

**Board of Commissioners Meeting Minutes
Capital Area Groundwater Conservation District
3074 Westfork Dr., Suite A, Baton Rouge
June 20, 2024, 1:00 p.m.**

I. Call to Order

Karen Gautreaux - Capital Area Groundwater Conservation Commission (CAGCC) Chair

II. Roll Call

Gary Beard- CAGCD Executive Director

Members present: Mr. Dawson - Y, Mr. Kerr - Y, Ms. Gautreaux - Y, Mr. Leo - Y, Ms. Manning-Broome - Y, Mr. Means - Y, Mr. Phares - Y, Mr. Reonas - Y, Mr. Shaheen- Y, Mr. Vetter - Y, Ms. Lambert - Y. 11 members present.

III. Establishment of a Quorum

Karen Gautreaux - CAGCC Chair

Chair Gautreaux declared the presence of a quorum with **11** members present.

IV. Invocation

Gary Beard - CAGCD Executive Director

V. Pledge of Allegiance

Gary Beard - CAGCD Executive Director

VI. Recognition of Guests

Karen Gautreaux-CAGCC Chair

Guests present: Catherine Crawford - Boles Law Firm, Janet Boles - Boles Law Firm, Murphy Foster- Breazeale, Sachse and Wilson, LLP., Scott Bergeron, Rory Denicola - Exxon, Brett Furr -Taylor Porter, Douglas Melancon - Exxon, Whitney Bourque -Attracct Accounting, John Roberts-Attracct Accounting, Roy Waggenpack-Owen & White, Dennis McGehee-BRWW, Anna Gilbert- Owen & White.

VII. Amendments to the Agenda

Karen Gautreaux - CAGCC Chair Gautreaux noted there were no amendments to the agenda. She said it was necessary to vote on the technical committee recommendations as they are action items.

VIII. Approval of Minutes - February 21, 2024, meeting (action required)

Karen Gautreaux- CAGCC Chair

Motion by Mr. Dawson and second by Mr. Shaheen to approve the February 21, 2024, minutes of the Board meeting. No objection. Unanimous.

Chair Gautreaux welcomed Secretary Giacometto with the Department of Environmental Quality, on behalf of the Board.

Janet Boles with Boles Law Firm asked Chair Gautreaux if she could interrupt before the Executive Director's report. Ms. Boles proceeded to ask Mr. Kerr, in reference to his attorney's letter that states he plans to participate but recuse himself when it is required by law. She said

based on the fact BRWW having 3 pending lawsuits and an open meetings complaint, how does he plan on determining what issues he would be able to participate in. Mr. Kerr said he plans to participate in discussions and vote on issues that he is not prohibited by law specific and particular to his company. He said for an instance, the budget, this does not affect his company. Ms. Boles said due to the fact BRWW is not paying the District, which causes the District not to make the budget, you are going to participate in the budget. Mr. Kerr said yes.

Chair Gautreaux asked the attorneys, "what if there is an ethics complaint that is found valid, does this affect the actions of the Board?"

Murphy Foster said we will cross this bridge when we come to it. Ms. Boles agreed.

Mr. Leo asked Mr. Kerr, from his perspective, as the CEO of Baton Rouge Water Co., and his relationship with the Board, what parameters of a conflict of interest plan he may have, aside from what he has already articulated?

Mr. Kerr said he does not know if this would be necessary. He said to wait and see how this situation progresses and if Mr. Leo wants to meet with him in the future and give him some recommendations, he would be all ears.

Ms. Boles added for clarification, the ethics situation was not necessarily a complaint but for a recommendation of whether it is valid for him to participate.

Mr. Vetter reminded Chair Gautreaux that he had asked for the Board to adopt a resolution stating a Commissioner that has direct or indirect financial interest in extracting water from the aquifer; he or she should recuse themselves from voting on that issue.

Chair Gautreaux apologized to Mr. Vetter that she had not had a chance to review the proposed resolution. She suggested this matter be deferred to a future meeting. Mr. Vetter agreed.

