

MINUTES OF THE REGULAR MEETING  
of the  
REGIONAL WATER PLANNING GROUP "I"  
**Wednesday, February 17, 2010 – 10:00 a.m.**  
Nacogdoches Recreation Center  
1112 North Street, Nacogdoches, Texas

1. Call to Order – Chair Kelley Holcomb called the regular meeting to order at 10:10 a.m.
2. Invocation & Pledge of Allegiance – David Alders gave the invocation. Kelley Holcomb led the group in the Pledge of Allegiance.
3. Roll Call and Determination of Quorum – The roll was called by Lila Fuller and a quorum was determined as follows:

**Voting Members Present (17 of 22)**

Kelley Holcomb  
David Alders  
David Brock  
George P. Campbell  
Jerry Clark  
Josh David  
Chris Davis  
Scott Hall  
Mike Harbordt  
William Heugel  
Bill Kimbrough  
Glenda Kindle  
Duke Lyons  
Monty Shank  
Darla Smith  
Worth Whitehead  
J. Leon Young

**Voting Members Absent (5)**

Jeff Branick  
Ernest Mosby  
Dale R. Peddy  
Hermon Reed  
John Windham

**Proxies:**

Scott Hall for Jeff Branick  
Monty Shank for Chris Davis

**Non-Voting Members Present:**

Adam Bradley, RWPG – Region D

**Governmental Reporting Agencies Present:**

Temple McKinnon, Texas Water Development Board

Lann Bookout, Texas Water Development Board

Terry D. Stelly, Texas Parks and Wildlife - CF

Linda Parks, Texas Department of Agriculture

**Other Guests Present:**

Rex Hunt, Alan Plummer Associates, Project Consultant

Lauren Gonzalez, APAI

Simone Kiel, Freese and Nichols, Inc.

John Martin, Southeast Texas GCD

Jack Tatum, Sabine River Authority

Jim Brown, Sabine River Authority

Clay Evers, Freese & Nichols (Tyler)

Len Luscomb, GMA-11/Rusk County GCD

Bill Tetley, Sierra Club

David Alford, Pineywoods GCD

Craig D. Caldwell, Cherokee County Attorney

Bruce Drury, BTA

Terrie Gonzalez, Cherokeean Herald

Temple McKinnon introduced Lann Bookout who would be representing the Texas Water Development Board at all future meetings. Ms. McKinnon stated she would continue as well until the 2011 Plan was finalized.

4. **Consideration and Approval of the Minutes for the December 9, 2009 meeting.** Chair Kelley Holcomb referenced the minutes in the packet.

Glenda Kindle moved to approve the minutes as written. The motion was seconded by Josh Davis and unanimously passed.

5. **Report from City of Nacogdoches** – No report.

6. **Reports from adjoining regions activity:**

- A. **Region C** – Mike Harbordt stated Region C would be approving their Draft IPP on March 15, 2010.
- B. **Region D** – Worth Whitehead reported that Region D approved their Draft IPP at the last meeting, with the public hearing scheduled for March 31, 2010 in Mt. Pleasant.
- C. **Region H** – David Alders reported that Region H approved their Draft IPP on February 3, and had scheduled public hearings on March 30 in Houston, April 1 in Madisonville, and April 7 in Conroe.

7. **Reports from Standing Committees:**

- A. **Executive Committee** – Chair Holcomb stated the Executive Committee was making legislative recommendations that would be covered later in the meeting.
- B. **Finance Committee** – Darla Smith reported all but three counties had paid their 2010 allocations, leaving an outstanding balance of \$1,310.00. \$42,403.71 was reported in the Administrative checking account.
- C. **Bylaws Committee** – No report.
- D. **Technical Committee** – Mike Harbordt thanked the Technical Committee for the work they had been doing over the previous months. He stated their recommendations would be considered in the consultant's report.
- E. **Nominations Committee** – George Campbell stated the Nominations Committee recommendation would be covered later in the meeting.

8. **Reports from other state agencies:**

- A. **Texas Parks & Wildlife Department** – Terry Stelly passed out a program book from the Freshwater Inflows conference recently held in Corpus Christi and hosted by the Texas Parks and Wildlife Department and the EPA Gulf of Mexico Program. He encouraged the members to read the abstracts from the oral presentations that were contained in the program document.
- B. **Texas Department of Agriculture** – Linda Parker encouraged the members to review the USDA website at [www.texasagriculture.gov](http://www.texasagriculture.gov) to find news releases and other items of interest.

