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STATE OF LOUISIANA
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

GROUND WATER RESOURCES COMMISSION
17TH REGULAR MEETING
WEDNESDAY, AUGUST 18, 2010
11:00 A.M.
STATE CAPITOL
900 NORTH THIRD STREET
HOUSE COMMITTEE ROOM 5
BATON ROUGE, LOUISIANA 70802

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OFFICE OF CONSERVATION

STATE OF LOUISIANA

GROUND WATER RESOURCES

COMMISSION MEETING

Report of the Commission meeting held by
the Ground Water Resources Commission, on Wednesday,
August 18, 2010, in Baton Rouge, Louisiana.

IN ATTENDANCE

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GROUND WATER RESOURCES COMMISSION:

REPRESENTING THE OFFICE OF CONSERVATION:

LT. GOVERNOR SCOTT A. ANGELLE, Chairman

KYLE BALKUM, Department of Wildlife and
Fisheries

ZAHIR "BO" BOLOURCHI, Department of
Transportation and Development

JAMES S. BURLAND, Louisiana Chemical Association

GLENN T. CAMBRE, Department of Health and
Hospitals

THOMAS "GENE" COLEMAN, Sparta Ground Water
Conservation District

1 (IN ATTENDANCE) (CONTINUED):

2 WILLIAM R. DOWNS, Expertise in Ground Water
3 Resource Management

4 PAUL D. FREY, Louisiana Landowners Association

5 MAYOR JOSEPH D. "DAN" HOLLINGSWORTH, JR., City
6 of Ruston

7 JAMES "JIMMY" JOHNSTON, Ph.D., Louisiana
8 Wildlife Federation

9 PAUL "JACKIE" LOEWER, JR., Louisiana Rice
10 Producers Group

11 ROBERT "MICKEY" MAYS, Police Jury Association of
12 Louisiana

13 EUGENE H. OWEN, Capital Area Ground Water
14 Conservation District

15 JAMES H. WELSH, Commissioner of Conservation

16 GARY SNELLGROVE, Ground Water Resources Division

17 JOHN ADAMS, Staff Attorney, Conservation

18 PUBLIC COMMENTS BY:

19 MR. BUCK VANDERSTEEN, Louisiana Forestry
20 Association

21 MS. LINDSAY GOUEDY, Sparta Ground Water
22 Commission

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GROUND WATER RESOURCES COMMISSION
16TH REGULAR MEETING
WEDNESDAY, AUGUST 18, 2010

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LT. GOVERNOR ANGELLE:

Okay. We will go ahead and call the meeting to order, and I welcome everyone to the State Capitol, and I appreciate you all being here for the 17th Regular Ground Water Resources Commission meeting, and would ask the staff to call the role.

MR. ADAMS:

I'm John Adams, Attorney for the Environmental Division of the Office of Conservation. As I call your name, please sound off. Lt. Governor Scott Angelle?

LT. GOVERNOR ANGELLE:

Here.

MR. ADAMS:

Kyle Balkum?

MR. BALKUM:

Present.

MR. ADAMS:

1 Bo Bolourchi?
2 MR. BOLOURCHI:
3 Here.
4 MR. ADAMS:
5 James Burland?
6 MR. BURLAND:
7 Here.
8 MR. ADAMS:
9 Glenn Cambre?
10 MR. CAMBRE:
11 Present.
12 MR. ADAMS:
13 Gene Coleman?
14 MR. COLEMAN:
15 Here.
16 MR. ADAMS:
17 Elliot Colvin?
18 (NO RESPONSE)
19 MR. ADAMS:
20 William Downs?
21 MR. DOWNS:
22 Here.
23 MR. ADAMS:
24 Paul Frey?
25 MR. FREY:

1 MR. OWEN:

2 Present.

3 MR. ADAMS:

4 Kelsey Short?

5 (NO RESPONSE)

6 MR. ADAMS:

7 Brad Spicer?

8 (NO RESPONSE)

9 MR. ADAMS:

10 And Commissioner James Welsh?

11 COMMISSIONER WELSH:

12 Here.

13 MR. ADAMS:

14 Mr. Chairman, ten members are
15 required for a forum. We have more than ten
16 members; so we have a forum.

17 LT. GOVERNOR ANGELLE:

18 Thank you very much. We'll go to
19 Item Number 2, Adoption of the Meeting Summary by
20 Mr. Adams.

21 MR. ADAMS:

22 Yes, sir. As many of you received --
23 as all of you received about a week and a half ago,
24 we forwarded the meeting summary from the previous
25 meeting to everyone. In response to comments from

1 you, we made one minor typographical correction; in
2 that, on Page 2, Mr. Glenn Cambre's name was
3 misspelled. We corrected that. That's the only
4 change that we made. Staff requests at this time a
5 motion to adopt the Meeting Summary.

6 LT. GOVERNOR ANGELLE:

7 Okay. Is that -- excuse me. We did
8 not have a quorum at that last meeting; so that's
9 why you're calling it a Meeting Summary as opposed
10 to adoption of minutes?

11 MR. ADAMS:

12 No, sir. We did have a quorum.
13 We're calling it meeting summary just because it's
14 not quite as detailed. It doesn't have -- it's not
15 as lengthy as a set of minutes would be.

16 LT. GOVERNOR ANGELLE:

17 Okay. Is that a change?

18 MR. ADAMS:

19 No.

20 LT. GOVERNOR ANGELLE:

21 Is that what we had started to do?

22 MR. ADAMS:

23 All of our meetings we've compiled
24 meeting summaries for; so there's no change.

25 LT. GOVERNOR ANGELLE:

1 All right. I entertain a motion.

2 Motion by Mr. Cambre.

3 MR. BURLAND:

4 Second.

5 LT. GOVERNOR ANGELLE:

6 A second by Mr. Burland to approve
7 the Meeting Summary as presented by Mr. Adams. Any
8 objection? Any discussion? Hearing none, that
9 motion is adopted. Thank you, Mr. Adams.

10 I would like to recognize two members
11 of the legislature that have joined us today,
12 Representative Jim Morris and Representative Richard
13 Burford, two members of the Natural Resources
14 Committee who have done an extraordinary job over
15 the last several years helping us with natural
16 resource issues.

17 Thank you for being with us today. I
18 know it took quite a sacrifice to be here from North
19 Louisiana and to go through the weather to get here,
20 but, again, thank you.

21 Both of you have -- we haven't always
22 agreed on issues, and you were wrong when you
23 disagreed with me, but having said that, having said
24 that, I do appreciate the commitment that you have
25 made to the Natural Resources -- do you want me to

1 give you the opportunity to speak, sir?

2 REPRESENTATIVE MORRIS:

3 I don't think you do.

4 LT. GOVERNOR ANGELLE:

5 You know I was joking, right? Mr.
6 Burford, would you like the opportunity?

7 REPRESENTATIVE BURFORD:

8 No, thank you.

9 LT. GOVERNOR ANGELLE:

10 Thank you, sir. I appreciate it.
11 Okay. In addition to that, Commissioner Welsh has
12 made a request to introduce students who are working
13 with him at the Office of Conservation.

14 COMMISSIONER WELSH:

15 Thank you, Mr. Chairman. We do have
16 three students here that the Office of Conservation
17 has employed. They're top students from the Baton
18 Rouge Community College here in Baton Rouge.

19 We have them employed temporarily as
20 student worker interns, and they're working with
21 Mr. Snellgrove in the Environmental Division in some
22 ground water matters.

23 I'd like to introduce Harold Abarca -
24 if you could stand up, Harold - Kaylee Hebert, and
25 Naomi Mustafa; so let's welcome them to the meeting.

1 (APPLAUSE)

2 LT. GOVERNOR ANGELLE:

3 Thank y'all very much. Thank you,
4 Commissioner Welsh. Okay. Item Number 3 will be a
5 Statewide Water Management Plan Update. Mr. Gary
6 Snellgrove?

7 MR. SNELLGROVE:

8 Thank you, Chair. Okay. On
9 presentation, do we have -- can we correct the
10 video, please? Thank you. Okay. At this point in
11 the meeting, we'll just give you an update on the
12 current status of the Statewide Ground Water
13 Management Plan.

14 We're now in the point where we're -
15 the contractor is putting together the information.
16 As you can see on the time line here, we're in
17 months three through seven time period. We're
18 moving rapidly, approaching the month eight where
19 there will be a draft plan that will be put out for
20 public comment.

21 This gives you a breakdown of where
22 each task that - on the scope and services for the
23 contract, where we are with each task. We met with
24 Ecology and Environmental on July the 22nd, and they
25 provided this update to us.

1 So Task 1, which is a historic data
2 review which is subbed out to LGS, is near complete.
3 We're waiting on the final report. That will be
4 issued to Eco and - Ecology and Environment for them
5 to then proceed with other steps along the way.

6 The Water Use Statistics Task, too,
7 is about 65 percent complete, and that task focuses
8 on populating or getting data for ground water and
9 water statistics from the time period of 2005 to
10 present.

11 Moving through Task 3 is Water Well
12 Registration --

13 LT. GOVERNOR ANGELLE:

14 A little bit closer.

15 MR. SNELLGROVE:

16 Water Well Registration and
17 Notification review. The staff at Ecology and
18 Environment met with staff of DNR, and they continue
19 to do so to get an understanding of what we do and
20 how we do it and how we implement and enforce the
21 regulations.

22 Task 4 and 5, of course, are
23 dependent upon previous tasks getting complete so
24 that they can ultimately make the recommendations
25 and provide cost benefit and prioritization elements

1 of the scope of services.

2 Meanwhile, you know, they're still
3 making ground on other tasks like Tasks 6 and 7,
4 funding opportunities, making that opportunity to,
5 you know, find resources that once recommendations
6 are made that, you know, we can try to have some
7 ways to fund those opportunities.

8 And, lastly, the Best Management
9 Practices and Cost Analysis, they're proceeding with
10 research on that topic - those topics and putting
11 together some information there.

12 We're on task as scheduled with the
13 scope of services to go to the public hearings with
14 a draft report by November - through November and
15 December, and, of course, once we get comments from
16 them and use those comments and make a final draft,
17 we're still on schedule for February 2011.

18 LT. GOVERNOR ANGELLE:

19 Mr. Snellgrove, is that -- if we can
20 go back to the task that we specifically identified
21 here. Those are the tasks that were part of the
22 RFP --

23 MR. SNELLGROVE:

24 Correct. That is correct.

25 LT. GOVERNOR ANGELLE:

1 Part of the contract, correct?

2 MR. SNELLGROVE:

3 Yes.

4 LT. GOVERNOR ANGELLE:

5 And part of what was approved by the
6 Ground Water Commission as the task that we wanted
7 to go ahead and be a part of, the component parts of
8 this Ground Water Management Plan, correct?

9 MR. SNELLGROVE:

10 That is correct.

11 LT. GOVERNOR ANGELLE:

12 All right. Thank you.

13 Mr. Hollingsworth.

14 MAYOR HOLLINGSWORTH:

15 Mr. Snellgrove, I was just wanting to
16 check. Do you anticipate you'll get the well
17 registration done by the time you get the complete
18 draft, or is that -- how is that moving along? I
19 notice it's only 40 percent. Is that good, bad, or
20 where is that?

21 MR. SNELLGROVE:

22 No, sir. Well, considering that we
23 met on July 22nd, and so it's been some time since
24 then. I'm sure that they moved -- part of what
25 they -- when they met with us at that time was to

1 meet with the staff; so I would say that that
2 particular item is probably much more further along.

3 But, yes, I do - I do fully believe
4 that they will -- in our meeting, I think that they
5 will complete their analysis of what we do in
6 Conservation with well registration - water well
7 notification in our procedures and evaluations.
8 Thank you.

9 LT. GOVERNOR ANGELLE:

10 Mr. Snellgrove, I would like to
11 suggest as we continue to move towards the
12 February 2011 report, as we are, by borrowing a
13 sport's analogy, moving down the field and would be
14 crossing perhaps mid field and looking to get into
15 the red zone, I think it makes sense for the
16 Commission members here to receive a monthly report
17 on - an update where we are on performance on the
18 various tasks, in as much as the Commission now is
19 meeting on a quarterly basis, and that itself has
20 been challenging, at least this last couple - this
21 last quarter. I would -- I think it would be a good
22 idea to have as many of the stakeholders understand
23 where we are and have a report issued. I think it's
24 appropriate to do it on a monthly basis.

25 And it doesn't have to be limited to

1 just the Ground Water Commission members. I'm sure
2 we have a stakeholder group that is particularly
3 following this, and I think it would just be a good
4 idea, because we probably will hear some comments on
5 what we might want to do a little differently to
6 speed things up or make it better, and we ought to
7 try to do that.

8 MR. SNELLGROVE:

9 I thank you for that comment. It's
10 noted, and we'll do so. Chair, at this time,
11 Chris --

12 LT. GOVERNOR ANGELLE:

13 Okay. Thank you very much. Any
14 questions for Mr. Snellgrove, Members of the
15 Commission? Okay. Having said that, we would ask
16 Miss - Dr. Christel Slaughter of SSA Consultants to
17 brief us on her work with regards to interviewing
18 members and stakeholders. Welcome, Dr. Slaughter.
19 Thank you for being here.

20 DR. SLAUGHTER:

21 Thank you very much, Lt. Governor,
22 and thank you, Commissioners, for having me back.
23 The Lt. Governor talked about the red zone. I was
24 engaged in the game plan formation; so very early on
25 our firm was asked to come in and solicit input from

1 you in terms of what you saw as major issues that
2 you wanted the plan to address and what involvement
3 you wanted to have.

4 I did come to your April meeting and
5 brief you. After that point in time, we were able
6 to get a few more Commissioners interviewed and get
7 some additional input which was very, very helpful.
8 And so some of this will be slightly redundant to
9 those of you who were here at the April meeting, but
10 the handout that you have will be the slides that
11 you see up on the screen.

12 So we were engaged, as I said, to
13 interview primarily Commissioners, but there were
14 some other relevant stakeholders that did come
15 forward during the process, a tremendous number of
16 documents and prior analysis that our staff was able
17 to review. And, again, our objective was to
18 determine the scope and the breadth of the plan and
19 the level of involvement that you desired.

20 And you will see in a moment as we go
21 through this that that varied from one Commissioner
22 to another, and, actually, what you wanted out of
23 the plan varied to a certain extent.

24 In talking about the role and
25 structure of the Commission which certainly is part

1 of this as you will tour planning, most of you
2 stated that you were very pleased with the direction
3 that the Ground Water Resources Commission has been
4 going in. You felt very involved and informed. You
5 liked the fact that you had detailed agendas. You
6 thought that there was robust discussion and the
7 meeting was a very open environment for people to
8 bring forward issues, and the staff was providing
9 timely and solid information, especially as you
10 requested certain things from them.

11 In terms of some specific
12 observations that came out in talking about the
13 Commission itself, some people mentioned that it's a
14 rather large Commission, that you thought 19 people
15 was fairly large. That had not been a problem to
16 date, but in the future as you - once you have your
17 plan as you begin to move forward, there might be
18 some look at that.

19 Several of you mentioned that you
20 were pleased with the Lt. Governor's openness and
21 attitude, whether you approach him between meetings
22 or during meetings, that he's very open to your
23 thoughts and comments and a good listener.

24 Many of you have been involved with
25 water issues for over a decade, whether you are a

1 state civil servant who has dedicated your life to
2 this or whether you are representing an entity in
3 the private sector. There's a tremendous amount of
4 knowledge that rests within the Commissioners
5 themselves and the people that you represent in some
6 cases. That needs to be tapped into as part of this
7 process.

8 Some people did mention that they
9 felt that the Commission did not have the budget or
10 authority that it needed, that it needed to figure
11 out how it linked back with the Conservation
12 Department in getting recommendations back to DNR,
13 but your hope was that through the master plan
14 process that some of this would be developed and
15 brought forward; and so you look for that as part of
16 this process.

17 Generally, generally, Commissioners
18 like the meetings rotated around the state to get
19 more public participation, and there was broad
20 agreement that there's good representation of
21 interested parties on the Commission. No true
22 oversights there.

23 There was interest and some concern
24 over the Advisory Task Force and its relationship to
25 the Commission, but please remember when we started

1 doing these interviews, we had not yet reengaged the
2 Advisory Task Force; so I think those comments came
3 fairly early on and I think people are hopeful now
4 that that's been dealt with effectively.

5 There was some concern expressed that
6 there was a number of parties that needed to be
7 involved in the planning process, and there was some
8 hope that there would be ways to get broad
9 involvement in the steps in the process. I think
10 Mr. Snellgrove is going to follow my remarks with
11 some efforts to do that that would help allay some
12 of those concerns.

13 More than one of you said that you
14 did not want to be simply handed a draft plan in a
15 public meeting and asked for feedback. Early
16 involvement of Commissioners is critical to success,
17 and I think you'll see in a moment that there are
18 some plans for that.

19 In terms of general feedback, surface
20 water issues are uppermost in the minds of many of
21 you, worrying from both successful and progressive
22 states as well as states who have had difficult
23 water wars. It's going to be very important to
24 success. There are other people who have gone
25 through this before us, and we need to learn from

1 them.

2 Many favor a phased-in approach with
3 incentives for compliance and ease for usage so that
4 we would not have any sort of knee-jerk reaction
5 once the plan is completed and adopted by this
6 Commission.

7 There is not complete consensus on
8 how fast states should move forward and how urgent
9 this problem is. Some Commissioners believe that
10 there's tremendous urgency. Others say we're in a
11 dire situation in some areas of the state but not in
12 all areas, and some of you say a phased-in approach
13 and a calculated approach is what's needed, that
14 things are not on fire, and we need to take this
15 slow and do it the right way. So I think that
16 that's something as you get through, you know, the
17 steps in this plan that your plan consultants will
18 need to get consensus on in terms of how you go
19 about implementing the plan itself.

20 Many of you believe that public
21 education efforts are going to be critical for
22 sustained success in conservation issues and that
23 this is something that needs to go on around the
24 state, but particularly in some regions of the state
25 in order to be effective, both in the short term and

1 in the long term.

