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WATER RESOURCES COMMISSION

Report of the second regular meeting held by the  
Water Resources Commission  
on Wednesday,  
June 5, 2013 in Baton Rouge, Louisiana.  
11:00 A.M.

LaSalle Building - First Floor  
LaBelle Room  
617 North 3rd Street  
Baton Rouge, Louisiana 70802

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IN ATTENDANCE:

MEMBERS OF THE WATER RESOURCES COMMISSION:

HON. SCOTT A. ANGELLE, CHAIRMAN

HON. JAMES WELSH, COMMISSIONER OF OFFICE OF  
CONSERVATION

JONATHAN "JAKE" CAUSEY, LOUISIANA DEPARTMENT  
OF HEALTH & HOSPITALS

PAUL "JACKIE" LOEWER, JR., RESIDES AND WORKS  
IN THE AREA UNDERLAIN BY THE CHICOT  
AQUIFER

TED MCKINNEY, SPARTA GROUND WATER  
CONSERVATION DISTRICT

JIM PRATT, EXECUTIVE DIRECTOR OF THE SABINE  
RIVER AUTHORITY

VINCE SAGNIBENE, LOUISIANA DEPARTMENT  
OF ENVIRONMENTAL QUALITY

BRAD SPICER, DEPARTMENT OF AGRICULTURE AND  
FORESTRY

HON. GLENN BRASSEAU, MAYOR OF CARENCRO,  
LOUISIANA MUNICIPAL ASSOCIATION

CHRIS KNOTTS, DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT

1 MEMBERS OF THE WATER RESOURCES COMMISSION (CONTINUED):

2

3

MICHAEL ROONEY, LOUISIANA RIVER PILOTS  
ASSOCIATION

4

5

PAUL SAWYER, DEPARTMENT OF ECONOMIC  
DEVELOPMENT

6

7

LINDA ZAUNBRECHER, LOUISIANA FARM BUREAU

8

EVE GONZALEZ,

9

PAUL FREY,

10

JERRY GRAVES,

11

12

WATER RESOURCES COMMISSION STAFF:

13

JOHN ADAMS - STAFF ATTORNEY, CONSERVATION

14

GARY SNELLGROVE - DIRECTOR, ENVIRONMENTAL  
DIVISION

15

16

MATTHEW REONAS - EDUCATION AND MARKETING  
REPRESENTATIVE

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THOMAS VAN BIERSEL - HYDROLOGIST

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JIM DEVIT, DEPUTY GENERAL COUNSEL

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SPEAKERS :

MATTHEW REONAS - DNR EDUCATION AND MARKETING  
REPRESENTATIVE

US GEOLOGIC SURVEY - LOUISIANA WATER SCIENCE CENTER  
JOHN K. LOVELACE - REPORTS SPECIALIST

TULANE UNIVERSITY INSTITUTE ON WATER RESOURCES  
LAW & POLICY - MARK DAVIS AND CHRIS DALBOM

CAPITAL AREA GROUND WATER CONSERVATION COMMISSION  
JOEY HEBERT - CHAIRMAN CAGWCC

PUBLIC COMMENTS BY:

JIMMY JENKINS  
A. HAYS TOWN

REPORTED BY:

ESTELLA O. CHAMPION, CRR,  
BATON ROUGE COURT REPORTERS

\* \* \*

Water Resources Commission Meeting  
June 5, 2013

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1                   CHAIRMAN ANGELLE: Good morning. We'll go  
2 ahead and call the June 5, 2013 Water Resources  
3 Commission to order and ask staff to call the role.

4                   MR. ADAMS: Please step up when I call your  
5 name.

6                   MR. DAVIS: Scott Angelle.

7                   CHAIRMAN ANGELLE: Here.

8                   MR. ADAMS: Kyle Baulkum.

9                                 Glen Brasseaux.

10                  MR. BRASSEAUX: Here.

11                  MR. ADAMS: Jake Causey.

12                  MR. CAUSEY: Here.

13                  MR. ADAMS: Gordon Dove.

14                                 Paul Frey.

15                  MR. FREY: Here.

16                  MR. ADAMS: Eve Gonzalez.

17                  MS. GONZALEZ: Here.

18                  MR. ADAMS: Jerry Graves.

19                  MR. GRAVES: Here.

20                  MR. ADAMS: Charles Killebrew.

21                                 Chris Knotts.

22                  MR. KNOTTS: Here.

23                  MR. ADAMS: Hal Leggett.

24                                 Jackie Loewer.

25                  MR. LOEWER: Here.

1 MR. ADAMS: Ted McKinney.  
2 MR. McKINNEY: Here.  
3 MR. ADAMS: Eugene Owen.  
4 Jim Pratt.  
5 MR. PRATT: Here.  
6 MR. ADAMS: Michael Rooney.  
7 MR. ROONEY: Here.  
8 MR. ADAMS: Vince Sagnibene.  
9 MR. SAGNIBENE: Here.  
10 MR. ADAMS: Paul Sawyer.  
11 MR. SAWYER: Here.  
12 MR. ADAMS: Brad Spicer.  
13 MR. SPICER: Here.  
14 MR. ADAMS: Jim Welsh.  
15 COMMISSIONER WELSH: Here.  
16 MR. ADAMS: And Linda Zaunbrecher.  
17 MS. ZAUNBRECHER: Here.  
18 MR. ADAMS: We do have a quorum.  
19 CHAIRMAN ANGELLE: Thank you, sir.  
20 Certainly want to welcome to the Water  
21 Resources Commission five new members: Mr. Glen  
22 Brasseaux representing the Louisiana Municipal  
23 Association, Mr. Chris Knotts representing the  
24 Department of Transportation Development, Mr. Michael  
25 Rooney, representing the River Pilots Association,

1 Mr. Paul Sawyer, representing the Department of  
2 Economic Development, and Ms. Linda Zaunbrecher  
3 representing the Louisiana Farm Bureau.

4 I'll give each of you an opportunity if  
5 you want to make a comment or two, starting with  
6 Mr. Brasseaux.

7 MR. BRASSEAU: Well, it's an honor to be  
8 here this morning.

9 Just a little background: I'm from  
10 downtown Carencro. I have been involved with the  
11 Louisiana Rural Water since about 2004, serve on the  
12 DHH Committee of Certification since about 2005, and I  
13 am the past president of the Louisiana Municipal  
14 Association.

15 CHAIRMAN ANGELLE: Welcome, Mr. Brasseaux.  
16 Appreciate the opportunity. We've had to work together  
17 on a variety of issues and I know that you will be a  
18 great asset to our teams.

19 Mr. Knotts.

20 MR. KNOTTS: Yes, sir. Thank you.

21 I am Chris Knotts. I am the Chief of  
22 Public Works and Water Resources at the Department of  
23 Transportation and Development, and it's an honor to  
24 serve and look forward to it. Thank you.

25 CHAIRMAN ANGELLE: Thank you, Mr. Knotts.



1 Again I've enjoyed my relationship with you as well.

2 Mr. Rooney with the River Pilots  
3 Association.

4 MR. ROONEY: Yes, sir. I'm Michael Rooney  
5 with the New Orleans-Baton Rouge Steamship Pilots,  
6 current President. Honored to be here, glad to serve  
7 with you, and look forward to doing so.

8 CHAIRMAN ANGELLE: Thank you so much, Mike.  
9 Appreciate it.

10 Mr. Paul Sawyer.

11 MR. SAWYER: Thank you, Mr. Chairman.

12 Paul Sawyer, Director of Federal  
13 Programs, Louisiana Economic Development. Look forward  
14 to working with you. Thanks.

15 CHAIRMAN ANGELLE: Paul, you all have done a  
16 great job and I appreciate all the work that you've  
17 been helping us over the years in my career over at  
18 DNR, and we've always enjoyed a great relationship.  
19 And certainly your history on a federal level has  
20 provided great opportunities for Louisiana. So again,  
21 welcome aboard.

22 Ms. Zaunbrecher from the Farm Bureau.

23 MS. ZAUNBRECHER: Yes. Our family grows rice  
24 in southwest Louisiana. The water is very important to  
25 us. I also served on the initial groundwater

1 commission. And I serve as third vice president of the  
2 Louisiana Farm Bureau.

3 CHAIRMAN ANGELLE: Great. Thank you so much.  
4 Appreciate it. Certainly the Farm Bureau has been a  
5 really great partner to have.

6 We'll go to item number 2, which is the  
7 adoption of the meeting summary from the December 5,  
8 2012 meeting.

9 Mr. John Adams.

10 MR. ADAMS: Thank you, Mr. Chairman.

11 Each of you should have received by  
12 email about a week and a half ago a copy of the minutes  
13 from the previous meeting. There has been one minor  
14 editorial change. I believe there was a Ph.D. that was  
15 removed from someone's name. That's the only change  
16 that was made since those minutes were submitted to  
17 you.

18 At this time staff would request a  
19 motion to accept the minutes.

20 CHAIRMAN ANGELLE: Sure.

21 Motion by Spicer, second by Sawyer.

22 Any objections to the motion?

23 Any discussion?

24 Hearing none, that the motion is  
25 adopted.

1           Item number 3 is an update on the major  
2 issues and action recommendations from the report that  
3 we actually issued last year, and I think the Office of  
4 Conservation is going to lead us through that portion  
5 of the agenda.

6           MR. REONAS: Yes, sir. My name is Matthew  
7 Reonas. I work with the Office of Conservation on a  
8 variety of projects, including public relations,  
9 education and research issues.

10           At the last commission meeting in  
11 December, the office committed to the development of an  
12 update on the major issues and action recommendations  
13 identified in the Commission's March 2012 Interim  
14 Report to the Louisiana Legislature.

15           When we initially scoped this out, it  
16 was about 15 pages. It now stands at about 40. It's a  
17 solid document, filled with the most up-to-date  
18 information available on all of these issues. We have  
19 a few final edits to make, but it will be ready for  
20 distribution to all interested parties within the next  
21 few weeks.

22           Here I would like to take a few minutes  
23 to run through some of the major highlights of this  
24 update. Some of the material will be discussed in  
25 additional presentations as noted in the agenda, and of

1 course all the full detailed accounting will be  
2 available in the report when it's ready shortly.

3 One of the most important developments  
4 over the past year has been the implementation of an  
5 expanded water level and chloride level monitoring  
6 program through the U.S. Geological Survey.

7 The Department of Natural Resources was  
8 able to secure roughly \$3 million in federal petroleum  
9 violation escrow funds to expand the state's monitoring  
10 program in anticipation of expanded energy development  
11 in the state. DNR has since worked very closely with  
12 USGS to establish approximately 200 new water level and  
13 some 40 to 50 new chloride level monitor levels around  
14 the state. It is a work in progress, of course, but  
15 one that we think is going to pay off in a big way by  
16 providing a baseline of knowledge for future resource  
17 management and decision-making.

18 CHAIRMAN ANGELLE: And I would encourage  
19 members to just jump in. It's an informal  
20 presentation. If you have questions you want to ask of  
21 Matthew, please feel free to do so. I want to jump in  
22 at this particular point in time.

23 You said that currently the particular  
24 program that we were able to secure the funding was to  
25 add an additional 200 you said?

1 MR. REONAS: Approximately 200, yes, sir.

2 CHAIRMAN ANGELLE: So to an inventory of how  
3 many; do you know?

4 MR. REONAS: I believe it was some -- I'm not  
5 sure right off, sir.

6 CHAIRMAN ANGELLE: Does anybody with the  
7 Office of Conservation know how many monitoring sites  
8 there were prior to our securing this, what we had? If  
9 not, let's kind of go on and somebody with the Office  
10 of Conservation can be working on that answer as we  
11 kind of go through the presentation. It seems to be a  
12 pretty substantial increase in the number of monitoring  
13 wells.

14 MR. REONAS: It's almost a hundred percent  
15 increase, yes, sir.

16 MR. GRAVES: Mr. Chairman, I have a question.  
17 It's more curiosity. I notice the coastal parishes  
18 don't contain any monitoring wells. Is that due to  
19 their proximity to the sea or ...

20 MR. REONAS: Yes, sir, these would be for  
21 groundwater monitoring aquifers, yes, sir.

22 MR. GRAVES: So there's no point in putting  
23 them in coastal parishes from a monitoring standpoint?

24 MR. REONAS: That's right, yes, sir.

25 Here in this slide in particular we show

1 the existing water level monitoring well network in  
2 green, and the expanded network or the ongoing  
3 development of the network here in red. So as you can  
4 see, across the state it's very comprehensive. Again  
5 it's almost doubling in the size of the current  
6 network, and it's particularly focused in areas where  
7 there's specific challenges, where we expect future  
8 energy development.

9 As you can see, this band through the  
10 Tuscaloosa, Marine Shale, also up here in north  
11 Louisiana and those various shale places as well. But  
12 it's really going to expand our eyes into all the  
13 state's groundwater aquifers, which is a remarkable  
14 accomplishment.

15 CHAIRMAN ANGELLE: And do you have a  
16 timetable on when the additional 200 come on, assuming  
17 they don't all come on at the same time?

18 MR. REONAS: USGS has been in the process of  
19 developing, going out in the field developing which  
20 wells are going to be worthwhile, which ones are not  
21 feasible. That should be -- they are in the process  
22 right now of narrowing that down. Within this next  
23 quarter most of these are going to be in operation and  
24 in a position to --

25 CHAIRMAN ANGELLE: Okay. And let me ask you:

1 Do we have any additional wells that are in operation  
2 today?

3 MR. REONAS: I would have to ask USGS, yes,  
4 sir. But I think most of them have been identified.

5 CHAIRMAN ANGELLE: Who for the state is  
6 managing this contract?

7 MR. REONAS: I am, yes, sir.

8 CHAIRMAN ANGELLE: Okay. So you are not  
9 aware as of today if any of the new additional 200  
10 wells which we entered into a contract for, you are not  
11 certain as to which ones are on, and you can get that  
12 information?

13 MR. REONAS: I can get that information for  
14 you, yes, sir.

15 CHAIRMAN ANGELLE: I would like for that  
16 information to be emailed to members of the Commission,  
17 and then I would like on a monthly basis for you to  
18 update as I'm assuming there was some start-up work  
19 associated with this.

20 MR. REONAS: Yes, sir.

21 CHAIRMAN ANGELLE: And so there was some  
22 delay perhaps, but we should be getting to a point  
23 where on a monthly basis more and more will be coming  
24 on?

25 MR. REONAS: Yes, sir. We're in the second

1 quarter of the contract right now, finishing up the  
2 second quarter, so -- and again, all that was a lot of  
3 field work, getting out in the field testing wells,  
4 seeing which ones were viable, which ones were not in a  
5 position to be used. So at this point right now the  
6 collection, the network is pretty well established.

7 CHAIRMAN ANGELLE: Some summary -- I don't  
8 want the commission members to have to wait until the  
9 next meeting to get updated on this.

10 MR. REONAS: Yes, sir.

11 CHAIRMAN ANGELLE: I think it would be fair  
12 for you to provide that information. I'm assuming  
13 you're going to be providing it on your website for the  
14 public to know as well.

15 But again, just some little format that  
16 shows how many we had, how many we now have, and what  
17 are the plans as we move forward, so commission members  
18 can be informed.

19 Thank you very much.

20 MR. REONAS: Yes, sir. Thank you.

21 Here in this slide, showing the chloride  
22 monitoring well network, again in green as it currently  
23 exists, and then the red is the expanded network; of  
24 course here in southwest Louisiana where there are  
25 known saltwater challenges, around the Lake



1 Pontchartrain area; here in Franklin Parish as well  
2 where there are some saltwater issues around Winnsboro.  
3 So this is really going to expand our knowledge of what  
4 saltwater issues or what saltwater is doing,  
5 encroachment issues and things of that nature in the  
6 state.

7 CHAIRMAN ANGELLE: Okay. I see you have, I  
8 guess that's kind of a high density of green in what  
9 appears to be East Baton Rouge Parish.

10 MR. REONAS: Yes, sir. USGS has and Capital  
11 Area Ground Water Conservation Commission already have  
12 an solid representation here in East Baton Rouge  
13 Parish, so that was an area where we didn't feel that  
14 there was any need for additional saltwater or chloride  
15 monitoring wells.

16 CHAIRMAN ANGELLE: So in that instance, we do  
17 have adequate monitoring we feel like?

18 MR. REONAS: Yes.

19 CHAIRMAN ANGELLE: And the question is  
20 whether or not we have adequate management responses to  
21 what this data is showing us?

22 MR. REONAS: Correct, yes, sir.

23 CHAIRMAN ANGELLE: Some of the data  
24 consistently shows in that area that we have a  
25 saltwater problem that's growing in that area.

1 MR. REONAS: Yes, sir.

2 CHAIRMAN ANGELLE: So we're getting that data  
3 from these type, and then the idea that we would take  
4 the data and management would then be able to respond  
5 to that. Correct?