9. **Report from Texas Water Development Board Staff** – Temple McKinnon stated the TWDB would hold a special meeting after the regular TWDB meeting regarding the desired future conditions adopted by GMA-1.

Ms. McKinnon announced that her job duties had changed and she would be working with Regions H & D in the future. She stated she would still be involved with Region I until the 2011 Water Plan was complete.

Chairman Holcomb expressed personal gratitude to Ms. McKinnon for all she has done for Region I.

## 10. Report from Consultant Team:

- A. Discussion related to the Initially Prepared Plan
- B. Discussion relating to activities associated with the Public Hearing/Public Comment period for the Initially Prepared Plan

Engineering consultant Rex Hunt of Alan Plummer Associates, Inc. reviewed upcoming activities and the schedule for the Initially Prepared Plan as follows:

- February 17 – Adopt IPP
- March 1 – Submit IPP to TWDB, provide copies for public review
- April – Public hearing
- May 12 – Regular ETRWPG meeting
- Early July – Public and agency comment period ends
- Late July/Early August – Technical Committee conference calls (as necessary)
- August 11 – ETRWPG adoption of 2011 Plan meeting
- September 1 – Final 2011 Plan to TWDB

Mr. Hunt explained that the TWDB had 120 days from submittal date to provide comments. He stated the public hearing had to be noticed at least 30 days before the date of the first hearing, with public agencies having a 120-day comment period and the public having a 60-day comment period. He stated they were proposing one hearing on consecutive evenings in Tyler, Nacogdoches and Beaumont to receive comments from the public and organizations at the hearings and afterwards. He stated a response would be prepared for each comment and the IPP modified as necessary.

Chairman Holcomb asked if changes to the 2011 Plan had to be made in response to all comments, to which Ms. McKinnon explained that a response must be given for each comment, but it did not necessarily require a change to the plan.

## 11. Educational Presentation.

Jack W. Tatum, Chair of the Sabine and Neches Rivers and Sabine Lake Bay Basin and Bay Expert Science Team gave an educational presentation regarding Senate Bill 3.

Mr. Tatum stated that SB3 was passed in 2007 and created a basin-by-basin process for developing recommendations to meet instream flow needs for rivers; recommendations to meet inflow needs for bays and estuaries; and environmental flow standards to be adopted by rule by TCEQ. He gave the timeline as follows:

- July 2008 – Stakeholder Committee appointed by Environmental Flows Advisory Group (EFAG)
- August 2008 – 1<sup>st</sup> Stakeholder Committee meeting
- November 2008 – Expert Science Team appointed by Stakeholder Committee
- December 2008 – 1<sup>st</sup> Expert Science Team meeting
- November 30, 2009 – Sabine-Neches BBEST Environmental Flows Recommendation report
- June 1, 2010 – Sabine-Neches Stakeholder Committee Recommendations report

- June 2011 – TCEQ Adopts Environmental Flow Standards and Environmental Flow Set-Asides
- Stakeholder Committee Develops Work Plan

Mr. Tatum stated the Expert Science Team must consider all reasonably available science, without regard to the need for water for other uses, and the recommendations must be based solely on the best science available. He further stated the Stakeholder Committee would review the Expert Science Team's recommendations and consider them in conjunction with other factors, including the present and future needs for water for other uses related to water supply planning.

According to Tatum, the Expert Science Team's primary charger was environmental flow analysis and environmental flow regime, which consisted of overbank flows, high flow pulses, base flows and subsistence flows. He stated the primary goal was to maintain a sound ecological environment as adopted by the Sabine-Neches BBEST (Bay/Basin Expert Science Team) as adopted by the Science Advisory Committee (SAC). He main objective, he stated was to meet the criterion of a sound ecological environment.

Mr. Tatum presented a flow chart showing the Sabine-Neches BBEST process. He stated the SAC guidance focuses on geographic scope, use of hydrologic data, fluvial sediment transport (Geomorphology), freshwater inflow regime, water quality and biology. He described the unique issues for the Sabine-Neches Basins and explained that sub-committees had been developed to address the four disciplines identified: 1) hydrology 2) biology 3) geomorphology and 4) application of water quality and environmental flows.

