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April 10, 2019

RECEIVED
APR 16 2019
SAN JACINTO
RIVER AUTHORITY

Mr. Jeff Walker
Executive Administrator, Texas Water Development Board
1700 North Congress Ave.
P.O. Box 13231
Austin, Texas 78701-3231

Re: Lone Star Groundwater Conservation District Groundwater Management Plan

Dear Mr. Walker:

I am writing on behalf of The Woodlands Joint Powers Agency ("WJPA") to request that the Texas Water Development Board ("TWDB") reject the Groundwater Management Plan (the "Management Plan") recently adopted by the Lone Star Groundwater Conservation District ("LSGCD") on March 12, 2019. As you may be aware, WJPA is the administrative agency for ten municipal utility districts responsible for the provision of retail potable water supply services to The Woodlands, a community located within LSGCD's boundaries and having a population of over 100,000 residents and numerous businesses, institutions and other potable water users. A primary source of potable water for The Woodlands is groundwater and sustainable management of the aquifers in Montgomery County is vitally important to the quality and reliability of such underground water supply.

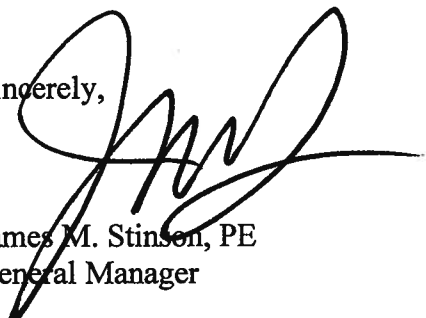
WJPA opposes the Management Plan because it (i) fails to comply with Texas law and TWDB rules, and (ii) allows additional pumping of groundwater in Montgomery County above sustainable levels and risks additional water level declines, land subsidence and flooding that would negatively impact the private property rights of current and future generations in The Woodlands, Montgomery County and the greater Houston region. The Management Plan fails to comply with Texas law and TWDB rules because it omits (1) management goals and objectives addressing achievement of the desired future conditions ("DFCs") for the aquifers adopted through the joint planning process, and (2) estimates of the modeled available groundwater in LSGCD as provided by the executive administrator of the TWDB based on those DFCs (see attached letter from the San Jacinto River Authority to LSGCD dated March 11, 2019). The practical result of these omissions is that they allow Montgomery County groundwater users to pump without regard to any groundwater reduction requirements. This will undoubtedly result in additional pumping of groundwater in Montgomery County above sustainable levels and increase the risk of

additional water level declines, land subsidence and flooding. Recent studies by the Harris-Galveston Subsidence District have demonstrated that land subsidence resulting from overpumping of groundwater has already occurred in Montgomery County (see attached letter from the Harris-Galveston Subsidence District to LSGCD dated March 11, 2019). However, according to the Harris-Galveston Subsidence District, the Management Plan under-represents the amount of subsidence that has occurred in Montgomery County and fails to mention water management strategies that could be utilized to stabilize the pressure in the aquifer system and prevent subsidence. This failure is unacceptable because it risks significant negative economic consequences in The Woodlands, Montgomery County and the greater Houston region, including increased property damage in flood events.

Therefore, WJPA respectfully requests that the TWDB reject the Management Plan adopted on March 12, 2019 and instruct LSGCD to adopt a revised Management Plan that fully complies with Texas law and TWDB rules and prevents additional pumping of groundwater in Montgomery County above sustainable levels.

Thank you for your thoughtful consideration of this matter.

Sincerely,



James M. Stinson, PE
General Manager

cc: Ms. Samantha Reiter, Interim General Manager, Lone Star Groundwater Conservation District
Mr. Larry Rogers, Board Member (The Woodlands Township Voting Jurisdiction), Lone Star Groundwater Conservation District
Mr. Toby Baker, Executive Director, Texas Commission on Environmental Quality
Mr. Mike Turco, General Manager, Harris-Galveston Subsidence District
Mr. Jace Houston, General Manager, San Jacinto River Authority
Mr. John Martin, General Manager, Southeast Texas GCD
Mr. Zach Holland, General Manager, Bluebonnet GCD
Mr. Gary Ashmore, General Manager, Lower Trinity GCD
Ms. Sherry Plentl, General Manager, Brazoria County GCD



