

Minutes of the Sparta Groundwater Conservation District Commission meeting on April 15, 2010

The Sparta Groundwater Conservation District Commission met on April 15, 2010 at 3:00 PM in the Union Parish Jury Office, 303 E. Water Street, Farmerville LA 71001.

Commission Members Present: John Van Bennett, Ben Lowery, Mack Calhoun, Willie Doherty, Todd Culpepper, Edward Dayton, George W. Rolfe, Jr., Olevia McDonald, Ted W. McKinney, Billy Don Perritt, Jackie Perritt, Rick Hohlt, Alice Stewart, Dan Morgan. Also Present: Ben McGee and Gary Hanson [ex-officio members]; Gene Coleman [Commission's representative on the Groundwater Resources Commission (GWRC)]; Dr. Bill Branch and Lindsay Gouedy [contractors].

Commission Members Absent: Phillip Lane, Chris Smith, Mayor Leslie Thompson, Rep. Samuel Little, Steve Lemmons.

Invocation, Pledge of Allegiance, Agenda Approval, and Welcome

The meeting was officially called to order by Chairman Todd Culpepper. After the invocation and pledge of allegiance, Culpepper entertained a motion to approve the agenda with one change, that Public Comments follow 'Welcome'. Calhoun so moved; Hohlt seconded; all approved.

Public Comments

Culpepper invited Public Comments:

1. Coleman stated that he would deliver to the GWRC reports that the Commission wished him to deliver.
2. Hanson stated that water use for oil and gas operations in the Sparta region is likely to be far less than that centered in the Haynesville shale (e.g. a Cullen well might require 0.5 million gallons versus a well in the shale 4.5 million gallons); he was concerned about the tone of recent discussions and publications in the Sparta region. He suggested the Haynesville shale area model of industry working with the public to arrive at voluntary solutions. He pointed out that natural gas production will increase parish revenue, which led to discussion of severance tax, the amount returned to parishes, and the fact that no severance tax is due the first two years after natural gas production from frac wells.
3. Stewart suggested that more information about the natural gas industry's ongoing and projected Sparta water use would be helpful.
4. Hohlt pointed out that North central Louisiana asks that groundwater be used only after surface water alternatives have been explored and considered economically unfeasible – that water use is a serious topic nation-wide, and the Sparta region's concern is made more acute by decades of water level decline.
5. Hohlt reported that Lincoln Parish requested an Attorney General opinion, and the opinion issued was that tankers may not be filled from flowing streams without state permission.
6. Coleman noted that it is encouraging that the state is placing a value on water resources.

Minutes

Culpepper called for approval of the January 21, 2010 meeting minutes as distributed to members prior to the meeting. Hohlt so moved; McKinney seconded; all approved.

Treasurer Report (*Attachment 1*)

Billy Perritt distributed a Summary Balance sheet and a Profit and Loss sheet, covering Jan. 1 through April 15, 2010. Morgan moved to approve the report, Van Bennett seconded; all approved.

Committee Reports

Administrative Committee Chairman McDonald reported.

The Committee met, finalized contracts for Gouedy and Dr. Branch, and determined that Gouedy will report to chairman of the administrative committee. Gouedy is to report, on a regular schedule, her accomplishments, plans, and projected expenditures. The chairman will approve expenditure requests then pass the requests to the treasurer for funding. Billy Perritt moved to accept the report; Jackie Perritt seconded; all approved.

Long term Planning Committee (LTP) Chairman Stewart reported.

LTP met on April 12 and approved reporting or recommending to the Commission the following items:

1. 'Sparta Aquifer in Louisiana and Its Management', emailed earlier to commissioners and distributed at this meeting in print. Upon the commission's approval of the LTP report, the paper will be used by the marketing committee as a source of information for the website, with the understanding that the document is a work in progress (comments are encouraged) and the official publication is subject to final approval by the Commission.
2. A report of the annual USGS Sparta Groundwater Level Measurement at Junction City on April 12. The purpose of the annual event is to mark Sparta Recovery in the area and to celebrate bi-state collaboration and Federal/State funding. Arkansas and Louisiana Sparta region representatives attended. The event was arranged by the UCWCB.
3. A resolution by Lincoln Parish Police Jury (and separately by Claiborne Parish Police Jury) asking DNR to act to protect parish waters in light of new oil and gas operations. The resolution was made available to commissioners should they want to take it to their nominating bodies for consideration. (*Attachment 2*)