Mr. Tatum stated the Sabine-Neches BBEST selected HEFR (Hydrology-Based Environmental Flow Regime) as the desktop method to use for developing the required flow matrices for the Sabine and Neches River Basins and the Sabine- Neches Estuary. He explained this method was developed by Texas Parks and Wildlife Department to efficiently use hydrologic data to populate a flow regime matrix.

Mr. Tatum concluded his presentation by reviewing the following recommendations:

- The current conditions of the Sabine and Neches Rivers and the Sabine-Neches Estuary are sound
- Acknowledgement that flows in the Sabine and Neches Rivers and inflows to the Sabine-Neches Estuary will change over time
- Future study, data gathering and adaptive management are necessary to determine whether or not changes in environmental flows will maintain a sound ecological environment.

## 12. Public Comment (limited to three minutes)

Chairman Holcomb recognized Len Luscomb representing GMA-11 who wished to speak.

Len Luscomb, general manager for the Rusk County Groundwater Conservation District representing GMA-11 appeared to make public comment. Mr. Luscomb reported on the progress GMA-11 has made toward establishing a DFC (desired future condition) for the

area. He stated on February 9, 2010 the board approved to accept in principle an initial desire to use the condition of GMA-11 of near sustainability defined as the average draw down for all aquifers in all counties in the area of 20 feet. He further stated a vote to adopt this DFC was scheduled for April 13, 2010 at the Nacogdoches City Hall. He explained the difficult problem with the DFC was that it needed to meet two opposing goals. The first, to ensure provision of sufficient groundwater to meet the areas' domestic and industrial commercial needs now and in the future. The second is to sustain precious groundwater for area residents and inhibiting excessive exploitation of the water outside wet areas. He explained that with the help of Dr. Hutchison with TWDB they met these two goals and in total we utilized the 2007 Texas Water Plan allowing a 400% increase in the water pumpage from the 2003 use. By bringing down the manageable groundwater by aquifer, by county, it breaks it down to small pieces and makes it not economically feasible to pump a great amount of water. Mr. Luscomb stated there was no affect on current planning, but once accepted by TWDB, Region I and Region D must use the DFC in the next planning period. He further stated GMA-11 has the right to change the DFC at any time and he encouraged the ETRWPG to keep communication lines open so that as you the ETRWPG goes through the next planning period and there is a conflict with DFC required use and what the ETRWPG wants to use, then go to GMA-11 and talk about it. He stated GMA-11 wants to work with ETRWPG.

Chairman Holcomb verified with Temple McKinnon that Region I contained GMA-11 and GMA-14.

*The meeting was recessed at 11:30 a.m. for lunch and reconvened at 12:10 p.m.*

### **13. Unfinished Business.**

#### **A. Consideration and Possible Approval of Appointment to the Small Business category.**

George Campbell, chair of the Nominating Committee stated two nominations had been received, one from Houston County and one from Angelina County. He further explained that based on the information received, the candidate from Angelina County did not meet the criteria for appointment.

Mr. Campbell moved to approve the appointment of Dr. Joseph Holcomb of Crockett to replace John Windham in the Small Business category. The motion was seconded by David Alders and unanimously passed.

### **14. New Business.**

#### **A. Consideration and Adoption of the Initially Prepared Plan and approval of its submittal to the TWDB.**

Rex Hunt, consultant with APAI, stated the IPP containing 10 chapters had been prepared since February 2009, with draft chapters 1-3 and 5-8 being approved by the ETRWPG. While a draft of Chapter 4 had not been approved by the ETRWPG, the contents of the chapter were discussed in several meetings of the group. He stated

Chapters 9 and 10 could not be completed until after a survey of the Water User Groups was completed and after public comments had been addressed.

Mr. Hunt reviewed each chapter, what was included in that chapter and the changes that had been made from the previous plan as follows:

**Chapter 1:** Chapter 1 contains a description of the region. Changes made from the previous plan include updated descriptions; updated numbers where they had been updated in other chapters; updated maps; changed formatting of the chapter and updated the appendices. A new section 1.16 was added summarizing the special studies.