2 There's some indication that
3 additional staff or resources for inspection,
4 testing, and monitoring may be needed in the future
5 in these tough budget times for the state. This is
6 an area for concern, but, again, I think - I caution
7 you, having seen this with other agencies in similar
8 situations, if you begin to have expectations that
9 staff will increase their role or do more with
10 regard to ground water, we need to make sure that
11 those expectations are matched by resources; and so
12 this is something that will need to be dedicated as
13 well going forward.

14 As the role of the Commission in the
15 state versus local jurisdiction in areas surrounding
16 the Sparta Aquifer and in the Ruston area giving the
17 state and Ground Water Resources Commission
18 state-wide authority is somewhat controversial.
19 That's just a fact of life. However, more than one
20 Commissioner stressed the importance of Louisiana
21 retaining statewide authority to regulate tax and
22 post fees on ground and surface water wherever
23 regulation is necessary to preserve and insure the
24 sustainability of this resource - or of these
25 resources. And I think that, again, learning from

1 other states and positive impacts and challenges
2 that they have had as they approach these similar
3 issues will be very helpful.

4 Because the Commission is part time,
5 you all are not dedicated to this a hundred percent
6 of your time and most of you sort of have day jobs,
7 you wanted planned elements and recommendations to
8 be black and white, if you will, not to be vague, so
9 that you're able to follow it and understand it and
10 track it and make sure that your role as
11 Commissioners are effective in terms of implementing
12 whatever the plan results are going to be.

13 And I realize that that's a difficult
14 task and probably somewhat unrealistic in pure
15 terms, but, again, the more we can give you through
16 this planning process that gives you an
17 understanding of role and elements in your
18 relationship to what needs to be happening I think
19 will be helpful.

20 Several of you mentioned that you
21 must find ways to track progress over the next few
22 years and, if this is successful, will look back in
23 ten years and be very proud of what you've
24 accomplished in this very important moment in
25 Louisiana's history.

1 Commissioners are committed to the
2 concept that - of the statewide plan, but there are
3 different expectations about content and process.
4 As I mentioned, some of you wanted very specific and
5 descriptive. Some would like to see regional plans
6 included. I think that may actually be somewhat out
7 of scope, but I think the intention is to have a
8 statewide plan that would lead to regional
9 expectations going forward.

10 Some want a broad frame work for the
11 state that provides a blueprint for the future, and
12 some of you are really looking for something very
13 detailed. And I have to tell you, when I hear those
14 kinds of differences in interviewing people, I pass
15 them on to Mr. Snellgrove and the consultants who
16 follow me because that is something that we need to
17 get you all on the same page about so that we make
18 sure we meet your expectations going forward.

19 It was very important to many of you
20 that a number of different groups and individuals
21 are included in developing the master plan in order
22 for it to truly be adopted by all the entities that
23 need to comply and collaborate going forward.

24 The groups that were specifically
25 mentioned were environmental groups and NGOs, the

1 Sabine River Authority, Capitol Area Ground Water
2 Conservation, industrial users, agricultural
3 representatives, USDA and NRCS, USGS and the
4 Department of the Interior, the Police Jury
5 Association, the Louisiana Municipal Association,
6 the League of Women Voters, and the Arkansas Sparta
7 Group, to name but a few. There were several
8 others, but these received multiple comments from
9 many of you, and some of you felt very strongly
10 about some of the people on the list and need to
11 include them early.

12 So, with that, Lt. Governor and
13 Mr. Snellgrove, I'll be happy to answer any
14 questions or clarify any of those points.

15 LT. GOVERNOR ANGELLE:

16 Thank you very much, Dr. Slaughter.
17 Do the Commission members have any questions? Any
18 comments? Do you want to light the board? Yes,
19 Mr. Coleman.

20 MR. COLEMAN:

21 I was wondering why the Sparta Group
22 was not included in that listing, in - the Louisiana
23 Sparta when you included the Arkansas Sparta as one
24 Sparta.

25 DR. SLAUGHTER:

1 Thank you for that question. Our
2 assumption was that many of the regional entities
3 were absolutely involved in the process; so we were
4 looking for people that may not be expected to be
5 involved. Certainly that would absolutely be, but
6 thank you for that clarifying point.

7 LT. GOVERNOR ANGELLE:

8 Okay. A couple of comments I have.
9 There's no other questions from members, at least on
10 the board here, but a couple of things. I would
11 just want to drive a couple of issues. The page is
12 not numbered, but on general feedback, more than one
13 Commissioner stated that he did not want to simply
14 be handed a draft plan and asked for feedback at
15 that point; early involvement is critical to
16 success. I thank you for bringing that.

17 I certainly thought we would get that
18 comment, and that's absolutely what we want to
19 avoid. We do not want to have a plan that is
20 submitted for final blessing, only to have folks who
21 need to provide the blessing not involved in the
22 process. I'm hopeful that as a result of this
23 suggestion we have a opportunity that we're going to
24 provide Commission members to be more engaged in
25 that; so I know we'll hear from you on that. Again,

1 I appreciate the Commissioners being very honest
2 about that.

3 On another comment on general
4 feedback, there is not complete consensus on how
5 fast the state should move. Some Commissioners
6 believe that the situation is urgent, while others
7 believe that a calculated, phased-in approach would
8 be more prudent.

9 Again, I would say that science ought
10 to dictate those kinds of things. The only way we
11 can use science is we've got to have data. We have
12 to have as much data as we possibly can in useable
13 formats, and I'm going to continue to drive and ask
14 the Commissioners and the Department and the State
15 to invest where it's appropriate to get as much
16 data. Much like, obviously, a board of directors
17 that needs to make decisions on expanding their
18 business or inventory or whatever it may be, each
19 one of us needs that data. And one size likely does
20 not fit all. You know, what may be a problem in one
21 area of the state may not be a problem in another
22 area of the state, and we need to be -- that data
23 needs to be broken down in a lowest common
24 denominator so that we can use it and have science
25 rather than emotion or politics dictate what we may

1 be doing with a natural resource.

2 DR. SLAUGHTER:

3 And, Lt. Governor, if I might just
4 make one comment about that. I think what you said
5 is exactly right, and there are some areas of the
6 state who are in crisis and believe they're in
7 crisis and want some - want this Commission to get
8 involved and take action immediately.

9 Yet there are other areas of the
10 state represented by Commissioners who are not
11 necessarily in crisis today but see crisis coming.

12 LT. GOVERNOR ANGELLE:

13 Sure.

14 DR. SLAUGHTER:

15 And they want a plan that's going to
16 help them get ahead of the train, so to speak. And
17 you're right; the data should definitely drive that.
18 And I think if we take it out of subjectiveness, one
19 commissioner versus another or one area of the state
20 versus another into the plan, then I think the
21 Commission would feel comfortable approving that and
22 knowing that some of these issues will be taken care
23 of in a timely way.

24 LT. GOVERNOR ANGELLE:

25 Right. And, again, I would say that,

1 you know, the State only became very serious about
2 this issue perhaps over the last decade, perhaps
3 maybe even a shorter period of time; so we do have
4 some catching up to do.

5 Our data system collection, what we
6 collect, how we collect it, what we do with it, is
7 going to continue to go through a grinding process.
8 But to the staff, I would tell you there is no
9 substitute for having good decisions coming out of
10 this group than having the best data in a useable
11 format; so I thank you for your help on that.

12 And I don't see any other questions
13 for Dr. Slaughter on this issue; so thank you for
14 being here.

15 DR. SLAUGHTER:

16 Thank you very much.

17 LT. GOVERNOR ANGELLE:

18 You're welcome. Okay. Do you want
19 to go ahead and take Item 3B, Mr. Snellgrove?

20 MR. SNELLGROVE:

21 Yes, sir. One point of comment for
22 the folks. If anyone wants to make a comment on the
23 public comment period of the agenda, you will need
24 to fill out and please pass up one of these blue
25 cards.

1 Moving on to follow up to
2 Dr. Slaughter's presentation on the - on her efforts
3 of liaising through the plan and to focus on the
4 issue that had been brought up about involvement,
5 this slide right here presents to the Commission
6 that you will be provided the opportunity and part
7 of - to be part of a workshop that we will schedule
8 in September.

9 We plan to schedule this workshop in
10 the Alexandria area. We're currently looking at a
11 venue to hold it, and we've got several dates that
12 we've got in the latter part of the month to make
13 this workshop come together.

14 And what we're going to do is put out
15 a questionnaire that will give you the opportunity
16 to provide comment and input prior to the draft plan
17 being finalized for what we call a hearing process;
18 so that's forthcoming. And as soon as we get more
19 direct - get more confirmed information about the
20 date and the place and the time, we will send it out
21 as quickly as we can to all members to participate
22 in the workshop, and we'll provide the - we'll work
23 with Eco and the contractor that's developing the
24 state plan to come up with the questionnaire and
25 certainly with the input of appropriate staff.

1 LT. GOVERNOR ANGELLE:

2 Okay. Mr. Snellgrove, just for a
3 moment, I want to have a conversation with the
4 Commissioners. This workshop is a direct result of
5 the comments that Dr. Slaughter received, that
6 Commission members wanted to be involved and, again,
7 did not want to have a document handed off at the
8 eleventh hour.

9 So the best way I know is to build a
10 camp fire, invite everybody to gather around and to
11 come forward and provide the suggestions that you
12 think ought to go into a Comprehensive Ground Water
13 Management Plan.

14 I would tell you that we need to have
15 as many of those workshops as you feel necessary to
16 avoid - when we do get to the eleventh hour that we
17 have avoided a situation of folks being able to say
18 I didn't get a chance to participate. So I'm
19 prepared to ask the staff and the consultants to do
20 whatever we have to do to host as many meetings as
21 necessary so that when we go to the legislature with
22 a plan that we don't have a situation -- we may not
23 all agree with the plan. There may be some aspects
24 of it that not all of us are in favor of. I
25 understand how the process works and you do too, but

1 we certainly want to make sure that we've provided
2 as many opportunities for Commission members as we
3 can.

4 So, again, I would ask Commission
5 members, do you have any other suggestions on how
6 you might want to participate in this process, what
7 tools we might be able to use to allow you to
8 participate in the process, recognizing that all of
9 you serve in a voluntary capacity? And now would be
10 a good time to share that with us and - so we can
11 get that information. Mr. Owen?

12 MR. OWEN:

13 Mr. Chairman, it seems to me that one
14 area that we should consider in this workshop is the
15 availability of enabling legislation to authorize
16 and to take certain remedial steps. We are going to
17 end up eventually with the science, if you will, to
18 tell us where a problem area is - may materialize
19 either now or in the future. But we often find
20 ourselves when those problems materialize without
21 the proper enabling legislation to do anything about
22 the problem. And it seems to me that there are a
23 number of profitable areas that we could spend in
24 looking at the necessary future legislation to
25 enable us to control or make best uses of our

1 natural resources, whether they be surface water or
2 ground water.

3 LT. GOVERNOR ANGELLE:

4 Okay. So what I'm hearing from you
5 is that the venue in Alexandria is appropriate but
6 what you are looking for is to particularly add made
7 a subject matter during those discussions which
8 would include legislative challenges.

9 MR. OWEN:

10 Correct.

11 LT. GOVERNOR ANGELLE:

12 And I certainly don't disagree with
13 that, but what I would suggest is that may be
14 putting for a moment - and I certainly will defer to
15 your judgment, that may be putting the cart before
16 the horse, in as much as I think what we need to do
17 is perhaps drive towards what is the appropriate
18 ground water management plan and then perhaps
19 determine what legislative shortcomings we have to
20 implement that plan and then to begin making a list
21 of recommendations. Because, quite frankly, that's
22 part of Representative Fannin's resolution, is for
23 us to provide a list of recommendations to the
24 legislature to better do that.

25 But, again, you know, how you might

1 suggest we do that in September, I'm very open to
2 accommodating that request and would look forward to
3 working with you on what might we add to that.

4 Mr. Johnston?

5 MR. JOHNSTON:

6 I have a question. As we put this
7 plan together, how much involvement, Gary, has the
8 task force had, if any? And, also, I noticed the
9 groups that she mentioned, many of us represent
10 those groups here. And so my question is: How much
11 involvement have these groups and the Task Force had
12 in the development of the plan? And, secondly, this
13 workshop in September, are they going to be involved
14 in this?

15 MR. SNELLGROVE:

16 Well, certainly the focus is goes to
17 be on any and all who want to participate. It would
18 be an open, public forum. It will be similar to
19 what we did in - last year about that same time, and
20 I think in October we held a Ground Water Aquifers
21 of Louisiana workshop, and it was a public meeting,
22 but there was no -- there was no decisions to be
23 made; in other words, it wasn't - it wasn't that
24 type of meeting. It was more of a educational
25 ground water one-on-one.

1 So I think in this regard -- in
2 following that same concept, I think that's the way
3 we're going to do it. So we'll send out notice to
4 all in the e-mail distribution list that we have,
5 the date, place, and time, and all are welcome to
6 provide comment through the questionnaire process
7 that we'll have out there. And, of course, there
8 will be specific questions, but there will also be
9 general comments that could be provided in that
10 process.

11 And the Task Force is as involved as
12 they want to be. We bring this up -- we keep them
13 abreast at the meetings that we hold quarterly with
14 that group. They are certainly part of the e-mail
15 distribution list too. So I meant to say that they
16 are definitely engaged.

17 MR. JOHNSTON:

18 Well, I just wanted to make sure,
19 because Angelle talked about the science driving
20 this process can be critical, especially in
21 something like this, that's it's more important to
22 get involved, you know, as opposed to, you know,
23 with a phone call and we discussed it, answered a
24 bunch of questions by phone, but, you know, a
25 written questionnaire is a whole lot better to

1 document what people say.

2 MR. SNELLGROVE:

3 We agree.

4 LT. GOVERNOR ANGELLE:

5 I'm sorry. Mr. Burland. I'll come
6 back to you, Mr. --

7 MR. BURLAND:

8 Thank you, Mr. Chairman. I also
9 agree, Mr. Chairman, that this is a great idea to
10 solicit Commission member input early on, but let's
11 not forget that, you know, there's the public and
12 there's also water users out there and these other
13 entities that want to probably testify or submit
14 some kind of technical data.

15 I think this really looks to me like
16 it would be more in terms of a technical conference
17 more than anything else and a series of them which I
18 agree to, but I think we need to think in terms of
19 not so much slowing it down but let's think about
20 adding a little structure to this. In other words,
21 let's identify some phases in order that we can
22 proceed and not just throw all over the map; for
23 instance, you know, bringing up legislative
24 recommendations prior to determining some other
25 ideas in this - in these different areas.

1 So my thought would be to give people
2 two or three weeks notice with an agenda, with a
3 series of topics that we can bring in, because I
4 know that water users that I know and represent are
5 going to want to come in and talk about what they
6 can and can't do and what's good, not good.

7 You've got to give these people time,
8 two or three weeks to prepare. You just can't throw
9 out a meeting notice a week ahead of time and say
10 come in September and give us your thoughts. So my
11 thought would be to kind of back it up, prepare and
12 get your agenda out with topics that will be
13 discussed at that particular meeting so that we, in
14 turn, can generate the kind of testimony that we
15 need to get full participation from everyone. That
16 would just be my thought.

17 LT. GOVERNOR ANGELLE:

18 That's a great comment. What I would
19 hope we would do during this time or perhaps again
20 by e-mail right after this is for the Commission
21 members to put the meat on the bone that they want
22 at this workshop. You know, certainly, I think it's
23 a great suggestion to have industry folks, users.
24 You know, particularly what we have here is a group
25 of folks who represent those users.

1 If we want to -- you know, I'm hoping
2 that you all are in touch with the various groups
3 that you represent and you come forward with that
4 information. If you want to subcontract that out to
5 a variety of other folks, I'm fine with what. You
6 know, we can play any way you want in the sand box.

7 But, you know, you all have been
8 chosen by the various groups and appointed by the
9 Governor to do that, and so if you have a particular
10 issue or item as we try to build this structure.
11 Because this is the first time we'll have this kind
12 of meeting in the state, again, I'm looking for
13 suggestions. I'd ask that the staff, again, e-mail
14 you out tomorrow with those suggestions and the
15 staff kind of grind through those suggestions and
16 come to some consensus so that we can have a
17 meeting, number one, that meets your expectations -
18 we certainly want to meet your expectations - and,
19 secondly, obviously, you know, does the good work
20 that we need for the State; so I think it's a great
21 suggestion.

22 And what we can't have is -- you
23 know, we are going to have opportunities for a
24 variety of folks to comment on. If you're
25 suggesting that this not be an opportunity for the

1 Commission to bring forth their ideas but more as
2 just, you know, a couple of days of receiving
3 testimony from folks, I would say we ought to invite
4 that in a written format. We ought to send notice
5 out to every stakeholder that we can identify saying
6 that we are interested in receiving your written
7 comments on what a useable comprehensive ground
8 water plan ought to look like. We ought to take the
9 responsibility of going through it, reading it,
10 researching it, and then taking that and then
11 visiting in this comprehensive way in Alexandria.

12 And so backing it up, perhaps, might
13 work. Maybe October instead of September might work
14 to give folks an opportunity - stakeholders to put
15 in their written comments.

16 MR. BURLAND:

17 Yeah. I wasn't necessarily
18 requesting that you back it up, but at least phase
19 it in certain -- if we're going to do several
20 meetings to at least focus in on certain topics at
21 certain meetings so that by the end of the Fall we
22 would certainly be where we need to be rather than
23 in Alexandria, you know, hitting 20 different topics
24 and not really finishing --

25 LT. GOVERNOR ANGELLE:

1 Correct.

2 MR. BURLAND:

3 -- the testimony on each one. That's
4 just my thought.

5 LT. GOVERNOR ANGELLE:

6 Good point. Mr. Loewer?

7 MR. LOEWER:

8 Yes, sir. I think my question
9 probably was answered, but I'm trying to look what
10 our responsibility is with a workshop like this, and
11 is it only going to be that we're receiving
12 information to collect later and make decisions
13 later, or are we going to be expected to come up
14 with certain kinds of plan suggestion? And maybe
15 part of that education will be a look at maybe some
16 other plans already developed with other states.

