OFFICE OF CONSERVATION

STATE OF LOUISIANA

IN RE: GROUND WATER

RESOURCES COMMISSION MEETING

REPORT OF MEETING

HELD AT

BATON ROUGE, LOUISIANA

AUGUST 23, 2004

OFFICE OF CONSERVATION

STATE OF LOUISIANA

IN RE: GROUND WATER

RESOURCES COMMISSION MEETING

Report of the public meeting held by the Ground Water Management Commission, State of Louisiana, on August 23, 2004, in Baton Rouge, Louisiana.

COMMISSION MEMBERS IN ATTENDANCE:

Scott Kirkpatrick, Chairman

James H. Welsh, Commissioner of Conservation

Karen Gautreaux, Department of Environmental Quality

Zahir "Bo" Bolourchi, DOTD - Water Resources

Darwin Knochenmus, Capital Area Groundwater Commission

Richard Durrett, Sparta Ground Water Conservation

John Roussel, Assistant Secretary Wildlife & Fisheries

Linda Walker, League of Women Voters

Len Bahr, Governor's Office of Coastal Activities

Jackie Loewer, Chicot Aquifer

Karen Irion, Department of Health and Hospitals

Brad Spicer, Louisiana Agriculture & Forestry

Mike Bourgeois, Louisiana Landowners Association

Fulbert Namwamba, Geologist/Engineer

AGENDA

I. Call to Order - Governor's Office

II. Ground Water Resources Division:

- A. Staff Activities
- B. Rulemaking
  - 1. Well-Cluster Definition
  - 2. Creation of Regional Bodies

III. Old Business

- A. Sparta Critical Ground Water Area Designation
  - 1. Draft Order
  - 2. Response to Comments
  - 3. Frequently Asked Questions
  - 4. Hearings

IV. New Business:

- A. Chicot Aquifer Stakeholders Group (CASH)

V. Commission Comments

VI. Task Force Comments

VII. Public Comments

VIII. Schedule for Next Meeting

IX. Adjourn

GROUND WATER MANAGEMENT COMMISSION MEETING

AUGUST 23, 2004

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MR. KIRKPATRICK:

Welcome everybody to the meeting of the Ground Water Resources Commission. Tony, will you call the roll?

MR. DUPLECHIN:

I don't have the sheet. Why don't we just go around.

MR. KIRKPATRICK:

Okay, we can go around then.

MR. BAHR:

I'm Len Bahr with Governor Blanco's Coastal Office.

MS. WALKER:

Linda Walker with the League of Women Voters.

MR. LOEWER:

Jackie Loewer with the Chicot Ground Water Aquifer.

MR. KNOCHENMUS:

Darwin Knochenmus, Capital Area Ground Water Conservation Commission.

MR. BOLOURCHI:

Bo Bolourchi, DOTD.

MR. SPICER:

Brad Spicer, Louisiana Department of Ag and Forestry.

MR. KIRKPATRICK:

Scott Kirkpatrick with the Governor's office.

COMMISSIONER WELSH:

I'm Jim Welsh, Commissioner of Conservation, Department of Natural Resources.

MS. GAUTREAUX:

Karen Gautreaux, DEQ.

MR. ROUSSEL:

John Roussel, Department of Wildlife and Fisheries.

MR. BOURGEOIS:

Mike Bourgeois, Louisiana Landowners Association.

MS. IRION:

Karen Irion, Department of Health and Hospitals.

MR. DURRETT:

Richard Durrett, Sparta Ground Water Commission.

MR. KIRKPATRICK:

Thank you. Tony, would you like to review the staff activities?

MR. DUPLECHIN:

Thank you, Scott. Since we last met, I'm sure most of you realize the biggest thing that the Staff has done was to get the draft order to Commissioner Welsh for his approval and release it. We've also done some work on looking at the impacts of a well that was going to supply a neighborhood, a subdivision in St. Tammany Parish on the north shore. As it turns out, this is the first well that the program has put restrictions on for withdrawals. We've done some work with the Secretary's office on our alternate sources of water. We've attended meetings at DEQ on ground water and in Lafayette with the Chicot Aquifer

Stakeholders Group; attended a meeting of the Sparta Commission last week up in Ruston, and spent some time going around the northern part of the state setting up the hearings that we'll go over in a little bit here. And also met with the Claiborne Parish Watershed District a couple of weeks ago.

And also have been receiving water well notifications. Since our last meeting we've received 34, which isn't a great deal. That gives us a total -- the total for 2003-2004 was 405 water wells, and you can compare that with the total we received in the two years prior to that was 730. And all water wells, as you know, have to be, if you want to call it registered with this Office either before or after. So we feel we are still running behind on getting these notifications to come in because I know there are more than 405 water wells drilled during the past 12 months.

And we've also continued to review solicitations for comment from the Geological Division in the Office of Conservation as it pertains to certain projects' impacts on ground water resources and we've done 20 of those reviews since the last time the Commission got together. Okay?

MR. KIRKPATRICK:

Anybody have any questions?

(No response.)

Okay. Do you want to go on to rule making?

MR. DUPLECHIN:

The next item of what the Staff has been doing,

at our last meeting we discussed having the Staff draft up some rules on getting these regional water resources groups together and I've got a copy of that in each of your packets. I don't know if you want to go over it completely. No one has seen this on the Commission up until today, and I don't know if you want to go over it now or have some time to look at it and then we can go over it at a later date.