4. A summary of the Public Trust Doctrine in Louisiana Law, as it pertains to water resources, including aquifers. The doctrine was discussed at the recent Water Law Summit at Tulane that Stewart and Gouedy attended. (*Attachment 3*)
5. Summarized reports and opinions on water management that state offices have issued in the past three months. (*Attachment 4*) The reports better define Louisiana water law as it develops: a) three Attorney General opinions, two in the Sparta region, b) a joint Dept. of Natural Resources (DNR)/Attorney General memorandum to surface water managers, c) HCR1, to be introduced in the 2010 legislative session, that asks the GWRC for a State Water Plan by the end of February next year, d) a survey of GWR Commissioners as an early step in drafting that State Water Plan, and e) a reservoir prioritization project by the Dept. of Transportation and Development.
6. A resolution requesting provision for effective regional and local input in the State Water Plan and objecting to statements in the GWR Commissioner survey (5.d above) 1) that ‘most members’ want more GWRC authority including permitting ‘rather than’ local authority – GWRC Sparta representative Coleman said that he was not specifically asked; and 2) that decision-making should be by listed parties – ‘Arkansas Sparta group’ was one, Louisiana’s Sparta Commission was not listed. (*Attachment 5*)

Morgan moved to approve the LTP report, including the resolution; Hohlt seconded; all approved.

Marketing Committee Chairman Hohlt reported.

Prior to the meeting, commissioners received an email notice to view the website in its draft state. The website is a work in progress, and comments are encouraged. It will be used to generate revenue for Sparta Commission work and to disseminate information about the Sparta. It is hoped that the website will have been completed sufficiently to be reviewed online at the next Commission meeting. There are plans to market the website address through the Sparta media network – radio stations and essentially all newspapers in northwest and north central Louisiana.

Staff Report

Dr. Bill Branch distributed a written report (*Attachment 6*) and discussed several items:

1. Landowners are calling about well permit application violation letters they are receiving from DNR. This is a period of transition in Louisiana water law and regulation.* In the past three months, to catch up with non-reporting, DNR has been issuing thousands of letters notifying landowners of violation of pre-drilling reporting. Landowners were probably not aware that they had to file with DNR a notice of intent to drill wells that had been registered with DOTD by the contractor. A violation letter may be a landowner’s first exposure to DNR and the new law.
2. The multi-stakeholder Groundwater Resources Advisory Task Force met with a quorum and elected officers. The Task Force advised the groundbreaking water law of 2001-2003. It should be an important player in the development of the State Water Plan (HCR1 requests the GWRC to present this plan by the end of Feb. next year).
3. Several grant possibilities were mentioned.
4. LRWA is to issue to DNR Sec. Angelle a detailed report on the status of public water systems in North Central and Northwest Louisiana related to the Haynesville Shale. Commissioners are encouraged to work with personnel of water systems (especially small ones) to help assure that information is conveyed.
5. To install a structure to withdraw water from a U. S. Army Corps of Engineers “Section 10 water”, a company must obtain a permit from the Corps. Sparta Region “Section 10 waters” include several bayous (D’Arbonne, Dorcheat, Loggy, and others), lakes (Bisteneau and Caddo), and rivers (Ouachita, Red, Black, and others).
6. Union County Water Conservation Board reported at the April 15 Mississippi River Commission hearing. Dr. Branch will report Sparta news and concerns at the April 16 hearing in Baton Rouge.
7. Commissioners and school board members are encouraged to attend and observe any part or all of the 9th annual Claiborne Parish Water Fest at Lake Claiborne State Park May 6 and 7. It is a goal to spread the water education program to other parishes.
8. Union Parish Water Conservation Board has funding for its Sparta Recovery project and is considering establishing a model well in Ruston, which can be used to educate.
9. Several meetings were mentioned, including a meeting of the Ground Water Management District Association (June 6-8 in Little Rock), at which commissioners might learn from district water management in other states.

Stewart moved to accept the report; McKinney seconded; all approved.