6 MR. REONAS: Yes, sir, that's correct.

7 CHAIRMAN ANGELLE: All right.

8 MR. REONAS: USGS, their upcoming model  
9 should be coming out this summer, from the last  
10 information I had, on saltwater encroachment here in  
11 the Baton Rouge area.

12 CHAIRMAN ANGELLE: I wouldn't be quoted as  
13 saying when you think the USGS report is going to be  
14 coming out. And I don't want to be offensive to USGS,  
15 but this schedule has slipped I think at least four  
16 times since I started asking questions. Hopefully we  
17 can get a little bit more information on that during  
18 the course of this meeting.

19 MR. REONAS: Yes, sir.

20 Next slide, Brandon.

21 This slide refers to the current  
22 situation at the Sparta Aquifer System in north central  
23 Louisiana. As we highlighted the update, the  
24 groundwater levels continue to improve across the  
25 aquifer system. Of course we would like to credit the

1 Sparta Commission for all of their hard work in the  
2 area to raise awareness. As they well know, it's an  
3 ongoing effort to educate the public and the local  
4 political leadership about the value of the Sparta and  
5 the best ways to manage the system.

6 This slide shows the improvement in  
7 wells monitored by the Arkansas USGS from 2004 to 2013  
8 in the area just across the state line, in the Sparta  
9 Aquifer area across the state line. USGS here in  
10 Louisiana has indicated to us that they are developing  
11 some additional graphics for the Louisiana side of the  
12 Sparta for later this year.

13 I would like to utilize this just to  
14 point out that, in these Arkansas monitored wells,  
15 there has been tremendous improvement in water levels  
16 across the board in those monitored wells. And in two  
17 cases these are Louisiana wells: The Spencer, which  
18 from 2004 to 2013 has shown an almost twelve-foot  
19 increase in water level; and then at Junction City,  
20 which is in Claiborne Parish here, which has shown  
21 almost a 22-foot increase from 2004 to 2013.

22 Of note that should be pointed out  
23 here -- and this you can see it a little bit better in  
24 the actual report -- but this is the opening of the  
25 Sparta reuse project, the West Monroe Wastewater Reuse

1 Facility in West Monroe, which could -- I don't think  
2 it's there yet -- but could cut the groundwater use in  
3 the Sparta up to 10 million gallons a day. This was  
4 funded -- and you can see it right here and there's a  
5 slight bump across the board. This was funded by a  
6 joint effort from federal, state and local funds, and  
7 we feel it's a great example of cooperation on a major  
8 water infrastructure project. It was actually  
9 recognized by American City and County Magazine as such  
10 a project and actually received a Crown Community Award  
11 from the editors for problem-solving innovation at a  
12 local level. So that's certainly a great model for  
13 future work here in Louisiana.

14 CHAIRMAN ANGELLE: Mr. Ted, is that the  
15 Graphics Packaging program in West Monroe?

16 MR. MCKINNEY: That's correct.

17 CHAIRMAN ANGELLE: I'm assuming Graphics  
18 Packaging was a willing participant in terms of using  
19 gray water?

20 MR. MCKINNEY: It was. In fact, Dave Norris,  
21 the Mayor of West Monroe, and Graphics Packaging were  
22 the ones really pushing this issue, and it was very  
23 obvious with the cone of depression in the Ouachita  
24 Parish area -- it's similar to what occurred in the El  
25 Dorado area -- that something would have to be done.

1                   May I add a little caveat to this  
2 particular situation?

3                   I really am very appreciative, as has  
4 already been mentioned here, about the accolades that  
5 this particular project has been awarded.

6                   Mr. Commissioner, you're aware of the  
7 fact, as Mr. Snellgrove and I talked briefly this  
8 morning, about the issue in Union Parish, about the use  
9 of Sparta water for fracking purposes. The point I  
10 want to make, Mr. Chairman, is at this point we make  
11 accolades with this particular issue and other issues,  
12 but at the same time we turn around and we abuse that.  
13 And this is early on in our meeting for me to bring  
14 this subject up, but we abuse that issue by going and  
15 taking the Sparta water to frack with. And as you  
16 already addressed in that situation, it doesn't make  
17 sense when you've got a 12,000-acre lake within the  
18 same neighborhood as the fracking that's going on.

19                   But these accolades are great. This was  
20 a great project. It has great potential. It will make  
21 the Ouachita area recover. There's no doubt about it.

22                   CHAIRMAN ANGELLE: Thank you. We'll give you  
23 a chance to address that issue a little bit later.

24                   MR. McKINNEY: Appreciate it.

25                   COMMISSIONER WELSH: Mr. Ted, you probably

1 are referring to the recent compliance action we have  
2 taken in regard to the Union Parish. I issued a  
3 two-page letter of questions to the company involved,  
4 and I believe the answers of why Lake D'Arbonne water  
5 was not used should be forthcoming today. I think the  
6 deadline for answers was today, so ...

7 MR. McKINNEY: Appreciate you for doing that.

8 COMMISSIONER WELSH: Thank you, sir.

9 CHAIRMAN ANGELLE: And I'm assuming,  
10 Mr. Commissioner, just to follow up on that particular  
11 subject matter, the guidance document that you put out  
12 as I recall maybe in late 2008-2009, perhaps 2009, on  
13 the use of groundwater for hydrofracking was industry  
14 by in large responded in a very, very positive way. As  
15 I recall some numbers on a report seeing that as much  
16 as 85 percent, 75-85 percent was surface water.

17 Was there a recent situation that  
18 Mr. McKinney is referring to?

19 COMMISSIONER WELSH: Yes, sir. In Union  
20 Parish a company was drilling and developing the brown  
21 dense, which is a nonconventional gas that takes  
22 fracking. Over the last actually two years, when we  
23 would have unitization hearings, I would have a  
24 dialogue with the representatives of the company and  
25 explain our policy of using surface water if at all

1 available, and it was a verbal commitment to do that if  
2 at all possible.

3 And then we found out very recently that  
4 they had contracted to use some groundwater, and that  
5 was, you know, not according to the policy. And it's a  
6 matter under investigation right now. So that's what  
7 we're talking about.

8 CHAIRMAN ANGELLE: So you believe that it's  
9 more of an isolated situation as opposed to a wholesale  
10 change from where we were?

11 COMMISSIONER WELSH: Yes, sir. Again there's  
12 three areas that are mainly fracking: Of course the  
13 Haynesville shale, the brown dense zone in northeast  
14 Louisiana, and the Tuscaloosa Marine Shale north of  
15 Baton Rouge. So that is the only area that I've seen  
16 where surface water is not being emphasized.

17 CHAIRMAN ANGELLE: Okay. Thank you.

18 All right.

19 MR. REONAS: Okay. Move to the next slide.

20 Staying in north Louisiana,  
21 Mr. Chairman, the next two slides show water level  
22 measurements in two areas of interest. In south Caddo  
23 Parish, the Office of Conservation declared a  
24 groundwater emergency in the Keithville and Ellerbe  
25 Road areas of south Caddo Parish almost two years ago

1 now.

2 Here we utilized two sets of monitor  
3 well data, one from LSU Shreveport's Red River  
4 Watershed Management Institute; the other, which is  
5 following from USGS. The first slide basically starts  
6 at ground zero for the emergency situation here in  
7 June, and you can see the baseline, the severe drop  
8 through the summer months of 2011.

9 Next slide, Brandon.

10 The second slide starts a few months  
11 later in September, late September of 2011. But of  
12 note, both show the seasonal rise and fall; the rise in  
13 the winter months and the fall in the summer months, as  
14 water use increases during the summer and lessens again  
15 in the fall. So you can see the cyclical rise and fall  
16 in both of these graphs, which again are in the  
17 upcoming update. Here they both generally show an  
18 improvement in water levels which we've noted across  
19 the board.

20 Rainfall levels this past fall and  
21 winter and early spring were back to normal in the  
22 region, but the areas now, northwest Louisiana, Caddo  
23 Parish is now listed as in the abnormally dry category  
24 on the most recent U.S. Drought Monitor Report. So the  
25 emergency order and its water use restrictions in the



1 area will remain in place until we see longterm  
2 significant recovery.

3 We are actually in the process of  
4 developing an awareness effort in Caddo Parish on this  
5 very issue, and I'll discuss that in a later  
6 presentation.

7 CHAIRMAN ANGELLE: Can you go back to the  
8 previous slide.

9 So the straight line is the baseline,  
10 and everything, everything above the baseline, every  
11 graph above the baseline is a graph of a different  
12 well, a different monitoring well?

13 MR. REONAS: Yes, sir.

14 CHAIRMAN ANGELLE: So the more separation you  
15 have between the baseline and the graph is a good  
16 thing?

17 MR. REONAS: Yes, sir. And as you can see,  
18 in the fall/winter of 2011, early 2012, you saw the  
19 increase. In the summer months you saw the decrease  
20 again that dipped down. And then again in the winter,  
21 this past winter you see, and early spring you see the  
22 increase again. And again the general trend is a  
23 trajectory upwards showing recovery either through  
24 natural means, adherence to our water-use restrictions  
25 according to the emergency order, or a combination

1       thereof.

2                       So we feel very confident about where we  
3 are at with the situation, but it still requires --  
4 it's still a very tenuous situation without that.

5                       CHAIRMAN ANGELLE: Have you shared this  
6 particular graph and some summary as to where you are  
7 today with the elected leadership of Caddo and Bossier  
8 and DeSoto?

9                       MR. REONAS: Yes, sir. We send that out on a  
10 monthly or -- every month or every six weeks with the  
11 most recent information, most water well test -- most  
12 recent water well test data. So we have that online,  
13 it's available. We keep in constant contact with the  
14 elected officials.

15                      CHAIRMAN ANGELLE: Do you know if the elected  
16 leadership of northwest Louisiana has seen this graph?

17                      MR. REONAS: Yes, sir, they have received it.

18                      CHAIRMAN ANGELLE: Thank you. All right.

19                      MR. REONAS: Moving to the next slide, this  
20 highlights the success of the Surface Water Management  
21 Act which was passed by the legislature in 2010 and  
22 re-enacted in 2012. This act has proven a very useful  
23 tool in managing water needs for energy exploration and  
24 development in the state.

25                      It's strictly volunteer, but the program

1 has received a very good response from industry and has  
2 a strong record of success in evaluating proposed  
3 surface water usage through a collaborative review  
4 process managed by DNR.

5           Between 2012 and 2013, April 2013 --  
6 between March 2012 and the end of April 2013, DNR has  
7 received 26 applications under the Surface Water  
8 Management Act and entered into nine cooperative  
9 endeavor agreements. 15 of the applications have also  
10 received administrative clearance and been sent back to  
11 the industry, to the corporations for finalization.

12           This graph, which again is in the  
13 report, shows the location of the withdrawals from 2010  
14 through 2013. A full review of this whole program is  
15 available in the update. But again you can see it by  
16 year: 2010, 2011, 2012 and 2013. And again it kind of  
17 shows the regional breakdown of where these surface  
18 water cooperative endeavor agreements have been  
19 established.

20           CHAIRMAN ANGELLE: Okay. So I'm a little  
21 surprised by the location, but that could just be my  
22 own ignorance.

23           I see down in southwest Louisiana -- and  
24 I guess that maybe I should ask Mr. Pratt to help me on  
25 this?

1 MR. PRATT: Sure.

2 CHAIRMAN ANGELLE: I'm a little surprised  
3 that in Lafayette and what looks like St. Martin there  
4 are a number of -- when there's really no  
5 hydrofracking. I realize it's for other uses as well.

6 MR. REONAS: Yes, sir.

7 CHAIRMAN ANGELLE: Now maybe, are some of  
8 these as well in the Calcasieu -- what is it called  
9 Mr. Pratt, the channel?

10 MR. PRATT: Well, we've got our Sabine River  
11 diversion canal system. But those are all -- I believe  
12 most of those are east of those. We've got some there  
13 in Calcasieu Parish, but the majority of those are  
14 outside of our range there.

15 CHAIRMAN ANGELLE: So the ones in northwest  
16 Louisiana again instinctively make sense to me.

17 MR. REONAS: Right.

18 CHAIRMAN ANGELLE: The ones in the Florida  
19 parishes instinctively make sense to me.

20 MR. REONAS: Right.

21 CHAIRMAN ANGELLE: Are we talking about  
22 farming operations?

23 MR. REONAS: In southwest Louisiana, I  
24 believe it's actually mostly pipelines, Mr. Chairman.

25 CHAIRMAN ANGELLE: Pipelines?

1 MR. REONAS: Yes, sir.

2 CHAIRMAN ANGELLE: Do you want to --

3 MR. REONAS: Dr. Thomas Van Biersel manages  
4 the program.

5 Thomas.

6 CHAIRMAN ANGELLE: Okay.

7 Good morning, sir.

8 MR. VAN BIERSEL: Good morning, sir. My name  
9 is Thomas Van Biersel. I'm the hydrologist with the  
10 Department of Natural Resources.

11 What you see there are all the water  
12 withdrawal associated with two pipeline installations.  
13 So it's either tied to pressure-testing the pipeline or  
14 it is tied to drilling underneath water bodies. So  
15 you're looking at one pipeline that went from Texas to  
16 Plaquemine and one pipeline to I do believe Lafayette.

17 CHAIRMAN ANGELLE: So water associated with  
18 the construction of that line?

19 MR. VAN BIERSEL: Correct.

20 CHAIRMAN ANGELLE: Not for the transportation  
21 of water?

22 MR. VAN BIERSEL: Correct. Technically  
23 speaking, that water pretty much usually goes right  
24 back into the water body.

25 CHAIRMAN ANGELLE: Correct. I think this is

1 really good data. I appreciate your putting it  
2 together by year. And obviously showing the geographic  
3 location I think helps us kind of get an idea of what's  
4 going on.

5 How many you said -- thank you, sir.  
6 How many? You said there were a total of how many that  
7 were executed?

8 MR. REONAS: Since March of last year, 26  
9 applications have been sent in to DNR. Again we have  
10 entered into nine cooperative endeavor agreements and  
11 15 have received administrative clearance, so ...

12 CHAIRMAN ANGELLE: So that's since March of  
13 last year?

14 MR. REONAS: Yes, sir.

15 CHAIRMAN ANGELLE: That does not  
16 contemplate -- I want to make sure I'm understanding --  
17 that does not contemplate the 2010-2011 numbers?

18 MR. REONAS: Correct.

19 CHAIRMAN ANGELLE: It does not?

20 MR. REONAS: Correct. We could get those  
21 numbers for you.

22 CHAIRMAN ANGELLE: Well, if you could just to  
23 revise this particular graph for next meeting?

24 MR. REONAS: Uh-huh.

25 CHAIRMAN ANGELLE: In addition to having

1 water withdrawal locations, maybe have the number of  
2 contracts or cooperative endeavor agreements by year as  
3 well.

4 MR. REONAS: Yes, sir.

5 CHAIRMAN ANGELLE: Thank you.

6 I'm assuming it's down? Since  
7 Haynesville activity is down, I'm assuming the number  
8 of contracts per year are less than requested what they  
9 were, say, a couple of years ago?

10 MR. REONAS: Yes, sir, I believe that's the  
11 case. Thomas?

12 MR. VAN BIERSEL: The number this year is  
13 actually up. It's relative to the fact that last year  
14 we sent a letter, the Attorney General sent letter to  
15 some of the operators about some of the withdrawals  
16 that had been done without cooperative endeavor  
17 agreement. And so the 15 that Matthew mentioned are  
18 actually post-act agreements in this case.

19 CHAIRMAN ANGELLE: I think that's very  
20 important. I want to -- especially regarding  
21 Mr. McKinney's inquiry.

22 What was the connection point for the  
23 Attorney General to know who to send those letters to  
24 for people who you believed were withdrawing water?

25 MR. DEVITT: Jim Devitt, Deputy General

1 Counsel with DNR.

2                   What happens is, between Thomas and I,  
3 we identify, using department records, withdrawals of  
4 water for hydrofracking. We put together a list, we  
5 send that to the Attorney General's office. The  
6 Attorney General issues a letter informing that  
7 operator of our surface water program.

8                   CHAIRMAN ANGELLE: So the source of your  
9 information is a WH1?

10                   MR. DEVITT: Correct.

11                   CHAIRMAN ANGELLE: So when a WH1 -- which is  
12 a well history report -- when a company says -- and  
13 they have to identify --

14                   As I appreciate it, Mr. Commissioner,  
15 they have to identify the source of their water.

16                   When you get that, you doublecheck to  
17 see -- if it's a public source, you doublecheck to see  
18 if you have a cooperative endeavor agreement.