17 LT. GOVERNOR ANGELLE:

18 Sure. Sure.

19 MR. LOEWER:

20 What's something like this look like?
21 When we're done, what's it going to look like, I
22 mean, not all specific, but how can it be unique to
23 Louisiana. And not just receiving -- of course, I
24 think if you get 25 different people, and this is
25 what we believe, we're going to be there all day and

1 all we're going to do is receive information, which
2 is fine. Is it a two-day meeting, a one-day
3 meeting?

4 LT. GOVERNOR ANGELLE:

5 You might want to bring your sleeping
6 bag for this one. But I think, again, we're getting
7 to the point where a lot of the -- you know, again,
8 I use a lot of sports analogies. The stadium is
9 built. The tickets are sold. The field is ready.
10 Now we're getting on the playing field and doing the
11 work that we - you know, we asked or - we asked or
12 somebody asked us to do as members of the Ground
13 Water Commission.

14 So I suspect that we will have
15 multiple meetings. I suspect they will be long;
16 they will be grinding; they will be getting into the
17 weeds on what are the appropriate component parts of
18 a ground water management plan. But that's our job
19 and that's our task. So, Mr. Mays?

20 MR. MAYS:

21 I'd just like to say that I look
22 forward to that meeting, and I don't know that we
23 can say that two meetings or three meetings or what
24 will do it. Maybe after the first one, we can make
25 a decision. But I would like to limit it as much as

1 possible to this Commission so that we can get our
2 ideas together, and that's what all of us have said,
3 that we wanted to be part of drafting this plan, and
4 perhaps later on an additional public comment could
5 be part of it.

6 The only question I have is who will
7 be the moderator?

8 LT. GOVERNOR ANGELLE:

9 Well, it sounds like you've got
10 yourself a job.

11 MR. MAYS:

12 No, no. I was not volunteering.

13 LT. GOVERNOR ANGELLE:

14 That's what I heard. But, anyway,
15 I'm not so sure of the structure. We've got some
16 work to do, and I assure you that I will be meeting
17 with the Commissioner and his staff to try to, you
18 know, layout this next serious phase of what we've
19 got. Great question. Don't have the answer today.
20 Mr. Balkum?

21 MR. BALKUM:

22 Gary, Mr. Chairman, I think we've all
23 had an opportunity to talk to Dr. Slaughter and tell
24 her what we believe should be in the plan. I think
25 what would benefit me the most is that when we come

1 together for this workshop if we have a preliminary
2 draft, some documentation to review so that we see
3 what the plan looks like. I understand it's a
4 draft, it's preliminary, and that may help lead our
5 discussions and help guide us in where we're going.

6 LT. GOVERNOR ANGELLE:

7 Okay. Very good. Again, perhaps
8 some strawman, very light, just to kind of get folks
9 engaged in where we're going and use that as a
10 guide. Mr. Coleman?

11 MR. COLEMAN:

12 Yes. One of the things that was
13 mentioned and a thought come to my mind is that some
14 people's terms will be expiring in September, and we
15 certainly need to make note of the fact that the new
16 people that are going to be coming on board need to
17 be - participate and invited to these seminars, you
18 know, whether it's before or after the 14th or
19 whatever that cut-off date is.

20 LT. GOVERNOR ANGELLE:

21 Okay. Good point. Term limits, hum?
22 Okay. Having said that, I do want the record to
23 reflect that Paul Miller representing DEQ is now
24 here. And while I'm sure there are various folks in
25 the audience that I should call out individually, I

1 do want to especially recognize Pat Credeur with the
2 Louisiana Ground Rural Water Association and thank
3 you for your cooperation and help as we try to bring
4 about the management regime that we need in the
5 State.

6 And also I want to thank the Attorney
7 General's Office for their help in today's meeting
8 and in some of the issues that we've had over the
9 last several months.

10 Mr. Snellgrove, do you have anything
11 else on that item?

12 MR. SNELLGROVE:

13 No. I've taken notes down. Very
14 good input. And we will put together an agenda for
15 all to review and work towards the workshop
16 questionnaire and get it out.

17 LT. GOVERNOR ANGELLE:

18 Okay. Very good. Thank you very
19 much. Item Number 4 is a briefing of the Attorney
20 General's Surface Water Use Opinions. You should
21 have in your package, and the staff can confirm by
22 nodding of the head that the members do have copies
23 of these opinions. You should have in your package
24 and you do have in your package four opinions -
25 sorry, five opinions: Opinion Number 08-0176, dated

1 March 17th, 2010; Opinion 09-0028, dated March 19th,
2 2010; Opinion Number 09-0066, dated March 19th,
3 2010; Opinion Number 09-0291, dated April 27th,
4 2010; and Opinion Number 09-0148, dated April 5th,
5 2010.

6 I want to particularly spend a little
7 bit of time giving you what is a non-attorney's view
8 of these opinions and kind of let you know where I
9 think we are going to be called on to weigh in on
10 some issues.

11 These opinions have - are the
12 expressed opinions of the State's chief legal
13 adviser of the Attorney General. I understand that
14 these opinions have gone through a variety of checks
15 and balances and a review process. Before -- these
16 opinions, like any opinions, before they are
17 actually issued go through a process of staff
18 members reviewing research and then a public
19 release.

20 Whether one agrees or does not agree
21 with an opinion is of little consequence to me
22 today, and I will suggest it's of little consequence
23 to you today. They are the opinions of the Attorney
24 General. I personally don't have the luxury of
25 disagreeing from a public policy standpoint with the

1 Attorney General as far as how we operate the
2 Office.

3 And, so, what these opinions do is
4 basically say that the running waters of the State
5 of Louisiana are, in fact, owned by the people of
6 Louisiana, and things that are owned by the people
7 of Louisiana, according to the Attorney General, are
8 not subject to be given away by the State, that
9 anyone who is interested in the things that belong
10 to the State of Louisiana must adequately and
11 properly compensate the State for that resource.

12 And there are a lot of things on
13 point in these particular opinions that deal with
14 some of the issues that we have been struggling with
15 with regards to production of hydrocarbons in the
16 State.

17 I simply bring these to you to let
18 you know that it may be the first time that we have
19 these - we have an opinion of this and certainly the
20 first time we have so many opinions that were issued
21 in such a rapid-fire approach. And it may signify
22 either the need for additional legislation for folks
23 who want to clarify this; it may signify the need
24 for addition management, depending on how they end
25 up being interpreted.

1 And the fundamental thing I want you
2 to take away from these opinion is that, again, the
3 Attorney General has opined that the running waters
4 of the State of Louisiana belong to the people of
5 Louisiana and, therefore, the State is entitled to a
6 fair market value compensation for those resources.
7 They must be acquired through a written contract,
8 and that written contract must be approved by the
9 Attorney General and the Department of Natural
10 Resources. And, again, we will talk about Act 955
11 shortly, which is one of the consequences of those
12 various opinions.

13 Certainly many of you have seen these
14 opinions and have your own opinions about them, and
15 I wanted to go ahead and make sure that you had
16 copies if you didn't and see if we -- this would be
17 a good time if anybody wanted to weigh in and
18 provide any comments on those opinions.

19 Have any of you seen these opinions?
20 Yes? Anybody have any comments? Okay. Very well.
21 Again, they're for your reference.

22 And let me go ahead and move on to,
23 then, Item Number 5, which is a brief summary of Act
24 955 which was House Bill Number 1486. The author of
25 that bill was Representative Jim Morris who, again,

1 is here with us, and Representative Burford was a
2 coauthor of this particular bill.

3 And what I want folks to understand
4 is that we did not codify -- again, keep in mind the
5 Attorney General's opinion is that it is an opinion
6 of what he believes when he looks at a variety of
7 legislation, the constitutional issues. It's an
8 expression of his opinion.

9 There is no specific, specific, law
10 in Louisiana that says you must - if you're
11 interested in surface waters of the State you must
12 issue a written agreement and you must acquire for
13 fair market value. There is no specific law that
14 says that, because if there was a specific law,
15 perhaps there wouldn't be the need for an opinion.
16 But they are a variety of laws, some of which
17 conflict with others. And after reviewing all of
18 those, again, he opined to that situation.

19 So House Bill Number 1486 is not an
20 attempt to codify the opinion, to make it the law,
21 but to only give to those folks - or to the folks
22 who are interested in complying with that opinion,
23 if they believe it is the right opinion, they can go
24 through a process and acquire the rights to the
25 running surface waters of the State of Louisiana

1 through a process that is spelled out in here.

2 This is what we would call in the
3 Capitol a Permissive Bill. It provides permission
4 in a process, but it does not require anybody to do
5 it.

6 Now, again, everybody who fails to
7 avail themselves to this process does so at the risk
8 of disagreeing with the opinion of the Attorney
9 General. Okay? But this bill is a simple tool in
10 the toolbox that allows companies, allows
11 individuals to read those opinions and say, okay, I
12 agree with those opinions, my business plan says
13 that I need to go ahead and acquire water rights
14 and, as so, one would then turn to the provisions of
15 Act Number 955 to see what the process is, how one
16 goes about getting it, what form is put on, what are
17 the rates, and what are the kind of things that
18 decision makers need to keep in mind as they're
19 going through with it.

20 Again, I would tell you that we
21 have - as a result of this bill, there is a
22 requirement for the State Mineral Board to adopt a
23 form, a Surface Water Cooperative Endeavor Agreement
24 which has, again, been in the process of making
25 since the time that this bill was signed into law,

1 and as a result of that, we're going to hear shortly
2 from someone with the State Mineral Board, Mr. Rick
3 Heck, to give you an update on that provision,
4 again, which is, if we start at the beginning, we
5 start with opinions from the Attorney General which
6 then cascaded into legislation being drafted to
7 allow folks to come in compliance with that, and
8 then the process from there is further broken down
9 which requires a cooperative endeavor agreement to
10 be drafted and approved, and Mr. Heck will certainly
11 tell you a little bit about that.

12 The other bill that I just wanted to
13 bring to your attention is Act Number 994 by
14 Representative Fannin which also had several
15 coauthors, and what that particular bill does -- let
16 me back up.

17 The Attorney General's opinions
18 specifically also -- the Attorney General's opinions
19 specifically recognizes the rights of riparian
20 owners. So a riparian owner, according to these
21 opinions, has the right to withdraw surface water
22 and use it for his riparian lands. Okay? But
23 according to the Attorney General's opinion, they're
24 silent on whether or not he can use it for
25 non-riparian lands. Okay?

1 There is some -- if you read all four
2 of them, there is some language that attempts to
3 address that. However, what Act Number 994 does by
4 Representative Fannin, it says that when you are -
5 when a riparian owner has the right to certain
6 waters and those waters are used in either
7 agricultural or aquacultural pursuits, then the
8 riparian owner has the right to use it on
9 non-riparian lands only for those purposes.

10 So what we've done with this
11 particular legislation is created a - tried to
12 legislate and create an exemption for agriculture
13 and aquiculture to work around the Attorney
14 General's opinions.

15 Again, I'm not at all expressing
16 whether or not that's good or bad public policy.
17 I'm just simply bringing you up to date. I'm not
18 offering my opinion on any of this. I'm just
19 bringing you up to date on what happened during the
20 legislative session.

21 Okay. Any questions from the members
22 on these two legislative acts? Mr. Burland?

23 MR. BURLAND:

24 Thank you, Mr. Chairman. I've tried
25 to review these opinions here as I sit. It's the

1 first time I've seen them, and I apologize for not
2 having reviewed them any sooner. But I have some
3 questions, and maybe we can take some direction from
4 staff, but a couple of questions I have about the
5 interaction of the Attorney General opinions and the
6 acts that have been passed.

7 Is it a fair statement to say that
8 with respect to running waters that any user other
9 than the riparian owner would have to enter into a
10 cooperative agreement for the use of that water,
11 and, if so, does that include public entities? Does
12 that include cities, parishes, industrial users?

13 LT. GOVERNOR ANGELLE:

14 Well, let me say that, again, those
15 are all appropriate questions, and I don't think we
16 have the Attorney General's Office here. It's my
17 opinion that there is -- and I will, again, as a
18 non-attorney express my opinion. There is a
19 provision of law that does not require public water
20 suppliers to enter into those kind of agreements.
21 But I would -- those questions are best asked to the
22 Attorney General's Office and I -- you know, because
23 I don't want to get into a staff debate on what's
24 permissible and not permissible because only the
25 Attorney General is in my mind qualified to render

1 that opinion.

2 MR. BURLAND:

3 Could we invite them to appear at a
4 future meeting to discuss this?

5 LT. GOVERNOR ANGELLE:

6 Yes, we certainly can. I would
7 suggest that if you have those questions and you
8 want to submit them to me, again, I could submit it
9 to them so that we don't have to wait for a future
10 meeting to get those questions answered. Mr. Mays?

11 MR. MAYS:

12 Being neither a legislator or an
13 attorney, I have a question, and I don't know where
14 to direct it to. But we have been for years working
15 on an alternative water source, which is Lake
16 D'Arbonne in Lincoln Parish in Ruston operating
17 under the statute that made Lake D'Arbonne where
18 only Union Parish and Lincoln Parish had the water
19 rights.

20 Would it be appropriate to get an
21 Attorney General's opinion on that as it relates to
22 either - any of these acts or the opinions that he's
23 already rendered on some of these surface waters?

24 LT. GOVERNOR ANGELLE:

25 It would be very appropriate, because

1 the opinion, obviously, is written in kind of a
2 generic sense to the question that was - I'm sorry,
3 a specific answer to a specific question asked by
4 the author of the question. Okay?

5 So if you have a set of
6 circumstances; whereas, a variety of legislation has
7 been passed providing certain authority to a board
8 or a commission or parishes dealing with water
9 rights issues, then I would suggest that a question
10 be formatted and articulated to the Attorney General
11 to ask what are the specific rights with regards to
12 that water body and who has the rights under current
13 legislation to be able to manage that, because
14 not -- again, not every -- you know, there are a
15 variety -- I'm thinking there are perhaps over 25
16 different lake commissions or recreation districts
17 or water commissions. They have a variety of
18 authorities, some which may conflict with these
19 opinions because these opinions perhaps did not
20 address that specific lake's authority - lake
21 commission authority or water authority. By your
22 body language, I don't think I answered you
23 question.

24 MR. MAYS:

25 No. You did. It just generated

1 about 75 other questions. But I guess another
2 question I would ask, these opinions all had to do
3 with running water. Has he had any opinions or do
4 we have any that have to do with ground water or
5 actually who owns ground water?

6 LT. GOVERNOR ANGELLE:

7 These opinions do not address that.
8 It's certainly my opinion based on what I have been
9 briefed on over the years is that, again, ground
10 water is the rule of capture and anyone who can -
11 you know, owns the right to a property to - you
12 know, physical lands to drill a well and is not one
13 that is of such a magnitude that would require a
14 permit from the Commissioner in a area of ground
15 water concern has the right to drill that well
16 without compensation to the State and without
17 compensation to his neighbors. That is clearly the
18 way I understand the law to be and clearly the way
19 we are operating in the State with regard to ground
20 water, rule of capture.

21 Let me -- I'm just going on the board
22 here. Mr. Loewer?

23 MR. LOEWER:

24 Yes, sir. I think you're correct in
25 your definition. As you brought up these surface

1 water issues to a ground water board, it's moving in
2 the direction we've talked to in the past, that we
3 look at everything, and I would suggest that in our
4 last discussion on the workshop that we may
5 incorporate some of this in this management plan - I
6 mean in our discussion of management plans and
7 possibly have some legal advise there on what we can
8 do and what we can't do based on some of these
9 opinions.

10 LT. GOVERNOR ANGELLE:

11 Good point.

12 MR. LOEWER:

13 In deciding this, and not just a
14 letter from them saying this is the way it is; so we
15 can throw that in the mix also to determine what we
16 can do.

17 LT. GOVERNOR ANGELLE:

18 Right. And the reason I bring these
19 opinions to you, and it's a great observation, that
20 this is a Ground Water Resource Commission and why
21 we're spending some time on surface water opinions,
22 because House Concurrent Resolution Number 1 by
23 Representative Fannin which calls for the Ground
24 Water Commission to bring about a Ground Water
25 Management Plan to the legislature calls for the

1 Ground Water Commission to look at surface water
2 features as a potential solution for our ground
3 water issues.

4 In addition to that, the RFP that we
5 put out that we contracted, and we showed the
6 various tasks earlier, also require the contractors
7 to take a look at what surface water features are
8 out there that can help be the link to ground water
9 shortage solutions.

10 So, again, I think we are moving
11 clearly into a opportunity for us to provide the
12 leadership, to be the epicenter of water resource
13 management, regardless if it's ground water or
14 surface water, not withstanding the fact that we
15 will set up statutorily only for ground water but by
16 HCR 1 by the legislature has at least sent a signal
17 to us that they want us to look at surface water.

18 Does this evolve into a revision of
19 this Commission to be the Water Resources Commission
20 in years to come? Who knows. But the legislature
21 is calling for us to look at all of those things,
22 and it's a good idea for us to be able to address
23 those in our various workshops. Mayor
24 Hollingsworth?

25 MAYOR HOLLINGSWORTH:

1 Mr. Chairman, I clarify the issue
2 relative to Lake D'Arbonne that Mr. Mays alluded to
3 a moment ago. I think the way that came down, that
4 was not an act of the Lake Commission, but that was
5 in the enabling legislation that designated the City
6 of Ruston and the Town of Farmerville as having
7 first dibs on the water in that lake; so that has
8 pretty strong backing, I think. So we would need it
9 tasked in that direction.

10 LT. GOVERNOR ANGELLE:

11 And that would help -- I'm sorry.
12 Not to interrupt you, but if we wanted to get belts
13 and suspenders on that I would help - to help draft
14 the appropriate question, because often what happens
15 in Attorney General's opinions is you get a great
16 answer but you failed to ask the right question; and
17 so I would be willing to -- if you wanted to set up
18 a call over the next week or so so we could perhaps
19 articulate that very specific question to get you
20 the answer that you're looking for. Whether it's
21 the answer you want or not remains to be seen, and
22 that's why we need the opinion, but, you know, I
23 find that asking a specific question obviously is
24 very, very important. Mr. Burland?