San Jacinto River Authority

ADMINISTRATIVE OFFICE
P.O. Box 329 • Conroe, Texas 77305
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March 11, 2019

Board of Directors
Lone Star Groundwater Conservation District
655 Conroe Park North Drive
Conroe, Texas 77303

Re: Comments on Draft Groundwater Management Plan for Public Comment

Dear Lone Star Groundwater Conservation District Directors:

Thank you for the opportunity to provide comments on the Draft Groundwater Management Plan (the "Draft Plan") to be considered by the Lone Star Groundwater Conservation District ("District") Board of Directors at its hearing on March 12, 2019. As you know, the San Jacinto River Authority ("SJRA") owns and operates 37 groundwater wells within the boundaries of the District that supply water for over 100,000 Montgomery County citizens and countless businesses. SJRA has been actively involved for the last two decades in working with the District and numerous other stakeholders in Montgomery County to address the rapidly declining water levels in local aquifers, decreasing well yields, and the prevention and mitigation of land subsidence by promoting responsible water resources planning and management and the conjunctive use of groundwater and surface water resources to support continued population growth and economic growth in the county. SJRA has commended the District's efforts historically to promote the long-term viability of local aquifers, even when it was not the most politically expedient path to take.

SJRA appreciates that the new Board of the Directors of the District maintained a number of the management goals, objectives, and performance standards in the Draft Plan that were in previously-adopted management plans of the District. However, two key elements of the plan required by state law and the rules of the Texas Water Development Board ("TWDB") appear to be missing: (1) management goals and objectives addressing achievement of the desired future conditions ("DFCs") for the aquifers adopted through the joint planning process; and (2) estimates of the modeled available groundwater in the District as provided by the executive administrator of the TWDB based on those DFCs.

While the Draft Plan makes reference to the DFCs adopted in 2016 through the joint planning process and the modeled available groundwater estimates that correspond to those DFCs, those references are made only in the context of how the District plans to disregard them. Section 36.1085, Texas Water Code, requires the District "to ensure that its management plan contains goals and objectives consistent with achieving the desired future conditions of the relevant aquifers as adopted during the joint planning process." The Draft Plan contains no such goals and objectives. Rather, Section 7 of the Draft Plan states that "no reasonable DFCs are available for inclusion into (sic) this Management Plan," and further asserts that "the District presently does not have a justifiable value for the Modeled Available Groundwater for the District's regulatory purpose."

The TWDB clearly advised the District in the fall of 2018 that it will not approve any management plan submitted by the District that does not address achievement of either the 2016 or 2010 DFCs previously

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approved by Groundwater Management Area (“GMA”) 14, which are substantially similar to each other.¹ Yet, the Draft Plan fails both to embrace one of those two options and to address how the District will achieve that option. Unless and until GMA 14 approves new or amended DFCs applicable to the District, the District must continue to ensure that its management plan contains goals and objectives that are consistent with DFCs previously approved by GMA 14, as well as adopt and enforce rules to achieve those DFCs.

The Texas Legislature has unequivocally decided that DFCs are to be adopted on a regional basis by a two-thirds majority of the groundwater conservation district (“GCD”) representatives of a GMA (Section 36.108, Texas Water Code). A single GCD cannot unilaterally decide that the DFCs do not apply to it, nor declare them “no longer reasonable” or even “unreasonable” as a way to escape the groundwater management responsibilities and duties that the legislature has imposed on GCDs. Were this not the correct interpretation of the law, any GCD that did not support a DFC adopted by the requisite two-thirds majority of the GMA representatives could simply do an end-run around the process mandated by the legislature by (i) working to declare the DFCs applicable to that GCD unreasonable and then (ii) ignoring the requirements of state law to address achievement of the DFC in its management plan and rules.