IX. Executive Director's Report

Gary Beard- CAGCD Executive Director

A. Q3 FYE 2024 Budget Report - John Roberts

Mr. Roberts with Attracct Accounting, presented the quarterly report, explaining budget vs. actual and the line items. Mr. Leo asked about the revenue actuals decreasing from July of 2023 to the first of the year in 2024. Mr. Roberts explained due to the drought in 2023 the pumpage was unusually higher. He said through 3 quarters we were about 85 percent of the whole years' worth of pumpage. Mr. Leo then asked to what extent does the balance sheet reflect the loss of revenue and accessible revenue because of BRWW withholding pumpage fees, including an amount otherwise coming into the District from an escrow account. Mr. Roberts explained even the funds held in escrow are still counted as accounts receivable. He said until we move the accounts receivable off, we won't see a negative impact.

B. 2024/2025 Budget - (action required)

Mr. Beard said the next item, the budget the Commissioners have, is the one given to the Treasurer and was modified, then went to the Executive Committee earlier today. He asked were there any objections for this item to be discussed and voted on.

Chair Gautreaux asked were there any objections.

Mr. Kerr said he had a point of order. He said he believes that the District is subject to the local budget law which requires that the budget be made available for public inspection, 15 days prior to the fiscal year start, and that it be balanced. He said he has not looked into this with his attorneys but the good news is if he is correct and we can't

take the budget up, we would continue to function at 50 percent of our last year's budget until we do pass a budget that's balanced and has met requirements of RS39:1301. Ms. Boles asked if when Mr. Kerr was Chairman, did he subject his budget to 39:1301? Mr. Kerr replied he is not a lawyer, but it appears to him that the District is not in compliance with the Local Budget Act, and he does believe the District is subject to it.

He said the District can continue to operate and this just gives us time to do it right and get the people involved. He said this might not have applied when he was Chairman because it only applies over \$500,000.

Chair Gautreaux said she suggests the Board defer the Budget. She asked if there were any objections to moving the budget discussion to a special meeting and follow 39:1301 re: local budget law.

Mr. Beard said the budget outlined is based on \$65 per million gallons, which is the current rate structure. He said he used an estimated fifty-one billion and that is an estimated target value that is reasonable and slightly under what we looked at last fiscal year.

He said this is the budget that was approved by the Executive Committee and the Treasurer. He went on to explain each line item for the Board's comments and discussion.

Mr. Kerr asked if we could ask the users to install some of the equipment. He said he thinks many of them would be amenable to doing this.

Mr. Beard said he is open to further discussion and suggestions to help put things in the right category.

Mr. Shaheen said he was looking at the 23/24 budget and we are at 3.89 million. That was the previous year's budget, and we are at 3.523 for the proposed budget. He said the biggest difference, he thinks is the SP contract. Mr. Beard said this is correct. He said it is the reduction in the contract.

Mr. Dawson commented the responsibility of the Commission is to be able to provide the information to the public on water coming out of the aquifers. He said we need to state something to the public that this Commission has a good idea of what these numbers are. He said this is what the Commission is here for. He said the second thing is to provide for industry and not being able to have a budget approved that supports this, how would this affect these two things just stated.

Mr. Beard said our job right now is certainly encumbered because we have lack of staff and lack of resources. He said we will march on and do the best we can and hopefully in the future, we will be able to take it up a step. He said as of now, he is finishing whatever he can under the contracts we have and then he will see about getting additional resources from another source.

Mr. Leo said we owe it to our regulated industries, our users, to be clear about what we can and cannot do. He said he would like to consider what would be appropriate to let the regulated users know the situation we are in. He said he is very conscious of the need to be transparent with the people who we charge for fees, for their pumpage, and make

sure that they're not under any misunderstanding or illusion about our ability to do what we have previously been able to do.

