAGWCD according to its statutes and rules over the preceding six (6) months, showing for each new well: (1) its owner; (2) its classification by use; (3) its location by parish; (4) its location by aquifer; and (5) its actual and/or projected annual groundwater pumping volume.** *Commissioner Forsman comments that "these items seem duplicative with the information received by the Office of Conservation directly from the licensed water well drilling contractors."* **OC response:** The agency notes that this report is intended to provide a concise overview of the groundwater resources in the CAGWCD along with the actions and activities of the board overseeing the CAGWCD to the Legislature, the WRC, and the WMATF, who should be considered the primary audience. The agency anticipates that the elected and appointed members of these bodies will be expecting to receive nothing less than professional, comprehensive, and up-to-date reports for review without the necessity of soliciting information from the Office of Conservation or other external sources. This information may suitably be placed as an appendix.
- _____ P. **A list identifying registered wells plugged and abandoned (P&A) according to CAGWCD statutes and rules over the preceding six (6) months, showing for each P&A well: (1) its owner; (2) its classification by use; (3) its location by parish; (4) its location by aquifer; and (5) its actual annual groundwater pumping volume.** *Commissioner Forsman comments that "these items seem duplicative with the information received by the Office of Conservation directly from the licensed water well drilling contractors." Also, for Item P(5), Commissioner Forsman notes that "this item appears not applicable as properly plugged and abandoned wells do not have current annual groundwater pumping volumes."* **OC response:** As noted in the response to Item O above, the agency anticipates that the elected and appointed

members of the Legislature, the WRC, and the WMATF will be expecting to receive nothing less than professional, comprehensive, and up-to-date reports for review without the necessity of soliciting information from the Office of Conservation or other external sources. This information may suitably be placed as an appendix. The agency agrees with the comment regarding Item P(5) and will revise this item to read “its former annual groundwater pumping volume.”

Q. **A summary of any out-of-state groundwater sales from the CAGWCD over the preceding six (6) months, showing: (1) vendor; (2) volumes of groundwater produced and sold; (3) parishes of production; (4) out-of-state entity or entities to which groundwater was sold; and (3) the price paid for this groundwater.** *The Office of Conservation interprets the intent to be limited to out-of-state groundwater sales for the primary purpose of being a source of water for beneficial use (bulk water) and not to include groundwater utilized within the CAGWCD or the State of Louisiana in the production of manufactured goods for commercial and/or industrial use or sale, such as beverages, solvents, gasoline, or other processed items. Commissioner Forsman comments that “the CAGWCD records total pumpage by registered user, by well, by month, for the regulated wells in the district. The CAGWCD does not record data regarding the ultimate fate of water pumped by the regulated users.”* **OC response:** The CAGWCC is authorized by R.S. 38:3076.A.8, “To collect data; to make investigations and inspections; to examine properties, papers, books, and records relevant to groundwater use or conservation; . . . to provide for the keeping of records and making of reports by owners of water wells providing water to users, and users of groundwater within the district.” Further, the instructions for the guidance form and checklist make ample provision for the CAGWCC to explain or justify its inability to report on items: specifically, “If the District is unable to provide any of the requested information, an explanation or justification must be provided, subject to acceptance or rejection by the Commissioner of Conservation.” The powers of the Board of the CAGWCD to collect all manner of data and records from its regulated community are exceedingly broad; however, if no rules or regulations currently exist to compel such collection of data or recordkeeping/reporting, the CAGWCC should make note of that in its Act 425 report and possibly consider moving towards the creation of such rules/regulations that would provide the fullest understanding possible of the use of the district’s groundwater resources.

R. **A summary of volumes of groundwater pumped from within the CAGWCD during the preceding six (6) months and transported out-of-district as part of a public supply or industrial distribution system. For each regulated user thus engaged, indicate: (1) total volume of groundwater produced for out-of-district distribution; (2) parish of production; and (3) end distribution point, by parish.** *Commissioner Forsman comments that “Act 425 does not provide for this reporting item. The CAGWCD records total pumpage by registered user, by well, by month, for the regulated wells in the district. The CAGWCD does not record data regarding the ultimate fate of water pumped by the regulated users.”* **OC response:** Act 425 requires a “written report detailing the district’s ground water resources and the activities and actions taken with respect to each of the district’s powers delineated by laws creating the district.” Moreover, the CAGWCC is authorized by R.S. 38:3076.A.8, “To collect data; to make investigations and inspections; to examine properties, papers, books, and records relevant to groundwater use or conservation; . . . to provide for the keeping of records and making of reports by owners of water wells providing water to users, and users of groundwater within the district.” Additionally, R.S. 38:3076.A.12 authorizes the CAGWCC

“to establish groundwater use priorities, under conditions supported by research data, which indicate depletion of water subject to this Part,” while R.S. 38:3076.A.22 authorizes the CAGWCC, “to expand the district to include adjacent parishes.” Further, the instructions for the guidance form and checklist make ample provision for the CAGWCC to explain or justify its inability to report on items: specifically, “If the District is unable to provide any of the requested information, an explanation or justification must be provided, subject to acceptance or rejection by the Commissioner of Conservation.” The powers of the Board of the CAGWCD to collect all manner of data and records from its regulated community are exceedingly broad; however, if no rules or regulations currently exist to compel such collection of data or recordkeeping/reporting, the CAGWCC should make note of that in its Act 425 report and possibly consider moving towards the creation of such rules/regulations that would provide the fullest understanding possible of the use of the district’s groundwater resources.

- ____ S. **A summary of volumes of groundwater used for (1) residential, (2) commercial or industrial, and (3) agricultural purposes within the CAGWCD during the preceding six (6) months. The amounts used for industrial and agricultural purposes may be estimated.** *For residential volumes, the Office of Conservation will accept numbers generated utilizing standard U.S. Geological Survey formulas for individual consumption. Commissioner Forsman comments that, “The CAGWCD records total pumpage by registered user, by well, by month, for the regulated wells in the district. The CAGWCD does not maintain data regarding the ultimate fate of water pumped by the regulated users. The usage classifications prescribed in this item do not appear to directly correspond to usage classifications in current use by the CAGWCD. Please clarify.”* **OC response:** The CAGWCC is authorized by R.S. 38:3076.A.8, “To collect data; to make investigations and inspections; to examine properties, papers, books, and records relevant to groundwater use or conservation; . . . to provide for the keeping of records and making of reports by owners of water wells providing water to users, and users of groundwater within the district.” The agency notes that this reporting requirement is found specifically in Act 425. Further, the instructions for the guidance form and checklist make ample provision for the CAGWCC to explain or justify its inability to report on items: specifically, “If the District is unable to provide any of the requested information, an explanation or justification must be provided, subject to acceptance or rejection by the Commissioner of Conservation.” The powers of the Board of the CAGWCD to collect all manner of data and records from its regulated community are exceedingly broad; however, if no rules or regulations currently exist to compel such collection of data or recordkeeping/reporting, the CAGWCC should make note of that in its Act 425 report and possibly consider moving towards the creation of such rules/regulations that would provide the fullest understanding possible of the use of the district’s groundwater resources.