

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF LOUISIANA
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

WATER RESOURCES COMMISSION
11TH REGULAR MEETING
WEDNESDAY, DECEMBER 6, 2017
11:05 A.M.

LASALLE BUILDING
1ST FLOOR - LABELLE ROOM
617 NORTH 3RD STREET
BATON ROUGE, LOUISIANA 70802

REPORTED BY:
LAURA QUINETTE, CCR, RPR
BATON ROUGE COURT REPORTERS, LLC

COMMISSION MEMBERS IN ATTENDANCE

KYLE F. BALKUM

Louisiana Wildlife & Fisheries

HONORABLE STUART J. BISHOP

Representative

EDWARD "MICHAEL" BOPP

Crescent River Port Pilots' Association

SENATOR NORBERT "NORBY" CHABERT

Chairman of the Senate Natural Resources and
Environmental Committee

JOHAN FORSMAN

Louisiana Department of Health & Hospitals-Office
of Public Health

WARREN L. FOUNDS, III

Sabine River Authority

PAUL D. FREY

Louisiana Landowners Association

KAREN K. GAUTREAUX

The Nature Conservancy of Louisiana

LINDSAY K. GOUEDY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSION MEMBERS IN ATTENDANCE CONTINUED

KENNETH P. GUIDRY

Red River Waterway Commission

JIM T. HARPER

1st Vice President of the Louisiana Farm Bureau

THOMAS HARRIS

Secretary of the Department of Natural
Resources, Governor's Office

RICHARD P. IEYOUB, SR.

DNR Office of Conservation

CHRISTOPHER P. KNOTTS, PE, FASCE

Louisiana Department of Transportation and
Development

BENJAMIN J. MALBROUGH

Residential Consumers

SHERRI MCCONNELL

Louisiana Economic Development

DAVID B. RABALAIS

Terrebonne Port Commission

BRADLEY E. SPICER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSION MEMBERS IN ATTENDANCE CONTINUED

CHARLES SUTCLIFFE

Governor's Office of Coastal Activities

ELLIOTT B. VEGA

Department of Environmental Quality

FREDERICK C. ZAUNBRECHER

Representative of the geographical area of the
state underlain by the Chicot Aquifer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

PAGE

1.	Call to Order.....	6
2.	Roll Call.....	6
3.	Welcome of New Members.....	9
4.	Adoption of the Previous Meeting Summary....	11
5.	Review of DNR Water Resources Management Programs	
	a. Office of Conservation Groundwater Resources Program.....	12
	Matthew Reonas	
	b. DNR Surface Water Management Program.....	18
	Thomas Van Biersel	
6.	Work Group to Study Out-of-State Sale Of Surface Water - Action on Resolution.....	25
	Chairman Thomas Harris	
7.	Update on Union-Lincoln Regional Water Supply Initiative.....	37
	Hon. Stein Baughman, Mayor, Town of Farmerville and Board President, ULRWSI	
8.	Public Comments (none)	
9.	Adjourn.....	50

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CALL TO ORDER

MR. HARRIS:

It's a few minutes after 11:00. We can go ahead and get started. My name is Tom Harris. I'm the Secretary of the Department of Natural Resources and Chairman of the Water Resources Commission. Thank y'all for being here this morning. I'd like to call this meeting to order. Matt, will you call the roll, please?

ROLL CALL

MR. REONAS:

Yes, sir. Mr Balkum?

MR. BALKUM:

Present.

MR. REONAS:

Mr. Bishop? Mr. Bopp?

MR. BOPP:

Here.

MR. REONAS:

Mr. Brasseaux? Mr. Chabert? Mr. Cormier?
Mr. Culpepper? Mr. Davis? Mr. Duplechin?
Mr. Forsman?

MR. FORSMAN:

Here.

1 MR. REONAS:

2 Mr. Founds?

3 MR. FOUNDS:

4 Here.

5 MR. REONAS:

6 Mr. Frey?

7 MR. FREY:

8 Here.

9 MR. REONAS:

10 Ms. Gautreaux?

11 MS. GAUTREAUX:

12 Here.

13 MR. REONAS:

14 Ms. Gonzales? Ms. Gouedy?

15 MS. GOUEDY:

16 Here.

17 MR. REONAS:

18 Mr. Gray? Mr. Guidry?

19 MR. GUIDRY:

20 Here.

21 MR. REONAS:

22 Mr. Harper?

23 MR. HARPER:

24 Here.

25 MR. REONAS:

1 Mr. Harris?

2 MR. HARRIS:

3 Here.

4 MR. REONAS:

5 Mr. Ieyoub?

6 MR. IEYOUB:

7 Here.

8 MR. REONAS:

9 Mr. Knotts?

10 MR. KNOTTS:

11 Here.

12 MR. REONAS:

13 Mr. Malbrough?

14 MR. MALBROUGH:

15 Here.

16 MR. REONAS:

17 Ms. McConnell?

18 MS. MCCONNELL:

19 Here.

20 MR. REONAS:

21 Mr. Rabalais?

22 MR. RABALAIS:

23 Here.

24 MR. REONAS:

25 Mr. Spicer?

1 MR. SPICER:

2 Here.

3 MR. REONAS:

4 Mr. Sutcliff?

5 MR. SUTCLIFF:

6 Here.

7 MR. REONAS:

8 Mr. Vega?

9 MR. VEGA:

10 Here.

11 MR. REONAS:

12 And Mr. Zaunbrecher?

13 MR. ZAUNBRECHER:

14 Here.

15 MR. REONAS:

16 Okay. Mr. Bishop is now here and
17 Mr. Chabert. That's 20 members total, so we've got a
18 quorum and you can proceed with any action items as
19 needed.

20 WELCOME OF NEW MEMBERS

21 MR. HARRIS:

22 Before we go any further, I would like to
23 welcome -- we have some new members to the
24 Commission. Captain Michael Bopp with the Louisiana
25 River Pilot's Association is replacing James Cramond.

1 Captain, would you care to say a few words?

2 Introduce yourself.

3 MR. BOPP:

4 I'm the President of Crescent Pilots and
5 what we do is we handle the foreign cargo, ships that
6 come in through the Mississippi River. My group is
7 in the middle of Pilottown and New Orleans. We have
8 110 pilots. Our business is really good.