25 MR. BURLAND:

1 Well, thank you, Mr. Chairman. I
2 just wanted to try to refocus my question because I
3 would like to get a DNR staff response to, I guess,
4 the question that I'm going to ask, and that is;
5 given all that's before us and what's transpired
6 with the opinions in the legislation, are there any
7 affirmative acts that a permittee or water - a
8 ground water permittee from DNR or one that's
9 registered, is there any affirmative action that
10 that must be taken now that - in order for them to
11 continue what they're doing? Does this prohibit
12 anything that they're doing at this point? I just
13 need a general statement as to what current water
14 users - ground water users have to do in consequence
15 to these --

16 LT. GOVERNOR ANGELLE:

17 I would answer that. None of the
18 legislation addresses ground water issues. This is
19 strictly surface water -- the opinions are based on
20 surface water. The opinions all ask questions about
21 surface water. None of the legislation that was
22 adopted sets up a difficult management regime for
23 ground water of the ones we're referencing here.
24 There may be others that I'm not, you know,
25 particularly aware of today.

1 But what was happening for ground
2 water permittees prior to these opinions is
3 unchanged after these opinions. This is strictly
4 surface water use only. Okay?

5 MR. BURLAND:

6 Yes. Thank you.

7 LT. GOVERNOR ANGELLE:

8 Mr. Frey?

9 MR. FREY:

10 I'd like to second what Mr. Loewer
11 suggested. I made a note that I think we need to
12 have Ms. Allgood and Mr. Seidemann from the AG's
13 Office at a workshop so we can get into these
14 opinions. And a point of clarification,
15 Mr. Chairman, on Act 955.

16 LT. GOVERNOR ANGELLE:

17 955?

18 MR. FREY:

19 Right.

20 LT. GOVERNOR ANGELLE:

21 Yes, sir.

22 MR. FREY:

23 Am I interpreting that --

24 LT. GOVERNOR ANGELLE:

25 What page and what part are you on?

1 MR. FREY:
2 The last page.
3 LT. GOVERNOR ANGELLE:
4 Page. . .
5 MR. FREY:
6 The back page.
7 LT. GOVERNOR ANGELLE:
8 Page 6?
9 MR. FREY:
10 Page 6 of 6.
11 LT. GOVERNOR ANGELLE:
12 Um-hum.
13 MR. FREY:
14 If I interpret --
15 LT. GOVERNOR ANGELLE:
16 I'm sorry. What line?
17 MR. FREY:
18 What line? Line 14 through 17.
19 LT. GOVERNOR ANGELLE:
20 Yes, sir.
21 MR. FREY:
22 I interpret that to mean that the
23 provisions of this Act will be null and void after
24 December 31st, 2012; so that's a sunset date for
25 that act?

1 LT. GOVERNOR ANGELLE:

2 That's correct. That's a sunset date
3 for that, that's correct. It is hopeful -- the
4 reason that that particular sentence is in there, it
5 is -- it is the legislature's hope that the work of
6 this Commission in the development of a
7 comprehensive water resources management plan will
8 be adopted and this short-term piecemeal solution
9 will be only that, serving in the interim to provide
10 some process for the stakeholders. Mr. Coleman?

11 MR. COLEMAN:

12 I think you partly answered my
13 question already, is, I was wondering if it wouldn't
14 be good to encourage that these questions regarding
15 water be directed through yourself or the Commission
16 so that we get as full and complete an answer as
17 possible. I think that does happen sometimes; you
18 ask a question but then when you get the answer it
19 really doesn't solve the issue that you have.

20 LT. GOVERNOR ANGELLE:

21 Right.

22 MR. COLEMAN:

23 And so it might be that if we -
24 people were to choose to do that, it might help to
25 do it, I think. The other thing that I wanted to

1 mention was as I was sitting here looking, maybe out
2 of content, but if we could get this kind of
3 information about what's going to be presented at
4 these meetings, where we can look it over a week
5 beforehand so that you could make notes on what
6 questions you want to ask because you get a general
7 gist of what's fixing to happen so that we can do a
8 little studying before we come here and be prepared
9 to participate in a better way.

10 LT. GOVERNOR ANGELLE:

11 Sure. A point well made. Obviously,
12 the staff is going as quickly as they can to get it
13 in advance. What I'm hearing is that that's not
14 meeting the expectations; so I would request that we
15 find a way to get all of the information that is
16 presented at these meetings to the Commission
17 members perhaps seven days prior.

18 And I realize that much of that is
19 often as you are waiting for clearance from me to
20 approve documents; so that is not to reflect poorly
21 on the staff as much as it is on the leadership
22 which falls on my shoulders. So a point well made,
23 and we'll redouble our efforts to get you that
24 information --

25 MR. COLEMAN:

1 When possible.

2 LT. GOVERNOR ANGELLE:

3 Sure. No. It's a good point. I
4 mean, obviously if we want folks to serve in a
5 voluntarily capacity and use their intellect to come
6 and help make good decisions, you need good, timely
7 information. I don't take it personally. I
8 appreciate that.

9 Okay. I would like to then go -- are
10 there any other questions? Oh, I'm sorry. Okay.
11 The next item -- I would like to go a little bit out
12 of order to accommodate the schedule of Mr. Patrick
13 Forbes. We are going to go to Item 8B, and I'm
14 going to ask Mr. Forbes, who is with the Louisiana
15 Recovery Authority, to address the issue of
16 Katrina/Rita damage water well issues that we have
17 had for now some time.

18 Mr. Forbes, welcome to the
19 Commission. Thank you for being here.

20 MR. FORBES:

21 Thank you, Lt. Governor and
22 Commissioners. Thank you for having me here to talk
23 about the funding source. Just a little bit of
24 background. Right after Katrina and Rita, one of
25 the things that the Department of Natural Resources

1 recognized as a potential issue was busted water
2 wells at private properties that would potentially
3 not be eligible for FEMA repair and consequently
4 need some funding source.

5 They worked with EPA to get some
6 funding to do the study. The study revealed that
7 there were 174 high and moderate risk open well
8 heads, if you will, that we all felt potentially
9 endangered aquifers and the resources of the State.

10 Consequently, the Louisiana Recovery
11 Authority allocated \$360,000 to go do repairs to as
12 many of these wells as we can. This is through a
13 program called the Local Government Infrastructure
14 Program. It is a program that's designed to address
15 unmet needs from other programs. We have lots of
16 infrastructure problems in Katrina/Rita disaster
17 recovery, but not every need is met, and this is one
18 that showed up as being urgent.

19 The process for this funding is we
20 entertain a pre-application which we have received,
21 we've approved that. The purposes of
22 pre-application is to establish the eligibility of
23 the project for the program. By all accounts, by
24 our review of that pre-application, it is, in fact,
25 an eligible expense.

1 The next thing is that an application
2 is developed. I want to let you know that the
3 disaster recovery unit pays the consultants who are
4 developing these pre-applications and applications.
5 There's very specialized knowledge required in
6 spending CDBG funds. We don't expect every single
7 applicant to develop that knowledge just for this
8 one little piece of work that we need to do; so we
9 provide that.

10 The role of the Department of Natural
11 Resources is to go out and get the contractor to
12 actually do the work. So consequently -- sorry.
13 Pre-application complete, approved. Application
14 currently under development. There's a deadline of
15 October 31st. I've spoken with the consultants
16 working on this. They don't see that as an issue
17 for completion. Shouldn't have any problem meeting
18 that deadline.

19 Once that application is approved,
20 you essentially go hire contractors who go to the
21 work of plugging and abandoning the identified
22 damaged wells.

23 The \$360,000 in looking at the report
24 that was funded and in talking with DNR personnel
25 may not be enough to do all the wells. I'm certain

1 that the approach will be to address the most urgent
2 ones first and move down the line. At this point,
3 that's all the funding that's available for the
4 effort right now.

5 LT. GOVERNOR ANGELLE:

6 Thank you, Mr. Forbes. How many
7 high-priority wells do we have on that list?

8 MR. FORBES:

9 Twenty.

10 LT. GOVERNOR ANGELLE:

11 Twenty. And we had some medium
12 priorities?

13 MR. FORBES:

14 154 moderate according to the report.

15 LT. GOVERNOR ANGELLE:

16 Okay. And I know that we have been
17 working with you and your organization to get to
18 this point. I want to specifically acknowledge the
19 efforts of Mr. Robert Benoit with the Department of
20 Natural Resources who has followed this like a
21 bulldog to make certain that we would not get left
22 out. We view this as very important.

23 I do appreciate the fact that you
24 obviously have been drinking from a fire house, to
25 borrow a cliché, with all of the issues you have

1 had, but I certainly would say this: If it were not
2 for Mr. Benoit, I'm not so sure that this one
3 wouldn't have been part of the unfunded stack, and I
4 say that with all respect to the process.

5 Having said that, we are excited
6 about the fact that you are here and we look forward
7 to moving this. We believe it is appropriate use of
8 those funds as we try to mitigate those issues from
9 Katrina and Rita. So thank you very much.

10 Any other questions from the
11 Commission for Mr. Forbes? Thank y'all very much.
12 Thank you, Mr. Forbes. I appreciate you being here.

13 MR. FORBES:

14 Thanks very much.

15 LT. GOVERNOR ANGELLE:

16 Thank you. Okay. We're going go to
17 Item Number 6, which is a update from Mr. Rick Heck
18 on the Surface Water Cooperative Endeavor Agreement
19 that, again, is a result and a consequence of Act
20 Number 955. Mr. Heck?

21 MR. HECK:

22 Lt. Governor, Commission members,
23 ladies and gentlemen, my name is Rick Heck. I am
24 the Petroleum Lands Director for the Office of
25 Mineral Resources which is the staff of the

1 Louisiana Mineral and Energy Board which had the
2 task of approving the Cooperative Endeavor
3 Agreement.

4 Act 955 was a result of a focal
5 incident; and that is, the discovery in the
6 Haynesville Shale of massive amounts of gas, the
7 production of which requires a process called a
8 fracing process which uses an unprecedented amount,
9 enormous amounts of water, millions of gallons, and
10 that water could not be supplied totally by
11 underground aquifers; so the use of surface running
12 water became a big issue.

13 With the need, there was a potential
14 for chaos and conflicts over the uncontrolled water
15 use of surface running water with riparian land
16 owners, with the water systems with industry.

17 So Act 955 was passed to provide
18 Louisiana's first running surface water management
19 tool to provide orderly safe access to this valuable
20 resource.

21 LT. GOVERNOR ANGELLE:

22 Mr. Heck, excuse me. I just want to
23 make sure that while I certainly do appreciate the
24 fact that you have mentioned the fracing process to
25 produce Haynesville Shale gas requires unprecedented

1 use of enormous amounts of water, two things I would
2 say to that is that the - what is happening in the
3 Haynesville Shale I would just say for the record is
4 creating an economic driver for the State, and I
5 know that your comment was not intended to be the
6 contrary of that; and that is, improving - with some
7 challenges improving the quality of our fiscal
8 situation in the State.

9 The second thing is, it is not only
10 the legislation that was drafted and the opinions
11 that were issued, not only - did not only effect the
12 use of surface water for natural gas exploration,
13 but, rather, it is for anyone who wants to use
14 running water - running waters of the State that
15 are - that fall into the legislation that are
16 non-riparian owners, correct?

17 MR. HECK:

18 Correct.

19 LT. GOVERNOR ANGELLE:

20 Right. So if you are in the timber
21 business or you're in the industrial manufacturing
22 business or you're in any type of business where
23 you're a non-riparian owner, you would be subject to
24 what we're talking about here.

25 MR. HECK:

1 That's correct. And later on in
2 the - I do mention those kinds of issues.

3 LT. GOVERNOR ANGELLE:

4 And timber might be agriculture. I
5 saw Mr. Burland jump up.

6 MR. HECK:

7 And I also want to mention again that
8 because we deal with the oil and gas industry, when
9 I say we, I'm talking about our office, the Mineral
10 Resources in the Mineral and Energy Board, we
11 certainly don't want to downplay the effect or the
12 results of the Haynesville Shale and the economic
13 benefits to the State and to the people of the
14 State. The issue was that the process by which this
15 gas was recovered required such a great amount of
16 water that it became a focal issue as to the rights
17 of the various people who had the need for the
18 water; so 955 was passed to help and begin the
19 process of - an orderly process of safe access.

20 And it was a result, again, as we
21 mentioned earlier of certain Attorney General's
22 opinions, one of which said that under the Louisiana
23 law persons with the possible exception of riparian
24 land owners are not authorized to remove state-owned
25 surface water without obtaining the prior written

1 approval of the State and without paying fair value.

2 In subsequent Attorney General's
3 opinions, it stated that the waters are owned by the
4 State in its capacity as a public person that holds
5 it in trust for the people of the State.

6 Further Attorney General opinion says
7 that the waters are a thing of value that belongs to
8 the people of the State of Louisiana and that the
9 waters must be purchased pursuant to the laws
10 governing the sale of State property if it is to be
11 used for anything other than a public purpose.

12 When I mention that, it refers to
13 Constitution Article VII, Section 14 which prohibits
14 the donation of State property, and a public purpose
15 cooperative endeavor agreement is the one exception
16 to the Constitution to that donation.

17 Further, the Attorney General said
18 that in the sale of surface water it must be in
19 writing in the form of a contract or a cooperative
20 endeavor agreement, the cooperative endeavor
21 agreement being the exception to Article VIII,
22 Section 14 of the Constitution. It must be approved
23 by the Secretary of Natural Resources and the
24 Attorney General and it must be for fair value.

25 The legislation was again enacted to

1 provide clear and specific statutory authority
2 meeting applicable constitutional mandates to
3 provide for the sale of the running waters for
4 commercial purposes.

5 Again, I mentioned two constitution
6 articles here that do have an effect on this, and
7 that is Article VII, Section 14 which is - says
8 that, "Except as otherwise provided by this
9 constitution," which is the Cooperative Endeavor
10 Agreement, "the property or things of value of the
11 State or any political subdivision shall not be
12 donated to or for any person, association or
13 corporation, public or private.

14 Article IX, Section 1 which deals, of
15 course, with natural resources, it says, "The
16 natural resources of the State, including air and
17 water, shall be protected, conserved, and
18 replenished insofar as possible and consistent with
19 the health, safety, and welfare of the people."

20 So Act 955 had to complied with both
21 of these - if you want to call them restrictions,
22 and it was done so that a cooperative endeavor
23 agreement or a contract could be used to - use of
24 surface running water without violating the terms of
25 that.

1 Now, who is included in the new law?
2 In other words, which parties are governed by, if
3 you will? It is commercial users who are not
4 riparian owners who seek to withdraw water from the
5 running surface waters of the State. And a riparian
6 owner is defined as one whose land touches the
7 source of the surface water.

8 So Act 955 particularly does not
9 affect the riparian owner and his rights which are
10 in the Civil Code.

11 LT. GOVERNOR ANGELLE:

12 Let me just again make the point that
13 Act 955 does not require any commercial user to
14 follow this process; so, again, a commercial -- the
15 Attorney General has issued an opinion. This law
16 does not codify that opinion. It simply makes a
17 permissive process available for those folks who
18 wish to avail themselves to it.

19 So normally laws require people to do
20 things. This law only sets up a process for those
21 folks who wish to do those things of which we have
22 to follow so that we can have transparency.

23 MR. HECK:

24 The user groups or the groups that
25 are specifically exempted from this statute are the

1 riparian owners, public and private water systems
2 and agriculture users; so those are not governed by
3 this.

4 Both potential and the real effects
5 on the sustainability of the water body must also be
6 considered on navigation and on the environment and
7 ecology balanced against social and economic
8 benefits of the contract for withdrawal. So all of
9 these factors must be considered in the Cooperative
10 Endeavor Agreement and with the uses of water that
11 is going to be obtained under the contract.

12 Also, it must be considered whether
13 the proposed use is consistent with Louisiana's
14 comprehensive master plan for a sustainable coast.

15 There is a priority of use of running
16 surface water. The first priority is human
17 consumption via a public water system or a private
18 water system that provides domestic potable water
19 service. The second is agricultural uses that
20 provide sustenance to animals or irrigation to
21 plants. And the third is the commercial or
22 industrial activity. These are the -- when I say
23 priorities, these are the priorities that the
24 Secretary of DNR must consider when a proposed
25 Cooperative Endeavor Agreement is applied for.

1 Also, impacts, that must be
2 considered, and there are several of those. One is
3 the stream or water flow energy, sediment land and
4 distribution, navigation, aquatic life, and other
5 vegetation or wildlife. All of these are
6 scientific, if you will, elements that must be
7 consider and weighed against the amount of usage
8 under any particular cooperative endeavor agreement.

9 The Secretary is required to make
10 sure that each withdrawal agreement provides for the
11 Secretary's authority to protect the resource and to
12 maintain sustainability and environmental and
13 ecological balance. The action that may be taken by
14 the Secretary under any cooperative endeavor
15 agreement and entered into must allow for the
16 suspension or termination of the withdrawal water
17 and other necessary actions. Again, the balancing
18 act that has to be considered. And the authority
19 has to be with the Secretary to be able to
20 accomplish that.

21 Upon the signing of Act 955 into law,
22 the Chairman of the Ground Water Commission and Lt.
23 Governor, Scott Angelle, established a task force to
24 draft a cooperative endeavor agreement, to draft an
25 application for the cooperative endeavor agreement,

1 to contact existing commissions and water districts
2 to gather information on their processes, and to
3 gather federal, other state and local government
4 requirements for implementation.

5 And pursuant to that, the Chairman
6 distributed draft applications which the Task Force
7 came up with, and I was a member of that Task Force,
8 draft applications and the agreement forms to
9 various stakeholders for comments on July 15th of
10 2010.

11 Those comments were received from the
12 stakeholders, not all of them at that time, and were
13 considered by the Task Force and were appropriately
14 incorporated into the draft agreement. It says
15 before you today for consideration and approval.