19                   MR. DEVITT: Correct.

20                   CHAIRMAN ANGELLE: If you don't, you provide  
21 that information to the Attorney General and they have  
22 sent letters. And as a result there has been an  
23 increase in the number of applicants based on --

24                   MR. DEVITT: Correct.

25                   CHAIRMAN ANGELLE: Good job.



1           MR. MCKINNEY: Mr. Chairman, I have a  
2 question regarding this.

3                     The gas leaching mining in the Arcadia  
4 area, would that not have been noted on here somewhere,  
5 the amount of surface water and groundwater that was  
6 used?

7           CHAIRMAN ANGELLE: On this particular graph,  
8 I don't know. Are they using surface water or  
9 groundwater in that incident?

10           MR. MCKINNEY: They were using both; using  
11 Sparta to start out with, until we met them.

12           MR. VAN BIERSEL: Correct. So far for the  
13 nonparticipants, what we have used is a record of the  
14 DNR. We just in this case, when we asked the Attorney  
15 General to issue a letter, it's either coming from data  
16 from the WH1 files or from the Section 10 permit for  
17 which we issue reviews.

18           CHAIRMAN ANGELLE: Let me jump in. Let me  
19 just try to help with the question here.

20                     When you look at this map, do you see a  
21 particular spot/dot that would represent what you think  
22 would be the area where surface water is being used for  
23 the leaching of these caverns?

24           MR. VAN BIERSEL: No.

25           CHAIRMAN ANGELLE: And that's in what,

1 Bienville?

2 MR. VAN BIERSEL: Yes.

3 CHAIRMAN ANGELLE: In Bienville. So are you  
4 aware if there is a cooperative endeavor agreement for  
5 surface water by the folks who are creating caverns for  
6 gas storage in Bienville Parish?

7 MR. VAN BIERSEL: No, I'm not aware of it.

8 CHAIRMAN ANGELLE: So what I'm hearing you  
9 say is that you are of the belief that they are, in  
10 fact, using surface water in part.

11 MR. MCKINNEY: Well, they were, were using  
12 some creek water, and they were using primarily Sparta  
13 water until we met with them a year or so ago. And  
14 they was not aware of the water issue in that part of  
15 the country. The biggest concern was how do you  
16 dispose of the brine that that creates, not where do  
17 you get the water from.

18 So they have entered into agreement with  
19 the City of Arcadia, and they -- both reproducing  
20 plants there and a local creek, and they are using at  
21 maximum around 4 million gallons a day. But I think  
22 that project is about in its final completion stage.  
23 They mined two domes, huge domes. But anyway, I just  
24 saw your graphic here and I didn't see a dot there.

25 CHAIRMAN ANGELLE: Could very well be that

1 their surface water they are using is from a private  
2 source, and if it is --

3 MR. MCKINNEY: It's from a local creek.

4 CHAIRMAN ANGELLE: Well, let me just say, if  
5 it's from a private source, it would not be subject to  
6 a cooperative endeavor agreement from the state.

7 If you do have information that you  
8 believe that surface water that is being removed from a  
9 public body, consistent with the Attorney General's  
10 opinions, you need to provide that information to us.

11 MR. MCKINNEY: Okay.

12 CHAIRMAN ANGELLE: All right.

13 MR. REONAS: Moving on. The next slide shows  
14 energy development in Louisiana. This is relating to  
15 the use of both ground and surface water; hence its  
16 inclusion here. It shows activity in Louisiana, energy  
17 development activity in Louisiana from 2008 through  
18 2012, particularly the growth in horizontal drilling or  
19 hydraulic fracture techniques. The difference is very  
20 important as far as oil wells tend to consume large  
21 amounts of water than traditional vertical wells.  
22 Today most of this activity has been combined in the  
23 Haynesville shale area of northwest Louisiana.

24 On this chart you can see the rise in  
25 horizontal wells, the red line, started here, through

1 the boom in 2009 and 2010, and then the decline  
2 following the collapse of natural gas prices in 2011.

3 As you can see, the number of horizontal  
4 wells, again the red line, tracks almost exactly with  
5 the number of wells in the Haynesville shale, which is  
6 the black line. So you can see the correlation very  
7 closely here with these two lines.

8 CHAIRMAN ANGELLE: So one would deduce that  
9 nearly all of the horizontal wells are in the  
10 Haynesville?

11 MR. REONAS: Yes, sir, that would be a  
12 correct deduction.

13 Likewise, the green line here shows the  
14 number of vertical wells in the state and reflects the  
15 dominance in that 2009 through early 2011 period of  
16 horizontal wells, the increase in drilling activity  
17 using those hydraulic fracture techniques. Again the  
18 key points here, the crossover point, so to speak, in  
19 the early fall of 2009 and the dominance of horizontal  
20 wells over vertical wells, and then again the crossover  
21 point on the back end of the Haynesville shale boom  
22 here in 2011 when vertical wells would have resumed  
23 their traditional position.

24 CHAIRMAN ANGELLE: I think this is a great  
25 graph. I would just point out for members for your own

1 observation, if you go back to 2008 and you see the  
2 significant spread between the green line and the red  
3 line in 2008 --

4                   And I'm assuming, Mr. Commissioner, that  
5 vertical wells tend not to require a whole bunch of  
6 water than maybe kind of more of a rig supply; is that  
7 correct?

8                   COMMISSIONER WELSH: Yes, sir, that's  
9 correct.

10                   CHAIRMAN ANGELLE: So in 2008, again looking  
11 in the 2008 area, the big difference, members, between  
12 the green line and the red line is that the primary  
13 choice of exploration was a vertical well, which is  
14 something that our fathers and grandfathers were more  
15 accustomed to. And then you begin to see in 2009 those  
16 numbers get really close together as vertical well  
17 exploration went way down at the same time horizontal  
18 well exploration went up, and you actually see the  
19 graphs cross in 2010.

20                   And then now, because of I'm assuming a  
21 collapse in commodity prices for natural gas, there is  
22 in 2012 not as much interest in the horizontal  
23 exploration of natural gas wells and perhaps more  
24 interest in a vertical well approach, and in 2012 you  
25 see that separation begin again.

1           So the observation to me is that the  
2 challenging part for you all to manage was really in  
3 2010 and 2011, and it would appear like the water  
4 resource management has -- while important in those  
5 areas, it is not as challenging as it was in 2010 and  
6 2011.

7           COMMISSIONER WELSH: That's correct. You  
8 might find interesting also, we had a hearing yesterday  
9 where one of the major companies in the Haynesville  
10 announced they were going to drill 47 new wells based  
11 on longer lateral technology is advancing. So that's,  
12 as far as development, that's good for natural gas.  
13 And they think they can -- that longer laterals can  
14 make up for the lower price now.

15           CHAIRMAN ANGELLE: Is it public record as to  
16 who that company is?

17           COMMISSIONER WELSH: Yes. Encounter. (?)

18           CHAIRMAN ANGELLE: Encounter?

19           COMMISSIONER WELSH: Yes.

20           MR. REONAS: The next slide shows the rig  
21 count -- again some more comparative numbers -- shows  
22 the rig counts from 2008 up through April of this year,  
23 April of 2013. And again you can see the peak, the  
24 rise through -- in 2010 the peak up to over 190 wells  
25 on average, and then the decline down through

1 160-some-odd in 2011, and then back down to about  
2 roughly 120 average through 2012, and a little bit  
3 slightly lower than that currently, the current average  
4 to date in 2013.

5 I think the important thing that we  
6 stress in here in the update is the fact that we have a  
7 strong framework in place for handling energy  
8 development needs going forward. Again we mentioned  
9 the Surface Water Management Act, which has been very  
10 successful; and we've also had a number of  
11 administrative and reporting provisions implemented by  
12 the Office of Conservation which provide another set of  
13 practical management tools. These include the issuance  
14 of water use advisories, operator education and  
15 outreach efforts, water sourcing requirements for  
16 hydraulic fracture operations, and aggressive  
17 enforcement of groundwater use notification, and  
18 sustainability evaluation mandates.

19 These measures worked well during the  
20 peak of the Haynesville shale when we had approximately  
21 80 percent of the hydraulic fracture wells in the area  
22 utilizing surface water resources rather than the local  
23 aquifers.

24 Closing on that --

25 You can go ahead and move to the next

1 slide.

2 Before I turn the floor back over to  
3 you, Mr. Chairman, I would like to run through some of  
4 the major achievements from the list of recommendations  
5 in the March 2012 interim report.

6 As you well know, there was an extensive  
7 set of recommendations, and the full review of progress  
8 towards all of these specific recommendations is, will  
9 be forthcoming in the update report that will be ready  
10 within the next few weeks. I would just like to run  
11 through a few of the highlights right off, though.

12 As noted earlier in the presentation,  
13 DNR has completed the contract with USGS for a  
14 three-year monitoring program which is currently  
15 underway. I'll get to you the most recent status on  
16 that and copy all the other commissioners as well.

17 I did look through my notes very  
18 quickly. The number of wells, the existing network as  
19 I thought, was under 200 wells with the implementation  
20 of this program. So it is almost a hundred percent  
21 increase in our network or coverage of test wells in  
22 the state.

23 We also have reached an agreement with  
24 the Louisiana Geological Survey to install several new  
25 gauging stations and update approximately 50 existing



1 gauges to monitor surface water discharge around the  
2 state, primarily in areas where we expect expanded  
3 energy development in the next few years. We're really  
4 excited about this work.

5           The information that we gather from  
6 these programs will establish a scientific foundation  
7 for all future resource management decisions. It  
8 should be noted, however, that these are time-limited  
9 programs. It's a three-year window we have here. So  
10 this is an important issue that we need to continue to  
11 look at moving down the road in terms of finding a  
12 longterm source of funding.

13           Related to this issue of resource  
14 management, the Office of Conservation completed a  
15 major audit of Compliance and Water Well Owner  
16 Notification Regulations in 2010 and 2011. We issued  
17 new water well driller regulations for notifications in  
18 November of 2012. These new regs simplify the  
19 notification process and provide Conservation staff  
20 with a tool for more efficient enforcement.

21           The Office of Conservation also has  
22 tightened our evaluation procedures for new water wells  
23 by implementing a water-use evaluation checklist. This  
24 went into effect last summer. In general, the Office  
25 of Conservation is continuing that process of

1 transition and revision for the entire water well  
2 program that began with the transfer from the other  
3 program from DOTD in 2010.

4 The Office of Conservation also has  
5 reviewed its Groundwater Emergency Response Contingency  
6 Plan, reviewed that with the Governor's Office of  
7 Homeland Security and Emergency Preparedness, GOHSEP,  
8 and added additional language on the routing of such  
9 emergency decisions through that agency for multiagency  
10 cooperation.

11 I'll offer a review of Office of  
12 Conservation education efforts in a later presentation,  
13 and I'll also follow that with a brief review of plans  
14 for a mini-conference on state water issues, resource  
15 management issues for later this fall. Again, that  
16 will be later on in today's meeting.

17 Again, a full review of progress towards  
18 the complete and extensive list of recommendations here  
19 from the 2012 interim report will be released shortly.

20 And on this note, Mr. Chairman, I would  
21 like to turn the floor back over to you.

22 CHAIRMAN ANGELLE: Thank you very much.

23 I'm assuming that once that's released,  
24 you will mail copies to each of the members?

25 MR. REONAS: Yes, sir. We will have hard

1 copies as well as electronic copies.

2 CHAIRMAN ANGELLE: And it's a factual report  
3 of the steps that have been taken to implement the  
4 recommendations that were made?

5 MR. REONAS: Yes, sir. Yes, sir.

6 CHAIRMAN ANGELLE: Okay.

7 Members, any questions?

8 All right. We thank you very much.  
9 Appreciate it. Keep us informed.

10 MR. REONAS: Yes, sir, we will.

11 CHAIRMAN ANGELLE: And we will now go to  
12 Item 5. Pleased to welcome Mark Davis.

13 Is mark here yet?

14 While Mr. Davis makes his way to the  
15 table, he is the Director of the Tulane University  
16 Institute on Water Resources Law & Policy. I've had  
17 the opportunity to work with him in a variety of  
18 capacities, and certainly a great talent that we have.  
19 And we're happy to have you from Indiana to Louisiana  
20 in a permanent way, sir.

21 So again, welcome to the Water Resources  
22 Commission. The topic of your presentation is  
23 Potential Impacts of the Tarrant Regional Water  
24 District versus Hermann -- is it Hermann -- in the Red  
25 River Compact case report on the United States Supreme

1 Court.

2 Welcome, sir. Thank you.

3 MR. DAVIS: Thank you, Mr. Chairman. It's a  
4 pleasure. Commission members.

5 I would also like to introduce Chris  
6 Dalbom, who is a colleague of mine at the institute,  
7 and he has been working with us on the Tarrant -- and  
8 not just the Red River, but other compact issues. So  
9 if there are questions that I can't answer, he probably  
10 can.

11 CHAIRMAN ANGELLE: Thank you. Welcome, sir.

12 MR. DAVIS: Well, first of all, I think most  
13 of you are probably generally familiar with the notion  
14 of these interstate compacts that Louisiana has joined  
15 into. We have really two, the Red River and the  
16 Sabine.

17 And the Red River Compact is one that  
18 has been in existence since 1980. It was negotiated in  
19 1979 between Arkansas, New Mexico -- I mean Arkansas,  
20 Oklahoma and Texas and Louisiana. The notion was it  
21 would allocate the waters of the Red River so as to  
22 avoid conflict and confusion. Indeed, one of the  
23 purposes of the compact is to promote interstate comity  
24 and remove causes of controversy between each of the  
25 affected states governing the usage, control and

1 distribution of interstate waters.

2           While obviously we wouldn't be in the  
3 United States Supreme Court if it was working all that  
4 well for those purposes. And I think one of the things  
5 we have to realize is that the nature of the dispute is  
6 one that was not necessarily envisioned by the drafters  
7 of the compact; but as a member of the compact,  
8 Louisiana has a very important interest in both  
9 tracking the argument of the case and understanding the  
10 outcome of the case when it does come down, which could  
11 be in a matter of months.

12           And what we will be doing at Tulane is  
13 we'll be doing a more detailed analysis of the actual  
14 outcome of the case. So rather than speculating on  
15 what the implications might be, we'll be able to give  
16 the Commission a more detailed and explicit  
17 explanation.

18           A little bit of background: The Tarrant  
19 Regional Water District is a water utility and it  
20 provides water to a portion of north central Texas that  
21 includes Fort Worth.

22           Texas has long recognized that it could  
23 not continue to grow without the importation of water.  
24 If you go back to Governor Connally's water plan in the  
25 1960s, it recognized that Texas would need to bring in

1 at that time they thought around 13 million-acre feed  
2 from the Mississippi River.

3 Their needs haven't gotten any less  
4 important. And the history of how this case came to be  
5 is pretty colorful -- we don't have to go into it  
6 here -- but it involved efforts to buy water from  
7 Oklahoma that Oklahoma was originally willing to sell;  
8 and then Oklahoma came to the realization that this was  
9 really a strategic asset and that, quite frankly, if  
10 growth was so dependent upon it in Texas, perhaps that  
11 was growth that ought to come to places where the water  
12 was.

13 The fundamental issue is whether, you  
14 know, neighboring states are intended to be water mines  
15 for those states that have more aggressive growth  
16 plans.

17 The current lawsuit began in 2007 when  
18 Tarrant sued Oklahoma, arguing that the Red River  
19 Compact gave them a right to 25 percent above the  
20 minimum flows of what is called Reach II.

21 Now Louisiana is not really interested  
22 in Reach 2. We have interest in Reaches III, IV and V  
23 of this compact. So we're not explicitly involved in  
24 some of the linguistic interpretation that comes out of  
25 this lawsuit that is specific to this region, some of

1 its subbasins. But there's enough here that is of  
2 general application and how the treating of this  
3 compact as a whole is going to be construed and  
4 interpreted that it's going to be of profound important  
5 to Louisiana as it charts its water stewardship future.

6 CHAIRMAN ANGELLE: Did Tarrant claim that  
7 they had a right to this as a county within a state  
8 that was subject to the compact?

9 MR. DAVIS: They are claiming -- there were  
10 two arguments that could be made here. One is that the  
11 compact, in addition to giving them 25 percent minimum  
12 right of flow, they thought that that gave them a right  
13 to get it from anywhere they could get it, including  
14 Oklahoma. Oklahoma said, You have a right to  
15 25 percent, but you have to find that 25 percent within  
16 your boundaries.

17 The other argument that has come up is  
18 one that involves the United States Constitution and  
19 the dormant commerce clause. And the dormant commerce  
20 clause -- for those of you who have not spent your free  
21 time studying the Constitution -- essentially holds  
22 that water -- that things that, you know, could be  
23 major influencers of interstate commerce can be the  
24 sole province of the United States government; and  
25 water, since 1982, is one of those. It's an article of

1 commerce according to the United States Supreme Court  
2 in the Sporhase v. Nebraska case, a case that came  
3 after the negotiation and approval of this compact.

