

MINUTES OF THE  
REGIONAL WATER PLANNING GROUP "I"  
Wednesday, January 23, 2008  
Nacogdoches Recreation Center  
1112 North Street, Nacogdoches, Texas

1. Call to Order – Chair Kelley Holcomb called the meeting to order at 10:10 am.
2. Invocation & Pledge of Allegiance – Mr. David Alders opened the meeting with the invocation. Kelley Holcomb led the group in the Pledge of Allegiance.
3. Roll Call and Determination of Quorum – The roll was called by Mable Cannings and a quorum was determined as follows:

**Voting Members Present (17 of 21)**

David Alders  
Jeff Branick  
David Brock  
George P. Campbell  
Jerry Clark  
Judge Chris Davis  
Josh David  
William Heugel  
Kelley Holcomb  
Bill Kimbrough  
Glenda Kindle  
Duke Lyons  
Hermon Reed  
Monty Shank  
Robert Stroder  
Worth Whitehead  
Dr. J. Leon Young

**Non-Voting Members Present**

Temple McKinnon, TWDB  
Terry Stelly, Texas Parks & Wildlife  
Connie Standridge  
Bobby Praytor  
Walter Glenn

**Other Guests Present**

Hayter Davis, Rural W.S.C.  
Scott Hall, LNVA  
Jim Neal, U.S. Fish & Wildlife Service  
Joe English, Nacogdoches County  
David Alford, Pinewoods GCD

Bill Tetley, Sierra Club  
Anne Tindell  
Dawn Pilcher, LNVA  
Simone Kiel, FNI

4. Consideration and Approval of the Minutes for the October 24, 2007 meeting. Chair Kelley Holcomb, acknowledged the minutes in the packet. Several minor revisions were noted regarding the Basin and Bay Area Stakeholders Committee, misspelling of Charlie Garringer and Dr. Mathew McBroom. Jerry Clark made a motion, seconded by Chris Davis to approve the minutes with changes. The motion carried.

I don't remember what these revisions were, can anyone help

5. Financial Report – Rusty Phillips, DETCOG. Referenced financial report in package. The last check received from Smith Co. on December 3, 2007 and others are coming in as planned. The locally collected administrative funds are assessed on an annual basis to 20 counties. There is \$27,590.42 cash remaining on hand.
6. Reports from adjoining regions activity
  - A. Region C – David Brock was unable to attend meeting but did receive some notes as follows: Jim Parks will continue as Chairman with Jody Puckett serving as Vice Chairman, and Russell Laughlin, secretary. A joint Region C-D study group will meet and a report of that meeting will be given on February 25, 2008 where they will also present Region C's water re-use and conservation study. David is requesting to be replaced as the liaison to Region C.
  - B. Region D- Glenda Kindle. Have not received any communications from Region D. Glenda sited a schedule conflict with attending these meetings and requested to be replaced.
  - C. Region H – David Alders – No meeting. Next meeting is February 6, 2008.
7. Reports from Standing Committees
  - A. Executive Committee – Kelley Holcomb indicated that the executive committee has met on numerous occasions in person and by e-mail to address the reassignment of contract for administrative duties from DETCOG to another entity. This item will be discussed in item 14A & B.
  - B. Finance Committee – Darla Smith – Not Present
  - C. Bylaws Committee – David Alders - No report.
  - D. Technical Committee – Mike Harbordt – Not present. Kelley Holcomb has requested the technical committee to have an educational presentation available for each meeting in 2008.
  - E. Nominations Committee – George Campbell deferred discussion to item 15B.

8. Reports from other state agencies.

A. Texas Department of Parks & Wildlife – Terry Stelly announced the Governors’ appointment of Karen Hixon, Texas Parks & Wildlife Commission and Bryan Shaw, Texas Commission on Environmental Quality to serve on the Environmental Flows Advisory Group. Mr. Stelly also referred members to an interesting water district article titled, “The Water Pit: Landowners Against Plant” by April Avison which can be found at TheEagle.com website. The article ran in the January 20, 2008 issue.

B. Texas Department of Agriculture – Linda Parker, not present.

9. Report from DETCOG – Mable Cannings expressed her pleasure in working with the East Texas Regional Water Planning Group and bid everyone farewell.

10. Report from Texas Water Development Board Staff – Temple McKinnon- Temple McKinnon indicated TWDB meets Monday, January 28, 2008 and they will consider adoption of rule changes covered in last meeting and will also consider approval of RFP’s for Round 3 Phase II planning, which are due June 13, 2008.

Report from Consultant Team – Gary Graham, Schaumburg & Polk. Reporting on status of:

Task #1: Task to study potential movement of Toledo Bend water to the Metroplex, Region B Area, and upper Sabine basin – a meeting set up for Monday, January 28, 2008 with Region C, Sabine River Authority and potential participants to get the efforts kicked off;

Task #2: Potential Regional Solutions for small water providers within our regions that have deficiencies. We have identified 200 small water users groups that are potential candidates and we are working through that group now to figure out which ones we might be able to help.

Task #3: Water Conservation Studies – looking at municipal uses to disaggregate the potential for water conservation improvements. Alan Plummer assigned to this task, currently working to assemble data related to those entities for whom water conservation is a water management strategy.

Task #4: Potential for supplying water from Lake Murvall and letters to TXU and City of Carthage should be going out in the next week or so to set up a meeting.

Task #5: Identification of potential infrastructure improvements for delivery of water in Jefferson County area for industrial projects – working with LNVA on this task. Contract deadline is April 2009.

12. Educational Presentation – Terry Stelly, Ecosystem Biologist with Texas Parks & Wild Life– Presented power point presentation on "The Gulf Dead Zone: It's Origin, Causes and Potential Solutions." Handouts filed in permanent records.