9 MR. HARRIS:

10 That's good to hear. Thank you. Next we
11 have David Rabalais with the Port Association of
12 Louisiana. He will be replacing Jerry Graves on the
13 Commission. David, would you like to introduce
14 yourself?

15 MR. RABALAIS:

16 Yes. Thank you. I'm David Rabalais. I'm
17 the Executive Director of the Terrebonne Port
18 Commission. I represent the Port Association of
19 Louisiana and I'm happy to be on board. Thank you.

20 MR. HARRIS:

21 Thank you, David. From the Executive
22 Director of the Sabine River Authority, Warren Founds
23 will be replacing Jim Pratt, who has retired.
24 Warren?

25 MR. FOUNDS:

1 Thank y'all very much. And I appreciate
2 you're going ahead and promoting me to the Executive
3 Director. I hope that happens tomorrow. I look
4 forward to working with everybody here. Thank you
5 very much, Tom.

6 MR. HARRIS:

7 And last but certainly not least, Jim
8 Harper with the Louisiana Farm Bureau is replacing
9 Linda Zaunbrecher. Jim, are you here?

10 MR. HARPER:

11 Yes. Thank you. I'm 1st Vice President of
12 the Louisiana Farm Bureau. I'm a farmer from Rapides
13 Parish. We produce sugarcane, rice, crawfish and
14 soybeans on our farm. Thank you.

15 MR. HARRIS:

16 We look forward to your input into what we
17 do here. Thanks.

18 ADOPTION OF THE PREVIOUS MEETING SUMMARY

19 BY MR. HARRIS:

20 The next agenda item is the Adoption of the
21 Previous Minutes. I believe you have all received a
22 copy of the minutes. Are there any comments,
23 additions, changes? Hearing none, do I have a
24 motion?

25 MR. KNOTTS:

1 I'll make a motion.

2 MR. HARRIS:

3 Thank you. Do I have a second?

4 MR. GUIDRY:

5 I'll second.

6 MR. HARRIS:

7 We have a motion by Mr. Knotts, a second by
8 Mr. Guidry. Any objection? Hearing none, the
9 minutes are approved. Matt, the next agenda item?

10 REVIEW OF DNR WATER RESOURCES MANAGEMENT
11 PROGRAMS

12 A. Office of Conservation Groundwater Resources
13 Program.

14 MR. REONAS:

15 Okay. Let me get this started real quick.
16 We thought this would be a good opportunity with a
17 handful of new members to reacquaint the Commission
18 with the scope of the Water Management Program as
19 they exist this year and the Department of Natural
20 Resources currently. I'll be speaking today very
21 briefly on the Groundwater Resources Program here in
22 the Office of Conservation.

23 And, again, this is primarily a review of
24 all the material we've gone over before, but we
25 thought this was again a good opportunity just to

1 revisit it and provide some education for our new
2 members and some context on what the Commissioner of
3 Conservation and the Office of Conservation do with
4 regards to groundwater. And I will note that we do
5 have copies of all of these PowerPoint presentations
6 in your packets if you want to follow along, or it is
7 on the two screens.

8 So to start off with, state law is very
9 clear as to the role of the Commissioner of
10 Conservation, Mr. Ieyoub, here. But with regards to
11 groundwater, the role of the Commissioner of
12 Conservation, quote, "is empowered and responsible
13 for the administration of all matters related to the
14 management of the state's groundwater resources."
15 This was legislation that was pushed through in 2001
16 and 2003, currently what the state's groundwater
17 management laws are working under.

18 And the power of the Commissioner is to
19 oversee all matters related to groundwater. In that
20 regard, the Commissioner was granted, quote, "the
21 authority to make any reasonable rules, regulations,
22 and orders that are necessary from time to time in
23 the proper administration and enforcement of such
24 matters." And that would include: To do all things
25 necessary to prevent the waste of water resources; to

1 prevent or alleviate damaging or potentially damaging
2 saltwater movement or water level decline and loss of
3 sustainability in the state's aquifers. And in the
4 past we have gone over that issue of sustainability
5 and the state's definition of that; also, to prevent
6 subsidence of the land surface caused by the
7 withdrawal of groundwater; and to require
8 registration of all new water wells; to determine
9 areas of groundwater concern and designate critical
10 areas of groundwater concern; to collect data with
11 respect to water wells and water resources; to
12 continue development of a statewide groundwater
13 resource management program; and then, as needed, to
14 issue compliance orders and civil penalties. So that
15 law is very broad.

16 And, primarily, the Office of Conservation
17 and the Commissioner of Conservation's main avenue
18 for pursuing the management of the state's
19 groundwater resources is through the Groundwater
20 Resources Program within the agency, of which I
21 belong and Gary Snellgrove and our water well program
22 managers and staff as well. So the Groundwater
23 Resources Program is fairly broad, but contains
24 several main areas of focus.

25 Importantly, for the state's water well

1 program, we manage water well registrations and
2 notifications, also evaluations in terms of managing
3 water well drillers and water well owners. We issue
4 compliance orders and civil penalties, or are able
5 to. We also manage responsibilities for areas of
6 concern, critical areas of concern, any areas of
7 interest related to groundwater emergencies. We
8 provide staffing, obviously, for the Water Resources
9 Commission, the Water Management Advisory Task Force
10 when it needs it, and the Advisory Committee for the
11 Regulation and Control of Water Well Drillers. That
12 would encompass all matters, issues related to the
13 licensure and regulation of the water well drillers
14 in the state. And then last, but not least, for a
15 catchall, we handle research and policy and education
16 issues as needed for the Commissioner and for the
17 Groundwater Resources Program.