Mr. Reonas said to Mr. Beard that he thinks a standstill budget is appropriate. He said he understands the constraints we are under. He said he appreciates Mr. Beard working on some numbers regarding the audit program which will require some expenditure. He said the fault line is here in EBR, the cones of depression are here, and the saltwater encroachment is here. He said in the old days, the Commission ran on a shoestring budget of a few hundred thousand dollars, and it was completely inadequate. He said the need is very serious now. He mentioned the EBR Mayor President's personal office budget is \$8 million dollars, for her to hand out grants and things like that. Ms. Lambert commented the EBR budget runs about nine million dollars.

Mr. Furr had comments regarding the budget and passed out some information for the Board.

Ms. Boles said contrary to Mr. Furr's comment, Dr. Fleming did not say the District would have personal liability. He said, we should have gone to the Bond Commission. She said Dr. Fleming does not know that Mr. Beard had gone to see the Attorney General Jeff Landry (then) who advised him and gave him the CEA contract and now he is the Governor of Louisiana. She said Mr. Beard would have definitely gone to the Bond Commission if his attorneys had advised him to. She said she wants the record to reflect there is not any liability, in her estimation as a lawyer, that the District would be subject to for having entered into this CEA contract. She said she did not want Mr. Furr's representations to make the Board feel anxious or feel they have to take some action because of liability. She confirmed that this is something that was done with the utmost forethought and with representation and with the direct input from the Attorney General.

Mr. Reonas said that is how he recalled the issue, that it was under advice of counsel and that would provide coverage.

Ms. Crawford commented on the Local Budget Act and said she is under the impression from Mr. Beard, that the District does not have a general or special revenue fund to adhere to.

Ms. Gautreaux said the Board will take the measures needed to comply with the Local Budget Act.

Mr. Kerr said the only thing lacking is 15 days public notice and 15 days for the public to inspect it. Ms. Crawford said she will have to look deeper into the matter. Mr. Kerr said the Board can continue to operate under the existing budget until the next meeting.

Chair Gautreaux suggested the Board call for a special meeting. The Board commented and agreed.

Mr. Dawson said there are a lot of volunteers present and it is difficult to even get a quorum, and especially call a special meeting. He said as a member of the Commission, if there is anything he sees when the agenda is sent that would cause the Board to have some concern about the information going forth, he would certainly make that available

before the meeting.

C. Enforcement of Violation of Order by BRWW - vote to enforce civil penalty of \$1000/day/violation (**action required**)

Mr. Beard said Item Chas been on the agenda since the last meeting when there was no quorum, therefore it rolled over to this meeting and it is an action item. He asked if there is an objection to this being on the agenda.

Chair Gautreaux asked if there were any objections to Item C or taking action on the enforcement of the violation of order, civil penalty of \$1000 per day violation? Mr. Kerr said he was going to recuse himself from the conversation.

Mr. Beard said the Board had authorized him to write a letter, and he has done so, to order BRWW to install equipment on their wells. They have declined to do so. He is bringing it back to the Board for enforcement of this order. He said it requires a vote for the Board to go forward and it will take a vote from the Board to enforce the civil penalty of \$1000 per day, per violation, per well.

Ms. Boles said it is important to note that the legislation changes this and that it is not applicable anymore. Prior to the legislation, it was believed to be appropriate.

Mr. Phares asked what the total penalty per day would be.

Mr. Beard said there are 99 wells, therefore, it would be \$99,000 a day.

Mr. Reonas said that does not mean we would get that in a recovery suit but that is potentially the maximum.

Ms. Manning-Broome said regarding the legislation that passed, can the Board discuss how that changes the monitoring program. She said she feels like this relates to what they are discussing at present.

Mr. Beard said the District had given an order for the installation of the equipment and the owner refused to put the equipment on the 99 wells. Months went by and during the session, the law changed. Now the law says that if they have a meter, we can't force them to put a second meter on that well. (This law goes into effect on August 1, 2024.)