MR. KIRKPATRICK:

Perhaps you could just go over it in general terms for us now while we're here.

MR. DUPLECHIN:

The first part of it, under Chapter 1, General Provisions: Definitions, we are proposing to add a definition for these Regional Water Resources Advisory Groups, and then to expand on an existing definition of large volume water well which would further define a large volume well as the installation of a well of any diameter that results in two or more wells being located within 1,000' of each other which is screened in the same aquifer and are producing adverse hydrogeologic effects as determined by the Commissioner of Conservation on a case-by-case basis.

This is to address the possibility of someone coming in and setting up so-called well fields or well clusters where they can put in a number of wells in close proximity to each other but less than the threshold 8" diameter that usually describes a large volume well.

For the Regional Water Resources Advisory Groups,

and let me put these back on, the purpose of these groups is to collect data and provide local input based on sound scientific interpretation of the data collected to the Commissioner and the Commission regarding all aquifers underlying the area within the Regional Water Resources Advisory Groups' geographical boundary, and they may additionally assist the Commission and the Commissioner by developing ground water management policies appropriate for their respective areas; evaluating proposals for alternatives to ground water; identifying target audiences for educational efforts; coordinating with the Commissioner on development of any educational materials and ideas; and compiling detailed three-dimensional hydrogeologic data of the area where possible.

As far as membership goes, the different entities that we identified that we felt should be members of this group include industry; business; agriculture; any watershed districts; municipalities; the parishes; environmental groups; educational groups, such as university geology departments; the director of the Louisiana Geological Survey, and the Louisiana District Chief of USGS Water Resources Division. And also state that members shall not be compensated for their services or their travel expenses by the Commissioner.

Go on to state or propose that the regional groups are responsible for selecting their own officers, including a chairperson, vice chairperson,

and secretary; and that the groups must meet in accordance with all applicable open meetings laws; and that they will provide the Commissioner with at a minimum 10 days prior notice to all meetings, minutes of the meeting, and a summary of the meeting; real basic.

MR. KIRKPATRICK:

Are there any questions?

MR. SPICER:

Yes, I have a question. Tony, concerning the large volume well, the expanded definition, what about irrigation wells where you have property boundaries and they are going to be close together, possibly? Is there any solution to that kind of --

MR. DUPLECHIN:

That is -- would present a problem. Ground water doesn't recognize property boundaries or whose pump it is, but that is something that we will have to discuss.

MR. BOLOURCHI:

Does that include domestic wells?

MR. DUPLECHIN:

It could include domestic wells. What we're looking at is, you know, trying to prevent someone instead of putting in an 8" well, which restrictions could be put on for withdrawal, going and putting in two 6" wells in close proximity to each other.

MR. BOLOURCHI:

I understand. But when developing subdivisions without a public supply system, 1,000', that's, at

minimum, there are ten lots; each lot would have a water well between each well, let's say, in south Louisiana.

MR. DUPLECHIN:

This is not to say this is prohibiting these wells from going in. This is just to define these wells.

MR. BOLOURCHI:

Does it include monitor wells?

MR. DUPLECHIN:

Like I said, these are proposed regulations. They're not final. These are things we will look at. But, you know, all wells, whatever is a water well in Act 49.

MR. KIRKPATRICK:

Is that all? I believe Karen had a -- Karen, you still have a question?

MS. GAUTREAUX:

I have another question that I'll tell you now and we can discuss in a minute. I don't want to take away too much from this one. On B(1,) developing ground water management policies appropriate for their respective areas, are they going to actually be developing or developing recommendations that would be put forward as policy? So that's question number one. But getting back to this one, would domestic wells typically -- is there a possibility, say, in your example, Bo, would there be chances that domestic -- the typical domestic size well would actually create adverse hydrogeologic effects?

MR. BOLOURCHI:

In my experience domestic wells do not negatively impact the other domestic wells nearby. However, if a large well is drilled nearby, then it would impact the shallower domestic wells.

MS. IRION:

I do have to admit that I have seen wells go in in little clusters, large diameter, and these are community wells and not domestic wells, and they might be greater than 8" and they may be as close as 500' apart. I've seen those go in. I don't think it's good hydraulic design, but, like, in Chicot where they flow fairly high flowing rates, they tend to put them closer together, and I don't think they do have adequate geological design. We are trying to address this, but we don't currently have rules to prevent this in place at the drinking water program.

MR. BOLOURCHI:

One other comment. I agree especially in non-community public supplies, they always put two, so that if one goes out they would have the other one to turn on. They're not necessarily pumping simultaneously.

MS. IRION:

Right. But they don't really look at a cone of depression or actually do a geological design prior to putting those wells in. But, apparently, the well drillers oftentimes just go in and install them.

MR. KIRKPATRICK:

Mr. Knochenmus, you've been waiting patiently.

MR. KNOCHENMUS:

Yes. My comment had to do really with what Karen had talked about, but I think the saving statement here is where it says producing adverse hydrologic effects as determined by the Commissioner. I think because all these situations will come up, in many cases there won't be that problem, but because they can be determined and decided by the Commissioner, I think the statement is okay.

MS. IRION:

Tony, do you have an idea what would constitute producing adverse hydrologic effects?

