

Subject: Public Comment Submission for LSGCD DFC Hearing: Addressing the Contradictions in Proposed DFC Adoption

Dear Members of the Texas Water Development Board,

I am submitting this communication for the record regarding the proposed adoption of Desired Future Conditions (DFC) for Montgomery County. As an advocate for responsible water management, I am deeply concerned by the glaring contradictions between the district's newly proposed DFCs and the physical and financial realities recently acknowledged by LSGCD President Mr. Spigener.

The DFC Proposal vs. Acknowledged Pumping Realities

The proposed resolution establishes a long-term planning goal for the condition of the aquifers in 2080. Specifically, it proposes a DFC of "no less than 70 median percent remaining available drawdown in 2080" for Montgomery County. Under the old groundwater model, this 70% metric translated to approximately 97,000 acre-feet per year. However, based on the updated GMA 14 model, the modeled available groundwater under this same metric dramatically increases to approximately 199,000 acre-feet per year.

This massive increase in allowable pumpage directly contradicts the limitations acknowledged by district leadership. At the [December 2023 Water Symposium](#), Mr. Spigener openly noted that aquifers have a "slow recharge," strictly limiting how fast water can replenish in heavily pumped areas. He acknowledged that physical access is the real issue in high-growth areas and that the southern parts of Montgomery County are actively losing access to deeper, fresher water zones.

How can the district justify proposing a DFC that effectively doubles the modeled available groundwater to 199,000 acre-feet per year, when its own President admits that dense development will require expensive alternative supplies (like surface or imported water)?

The Abdication of Subsidence Control

LSGCD was created specifically to provide for groundwater conservation, protection, and to **"control subsidence caused by withdrawal of groundwater."** Furthermore, Chapter 36 mandates the development of DFCs that balance groundwater production with the **"control of subsidence"**.

Yet, the LSGCD resolution (attached) explicitly states that LSGCD **"does not support a subsidence DFC at this time for LSGCD."** The resolution justifies this by claiming that existing subsidence measurement sites cannot accurately measure a county-wide average and are influenced by pumping in neighboring areas, such as Harris County. It is an acknowledgment of subsidence in Montgomery, which the district must address.

Mr. Spigener has previously cited a lack of clear scientific guidance on safe pumping levels that do not cause excessive subsidence. It is deeply irresponsible to use a lack of precise measurement infrastructure as an excuse to avoid setting a subsidence DFC altogether, especially while simultaneously endorsing a model that increases allowable pumpage to 199,000 acre-feet per year. To that point, the lack of current measurement infrastructure should be treated as an argument for increasing monitoring efforts, not for abandoning the metric entirely.

The Need for a Unified Water Authority and Alternative Supplies

At the 2023 symposium, Mr. Spigener correctly identified a critical governance gap:

Montgomery County currently lacks a single, long-term authority dedicated to ensuring water sustainability. Despite this, the proposed resolution seeks to establish a Desired Future Condition (DFC) for 2080 that would drastically increase allowable groundwater pumpage. Locking in a multi-generational plan without an overarching entity to manage these resources is a precarious approach. Regulators must view this not merely as a flaw, but as a mandate for action. Regulatory bodies must champion the establishment of a **Montgomery County Water Authority**. By creating a centralized entity explicitly tasked with funding, developing, and promoting **alternative water supplies**, regulators can move the county away from unsustainable groundwater extraction and guarantee a resilient, long-term water future.

Conclusion

The citizens of Montgomery County rely on this Board to protect our resources, our property rights, and our infrastructure. We cannot afford to adopt a DFC that promotes pumping far beyond sustainable natural recharge rates while completely ignoring the mandate to adopt a subsidence metric. I urge the Board to reject this contradictory resolution and develop DFCs that reflect the physical, environmental, and financial realities LSGCD leadership has already publicly acknowledged.

Sincerely,

(Signed)
Paul Cote