Chair Gautreaux said that meter has to comply to present standards. Mr. Beard said yes, if an owner has a meter, and if that meter complies with a certain set of standards, then the District cannot force them, at their expense, to go and put a second meter on that well. He said the action taken here only applies to that point in time when they were given the order, and it was not fulfilled.

Ms. Manning-Broome asked, those 99 wells do not have a meter?

Mr. Beard said they do now have meters on them, therefore, if it complies with the new rules, we can't tell them to put a second meter on.

Mr. Phares asked what the total amount that BRWW owes at \$99,000 a day times...?

Mr. Beard said he does not have the total number of months, but he can get that for him. He said it is several months.

Ms. Lambert asked Mr. Beard if we gave them a reasonable amount to time to comply with the order.

Mr. Foster said we had given them months to comply.

Ms. Lambert said she does that think there was a reasonable amount of time to complete 100 wells.

Mr. Beard said it does not matter, they declined.

Ms. Boles said we had a meeting with them to decide where we were going to install our

meters at the Baton Rouge area's property and after the meeting, about a year later, they said it was inappropriate where we were going to locate our installation.

After that, they purchased new meters and installed all new meters on every one of their wells. So clearly, there was time to either allow us to put the meters but instead they bought new ones and put them in the exact locations we had selected.

Ms. Lambert said we only gave them a month and a half to put the meters in.

Ms. Crawford said there was not just one letter, there were multiple conversations in person and multiple letters sent.

Ms. Lambert said the timeframe does not start until the letter is sent and this would be defensible and illegal.

Mr. Beard said the denial is what triggered the next step.

Ms. Boles said she would be happy to prepare a timeline for the Board to better accurately demonstrate how the situation played out.

She said when the letter was sent out, it was for demand of payment for failure to comply and they had been given a long enough amount of time.

Ms. Lambert said EBR parish usually settles for 10 percent.

Mr. Shaheen said for everyone's sake, he thinks we can have some sort of discussion about the timeline leading up to the \$1000 a day. He said he doesn't know all the details because he just started as a Board member in October of 2023. He said he can appreciate, a lot of this came from an audit done in 2019 and a subsequent audit in 2000.

Mr. Leo said it was 2021.

Ms. Boles said with the Chair's permission, she would like to ask Mr. Foster to respond to this timeline.

Mr. Foster apologized but he had not prepared a timeline for the meeting. He said since the litigation began in February 2022, the litigation in the 19th JDC was brought because the District told BRWW that had to install these meters. They said no and sued the District in court to stop us from going forward with the order. He said this is not something that happened overnight, this has been litigated for the last two and a half years. The notice of the fines went out and there is plenty of paper in the record to support this. He said he appreciates this action item and it is simply to reaffirm the enforcement of the violation. He said it is up to the Board to see whether or not we want to try to collect, and any fines collected would sunset on August 1, 2024, when the new legislation goes into effect.

Mr. Means suggested we get a timeline before taking action on this item so that we know what we are working with.

Mr. Leo said we are simply making a public statement by passing this vote or approving this enforcement action to seek whatever, we can either negotiate with BRWW on a fair amount in our judgement, or to the extent we cannot come to an agreement, the judge would have to make a decision. He asked Mr. Foster if this was accurate. Mr. Foster said yes.

Mr. Vetter commented he thinks the maximum is disproportionate.

Mr. Leo said he wanted to be sure that its clear, we are suggesting by passing this item that we will insist on the maximum. We are only saying we are beginning to initiate the enforcement action.

Mr. Shaheen said he wished the Secretary of DEQ were still here for this discussion. He said if you have ever done work with the environmental regulatory agencies, in every

permit that they issue, they state what their fines and penalties are on a daily basis, and they are pretty significant. Tens of thousands of dollars a day. This is their way of encouraging to meet the requirements of their permitting. \$1000.00 per day is does not necessarily mean that that is what we have established and that is our guidelines that we will be voting on. He said we are hoping for an amicable settlement and end all the litigation.