MR. DUPLECHIN:

It would have to be looked at on a case-by-case basis, but if they were causing someone else's well to lose the capability to pump, we would consider that. I'll go to the case of St. Tammany. Someone put a well in and it was our determination that it might have an adverse effect on a well that was only 75' away.

MS. IRION:

So you're looking at overlapping cones of depression?

MR. DUPLECHIN:

Right.

MR. KIRKPATRICK:

Any more comments on that part of the rules, or that rule? If not we can move on maybe and address Karen's comments dealing with the Regional Water Resources Advisory Group. Karen, did you want to say

1 anything else about that?
2 MS. GAUTREAUX:
3 I just wanted to clarify what the view of the
4 Commission is, and I would just, depending on the
5 Commission's intent, if we assume that these groups
6 are going to be the stakeholder contacts and
7 developing policies appropriate for them, I would
8 imagine they would recommend that policy be
9 implemented in that area and that the Commission would
10 say we concur and that's going to be the policy. I
11 just wanted to get some feedback from the other
12 Commissioners about that phrase.
13 MR. SPICER:
14 I have a comment on that also. I'd like to
15 consider rather than developing, proposing ground
16 water.
17 MR. DUPLECHIN:
18 That's a good word.
19 MR. KIRKPATRICK:
20 And along with that comment I'll just quickly
21 say, I believe last time we met the question was
22 raised about how we determined possibly the legitimacy
23 of these groups. Perhaps if several groups seem to
24 develop in the same area how we would determine which
25 ones we would be looking to for input. I don't know
26 if any thought has been given to the makeup of these
27 groups or any -- exactly what they would need to show
28 us or show the Commissioner in order to determine --
29 MR. DUPLECHIN:
30 One thing I did not go into detail, under

membership, if you look at (B) it says, the Commissioner shall designate the geographical boundaries of the Regional Water Resources Advisory Group; and (C,) the Commissioner would determine the membership and size of the Regional Water Resources Advisory Group.

MR. KIRKPATRICK:

Thank you. Someone else have a question?

MR. LOEWER:

I was going to comment on D(1) again. I think the saving question, Karen, I had the same comment, except it says this group would additionally assist the Commissioner in developing. It wouldn't develop or even recommend, they would just assist in having the Commission or the Commissioner develop these. I think that's the saving wording on that.

MR. ROUSSEL:

I'll just ask a question. I'm kind of thinking probably light years ahead of where we are right now, but the legislation limits it to five of these regional groups, and I guess the question that comes to my mind is, as we begin to actually formally establish these groups, the rules, do they provide a mechanism to go back and amend those groups to accommodate growing concerns? For example, if we establish a regional group with jurisdiction over a geographical area, and then for some reason in the future there's a need to amend that boundary because of establishment of an adjacent regional group, I'm not sure what's implied in the rule that the

Commissioner can go back and address such concerns, but we may want to put some language in there to give him that flexibility to go back and take care of that type situation.

Like I said, because we limit it to five, there may be some, what I'm going to call, for lack of a better term, competition to rush and create these groups, and then we may see in the future a need to actually go back and address some concerns that were not apparent initially.

MR. DUPLECHIN:

Mr. Spicer?

MR. SPICER:

Yes. Isn't it required that we all -- like, the Capital Area and Sparta already are -- they're not?

MR. DUPLECHIN:

No. The law says that the Commission can direct the Commissioner to promulgate rules for developing or putting together these five groups based on the geographical areas of the major aquifers in the state, but it doesn't say anything particularly that it has to be Capital Area or Sparta.

MR. KIRKPATRICK:

Tony, I know we had the Chicot Aquifer Group that has spoke to this Commission about forming. How do you anticipate that process moving forward as it relates to this rule?

MR. DUPLECHIN:

I do not presume to speak for them, but I would imagine that they would continue to meet, as this

1 process with developing these rules goes forward and
2 follow what's in the rules, and then they would
3 probably make a proposal to the Commissioner asking
4 that they be recognized as the regional stakeholder
5 group for that area.
6 MR. KIRKPATRICK:
7 At that point the Commissioner would decide who
8 of that group would actually be members of the group
9 and exactly what the boundaries would be?
10 MR. DUPLECHIN:
11 Right, right.
12 MS. WALKER:
13 Tony, I had a question. This is pretty general.
14 Who determines maybe how many from, let's say,
15 industry because there can be a plethora of industries
16 in a region that would have different or maybe
17 sometimes opposing interests, how many members of
18 industry maybe would be this? How many members from
19 each area would be on this? What would be the term
20 that they would serve? All of these things. Who is
21 going to determine that?
22 MR. DUPLECHIN:
23 The size of the group is determined by the
24 Commissioner. In earlier drafts of these proposed
25 rules we had looked at addressing terms of membership
26 and we thought it might be better to let the
27 individual groups come up with proposals for that, you
28 know, what the terms of their different individual
29 members would be.
30 MS. WALKER:

So you would -- somehow that needs to be reflected, that the group itself would make its own rules for some of these things, somewhere, because there's not a way to do that yet in here.

MR. KIRKPATRICK:

Any more questions? Mr. Spicer?

MR. SPICER:

Are we moving on to another section now?

MR. KIRKPATRICK:

We'll stay on the Regional Water Advisory Group, certainly.

MR. SPICER:

I don't have any more questions on it.