4 And the idea there is what happened in  
5 the Sporhase case that is of some interest here is  
6 that, when states try to keep other states from  
7 accessing their water, they can't just say: It's our  
8 water, you can't have it. Even if your law says it's a  
9 public thing, it doesn't necessarily mean you can  
10 prohibit the export of water under all conditions.

11 And that's one of the other issues that  
12 has arisen in this case is whether or not the commerce  
13 clause of the United States Constitution confers a  
14 right upon Texas to go into Oklahoma or other  
15 neighboring states -- and this is one of the issues  
16 that would be of great interest to Louisiana -- and  
17 essentially force them to open themselves up to water  
18 marketing. How that would exactly happen, the courts  
19 have never figured out or said, but this would be one  
20 of the illuminating cases.

21 The lower courts, the trial court and  
22 the Tenth Circuit Federal Court of Appeals, agreed with  
23 Oklahoma's interpretation, saying that even though you  
24 were given 25 percent over minimum flows, that does not  
25 mean you have the right to go into neighboring states



1 to get it. And secondly, they concluded that the  
2 compact grants the signatory states -- and this is  
3 another important factor for Louisiana -- the right to  
4 actually put restrictions on exports of water that  
5 perhaps the commerce clause wouldn't allow.

6 Now that was not one of the things that  
7 the drafters could have known because, when they  
8 drafted, they had no idea that the Supreme Court in  
9 1982 could declare that water of all sorts, not just  
10 navigable water, even groundwater, are articles of  
11 commerce and that they could not just be put out of  
12 reach for any and all purposes. But this is one of  
13 those things that, as creature of federal law, they  
14 may be able to do that, and Louisiana may as well.

15 Texas sought review by the United States  
16 Supreme Court, and the Solicitor General of the United  
17 States also thought this was important enough from a  
18 compact instruction issue, and to make sure that we  
19 didn't get too far off, you know, walk the commerce  
20 clause plank unnecessarily, and urged that the Supreme  
21 Court take the case. The Court did, the case has been  
22 argued, and now we are waiting determination.

23 I need to reveal, just for disclosure  
24 purposes, that I was one of the -- and Chris as well --  
25 were both amici, which means friends of the court. We

1 urged that essentially the lower court interpretation  
2 was correct in the brief that we filed with the Supreme  
3 Court.

4           The key implications for Louisiana here:  
5 There are a couple of things that we need to start with  
6 which is, what's different between our situation and  
7 Texas and Oklahoma? First of all, we're in a different  
8 posture because we're not involved in the same reach of  
9 the river and the same provisions of the compact that  
10 are the subject of the litigation. So it means that  
11 determination of this case is not necessarily  
12 determinative of our rights and responsibilities.

13           Secondly, we have a very different legal  
14 tradition. We are essentially a riparian state, which  
15 means we have never actually been in the  
16 water-marketing business. We've never allowed people  
17 to come and take surface waters and divert them and put  
18 them to private uses as a feature of law. That is not  
19 the law, you know, in Louisiana. It is the law in  
20 Oklahoma and Texas, which is a prior appropriation --  
21 both prior appropriation jurisdictions; and that means  
22 you gain rights by taking water from surface streams,  
23 putting them to use, and the notion of wasted water is  
24 water that is not utilized. That is a very different  
25 tradition and essentially one that views water as

1 something to be exploited commercially.

2 So that was -- it's one of the other  
3 traditions that we do not share, so how a riparian  
4 state's traditions would be respected by the courts  
5 under this compact is something that hasn't been  
6 explored but could be muffed. On overly broad decision  
7 by the Supreme Court could essentially change Louisiana  
8 state law, and that's one of the things we have to be  
9 mindful of.

10 We also have a very important interest  
11 in the case in a number of other ways: The issue of  
12 whether or not there are barriers to out-of-state sales  
13 that offend the commerce clause, because Louisiana  
14 obviously to this point has not gotten into the  
15 business of water marketing. We certainly have people,  
16 as Mr. Pratt knows, who have expressed an interest in  
17 taking Louisiana water.

18 One of the things, when we look at Act  
19 955, I mean, that is essentially the beginning of a new  
20 approach to water management in Louisiana. Apart from  
21 just traditional riparian rights where people who live  
22 or own land next to flowing waters could use the water,  
23 we're now allowing people to come to the state and  
24 enter into cooperative endeavor agreements, which are  
25 effectively a regulatory type scheme which allows water

1 to be used, not only in different places, for but  
2 different purposes, including consumptive purposes, and  
3 that's a new feature in Louisiana.

4           So is there anything that would prevent  
5 a Texan from saying: Well, you sell it to the guy in  
6 Caddo Parish for fracking, you can't now say you won't  
7 sell it to me, you know, for drinking in Houston and  
8 San Antonio or wherever. The question here is whether  
9 or not, you know, Louisiana's interest has been well  
10 expressed enough to draw a line at our boundaries for  
11 any purposes.

12           The second issue is whether or not the  
13 compact gives us rights to draw lines that  
14 constitutionally we might not be. That's a very  
15 important one because, quite frankly, roughly half of  
16 our waters in Louisiana are covered by compacts,  
17 between the Sabine River Compact and the Red River  
18 Compact, which cover not just the main stems of those  
19 rivers, but their tributaries, means things like the  
20 Ouachita River and all those that flow into the Red and  
21 the Sabine which have similar -- that compact has  
22 provisions, you know, may give Louisiana rights that we  
23 don't really recognize in our civil code and revised  
24 statutes.

25           On the other side, it may create

1 obligations that we've never really recognized fully  
2 just by looking at Louisiana case law and Louisiana  
3 statutes.

4 CHAIRMAN ANGELLE: Do you want to maybe give  
5 me a little bit more information on perhaps obligations  
6 and responsibilities that it might impose upon us?

7 MR. DAVIS: Well, for example, if the Supreme  
8 Court concludes that, you know, Texas wins, and they  
9 conclude that they have the right to go into other  
10 states, and if they do not narrowly define how they are  
11 interpreting the compact and limiting it only to Reach  
12 II, but also perhaps to Reaches III, IV and V; if they  
13 were to say that you can find your 25 percent anywhere  
14 essentially within this compact region, then Louisiana  
15 might find itself obliged to become a water marketer.

16 CHAIRMAN ANGELLE: But would not Louisiana  
17 then also receive a right to get 25 percent from Texas?

18 MR. DAVIS: Well, that's true. But if Texas  
19 had the 25 to get, they wouldn't necessarily be going  
20 first to the neighboring states and fighting these  
21 fights.

22 CHAIRMAN ANGELLE: I understand that, but --

23 MR. DAVIS: The short answer is yes,  
24 Mr. Commissioner, that these are not one-way  
25 arrangements.

1                   But as one Tarrant commissioner noted in  
2 the press, you know, a couple of years ago, that they  
3 viewed Oklahoma as the Kuwait of water, you know. You  
4 can only imagine how they view a place like Louisiana  
5 which has a slightly more water than Oklahoma.

6                   There's essentially places that have  
7 lots of water and places that don't, and places that  
8 have it will be the targets if they are not planning  
9 otherwise.

10                  MR. LOEWER: Just for our information, it's  
11 four states and Texas has 25 percent, is it equally  
12 distributed or not?

13                  MR. DAVIS: They each have 25 percent above  
14 the minimum flow.

15                  Now Louisiana has a certain right to a  
16 certain flow at the border, so that's part of the  
17 minimum flow. So as I say, the mechanics of the  
18 compact, you know, work differently as it flows. But  
19 it's quite possible that lawyers and judges who don't  
20 really understand the lay of the land can write  
21 opinions that are broader than they may wish them to  
22 be, and that's one of the things that we have to look  
23 at. And it's one of the reasons -- and I want to  
24 commend the state of Louisiana and Attorney General --  
25 they briefed this case. They joined in to make sure

1 that Louisiana's perspectives were understood. They  
2 weren't sitting back waiting, you know, for the opinion  
3 to come out before educating the Court. We'll see how  
4 well the education process went.

5 CHAIRMAN ANGELLE: This would seem to have  
6 some impact, not only on a variety of obvious issues of  
7 industry and agriculture, but certainly would also have  
8 a potential impact on coastal resource issues.

9 MR. DAVIS: I think that's absolutely right;  
10 and it's one of the things that I think, you know --  
11 states do have rights to protect their water for vital  
12 state interests. Even that 1982 case recognized that  
13 water is something special. They just used to think of  
14 it as really, really special, and that states had  
15 unlimited abilities to define how water would be used,  
16 the waters that were within their states.

17 That's no longer really the slam dunk  
18 that it was before, and so I think what we now are  
19 looking at is how does Louisiana -- and this is one of  
20 the important lessons -- is that the states that  
21 actually articulate why their waters are important,  
22 have programs, laws and policies that are consistent  
23 with those values are the ones that will have the best  
24 shot of defending or pursuing their rights in the world  
25 that's coming.

1           The one thing I think we can guarantee  
2 is that this is not an anomaly. In fact, Texas is in  
3 the midst of litigation in the United States Supreme  
4 Court against New Mexico over the Rio Grande River.  
5 This is something that they live with every day; every  
6 Western state lives with this every day. Increasingly  
7 Southeastern states like Georgia are living with this  
8 every day because they have grown beyond their water  
9 budgets. And rather than accept the fact that there  
10 are limits to growth or needs for conservation, they  
11 are looking for other places to get their water.

12           Those are the realities, and that's why  
13 these compacts are so vitally important because they  
14 essentially create the law of the river. It may not be  
15 the law that most of us are familiar with, it may be  
16 largely understood by a handful of people like, you  
17 know, the members of the Red River Compact Commission;  
18 but we all have to be well aware of it, because when  
19 we're talking about framing new water laws and  
20 policies, as the legislature has asked this Commission  
21 to do, it's asked the Louisiana Law Institute to do --  
22 which I sit on that water committee as well -- that you  
23 can't do that if you're only looking at your own  
24 casebook, if you're only looking at your own statutes.

25           It's very, very clear that federal law



1 is increasingly an important piece of the legal and  
2 policy architecture, and that's one of the things this  
3 case is going to remind us of. So rather than being  
4 surprised by it, we have to become more well versed, we  
5 have to know both when we expect to defend our  
6 interests and again when we may wish to prosecute them;  
7 because the outcome of this case will probably have  
8 some bearing on how the Sabine River Compact is going  
9 to be interpreted. It will probably, as I say,  
10 determine not only how we manage the Sabine River  
11 itself and the Red River itself, but its tributaries.

12           And there's another case, again the one  
13 I just mentioned that Texas is pursuing against New  
14 Mexico, because one thing you all probably know since  
15 you're pretty skilled at what you do and you know that  
16 the notion that there's a big difference between  
17 surface water and groundwater, which the law presumes  
18 and once was culturally well accepted, is  
19 hydrologically a mistake.

20           Many of our surface waters are  
21 completely integrated with groundwater features:  
22 Sometimes they feed the groundwater, sometimes they are  
23 fed by the groundwater. And one of the issues that  
24 Texas is bringing against New Mexico under the Rio  
25 Grande Compact is that they are violating their terms,

1 their promises to deliver the amount of water that  
2 Texas is entitled to by allowing groundwater  
3 withdrawals, because if you withdraw water from the  
4 aquifer, that lowers the water levels in the rivers.

5 Hydrologically that's not very hard to  
6 understand; legally it's a different planet. And we  
7 need to know that because Louisiana, up to this point,  
8 has completely treated those as different resources.  
9 We do not respect the hydrologic connections or  
10 essentially the functional differences the way that we  
11 really should.

12 We don't even treat -- we treat flowing  
13 waters as though they are public things. We treat  
14 groundwater that feeds public water as essentially it's  
15 a fugacious mineral waiting capture, and quite frankly,  
16 the state gets paid nothing for it.

17 So those are the kinds of things that I  
18 think we're going to learn from these cases that are  
19 coming down from the Supreme Court in the next few  
20 months. I think that it's absolutely clear that the  
21 lessons that are already taught: Cross-border  
22 water-demanding conflicts are here, and they are going  
23 to come more frequently.

24 Preparation in regard to policy law and  
25 programs is going to improve the odds of the players;

1 and the more prepared you are, the better the chances  
2 that you're going to be the winner in this fight. And  
3 I would suggest -- and this is perhaps viewed as  
4 self-serving -- but I think good lawyering matters.

5           The one thing that we've seen is that  
6 the compact language itself doesn't say much. It's the  
7 background documents which explain the negotiations and  
8 what the parties intended essentially that give  
9 context, and that's really where the lawyering takes  
10 place, is what has really informed the courts in coming  
11 down in favor of Oklahoma.

12           I think that we also need to realize  
13 that, when you're dealing with things of this value,  
14 that again, if you wait until the last minute to ask  
15 yourselves the questions about rights, duties and  
16 obligations, you're probably going to be playing  
17 someone else's game; and that's one thing I think Texas  
18 can -- we can draw that from the Texas experience.

19           And I think it's also absolutely  
20 critical for us to realize that the nature of these  
21 compacts, they are nothing but contracts; and you can  
22 write a good contract, you can write a bad contract;  
23 you can have contracts that are easily enforceable and  
24 ones that are not. And it's one of the things that  
25 Louisiana is going to have to think about as it goes

1 forward.

2                   Since we're the downstream state in so  
3 many of these things, one day there will be some kind  
4 of arrangement on the Mississippi River. That's almost  
5 inevitable. There's just too much at stake to let that  
6 river system go -- with 31 states contending for its  
7 waters and Louisiana and its coast and its navigation  
8 and its agriculture and its water supply -- for  
9 municipalities and industry being left, you know, up  
10 for grabs. Louisiana is going to have to find a way to  
11 get ahead of that game and steer that conversation, and  
12 you're going to have to decide where you really want  
13 these disputes to be heard.

14                   This one, we have a Red River Compact  
15 Commission. That's not where this is being resolved.  
16 Texas has decided this is going to be handled in the  
17 courts. This was not going to be handled through  
18 mediation, arbitration, conciliation or anything else.  
19 The choice of forum can make a huge difference in the  
20 outcome you will get.

21                   So I would urge that Louisiana -- the  
22 lessons so far from the Tarrant case is, A, be  
23 prepared. Be clear about the value that water has to  
24 you and make sure that your laws, policies and programs  
25 back it up; and prepare for conflict. Only by

1 preparing for conflict can you avoid it and ensure  
2 that, when it does come, it's handled in the most  
3 appropriate forum and the most appropriate way.

4 That's how we see it at this point.  
5 We'll wait for a couple of months to see what the Court  
6 actually says, and then we would be happy to come back  
7 and report to you again.

8 Chris, do you have anything you would  
9 like to add?

10 MR. DALBOM: I think you covered it pretty  
11 well. Good job.

12 MR. DAVIS: I passed the audition.

13 MR. LOEWER: Mr. Chairman, I'm Jackie Loewer.  
14 I have a question.

15 Thank you for that report.

16 What should we have in place that we  
17 don't have that would protect us?

18 MR. DAVIS: Well, right now Louisiana has  
19 essentially the water laws it had, you know, when we  
20 developed our civil code. We have two civil code  
21 articles that really define how surface water is used,  
22 and it recognizes that water use is for people whose  
23 property adjoins water or that the water travels  
24 through.

25 It's one of the reasons for the Attorney

1 General's opinions, when the fracking came, and the  
2 issue was whether or not it was okay to take surface  
3 water and put it to use outside of that range. We've  
4 only had four cases ever dealing with the use of  
5 surface water for any of these purposes, lots of  
6 drainage cases; and not one of those cases references a  
7 statute or a civil code article. I can't tell you how  
8 good that jurisprudence is.

9 I will also tell that you right now it  
10 is still the law in Louisiana that groundwater is a  
11 separate creature from surface water. I think that  
12 that is something that ultimately has to change. We  
13 need to be managing water as a strategic resource, one  
14 that we understand and manage in the most  
15 scientifically informed manner possibly.

16 And I think we also have to recognize  
17 that water is, in fact, a strategic asset that has  
18 value. Right now, if someone comes to the state of  
19 Louisiana and wants surface water -- for example, a  
20 mining operation or let's say I wanted to take it to  
21 another community 20 miles away for drinking water -- I  
22 may have to come and do a cooperative endeavor  
23 agreement, pay a small amount of money; but if I go to  
24 groundwater, I don't pay anybody anything, even though  
25 it may be exactly the same water.

1           The price that we saw being offered for  
2 the Sabine River, the water a year ago, is very  
3 different than the price that we've traditionally been  
4 charging, even under these cooperative endeavor  
5 agreements. We don't really have a notion of what the  
6 price points should be. And when the price point is  
7 different as to whether you're taking from a lake, a  
8 river or an aquifer, you're at war with yourself.