16 This was a presentation from the
17 Mineral and Energy Board for their approval. And I
18 might say that the form itself of the Cooperative
19 Endeavor Agreement was presented to the Mineral and
20 Energy Board last week at their meeting on
21 Wednesday, and the Board did approve that form.

22 Now, before I go any further, I'd
23 like to mention that that form is not an absolute
24 in-stone form. It is going to be a living
25 agreement. It is form, if you will, 1.0 simply

1 because, again, at the time it was confected we did
2 not have all of the comments from the various
3 stakeholders that were presented with the document
4 for review.

5 Likewise, we -- and the reason for
6 getting it out, I guess, as quickly, it may seem
7 like it was too quick, but the process had to be
8 accomplished because when the Act was signed into
9 law, a provision of Act 955 states that if there is
10 another agency that has the authority to sell water,
11 and there are a few, that whatever agreements they
12 enter into to use that - withdraw and use surface
13 running water must comply with the form that is
14 approved by the Mineral and Energy Board.

15 So if we had waited until we had all
16 of the items in and all of the comments from the
17 stakeholders, that form may not be out there yet.
18 And, yet, there are water authorities such as the
19 Red River Commission and the Sabine River Authority
20 that are -- and the Sabine River Authority is a
21 different animal. I'll use the Red River
22 Commission, for example. They have the authority to
23 sell running water. They have applications, and
24 they actually have signed agreements that were
25 signed before this Act was passed into law. But

1 after the Act was passed into law, which was
2 July the 2nd of 2010, under this Act, whatever
3 agreements that they entered into must have passed
4 muster with the form that was approved by the
5 Mineral Board.

6 So the idea was to get a form out
7 there that as best we could met the requirements of
8 Act 955 so that the number of applications and water
9 use that were already in the pipeline, if you will,
10 could as closely as possible meet the requirement of
11 Act 955.

12 And, again, we are considering now
13 comments that are coming in from other stakeholders.
14 They have been considered. We will have further
15 meetings, if you will, to tweak the Cooperative
16 Endeavor Agreement to make it more in response to
17 the stakeholders' comments. And, with that, I would
18 be glad to answer any questions from the Commission.

19 LT. GOVERNOR ANGELLE:

20 Okay. Before I go to questions,
21 again, I want to thank you and the State Mineral
22 Board and would just make a comment to
23 Representative Morris and Representative Burford
24 that your hard work did obviously, you know, prove
25 that the State was capable of moving in a really

1 accelerated fashion.

2 It's my understanding that there were
3 perhaps over 50 different requests that various
4 water districts had in advance of this legislation
5 being passed and as this form was being developed;
6 so, again, I think you did the right thing to move
7 in an accelerated fashion. You cannot let
8 perfection be the enemy of good, and certainly you
9 are correct that like the other forms that we have
10 in government, we can have 2.0 and 3.0. There's no
11 limit on the number of times that we can continue to
12 receive stakeholder input and improve that process.
13 So a job well done. Mayor Hollingsworth?

14 MAYOR HOLLINGSWORTH:

15 Yes, sir. Mr. Heck, I wanted to ask
16 you about the term "public purpose." Does this
17 Act -- was it a public purpose before this Act was
18 passed or did this Act make it a public purpose and
19 set up the process, or was it a public purpose?

20 MR. HECK:

21 Are you talking about the water use
22 or the form itself?

23 MAYOR HOLLINGSWORTH:

24 Water use, right.

25 MR. HECK:

1 Okay. A public purpose under the
2 Constitution and the need for a Cooperative Endeavor
3 Agreement -- I don't know if you have a form in
4 front of you, but the form is available on our
5 website. But if you'll look at the form, there are
6 two amendeds of a applicant, if you will, paying the
7 State. One is paying a certain amount of money per
8 gallon - per thousand gallons. Another form of
9 payment, if you will, is to show a public purpose to
10 show that an economic benefit is being derived in
11 the form of taxes - local taxes, jobs, those kinds
12 of things.

13 That is the kind of public purpose
14 that is contemplated in the Constitution as being an
15 exception to the donation; in other words, if you
16 show that public purpose -- and, again, it's not
17 defined in the Constitution, but if you show that
18 the agreement is producing an effect, an economic
19 effect or whatever, that is in the public purpose,
20 and that means beneficial to the parties, the
21 members, the citizens of the State of Louisiana, it
22 will be an exception to the prohibition against
23 donation of State properties.

24 So the idea in the Cooperative
25 Endeavor Agreement was to provide two methods, and

1 an applicant can do either one. It can use the
2 public purpose or it can pay the State a given
3 amount of money per thousand gallons or whatever,
4 and it still has to be fair market value. It still
5 has to be - measure those economic benefits against
6 the environmental and ecological impacts.

7 LT. GOVERNOR ANGELLE:

8 Let me give you another example that
9 you may be a little bit more familiar with. When
10 the State decided to give \$65 million to the chicken
11 process and manufacturer in Farmerville, I believe,
12 the fact that the State of Louisiana would be given
13 cash to a private corporation in and of itself would
14 be a prohibited donation of the State's resources.

15 To perfect that situation and to make
16 sure it is not a donation, a Cooperative Endeavor
17 Agreement was entered into by the State of
18 Louisiana, and Party A -- I'm not sure what the
19 correct name of Party A is, and Party A has an
20 enforceable - has a duty and obligation to provide
21 certain types of jobs, "X" amount of payroll over a
22 period of time of which there are clawback
23 provisions in the event that those objectives are
24 not met.

25 So I'm not sure -- there's nothing in

1 the agreement - in the legislation that says oil and
2 gas development is a public purpose. Public purpose
3 is defined at what time - or what is it, in fact,
4 the State is getting for the use of their resource
5 in this instance.

6 So if the State is getting a return
7 that is at least equal or greater to that of which
8 they are providing in terms of dollar values, than
9 it is considered a public purpose.

10 MAYOR HOLLINGSWORTH:

11 I just know it's a problem when we
12 try to do anything at the City; so. . .

13 LT. GOVERNOR ANGELLE:

14 Right. And you are entitled to avail
15 yourselves to that same cooperative endeavor
16 agreement in local government as well.

17 You obviously have the same
18 constitutional prohibition against donations of your
19 assets, your money, your things, your labor;
20 however, if you can provide a public purpose that
21 passes muster, than they can be used.

22 Again, the value from which the State
23 is getting or the municipality or parish has to be
24 equal or greater than that of which they are given.

25 Mr. Owen?

1 MR. OWEN:

2 I was curious, Mr. Chairman, to know
3 since Mr. Heck has been absolutely silent on how you
4 determine fair value. Does the State consider all
5 waters to be created equal regardless of where you
6 may withdraw the water, and, if so, why?

7 MR. HECK:

8 Well, as a matter of fact, that
9 question came up to the Task Force when the
10 Agreement was being put together, and the task that
11 was given to us was to find out what - who had been
12 doing this prior? And the Sabine Water Authority is
13 one agency that has been selling water, if you will,
14 for a very long period of time, and to find out how
15 they valued the water.

16 Now, if you say it's - their value
17 may be different there than it is any other place,
18 you may be correct, and that may be something that
19 in the future for this particular agreement or type
20 of agreement we may take into consideration in the
21 iteration of 1.1. But for right now we don't have
22 the luxury of having all of the assessments of value
23 of water; so we use the best assessment we can get,
24 which, again, are those entities that have been
25 selling water, if you will, for a period of time and

1 what they use as a basis for their valuation. And
2 we set that value until further study is done and we
3 may be able to make a more-informed -- and there is
4 a provision in the agreement, by the way, that gives
5 an escalating clause of the value based upon usual
6 economic terms on a yearly basis.

7 LT. GOVERNOR ANGELLE:

8 And, again, let me just jump in here
9 because that's a great question, one that we
10 struggled with. Unlike real estate where, you know,
11 perhaps you can have fair market value determined by
12 a variety of appraisers looking at a situation where
13 you have a willing buyer and a willing seller and
14 can develop a variety of methodologies to come to a
15 conclusion on what water may be worth, we all know
16 that property at a interstate exit is going to be
17 worth more than one that may be a mile away from a
18 interstate exit. We know that water in a area where
19 there is a acute shortage is going to have more of a
20 monetary value than where we have a excess supply.

21 We struggle with this issue and
22 basically in an attempt -- again, the Attorney
23 General's opinion said that the State must receive
24 fair market value. The Attorney General's opinions
25 didn't define fair market value. Fair market value

1 is, again, generally - not using Black's Law
2 Dictionary here, but that which of what a reasonably
3 motivated buyer would pay to a reasonably motivated
4 seller.

5 There is not a history of documents
6 that we can use to govern this. The only real issue
7 we have is that of the Sabine River Authority, which
8 we think represents, again, the totality of what we
9 have for purchases of surface water, and we will use
10 that and we will defend that as the best research we
11 have until otherwise additional research is
12 available for us to use. Mr. Owen?

13 MR. OWEN:

14 That's it.

15 LT. GOVERNOR ANGELLE:

16 Okay. I'm sorry. I thought you came
17 up again. I'm sorry. Thank you. Okay. Any other
18 questions for Mr. Heck? Okay. Very good. Thank
19 you, Mr. Heck.

20 Okay. Item Number 8 -- I'm sorry.
21 Item Number 7, United States Department of the
22 Interior Cooperative Watershed Management Program.
23 Mr. John Adams?

24 MR. ADAMS:

25 Yes, sir, Mr. Chairman. As you are

1 aware, the DNR recently received a copy of a letter
2 from the Secretary of the Interior, Ken Salazar, to
3 the Governor of Louisiana, Bobby Jindal, discussing
4 the cooperative watershed management program. Most
5 of you received a copy of this letter and we
6 forwarded it on to all of you, and in response to
7 that, we received numerous questions.

8 As a result, I contacted John Tubbs,
9 the Deputy Assistant Secretary for Water and Science
10 with the Department of the Interior. He's the
11 gentleman that's been put in charge of this
12 particular program, and Mr. Tuggs explained to me
13 that although the - this particular program became
14 law in 2009, it has not received an appropriation
15 yet, and, therefore, has not been funded. As such,
16 the program is still in the information-gathering
17 stage; that is, he's still in the process of
18 establishing a list of contacts with each state to
19 determine the State's desire and necessity to
20 participate in this program.

21 Governor Jindal has appointed a
22 contact from Louisiana. The contact is Chris
23 Piehler, the Water Quality Assessment Division
24 Administrator with the Louisiana Department of
25 Environmental Quality. I spoke with Mr. Piehler,

1 and he has received the questionnaire from the
2 Secretary of the Interior's Office, and he has
3 completed and returned that questionnaire, in which
4 he did state that Louisiana has a very high need and
5 does desire to participate in the program.

6 The only other interesting thing that
7 came out of the conversation with Mr. Tubbs is that,
8 although the law contemplates working with small
9 local watershed groups, Mr. Tubbs has informed me
10 that for logistical purposes that the program may
11 not end up being implemented in that way. The
12 watershed groups are more likely than not going to
13 be done on a statewide basis.

14 And Chris - Mr. Piehler and I have
15 maintained communication and will continue to
16 monitor the development of the program, and should
17 it be funded or should some other development take
18 place, I will make sure and forward that information
19 to you. Basically, that's everything.

20 LT. GOVERNOR ANGELLE:

21 Mr. Loewer?

22 MR. LOEWER:

23 Yes, sir. I would question why would
24 DEQ be involved and not the Office of Conservation?

25 MR. ADAMS:

1 That's a question you'll have to
2 ask --

3 MR. LOEWER:

4 What's the rationale for that? I
5 just wanted to --

6 MR. ADAMS:

7 That's a question you'll have to ask
8 the Governor's Office. I'm not sure, other than the
9 Water Quality Assessment Division seemed to be a --

10 LT. GOVERNOR ANGELLE:

11 Let me try to answer that question so
12 that Mr. Adams doesn't rapidly put himself in
13 jeopardy with the Governor's Office.

14 MR. ADAMS:

15 Thank you, sir.

16 LT. GOVERNOR ANGELLE:

17 You needed a lifeline very badly
18 right there. The Federal Government requests that
19 there be a point of contact on this, and it is
20 appropriate for DEQ to be their point of contact,
21 but, certainly, State Government will reach back
22 into the organizations, whether it be DOTD, DNR and
23 certainly DEQ, to provide a coordinated cooperation
24 with the Federal Government on this. Thank you.

25 Okay. We will now go to Item Number

1 8A and hear a report from Mr. Gary Snellgrove on -
2 an update on where we are on the entire Ground Water
3 Resources Program.

4 MR. SNELLGROVE:

5 Okay. Thank you, Chair. Just to
6 start off, first of all, this is where we're going
7 to run through here, but basically I'm going to
8 start off first with bringing you up to speed as to
9 where we are with the evolution of the Water Well
10 Driller Program. That was merged with DNR back -
11 effective March 1st of this year of 2010. Since
12 that time, we've had two major milestones that we -
13 that we want to announce at this point. One is our
14 efforts to put out by September 20th, 2010 in the
15 State Register as an appropriate announcement
16 revisions to Title 56 that governs or regulates
17 water well drillers licensing and also water well
18 construction. It's going to be an open process.

19 We're going to put this together for
20 soliciting comment, very similar to what we're doing
21 with this workshop and the plan, and, incidentally,
22 putting this out at this time is timely; in that,
23 our contractor for the State Water Well Management
24 Plan will have the opportunity to review the same
25 information and provide their input on that revision

1 also.

2 Again, we will notify all and provide
3 a link to those draft proposed regulations as they
4 will be put out, and we look forward to your
5 comments.

6 Secondly, we -- part of the drive or
7 motivation to bring the two agencies' programs under
8 one umbrella was to provide for greater efficiencies
9 in State Government, and, certainly, one of the
10 major aspects of that is to have one way to manage
11 the data of which we get massive amount of data from
12 the water well drillers as they drill the wells and
13 provide notification, and also under the existing
14 DNR statutes that provide for water well owners to
15 provide prior notification to our agency for certain
16 types of wells to be evaluated prior to their
17 installation.

18 I'm very pleased at this point in
19 time, as I have been announcing it in several
20 meetings past that we would get to this point in
21 time where we have merged the databases, and we're
22 at that point in time now.

23 And so we brought in some technical
24 staff from the Information Technology Group under
25 DNR that will provide to you, you know, a live

1 demonstration of what we can do and what you can do
2 with the information that's out there now and made
3 available.

4 MR. AHMED:

5 Good afternoon, Lt. Governor and
6 Commissioners, Representatives, thank you for the
7 opportunity. As you can tell by my name and also
8 accent, I'm a cajun. No. I have actually gone and
9 did a speech in Washington, D.C. one time and there
10 were a lot of people there, and the only way -- by
11 the way, I just mentioned very quickly that I'm a
12 cajun and just continued my speech, and nobody said
13 anything except one guy who said, "No, you're not.
14 I'm from Lafayette."

15 Basically what we have been able to
16 do is to -- we had a lot of technical difficulties
17 to move the information from the Department of
18 Transportation to DNR, and one of the biggest
19 challenges was the technology. The technology that
20 had been used at DOTD and DNR was completely
21 different, but we were able to overcome it. We are
22 there, and I think when you look at it, you will be
23 pleased at what we have been able to achieve. It's
24 a little bit more than what DOT has been offering to
25 the general public.

1 Only a couple of things I will just
2 tell you. I don't want to bore you. I think you
3 want to see the demo. It's much better than just me
4 talking. The two things is very important for you
5 to understand. The data that we were able to pull
6 from the Department of Transportation. The
7 Department of Transportation system was very
8 forgiving; they would accept anything. And that has
9 created a lot of challenge for us because our system
10 is a little bit tight. You know, everything has to
11 be - constraint has to be there. So we have a lot
12 of challenges to make sure the data is consistent.
13 From there forward, we will make sure everything is
14 more consistent and that will give you a better
15 report or that will give the general public a better
16 report.

17 We will also be able to continue
18 providing the information to the various agencies
19 just like DOTD has done in the past and perhaps
20 provide them in a manner that they are expecting a
21 lot more quicker direct -- DNR usually give a direct
22 access; so if an agency is capable, we can give them
23 a direct access and they will get the data a much
24 better way than they have gotten in the past.

25 And, thirdly, what I would like to

1 tell you is that we respect everybody's privacy; so,
2 therefore, we are not going to display the
3 information which we should not display. Obviously,
4 there are a lot of information that is available
5 with us and with people's inquires. When they ask
6 for more information, we will be able to really
7 accommodate them, just like we do in the SONRIS
8 system for Oil and Gas Industry; we react to people
9 very, very quickly. As soon as they come and ask us
10 what they want, we are able to really react very
11 quickly, and we will continue to react in the
12 downloaded system as well.

13 So having all said that, what we are
14 going to see today very quickly is to how you are
15 able to access from DOTD and the comparable
16 information that you will see from DNR website, and
17 at the same time, Dustin will be able to show you
18 some of the improvements we were able to make and
19 more improvement about to come.

20 After the demo, we will address the
21 Commission to really give us a go ahead. At that
22 time, we will basically have everything available --
23 things are available now, but we will then request
24 DOTD to start displaying the information for public
25 and DNR. Thank you. Dustin?

1 MR. EWING:

2 Good afternoon everyone. My name is
3 Dustin Ewing. I'm with the Office of Conservation
4 for DNR. I primarily work with the water well
5 registration and drillers licensing programs. As
6 you see here, I'm going to give you a brief overview
7 of what was previously offered with the DOTD public
8 databases and what is now being with the DNR
9 databases.

10 As you can see here up on the screen,
11 this is DOTD's register water well database. And
12 basically there is three different ways you can
13 search the water well information, but,
14 unfortunately, we are tied to choosing a parish.
15 You download your parish, you're kind of stuck, but
16 that's semi appropriate. Three different ways are
17 you can search by section, township, and range.
18 Select buyers. If you know the well owner, you can
19 also search within a certain mile radius.