MR. KIRKPATRICK:

Any more questions on the Regional Advisory Groups? And, Tony, I anticipate y'all are now taking comments on these rules?

MR. DUPLECHIN:

Well, we haven't officially sent this over to the State Register in a Notice of Intent. We wanted to just present the basic verbiage to the Commission before we started with that. And I can see now we have a few more areas that we need to address. And we will do some work on this and send it back out to the Commission for their review instead of calling the Commission all back together right quick.

MR. KIRKPATRICK:

You'll send a final --

MR. DUPLECHIN:

We'll send a draft to the Commission for comment.

MR. KIRKPATRICK:

You'll send it to the Commissioners before you send it --

MR. WELSH:

I think there's been some good comments from the Commissioners on this, a lot of ideas. We're going to get them out of the transcript and make sure that we cover these things. I think they're all valid and we ought to have them in there somewhere.

MR. KIRKPATRICK:

If nobody has any other comments on the rule making, we can move along to old business, being the Sparta --

MR. SPICER:

Excuse me, I misunderstood you when we talked about -- I thought we were dealing with Section 901, purpose of the Regional Advisory Group there. I wanted to discuss membership.

MR. KIRKPATRICK:

Go ahead.

MR. SPICER:

Watershed districts, I would like to recommend that some consideration be given to having soil and water conservation districts. The entire state is covered by districts, so there's 44 districts. That would provide someone with the knowledge of surface waters, especially surface waters, and in a lot of cases, Jackie, ground water because they deal with water management issues as part of their routine activities.

MR. KIRKPATRICK:

Is that it? Any other comments on the rule making?

(No response.)

If we'd like to move along. Next item?

MR. DUPLECHIN:

Our next item on the agenda is the much awaited Sparta Critical Ground Water Area Designation Application Draft Order. I put a copy of the draft order in everyone's packet. We've also put the draft order on the Internet. The Department of Natural Resources sent a press release to all the papers in the state, or at least the major ones, about it, and there's been a lot of newspaper articles up in north Louisiana, one in Baton Rouge, and even one in the Times Picayune about the order. I had planned on talking a little bit more than I am about the order today, but was advised that I just need to stick to the administrative matters with the order and not go into any of the details of the application or the order at this point. That would not be appropriate. Those items we will go over at the first public hearing, which will be in Ruston on the 16th of September.

But what I would like to do is just, I have a small, short slide presentation, which the Commissioner's really don't need to look at, but I'll put it upon the screen for the rest of the audience, going over the time line of the application and when the hearings are going to be and what the steps are

following that. I have to apologize for it being on the wall, but this is as small as I can make the image from our projector and the screen only covers underneath where it says CGWA-01. When we get our next building we'll make a few recommendations. I think it's still shows up well enough that everyone can see.

On June 6, 2002, the Applicant published a Notice of Intent in 16 newspapers across north Louisiana, I believe, that they were going to make an application for this critical ground water area. On July 25th of that year we received the application. The Staff started to review it, and on August 7th notified the Sparta Commission that additional information needed to be submitted for the application to be considered administratively complete. We received that information on August 16th and on August 23rd determined the application to be administratively completed.

On October 9th we scheduled the initial public hearing, which was held on November 19th in Ruston. On June 30th of 2003, the Sparta Commission sent a letter asking the Commissioner of Conservation to consider the application under Act 49, which was to take effect on July 1st. Act 49 went into effect and the existing Ground Water Management Commission ceased to exist and the current Ground Water Resources Commission came into existence. Act 49 also made the Commissioner of Conservation responsible for the administration of all matters related to the

1 management of the state's ground water resources.
2 On July 23rd of 2003, the Commissioner informed
3 the Sparta Commission that he would consider the
4 application under Act 49 and on July 8th the
5 Commissioner issued Draft Order CGWA-1-04. I don't
6 have slides showing the extent of the areas that were
7 declared critical, but that is all in the packet that
8 you have.
9 Our next step in this process is to hold at least
10 one public hearing in the area affected by the
11 critical ground water area designation, so we're going
12 to have three public hearings. The first one will be
13 in Ruston at the Ruston High School auditorium on
14 Thursday, September 16th at 7:00 p.m., and we may be
15 adjusting that time. We will let everyone know.
16 This just shows where Ruston High School is. The
17 second public hearing will be held two weeks after
18 that at the Jackson Parish Community Center in
19 Jonesboro on September 30th at 7:00 p.m. The Jackson
20 Parish Community Center is just south of Jonesboro.
21 The third hearing will be held at Ouachita Junior High
22 School in Monroe on October 7th, also at 7:00 p.m.
23 The Commissioner shall notify the public of the
24 date, time, and location of the hearings and the
25 location of materials available for public inspection
26 a minimum of 15 days prior to the hearing. The
27 Commissioner or designee shall serve as the presiding
28 officer and shall have the discretion to establish
29 reasonable time limits upon the time allowed for
30 statements. These hearings shall be fact finding in

nature and cross examination of witnesses shall be limited to the Commissioner or his designee and the Commissioner's Staff. All interested parties shall be permitted to appear and present testimony either in person or by their representatives.