18 Getting back to this area of specific
19 groundwater actions, there are three areas of concern
20 presently in the state, and we do have some members
21 from north Louisiana that have some great experience
22 in this region, the Sparta areas of concern, which
23 were established in 2005. Three delimited areas in
24 the Sparta Aquifer overlay are Monroe-West Monroe in
25 Ouachita Parish, Ruston area in Lincoln Parish, and

1 Jonesboro-Hodge area in Jackson, Bienville Parishes.

2 The current management strategy is for
3 reporting and to work with the groundwater -- the
4 Sparta Groundwater Conservation Commission on
5 long-term management and planning for sustainability
6 in those areas of concern. And, again, we had a very
7 good presentation from Ben McGee with the U.S.
8 Geological at the last Commission meeting, which
9 provided insight on the current status of the Sparta,
10 the aquifer, in terms of its situation right now
11 relative to sustainability. Again, it appears to be
12 within a sustainable range according to Ben's
13 overview of it, but there are still problem areas
14 that deserve considerable attention. And, of course,
15 we have to maintain the long-term view of the Sparta
16 and make sure that it doesn't get into a serious
17 overdraft again going forward.

18 In terms of the management of oil and gas
19 activity in the state and their use of groundwater
20 resources, the Office of Conservation and the
21 previous Commissioner, Jim Welsh, and our current
22 Commissioner, Richard Ieyoub, are very interested in
23 the use and management of groundwater resources for
24 oil and gas activity.

25 In 2008 and 2011 separate advisories were

1 issued for oil and gas companies regarding the use of
2 groundwater resources in particularly stressed areas.
3 The major concern, as we've gone over before in this
4 Commission, is the Haynesville Shale area, and,
5 again, a large percentage of the water use since 2008
6 and currently in the present uptick we've seen is
7 surface water, which is our goal, the Office of
8 Conservation's main goal, to move that use to surface
9 water in an area that has limited groundwater
10 resources, the Carrizo-Wilcox Aquifer and Upland
11 Terrace.

12 And then currently we have a -- we still
13 have a temporary groundwater emergency on the books
14 in South Caddo Parish, two areas of interest in the
15 Keithville and South Ellerbe Road, South Shreveport
16 area. Again, those -- this emergency order was
17 issued in 2011 due to conditions caused by drought
18 and exacerbated by heavy groundwater use in those
19 areas' interests. The monitoring of groundwater
20 levels in the area has shown a recovery since then.
21 And, again, special thanks to the USGS and to Gary
22 Hanson's Red River Watershed Management Institute for
23 maintaining a number of observation wells in that
24 area and providing information to us. There's
25 actually a really good piece in the Shreveport Times

1 from earlier this week on groundwater use in the
2 Shreveport area and a long-term plan for maintaining
3 that use or moving the surface water, so I would
4 encourage y'all to look that up.

5 We just issued an advisory this past week,
6 and in fact one of our most recent advisories, and I
7 think we issued it to the Commission as well, which
8 again showed that water levels in that area, in those
9 areas' interest were again in the expected reasonable
10 range of recovery. But, again, the main issue is
11 that another severe drought situation could again
12 lead to heavy groundwater use and again cause a
13 serious overdraft. So, again, that order is in
14 place. It was relaxed in 2014, but we still have the
15 actual order in place and limits on new wells in that
16 area.

17 So, essentially, those are the major issues
18 that we're dealing with right now in the Groundwater
19 Resources Program. It's the gist of what we do. And
20 anything related to groundwater that we can take
21 questions on, certainly any inquiries on what we do
22 or the areas we work in, we're certainly open for
23 any -- you know, to answer any questions. Again,
24 with that, I close.

25 MR. HARRIS:

1 Are there any questions from the Commission
2 for Matt and his presentation? Any questions from
3 the public? Comments? Thank you, Matt.

4 B. DNR Surface Water Management Program.

5 MR. REONAS:

6 Okay. I turn it over to Thomas Van Biersel
7 from the Department of Natural Resources to talk
8 about the Surface Water Management Program. Thomas,
9 I'll get your slides set up.

10 MR. VAN BIERSEL:

11 Good morning, Commission. My name is
12 Thomas Van Biersel. I'm from the Office of Coastal
13 Management for the DNR. I'm here to give you an
14 update on what's known here as the Surface Water
15 Management Program. The Surface Water Management
16 Program basically does three tasks at DNR. We
17 provide technical assistance to the Secretary with
18 respect to the preservation, conservation,
19 restoration and protection of the state's surface
20 water. We also assist with some of the initiatives
21 that the Legislature has, such as the Lake Providence
22 Watershed Council, the False River Watershed Council
23 and we assist with the Atchafalaya Basin Program.

24 The second thing we do is tied to the
25 Cooperative Endeavor Agreement Program that the DNR

1 has to allow the use of surface water in the state.
2 And I'll give you in a minute some information about
3 that.

4 And, lastly, in response to the MOU of
5 2010, we consolidate the comments on water withdrawal
6 from all the resource agencies and that, of course,
7 being the Wildlife & Fisheries, DEQ, the Office of
8 Conservation, CPRA, as well as the DNR.

9 If you look at the history of the program,
10 it pretty much was created by Act 955 of 2010. In
11 this case, that is the corporative end of our
12 agreement. The program, it was renewed in 2012. We
13 renewed it again in 2014, every two years, as well as
14 2016. It is effective until December 31st, 2018,
15 unless it's renewed by Legislature next year. And it
16 does Sunset on December 31st of 2020.

17 If we look at the program itself, we have
18 entered into 124 agreements for the use of surface
19 water. This is dominantly water being used for
20 exploration of oil and gas, primarily gas. This
21 table gives you a little bit of an idea of how the
22 program has faired. There was quite bit of
23 participation earlier. As the amount of water
24 exploration has decreased, so has the number of
25 agreements that the operators have entered into with

1 the Secretary of the DNR.

2 So far you're looking at -- just looking at
3 the executed agreements, we have some agreements that
4 we have not executed partially because of the legal
5 language of the document, but we have use of about
6 8.6 billion gallons of water and we have 1.6 billion
7 being used in the last 7 years. Most of the
8 agreements were done under the Economic Impact
9 Report, which is with the operator or the applicant.
10 And if they justify the use of the water
11 economically, they did not have to provide payment.
12 If you look at the payments, we have about \$101,000
13 collected under this program, \$70,000 of which was
14 given to Wildlife & Fisheries for their Invasive Land
15 Program.