20 For example, if you just pick a
21 particular section, township or range, you could
22 search for it, and it provides you all the useful
23 information we have in the database on that
24 particular well, including, latitude, longitude, the
25 driller's name, who owns the well, all the

1 information about that well.

2 You could also search for, let's say,
3 my last name. You could search all the wells that
4 have the name Ewing tied to it. In this case,
5 there's only three water wells that's owned by a
6 Ewing in Acadia Parish. You could also search by
7 latitude and longitude. So if you want to do a
8 quarter-mile search --

9 LT. GOVERNOR ANGELLE:

10 I'm assuming you can't make this any
11 bigger.

12 MR. EWING:

13 No, sir. I've tried.

14 LT. GOVERNOR ANGELLE:

15 For the Commission members that are
16 looking to the left and right, you may want to look
17 behind you.

18 MR. EWING:

19 You can search by a particular lat
20 and long. It gives you all the wells within a
21 quarter-mile radius if that's the particular
22 distance you want to search. Of that particular lat
23 and long, it gives you all the same useful
24 information on a preview display.

25 This is a great website. It offers

1 plenty of good information, but we decided to take
2 it an extra step further. We wanted to kind of
3 expand on it and give you more options for being
4 able to search the water well information.

5 LT. GOVERNOR ANGELLE:

6 Okay. So, so far what you've shown
7 us, should we be impressed?

8 MR. EWING:

9 No, sir. This is what the DOTD was
10 previously offering --

11 LT. GOVERNOR ANGELLE:

12 I just want to make sure that what
13 I'm seeing when I get there I'm impressed by it.

14 MR. EWING:

15 It's all pretty basic. It's all easy
16 to understand, easy to use it. It's all user
17 friendly.

18 LT. GOVERNOR ANGELLE:

19 All right. You're getting to the
20 Cadillac?

21 MR. EWING:

22 This is giving the DNR's version of
23 the Cadillac now. Our website is -- you can click
24 on SONRIS. Click on SONRIS Lite. Scroll down to
25 the bottom. You have four ways you can search for

1 water wells. Basically, it's all the same functions
2 that were previously displayed. You can search by
3 section, township, and range. You can pick your
4 parish.

5 Basically, it provides all of the
6 same useful information that was carried over from
7 the DOTD's website. You can do the same searches.
8 You can search by well owners; you can search by
9 latitude and longitude. Or if you don't know who
10 the owner of the well is, this is an extra feature
11 you can include. You don't know who the well owner
12 is, don't really know where it's located but you
13 happen to know the well number, you can type that in
14 and search for the well number.

15 It's all the same useful information.
16 DOT --

17 MR. AHMED:

18 Hold one second. Amedical said this
19 AHMED is talking and DNR, you can actually search
20 independently from anything; so this is one
21 improvement there. Do you want to show the other?

22 MR. EWING:

23 Sure. You can search by owner --

24 MR. AHMED:

25 No, no, no.

1 MR. EWING:

2 We also offer what we call a query
3 page. If you scroll down underneath Conservation to
4 Ground Water Information, you can search water well
5 registration information. In this particular page,
6 you can query for every water well in Louisiana or
7 you can query for any particular water well in any
8 particular Parish.

9 Say if you want to look, for example,
10 for water wells in Caddo Parish that are, say,
11 irrigation wells or let's just try registered supply
12 wells, we can do that, and it will give every water
13 well in Caddo Parish that is a registered supply
14 well. This is very useful information for some
15 people who are trying to do large studies to see
16 where the well is located and what kind of
17 information the wells contain.

18 LT. GOVERNOR ANGELLE:

19 And here to before that information
20 was not available?

21 MR. EWING:

22 No, sir.

23 MR. AHMED:

24 No, sir.

25 LT. GOVERNOR ANGELLE:

1 So to get the value of what we're
2 talking about, what was before - what was available
3 before was a parish search?

4 MR. EWING:

5 Correct.

6 LT. GOVERNOR ANGELLE:

7 Not by type?

8 MR. EWING:

9 Not by type. You could input it into
10 Excel and filter it but --

11 LT. GOVERNOR ANGELLE:

12 Okay.

13 MR. EWING:

14 -- this way it offers all the
15 information up front.

16 LT. GOVERNOR ANGELLE:

17 So you just have more options to mine
18 the data?

19 MR. EWING:

20 Correct.

21 LT. GOVERNOR ANGELLE:

22 All right.

23 MR. EWING:

24 Like I said, all of these fields are
25 searchable. You can search for wells for a

1 particular water well size. You can search for
2 particular well types. You can even search by
3 owners, and you can also search by aquifer types.
4 You can also do the same thing with water well
5 drillers.

6 DOTD did offer a list of all of the
7 water well drillers in Louisiana.

8 LT. GOVERNOR ANGELLE:

9 Let me comment. This is not a
10 reflection of DOTD. What this is more, is that, the
11 computer system that the Department of Natural
12 Resources had acquired over the years and its
13 leadership has done a great job made it very
14 suitable to have - to pull up water well - to pull
15 water wells into that. Okay. So I don't want this
16 to be a reflexion of somebody at DNR is better than
17 somebody at DOTD because that is absolutely not the
18 case. It's just a matter of being able to take
19 advantage of a system, streamline government, and
20 have one system as opposed to two.

21 MR. EWING:

22 Correct. DOTD also offered what was
23 called a GIS water well search feature, and you
24 could search pretty much the entire Louisiana
25 looking for particular water wells. So if you

1 wanted to look in Pointe Coupee Parish for water
2 wells, the downfall with this particular system is
3 you had to literally know where the water well was
4 and know the area and go on and search to where you
5 thought the water well was located. Then you could
6 use any of these little search tools at the top and
7 select the water well and get the information that
8 was attached to it. We offered the same thing
9 through our public GIS system underneath the
10 interactive maps.

11 I'll highlight some of the features
12 that DOTD previously didn't offer but now we are.
13 For starters, if you were confused about the geology
14 or you wanted to know the geology for a particular
15 location, you click on the Geology tab and it would
16 populate the different geology regions here in
17 Louisiana.

18 If you were particularly interested
19 in one, you click on the Identify button and select
20 where you think that geology is. You could do the
21 same thing for aquifers. If you were also
22 interested in, say, the areas of ground water
23 concern, we also have that available to the public,
24 as well as about 12 different imagery and different
25 kinds of maps.

1 LT. GOVERNOR ANGELLE:

2 Can you click on the areas of ground
3 water concern and show the wells in that area?

4 MR. EWING:

5 Sure. You can click this little box
6 feature over here; so you can select one area and
7 zoom into it in a lot of different parishes, and you
8 can populate water wells.

9 LT. GOVERNOR ANGELLE:

10 So that box indicates what?

11 MR. EWING:

12 That box is the area of ground water
13 concern within that particular area.

14 LT. GOVERNOR ANGELLE:

15 That box is an area of ground water
16 concern?

17 MR. EWING:

18 Correct.

19 LT. GOVERNOR ANGELLE:

20 And can you give me more information
21 about what's going on in those little squares?

22 MR. EWING:

23 Sure. If you highlight Water Wells,
24 and we can actually tabulate - provided the well
25 numbers as you can see, take this box once you

1 highlight the water registration field, you can
2 select on individual boxes or any number of them
3 that you like, and it provides all the information
4 for that particular water well.

5 It tells you its description, water
6 well casing, who owns it, so on and so forth.

7 MR. JOHNSTON:

8 It summarizes all the wells in a box.

9 LT. GOVERNOR ANGELLE:

10 Okay. Without trying to make this --
11 I get a little concerned when I - when we continue
12 to talk about -- and I know you're trying to do a
13 before and after, but I don't want this to be a DNR
14 gets the gold star award and the DOTD gets a silver
15 star award. So, having said that, can you tell me
16 what the value of all of this is? I'm sure there
17 is, and I ask that question because I want it to be
18 publicly stated. Is this good for research?

19 MR. EWING:

20 Absolutely. All of this is available
21 to the public.

22 LT. GOVERNOR ANGELLE:

23 No. I understand who it's available
24 to, but can you tell me what specifically - what can
25 happen - not who, but what kind of research and

1 discussion and analogies can begin to happen in
2 Louisiana because of this improvement?

3 MR. JONES:

4 You can identify all public supply
5 wells within that area.

6 LT. GOVERNOR ANGELLE:

7 Could we do that before?

8 MR. EWING:

9 No, sir.

10 LT. GOVERNOR ANGELLE:

11 Could we identify public supply wells
12 before? It's just a yes or no question. Could we
13 identify public wells before this?

14 MR. JONES:

15 No. That was not available on these
16 maps, no.

17 LT. GOVERNOR ANGELLE:

18 Okay. Well, DOTD is telling me yes;
19 so let's throw that one out as a maybe.

20 MR. JONES:

21 Well, then again --

22 LT. GOVERNOR ANGELLE:

23 I'm looking for -- you came up here
24 and you did a very good job of selling us that we've
25 got a super-duper situation, and I appreciate that,

1 and I think you do, but I need somebody to
2 articulate to the Commission on how this super-duper
3 stuff is going to better allow us to split the atom
4 bomb, by analogy. We're not splitting the atom
5 bomb, please.

6 MR. SNELLGROVE:

7 No. This tool now is going to enable
8 both the public, all users, as well as our staff to
9 speed up the process of how we use the data. We use
10 this data internally hourly. We evaluate water well
11 locations.

12 Now we can -- we've got a system in
13 place that we can populate quicker and that we can
14 retrieve information quicker. It's about time
15 management, and that's the advantage of this, both
16 to us and to the public, to the users.

17 We're already getting positive
18 feedback from the users on the outside. Consultants
19 use this information daily, as we do. They go
20 through and do environmental area reviews. Any
21 information that they're able to get to today with
22 fewer clicks of the bottom and that display that
23 information and the ease of getting to it is where
24 the advantages are.

25 Now, where we are right now is, is,

1 just basically putting out the same information that
2 DOTD offered, and Mr. Rizwan explained, you know,
3 pretty well why, because we have legal issues to
4 deal with with what we can and can't display over
5 the internet. So to stay within that legal
6 boundary, we are offering the exact same
7 information. It's not that we're providing more;
8 we're giving you a quicker way to access it.

9 LT. GOVERNOR ANGELLE:

10 Okay.

11 MR. SNELLGROVE:

12 Okay?

13 LT. GOVERNOR ANGELLE:

14 So, simply put, are -- what I was
15 looking for is, perhaps, will this allow us to do a
16 better job? I mean, and not us, but the entire
17 state to do a better job of managing the ground
18 water resources of the State?

19 MR. SNELLGROVE:

20 In my opinion, yes, sir, because it's
21 going to give us a tool that is going to be more
22 efficient and more effective in being able to get
23 information in a more timely manner and allowing for
24 us as the Commissioner and staff that's in charge
25 with implementing and enforcing and database

1 population, all these things that we have to do on a
2 day-to-day basis, it's going to make our jobs easier
3 and allow us to do more.

4 LT. GOVERNOR ANGELLE:

5 Okay. Let's just try what if and
6 bring it down to a situation. If for whatever
7 reason we were in, say, Northwest Louisiana where
8 there's a lot of oil and gas activities and somebody
9 were to go out to a particular site with a GPS and
10 determine that there was a water well here at this
11 particular site, would a user in the comfort of
12 their home be able to go on to this system and
13 determine if that particular water well was, in
14 fact, registered with the State of Louisiana?

15 MR. SNELLGROVE:

16 Yes.

17 MR. EWING:

18 Yes. That's one of the features we
19 offer here. I didn't get a chance to explain.

20 LT. GOVERNOR ANGELLE:

21 Okay. You realize that, you know,
22 time is precious, and while I appreciate, you know,
23 you doing a good job of kind of leading us up to it,
24 I'm particularly interested in the ribeye on this
25 deal and not the salad.

1 MR. EWING:

2 Fair enough.

3 LT. GOVERNOR ANGELLE:

4 Okay?

5 MR. EWING:

6 Okay.

7 LT. GOVERNOR ANGELLE:

8 So can we get to --

9 MR. EWING:

10 We'll get right to it.

11 LT. GOVERNOR ANGELLE:

12 Y'all did a really great job of
13 setting this up, and I'm on the edge of my seat
14 waiting to see the Super Bowl and I'm at a JV game.

15 MR. EWING:

16 Well, one of the most important
17 questions I get asked on a day to day basis is, some
18 people give me a particular lot/long and want to
19 know what the wells are or where it's located and
20 its neighboring wells around it. So, for instance,
21 you want to -- somebody gives me a particular
22 lat/long, they can go to their house and they can
23 plug it in themselves on our web page and see if the
24 water well is registered.

25 There it is in the blue dot right

1 there. So let's try to clean this up a little bit
2 so you can see it, draw a box around it, and it will
3 provide you with the information of all these wells.

4 So, in this particular instance, this
5 well belongs to Clyde Kimball. You can tell if his
6 water well is registered --

7 LT. GOVERNOR ANGELLE:

8 You realize that that is the husband
9 of the Chief Justice of the Louisiana Supreme Court;
10 so be careful how you tread right now, a former
11 State Representative and a former member of the
12 State Mineral Board; so just be cautious.

13 MR. EWING:

14 But this is how Mr. Kimball could see
15 if his water well was registered if he knew the
16 lat/long of this particular well.

17 LT. GOVERNOR ANGELLE:

18 And hurry up and say that it was
19 registered.

20 MR. EWING:

21 It was registered. Other features
22 are we can turn on our quad maps and we can find a
23 quadrangle, section, township and range. You can
24 zoom in, and you can see where it's located on the
25 map next to other landmarks.

1 If you wanted to do -- for instance,
2 if you wanted to do a buffer search and you wanted
3 to see how many water wells were within a quarter of
4 a mile of the water well registered, you come here
5 and search for water wells within, let's say, a half
6 a mile, and it will provide every water well within
7 a half a mile of his particular original well.

8 It provides all the information on
9 those wells. If you want, you can turn on the names
10 of those wells and you can have something to
11 research by. If you perhaps wanted to see some
12 satellite imagery of those particular wells, you can
13 turn that on, zoom in, and see where that is in
14 relation to other objects.

15 We even have a feature that you can
16 turn on that will provide you the local roads and
17 the primary roads. Zoom out a little bit so that's
18 more clear. So that's just some of the features we
19 offer for our online GIS database.

20 If there's any questions on how to
21 use any of these tools, there's a little box at the
22 top you can click on, and you can come across any of
23 these features and click on them. It will give you
24 a step-by-step direction on how to use it.

25 I feel this is very beneficial for us

1 because it provides everyone in the public the same
2 search opportunities we have as far as water wells.
3 If there's any questions, they are more than welcome
4 to use them.

5 MAYOR HOLLINGSWORTH:

6 Do you have pumpage on these wells,
7 how they're used or anything so you can ascertain
8 what the draw is out of the aquifer that they're in?

9 MR. SNELLGROVE:

10 Wells, whenever they are drilled,
11 their drillers provide information as to the depth
12 and they do provide --

13 MR. EWING:

14 They provide construction
15 requirements, how the well is constructed, the size
16 casing. We don't have pumping results attached to
17 this data just yet.

18 MAYOR HOLLINGSWORTH:

19 Yeah, but you could get pretty close,
20 couldn't you?

21 MR. SNELLGROVE:

22 Yes, sir. And we understand, you
23 know, by case and size and limitations of the actual
24 well construction itself on what the capabilities of
25 a well is and understand the aquifer carries risk.

1 We can make good assessments as to what could be
2 withdrawn from the well.

3 MAYOR HOLLINGSWORTH:

4 Is there data that you keep that
5 you're not able to make public but you keep it for
6 overall use as far as strategic planning is
7 concerned for water resources that you wouldn't make
8 public but somebody needs to know what's going on?

9 MR. SNELLGROVE:

10 Well, all the information that's in
11 the public - in DNR, in our building is public, but
12 as we had discussed earlier, there may be some
13 issues with addresses and things of that nature
14 that - due to Homeland Security and -- you know,
15 after 911 things changed, and I believe that's what
16 Mr. Rizwan was explaining, that our attorneys, both
17 at DOTD and at DNR, went through a very detailed
18 process to determine what could be legally, you
19 know, put out on the internet and what could not.

20 We certainly -- as we get -- as we
21 move forward and we get comments and provide more
22 and more information out there, understand that in
23 that process we're going to have to engage our legal
24 staff and make sure that we stay within what we can
25 and can't do as far as putting it out on the

1 internet.

2 Usually what we do as a matter of
3 public service is, certainly anybody who wants that
4 type of information, we encourage them to come to
5 the office and complete it or they can request it
6 and we can provide it to them, but it will be a
7 paper trail, a paper copy.

8 LT. GOVERNOR ANGELLE:

9 Mr. Coleman?

10 MR. COLEMAN:

11 Yes. One of the questions that I
12 have, we got a recent report on a well being
13 drilled. It's number 07-0146, and it's in Bienville
14 Parish, the city of Arcadia, with a 10-inch casing
15 and about 864,000-gallon capacity per day, and I
16 notice that's a town of a little over 3,000, and the
17 normal per person use is about 100-gallons per day,
18 and that would appear to solve the needs of about
19 8,000 people, and they already have several other
20 wells in place.

21 And our question was, is, this is put
22 up as the public -- what is it; the public use
23 wells? Can that water be used - sold to industry or
24 used for other purposes, or what's -- what is the
25 restrictions on that kind of a thing?

1 LT. GOVERNOR ANGELLE:

2 Mr. Snellgrove?

3 MR. SNELLGROVE:

4 Yes. I'm familiar with the well that
5 you're referring to. It is a -- it was notified
6 that -- notification came to us for public supply
7 use. That's the way it was identified as.

8 We ran it through our evaluation
9 process, and based on the volume and - that they
10 proposed to use the well for and the number of days
11 that they proposed to use the well for, we didn't
12 see that there was any adverse impact that was going
13 to be - to our water wells or to the aquifer and the
14 sustainability of the aquifer in that area.

15 The answer to your question is one
16 more of, right, that's the City of Arcadia, to
17 determine, you know, whether or not they're going to
18 provide it to a population increase that may have
19 occurred or if they were - if they intend to use it
20 for other purposes that would be beneficial to the
21 public.