9           The states -- and we're one of the very  
10 few states in the United States that have not actually  
11 taken a shot at more holistic management of water. The  
12 good news is some states have done it and done it  
13 wrong. It's hard to undo.

14           We're in a position I think we can be  
15 informed by that, and that's what I would strongly urge  
16 this Commission and the State of Louisiana to embark  
17 upon. As I say, compacts can be done well or poorly,  
18 statutes can be done well or poorly. We have to build  
19 in flexibility and value as we do this.

20           But again, if we don't, we'll find that  
21 someone else is doing the planning for us, and it may  
22 not be someone you want.

23           CHAIRMAN ANGELLE: Mr. McKinney.

24           MR. MCKINNEY: There's a very simple  
25 illustration for those of us that's in the farming

1 business. It so happens my family is in the soybean  
2 and rice business up in the Stockyard, Arkansas area.  
3 Very simple, we've all experienced it: My neighbor  
4 upstream captures his water to fill his reservoirs. I  
5 have to wait until he has filled his so I can fill  
6 mine. My neighbor below me is the same way.

7           It's of the utmost importance that we as  
8 a state and me as a neighboring farmer respect the guy  
9 above me and the guy below me; but we must not ignore  
10 the fact -- and I'm sure you're quite aware of this --  
11 that for us here in the state of Louisiana -- and  
12 Mr. Commissioner, I brought this up in a recent meeting  
13 that we had with you and the delegation from  
14 Arkansas -- we must not ignore the fact that we have to  
15 work with the people of Arkansas and the people that  
16 the adjacent Mississippi River flows through.

17           Fortunately for the State of Louisiana,  
18 the Mississippi flows through and out of Louisiana, so  
19 there is no one below Louisiana, and there are many  
20 other issues where waters flow out of Louisiana. But  
21 we must in some form or fashion have a cooperative  
22 understanding of what's coming in and what we're going  
23 to do with it. So I just use that as a very simple  
24 example. And I don't even remotely begin to understand  
25 the complexities of dealing with water, and I'm sitting



1 here on this commission.

2 But when you start talking about, as  
3 you're talking about in the Tarrant County situation,  
4 we can easily begin to see how difficult this can  
5 become, and it's been going on for centuries  
6 apparently. But I just wanted to bring that simple  
7 little illustration, Mr. Chairman, as to what we need  
8 to think about in dealing with our neighboring states.

9 MR. DAVIS: I think that's a very good point.

10 The best way to deal with neighboring  
11 states is to know what your deal points are so you'll  
12 know again: Do we have surplus water?

13 There's nothing that says Louisiana  
14 can't and shouldn't share water; but we have no idea  
15 how much we need, when we need it, what sources we  
16 should count in determining that water budget. We  
17 don't really know if we're going to be dealing with  
18 upstream states. And these issues are coming up now.

19 After the big floods in the Mississippi  
20 two years ago, there was a move on the Missouri to say,  
21 flood control should be the only thing that we manage  
22 this river system for. And the only way you can manage  
23 it for flood control is to take water out of the  
24 system. The bucket can only be so big.

25 Well, the only place you're going to put

1 those waters now would be in an another reservoir  
2 system, one that states like Colorado, New Mexico and  
3 Nevada would be delighted to advocate for and, in fact,  
4 are advocating for.

5 Now, without high water, occasional big  
6 water, you don't have a delta. If you don't have a  
7 delta, you essentially lose the land mass, the  
8 fisheries, all the things on the lower end.

9 If we're not in a position to articulate  
10 what kind of rivers we need, or aquifers, then we can't  
11 expect other people to figure it out for us.

12 So I think we have to understand that  
13 we're going to be in a very robust negotiation where  
14 our future and our prosperity and where, you know, in a  
15 world in which as some people have said, water is the  
16 new oil -- well, that doesn't mean oil is going away --  
17 it just means that water is going to have a value that  
18 we have not ascribed to it in well over a hundred  
19 years; and that places that have water are going to be  
20 either those that prosper, or they will be essentially  
21 the mines that fuel the prosperity of others.

22 And that's the threshold determination  
23 that Louisiana has to make. It's the one that Oklahoma  
24 has made and that they are defending in the United  
25 States Supreme Court. It's the one that the Great

1 Lakes states have made; where they now, by virtue of a  
2 compact of their own, prohibit the export of water, not  
3 just to other states, but to other countries.

4 They were experiencing the arrival of  
5 tankers from around the world that were filling up and  
6 going to sell water wherever. This is not something  
7 off in the future. This is already happening. And as  
8 a water-rich state, we have been allowed to ignore the  
9 urgency that our neighbors ascribe to these waters. I  
10 think we would do that at our peril if we continue it.

11 CHAIRMAN ANGELLE: Mr. Knotts.

12 MR. KNOTTS: Yes, I just want to provide a  
13 little more information on the Red River Compact.

14 I don't want to call it a conflict; but  
15 as Mr. Davis pointed out, we do have issues with the  
16 neighboring states. In fact, the Arkansas issue,  
17 there's a couple of streams that we monitor on a  
18 quarterly basis to make sure they meet the minimum  
19 flows as prescribed in that compact.

20 The last few years, with some of them  
21 being drought years, we have notified the state of  
22 Arkansas that they were not fulfilling their  
23 requirements to the state of Louisiana as per that  
24 compact. We've traded a few letters with them. And  
25 depending on their current or their response back to

1 us, we've already notified the Attorney General as to  
2 how that may be resolved. But I think that again is  
3 going to be another issue to test the resiliency of  
4 that Red River Compact.

5 And Mr. Spicer and ag and forestry are  
6 involved also as I believe the case was brought to our  
7 attention by farmers in the state of Louisiana not  
8 getting the water flowing down from Arkansas.

9 MR. DAVIS: That's a very good point. And I  
10 just got back from a trip to Vietnam where we were  
11 looking at how the Mekong River is managed. Same basic  
12 issues, and they have the same issues of  
13 trans-boundary; but it's not another state, it's  
14 another country.

15 And the one thing you have to realize is  
16 that it's very hard to come up with arguments, facts,  
17 data and things to convince someone whose job it is to  
18 not be convinced that your arguments are compelling,  
19 and that's where you often find yourself. It's not  
20 because Arkansas wishes Louisiana ill; it's that  
21 Arkansas has a job of putting Arkansas first.

22 And so it's hard to find someone who is  
23 in the position with the decision-making responsibility  
24 to actually do what Louisiana wants. And it's one of  
25 the reasons I think that Texas went to the Supreme

1 Court or it went the courts, because they realized that  
2 at least that way there would be a resolution.

3 I find that generally the courts are  
4 pretty uninformed about water issues, particularly when  
5 you get into things like Louisiana's interests. I  
6 mean, I'm a big believer in the judiciary system, but I  
7 don't believe in giving them questions that they don't  
8 handle well if you haven't teed them up with great  
9 clarity and care.

10 MR. FREY: Question on the case, Mr.  
11 Chairman.

12 CHAIRMAN ANGELLE: Yes, sir.

13 MR. FREY: Back to the case, Mark, you said  
14 you filed a curiae. Who all did file? That's AG's  
15 office, Tulane?

16 MR. DAVIS: There was an amicus brief from  
17 law professors and political science instructors, not  
18 just from Louisiana, but elsewhere, and we signed onto  
19 that brief.

20 And the State of Louisiana, through the  
21 Attorney General's Office, I believe joined with  
22 Arkansas in filing a brief.

23 So, if you look at the way the briefing  
24 fell out, there were a number of friend of the court  
25 briefs in favor of Texas, all from within Texas; and

1 then there were a number of friend of the court briefs  
2 for Arkansas that came from all sorts of places,  
3 because that was essentially the one that was trying to  
4 defend to the maximum extent possible state sovereignty  
5 over water.

6 But I want to just alert you that the  
7 notion of state sovereignty over water is a diminishing  
8 concept. It's very difficult for us -- and this is  
9 what we see, if you will, in an Atlanta. If you don't  
10 know it, I'm sure that those of you who work on  
11 fisheries issues and the like, agriculture issues,  
12 Apalachicola is collapsing as a fishery. One of the  
13 reasons they believe that's happening is the amount of  
14 water being held out of the Apalachicola River by  
15 Georgia for the benefit of Atlanta.

16 They have been in litigation, they have  
17 been in negotiation for over 20 years. When push comes  
18 to shove, it's very, very difficult for a court to  
19 conclude that the interest of millions and millions of  
20 people will be subordinate to a town of a few thousand  
21 and a fishing economy. It's a rough place to be. You  
22 don't want to let it get that far. And that's one of  
23 the reasons that Louisiana I believe has to frame its  
24 positions, not only in terms of its own history,  
25 heritage and culture, but national and international

1 significance economically, ecologically and culturally.

2 CHAIRMAN ANGELLE: Thank you very much. A  
3 couple of questions.

4 What is the date, original date of the  
5 Red River Compact?

6 MR. DAVIS: It was negotiated in 1978 and  
7 approved by Congress in 1980. And for the most part  
8 it's worked pretty quietly.

9 Would you agree with that, Chris?

10 It's been largely out of the public eye.

11 MR. KNOTTS: For the vast majority of its  
12 existence, it's been very quiet and worked amicably.

13 CHAIRMAN ANGELLE: I'm assuming members who  
14 are on that are federally appointed?

15 MR. DAVIS: Well, each state has  
16 commissioners, and you'll find that compact commissions  
17 can include the federal government's commission members  
18 or not.

19 The Delaware River is a very powerful  
20 river compact, and the federal government has a vote.

21 For the most part the Red River is one  
22 that there's not really, at least that I can tell --  
23 maybe in practice, you can inform me Chris -- they  
24 don't vote on a lot of things. They don't resolve  
25 things by a vote of the compact members because

1 essentially that would require the governors of each of  
2 those states to make those votes.

3 CHAIRMAN ANGELLE: But the compact itself is  
4 an instrument of a federal law?

5 MR. DAVIS: Yes, it is now federal law, which  
6 is one of the reasons that you can kind of get away  
7 from all those issues of the commerce clause, because  
8 this is not state law conflicting with federal law.  
9 This is federal law that may have enshrined state law,  
10 it may give states powers or affirm powers as they  
11 existed at a point in time.

12 CHAIRMAN ANGELLE: And as you said, we often  
13 think of a compact as the law of the river. I thought  
14 that was good.

15 You indicated that perhaps about half of  
16 the surface water in the state is subject to compacts,  
17 and you spoke to the Sabine as well as the Red River.

18 MR. DAVIS: Uh-huh.

19 CHAIRMAN ANGELLE: Is there any other ones?

20 MR. DAVIS: No, not at this time.

21 And I think the interesting thing is  
22 whether or not the notion of groundwaters, tributaries  
23 may find its way in as a result of this other case on  
24 the Rio Grande Compact.

25 CHAIRMAN ANGELLE: So for members of the



1 staff, I think it would be appropriate for us to begin  
2 to look at trying to get briefed here at the Commission  
3 level about the vital statistics of both of those  
4 compacts.

5 If we could work with you, Mark? I know  
6 you've got a lot going on, but to the degree that we  
7 could have perhaps a couple pages --

8 MR. DAVIS: Sure.

9 CHAIRMAN ANGELLE: -- on that, that would be  
10 helpful.

11 MR. DAVIS: We would be happy to do that.

12 CHAIRMAN ANGELLE: Thank you.

13 And to the degree that the staff can get  
14 for members of the Commission both the Tulane brief and  
15 the State of Louisiana Attorney General brief and get  
16 that out to members of the Commission, I think that  
17 would be good. To the degree that you can post those  
18 on the internet --

19 MR. DAVIS: We probably can do that this  
20 afternoon.

21 CHAIRMAN ANGELLE: Great. I think that would  
22 be really, really helpful.

23 And from my standpoint it appears that  
24 the last two years of this Commission has really been  
25 more about, in my mind as I just kind of reflected on

1 your comments, more about enforcement, more about  
2 regulation of drillers and trying to just kind of, if  
3 you would, jump into the area that was the low hanging  
4 fruit that everybody could in a sense agree to. And it  
5 appears that, as I've taken my own notes here, that  
6 there needs to be more of a policy arm here in this  
7 situation.

8 So again, I think your presentation was  
9 excellent. We appreciate both of you being here with  
10 us from New Orleans, and safe travels back. We look  
11 forward to reaching back to you again.

12 MR. DAVIS: Thank you very much. It's a  
13 pleasure to be here.

14 CHAIRMAN ANGELLE: Thank you very much. We  
15 appreciate it.

16 MR. DALBOM: Thank you.

17 MR. PRATT: Mr. Chairman, comment, please.

18 CHAIRMAN ANGELLE: Yes, sir.

19 MR. PRATT: This rings true, of course, the  
20 activities that we've had on Toledo Bend over the past  
21 few years, the interest of water in Texas driven very  
22 much by these cases over the Red River.

23 What I think we should think about here  
24 on the Commission and for our task force is the fact  
25 that the day is coming that, if we do not have a

1 legitimate allocation and plans on how we're going to  
2 manage our resources in Louisiana, then the federal  
3 government will come in and tell us how to do that.

4           And I believe where we're missing the  
5 gap, Mr. Chairman, is the fact that you've got the  
6 state of Texas particularly that has been making water  
7 plans for over a hundred years. They have in their  
8 plan to come and get Toledo Bend water in 2060. And if  
9 we have no plan in Louisiana on how we are going to use  
10 those resources, then we are in a very weak position  
11 strategically on that.

12           And so particularly with the Red River  
13 and the Sabine, which are the multi-state compacts, the  
14 compacts are good. The one on the Sabine was approved  
15 by Congress in 1953 I believe, and it's worked thus far  
16 well. We did have some kinks during the drought of  
17 2011-2010. Particularly there's a guaranteed minimum  
18 flow. But that becomes even farther. When you start  
19 looking at the allocation of that water and the use of  
20 that water -- which Texas has not typically tapped into  
21 their allocation yet -- but when they do, and they will  
22 maximize that, and then they are going to look at  
23 what's remaining there, which is Louisiana's  
24 allocation.

25           But if Louisiana does not have a plan or

1 a use for that water, then we will be in a very weak  
2 position. And I think you can look beyond just the  
3 Sabine River, but also all of our other streams and  
4 tributaries all the way to the Mississippi River; and  
5 if we have no plan, if we have nothing on record, then  
6 we will be at their mercy. Thank you.

7 CHAIRMAN ANGELLE: Well said.

8 Okay. We'll go to Item Number 5, and  
9 it's a report by Mr. Joey Hebert, Chairman of the  
10 Capital Area Ground Water Conservation Commission.

11 Mr. Hebert, welcome, and thank you for  
12 being here.

13 MR. HEBERT: Thank you, Mr. Chairman.

14 I am Joey Hebert, current Chairman of  
15 the Capital Area Ground Water Commission. My term ends  
16 in December, so I'm off the hook then.

17 So normally you'll have Mr. Tony  
18 Duplechin here to give you the updates for continuity  
19 purposes. Of course Mr. Owen is on your Commission, so  
20 he's not here either. So I'm third fiddle. But upside  
21 of that is I don't know much, so it won't take too long  
22 to give you an update, so go easy on the questions.

23 Since your last meeting in December, we  
24 had a meeting in March where we adopted a management  
25 plan for the 1500-foot sand and the 2000-foot sand in

1 terms of the saltwater intrusion there.

2           The 1500-foot sand was a bit  
3 straightforward. The saltwater is controlled primarily  
4 by one pumping center, and the Baton Rouge Water  
5 Company is installing a scavenger well to intercept  
6 that saltwater movement and we believe that that will  
7 control saltwater in that sand. They are on track to  
8 install that well by the end of this year. It should  
9 go operational in 2014. We're very anxious to learn  
10 from that well as to how this saltwater scavenger  
11 technology will work.

12           That leads me to the 2000-foot sand  
13 where, as you know, we're all anxiously awaiting the  
14 USGS model publication and so, as you mentioned  
15 earlier, that a few times we very sternly asked them  
16 for a very hard and fast date as to when that would be  
17 issued, and they were very diligent about giving us a  
18 firm date of sometime this summer.

19           So we'll look forward to sometime this  
20 summer that the formal issuance of the model for these  
21 two sands; and of course as they go on, this is a  
22 ten-year study to look at all the sands in the Baton  
23 Rouge aquifer system.

24           We're not waiting for the model to be  
25 published before we take action. We pushed them very

1 hard to give us at least preliminary results that they  
2 were sure of so that we could take action. So in our  
3 March meeting, we took those actions I described based  
4 on preliminary information from the USGS models.