Mr. Phares asked if what the Board is voting on is \$1000 per day per well or \$99,000 is not a negotiation. Mr. Beard said that is correct. Chair Gautreaux suggested changing the wording on the motion to read - up to \$1000 per day, giving the Commission the authority to proceed on that.

Motion by Mr. Leo and second by Ms. Manning-Broome for the Commission to authorize the Executive Director to initiate an enforcement action against Baton Rouge Water Company for a violation of the order to install meters, with the understanding that, the enforcement action could result in a maximum of \$1000 per day of fines per well in violation.

Mr. Phares made a substitute motion to defer action on the enforcement violation, pending a resolution in court.

Chair Gautreaux asked if there was a second for Mr. Phares motion. There was no second. She asked to go back to the original motion. First, there was a call for public comment.

Ms. Boles asked that the witness say factual things only. No gratuitous remarks.

Chair Gautreaux agreed and said there will be a 3-minute limit.

Mr. Furr, with Taylor Porter made his remarks about the timeline, rules of the Commission, and contentions of how things were done.

Mr. Kerr asked to speak as a member of the public. He said he would like to ask, as a member of the public, to table this discussion. He said this is part of the litigation in the 19th JDC. He said he hopes this can be settled.

Mr. Beard said if an owner has a meter and that meters complies with a certain set of standards, then we can't ask them to put a second meter on -thus on August 1, 2024, new legislation will apply and thus this will no longer be viable.

Roll call vote. Mr. Dawson - Yes, Ms. Gautreaux - Yes, Mr. Leo - Yes, Ms. Manning-Broome - Yes, Mr. Means - Yes, Mr. Phares - No, Mr. Reonas - Yes, Mr. Shaheen - Yes, Mr. Vetter - Yes, Ms. Lambert - No. 8-2 Motion passes.

Vote 8-2, motion passes.

Mr. Dawson said the focus of making sure we have the correct information is of the utmost importance. And if there is a Commission that doesn't have authority or teeth, he suggested we should try some things that DEQ or LDH require, when their rules are not obeyed. He said he feels we have the authority to implement what we say we want to do. And if we don't get the authority or are afraid to get the authority, then we are just saying to the people we regulate-" Just continue to do what you want." He said he did not sign on for that.

D. Attorney Resolutions (**action required and roll call vote**)

Mr. Beard said since the budget was postponed, items D and E are not necessary.

Ms. Lambert said Item D could be a conditional approval upon the approval of the budget.

Mr. Beard said that is fine. Ms. Boles asked if Mr. Kerr was fine with this and

he said yes.

Motion by Rachel Lambert and second by Mr. Leo to authorize Mr. Beard to execute those contracts with Celia Cangelosi, Boles Law Firm and Breazeale, Sachse and Wilson, L.L.P., pursuant to the approved budget to fund the contracts. Chair Gautreaux asked, because they were under 2/3 rule, was there any objection? No objections. No public opinion.

Mr. Beard said since the budget was postponed, items D and E are not necessary. Chair Gautreaux asked was there any objection. No objections. No public opinion.

Roll call - Mr. Dawson - Yes, Mr. Kerr - Yes, Ms. Gautreaux - Yes, Mr. Leo - Yes, Ms. Manning-Broome- Yes, Mr. Means- Yes, Mr. Phares- Yes, Mr. Reonas- Yes, Mr. Shaheen - Yes, Mr. Vetter - Yes, Ms. Lambert - Yes. 11 - 0. Unanimous.

E. Resolution- (budget, contracts, fees) **(action required and roll call vote)**

Motion by Mr. Means and second by Mr. Phares to defer until the budget is considered.

No objection. Executive Director's report was concluded.

X. Chairman's Report

Karen Gautreaux-CAGCC Chair

Nothing more to discuss as items were already addressed.

XI. Administrative Committee Report

Karen Gautreaux-CAGCC Chair

B. By Laws revisions - (action required)

Mr. Beard said the Board has had discussions and there were some changes to the methodology of the order of business and where to put the public comment, in the beginning as well as doing this during certain line items. Also, meetings would be called by the Committee chairman on an as-needed basis. He explained the procedure for an action item and public comment.