* *Transition Period:* 1) there’s been a long-standing DOTD requirement of post-drilling registration by the contractor and DOTD inspection of new wells for compliance with construction regulations; 2) 2001 & 2003 law requires that a landowner report to DNR 60 days before drilling [Domestic (household) wells, replacement wells, drilling wells, drought relief wells, and ‘for just cause’ (Commissioner exempted) wells require notification by the landowner 60 days after drilling]; 3) 2008 law placed enforcement authority with DNR (RS 38:3098.7—fine up to \$1000/third offense for drilling without notification and other violations); 4) 2009 law transferred responsibilities related to water well construction and drilling from DOTD to DNR.

Lindsay Gouedy reported her outreach since Jan. and some planned activities.

1. Gouedy helped conduct Groundwater Awareness Week (March 7-13) activities statewide. Received ~ \$5000 donations to help fund activities, including \$2000 from DNR, \$800 in-kind (including ‘Project Wet’-based coloring books) from the Ruston Leader, and \$500 from Rep. Alexander. Gouedy will send appreciation letters.

2. Ouachita Parish has requested coloring books for its Earth Day celebration.
 3. Representatives of area industry and of the Office of Conservation met Mar. 25 to discuss ways to conserve water to reduce the possibility of regulation; the industry representatives will be meeting regularly.
 4. Gouedy presented several options for a Sparta Education transportable Table Top Display. McDonald moved, Rolfe seconded, and all approved that the Marketing Committee may spend up to \$4000 to purchase a Table Top Display that includes a monitor.
 5. Billboard space in West Monroe at Cypress and 7th streets was donated. Gouedy and the Marketing Committee worked with the company to arrange for a Sparta conservation advertisement to be placed on the billboard. The donation is valued at \$1500/month.
 6. The Commission may need to spend more money on the website – estimates to come.
 7. Gouedy has met with some Sparta region school board superintendents, and she will be meeting with others. She is planning now for Groundwater Awareness Week next year, with school involvement. Union, Lincoln, Morehouse, Webster have requested water festivals in May of next year.
 8. Gouedy will be moving her communications from school boards to police juries to let others know what the Sparta Commission is doing.
 9. Gouedy has attended GWRC meetings, and she attended a Water Law Summit at Tulane University.
 10. Gouedy is to help with Ag in the Classroom programs statewide. This year's theme is horses and water.
- McDonald moved to accept the report; Van Bennett seconded; all approved.

Announcements:

1. Culpepper: IRS sent a letter stating that the Sparta Foundation's application for 501(c) 3 status is being reviewed, and determination may be made within 30 days.
2. A Cooperative Endeavor Agreement with Bossier Parish, initiated by Wanda Bennett, has been signed. Calhoun has asked the Ouachita Parish Police Jury to consider regularly funding the Sparta Commission, as it funded the Commission this year and in past years.
3. Doherty: The cost of Winn Parish drinking water is increasing alarmingly. This should renew everyone's determination to decrease Sparta water withdrawal everywhere in the Sparta region, considering that withdrawal in one location affects water supply and quality in another. Winn Parish drinking water is now requiring costly treatment (including carbon filter) in order to meet LDEQ, LDHH, and EPA regulations. Doherty is operator and board president of a 225 meter water system. The system has received bids from \$700,000 to \$900,000 for a treatment plant. Plant construction will raise the cost of water to about \$35 per month (for about 3000 gallons of water). Rising costs could someday become prohibitive. This warning should not be ignored.
4. Billy Perritt: Ruston, Lincoln, and Ouachita Parishes and the City of West Monroe have contributed to the Sparta Commission this year. The nominating bodies need to contribute as usual to sustain the Commission's work.
5. Hohlt: the Marketing Committee will contact the Commission's nominating bodies, encouraging contributions established by precedent. Lincoln Parish passed a Wellhead Ordinance. DEQ will supply signs.
6. McDonald: DEQ's volunteer educator program teaches, for example, influences that can impact groundwater. Volunteers talk to businesses and others, delivering a packet of information-- another opportunity to get word out.

The next meeting of the Sparta Commission will be in Jackson Parish* on July 15 at 3:00 p.m., with the usual pre-meeting informal gathering beginning at 2:00.