16 If we look at distribution of the agreement
17 that we have had, again, primarily, we're looking at
18 the Haynesville. Over to Haynesville, it's the
19 northwest part of the state up here. The Brown
20 Dense/Smackover here, and then we've got the
21 Tuscaloosa Marine Shale in the Louisiana parishes
22 over here. And then, finally, the pipeline corridor
23 and the industrial facilities around New Orleans.

24 To kind of give you an idea of the
25 participation, the program is a voluntary program.

1 And I also mentioned we also comment on the water use
2 for the state MOU. In this you compare the
3 Section 10 permits that we had commented on for water
4 withdrawal. Those are permits of applicants'
5 submission with the Corps of Engineers, and the Corps
6 of Engineers also uses water that is navigable all
7 over the United States. We comment on all of those,
8 compare it to the Cooperative Endeavor Agreement, and
9 what you'll see is that we have commented on 173
10 permits for the Corps, and out of those, 29 actually
11 did enter into an agreement with the DNR with about
12 17 percent participation for this section, if you
13 just look at the Section 10 permits.

14 And that's about all for the surface water
15 program. Any questions?

16 MR. BALKUM:

17 Thomas, how are you? I had a question on
18 CEAs Executed, 118, and the applications reviewed is
19 152. So the remaining 34, they would have abandoned
20 the project or chose not to enter the program for
21 some reason?

22 MR. VAN BIERSEL:

23 Correct. There's some wording in the
24 agreement that some of the operators are not happy
25 about. We didn't enter into discussion with

1 Petrohawk at the time about the agreement and, you
2 know, they had issues with the agreement and
3 therefore decided not to participate in this program
4 because of that.

5 MR. BALKUM:

6 But they moved forward with their project
7 anyway?

8 MR. VAN BIERSEL:

9 Correct. It's -- you can see that in the
10 Section 10 permits. The Corps is not a voluntary
11 program. We have a voluntary program.

12 MR. BALKUM:

13 Thomas, I'd just like to say thank you for
14 coordinating with our staff. You do a good job. You
15 provide technical assistance to them as well and you
16 do a good job. Thank you, sir.

17 MR. HARRIS:

18 Any other questions?

19 MR. FORSMAN:

20 Yes. Thomas, did I understand you right?
21 You said that the Cooperative Endeavor Program
22 Sunsets in 2020?

23 MR. VAN BIERSEL:

24 Correct.

25 MR. FORSMAN:

1 What happens after that? Any ideas?

2 MR. VAN BIERSEL:

3 Well, hopefully we --

4 MR. FORSEMAN:

5 Are we going to produce water needs in 2021
6 going forward that we know about?

7 MR. VAN BIERSEL:

8 The Legislature would have to deal with
9 that.

10 MR. HARRIS:

11 It's quite likely the Department will be
12 looking to the Legislation to extend that, at least
13 asking for that.

14 MR. FORSMAN:

15 I think that would be a good idea, and I
16 also want to echo Kyle. Thanks, Thomas, for the
17 work. You support us very well for the water
18 program. Thanks.

19 MR. HARRIS:

20 I appreciate it. Thank you. Are there any
21 other questions? Paul?

22 MR. FREY:

23 On that particular chart, the year 2016, if
24 I look down at the bottom -- it could be a typo. I
25 don't know -- but the volume of water requested was

1 5 million and actual reported use is 21 million.
2 It's the only year I see that they actually used more
3 than they requested. I assume there's an
4 explanation?

5 MR. VAN BIERSEL:

6 Correct. We did not receive the signed
7 agreement, but we did receive a reporting.

8 MR. FREY:

9 So that was an accurate number on there?

10 MR. VAN BIERSEL:

11 Correct. I do believe that's one of the
12 agreements that is somewhere out there and we just
13 don't have a copy of it.

14 MR. HARRIS:

15 Any questions from the public? Comments?
16 Thank you, Thomas.

17 WORK GROUP TO STUDY OUT-OF-STATE SALE OF
18 SURFACE WATER

19 MR. HARRIS:

20 The next agenda item is a proposal that I'm
21 making. A copy of the Resolution was sent out to all
22 the Commission members and I'm going to ask Matt in a
23 moment to read it into the record. Basically, it's
24 something I put on the agenda for discussion purposes
25 at our last meeting. What I'm proposing is the

1 formation of a work group from members of this
2 Commission to look at the study, the potential for
3 sale of Louisiana's surface water out of state.

4 There was Act 784 of 2012 which specified
5 that any such out-of-state sale would require
6 approval from the House of Natural Resource
7 Committee, the Senate Natural Resource Committee, the
8 Governor's Office and local government. What I'm
9 proposing is a work group to look at the technical,
10 legal and public policy implications and
11 considerations of out-of-state sale of surface water.
12 Is it something -- what are the limitations on such
13 sales, technically? What is the water worth? And
14 what recommendations should we make to those bodies
15 tasked with making the ultimate decision? We would
16 not be approving anything, just simply providing
17 information and recommendations to those groups.

18 Karen?

19 MS. GAUTREAUX:

20 So, first of all, I think this is a great
21 idea. We continue to hear about the lots of
22 interesting ideas for our state's water and it's very
23 important that we have a handle on current supply and
24 future needs and current demand, as a matter of fact.
25 One thing I would like to offer -- first of all, I'd

1 like to make a motion that we pass the resolution and
2 have discussions. One thing I'd like to mention is
3 that the Legislature asked for the Law Institute to
4 develop a proposed water code, and a lot of these
5 same issues are being considered in the development
6 of that, which is going to take obviously years. So
7 I'm going to offer a recommendation and I would just
8 like to suggest, and I don't necessarily think we
9 need to do it in a resolution, but that we coordinate
10 with that body, the information.

11 MR. HARRIS:

12 I'm certainly looking forward to input from
13 Mark Davis and anyone else with input in that
14 direction because, hopefully, the water code will --
15 the comprehensive Louisiana Water Code would address
16 that issue as well as a number of others. I'm just
17 not certain that we can wait until we have a finished
18 project before we --

19 MS. GAUTREAUX:

20 No, I agree. I think a lot of the topics
21 that that group, and I'm a member of that group, are
22 looking at are in this group as well. I'm not
23 suggesting waiting. I think it's a very good thing
24 to do and I think we should coordinate it.