The changes had been proposed in the Committee and voted to send to the full Board.

Discussion ensued about the details of how and when for public comment and making sure the public had every opportunity to comment on any agenda item while still being reasonable.

Pat Kerr made a motion to approve the bylaws changes as written with the exception of the change of 454. Meetings can be called by the chairman of the committee, approve the public comments to move, and the asterisk on the first page. Second by Jesse Means. Chair Gautreaux asked if there were any public comments.

Douglas Melancon, Exxon-Mobil, wanted to clarify what was discussed at the meeting because he did comment. It was only if there were comments after it went back to the commission to vote and the board heard public opinions and had more discussions, then it was to be applied. It was never intended to revoke the ability of public [comment]. But, based on substantial discussions, the board could vote to reopen public comment.

Pat Kerr modified his motion. So, public comment is 4, additional discussion by the Commission, public comment of the item may be open, so we put that language in next, and then vote? Is that what everybody's saying now?

Ms. Lambert said 6 would be public comment, when it reopens by majority vote. And then vote would become 7.

Mr. Kerr moved to accept the proposed bylaw changes with the exception of the asterisk at the bottom of page one. We change four as listed to simply say public comment in item, so it doesn't change, and we move the language public comment on item may be allowed upon motion to reopen public comment as majority vote to item six and make vote item 7. Rule seven.

More discussion. There was some confusion and Mr. Beard verified public comment remains for all

action items as it currently is. Mr. Beard summarized: So, the underline is stricken in number four. It moves to number six and vote goes to number seven.

Mr. Kerr confirmed that and said Mr. Leo wanted the new six to read "additional public comment".

Mr. Leo added "followed exactly by the words that are currently underlined in number four:

Mr. Beard summarized again: So, additional public comment may be allowed upon motion to reopen, so to reopen public comment upon majority vote. That language underlined added with additional public comment before that becomes number six and number seven becomes vote.

Mr. Leo confirmed.

Mr. Means seconded the motion.

Chair Gautreaux started to call the vote and Ms. Lambert asked if they really needed to call a vote.

Mr. Beard asked for any opposition.

Chair Gautreaux called for any opposition to the changes to our bylaws regarding public comment. None heard. Thank you.

A. Optional Pay Policy - (action required)

Mr. Beard explained that this optional pay policy would bring CAGCD current with the process of state civil service program. We don't have any SCS employees right now, but we wanted to be current with their rules.

Ms. Lambert questioned pay "complications" and Mr. Beard pointed out it read "compression".

Chair Gautreaux asked for any comments or questions. None. She also asked for any objections. None.

Mr. Kerr asked to make another point of order. He then explained when a committee shares reports, they move that the board accepts the recommendation, and we skip the second and go straight to the vote.

Chair Gautreaux asked for any public comment. There were none. She asked for any objections to the additional pay policy. There were none. Chair Gautreaux thanked Mr. Kerr for being the parliamentarian.

XII. Technical Committee Report

Glenn Shaheen- CAGCC Technical Committee Chair

Chair Shaheen detailed the New well permit for Ethos/Exxon Mobil Corp. Exxon is the owner and Ethos will operate and maintain the well. This is a replacement well, within thousand feet of the existing well-1309, set at 2020 feet, similar pumping characteristics, for power generation. Well-1309 will be abandoned according to regulations. New well within 1000 ft of 1309. Previously considered and unanimously approved by the Technical Committee with conditions the owner's flow meter will be utilized to provide flow data, well owner shall calibrate meter and provide certifications in accordance with Commission's requirements. And the well owners shall allow access to the site for flow auditing.

Mr. Leo asked if Exxon Mobil agreed to those additional conditions.

Mr. Melancon said yes, they did.

Mr. Vetter asked if this is using aquifer water for industrial processes?

Mr. Melancon said it's for electrical generation.