The District’s previous board of directors understood that it could not unilaterally disregard the DFCs that had been approved by the GMA and that it could only pursue a different set of management goals and objectives if it could successfully prevail upon the GMA 14 representatives to adopt different DFCs applicable to the District, which is why all of its statements on the topic in the DFC appeal settlement documents and final order contemplate seeking GMA 14’s approval for the change in policy instead of deciding the change unilaterally. Furthermore, the District’s previous board of directors never declared the 2016 DFCs “unreasonable,” as incorrectly stated on page 10 of the Draft Plan, but rather stated in all instances that the DFCs were “no longer reasonable” because of that board’s change in policy goals for aquifer management, which necessarily implies that the DFCs were indeed reasonable at the time they were adopted by GMA 14 and by the District.

In addition to the essential management plan elements described above that the District still needs to address in the Draft Plan, SJRA offers the following additional comments:

1. Section 7, on page 10, states “Under the current schedule, GMA 14 will have proposed DFCs for adoption by May 1, 2021...the DFCs that apply to the District remain unresolved. Thus, no reasonable DFCs are available for inclusion into this Management Plan. When the District and GMA 14 successfully adopt DFCs that are deemed reasonable, then the District will update this plan.” *The District’s recent actions announcing its intent to void groundwater regulations in Montgomery County, coupled with these statements in the Management Plan indicating the potential for significant delays in adoption of meaningful DFCs, threaten to increase the risks of serious water-level declines, subsidence, and flooding.*
2. Management Objective 10.3.1 does not appear to be a specific and time-based statement of future outcomes as required by 31 Texas Administrative Code Section 356.52(a)(2) of the TWDB rules.
3. Section 10.4 refers to “Conjunctive Surface Water Management Issues” as “Management goals, objectives and performance standards,” however the only management objectives that are provided are attendance at Region H meetings, review of the State Water Plan, and coordination

¹ Refer to page 3 of the minutes of District’s Board of Directors meeting held September 18, 2018.

Board of Directors
Lone Star Groundwater Conservation District
March 11, 2019
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of conjunctive use with “public water suppliers, stakeholders and surface water management entities on conjunctive use.” The performance standards are simple reporting of meeting attendance and discussion in an annual report. The referenced 2017 State Water Plan clearly reflects use of surface water from Lake Conroe to meet current and future water demands. The Groundwater Management Plan should include more substantial and meaningful management objectives and performance standards in actually using surface water conjunctively with groundwater as anticipated by the 2017 State Water Plan.

4. Section 10.7 states that “recharge enhancement” as a strategy is “not appropriate” for the District. What aspects of enhancing aquifer recharge are not acceptable to the LSGCD?
5. Section 12.4 refers to numerous “water management strategies.....included in the 2017 State Water Plan for Montgomery County...,” however surface water use is not included, yet the “Lake Livingston/Wallisville Reservoir project,” which is located east of Montgomery County, is identified. Since the use of surface water from Lake Conroe is included in the 2017 State Water Plan for Montgomery County, why has the District failed to identify it in this section?
6. Appendix G refers to “Evidence of Coordination with Surface Water Management Entities” but does not include any documentation. We note that the District has not coordinated with SJRA regarding the Draft Plan.
7. On page 9, in the first bullet at the top of the page, the word “adopts” appears to be a typographical error and should be changed to “adopted.”

In conclusion, the Draft Plan as written is incomplete and should be amended to include goals and objectives to achieve either the 2016 or 2010 DFCs previously approved by GMA 14 and the District, as well as the modeled available groundwater estimates that correspond with those DFCs, consistent with previous directives given to the District by the TWDB as a condition of its approval of the plan.

Thank you for the opportunity to provide these comments on the Draft Plan. We look forward to continuing to work with the District to proactively address the water needs of the citizens, businesses, and public water suppliers in Montgomery County.

Sincerely,



Jace A. Houston
General Manager

cc: Mr. Jeff Walker, Executive Administrator, Texas Water Development Board
Mr. Toby Baker, Executive Director, Texas Commission on Environmental Quality
Mr. Mike Turco, General Manager, Harris-Galveston Subsidence District
Mr. John Martin, General Manager, Southeast Texas GCD
Mr. Zach Holland, General Manager, Bluebonnet GCD
Mr. Gary Ashmore, General Manager, Lower Trinity GCD
Ms. Sherry Plentl, General Manager, Brazoria County GCD