There being no further business, Morgan moved to adjourn; McKinney seconded; all approved.

William 'Todd' Culpepper, Chairman

Alice Stewart

Alice Stewart, Secretary

***Jackson Parish Community Center, 182 Industrial Drive (right off of U.S. 167, as you head south from downtown Jonesboro)**

(Resolution on the next page)

**Resolution Renewing a Request to the Ground Water Resources Commission (GWRC)
That the State Water Master Plan Provide for Effective Regional and, Particularly, Local Input
and Objecting to Sections of the GWRC Commissioner Survey Report**

WHEREAS, more than 230,000 citizens of north central Louisiana depend on the Sparta Aquifer for their drinking water, and water resources are vital also to the region's economic well-being; and

WHEREAS, Louisiana RS 38:§3087.131 recognizes that 'the continued uncontrolled use of groundwater from Sparta and other aquifers may create critical problems' and thus places with the Sparta Commission the responsibility 'to study these matters and how to provide for the efficient administration, conservation, and orderly development of groundwater resources' in sixteen parishes; and

WHEREAS, in consideration of this statutory responsibility, the commission has conducted studies, visited successful groundwater management programs and participated in numerous lectures on the same, and, in response, has taken the following actions to help assure good management with adequate regional representation:

- in 2002, submitted an application to have certain Sparta areas declared 'critical groundwater areas' ('areas of groundwater concern' by Act 225 of the 2005 Louisiana legislature); and
- in 2002, with the application, recommended the following management controls: 1) cooperative arrangements among the Sparta Commission and state entities, including the Louisiana Ground Water Management Commission, and 2) that the Sparta Commission be granted certain authorities;
- in 2007 adopted, and from then forward has worked to achieve, the objective to 'work diligently toward legislation that will enable the Sparta Commission to participate in discussions that affect (the region's) groundwater, the Capital Area Groundwater Conservation District being the most obvious model but ideas gained from other programs including the Union County (Arkansas) Water Conservation Board'; and

WHEREAS, Fenstermaker *et al* recommended a state-regional water management structure, pointing out many advantages of a regional role ('Assistance in Developing the Statewide Water Management Plan,' 2002, pages 24-27); and

WHEREAS, the Sparta Commission considers some results of a survey of GWRC commissioners, as reported at the April 7, 2010 GWRC meeting, inconsistent with a fair and effective state water policy that provides for adequate representation of regional and local interests, and the commission objects to the survey method, specifically:

- the statement that 'Most (Ground Water Resource) Commissioners believe that the Ground Water Resources Commission should retain and expand its authority for licensing, permitting, and monitoring ground water drilling and consumption rather than allowing regional or local permitting', this objection accentuated by a report from the Sparta Commission's GWRC representative that he had not been surveyed on this matter; and
- the omission of the Sparta Commission from the list of 'Groups and individuals to be included in developing the Master Plan,' this objection accentuated by the fact that the Sparta Commission's counterpart, 'the Arkansas Sparta Group', was included on the list;

NOW THEREFORE BE IT RESOLVED, that the Sparta Commission shall submit to members of the Ground Water Resources Commission the following:

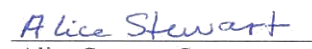
- its objection to the 'survey' presented at the April 7 meeting, particularly the items stated above;
- its recommendation for a fair and effective state water policy, with provision for adequate regional and local representation in water management decisions, a repeat of the Commission's past recommendations; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the members of the Louisiana Ground Water Resources Commission, including the secretary of the Department of Natural Resources, Scott Angelle, and the Commissioner of Conservation, James Welsh; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Police Juries of parishes in the Sparta region with the suggestion that the jurors consider adopting resolutions in support of the State Water Master Plan provisions to include effective local participation in decision-making in matters regarding water resources.

This Resolution, on motion of Dan Morgan and seconded by Rick Hohlt, was adopted on the 15th day of April, 2010, in a duly noticed meeting of the Sparta Groundwater Resources District Commission, at which meeting a quorum was present, by a vote of 14 Yeas, 0 Nays, 5 Absent, and 0 Abstained. Whereupon, the Resolution was declared duly adopted.


William 'Todd' Culpepper, Chairman


Alice Stewart, Secretary