25 MR. HARRIS:

1 I agree completely, Ms. Gautreaux, and
2 thank you. One thing I did also want to mention,
3 certainly membership in the subgroups, any Commission
4 members, I don't know if it needs to be the entire
5 Commission, but certainly anyone who feels that they
6 represent a user group of interest or personally
7 possess some level of technical expertise of any kind
8 that you believe would be productive for the work
9 group, I'd certainly personally appreciate your
10 participation.

11 MR. SPICER:

12 Did you need a second to the motion?

13 MR. HARRIS:

14 I just wanted to make sure any discussion
15 items or questions were answered. I appreciate it.
16 Are there any from the Commission?

17 MR. HARPER:

18 I have a question. Who did you say that
19 maybe would be interested in acquiring our water in
20 the future and what demand do you think there would
21 be for that?

22 MR. HARRIS:

23 From a practical -- from a strictly
24 practical perspective, Texas is the location,
25 certainly. Mississippi has access to all the

1 Mississippi River water they can possibly use.
2 Theoretically, Arkansas would be in the picture, but
3 I don't see any practical uses or sources right
4 there. There a number of -- or have been inquiries
5 from Texas for a number of uses, both industrial and
6 residential and others, at least at the inquiry
7 level. I expect those will continue. Certainly
8 water withdrawal for hydraulic fracking is one
9 distinct possibility in that area, but it's not
10 limited to that.

11 MR. ZAUNBRECHER:

12 Are there currently any other states that
13 are selling out-of-state water?

14 MR. HARRIS:

15 That's one of the things that this
16 workgroup should look at, what are other states
17 doing. I'm not a big believer in reinventing the
18 wheel if someone else has already done something.
19 And if they've done it well, we should consider what
20 they've done or at least take it under advisement.
21 That's a nice way of saying I don't know the answer
22 to your question.

23 MR. ZAUNBRECHER:

24 Do you think like this would ever lead to
25 in-state recipients buying surface water?

1 MR. HARRIS:

2 Well, they're doing that now under the
3 program that Thomas just described. It's a voluntary
4 program. The law -- as Karen could probably tell you
5 better than I, or Mark could, the law is really not
6 clear. It says that we can't give the water away,
7 but it also says that we can't sell it, but it does
8 allow the opportunity for a voluntary program. I
9 would like somebody to tell me exactly what that
10 means.

11 MR. ZAUNBRECHER:

12 Well, I'm specifically referring to the
13 fact that a lot of surface water is used to irrigate
14 crops and, at the present time, we don't have to
15 worry about buying surface water and that's a
16 slippery slope.

17 MR. HARRIS:

18 Yeah. I don't intend -- it's certainly not
19 my intent to impact the rights of riparian owners and
20 their -- this is what I'm at least envisioning is
21 something focused simply to point source sale of
22 out-of-state surface water that's addressing Act 784
23 of 2012.

24 MS. GOUEDY:

25 For the potential for groundwater to become

1 a part of this discussion, I ask -- simply I'm
2 representing the Sparta Groundwater Commission, but I
3 know recommended by law, the Louisiana Law Institute
4 that is working on the water code, that one started
5 as a surface water project and groundwater became
6 included, from what I understand. I think as a
7 point, it would stand to reason that groundwater
8 would also become a part of this discussion at some
9 point.

10 MS. GAUTREAUX:

11 May I?

12 MR. HARRIS:

13 Please.

14 MS. GAUTREAUX:

15 I was just going to say I think
16 increasingly that I think we've always known that
17 groundwater and surface water are connected and I
18 can't imagine them being segregated. I think that
19 would have to be part of the picture when we're
20 looking at surface water supply. I don't think you
21 can do one without the other in looking at your
22 overall supply, what's used.

23 MS. GOUEDY:

24 Right, right. With this resolution, it's
25 simply discussing the sale of surface water, so I

1 would question would it not be proactive to just go
2 ahead and include surface and groundwater in the same
3 resolution?

4 MR. HARRIS:

5 We could. That's a little beyond the scope
6 of Act 784. There is no specific prohibition that
7 I'm aware of, but...

8 MR. CHABERT:

9 I would caution the inclusion of that.

10 MS. GOUEDY:

11 Okay.

12 MR. CHABERT:

13 Unintended consequences and whatnot. I
14 agree with the Secretary that to include that would
15 go beyond the scope of 784. I see where you're going
16 with it and I don't necessarily disagree with it, but
17 I don't think this might be the proper way to go.

18 MS. GOUEDY:

19 I can see the point, which is I think we
20 can all expect there's going to be other legislation
21 that's coming in the coming years and to stay ahead
22 of that, but I understand what you're saying,
23 unintended consequences.

24 MR. HARRIS:

25 Not to mention it being quite a bit more

1 ambitious than I envisioned.

2 MS. GOUEDY:

3 That's what we do in north Louisiana.

4 MR. HARRIS:

5 I appreciate that. I just want to make
6 sure are there any questions or comments from the
7 public? Yes, sir. Would you identify yourself,
8 please?

9 MR. DALBOM:

10 Good morning. I'm Chris Dalbom. I work at
11 Tulane Institute on Water Resources Law and Policy
12 with Mark Davis. Mark couldn't be here today, but I
13 wanted to be sure to be in the room. There were a
14 couple of questions that came up that I can answer.

15 As far as we've been able to comprehend,
16 looking at other state's water laws, there's not
17 another state that -- or the state itself that
18 directly sells water, out-of-state surface water or
19 groundwater. In states where surface water sales are
20 allowed, it's private citizens that are making the
21 profit on selling the water and those are usually in
22 western states and they have a completely different
23 legal approach to water than we do in Louisiana. So
24 that answers that question.

25 You also referenced irrigators or farmers

1 having to pay for water, surface water. I can't
2 imagine a single scenario where that ends up
3 happening and that's, you know, speaking to somebody
4 working on the Water Law Committee or Code Committee,
5 and I don't think that's in the realm of possibility.