Harris - Galveston Subsidence District

1660 West Bay Area Boulevard
Friendswood, Texas, 77546

March 11, 2019

Board of Directors
Lone Star Groundwater Conservation District
655 Conroe Park North Drive
Conroe, Texas 77303

RE: Draft Groundwater Management Plan

Dear Lone Star Groundwater Conservation District Directors,

Thank you for the opportunity to review and provide comments on the Draft Groundwater Management Plan posted on February 19, 2019. The Harris-Galveston Subsidence District ("Subsidence District") has worked collaboratively with the Lone Star Groundwater Conservation District (LSGCD) since you were enacted in 2001, to share information in the development of our management plans considering the regional nature of the problems of water-level decline and subsidence. I understand that the proposed management plan is a work in progress; the Subsidence District is willing to continue to work with you as you develop this important plan for our region.

Subsidence is the lowering of the land surface elevation which can contribute to flooding and damage to infrastructure. The subsidence measured at the surface is caused by the compaction clay deposits in the aquifer due to groundwater usage. Generally, as groundwater development increases in the aquifer, the potentiometric water-level decreases causing a depressurization in the clay deposits resulting in compaction. The Subsidence District has worked cooperatively with the LSGCD, the National Geodetic Survey, and the University of Houston to monitor the surface deformation caused by groundwater development in Montgomery County.

The LSGCD management plan, as proposed, in the section titled Controlling and Preventing Subsidence under-represents the amount of subsidence that has occurred in Montgomery County. The total amount shown in the draft management plan disregards the historical amount of

Board of Directors: Alan Petrov – Chairman (*Municipalities of West University Plaza, Southside Place, Belterra, and Jacinto City*); Susan Baird – Vice Chairman (*City of Houston*); Alberto Gonzalez – Secretary (*City of Houston*); Lindall Murff (*Harris County Commissioners Court*); Joe Goins (*Harris County Commissioners Court*); Chris Canonico (*City of Houston*); Linn Smyth (*Harris County Commissioners Court*); William Latimer (*Galveston County Commissioners Court*); Pete Cote (*City of Baytown*); James Edwards (*Clear Lake Water Authority and the municipalities of Deer Park, Galena Park, La Porte, Nassau Bay, and Seabrook*); Pamela Puckett (*City of Houston*); Kyle Sears (*Municipalities of Humble, Piney Point Village, Hedwig Village, Bunker Hill Village, Hunters Creek Village, Hillbrite Village, and Spring Valley*); Kathy Rogers (*Galveston County Commissioners Court*); Shaun Theriot-Smith (*City of Houston*); Shannon Lucas (*Municipalities of Galveston County*); Katherine Ostroff (*City of Houston*); Jason Long (*Municipalities of Galveston County*); Sarah Benavides (*City of Pasadena*); VACANT (*Galveston County Commissioners Court*)

Michael J. Turco - General Manager

subsidence that occurred in southern Montgomery County from 1906-2000, adding an additional 1-2 feet to the amount specified in the proposed plan. Additionally, the management objective that discusses the prevention of future subsidence lacks mention of the current 30% groundwater reduction requirement or other water management strategies that could be utilized that would stabilize the pressure in the system and prevent subsidence. Information should be added to designate the continuation of the LSGCD conversion requirement in Montgomery County or the process by which the management criteria of subsidence prevention will be addressed.

Currently, the Water Authorities in Harris and Fort Bend County and the City of Houston are working in earnest to develop infrastructure and diversify source waters to reduce groundwater pumpage, stabilize aquifer water-levels, and prevent future subsidence. They have already been required to reduce groundwater use by 30%, and are in the development of additional infrastructure to reduce groundwater use by 60% before the year 2025. Harris County will further reduce groundwater use to 80% of the total water demand by the year 2035. Considering this on-going effort, it is important that the LSGCD Management Plan adequately reduce groundwater withdrawal in Montgomery County where any additional withdrawal could cause pressure declines in Northern Harris County and additional subsidence.

I look forward to seeing how the LSGCD management plan and rules evolve over the coming months. I encourage you and your staff to reach out to the Subsidence District to continue the long history of collaboration and cooperation in the management of our groundwater resources.

Sincerely,



Michael J. Turco
General Manager