22 I have to assume that they have a
23 game plan with the well because they're not going to
24 drill that size of a well without - with that type
25 of investment without having some use for it.

1 Perhaps some of their other wells are experiencing
2 some problems and they need another well in reserve.

3 I would say this: From a standpoint
4 of what I appreciate the law to be on that situation
5 when it comes to what is the public supply and what
6 is not, I believe the law provides for public supply
7 wells to be a majority use for public supply
8 purposes as its defined in the acts - in the
9 legislative acts and also in the regs.

10 So my information or the information
11 that we were provided doesn't indicate that it would
12 be - that it would not follow that requirement for
13 public supply use.

14 LT. GOVERNOR ANGELLE:

15 Okay. Do you want to continue on
16 with the presentation or -- I'm sorry to step up to
17 take a call. Does that pretty much finish with the
18 database?

19 MR. AHMED:

20 No, sir. We seek the permission of
21 the Commission to start using the system and --

22 LT. GOVERNOR ANGELLE:

23 Okay. I'm not sure the Commission
24 actually has the jurisdiction over that matter. I
25 think that is actually -- you can take a look at

1 statutes, but I think that's the responsibility of
2 the Commissioner as opposed to the Commission; so
3 just get -- you know, get attorneys to check that
4 out. But clearly the Commission does not have the
5 authority to decide that issue. I appreciate you
6 bringing it to the Commission, but the Commissioner
7 is responsible for the day-to-day activities there,
8 and get with him. If I'm wrong, then please come
9 back to us.

10 I am particularly interested in
11 hearing what members of the public and consultants
12 have to say within the next, say, 60 to 90 days on
13 this issue. So perhaps posting some opportunity for
14 folks to comment the good, the bad, and the ugly
15 about this particular version would be interesting,
16 and I think the Commission would particularly be
17 interested in those comments. Thank y'all very
18 much.

19 MR. EWING:

20 Thank you.

21 LT. GOVERNOR ANGELLE:

22 I appreciate it. Okay. Item --
23 we've already taken care of 8B. We'll go to 8C.
24 And after 8C, I'm going to have to step out and ask
25 the Commissioner to be in the Chair.

1 MR. SNELLGROVE:

2 Okay. Well, then, on your PowerPoint
3 presentation handouts that -- we're on Page 19. And
4 recapping as we have been now for several meetings,
5 you all are now familiar with the process on the
6 work history reporting for oil and gas industry on
7 frac water supply use.

8 As you know, we are tracking that
9 information, and as part of our function here, it's
10 to - you know, it's to provide you that information
11 and provide - keep providing you updates on those
12 statistics. So if we go to -- all right.

13 Okay. Right here is the latest
14 statistics that we have on Haynesville Shale gas
15 development and water use, and the statistics as we
16 reported in the past, it shows you the breakdown of
17 the percentage of surface water that's used for frac
18 water supply versus the amount of water that's used
19 from the ground water - from ground water resources.

20 And the important part here to
21 understand is, is that, we've been tracking this now
22 since 2009 back in - I believe it was October, and
23 now we're here almost a full year, approaching a
24 full year.

25 Of course, this date is set. It goes

1 to the end of July. But as of July 14, we have 423
2 frac jobs that have reported information to Item C
3 to where we have, you know, developed the data from,
4 and out of that total was 793 total work permits at
5 that point in time that were issued.

6 This is tracking along due to - as
7 expected due to the delays that are there in the oil
8 and gas industry requirements to report the
9 information. There's always going to be some delay
10 there, obviously.

11 But the second point I want to make,
12 is that, because of this, what we're seeing is the
13 surface water frac supply number is basically
14 staying the same as what we found when we did our
15 first presentation here, with about half of the
16 amount of reporting wells reporting. It's running
17 between - you know, between 79 and 77, you know,
18 give or take percentages here and there. So what
19 that means to me is - from an objective standpoint
20 is that we're gaining more reliability on the data
21 that's being reported.

22 Obviously, when you initiate
23 something, you're going to have some issues to deal
24 with in the way people are reporting the information
25 or not reporting it, et cetera. So we've come --

1 we've gotten through that, luckily, because we have
2 a small set of operators that we deal with in the
3 whole realm of things; so we were able to get more
4 one-on-one with each and get them to report the
5 information that we need in the manner that we need
6 to see it and provide it.

7 So these statistics here reflect that
8 we're running at that consistently, and now we do
9 believe that we have some good reliable information
10 at this time. And moving on to --

11 LT. GOVERNOR ANGELLE:

12 Before you get there, do you have a
13 breakdown by Parish?

14 MR. SNELLGROVE:

15 We do. It's in the Commissioner's
16 report, July of 2010.

17 LT. GOVERNOR ANGELLE:

18 Okay. Do you have -- just a couple
19 of questions. Do you have a particular parish or
20 region of the state that is tracking far different
21 from this? Do you have a particular parish whose
22 numbers are -- obviously, this is a total of the
23 entire state, the 423 reporting wells which comes
24 from various parishes. Do you have one parish or
25 one aquifer that you have concern about?

1 MR. SNELLGROVE:

2 Well, I can report this, of course,
3 the Wilcox is always the focus as far as aquifers,
4 and, hence, the reason why we're tracking is to keep
5 an eye - a watchful eye on that.

6 I have not -- I personally -- and I
7 don't have the information in front of me. I mean,
8 I have it here, but it's buried in 123 pages and
9 it'll take me a little bit of time to get to it, but
10 it is available. You have a disc. Each of you has
11 been provided a disc that's got that breakdown in
12 detail, and you'll see if you look, we did add an
13 extra chart. We put a horizontal border graph in
14 there that shows a breakdown of - by aquifer for
15 this data set, the aquifers that water is being
16 drawn from, and the Sparta aquifer. The reason why
17 we did that is because the Sparta aquifer did show
18 up on a few frac jobs, and - but what we wanted to
19 show is the relative - from a relative sense how
20 much or how little Sparta water is being used in
21 comparison to all of the other aquifers.

22 So I invite you to look at that
23 information that's on this Commissioner's report,
24 and we also have this report available on our
25 internet; so you can review it by just clicking on

1 the link on the ground water page and go to that
2 section on Haynesville Shale.

3 We added a new appendix in this
4 report that we didn't have last year, obviously,
5 and, so - and it's got all of the breakdown there,
6 by parish, by aquifer, ponds, pits, surface water.
7 It's pretty self explanatory.

8 LT. GOVERNOR ANGELLE:

9 Okay. So just to restate my
10 question. Is there a particular area of the state
11 or a particular aquifer -- well, let me say area. I
12 shouldn't say a -- a particular area of the state
13 where you are seeing the use of ground water in
14 fracing operations that does not reflect closely to
15 this pie chart?

16 Asked another way, do we have areas
17 of the State that are disproportionately using
18 ground water instead of surface water for fracing
19 wells?

20 MR. SNELLGROVE:

21 Oh, well, absolutely, but I think you
22 need to look at -- you need to understand the
23 aquifer of interest. Perhaps, you know, the Red
24 River is being tapped. In the parishes -- for
25 instance, Red River Parish, it will show up in that

1 parish as being a large source for fracing purposes
2 there.

3 LT. GOVERNOR ANGELLE:

4 And you're okay with that because
5 that particular aquifer does not have a high value
6 for human consumption, correct?

7 MR. SNELLGROVE:

8 That's correct.

9 LT. GOVERNOR ANGELLE:

10 All right. So let me restate my
11 question again. Do you have -- do you have any
12 areas of the State where you are very concerned
13 about the use of ground water for fracing of wells
14 in an aquifer that has a high value?

15 MR. SNELLGROVE:

16 We're keeping a watchful eye on the
17 statistics as they come in. Yes, we do. I mean, we
18 realize that DeSoto Parish is an area where there's
19 high reliance upon the Wilcox Aquifer for domestic
20 and public supply purposes.

21 LT. GOVERNOR ANGELLE:

22 Okay. Can you -- I hate to keep you
23 from moving on to your report, but I'm particularly
24 interested in knowing that information, and while I
25 hear you're telling me you've got a 129 report, I

1 see you've got a couple of staff members that
2 probably could find that while we're waiting.

3 MR. SNELLGROVE:

4 Mr. Jones, do you have anything to
5 add on that?

6 LT. GOVERNOR ANGELLE:

7 Okay. Before Mr. Jones -- do you
8 have a copy of a report that shows a graph or a
9 chart for another parish by parish.

10 MR. SNELLGROVE:

11 Well, we've got -- we've got all of
12 the -- you're looking just for percentage of ground
13 water use by parish?

14 LT. GOVERNOR ANGELLE:

15 I'm looking for this report - this
16 diagram of what we have seen in the past where we
17 have broken that down by parish. Okay? So as we
18 try -- this is -- this is -- this is a tremendous
19 success for what we have been able to do to get
20 nearly 80 percent of the water that's used in the
21 State of Louisiana for frac ground - natural gas
22 wells to come from surface water. I don't want to
23 delay a victory yet, but I'm very impressed. Okay?
24 But I'm trying to find out if we have -- while we're
25 doing okay, do we have a particular region that

1 needs a little bit more attention?

2 MR. SNELLGROVE:

3 Okay. I'm not finding it in this
4 information that I have on the desktop right now,
5 but we can certainly provide that information --

6 LT. GOVERNOR ANGELLE:

7 Okay.

8 MR. SNELLGROVE:

9 -- as we are tracking it. We keep it
10 updated, and this same set of data here, as you
11 know, we -- you know, that information is there. We
12 have it. We put it out there. If we don't have it,
13 we can make it; so. . .

14 LT. GOVERNOR ANGELLE:

15 Is it -- I guess what I would then
16 like to see as far - is two things, is, number one,
17 there's no prohibition. I guess I want to make sure
18 that I understand the law. There is -- the
19 Commissioner does not have the legal authority other
20 than in the area of ground water to restrict the use
21 of ground water for a particular purpose; is that
22 correct?

23 MR. SNELLGROVE:

24 He has the ability to impose certain
25 aspects of restriction, say, locating - location of

1 the well, for instance, or perhaps acquiring
2 additional information on certain types of wells.
3 It's a little complex, but he cannot impose a
4 production rate unless it is in a critical area of
5 ground water concern.

6 LT. GOVERNOR ANGELLE:

7 Okay. So unless it's in an area of
8 ground water concern, the Commissioner does not have
9 the authority to regulate the volume of water that
10 is used by a particular industry for a particular
11 practice?

12 MR. SNELLGROVE:

13 That's true.

14 LT. GOVERNOR ANGELLE:

15 Okay. I think that is - that's how I
16 understand it to be. Okay. So what I'm
17 particularly interested in seeing is that the
18 Commissioner, as I appreciate it, because of good
19 leadership has issued certain directives and
20 guidance documents - not directives, by guidance
21 documents, encouragements, the Ground Water
22 Commission has done their business urging - urging
23 companies that are drilling natural gas wells to use
24 surface water instead of ground water, but there is
25 little force of the law to mandate that, but trying

1 to impose our will by making surface water resources
2 available, so on and so forth, and that has
3 happened - that has happened in a voluntary
4 capacity. It looks like from the information that
5 we have that we require to be reported to us -- what
6 is that; 77 percent? What was the number?

7 MR. SNELLGROVE:

8 Yes, 77 surface water frac supply.

9 LT. GOVERNOR ANGELLE:

10 Okay. So one of the things that I'm
11 particularly interested in seeing is now parishes
12 and operators. Okay?

13 MR. SNELLGROVE:

14 Um-hum.

15 LT. GOVERNOR ANGELLE:

16 I think it's public record, and I
17 want to basically be able to detail what parishes
18 and what operators are, again, not -- there's no
19 requirement for them to do this, but which operators
20 are, in fact, heeding the guidance documents of the
21 Commissioner, again, not for any purpose other than
22 if we need to do a better job of reaching out with
23 more directives in a particular area, then, you
24 know, we need to have that data.

25 So, again, if we could just get that

1 by parish and by operator and share that with the
2 Commission next time.

3 MR. SNELLGROVE:

4 Sure. I mean, we could even share it
5 here probably when we get back to the office, as I
6 believe this information is already out there.

7 LT. GOVERNOR ANGELLE:

8 Okay.

9 MR. SNELLGROVE:

10 Now, the operator-by-operator
11 breakdown, that will take somewhat of - you know,
12 time to do but --

13 LT. GOVERNOR ANGELLE:

14 Well, again, we only have -- as I
15 recall, we only have about 25 operators that are
16 drilling wells in the Haynesville Shale; and so we
17 have 476 reports of wells I think I saw. I don't
18 know if that's the right number.

19 MR. SNELLGROVE:

20 Right. That database -- that
21 database is not as sufficient as the one that you
22 saw earlier. Okay? We had to hurry up and put
23 something together and we did. We can track it, but
24 it will take a little bit of time to get that
25 information in a way that we can present it to you.

1 LT. GOVERNOR ANGELLE:

2 Right. Okay. That would be, again,
3 important if we know. What I'm particularly
4 interested in, again, just to give you a situation,
5 we have -- we have, you know, 20 operators that are
6 doing a good job of using surface water, and you can
7 show me that they're above at the 80 percent or so
8 level, okay, and we can five operators that are
9 ignoring the directive, then -- it's public record
10 to know who those five are. Not particularly
11 interested in making life miserable for folks, but
12 perhaps a visit and encouragement to those five
13 would help, because what I don't want is -- I
14 believe the Haynesville Shale represents a great
15 opportunity for the State of Louisiana and for the
16 economy, and I don't want someone who may not
17 understand how important this is to basically ruin
18 it for everybody.

19 MR. SNELLGROVE:

20 We got it.

21 LT. GOVERNOR ANGELLE:

22 Thank you.

23 MR. SNELLGROVE:

24 Yes, sir. Chair?

25 LT. GOVERNOR ANGELLE:

1 Yes, sir. I'm sorry. Mr. Loewer?

2 MR. LOEWER:

3 Yes. You mentioned that with the
4 arm-twisting directives influence we have - now
5 we're up to 80 percent using surface water. Is
6 there a perception that with Act 955 this may
7 reverse this trend?

8 LT. GOVERNOR ANGELLE:

9 No, actually -- again, Act 955 did
10 not change water surface rights. What Act 955 did
11 is allow companies to submit themselves to a
12 transparent process from which they could acquire
13 water rights.

14 The opinions of the Attorney General
15 may be what you're referencing your question,
16 perhaps, but Act 955 is in and of itself just a
17 process that's on the shelf for companies to get a
18 cooperative endeavor agreement so that they can use
19 surface water.

20 In fact, to me, the absence of 955,
21 without 955, you would take -- if you would take the
22 results of what has happened over the last year, now
23 we're up to the nearly 80-percent level, and then
24 you have these opinions that were requested in issue
25 that say you can't get surface water without some

1 kind of written agreement, the absence of 955 would,
2 in my mind, have forced companies to either violate
3 the opinion or to - to not comply with the opinion,
4 I should say, of the Attorney General or return to
5 ground water.

6 So Representative Morris and
7 Representative Burford were very, very interested in
8 making sure as we had worked to establish surface
9 water as an alternative that these opinions would
10 not push us back. In fact, some of our testimony in
11 front of the Committee was that this bill
12 actually was a pro-ground water bill by allowing a
13 process of surface water to be acquired from the
14 State via an agreement; so I'm, you know, very, very
15 involved in the drafting of 955 and thankful that we
16 have it.

17 Otherwise, I think we would see those
18 numbers. Because companies would say, okay, I have
19 a -- I'm in a box now -- this is what I believe
20 would happen: Companies would say I'm in a box, I
21 have four Attorney General opinions that say I can't
22 use this - the surface water unless I have a written
23 agreement, and then the state government would say,
24 well, we don't really have a process on how to give
25 you that agreement, and we would end up being at a

1 stalemate; so I think we've pushed through on that.
2 Mr. Balkum?

3 MR. BALKUM:

4 Gary, does the Commissioner's report
5 identify the surface water which is being used;
6 lakes, streams?

7 MR. SNELLGROVE:

8 Well, I don't believe it's in this
9 particular report, this version, but we do -- we do
10 track that. That's part of what is reported.

11 The operator is required to identify
12 the source of the water, whether it's ground or
13 surface, whether it came from a pit or a surface
14 pond. They're even required to provide the owner's
15 name.

16 LT. GOVERNOR ANGELLE:

17 And, furthermore, on the 1.0 version
18 of WH 1, we were allowing companies to say pit, lake
19 pond. Now we require GPS coordinates of the intake,
20 okay, and the name of the stream, okay. So that
21 data is being collected on WH 1.

22 And, again, the challenge will be to
23 say, okay, how do we have this system that allows us
24 to tabulate and run a report on that? But
25 absolutely we are beginning to -- we are requiring

1 through a WH 1 which we have a absolute right to
2 require that information.

3 Now, again, you know, with all due
4 respect, I will tell you that oil and gas companies
5 are reporting more about the use of water in this
6 state than any other single industry.

7 MR. SNELLGROVE:

8 I agree.

9 MR. BALKUM:

10 And, Gary, my only other follow up
11 is, just as you're keeping an eye on the aquifers
12 being utilized, if hypothetically you're seeing
13 dozens of water withdrawals on a stream, maybe
14 smaller than the Red River, would something like
15 that be flagged or would that catch your attention?

16 MR. SNELLGROVE:

17 It's a good question. Part of Act
18 955 and what Mr. Heck had provided to you previously
19 about their application process, part of that
20 process, whenever they do get - when they do get
21 this information through their Department, then they
22 solicit our opinion on that particular location or
23 that body of water and that water use, and we review
24 it as staff from a ground water perspective, is,
25 will use of this particular stream or body of water

1 have any impact on, say, the recharge of a
2 particular - a local aquifer or in shallow ground
3 water?

4 We've had a few come through, and we
5 did provide those - you know, that technical
6 information and feedback to the folks that are
7 managing that on - in the Department of Natural
8 Resources.