6 I do think -- what kind of came up, the
7 connecting surface water and groundwater, the
8 committee that you referenced was an older committee,
9 which they called Water Log or Water Committee. They
10 specifically did groundwater and then kind of
11 realized they needed to incorporate surface water as
12 well. Karen were you on that committee as well?

13 MS. GAUTREAUX:

14 No.

15 MR. DALBOM:

16 No? You're just on the new one. Well, the
17 new one is a comprehensive water code that has in
18 Resolution 171 what's called comprehensive water, so
19 water law, and that may be the single biggest goal of
20 this code committee is to do away with this legal
21 fiction that we have where groundwater is one thing
22 and surface water is something else. And that
23 approach that we've got is one that almost every
24 state used to have and most states have gone away
25 from by now.

1 So I was just mostly here to inform y'all
2 that the working group wants to go ahead and work on
3 this idea of out-of-state water sales. Our office
4 and our shop, as well as the Water Code Committee,
5 will be happy to share whatever information we've
6 got, and we've done an awful lot of comparative water
7 research over the last couple of years.

8 If y'all have questions for me, I'll be
9 happy to answer.

10 MR. IEYOUB:

11 Thank you, Chris. I have a question. Are
12 there any legal issues right now concerning whether
13 or not a state can take the water which is in another
14 state without any type of approval or any type of
15 state action in the state that has the water? I
16 think was not Texas trying to say they had a legal
17 right to remove water from the Mississippi River?

18 MR. DALBOM:

19 I don't know if they were ever saying they
20 had a legal right. I don't think Texas has -- there
21 was an issue with the Red River and that was -- as
22 Matt just mentioned, that was about taking the water
23 out of the -- actually out of the Oklahoma side, not
24 even out of the river itself. And that was a Supreme
25 Court publication a couple of years ago. And not to

1 get too in the weeds, but essentially the Supreme
2 Court found, and has found somewhat consistently,
3 that water that's part of an interstate compact, and
4 Louisiana is part of two interstate compacts, one
5 from the Red River and one from the Sabine, gives the
6 state a lot more leeway or freedom or both to manage
7 its water because the compact creates federal law and
8 so it's not -- with the federal law, that's specific
9 to that resource, and you don't have to worry as much
10 about commerce clauses regarding those commerce
11 clause issues. You can't have them setting one set
12 of rules for in-state and then bar that for out of
13 state. So in the context of that, you know, no,
14 Texas was found they couldn't -- they didn't
15 necessarily have a right to the water in another
16 state.

17 Contractors in Texas, specifically, have
18 been making inquiries into part of the Mississippi
19 River, but that's a whole different kettle of fish.

20 MR. HARRIS:

21 Thank you.

22 MR. DALCOM:

23 Thank y'all very much.

24 MR. HARRIS:

25 Mr. Spicer, I think it's the appropriate

1 time if you'd still like to --

2 MR. SPICER:

3 Yeah. I would like to second the motion.

4 MR. HARRIS:

5 Thank you. We have a second by Mr. Spicer.

6 All in favor?

7 (Aye.)

8 MR. HARRIS:

9 All opposed?

10 MR. HARPER:

11 No.

12 MR. HARRIS:

13 The motion carries with one objection. I
14 will be sending out -- contacting, as far as looking
15 for availability for meeting times, and I'm
16 anticipating the first meeting to be held sometime in
17 mid to late January, after the Holidays.

18 UPDATE ON UNION-LINCOLN REGIONAL WATER SUPPLY
19 INITIATIVE

20 MR. HARRIS:

21 Our next agenda item is an update on the
22 Union-Lincoln Regional Water Supply Initiative with
23 the Honorable Stein Baughman, Mayor of the Town of
24 Farmerville. Thank you for being here.

25 HONORABLE BAUGHMAN:

1 We appreciate your invitation very much.
2 Please excuse my voice. This morning it's in worse
3 shape than I am. First off, I would like to
4 introduce the 10 members that are here. We have one
5 that's missing this morning. We have Mr. Charles
6 Sawyer, who is President of the Union Parish Police
7 Jury. Charles, can you stand? Skip Russell, who is
8 with the Lincoln Parish Police Jury. And Courtney
9 Hall, Parish Administrator with the Lincoln Parish
10 Police Jury. Mayor Walker from Ruston could not be
11 with us this morning, but he sends his regrets. He
12 appreciates you allowing us this time this morning.

13 In the last 12 years, plus or minus years,
14 Union-Lincoln Parishes have worked closely together
15 to make sure that our future will not be determined
16 by a poor quality of water or quantity of water.
17 Lake D'Arbonne is located in Farmerville. And Union
18 Parish borders some of Lincoln Parish, thus, Lincoln
19 and Union Parishes have water rights to Lake
20 D'Arbonne. It's in our chart.

21 The Sparta Aquifer serves 16 parishes in
22 Louisiana and 8 counties in Arkansas. And saltwater
23 intrusion, due to lack of freshwater, has caused many
24 problems in the last few years. However, it is
25 better at this time. And today more than ever, as

1 you mentioned here today, economic development is
2 dependant on water.

3 Oil well fracking requires many gallons of
4 water. And, for instance, in Farmerville, we have
5 lots of farmers using a million to a
6 million-and-a-half gallons a day to wash chickens --
7 to wash the chicken seed. And that's not just
8 regular water, that's water that's closely regulated
9 by the EPA. At one time we were bathing chickens in
10 water, in the water we were drinking in Farmerville,
11 and that has now been straightened out and I
12 understand what the situation was.

13 But we have two of our engineers that are
14 here this morning, Mr. Richard Durrett, who has been
15 with us since day one. And he, as I -- he is in
16 worse shape than I this morning with his voice, so at
17 this time I'm going to turn it over to Mr. Hunter
18 Arnold to bring you up to date on everything. Thank
19 you.

20 MR. ARNOLD:

21 Thank you, Mayor. As Mayor Baughman said,
22 I'm Hunter Arnold. I'm with Waggoner Engineering and
23 we are the consultant for the Union-Lincoln Regional
24 Water Supply Initiative. So we appreciate the
25 opportunity to give this update.