Hearings shall be recorded verbatim and a copy of the transcription shall be available for public inspection at the Office of Conservation. Testimony and all evidence received shall be made part of the administrative record and shall be considered in the final order. The Commissioner shall adopt the final order and plan to preserve and manage ground water resources after completion of these hearings. The final order shall be made a part of the permanent records of the Commissioner and shall be made available to the public upon request. Final critical ground water area designation orders of the Commissioner may be appealed only to the 19th Judicial District Court.

Does anyone have any questions about the procedure with the draft order and the hearings?

MR. DURRETT:

I'd like to make a comment first and then I've got a couple of questions. First of all, on behalf of Sparta, we are pleased to receive the draft order that we've waited so patiently for, Commissioner. Tony, or somebody, if there is an amendment to the order, what is the procedure for making amendments after the hearing?

MR. DUPLECHIN:

1 You're talking about someone submitting
2 information, additional information?
3 MR. DURRETT:
4 Right, if somebody wanted to submit information
5 to expand the critical designation area.
6 MR. DUPLECHIN:
7 Any information we receive at a hearing we would
8 definitely look at. We feel that if after looking at
9 such information there is justification to expand the
10 area, that would require another public hearing
11 because it would, obviously, be another area affected.
12 MR. DURRETT:
13 Okay. But what if it's not presented then? What
14 if you go through the hearing procedure and then the
15 order is issued, then how do you amend it? What is
16 the procedure for amending it?
17 MR. DUPLECHIN:
18 Okay, the procedure would be similar to
19 submitting another application for a critical ground
20 water area designation.
21 MR. DURRETT:
22 But it would only apply for the area that was
23 added; right, that would want to be added?
24 MR. DUPLECHIN:
25 Just the area that was included in the
26 application. If you look at No. 7 under Order Section
27 -- I'm sorry, No. 5, under the Order Section of the
28 draft order, it states, "When there is obtained
29 additional geological, engineering, or other
30 information which would indicate a required change or

revision in the critical ground water area boundaries adopted herein or which would indicate a required change or revision or other provisions of this order, the party or parties in possession of such additional information may petition the Commissioner of Conservation for a public hearing for the purpose of considering appropriate changes in accordance with LAC 43:VI.301 et seq.," which are in the rules for submitting applications for critical ground water areas.

MR. DURRETT:

So my question -- I guess my dilemma is, if you have additional information, timewise, is it better to present it during the public hearing session or wait until after the order is issued and ask for an amendment? Timewise.

MR. DUPLECHIN:

That's hard to say because it depends upon the information submitted, the volume of the information submitted.

MR. DURRETT:

Well, no matter what the volume is, the procedure --

MR. DUPLECHIN:

It will require more hearings.

MR. DURRETT:

-- timeline -- it's going to be another hearing either way?

MR. DUPLECHIN:

Yes, sir, and possibly more than one, because the

draft order would be amended and we'd have to hold a hearing on that and then -- one on the information submitted and then one on the draft order.

MR. DURRETT:

Next question is, after the hearing -- after the hearings, what is the timeline for issuing the order? Is there some timeline?

MR. DUPLECHIN:

There's nothing in the rules or the law stating a deadline by which it has to be issued or finalized. We will make sure that all additional testimony is reviewed and given proper consideration and we do not rush to a judgment.

MR. DURRETT:

I'm not asking to rush, but I just wondered if it's going to take a long period of time or do we have any general idea?

MR. WELSH:

Normally with Conservation orders, we try to do something within 30 days, but as Tony said, there's nothing in the law that provides 30 days, it's just something we try to do. And again, it would certainly depend upon the level, the depth of the comments we get at the public hearings because that is part of the decision process, is evaluation of all those comments. It's really a hard number to come up with.

MR. DURRETT:

I understand, but you understand where I'm coming from. We've been waiting a long time, so we'd like for it to stay at the top of the list.

1 Another question, can you tell me what this draft
2 order, how it affects wells outside the three areas
3 that were declared critical?
4 MR. DUPLECHIN:
5 Act 49 states that the Commissioner of
6 Conservation has the authority to place restrictions
7 on all wells within a critical ground water area
8 designation. For wells installed outside of a
9 critical ground water area, the Commissioner has the
10 authority to put restrictions on wells that are
11 considered large volume wells, right now defined as
12 wells that have a diameter of 8" or more. Any other
13 well, any other size which will be smaller, the
14 Commissioner can just restrict spacing, but if someone
15 puts a well 8" or larger in an area of the state that
16 has not been declared critical, the Commissioner can
17 put restrictions, such as we did on the North Shore.
18 MR. DURRETT:
19 But the present rules we have don't have this
20 1,000' that we were talking about earlier?
21 MR. DUPLECHIN:
22 The 1,000' thing we were talking about earlier is
23 if someone wants to go in and put a number of wells
24 that are underneath the 8" threshold.
25 MR. DURRETT:
26 But that's not in the rules now?
27 MR. DUPLECHIN:
28 That's not in the rules now. However, the
29 Commissioner can still mandate spacing on those wells.
30 MR. DURRETT:

Let me just make one other comment, the Sparta Commission does appreciate Tony taking time to come and explain this the other night. I think we had a two-hour meeting and it was very beneficial to the people in the Sparta area.

MR. KIRKPATRICK:

Are there any other questions?

(No response.)

No other questions, we can move along to the next item, new business, the Chicot Aquifer Stakeholders Group.

MR. DUPLECHIN:

I believe Tim Deux and Don Broussard would like to give a short report on the meeting that was held in Lafayette.