Ms. Manning-Broome asked if it's in the industrial zone?

Mr. Shaheen said he believed it was. He asked why she wanted to know.

Ms. Broome said from what we know from the scientists, we need to stop withdrawing from that Area because it's leading to the encroachment of saltwater.

Shaheen: it's a replacement well, this policy of replacement wells should be vetted more closely in the future.

Mr. Reonas commented that this is replacing one well, so there will be no additional volume taken. He gave some additional history of the salts moving and that it's an on-going problem.

Mr. Kerr agreed and added that going forward the Commission should look at the amount of water withdrawn more than the number of wells present.

Jon Leo agreed.

Chair Gautreaux asked for public comment. None. Roll call vote Mr. Dawson – yes.

Mr. Kerr – yes. Ms. Gautreaux – yes. Mr. Leo – yes. Ms. Manning-Broome – no.

Mr. Means – yes. Mr. Phares – yes. Mr. Reonas – yes. Mr. Shaheen – yes. Mr. Vetter – no.

Ms. Lambert – yes. 9-2. Motion passes.

A. New well permit - BRWC Istrouma

Chair Shaheen detailed the new well permit application. This well is to be set at 2450 ft, which is in the 2400-ft sand of Southern Hills aquifer. Use is stated as public potable water supply, and the application has been resubmitted as a backup well for emergency use to address demand peak, service interruptions. This revised permit app listed an anticipated average daily pumpage of 500,000 gallons, which was reduced from the original 1.7 million gallons/day. Dr. Tsai's modeling indicated acceptable drawdown of about 2.6 ft. at the BR fault. This permit app was unanimously approved by the technical committee on 6/18/24. Chair recommended approval of the permit subject to the same conditions as the ExxonMobil Ethos permit. He then rearticulated: the owner's flow meters will be used to generate flow data; the owner will provide flow data to the Commission in accordance with Commission's requirements. Well owners shall calibrate the meter and provide this certification in accordance with Commission's requirements. The owner shall allow Commission access to the site to conduct flow auditing as required.

Mr. Melancon clarified that the calibration data is available upon request. The owners are not required to send it in. Any time the Commission comes in to do an audit, the owners must make those records available.

Further discussion of annual audits and calibration.

Mr. Kerr recused himself from voting.

Chair Gautreaux reminded the board that since the Technical Committee chair has made a motion there is no need for a second. There were no more public comments. Role call vote: Mr. Dawson – yes. Ms. Gautreaux – yes. Mr. Leo – yes. Ms. Manning-Broome – yes. Mr. Kerr interjected that Ms. Gautreaux doesn't vote unless there's a tie. Mr. Means – yes. Mr. Kerr asked for a point of order. Mr. Phares – yes. Mr. Kerr said he thought the bylaws said the Board's chair could only vote in the event of a tie. Mr. Reonas – yes. Mr. Shaheen – yes. Mr. Vetter – yes. Ms. Lambert – yes.

Mr. Beard thought that bylaw had changed.

Mr. Kerr said he was looking at what was on the website and he'd cite it for him, but it didn't matter.

B. New well permit-BRWC Hurricane Creek

Chair Shaheen detailed the well permit application as 2450-ft, set in the 2500-ft. sand and will be for public potable water supply. It was previously considered by the Technical Committee, but no action was taken pending Dr. Tsai's modeling. The permit has been revised and resubmitted just like Istrouma well application. Hurricane Creek is proposed as backup for emergency use to address demand peak and service interruption of other wells within the system. Anticipated average daily pumpage is 500,000 gallons, which was reduced from 1.5 million gallons. Dr. Tsai's model with these conditions showed acceptable drawdown of about 1.3 ft at the BR fault. Permit was unanimously approved by the Technical Committee. The motion is to approve subject to the same conditions as the ExxonMobil/Ethos well.