5 While we think that the solution there  
6 in the 1500-foot sand may be our solution, the action  
7 that we took for the 2000-foot sand, which was a  
8 reduction in the pumping cap that had been instituted  
9 several years before, we reduced that a bit more. We  
10 believe that's a first step. We believe there's a lot  
11 more action that will need to be taken in the 2000-foot  
12 sand, and hopefully during this calendar year we'll be  
13 able to know with some confidence what those actions  
14 might be and adopt those actions. So we're not waiting  
15 for the model to be issued formally as these sands are  
16 modeled to go ahead and take action.

17 So that was our major action for since  
18 your last meeting. Our path forward on that is pretty  
19 straightforward. The science is difficult. Some of  
20 the remedial technology is new. We're going to need  
21 some help, so we reached out with the Department of  
22 Natural Resources and signed an MOU that will afford us  
23 an opportunity to call on that staff to work with us,  
24 to help us identify appropriate remedial actions. We  
25 believe that will be a big help.

1           So by no means are we done. We've got a  
2 long ways to go just in the 2000-foot sand, and then we  
3 have to model the rest of the sands and determine what  
4 the appropriate pumping limits might be, and in some  
5 cases where we need to do active remediation, what that  
6 might look like.

7           So any questions, I'm glad to defer  
8 those to someone else.

9           CHAIRMAN ANGELLE: Well, we appreciate the  
10 fact that you're here, and certainly understand that  
11 you are serving in a voluntary capacity.

12           I have a few questions and I'll get them  
13 on the record, and perhaps you can bring these back to  
14 the folks, a couple of things.

15           First of all, in the December 2012  
16 meeting, it was my recollection that USGS testified  
17 publically that, although they were not finished their  
18 report, the report indicated to them, or the data that  
19 they had actually already been able to put together,  
20 that what was happening in the area that you have  
21 responsibility to manage was not sustainable. That was  
22 the testimony of the USGS.

23           And then in a letter dated January 14,  
24 2013 that was authored by Commissioner of Conservation  
25 to Mr. Duplechin, the Director, he specifically

1 requested two things. One of them was recognition of  
2 unsustainable pumping centers at the Lula Street  
3 pumping station and the industrial district requiring  
4 actions; and then two, the general discussion of  
5 management actions available.

6 As I appreciate it, you all have  
7 responded with a draft of some of the things that you  
8 indicated you were doing I think at the March meeting.  
9 The recognition of the unsustainable pumping centers at  
10 Lula Street pumping station and the industrial district  
11 requiring corrective action as again suggested by USGS,  
12 you've not taken any action on that to my knowledge; is  
13 that correct?

14 MR. HEBERT: Well, I believe there was a  
15 response letter from DNR after that.

16 The idea of sustainability means, if you  
17 keep doing what you're doing, are you going to have a  
18 result that you don't want? And so obviously in the  
19 1500-foot sands, if we don't make any changes, we're  
20 going to have a result we don't want; we'll have  
21 saltwater in a public supply wells and we needed to  
22 take action. And so once those actions are taken,  
23 that's where the question mark becomes.

24 CHAIRMAN ANGELLE: So the fact that you've  
25 taken those actions or the fact that you suggested



1 those actions, I should say, would it be your position  
2 that sustainability is in question, is going to be  
3 compromised without action?

4 MR. HEBERT: If I understand your statement  
5 correctly, what we believe is that, with the action  
6 that we adopted in March, which is the scavenger well  
7 for the 1500-foot sand near that Lula Street pumping  
8 station, we'll protect that public supply location. So  
9 those users who desire to have the water will be able  
10 to get the water, with of course the public supply  
11 being served first. So in that sense it would be  
12 sustainable. So sustainability depends on what is  
13 implemented.

14 CHAIRMAN ANGELLE: Well, I guess my question,  
15 how do you all define sustainability?

16 MR. HEBERT: Sustainability is a difficult  
17 term to define. I would define it that those users who  
18 desire to use the water have it available, with the  
19 primacy on public supply.

20 It's a broad definition; it's a  
21 difficult term to reconcile. It's more of a  
22 socioeconomic type of term, in my opinion, to define.  
23 Others may have different opinions; but in my  
24 experience, that seems to fit.

25 CHAIRMAN ANGELLE: Okay. One of the things

1 that I think I'm a bit concerned about is -- and  
2 perhaps maybe you can look at how we might resolve  
3 this -- I got your comments from the March 19th  
4 meeting as far as what you're doing in the 1500-foot  
5 sand.

6 If sustainability is the goal and yet  
7 you are having a hard time defining sustainability, I  
8 then kind of struggle with your recommendations, what  
9 are your recommendations trying to achieve? And I know  
10 that you have a pretty distinguished career in the  
11 private sector in knowing that, in order to get  
12 resources from the board of directors, the board of  
13 directors want to clearly understand what the goal is,  
14 what resources are needed to achieve the goal, and how  
15 are they going to have it.

16 And so as I've tried to lead the state  
17 through this discussion, the chief word in my mind has  
18 to be sustainability. It was the same issue that we  
19 had and continue to have in a great way in the Sparta;  
20 sustainability was questioned. We could not continue  
21 to do what we were doing in that area. And through a  
22 variety of management efforts, we were able to measure  
23 the deficit, if you would, the deficit of daily use  
24 versus the ability for that system to recharge itself.  
25 And as a result management then took steps to close

1 that gap. Okay?

2 MR. HEBERT: Yes.

3 CHAIRMAN ANGELLE: And again, I realize that  
4 you're here in a voluntary capacity, and as so all of  
5 us are as well in this particular role.

6 So my concern is, if sustainability is  
7 the goal, but it's kind of out there loose for you, and  
8 you've got some recommendations here, would it be your  
9 opinion that those recommendations that you are in the  
10 process of implementing are, in fact, designed to  
11 achieve sustainability?

12 MR. HEBERT: Yes, sir. And I think in the  
13 way that you described the solution, the example that  
14 you gave, yes, sir, I think that's compatible.

15 Obviously the danger we have with the  
16 1500-foot sand is saltwater entering the Lula Street  
17 pumping station. And so the action that we have taken  
18 for that sand, which is a scavenger well, will allow  
19 that well to continue to serve the public.

20 CHAIRMAN ANGELLE: Okay. I appreciate that.

21 So my question I think that I would have  
22 to Conservation staff and to others: Do you know what  
23 science you used to basically say the scavenger well  
24 is, in fact, the solution and will result in  
25 sustainability?

1           MR. HEBERT: We're primarily, the Capital  
2 Area Ground Water Commission is primarily using the  
3 USGS model.

4           The Baton Rouge Water Company also  
5 reached out to some private modelers to do similar  
6 models, and there was great agreement between the  
7 various models. So computer modeling is our primary  
8 science tool that's helping us.

9           CHAIRMAN ANGELLE: Okay. Have you made that  
10 available to the Office of Conservation?

11          MR. HEBERT: I believe so.

12          CHAIRMAN ANGELLE: All right. So my concern  
13 there again is, as we all have a responsibility -- we  
14 all either sought the responsibility or others have put  
15 us in the position to have some responsibility on  
16 this -- which I believe is, as I certainly believed two  
17 or three years ago, that the Sparta issue was, if we're  
18 now going to number them, it was 1-A, and this was 1-A  
19 as well in terms of where I kind of just see the  
20 correspondence and whatnot in term of challenges.

21                 So what I would ask for,  
22 Mr. Commissioner, what I would ask for, for us all to  
23 look at here on the state level, is whether or not  
24 those recommendations and those stated actions by the  
25 Capital Area Ground Water Conservation Commission, in

1 fact, number one, are synonymous with achieving the  
2 goal, that they are compatible with achieving the goal  
3 that in a sense we've asked the patient -- in your  
4 letter of January, we've asked the patient to do a  
5 self-assessment and they have come back and said, this  
6 is what we're going to do.

7                   While I believe that you put your best  
8 product forward, I think we have a duty and a  
9 responsibility to make certain that the science that  
10 you are proposing as a solution, that it's not  
11 disputable. None of us want to be here saying that  
12 Baton Rouge now has to use water from a different  
13 source because we didn't ask the right questions.

14                   And so I think it would be important,  
15 Mr. Commissioner, that you all look at the  
16 recommendations that they so indicated that they are  
17 doing both in the 1500-foot sand and the 2000-foot sand  
18 to determine that we agree that the self-assessment,  
19 the diagnosis and the plan to improve is again  
20 non-disputable. And to the degree that it is, I think  
21 we need to know about it; and then also, to ask them to  
22 put timelines on the various things.

23                   Because I'm reading this particular  
24 document. There are a number of things that you are  
25 doing. It would be important to me to be able to know

1 what the timeline is for that. And again, everybody  
2 wants the same goal. I know you want the same goal,  
3 and I hear that. You're doing a great job in your role  
4 and I appreciate that, as you appreciate the work of  
5 this Commission.

6 But I do believe that it's important  
7 that we hear from you today and that we verify -- we  
8 trust and we verify that the things that you are doing  
9 or plan to do are, in fact, what will solve the problem  
10 in this area.

11 MR. HEBERT: Yes, sir. That's wonderful.

12 And as we learn, keep the feet to the  
13 fire, because we have to. Some of the science is new.  
14 The scavenger wells are going to be a new thing. We're  
15 going to have to read and react to that. So definitely  
16 encouraging. You're welcome to help.

17 CHAIRMAN ANGELLE: Okay. All right. Very  
18 good.

19 Somebody said earlier today that USGS  
20 was here?

21 Yeah, I know you're sitting in the back  
22 trying to camouflage yourself; but you're more than  
23 welcome to come up to the microphone at this point if  
24 you could.

25 Thank you, John Lovelace. I appreciate

1 it.

2 MR. LOVELACE: Thank you, Chairman.

3 CHAIRMAN ANGELLE: Appreciate you, sir.  
4 Appreciate your being here.

5 I understand that things are going well  
6 on the monitoring, the implementation of our monitoring  
7 program, that you're working well on that with our  
8 staff here.

9 On this particular issue, the 1500-foot  
10 and the 2000-foot sand, again I think there was some  
11 concern that, if we keep doing what we're doing, we're  
12 going to keep getting what we got.

13 Now that might be from a rude, crude way  
14 to express wisdom, but it was from I guess, you know,  
15 an older guy, but I got it when he said it that way.  
16 And I see you shaking your head, so I appreciate you  
17 understanding.

18 MR. LOVELACE: That is accurate.

19 CHAIRMAN ANGELLE: Thank you.

20 I have a concern, my concern today is  
21 that there is an issue that was brought forth at the  
22 December meeting; I think again everybody has kind of  
23 placed all of their bets, if you would, on the USGS  
24 study. And I've got a tremendous amount of respect for  
25 the work that you do, and I realize that you're in a

1     bureaucracy that has rules and resources are limited,  
2     so forth. We want to urge again how important it is to  
3     complete this particular study.

4                     But my concern is that, while that is  
5     happening, in spite of the fact that it wasn't  
6     complete, you were confident enough to say in December  
7     that sustainability was a question that you had for  
8     this particular region and that there needed to be some  
9     perhaps more aggressive steps.

10                    And I want to commend the Commissioner  
11     in January for following up immediately to Groundwater  
12     Commission as a frontline of defense to Capital Area  
13     saying, What are you going to do? What are your  
14     management actions? And in a sense I think what he was  
15     saying is, if I don't get something from you, then I  
16     think what I was reading between the lines was that the  
17     Commissioner was going to have to basically do some  
18     things himself based on that comment that you made.  
19     And I appreciate your honesty and transparency there.

20                    What we need help with, I believe, is  
21     making certain that the recommendations -- again while  
22     you are still in the study portion of it -- the  
23     recommendations that are being made are going to  
24     hopefully be scrubbed and ought to be doubly scrubbed.  
25     This is not something that I think that we can take any



1 chances with -- that you would also help and provide  
2 any sense of help that you could on whether or not  
3 these recommendations are going to be enough within the  
4 timeframe as we continue to see the area grow and grow  
5 and grow and if the Lula station becomes challenged or  
6 compromised, the meeting is not going to be in Baton  
7 Rouge with a hundred people in the meeting. It's going  
8 to be more I would say one that's going to be much more  
9 challenging.

10 So while I appreciate the work that the  
11 Capital Area Ground Water Conservation Commission has  
12 done, my concern is that we just don't allow that to be  
13 all that is necessary, and that we scrub it and reach  
14 out to USGS in ways and put timetables on the steps  
15 that are necessary, so that we can manage to the degree  
16 that we have the authority to manage and to be able to  
17 answer those questions I think that the stakeholders  
18 around the area are asking us.

19 MR. LOVELACE: Okay. A couple of comments.

20 You mentioned the Lula station, and that  
21 is not part of what we're doing on the model right now.  
22 That is in the 1500-foot sand and our focus has been in  
23 the 2000-foot sand.

24 As Mr. Hebert stated, the Baton Rouge  
25 Water Company did contract with an LSU professor and

1 another organization to develop two separate models of  
2 the 1500-foot sand; and the Baton Rouge Water Company,  
3 with the blessing of the Commission, is moving forward  
4 on strategies to mitigate that issue in the 1500-foot  
5 sand to protect the Lula Street station there.

6 Our model has been focused on the  
7 2000-foot sand. The primary issue there is saltwater  
8 moving towards the industrial district. It's a longer  
9 term issue. The saltwater is not at the industrial  
10 district. It may not get there for several years,  
11 maybe a couple of decades from now, but it is very  
12 certainly moving towards that area. So there is time,  
13 there's time to work on a solution for that.

14 And since the December meeting, we have  
15 been working with Capital Area. Although the report  
16 hasn't been finalized, they came to us, wanted to look  
17 at some mitigation strategies. So we sort of pushed  
18 the report aside for a little while and concentrated on  
19 running some scenarios with the model, looking at  
20 scavenger wells, looking at changes in pumping in the  
21 industrial district, and we did several of these  
22 scenarios. We didn't exactly put the report to the  
23 side, but it was in review and there wasn't a whole lot  
24 of work on it.

25 During the course of doing this, one of

1 the last scenarios that we ran with the scavenger well,  
2 we discovered a little issue with the model. Some of  
3 the results didn't look quite right. And after looking  
4 pretty hard at it, we decided that one of the  
5 parameters in the model was not reasonable; and it  
6 basically caused us to recalibrate the model and go  
7 back and make some major changes in it, and we have  
8 done that.

9 It did change the results a good bit;  
10 not so much going towards the industrial district. But  
11 in some other areas of the Baton Rouge, mainly where  
12 there are public supply wells, the saltwater  
13 configuration movement is different now. We had  
14 actually -- some of the locations that we had been  
15 looking at for scavenger well turned out not to be good  
16 locations now.

17 So in any case, we've made these big  
18 revisions to the model. It looks, in my mind, a lot  
19 better, a lot more realistic. We have a much stronger  
20 model than we had before. We have revised the report,  
21 moving forward with it. I just got the revised copy  
22 yesterday. I have been looking at it here, trying to  
23 get it off to our regional reviewer this week.

24 CHAIRMAN ANGELLE: I'm sure you want to share  
25 a copy with all of us.

1 MR. LOVELACE: Not quite yet.

2 I am very anxious to share these results  
3 with everybody. We have been meeting with a small  
4 group of the Capital Area folks and talking with them,  
5 trying, showing them some of these results, so they  
6 could move forward with their strategies. And, you  
7 know --

8 CHAIRMAN ANGELLE: I guess my concern is  
9 this, my concern restated would be: While I understand  
10 that they are waiting, but I also understand that the  
11 doctor, being USGS, has said that the patient is not  
12 sustainable, but we're still waiting on test results to  
13 come in or a report to be put together by analogy here,  
14 that as the schedule slips, as so it does in the work  
15 that we all do, I don't think that any of us can have a  
16 situation where we are aware that sustainability is a  
17 problem and yet all of us say, Well, we have to wait on  
18 Moses to come down with the tablets to better tell us  
19 what we need to do here.

20 MR. LOVELACE: Well, I can say they are not  
21 so much waiting on us right now. In some ways they  
22 are.

23 CHAIRMAN ANGELLE: Well, that may be the  
24 case, but his previous testimony was pretty, pretty  
25 clear to me that they were, in fact, waiting for

1 additional information from you.

2 And I don't want to get into that other  
3 than to say that it's important to us that, to the bits  
4 and pieces that we do know, that we're able to present  
5 those and get action as a result, as opposed to -- I  
6 mean, I have a tremendous amount of confidence in you  
7 that the report that you have is in the red zone, ready  
8 to be delivered to the end zone. I hear you, I hear  
9 you.

10 And again, this is absolutely no  
11 reflection on you personally. You know how I feel  
12 about you personally.

13 I have zero confidence that the federal  
14 government will be able to deliver that report within  
15 the next twelve months, and it's just my own concern.  
16 If that is in fact the case, many of us again have put  
17 all of our money placed on that bet and I think the  
18 window is going to close on us.