MR. DEUX:

Good afternoon. What Don and I've prepared is a brief summary of the meeting that we had last month. The complete minutes have been sent to Tony and I believe they are posted; is that correct?

MR. KIRKPATRICK:

Is your microphone on? If you could identify yourself, too.

MR. DEUX:

I'm Tim Deux from the Geology Department at the University of Louisiana at Lafayette. I'm going to read these, and then turn it over to Don and see if he has any additional comments, and then open it up for questions or comments from the public.

Good afternoon, Commissioner and members of the

1 Commission and public in general, this is a summary of
2 the initial organizational meeting of the Chicot
3 Aquifer Stakeholders Group, which we have informally
4 entitled CASH. The initial meeting was held at seven
5 o'clock on July 28, 2004, at the Clifton Chenier
6 Community Center, 220 West Willow Street, Lafayette,
7 Louisiana, with about 25 people in attendance. Mr.
8 Don Broussard, Manager of Water Operations for the
9 Lafayette Utility System, chaired the meeting with a
10 panel that included myself; Dr. Bruce Darling, a
11 consultant with LGB-Guyton and Associates; and Brent
12 Sonnier, a local attorney.
13 The purpose of the meeting was to convene parties
14 that have an interest in water usage from the Chicot
15 Aquifer in southwest Louisiana and to discuss
16 organizing a Chicot Aquifer Stakeholders Group, which,
17 again, we have called CASH. It was proposed that CASH
18 would communicate with and make recommendations to the
19 Louisiana Ground Water Resources Commission, and also
20 to seek funding from public and private sources for
21 the purposes that we have outlined.
22 The panel and audience discussed issues related
23 to that Chicot Aquifer and the formation of a regional
24 body such as CASH. Mr. Broussard summarized ideas
25 concerning the makeup of CASH and what it should be
26 and what it should not be. Mr. Sonnier clarified some
27 of the legal aspects related to the legislation that
28 was passed by the State and presented ideas about the
29 makeup of CASH. Tony Duplechin attended the meeting,
30 Director of Water Resources in the Division of the

Office of Conservation, Louisiana Department of Natural Resources, and he updated the audience on the progress of the Ground Water Resources Commission concerning the adoption of rules that would create these regional bodies and set their scope of authority. State Representative Clara Baudoin gave brief comments about current legislative concerns related to ground water and the active role regional bodies, such as CASH, should play in achieving stated objectives.

I presented an overview of some of the hydrologic features of the Chicot Aquifer in the Lafayette area, including historical ground water usage in Lafayette Parish and known hazardous waste sites in the area that could pose a problem as far as pollution risk to the aquifer. I also informally proposed four items that I thought needed to be considered to establish CASH and recommended that we consider issuing an annual report once this body is formed.

Dr. Darling presented an overview of water quality issues that typically are of concern to the public from his prior water management work in other states, and emphasized that water quality and supply issues need to be defined factually.

At this point in the meeting several questions and comments were raised by the attendees. Alternative sources, such as surface water, were discussed and Dr. Darling noted that other possible alternate sources had been included in the consultant's original recommendations to the Ground Water Resources

Commission. He also mentioned that economic and sustainability factors needed to be considered in any plan.

Possible funding sources, such as other governmental agencies, were discussed in light of financial backing of other similar organizations and the organizational structure of CASH was considered, and it was suggested that the rules being formulated by the Ground Water Resources Commission be a primary source of input.

Membership in the regional body was also commented upon, and just one of the things that was brought up is that if we really want to have an effective organization, we need to get membership priorities established as soon as possible so that we can begin creating this body.

The next meeting is set for August 26th, that's this coming Thursday, 2004, at 6:00 p.m. in the same location, at the Clifton Chenier Community Center on Willow Street in Lafayette, and we'd like to invite all interested parties to attend or if they can't attend to contact us and let us know that they are interested.

We have received one letter stating the membership request from Buck Vandersteen for the Louisiana Forestry Association. If there are other organizations that wish to place a name into consideration, please contact us.

MR. BROUSSARD:

I'm Don Broussard. I'm the Water Operations

Manager for the Lafayette Utility System. Thank y'all for your time and putting us on the agenda. I'd like to thank Tony and his Staff for posting our formative documents on the DNR's web site, first of all. As Tim mentioned, we're still in our organizational phase. We're still trying to identify what our statement of purpose or our mission is. We expect to try to iron out some of those issues at the meeting on Thursday night, and what our structure is going to be. At least we have some guidance from the draft rules that were presented here today, what our limits of authority are and, of course, the draft rules don't address funding. I guess we're on our own on that one.

There was a question at the last meeting by -- I apologize for not remembering the Commissioner's name from the Economic Development Department, Taylor, Commissioner Taylor. He asked about our group's consistency with the State's Ground Water Management Plan, and Dr. Darling who sits on our little founding group, did look at it and commented that the formation of our group is consistent with the State's Ground Water Management Plan. We'll be happy to answer any questions that you might have.

MR. KIRKPATRICK:

Any questions?

MR. SPICER:

Yes, when is the next meeting?

MR. DEUX:

The next meeting is scheduled for this coming

Thursday, this coming Thursday, August 26th at 6:00 p.m. in the Clifton Chenier Center, 220 West Willow Street in Lafayette, Louisiana. It's about half a mile off of I-10 and the Evangeline Thruway.