1 This is a map from USGS that shows
2 cumulative groundwater across the United States and
3 it shows hotspots for that. And you'll notice
4 that -- in northern Louisiana and south Arkansas
5 you'll see one of the hotspots and one of the
6 severest categories of groundwater depletion, the
7 Sparta Aquifer. So that's what we want to talk with
8 you about today.

9 This is a zoomed-in focus on the Sparta
10 Aquifer. You can see it spans from north Louisiana
11 and into southern Arkansas. You can see the brown
12 areas in Arkansas as designated as critical
13 groundwater areas. And the area in north Louisiana,
14 particularly in Lincoln and Union Parishes, they are
15 considered as areas of concern.

16 So a little background on the Sparta
17 Aquifer for our purposes here today is from 1960
18 until present time USGS has been reporting --
19 measuring and reporting declines in the groundwater
20 levels. And that's of interest to us here in
21 Louisiana and an interest, obviously, to this
22 Commission. That has leveled off. We'll show you
23 some data here in just a moment of how that has
24 leveled off a little bit in the last few years due to
25 a couple of conditions.

1 In 1999, the Louisiana Legislature created
2 the Sparta Groundwater Conservation District and the
3 Executive Director of that entity sits on your
4 Commission today, Lindsay Gouedy. The purpose to
5 evaluate the problem is to make recommendations. And
6 in 2002, they published a report that determined the
7 sustainable yield of the Sparta Aquifer in the state
8 of Louisiana to be around 52 million gallons per day
9 and that the current use -- withdrawals at that time
10 were 70 million gallons per day. So they were
11 withdrawing water at volumes greater than the aquifer
12 could replenish itself.

13 So they recommended 5 projects to remove
14 30 MGD of withdrawals from the aquifer in Louisiana.
15 One of those projects has been accomplished. West
16 Monroe with the Graphic Packaging industrial
17 withdrawal, has been accomplished, and we're seeing
18 some effects from that positively. And the second
19 project was the Union-Lincoln Regional Water Supply
20 concept to address an area of concern in Union and
21 Lincoln Parishes. So the Union-Lincoln Regional
22 Water Supply Initiative that we represent today was
23 formed in 2003. It includes the two parishes, Union
24 and Lincoln, and the two municipalities, Farmerville
25 and Ruston.

1 Here's another depiction. We're showing
2 how the Sparta Aquifer lies across the states of
3 Arkansas and Louisiana.

4 Here's another depiction that shows the
5 groundwater level declines that occurred over the
6 past decades, and you can see hotspots. There's one
7 big hotspot around El Dorado, Arkansas, and it
8 expands down into Louisiana, into Monroe and Union
9 and Lincoln Parishes.

10 This is a contour map showing the same
11 information. Again, you can see the hotspots in
12 north Louisiana of which we are taking action on.

13 These are two wells, one in Lincoln Parish
14 and one in Union Parish. These are monitoring wells
15 and these graphs depict since 1950 the declines in
16 water levels in the Sparta Aquifer. And you can see
17 significant declines. This goes through 2017 and you
18 can see it's leveled off here in the last 10 years,
19 which is good news.

20 These are the water demands. This is the
21 reason that those levels have leveled off, we
22 believe. So you can see these are the amounts of
23 water withdrawals from the Sparta Aquifer in
24 Louisiana and you can see that at one time it was as
25 much as 70 million gallons per day, as we alluded to

1 earlier. In present day it's in the 52 to 58 million
2 gallons per day. So part of the reason for that
3 is -- there's a few reasons for that. One is
4 conservation. The Sparta Groundwater Commission has
5 worked very hard and the communities in our area of
6 the state have worked very hard at conservation.
7 We've also had the Graphic Packaging project that
8 removed about 4 million gallons per day and you had
9 an industrial closure in Bastrop that also removed
10 some of the withdrawal. So we're at a -- we're
11 flirting with a sustainable level of withdrawal with
12 the Sparta Aquifer now, but that's where we are.

13 I want to show you a couple of slides from
14 our information we receive from southern Arkansas.
15 The Union County area, they had a critical problem
16 there back in the 1990s that they recognized with the
17 water levels being drawn down below the top of the
18 aquifer and that can start to cause irreparable harm.
19 So they undertook a project to address that and now
20 they're using water from the river there to do away
21 with some of their groundwater withdrawals.

22 So here's the effect they have had there in
23 Union County Arkansas. You can see back in 1950
24 until around the turn of the century there was a
25 significant drawdown of the water levels in this

1 aquifer. It went down below the top of the aquifer
2 and then you can see it begin to rise about the 2004
3 point when they accomplished the river water
4 withdrawals.

5 This is Union and Lincoln Parishes and this
6 is the proposed project that Union-Lincoln Regional
7 Water Supply has undertaken. You can see Lake
8 D'Arbonne there in the center of the picture right at
9 the southern end of Union Parish is the proposed
10 supply. We evaluated several options and Lake
11 D'Arbonne was found to be the most viable and
12 practical source of a surface water supply to reduce
13 groundwater dependence.

14 So you can see Segment 1 of the project
15 would serve Farmerville, which would also serve the
16 Foster Farms and Poultry industry, which is a
17 significant user just north of Farmerville. You can
18 see that the Segment 2 project would extend their
19 line, their pipeline, to Ruston, approximately
20 20 miles away and deliver water into Ruston, allowing
21 Ruston to get off of groundwater.

22 So that is the initiative. Union-Lincoln
23 has received funding from Facility Planning from the
24 Capital outlay from the state of Louisiana to allow
25 the project to advance to the design stage, which is

1 being undertaken at this present time. So this
2 Segment 1 is thought to be -- it could be completed
3 within the next 5 to 6 years and that will remove
4 4 million gallons per day from the groundwater
5 dependance. The Segment 2, when it occurs, would
6 remove another 8 million gallons per day, so a total
7 of 12 million gallons per day can be removed from the
8 55 million gallons per day that's being withdrawn
9 now.