Chair Gautreaux asked for commissioner comments, and stated the item didn't need a second to vote. Mr. Reonas said he appreciated BRWater working to get a more acceptable pumpage rate and that's exactly how the Commission should do things. Reducing pumping volumes is the only effective way to reduce saltwater intrusion besides installing some infrastructure, and often its in conjunction with infrastructure.

Mr. Leo questioned BRWater about Istrouma being a replacement for Lafayette EB 630. He wanted to know if Hurricane Creek would only be used to withdraw up to 500,000 gal/day of water if one or more of the other three wells near it had a shortfall.

Chair Shaheen answered that as he understood it, it was a backup well. There are other wells in that system, and it would be put in use when/if there was an interruption of service on the other wells or the system could not meet the demand.

Dennis McGehee – BRWater confirmed what Chair Shaheen said. If BRWater has another well that has to be repaired, they will run Hurricane Creek and they will also use it to meet demand.

Mr. Leo asked about the date of installation and Mr. McGehee said it's due to the timeline of the drilling industry right now.

Chair Gautreaux asked for other questions or comments. None. Also asked for public comments.

None. Roll call vote: Mr. Dawson – yes. Ms. Gautreaux – yes. Mr. Leo – yes. Ms. Manning-Broome – yes. Mr. Means – yes. Mr. Phares – yes. Mr. Reonas – yes. Mr. Shaheen – yes. Mr. Vetter – yes. Ms. Lambert – yes. 9-0, passed unanimously.

C. Permits - Time constraint

Chair Shaheen discussed the need to have a time frame of how long an operational permit will last. When/if conditions in the aquifer change, and the Commission is required to make adjustments in withdrawal rates, indefinite operational permits pose a problem. Adding time frames on operational permits will give the Commission some flexibility to manage the aquifer.

Mr. Beard said there has been a lot of input from different groups and that the Board decided to move to a part A/B for permits. Permit to drill, and second permit to operate. Then when data had been received and reviewed, the Board could reconsider. He said Rachael had a good idea to rotate times so it's not all at once. This warrants deeper discussion. Once data is in, there needs to be "meaty" discussion about where we are and how often to review and what changes to make. This is the beginning of the process.

Ms. Manning-Broome asked when the Board is going to start looking holistically to come up with reduction rates and partnering with industry to reduce their volume and if they say they are reducing, they should show us. She doesn't want to add anything to the industrial zone because that's where the Board was told not to increase extraction rates.

Chair Shaheen agreed. Comments by Ms. Lambert and Mr. Dawson about being able to know what industry needs in the future. Mr. Kerr noted that another law change this past session gave the Office of Land and Water authority to regulate withdrawals as to quantity and that the Commission needs to get the Commissioner of Conservation involved.

D. Discussion of water use planning survey -TWIG

Chair Shaheen gave some history and said the Board needs to find a way to make this survey mandatory and possibly make it public. Mr. Beard and Ms. Lambert to work on this.

XIII. Executive Committee Report

Karen Gautreaux- CAGCC Chair

Chair Gautreaux detailed that there was a discussion of litigation, budget, personnel matters but these were in executive session.

XIV. Member Agenda Items

Karen Gautreaux- CAGCC Chair

None.

XV. Old Business

Karen Gautreaux- CAGCC Chair
None.

XVI. New Business

Karen Gautreaux- CAGCD Chair
None.

XVII. Commissioner Comments

Karen Gautreaux - CAGCC Chair
Mr. Leo expressed extraordinary appreciation for Kellie McNamara and his disappointment in losing her.
Chair Gautreaux asked to send out an official letter of gratitude.

XVIII. Announcements

Karen Gautreaux - CAGCC Chair
Chair Gautreaux said to be on the look out for a special meeting on budget.

XIX. Public Comment (Non-action items only)

Karen Gautreaux - CAGCC Chair
None.

XX. Adjournment - (action required)

Karen Gautreaux-CAGCC Chair
Mr. Reonas moved to adjourn, Mr. Dawson seconded, no objection. Meeting adjourned.



Gary J. Beard, Executive Director