13. Public Comments: None

14. Unfinished Business

- A. Consideration and possible approval of letter from DETCOG requesting their withdrawal from service to the Planning Group – Kelley Holcomb recapped this item from the last meeting noting that no action was taken regarding the letter from DETCOG. Glenda Kindle made a motion to approve the letter seconded by Bill Kimbrough. The motion carried.
- B. Consideration and possible approval of Amendment No. 2 to TWDB Contract No. 0704830694, reassigning contract responsibilities to the City of Nacogdoches and authorize the Executive Committee to negotiate other tasks as required. Kelley Holcomb opened discussion of issues associated with re-assignment of the contract. Numerous questions were raised regarding the new administrative entities duties and responsibilities, TWDB contractual concerns, bylaws implications and requirements for the transition, etc. Chris Davis made the motion seconded by Glenda Kindle to approve the reassignment of contract responsibilities to the City of Nacogdoches and to authorize the Executive Committee to negotiate other tasks. The motion carried unanimously.

15. New Business

- A. Consideration and possible approval of By-Law Revision designating a new political subdivision. David Alders outlined three changes to current bylaws including:

Article 3 – delete reference to DETCOG substitute with City of Nacogdoches

Article 4 – Administrative Officer – strike the phrase Executive Director of DETCOG and replace with City Manager City of Nacogdoches

Article 7 - Regarding Proxies and administrative offices, strike all together

David Alders made a motion to adopt these changes seconded by George Campbell. Motion carries.

- B. Consideration and possible approval of Committee Appointments – Nominations Committee Chair, George Campbell indicated that the nominations committee had met this morning to determine a slate of officers for 2008 which are required to be presented at the first meeting of the year by Article 8, section 2 of the bylaws. Following is the slate of officers recommended to the Executive Committee:

Chair – Kelley Holcomb

1<sup>st</sup> Vice Chair – Worth Whitehead

2<sup>nd</sup> Vice Chair – Mike Harbordt

Secretary – Jerry Clark  
Assistant Secretary – David Brock  
At-Large – Leon Young  
At-Large – David Alders

George Campbell made a motion, seconded by Chris Davis to accept this slate of officers for 2008. There are no other nominations made from the floor and the motion carries unanimously.

Chairman Kelley Holcomb also recommended that an extension be granted to Mr. Mosby for a medical excuse until a determination is made about his illness, which is authorized by the bylaws. Glenda Kindle made the motion, seconded by Herman Reed to accept the motion. Motion carried.

Kelley Holcomb also made committee appointments for the 2008 ETRWPG with the following slate of officers:

**Nominations Committee:** George Campbell, Chairman  
Hermon Reed  
Monty Shank  
David Alders  
Josh David  
Kelly Holcomb, Ex-Officio

**By-Laws Committee:** David Alders, Chairman  
Bill Kimbrough  
Ernest Mosby  
George Campbell  
Dale Peddy

**Finance Committee:** Darla Smith, Chairman  
Jerry Clark  
Jeff Branick  
Duke Lyons  
William Heugel

**Technical Committee** Dr. Michael Harbordt, Chairman  
Monty Shank  
George Campbell  
Robert Stroder  
Chris Davis  
Glenda Kindle

C. Update on the Status of LNVA water rights permit amendment application Robert Stroder – Mr. Robert Stroder presented information related to LNVA's pending application before the TCEQ regarding water rights. He stated that the industrial expansion going into the Lower Neches basin was grossly underestimated.

Estimated industrial expansion has gone from \$15 billion to \$25 billion which results in increased water demands to supply those industrial needs.

\$15 billion produces \$50 billion per year in products, 50 billion in products generates over \$400 million in state taxes and over \$800 million in federal taxes. One can extrapolate what 25 billion is going to require based on those numbers. Upon evaluation of the water supply, they discovered that the water supply was not that reliable. The Junior Priority Protection Provision states that "Any water transferred out of the basin is junior to the existing rights". Recent Legislation however is moving toward removal of the Junior Priority Protection Provision. Thus an amendment is being sought.

Scott Hall, Chief Operations Officer, LNVA and Dawn Pilcher, Mgr. Of Engineering, LNVA continued with the board update by presenting more details on the specific amendment and technical matters related to water rights, future projections, liability, existing supplies, subordination and other legal matters which will be played out in another venue.

According to Robert Stroder, LNVA is merely asking to protect the water rights that they currently have. LNVA is not seeking to get additional water, not trying to amend the diversion amounts, conversion rates, or location but to get a fixed date upon their water rights in Rayburn. They don't want to step to back of the line every time there is a new application. Lengthy discussion continued. Kelley Holcomb concluded that it is a complex issue but the amendment does not require approval by the East Texas Regional Water Planning Group.

16. Chairman's Report – none

17. General discussion - Proposed dates for future meetings: April 9, 2008

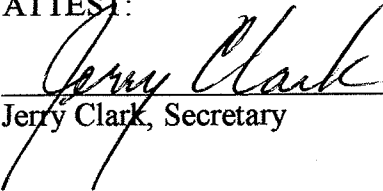
18. Adjournment: There being no other business, a motion was made to adjourn the meeting by Josh David and seconded by Worth Whitehead.

The meeting was adjourned at 1:20pm.

APPROVED THIS 9<sup>TH</sup> DAY OF April 2008.

  
\_\_\_\_\_  
Kelley Holcomb, Chair  
ETRWP – Region I

ATTEST:

  
\_\_\_\_\_  
Jerry Clark, Secretary

Region I ETRWPG  
January 23, 2008