MR. KIRKPATRICK:

Karen?

MS. GAUTREAUX:

I just want to say congratulations and thank y'all for being the guinea pigs in terms of regional work groups being formed. And if y'all can kind of flag, particularly the controversial issues that we need to consider as we move forward with future bodies, it would be much appreciated. Thanks for your work.

MR. KIRKPATRICK:

Thank you for your time. It looks like we have a new member who has come. I'm sorry, I've not met you yet. If you could identify yourself.

DR. NAMWAMBA:

Okay. I'm Dr. Fulbert Namwamba, geologist and engineer on faculty at Southern University. I just got promoted to Associate Professor, so they were recognizing us today at the faculty convocation, so that's why I was late. It's a pleasure.

MR. KIRKPATRICK:

Congratulations on your promotion and thanks for joining us.

At this time I believe it's open for any Commissioner comments. Does anybody have any general comments they'd like to make? John?

MR. ROUSSEL:

Just, not a comment but a request of Tony. Tony, in the future, if possible, could you mail us out the materials that we're going to have at the meeting, give us a chance before we get to the meeting to possibly look over some of the things? I realize sometimes they are not available, but it is helpful if we can have those materials before we get here.

MR. DUPLECHIN:

We will do that. Some of these particular items we were still working on at the last minute and we did try to e-mail the order to everyone. On that topic, if anyone did not receive, and this is not only the Commissioner and Task Force, but anyone else who may be in attendance, did not receive e-mails with these materials or the notification of the meeting today, please come and see me afterwards. We have some sheets where you can put all your pertinent information, name, address and e-mail address, which is most important. We've had some come back lately once Charlotte sent them out. And also your preferred mailing address so we can get these hard copies out to you.

MR. KIRKPATRICK:

Tony, when did you send out this draft, these drafts to us?

MR. DUPLECHIN:

The draft of the regulations?

MR. KIRKPATRICK:

Yes.

MR. DUPLECHIN:

That we did not. That was what we were working on the middle of last week. I apologize that everyone got it just today, but that's why we didn't come in here and ask the Commission to bless it because we knew it was their first time, and I asked whether they wanted us to go over it or not or just let the Commission have it to review for a while and then get back with us.

MR. KIRKPATRICK:

I just wanted to make sure I didn't miss it. Okay, at this point if there are any Task Force members who would like to make comments, you can certainly come forward. Please identify yourself.

MR. VANDERSTEEN:

Mr. Chairman, members, good afternoon. My name is Buck Vandersteen, Louisiana Forestry Association. Would the Commissioners refresh my memory what happens when an area is designated critical ground water area? What does that do to existing industries there that are already pumping water? Are there any additional restrictions to their usage of water, or is this when you have critical designation, does it primarily affect new drilling?

MR. KIRKPATRICK:

Tony, perhaps you want to take that question.

MR. DUPLECHIN:

When an area is declared critical -- and let me make sure I get to the right references in here -- when an area is declared critical, the Commissioner

1 issues an order, in this case a draft order, not final
2 one, on the area which will show the boundaries of the
3 critical ground water area. And the order shall also
4 contain a plan to preserve and manage the ground water
5 resources in the area, which may include, but not be
6 limited to, educational and conservation programs,
7 incentives to reduce ground water use, restrictions on
8 the amount of withdrawals by any or all users in the
9 area. If restrictions on withdrawals are imposed, the
10 Commissioner shall consider the following: ground
11 water needed for human consumption and public health
12 and safety shall have the highest priority; uses other
13 than human consumption and public health shall all
14 have equal priority; the historical use of the water;
15 the ability, including economic ability, of a
16 particular user to relocate to an alternative source
17 of water; and the user's conservation efforts and
18 actual reductions in water usage taking into account
19 historic ground water production.
20 So the short answer to your question is, if an
21 area is declared critical, any and all water usage can
22 be restricted.
23 MR. VANDERSTEEN:
24 Thank you. That's what I wanted to know.
25 MR. KIRKPATRICK:
26 Any other Task Force members have any comments?
27 MS. PETTIT:
28 I'm Ann Pettit with the League of Women Voters of
29 New Orleans. When the question was asked, I believe
30 by the gentleman from Sparta, he mentioned about

restriction on wells that are close to designated ground water areas but not actually in it, and so the law was written for which wells are in the critical area. But if a well is close to the area and it is having interference with production of wells in the critical area, would there be some kind of prioritization on looking at those and expanding the area, like an emergency rule or something?

MR. KIRKPATRICK:

Tony, would you like to --

MR. DUPLECHIN:

Wells that are outside of a critical area, if they are 8" or greater the Commissioner can place restrictions on those wells. Any other well the Commissioner can only restrict spacing. Spacing means the Commissioner could tell that well owner they have to move that well farther away from the critical ground water area.

MR. DURRETT:

Can I ask a question? But is that just for new wells outside the area or existing and new wells?

MR. DUPLECHIN:

That would be for new wells.

MR. KIRKPATRICK:

I guess also, as Mr. Durrett was talking about earlier, there could be an application for an extension of that designated area also. Randy?