10 This is just the schematic design plans
11 that have just been completed for Segment 1 and
12 Segment 2. This is a depiction of the proposed water
13 withdrawal system and the water treatment plant on
14 the shores of Lake D'Arbonne. And this is a
15 depiction of the possible groundwater withdrawal
16 system. You can see the subterranean pipeline and a
17 submerged screen placed in the old river channel in
18 Lake D'Arbonne and then a caisson to receive the
19 water and pump it to the water treatment plant for
20 treatment for public use.

21 So I believe that's the end of the update
22 and information. I'll be glad to take any questions.

23 MR. KNOTTS:

24 Chris Knotts with DOTD. I know we put --
25 about 5 or 6 years ago we put two tainter gates at

1 Lake D'Arbonne for flood control measures. What
2 impact is this withdrawal projected to have on the
3 surface level of the lake?

4 MR. ARNOLD:

5 That's a good question and that was
6 considered and is still being considered. It's been
7 evaluated in the evaluation of Lake D'Arbonne as a
8 practical source and it was found that these
9 withdrawals would not adversely impact the levels of
10 the lake. There's plenty of water. The watershed
11 there is sufficient to supply this water with no
12 adverse impact to the lake.

13 MR. KNOTTS:

14 I guess I was just curious, in a dry
15 period, at that drawdown rate, what's the drawdown of
16 the lake? I mean, it's got to be a small number.

17 MR. ARNOLD:

18 It is. In a dry period if there were no
19 inflow, no rainfall, the lake with drawdowns is
20 1 inch in 31 days with no replenishment.

21 MR. KNOTTS:

22 Thank you.

23 MR. ZAUNBRECHER:

24 On Page 13 you have an illustration showing
25 the top of the Sparta being 228 feet. Do you know

1 how thick or how deep the aquifer actually is, where
2 the bottom is?

3 MR. ARNOLD:

4 The sand in the Sparta is -- the sand, the
5 water-bearing sand of the Sparta is -- it varies,
6 obviously, but it's roughly, you know, 300 to
7 400 feet in a typical section, but I don't have
8 the -- that's actually in Union County that you're
9 seeing there, so I believe that's elevation below
10 ground.

11 MR. ZAUNBRECHER:

12 I was just curious because, I mean, there's
13 a major drawdown, but that was back in the 1940/1950
14 era, and I just didn't know how thick or how deep the
15 aquifer was. Apparently at 400 feet you're pretty
16 close to the bottom?

17 MR. ARNOLD:

18 Oftentimes it's the buckets -- it's
19 pressurized at the top of the Sparta. You know, the
20 piezometric surface, if you punched a hole down into
21 it, the water would rise higher than the formation of
22 the normal, the norm.

23 MR. ZAUNBRECHER:

24 Is this -- would this be static water
25 levels?

1 MR. ARNOLD:

2 Yes.

3 MR. HARRIS:

4 Do you have any other questions? Thank you
5 very much for coming today to provide us this
6 information.

7 MR. ARNOLD:

8 Thank you.

9 MS. GOUEDY:

10 Secretary Harris, if I can, I just want to
11 thank my folks from north Louisiana for coming down.
12 I know this topic came up at our last meeting. Matt
13 alluded to it in his presentation earlier about
14 working with the groundwater districts as part of the
15 policy of the Office of Conservation, and this right
16 here is a prime example of what Matt was alluding to
17 with the Sparta region on helping us reach that
18 sustainability and go beyond that to recovery.
19 Projects such as this, and there are a number of
20 others that are being discussed, but this is kind of
21 the next viable option that we are working on, so we
22 do appreciate the Office of Conservation and
23 everything that this entire Board from north
24 Louisiana has done. We have a lot of leaders here
25 that have come down, so thank y'all for making the

1 trip down.

2 MR. HARRIS:

3 I agree. Thank you. Do we have any
4 questions, comments, new business from the Commission
5 members?

6 MR. FREY:

7 While we're on this subject, there's
8 something that's stuck in my craw for a long time.
9 We had a workshop amongst Water Commission members, I
10 don't know, 5 or 6 years ago, maybe longer, and we
11 had several presentations, but one of which was from
12 Pat Credeur with the Water Systems group. And I
13 looked through some notes where Pat made a comment on
14 the record that I forgot how many millions of gallons
15 we were losing daily from leakage from various wells
16 and whatnot. I see a gentleman here -- 25 percent we
17 were losing from leakage and, you know, we need to do
18 better I guess is my point. And, you know, as we
19 look at these critical areas, et cetera, we've got to
20 get a handle on that.

21 I know you've got a number of rural water
22 systems in north Louisiana. We've got them all over
23 the state, and that's always been a concern of mine.
24 If we get into water codes and we look at the
25 possibility of rationing water, which to me is still

1 a long ways down the road, we need to deal with
2 something like leakage.

3 And, you know, water conservation, these
4 folks up in the Sparta have done an excellent job
5 with water conservation measures and we need to work
6 on all of those things before we -- you know, we --
7 what's the little boy that put his finger in the dike
8 or Chicken Little? You know, so let's be proactive
9 in terms of doing some things that we really feel
10 like we can get a handle on. That's just my comment.

11 MR. HARRIS:

12 Last call.

13 ADJOURNMENT

14 MR. HARRIS:

15 Do I hear a motion to adjourn?

16 MR. CHABERT:

17 Move.

18 MR. SPICER:

19 Second.

20 MR. HARRIS:

21 We have a motion. Hearing no objections,
22 this meeting is adjourned. Thank you.

23

24 (MEETING ADJOUTNED AT 12:06 P.M.)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

I, LAURA QUINETTE, Certified Court Reporter in and for the State of Louisiana, Registered Professional Reporter do hereby certify to the foregoing 50 pages.

I further certify that said testimony was reported by me in the Stenotype reporting method, was prepared and transcribed by me or under my direction and supervision, and is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board and that I have been informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services.

I further certify that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434, and in rules and advisory opinions of the board.

I further certify that I am not an attorney or counsel for any of the parties, that I am neither related to nor employed by any attorney or counsel connected with this action, and that I have no financial interest in the outcome of this matter.

This certificate is valid only for this transcript accompanied by my original signature and original required seal on this page.

Baton Rouge, Louisiana, this 19th day of December, 2017.

Laura Quinette, CCR, RPR
CCR No. 2014011, RPR No. 73367