19 You can't say anything or you can't fix  
20 that, but I need you all to be able to be given as much  
21 information as you can that's not debatable that can be  
22 released, so that Capital Area Ground Water  
23 Conservation District can take the actions that they  
24 need to take.

25 MR. LOVELACE: Okay. Understand.

1           The work is going to come out. I think  
2 the power, though, is going to be in some of these  
3 additional scenarios that we run, hypothetical  
4 scenarios, where we're looking at combinations, reduced  
5 pumping and scavenger wells. And a little bit of that  
6 is in the report, but they asked us last time we met to  
7 run some more scenarios, those particular scenarios.  
8 We said, We need to stop, we need to get this report  
9 finalized before we can do that.

10           But that's where it's -- and those  
11 things are pretty quick, you know, quick to do. You  
12 can get results, but we want to get this thing out  
13 first, so ...

14           CHAIRMAN ANGELLE: Let us be the generation  
15 of leaders that solved this problem that has been  
16 growing since the late 60s, and that we have the  
17 fortitude and the courage to basically take the steps  
18 that are necessary to ensure that the resource is  
19 sustainable.

20           We have a huge opportunity in this area  
21 from an economic development standpoint in my mind,  
22 just incredible opportunity to take advantage of things  
23 that are going along the Mississippi River corridor,  
24 and this is one of the things that we've just got to  
25 make sure we've got right.

1 Thank you very much.

2 Any other questions or comments?

3 Okay. Thank you all very much.

4 Appreciate it.

5 MR. LOVELACE: Mr. Chairman, you did have  
6 some questions about the network, the status of the  
7 network earlier. I can answer those.

8 CHAIRMAN ANGELLE: Sure. Please do.

9 MR. LOVELACE: The wells, we are currently at  
10 about 183 wells that we started monitoring water levels  
11 in quarterly, and we're installing recorders in another  
12 15 wells. Some of them we've already got the recorders  
13 in, but we have 15 wells selected that we're going to  
14 put recorders in that will be collecting hourly data,  
15 so we can get this nice continuous record throughout  
16 the year at those wells. So right now we're at 198,  
17 that's wells that we've added to the network and that  
18 we are currently going to.

19 And I wanted to make it clear that these  
20 are not new wells that we've gone out there and  
21 installed. These were all existing wells. Some were  
22 industrial wells, some were public supply, some were  
23 domestic, some were wells that we at USGS or DOTD own.

24 But anyway, that's where we are on that.

25 MR. MCKINNEY: I have a question on that,

1 please.

2 CHAIRMAN ANGELLE: Yes, sir.

3 MR. MCKINNEY: Does that include any of those  
4 Arkansas wells, those seven or eight wells?

5 MR. LOVELACE: Yes. Yes. We've rolled that  
6 into the network. Some of those wells, there was some  
7 redundancy there in what was going on with Arkansas  
8 monitoring and the monitoring that we had going with  
9 DNR and with DOTD, looked at all that and trying to  
10 make it more evenly distributed.

11 MR. MCKINNEY: I probably need to clear that  
12 up. They are not in Arkansas. These were some wells  
13 that Arkansas was monitoring in Louisiana.

14 MR. LOVELACE: In Louisiana, yes.

15 CHAIRMAN ANGELLE: Any other questions?

16 Thank you, John. Appreciate your being  
17 here.

18 Item number 6 is a Review of the Office  
19 of Conservation and Groundwater Education Efforts.

20 Are these efforts specifically in East  
21 Baton Rouge Parish and Caddo? Is that correct?

22 MR. REONAS: Yes, sir.

23 CHAIRMAN ANGELLE: Thank you much.

24 MR. REONAS: All right. I would like to take  
25 this opportunity -- again, Matthew Reonas with the



1 Office of Conservation.

2 I would like to take this opportunity,  
3 Mr. Chairman, to point out the recent release of the  
4 draft version of the Louisiana Environmental Literacy  
5 Plan by the Louisiana Environmental Education  
6 Commission, which I would recommend to all of you if  
7 you haven't had a chance to review it. It's a good  
8 starting point in talking about environmental education  
9 in the state.

10 To begin with, it's important to note  
11 here that the state is in the process of adopting a new  
12 set of science education guidelines for primary and  
13 secondary education, known as the NGSS or Next  
14 Generation Science Standards. Some of you-all may be  
15 familiar with those.

16 The emphasis in these from my  
17 conversations with the Department of Education will be  
18 on watersheds, the human impact on water resources,  
19 environmental decision-making and management, and real  
20 life analysis of problems, technologies and solutions.

21 I think there is a tremendous  
22 opportunity here to develop a curriculum, a surface and  
23 a groundwater curriculum statewide that meets these  
24 needs, but we need some basic knowledge first. What is  
25 being taught in the classroom already, from working

1 here in East Baton Rouge, it's a mixed back bag; not a  
2 lot in some cases; and in some cases individual  
3 teachers take a more active role in talking about water  
4 and water resources.

5 One curriculum is needed: How teachers  
6 can best receive or utilize what we end up developing  
7 and what the exact process will be for development.

8 My vision is for a comprehensive  
9 science-in-your-own-backyard curriculum that will  
10 include virtual classrooms and virtual field tours,  
11 learning environments on relevant issues here in  
12 Louisiana, and a training program to go along with it  
13 to reach out to teachers.

14 We've committed money to very successful  
15 coast and wetlands educational programs in the state,  
16 and I firmly believe that water resource education,  
17 surface and groundwater education in particular,  
18 deserves some attention as well.

19 I've had a chance over the past few  
20 months to talk with a number of my colleagues in our  
21 sister agencies, and I've tasked myself with organizing  
22 a meeting on this matter for later in the summer. I'll  
23 be in a position to report more definitively on the  
24 subject at our next Commission meeting.

25 Right now I would like to give you an

1 update on our efforts here in Baton Rouge, the  
2 Water-Wise in BR campaign. This project emerged out of  
3 Commissioner Welsh's order from last May, part of what  
4 mandated, quote, an aggressive education and outreach  
5 effort, end quote, on the Southern Hills aquifer  
6 system.

7 Our focus has been entirely on resource  
8 awareness, the nature of the system, the uses of  
9 groundwater here in Baton Rouge, and some of the  
10 challenges that we are managing, particularly saltwater  
11 encroachment. We are very fortunate to receive the  
12 support of the Baton Rouge Area Chamber and the Baton  
13 Rouge Area Foundation in our efforts.

14 We started with a Comprehensive  
15 parish-wide survey, public knowledge survey on  
16 groundwater issues that was conducted in early December  
17 of 2012. In fact, at the last meeting, the last  
18 December 5 meeting, I reported some of the preliminary  
19 findings. This is it. It's online at our Water-Wise  
20 site, which is going to be posted here shortly on the  
21 screen.

22 From there we moved -- basically what  
23 the survey showed was, as we somewhat expected, some  
24 major deficiencies in basic knowledge about the  
25 resource and challenges to the resource. So we've

1 decided to really focus on, take that information and  
2 focus the curriculum development in those areas, as  
3 well as the public-awareness side, on those specific  
4 issues.

5                   From there we moved along two parallel  
6 lines: Development of a specialized educational  
7 curriculum for middle school and high school science  
8 teachers here in East Baton Rouge Parish, along with a  
9 teach-the-teacher or train-the-teacher workshop and the  
10 development of a general public awareness campaign.

11                   We worked with a former science content  
12 trainer from East Baton Rouge public schools to develop  
13 a curriculum for earth and environmental science  
14 teachers -- all of this in online -- a curriculum that  
15 was rated as, quote, excellent by the state science  
16 consultant with the Department of Education.

17                   Here is our earth science lesson,  
18 complete with maps, graphs, statistics from USGS --  
19 very hands on, very topical, very locally focused,  
20 again science in your own backyard.

21                   Here is the environmental science lesson  
22 plans. Again these are online.

23                   We hosted a workshop in February,  
24 February 1st, at the Capitol Park Museum just across  
25 the way, featured a keynote lecture from Jason

1 Griffith, a hydrogeologist with the US Geological  
2 Survey here in Baton Rouge.

3 We had three different curriculum  
4 training sessions and field tours of the Baton Rouge  
5 Water Company pumping station and the Entergy co-gen  
6 plant on Gulf States Road. Eighteen public, private  
7 and parochial schools were represented in the audience,  
8 so we were very pleased with how that turned out. We  
9 are continuing to work with local school systems here  
10 to develop additional training opportunities moving  
11 forward.

12 On the public awareness effort, we made  
13 a push during Groundwater Awareness Week in March  
14 securing proclamations from Governor Jindal and Mayor  
15 Holden, and launching a series of billboards around the  
16 parish and developing other media, including a full  
17 back page spread in The Advocate.

18 Here we also, for classroom  
19 distribution, we developed a classroom poster featuring  
20 again relevant information on the Southern Hills  
21 aquifer system, challenges, particularly saltwater  
22 encroachment, usage numbers, statistics, the historical  
23 background of water usage in East Baton Rouge Parish,  
24 groundwater usage; and again that went to all the  
25 teachers that we've had the chance to work with so far.

1                   Okay. Thank you.

2                   In preparation for Groundwater Awareness  
3 Week, we also launched our Water-Wise in BR website,  
4 waterwise.dnr.la.gov, approximately 40 or so pages of  
5 information. It's an interactive website where we  
6 actually took the survey that we ran back in December,  
7 took those same questions and put those on the website  
8 to let viewers work their way through the system.  
9 Right? Answer each question, see where they stack up  
10 against the respondents who actually took the survey.

11                   Of course we also have just a straight  
12 information section as well where people can go through  
13 and answer specific questions that they have.

14                   And these are a few sample pages from  
15 the website, again very graphic and a lot of  
16 information, statistics on usage, management issues,  
17 the law as it relates to groundwater usage in the  
18 state.

19                   And at this point in time I would like  
20 to recognize in particular our IT staff here in DNR,  
21 Rizwan Ahmed and Pat Derozan and Damien Smart  
22 especially for their commitment to this project.

23                   I had a very rough vision in my mind.  
24 I'm no graphic designer or computer website designer,  
25 developer. I had a very rough vision for what I

1 wanted; but the staff here, our IT staff really brought  
2 this to fruition. So I would really like to  
3 acknowledge them and all their hard work in taking my  
4 very limited vision and turning it into a really viable  
5 and informative product.

6 We're also in the process of developing  
7 several traveling exhibits for distribution in parish  
8 libraries over the summer and into school libraries in  
9 the fall. We're in discussions for additional  
10 educational opportunities. And we also have a  
11 commitment from the Baton Rouge Water Company -- and  
12 this is all in the next few months -- for additional  
13 messaging on parish water bills, which again is a great  
14 opportunity to reach out to individual consumers of  
15 water.

16 Next slide, Brandon, please.

17 Caddo Parish and northwest Louisiana is  
18 another area where we are working to develop an  
19 educational effort similar to the one here in East  
20 Baton Rouge. Of course we have the Groundwater  
21 Emergency Order in place in south Caddo, so we have a  
22 particularly relevant interest in that particular neck  
23 of the woods.

24 Although it's facing different resource  
25 management issues than here in Baton Rouge, we believe

1 sort of a similar process focused on public awareness,  
2 especially in the Keithville-Ellerbe Road areas, those  
3 areas of interest, along with a parish and a  
4 region-wide education on ground and surface water  
5 resources and resource management, we really believe  
6 this can be equally as successful.

7 As noted earlier, the current and  
8 expected near-term water demands and available water  
9 resource supply in the south Caddo Parish areas of  
10 interest necessitate a continuation of the emergency  
11 order and the water usage restrictions presently in  
12 place. Our goal is going to be to expand and improve  
13 the education efforts for local citizens affected by  
14 those restrictions, while also providing additional  
15 educational opportunities to local school children on  
16 basically water science basics and water resource  
17 management generally in the region.

18 We want to enhance knowledge on the  
19 Carrizo-Wilcox aquifer and Upland Terrace aquifer  
20 systems or aquifers. We want to encourage adherence in  
21 those areas of interest, adherence to the water  
22 restrictions. We want to improve classroom access to  
23 these issues with tailored lesson plans, much as we  
24 have done here in East Baton Rouge.

25 Our proposal has been endorsed by the



1 Caddo Parish Commission. We've been in discussions  
2 with them the whole way through, along with the Greater  
3 Shreveport Chamber of Commerce, who -- and this is  
4 their quote -- quote, realize the importance of a  
5 reliable and sustainable supply of water for economic  
6 growth and job creation in our area, end quote.

7 We are currently in discussions with  
8 some of the major corporate interests in the area to  
9 develop the necessary funding, and we feel very  
10 positive that we will be able to launch this effort  
11 over the next summer months, next few months, a  
12 timeframe that we established for ourselves back  
13 earlier in the late winter, early spring.

14 Mr. Chairman, any questions that I can  
15 answer on those particular points?

16 CHAIRMAN ANGELLE: Thank you very much.

17 I just would add for the Commission  
18 members to know that, in our report that we put  
19 together last year that we delivered to the  
20 legislature, one of the component parts of the program  
21 in fact is education.

22 MR. REONAS: Yes, sir.

23 CHAIRMAN ANGELLE: And to my knowledge,  
24 through a team effort, this is the first time in the  
25 history of the state that we actually have a formalized

1 program. We're beginning to work with school-age  
2 children to bring to them the importance of water  
3 resources, conservation and do the right thing.

4 So I certainly appreciate it. I know  
5 we've got a long way to go. Seems like you're taking  
6 some right steps and I appreciate that you all took the  
7 time to brief us on that.

8 I want to commend the Commissioner for  
9 that as well.

10 Any comments?

11 Good. Thank you very much.

12 Item number 7 is, I know one of the  
13 other goals was to have some kind of management  
14 conference; and it appears that item 7, you have  
15 information on that.

16 MR. REONAS: Yes, sir, I do.

17 If it's all right to move on to that,  
18 I'll go ahead and go in that direction.

19 Again, as you note in the Commission's  
20 2012 interim report to the legislature, one of the  
21 recommendations called for the implementation of a  
22 stakeholders conference, quote, designed to seek best  
23 management practices for sustainability and protection  
24 of our water resources, end quote, and I would like to  
25 report positively on the development of this conference

1 for the fall of 2013.

2 Our goal -- and this may be ambitious --  
3 is to do no less than secure a framework, a process or  
4 outline for creating and implementing a statewide  
5 comprehensive water resource management plan for  
6 resource protection and sustainability. And we do not  
7 intend to have a final report or plan come out of the  
8 conference. Rather what we would like to have is a  
9 framework for the development of such a plan as our end  
10 result. And I would like to emphasize that again, that  
11 this is more planning for the future, developing a  
12 roadmap, a process forward for getting towards that  
13 statewide plan.

14 Our main interest initially is educating  
15 stakeholders. And it's a long list -- if you can go  
16 back into the early, into the interim report and look  
17 at it -- it's a long and inclusive list of people with  
18 interest in water resources in this state. Our main  
19 interest is in educating these stakeholders on the  
20 challenges of creating such a plan, challenges basic to  
21 any process like this: Securing funding, developing  
22 the research and scope, gathering input from interested  
23 parties.

24 We'd also like to present the DNR and  
25 Office of Conservation approach to this process,

1 something that we've been working on for quite a long  
2 time in terms of talking with all our interested  
3 stakeholders, talking with relevant folks, developing  
4 this process, and how we envision tackling the  
5 challenges and obstacles presented by the endeavor of  
6 creating such a plan.

7           From there we would like to have a very  
8 focused -- using that as the starting point, we would  
9 like to have a very focused set of working sessions on  
10 topical issues, sessions in which stakeholders  
11 themselves take on the major issues as we see them and  
12 as they see them, offer their input and guidance and  
13 help us understand their major concerns and the  
14 parameters for their involvement and ours. For us, the  
15 Office of Conservation, this will be an opportunity to  
16 hear the people involved in water issues on a daily  
17 basis in this state: Agriculture, industry,  
18 navigation, energy, coastal, conservation, all these  
19 issues.

20           Our end goal from this conference is to  
21 have a path forward that we can present to the Water  
22 Resources Commission upon closing the conference and  
23 incorporating comments and information from there on  
24 out that we can report at the following WRC meeting and  
25 then present that to the Commission as our

1 recommendations for moving ahead on a larger  
2 comprehensive statewide plan.

3 CHAIRMAN ANGELLE: So you've already  
4 developed a list of potential stakeholders that you  
5 want to be a part of this?

6 MR. REONAS: Yes, sir. We've talked about  
7 stakeholders. We've talked about sessions, panel  
8 sessions, working sessions.

9 It's still in the early stages, but we  
10 feel very confident about where we're going to be able  
11 to go and being able to present this a good deal  
12 beforehand for comment and discussion, and then have  
13 this focus conference at the tail end of that, that  
14 will again focus on the specific issue: How do we move  
15 forward on the statewide comprehensive plan?