MR. LANCTOT:

Members of the Commission, I'm Randy Lanctot with the Louisiana Wildlife Federation and I've come before

you not really as a member of the Task Force, though I am and I appreciate that responsibility, but although it's not within the jurisdiction of this Commission, it's certainly related to its function and that is the concern or the impact of reservoir development on our water resources in the state of Louisiana. Some of you I know are aware that there are several projects ongoing in various stages of receiving funding, I think seven or eight projects, all of them I think claim water supply as a benefit, unsubstantiated, I think. Most of them hope to have significant economic development impacts for their area, but all that is undetermined.

My concern is that the State is potentially going to be throwing a lot of money at surface water supplies that ultimately are not going to be able to be used for that because of conflicts between the uses of recreation and water supply, or aren't going to be in the right place. I would hope that this Commission perhaps would take a look at the issue of reservoir development in the state to see how it fits in with its responsibilities to make sure we have enough water resources to go around in the state of Louisiana.

That's all I had to say. I just wanted to make sure it was on everybody's radar screen. As you may know, some of the citizens in the vicinity of the Allen Parish reservoir are very concerned about what's going to happen out there. We're starting to get some concern expressed over the proposed Washington Parish reservoir. We don't know exactly where that's going

to be, but that pretty country out there in Washington Parish is likely to be flooded, is certainly of concern to a lot of us that are concerned about fish and wildlife resources, scenic streams, and that sort of thing. So as we know, ground water and surface water are connected and I hope the Commission would look into that using whatever authority that it has.

That's all I have to say. Any questions I'll be happy to try to answer them on this particular issue. Thank you.

MR. KIRKPATRICK:

I don't see any questions. Thank you, Randy. Any other Task Force members like to speak?

(No response.)

Do any members of the public, would you like to make a comment? Come forward and state your name please.

MR. LELEUX:

My name is Harold Leleux. I'm a water well contractor and I'm concerned about the recharge areas of the Chicot Aquifer and other aquifers. Does the Commission have resources to do some development of recharge for the aquifers?

MR. KIRKPATRICK:

Tony?

MR. DUPLECHIN:

Are you speaking about enhanced recharge efforts?

MR. LELEUX:

Enhanced recharge.

MR. DUPLECHIN:

1 That is one thing that the Commission and Task
2 Force will be investigating and developing the long
3 range Ground Water Management Plan for the State. I
4 know a number of different groups in the State,
5 particularly north Louisiana, have been investigating
6 enhancing recharge in the Sparta Aquifer, in the
7 recharge area, but I've heard of no efforts down in
8 the Chicot.
9 MR. LELEUX:
10 But at this point there's no -- in other words,
11 there's no rules for recharge and there's no set of
12 rules to say one area should be improving or not
13 improving. What I'm concerned about is you're saying
14 we should space wells and we don't use wells but we
15 need to develop recharge, and I would like for this
16 Commission to continue to do that research also.
17 MR. DUPLECHIN:
18 That will be something we will continue to look
19 at. There are number of different ways to enhance
20 recharge, either through increasing infiltration, such
21 as building these reservoirs over the recharge area,
22 or another way is to inject water down into the
23 aquifer. But that brings up a whole other set of
24 rules and regulations that are in place for injecting
25 water.
26 MR. LELEUX:
27 Thank you.
28 MR. KIRKPATRICK:
29 Any other public comments?
30 (No response.)

1 Hearing none, do we have a schedule for the next
2 meeting?
3 MR. DUPLECHIN:
4 I haven't picked out a date yet for the next
5 meeting. That didn't sound like it was grammatically
6 correct. We are going to have the hearings up in
7 north Louisiana on the 16th and 30th of September and
8 the 7th of October. So should we look towards some
9 time in the latter part of October or early part of
10 November for having our next meeting?
11 MR. KIRKPATRICK:
12 Sounds good.
13 MR. DUPLECHIN:
14 We'll come up with a date that presents the
15 fewest conflicts and get that out to you by both e-
16 mail and snail mail as soon as we can. Anyone have a
17 preference, October or November? Last week in
18 October, first two weeks in November?
19 MR. KNOCHENMUS:
20 Tony, my preference would be the last week in
21 October. I won't be here in early November.
22 MR. KIRKPATRICK:
23 Any other thoughts on that?
24 (No response.)
25 DR. NAMWAMBA:
26 You are suggesting last week of October?
27 MR. DUPLECHIN:
28 Either the last week of October or the first or
29 second week of November.
30 DR. NAMWAMBA:

Tony, I'll look at my school schedules and I may give you date preferences just to make sure there is little conflict, if you don't mind. I'll communicate on that.

MR. DURRETT:

I would prefer the last week of October. Just to remind you, November 2nd is election day, I think.

MR. KIRKPATRICK:

We look forward to hearing back from you on that. And with that, would anybody like to make a motion to adjourn?

MR. SPICER:

I make a motion to adjourn.

MR. BOLOURCHI:

Second.

MR. KIRKPATRICK:

Anybody object?

(No response.)

With that, motion passes. We're adjourned.

CERTIFICATE

I, SUZETTE M. MAGEE, Certified Court Reporter, do hereby certify that the foregoing testimony was heard before the Honorable Scott Kirkpatrick, Chairman, on August 23, 2004, in the Conservation Hearing Room, Baton Rouge, Louisiana; that I did report the meeting thereof; that the foregoing pages, numbered 1 through 42, inclusive, constitute a true and correct transcript of the proceedings thereof.

_____
SUZETTE M. MAGEE, CCR #93079
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