**Chapter 2:** Chapter 2 contains current and project population and water demand. Changes made from the previous plan include an increase in Angelina County for steam-electric demand; new water user groups (WUGs) in Angelina and Nacogdoches Counties; changes to manufacturing demands for Angelina and Jefferson Counties; Reduced irrigation demands for Hardin and Jefferson Counties; increased or new mining demands for Angelina, Cherokee, Nacogdoches, Shelby and San Augustine Counties.

**Chapter 3:** Chapter 3 contains an evaluation of current water supplies in the region. Changes to Chapter 3 include updated water supply volumes for surface water and groundwater supplies, wholesale water providers (WWPs) and other local supplies and reuse; assessment of impacts of water quality on supplies; effects of environmental flows policies and refined groundwater availability based on water quality and geographic restriction.

**Chapter 4:** Chapter 4 compares the projected demands to identified supplies and is divided into four subchapters. Changes to Chapter 4A include updated water shortages based on changes to allocation of water supplies in Chapter 3 and demands in Chapter 2; 68 WUGs with needs; total shortage by 2060 – approximately 179,300 acre feet/year; new mining shortages; some WUGs no longer have needs.

Chapter 4B describes the types of water management strategies. Changes to Chapter 4B include updated list of strategies that fall under each category; removed Athens reuse and discussed Hatchery return flows to Lake Athens; added Fastrill to new reservoirs.

Chapter 4C describes water management strategies for entities with an identified need. Changes to Chapter 4C include costs for all water management strategies based on September 2008 figures, new strategies for new WUGs with needs and new strategies for WWPs.

Chapter 4D described water management strategy evaluation. Chapter 4D was updated with new and updated strategies.

**Chapter 5:** Chapter 5 discusses the impacts of selected water management strategies on key parameters of water quality and impacts of moving water from rural and agricultural areas. Changes to Chapter 5 include expanded discussion of impacts of

WMSs on water quality, providing a new table; and updated descriptions of impacts of moving water from rural areas.

**Chapter 6:** Chapter 6 discusses water conservation and drought management recommendations. Changes to Chapter 6 include updated drought contingency plans from water users; updated conservation plans from water users; updated trigger and response conditions for drought contingency plans; and a summary of results from Special Study No. 3 concerning water conservation trends in the ETRWPA.

**Chapter 7:** Chapter 7 describes how the regional water plan is consistent with long-term protection of the State's water resources, agricultural resources and natural resources. Changes to Chapter 7 include updated text; updated modified regulations; and updated matrix demonstrating compliance with state regulations.

**Chapter 8:** Chapter 8 discusses ecologically unique stream segments, unique reservoir sites and legislative recommendations. Changes in Chapter 8 include summarized report from TPWD on ecologically unique stream segments; no recommended stream segments for designation as unique in this round of planning; summarized potential reservoirs in the ETRWPA but no sites designated as unique; and updates and new legislative recommendations.

Mr. Hunt stated the executive committee considered several legislative recommendations identified as follows:

- 8.3.1 Support exemptions to junior water rights by contracts.
- 8.3.2 Support flexibility in consistency for entities that fall under the "County-Other" category.
- 8.3.3 Support continued funding of regional water plans.
- 8.3.4 Support Groundwater Conservation Districts for all of the ETRWPA.
- 8.3.5 Extend the unique reservoir designation to beyond 2015; support including TWDB and appropriate regional water planning groups in USACE Mitigation Bank Review Teams in order to properly plan for mitigation banks in relationship to unique and alternate/potential reservoir sites.
- 8.3.6 Encourage wastewater reuse.
- 8.3.7 Encourage flexibility in requirements for state funding.
- 8.3.8 Protect existing water rights; coordinate SB2 and SB3 environmental flows work with SB1 water planning requirements to recognize the need to balance the need for human and instream needs.
- 8.3.9 Oppose cancellation of uncommitted water rights.

Chairman Holcomb recommended that a modification in recommendation 8.3.7 be made to expand flexibility in State funding to include the EDAP (Economically Distressed Area Program), specifically the model subdivision rules, which were extremely restrictive.

Craig D. Caldwell, Cherokee County Attorney, stated recently adopted subdivision rules in his county were sent to TWDB requesting a review, and one of the things they suggested was to remove the required engineer's seal.