16 CHAIRMAN ANGELLE: Very good.

17 Anybody have any comments on that?

18 MR. SPICER: I would like to make a comment.

19 I think prior to the meeting, way in  
20 advance, your stakeholders ought to have a detailed  
21 structure of the items that you want to include in the  
22 master plan for the state. I think that would be a  
23 guide for them to start focusing before they get to a  
24 couple-of-day meeting, so they could really get into  
25 the real issues of managing the state's water.

1 MR. REONAS: Right.

2 MR. SPICER: So if that could happen, I think  
3 that would really advance the conference.

4 MR. REONAS: Yes, sir. I think that's  
5 probably the most appropriate approach, because we're  
6 talking about a very complex and incredibly diverse set  
7 of interests at play here. And so I think when we do  
8 have this conference, we're going to provide a very  
9 focused type agenda, issues that we need to hear, we  
10 need to talk about, and we need input from all those  
11 stakeholders. And again, if they don't have advanced  
12 notice, I don't think we're going to get the results  
13 that we need.

14 MR. SPICER: Thank you.

15 CHAIRMAN ANGELLE: It might be a good idea to  
16 also call for -- I don't know what's the right one, if  
17 it's a brown paper or a white paper or a gray paper or  
18 whatever paper may be from a variety of stakeholders on  
19 their good ideas that we could again, you know, have as  
20 a part of this.

21 Okay. Any questions for Matt on that  
22 item?

23 Okay. Very good.

24 I do want to add an item on the agenda,  
25 to Consider a Resolution Requesting Resources to Fund

1 the Development of a Master Plan. And so if I could  
2 get a motion and second to just, by two-thirds vote, to  
3 amend the agenda by that.

4 MR. PRATT: I'll move that.

5 CHAIRMAN ANGELLE: Motion by Mr. Pratt,  
6 second by Mr. McKinney, motion to extend the agenda to  
7 include that item.

8 And so you all are aware that the state  
9 has --

10 Well, any objections to that motion?

11 Hearing none, that motion is adopted.

12 You all have or are aware that the state  
13 from time to time has invested resources in the  
14 development of master plans for the management of its  
15 natural resources; and so this is one, this is  
16 Louisiana Plan for Sustainable Coasts. This is one  
17 that was for the Atchafalaya Basin, and those were put  
18 together with the use of financial resources, getting  
19 good ideas, and then building towards a future.

20 And so what I would like to suggest,  
21 inasmuch as the state's coastal plan does specifically  
22 indicate that surface and groundwater management plan,  
23 I'll read from this particular document I have in front  
24 of me:

25 "Whereas the comprehensive master plan for a

1           sustainable coast concludes that because of  
2           the critical importance of fresh water for  
3           such purposes that a surface and groundwater  
4           management plan should be developed to ensure  
5           that the state secures a sustainable use of  
6           these valuable resources into the future."

7           Now that was in their particular need.  
8           I think there could be another group saying the same  
9           thing for agriculture, one for industrial, one for  
10          power generation, one for human consumption.

11          And so what I would just simply ask is  
12          that we would adopt a resolution asking the state and a  
13          variety of its agencies that may be working towards a  
14          solution with the litigation involving BP or fines that  
15          are being imposed by BP, that they would consider  
16          providing to us a revenue stream so that we might be  
17          able to now get serious about the development of this  
18          plan which is going to take some time.

19          We kind of have begun to nibble at the  
20          edges. We over the years have done a better than  
21          before job, if you would, of managing the resource. I  
22          think it's time that we move into that area. And so it  
23          would be important to me that staff would put together  
24          what kind of budget, what would be a time plan to take  
25          on such a task; and that we would submit it to those



1 folks who sometime in the future may be the recipient  
2 of the source of funds that would seem to be an  
3 appropriate use to do what we're doing here.

4 So it would be a resolution that again  
5 I'll draft and get to you, but authorizing us to submit  
6 a request to the powers that be -- and will include as  
7 many powers as possible -- to fund a master plan for  
8 surface water, groundwater. I want to make sure we're  
9 consistent with what Mr. Davis said.

10 Certainly entertain any questions. I  
11 think it's the right thing for us to do at this time.

12 MR. PRATT: I would make that motion,  
13 Mr. Chairman.

14 CHAIRMAN ANGELLE: Motion by Mr. Pratt.

15 MR. SPICER: I'll second.

16 CHAIRMAN ANGELLE: Second by Mr. Spicer.

17 Any objections?

18 Hearing none, that motion is adopted.

19 Go to Item Number 8, public comments,  
20 and we'll open it up to anybody.

21 MR. MCKINNEY: Mr. Chairman, before we go to  
22 that just a moment quickly, if I may.

23 CHAIRMAN ANGELLE: Yes, sir.

24 MR. MCKINNEY: You mentioned a moment about  
25 sustainability. You know we talked quite a bit about

1 that about that when we were having hearings on the  
2 plan. There was a very extensive report released in  
3 2001 dealing with Sparta, in which at that time they  
4 said that, for sustainability for the Sparta, we needed  
5 to be at 52 million gallons a day of withdrawal.

6 Well, the report was released here just  
7 a few months ago regarding the USGS and DOTD regarding  
8 their five-year report, and in there it stated that the  
9 Sparta parameter or the withdrawal at that particular  
10 time now is at 59 million gallons a day. So we're  
11 still 7 million gallons short of our daily withdrawal.

12 Regarding what I mentioned very early on  
13 in this meeting, Mr. Commissioner, regarding this  
14 particular issue up in Union Parish, those people have  
15 already withdrawn 17 million gallons of Sparta water  
16 out of that according to the news media.

17 The point that I wanted to make early  
18 on -- and I'll repeat it again, just like Mr. Matt made  
19 a moment ago here -- we have over the last three  
20 years-plus been dealing with fifth graders up there on  
21 our water fest. Some of you in the audience I think  
22 have participated in those water fests over a period of  
23 time.

24 For us to try to teach these kids and  
25 the kids in turn teach their parents -- as

1 Mr. Chairman, you said about the safety belts in the  
2 automobile I remember one time -- for us to allow  
3 industry -- and I'm not knocking industry by any means.

4 But when water is available, as it was  
5 in this case, on the surface to do what they did, and  
6 then go and extract this from the Sparta to frack these  
7 particular wells, it is a total slap in the face to  
8 these kids, to all of the other people who have  
9 dedicated all of the energies and everything that they  
10 have put forth over these past years to try to save the  
11 Sparta, including the people in El Dorado and including  
12 this Commission.

13 So I appreciate you, Mr. Commissioner,  
14 for holding them to the fire -- but keeping in mind  
15 that the deal has already been done -- but please, I  
16 comment again to you, thank you and your commissioners  
17 and all your people you work with for getting onto them  
18 and trying not to allow this to happen again. If in  
19 fact surface water is readily available right at their  
20 fingertip, there is absolutely no reason to tap into  
21 the Sparta when people have given all this energy and  
22 effort to try to save it.

23 And I thank you.

24 COMMISSIONER WELSH: Mr. McKinney, in  
25 response again, we're anticipating receipt of a letter

1 today answering the two pages of questions regarding  
2 what happened with the Lake D'Arbonne situation. So  
3 I'll be happy to share all that with you, and we're  
4 investigating it as I speak.

5 MR. MCKINNEY: Appreciate it. Thank you.

6 COMMISSIONER WELSH: Mr. Chairman, before we  
7 go to public comments, I have one item I would like to  
8 briefly mention.

9 CHAIRMAN ANGELLE: Yes, sir.

10 COMMISSIONER WELSH: This is a house  
11 concurrent resolution that we just received from the  
12 legislature, House Concurrent Resolution 150. It's by  
13 Representative Pylant and Representative Garafalo and  
14 Senator Thompson.

15 It deals with -- it's urging the Office  
16 of Conservation, in consultation with this Commission,  
17 to study, report and make recommendations on the  
18 availability of qualified water well drillers, water  
19 well driller licensing requirements, and their impact  
20 on the rates charged for the drilling of water wells,  
21 and to submit a report and recommendations to both the  
22 House and the Senate Natural Resources Committee by  
23 February 15 of 2014.

24 So like I say, this is a new item. I  
25 want to assure you that we intend to do that and give a

1 timely report. And we will likely -- we don't have a  
2 specific plan, game plan at this time, but we probably  
3 will be using the ad hoc advisory committee, as well as  
4 the Louisiana Water Well Drillers Association for  
5 information, in addition to the DNR database and the  
6 former DOTD database to get all this information.

7 CHAIRMAN ANGELLE: Is there some concern that  
8 there are simply not enough drillers?

9 COMMISSIONER WELSH: There was a concern over  
10 the number of drillers. There was a concern over  
11 whether or not the testing: What constitutes a  
12 qualified driller. There were a number of things that  
13 ultimately may influence the cost of drilling water  
14 wells.

15 So the HCR 150, every member up here at  
16 the table, at the front table has a copy of this. It's  
17 online, and I urge you to look at it, and we're going  
18 to do our best to get that report.

19 Thank you.

20 CHAIRMAN ANGELLE: Thank you.

21 Okay. So we'll open up a period of  
22 public comment. If anybody wishes to make a public  
23 comment, come forward. Come forward please and  
24 identify yourself for the record.

25 Mr. Jenkins, it's good to see you, sir.

1 And I want to thank you for your service to the State  
2 of Louisiana as a former Secretary of the Department of  
3 Wildlife and Fisheries.

4 MR. JENKINS: Can you turn that light off?

5 CHAIRMAN ANGELLE: We've got you in a  
6 spotlight?

7 Can you get some help here? Just turn  
8 it the other way.

9 Thank you, sir.

10 MR. JENKINS: Thank you, Mr. Chairman.

11 My name is Jimmy Jenkins. I'm a retired  
12 businessman and I have been in Baton Rouge since dirt.  
13 And I would like to just make a simple man's overview  
14 of what's going on with the water system, the drinking  
15 water some here.

16 My friend Mr. Town and I, who is almost  
17 as old as me, about three years ago got to looking at  
18 the groundwater/drinking water situation and the  
19 aquifer in Baton Rouge; and it's obvious that these  
20 commissions, you included, have been knowing about this  
21 situation for at least fifty years. We've gotten all  
22 the old reports, all the old graphs, all of the twenty  
23 studies that have been made time and time and time  
24 again which says saltwater is encroaching, saltwater is  
25 encroaching. And now it's almost up to the major wells

1 in Baton Rouge, and what have we done? Nothing. Had  
2 reports, education, da-da, da-da, da-da.

3 I'm here to say this is how simple it  
4 is: There's 160 million gallons a day being taken out  
5 of Baton Rouge. 80 million goes to drinking,  
6 80 million goes to industry. The water table in Baton  
7 Rouge in that period of time has decreased 250, going  
8 towards 300 feet. There are no more Artesian wells.  
9 The wells along the south end of the town here have  
10 gone to salt and more are going every day.

11 Now the simple answer to this question  
12 is: Somebody has got to quit using water so that it  
13 can be replenished, the aquifer can replenish itself.

14 So the question in my mind: Is it going  
15 to be 400,000 people here drinking river water, or is  
16 it going to be industry pumping water out of the river?

17 I mean, everybody south of here pumps  
18 water out the river. It can be done. I know it costs  
19 a nickel a gallon or something more to do it.

20 The Baton Rouge Water Company tells us,  
21 if we have to go to river water, it's going to triple  
22 the cost of drinking water in Baton Rouge. We don't  
23 need to do that. We shouldn't have to do that. Let  
24 Exxon raise gas a penny a gallon and solve the problem,  
25 and the paper mills, and whoever is using all the

1 water.

2 And as far as the education is  
3 concerned, I think one item for your education program  
4 would be to let the 400,000 people in Baton Rouge know  
5 that, if we don't do something soon, we're going to be  
6 drinking river water.

7 And I would like to thank Mr. Angelle  
8 for running a nice meeting, and I think he's adding new  
9 blood to this situation, and hopefully we're off to a  
10 good start to get something done in my lifetime.

11 Me and Mr. Town have been here all our  
12 lives. Our children are here, our grandchildren are  
13 here, and even our great grandchildren are here. We  
14 have a vital interest of seeing that those people don't  
15 have to drink river water.

16 And I thank you for your time.

17 CHAIRMAN ANGELLE: Thank you, sir.  
18 Appreciate your comments.

19 Questions?

20 Thank you very much.

21 MR. JENKINS: Thank you.

22 MR. TOWN: Thank you, Mr. Chairman.

23 My name is Hayes Town of Baton Rouge,  
24 Louisiana. I am with the Baton Rouge Citizens to Save  
25 Our Water.



1 I'm going to be a little more specific,  
2 although brief.

3 We were really pleased when the  
4 Commissioner on January 13 wrote a letter to Capital  
5 Area Ground Water Commission asking them to recognize  
6 the unsustainability of pumping stations at the  
7 industrial area and Lula, also asking them to propose  
8 management solutions.

9 I went to their technical meeting after  
10 that and I went to their board meeting after that.  
11 They refused to recognize the unsustainable situation  
12 that the Commissioner asked them about. And I forced  
13 the issue and they still said they didn't know what  
14 sustainability meant. As you recognized from the  
15 testimony, it was a problem for them.

16 I'm here about the future for the  
17 children. The gentleman spoke about your law problems,  
18 spoke about the future. The problem isn't the future  
19 but today. And our water problem is in the future, but  
20 we need to do something about it now.

21 The recommendations that they made,  
22 putting in the saltwater interceptor wells, the people  
23 that did those studies, two people, said that those  
24 wells at best would be good for fifty years, at best,  
25 and they are not sure about that.

1                   Fifty years is not very long for the  
2 children to be here in Baton Rouge.

3                   And then on the other hand, they  
4 suggested that Exxon reduce their pumpage by  
5 2 million gallons a day by 2014. That's less than  
6 10 percent of the total pumping in the 2000-foot sand,  
7 so that's not going to stop this wave of saltwater  
8 coming towards the industrial area. And even then they  
9 are going to go down and get that same water from the  
10 1200-foot sands. And then what you'll see is the  
11 1200-foot sand 20 or 30 years from now will be  
12 challenged.

13                   So we can't just do nothing or just keep  
14 doing what we're doing. We have to get industry to use  
15 some of their water from the river.

16                   The people were talking about the well  
17 drillers using river water and stream water and lake  
18 water so that the towns in north Louisiana could have  
19 their water. Well, it's the same way in Baton Rouge:  
20 We need industry to use river water and save this fresh  
21 drinking water. It's called for in the Constitution  
22 for the people of this state.

23                   Thank you very much. If I could answer  
24 any questions I would be glad to.

25                   CHAIRMAN ANGELLE: Thank you, sir.

1 Appreciate you being here. Appreciate your comments.

2 Anyone else?

3 Anyone else wishing to make public  
4 comments?

5 Any comments from members of the  
6 Commission?

7 MR. PRATT: Mr. Chairman, just announce that  
8 the Sabine River Compact Administration will be meeting  
9 tomorrow at 2:00 and then again at 8:30 on Friday  
10 morning in Bossier City at the boardwalk at the  
11 Courtyard Marriott. Staff will be there, but if  
12 there's anybody from north Louisiana here that may be  
13 interested in tuning into the compact issues, then that  
14 one will be meeting this week.

15 CHAIRMAN ANGELLE: Thank you, sir.

16 Any other announcements?

17 MR. MCKINNEY: I make one comment I neglected  
18 to mention a moment ago.

19 The Sparta Commission held its second  
20 annual clay shootout last Saturday and was very  
21 successful to raise money for the purpose of education  
22 and conservation.

23 I didn't say that we don't get any other  
24 funds from the state. I remind you again.

25 CHAIRMAN ANGELLE: You chose to leave that

1 out because your memory is failing or you just happened  
2 to be nice today?

3 MR. MCKINNEY: Old age.

4 CHAIRMAN ANGELLE: Okay. I see no other  
5 signs for comments.

6 We entertain a motion to adjourn?

7 Motion by Mr. Spicer, seconded by  
8 Mr. Sawyer.

9 Any objections? Any discussions?

10 Hearing none, the meeting is adjourned.

11 Thank you very much for your public  
12 service.

13 (Whereupon at 1:36 PM the meeting  
14 adjourned.)

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STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

REPORTER'S CERTIFICATE

I, ESTELLA O. CHAMPION, Certified Court Reporter and Registered Professional Reporter in and for the State of Louisiana, Certificate Number 76003 (in good standing), as the officer before whom this proceeding was taken, do hereby certify that on June 5, 2013, the foregoing 124 pages were reported by me in the Stenotype reporting method, that said transcript was later prepared and transcribed by me or under my personal direction and supervision and is a true and correct transcript to the best of my ability and understanding; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

Baton Rouge, Louisiana, this 14th day of June, 2011.

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ESTELLA O. CHAMPION, CCR, CRR