9 MR. BALKUM:

10 Okay. Thanks.

11 LT. GOVERNOR ANGELLE:

12 Mr. Coleman?

13 MR. COLEMAN:

14 Yes. Thinking back over it, I
15 thought there was - in the statutes it said that
16 casings over 10,000 - 10 inches that the
17 Commissioner does have some authority to regulate
18 the flow and use in wells that - where casings
19 exceed or equal to or excess of 10 inches. And I --
20 have I misread that? You stated there was none?
21 But there is that, is there not?

22 MR. SNELLGROVE:

23 I'll tell you what, I don't have that
24 in my hand right now, and to -- I know it exists,
25 but to what extent, it's my -- you know, I'm just

1 going from memory, and what I recall is, is that, it
2 has to do with its presence in, say, an area of
3 ground water concern or perhaps a critical area
4 where he can -- where he has that authority. I'm
5 going to ask our attorneys - our attorney here to
6 see if he has any information --

7 LT. GOVERNOR ANGELLE:

8 So the question would be whether or
9 not it's not only limited to - volume restriction is
10 not only limited to areas of ground water concern,
11 but when there is a certain size diameter well that
12 that falls into the ability to restrict withdraw as
13 well.

14 MR. COLEMAN:

15 The question has to do with like the
16 deal we were talking about in Arcadia, it's
17 10 inches or more and it's outside the area of
18 concern.

19 MR. SNELLGROVE:

20 Right.

21 MR. COLEMAN:

22 But I thought the legislation was
23 intended whether there was large users that it gave
24 the Commissioner some restriction.

25 LT. GOVERNOR ANGELLE:

1 Well, let's get that -- let's get
2 that checked. I'm assuming that -- I'm assuming
3 that we can get an answer to that question before
4 the end of the meeting.

5 MR. COLEMAN:

6 Now, it might have been used in this
7 case within the course of. . .

8 LT. GOVERNOR ANGELLE:

9 Right, right. I'm sure you didn't --

10 MR. COLEMAN:

11 For that reason.

12 MR. SNELLGROVE:

13 Yeah. There is language about large
14 volume wells and the limitation on production. I
15 know that exists, but, again, I think that it may
16 have something to do with either an emergency
17 situation or areas of critical -- but we're going to
18 find --

19 LT. GOVERNOR ANGELLE:

20 The law will speak to that and --

21 MR. SNELLGROVE:

22 That's correct.

23 LT. GOVERNOR ANGELLE:

24 And certainly we will provide that
25 information. Okay. Any other questions?

1 Mr. Coleman, that's it?

2 MR. COLEMAN:

3 No. Thank you.

4 LT. GOVERNOR ANGELLE:

5 All right. And at this particular
6 point in time, because our court reporter has been
7 doing an excellent job, and as you all recall, prior
8 to August of 2008, we didn't even have minutes of
9 these meetings kept, and we now have a court
10 reporter taking verbatim notes.

11 And because all of us from time to
12 time have to walk away to take care of business, she
13 does not have the opportunity to do that. We're
14 going to take a break and give her a chance to
15 stretch her legs. Thank you very much. So we will
16 recess and we'll be back in ten minutes.

17 (RECESS)

18 COMMISSIONER WELSH:

19 Okay. Let's get started now. Lt.
20 Governor had to take a leave of absence; so I'm
21 going to finish up the meeting today. I think
22 before we continue on the agenda, Attorney John
23 Adams has an answer to the 10-inch pipe that was
24 questioned by Mr. Coleman. So, John, can you --

25 MR. ADAMS:

1 Yes, sir. Mr. Coleman, the section
2 you were referring to is in Louisiana Administrative
3 Code Title 43, Part IV, Subpart 1, Chapter 7,
4 Section 705.B, which basically provides if large
5 volume wells, which is defined as a well with an
6 8-inch or larger diameter screen size so that it can
7 produce greater than 1,500 gallons per minute, the
8 Commissioner may within 30 days after receiving
9 prior notification pursuant to Section 701.B issue
10 an order fixing the allowable production, the
11 spacing, or the metering.

12 MR. COLEMAN:

13 Production is the key word --

14 MR. ADAMS:

15 Yes, sir.

16 MR. COLEMAN:

17 -- that I was looking for. So there
18 is the ability to restrict production outside the
19 critical areas.

20 MR. ADAMS:

21 Yes, sir, for large volume wells,
22 that's correct.

23 MR. COLEMAN:

24 Thank you.

25 MR. ADAMS:

1 Thank you for that correction.

2 COMMISSIONER WELSH:

3 Okay. Let's continue on the agenda.

4 I believe we're down to Number 8D, Statewide Water
5 Well Notification Audit Enforcement Update.

6 Mr. Snellgrove?

7 MR. SNELLGROVE:

8 Oh, yes. Thank you, Chair - acting
9 Chair. All right. As we have been in the past
10 providing members with updates on our audit process
11 that we have started in January of 2009, this slide
12 provides information to let you know that we to date
13 have completed 44 of the parishes audited, and we
14 are now in the month of July, reaching out to
15 Beauregard and Vernon Parishes. We are near
16 complete with that; so we'll be back into August
17 here shortly, probably by the end of the week; so
18 we're moving right along as scheduled.

19 We've only got a few parishes left in
20 our audit process year, and being on schedule, we
21 anticipate that in December we will have concluded
22 fully the two-year schedule there as we show. And
23 then we will go into an annual statewide audit where
24 we reach all 64 parishes in one calendar year.

25 And we don't expect that that will

1 be -- we hope that we have gotten the water well
2 owners that, you know, need to comply educated and
3 knowledgeable of our rules and regulations so that
4 when we come back the second time around through
5 their parishes we will see a drastic reduction in
6 the number of enforcement actions that we will have
7 to levee.

8 And this gives you a breakdown as we
9 did last time - the last couple of meetings. This
10 breaks down parish by parish the number of actions -
11 enforcement actions that were issued by parish.

12 Next, please.

13 And that gets you through your 44
14 parishes. Okay. Areas of ground water concern, as
15 the Secretary - or Lt. Governor had mentioned
16 earlier in presentation - or in this meeting, we
17 discuss, you know, how we've, you know, began to
18 really ramp up and aggressively pursue enforcement
19 and implementation of the regulations, particularly
20 in the areas of ground water concern where we had
21 water well owners that were not providing the data
22 in previous years.

23 So in January of 2009, we -- prior to
24 that, we changed the form, and we put some -- we put
25 a little bit more legalese in the form; in that, the

1 forms are now authorized by certification, by
2 signature, by well owner, so that we could have
3 better confidence in the reliability of the data
4 that is being provided to our agency.

5 And as we had mentioned in previous
6 meetings, the information that we were collecting
7 through this process, once we had - once we were
8 able to populate the database with water well owners
9 and their reporting information, we would establish
10 a baseline. And so from July -- from January of
11 2009 to the end of that year, we have now
12 established what we believe to be an accurate and
13 reliable accounting of water well use and water well
14 production.

15 And these series of graphs are going
16 to give you a breakdown by the type of user in these
17 three areas of ground water concern and where they
18 fit into the big picture of total volume of water
19 used.

20 So, in this particular graph here,
21 we're looking at the Jonesboro-Hodge area of ground
22 water concern and water use. There's ground water
23 usage in there. The scale on the left is in
24 gallons; so starting -- you know, looking at it --
25 seasonal variations, what have you. Now, realize

1 that this goes through April '10. It starts January
2 '09 and goes through April '10. And I'm going to
3 get to other information about the calendar year
4 while we do that. It's considered a baseline.

5 But what we're seeing here is -- it
6 looks like normal seasonal variation in the water
7 consumption, or water use. Of note here is the fact
8 that in this particular area Jonesboro-Hodge,
9 industry is the largest volume user, nearly - you
10 know, far out - far out, you know, producing the
11 public supply volumes. And also interesting to note
12 here is that there are no particular -- in this
13 particular time period, from January '09 to '10,
14 there were no active irrigation wells in this
15 particular area of ground water concern.

16 Another piece of information that's
17 not on this slide that is of particular interest is
18 that there's only - there's really only one -- these
19 bars represent for industry, really, one user, and
20 that's Smurfit-Stone. There are three other users
21 that report, but their numbers are so low that
22 they're less than .5 percent - much less than
23 .5 percent of the total of what's being used by
24 industry. Next, please.

25 In the Monroe area of ground water

1 concern, we see more of a - closer to an equal use
2 between industry and the public supply users, with
3 only a few irrigation users being reported. You can
4 see that on the very bottom of the graph, but it
5 looks like there's more of a - somewhat of a -- not
6 quite 50/50 but 60/40 maybe on industry; industry
7 still being the greater of the two.

8 Interesting to note here is the fact
9 that soon one of the major users in the industrial
10 use, that being graphic packaging, will be - will
11 continue - will implement their plans to utilize
12 recycled water, what have you, which will greatly
13 reduce their dependence on ground water in this
14 particular area of concern; so we've got a means now
15 to track this and we can see that impact as time
16 goes on. Next, please.

17 In the particular -- in the Ruston
18 area of ground water concern, this graph shows the
19 public supply users are far exceeding any of the
20 other categories. Industry is, you know, right
21 along the bottom. The -- you know, with very low
22 volumes relative to being public supplier or the
23 total, and the irrigation, they're really difficult
24 to see. They don't show up very well because they -
25 there's just not a lot of that activity in that

1 area; so I put a footnote on there that the largest
2 irrigation volume was 176,020-gallons during this
3 reporting time period from January '09 to April '10.

4 So looking at further breaking down
5 public supply of what was reported to us, this pie
6 graph here depicts, you know, those users and the
7 volumes in the public supply use category of - you
8 know, of their percentages. And, of course, Ruston
9 is -- the City of Ruston is using about 77 percent
10 and, then, Grambling - the City of Grambling is
11 coming in second, about 8 percent, and the rest are
12 falling in line thereafter. Next.

13 So, again, I just want to reiterate
14 the fact that we promised that we were going to
15 evaluate this information, but we needed to have
16 some confidence in the data. We believe that we
17 have the confidence in the data, with the changes we
18 made and to get, you know, these forms that are
19 coming into us certified and so -- and, of course,
20 working with the information on a day-to-day basis,
21 contacting the water well owners when we're not sure
22 what they've reported to us, you know. We've had
23 staff dedicated to that to really focus in on the
24 quality of information that's being put on the
25 forms.

1 So, with all of that being said, we
2 feel like this data is as reliable as we can get
3 without having each individual well owner have a
4 monitoring well - I mean have a meter on their well
5 and provide metering information to us, which is not
6 required at this time.

7 So it provides to us and it will give
8 us an opportunity to use this as a baseline to see
9 how trends are developing from this point forward.

10 And the next piece of information
11 that we -- you know, kind of hand in glove, once we
12 looked at the areas of ground water concern and were
13 able to develop statistics and a baseline, you know,
14 the obvious question now is, okay, how does this fit
15 into the bigger picture which is to help the Sparta
16 Aquifer?

17 So last meeting we went through a
18 process where we provided members information about
19 the different databases that are - ground water
20 information that is available through public record
21 by various agencies, USGS being one with their
22 monitoring wells that grab in some cases water
23 quality and in other cases water level data and in
24 some cases both, but also DEQ and DHH, all these
25 different agencies came forth and provided that

1 information to allow you to understand that we have
2 a network - we have a data network in the State and
3 it's there, of course, as public record available
4 for use.

5 So we tapped into the USGS ground
6 water monitoring wells in the Sparta Aquifer area
7 and started running some information to try to
8 assess, you know, what's going on up there. And
9 this is what we came up with as an initial
10 compilation of the information from USGS website and
11 their water wells.

12 I'm going to go through this and
13 explain what all of the dots are, and, so, focusing
14 in on all dots blue, on the bottom left-hand corner,
15 you'll see a reference to the varying shades of
16 blue, the darkest being the greatest level of
17 recovery that was noted in the database, and the
18 lightest shade of blue being the least amount of
19 recovery in feet that we found for a time period
20 from a water level database coming from 2000 to
21 2010.

22 So as you can see on the map here
23 that - as expected due to the efforts in Union
24 County, Arkansas and their efforts to reduce
25 reliance upon ground water, wells in Northern

1 Louisiana are showing, you know, recovery. They're
2 showing that the wells -- the well levels are rising
3 as a result of that effort or and I'm sure other
4 efforts too. We're not here to report why. I guess
5 it does beg the question, but what we want to report
6 here is, you know, an accurate depiction of the
7 facts as they are, as the aquifer is -- you know, as
8 the water well level data is being reported.

9 So, again, looking at the dots on the
10 map, each one of the dots represents a USGS
11 monitoring well, screened in the Sparta Aquifer and
12 where we've had data that was - where we see data
13 has been reported from 2000 to present.

14 Looking to the right-hand side - the
15 lower right-hand side of the graph - of the map,
16 you'll see a legend where a white dot, or a white
17 circle, represents what we found to be water levels
18 that have basically flattened.

19 In other words, over time what we saw
20 in the white - the wells that - depicted by the
21 white areas is that the '70s and '80s showed a rate
22 of decline at those locations, but that rating
23 decline tapered off in the '90s and up to present
24 time. And we found that, say, over a decade from
25 2000 to now there's a very short window of feet that

1 the well - that the wells - that the - the water
2 level is varying within. In other words, one to
3 two feet on the scale is the variation across time,
4 from 2000 to present.

5 So we consider those locations to be
6 basically -- I don't want to say stable or
7 stabilizing, but they're certainly flatlined.
8 They're not -- they're not decreasing -- we're not
9 seeing any significant decrease. We're not seeing
10 any increase in water levels and -- yes, sir?

11 MAYOR HOLLINGSWORTH:

12 Is that primarily due to what
13 Arkansas has done?

14 MR. SNELLGROVE:

15 I wouldn't expect that -- well, these
16 locations being -- if you look where they're
17 located, I just think that it may be something more
18 of a local regional phenomenon, that whoever was
19 using the water, you know, at a much more rapid rate
20 in the '70s and '80s aren't doing that any more, and
21 that, to me, would be my opinion without having
22 fully evaluated that.

23 Again, it's difficult right now at
24 this point in our evaluation in looking at the data
25 to make connections as to why we see what we see.

1 My point here is this is just to let you see what we
2 see to educate you as to what we believe is the
3 current conditions out there.

4 Certainly if we've got some
5 information here that would contradict what we're
6 reporting here, we need to know it so that we can
7 correct this and get it right.

8 This is -- it's not a first draft.
9 We spent about three weeks back and forth looking at
10 different ways to display this information and making
11 sure that we got accurate information. But we're
12 human and we could make some errors. So some of
13 these dots may not be blue; they might be white.
14 Some of them may be green. But we just -- if you
15 see something that doesn't look right or whatever,
16 then we'll - we're certainly going to go back and
17 reevaluate and see if we need to revise it and we'll
18 do so and report it. Yes, sir.

19 MR. COLVIN:

20 So, Gary, these are only -- these are
21 only USGS wells?

22 MR. SNELLGROVE:

23 That's correct.

24 MR. COLVIN:

25 Are these representative of what's

1 going on? Are these just -- you just took two
2 wells, say, in the Ouachita --

3 MR. SNELLGROVE:

4 No, sir. This is it. This is what
5 we've got. This is our network. This is the
6 available information that we have in the State
7 current.

8 MR. COLVIN:

9 So you can't extrapolate or you don't
10 exstipulate from private well reporting, the monthly
11 reporting that goes on?

12 MR. SNELLGROVE:

13 We don't get water level measurements
14 from those areas of ground water concern; we get
15 water use.

16 MR. COLVIN:

17 You get water usage but not levels.

18 MR. SNELLGROVE:

19 Not levels. You know, it would be
20 nice if we did, definitely. It is required in the
21 order that when they do take water level
22 measurements, well owners in the areas of ground
23 water concern, they provide it, but it's not very
24 frequent that that happens.

25 MAYOR HOLLINGSWORTH:

1 Gary, none of these monitored wells
2 are in a cone of depression, are they?

3 MR. SNELLGROVE:

4 Well, now, interesting point. Let's
5 jump to that. I'll go from the circle shaded white
6 to the two black dots that you --

7 COMMISSIONER WELSH:

8 I would like to ask all of the
9 members when you speak to speak into the microphone.

10 MR. SNELLGROVE:

11 Thank you. Thank you. I jumped over
12 and I didn't go through that, but, yes, there were
13 two USGS monitoring wells, one in Bienville Parish,
14 and the one it looks like right on the border of
15 Jackson and Bienville that -- especially the one in
16 the Jackson area - I'm sorry, the Jonesboro-Hodge
17 area of ground water concern was located -- well,
18 there's another large volume water well user that's
19 located in close proximity, and the numbers are
20 bouncing all over the place.

21 So we don't believe that because of
22 that outside influence that that's not a good well
23 or a good indicator well for what we're trying to
24 establish here. We're looking for the general area.
25 Yes, sir, it's a good point.

1 The same thing on the Bienville well.
2 We see some - that well located in the middle of the
3 parish. Can we get the PowerPoint back? Thank you.
4 It's located pretty much in the middle of the
5 parish, and we're not quite sure why that well is
6 showing some erratic fluctuations in water levels,
7 but it is -- it may be due to its proximity to the
8 recharge area and seasonal variations on water
9 recharge.

10 But definitely we see a registered
11 water well near the Jonesboro-Hodge well; and so,
12 therefore, we had to throw that out as a reliable
13 water well to show the general conditions. So --

14 COMMISSIONER WELSH:

15 Mr. Coleman has a question?

16 MR. COLEMAN:

17 Yes. I just wanted to point out that
18 in discussions with Ben McGee, and I appreciate what
19 y'all are doing and certainly encourage it and we
20 had anticipated the reports across the top up there,
21 like 149 and 83 and 84, and over at Morehouse Parish
22 that those would increase, and it's primarily as a
23 result of what Arkansas has done.

24 But my understanding was that outside
25 those areas that we talked about there that there

1 was still a continue decline of one to three feet
2 throughout the Sparta area by then, but we'll try to
3 get some additional information, and if there's
4 anything -- if this is true, this is certainly
5 encouraging and -- but just a minute.

6 Some people from Sparta are here.
7 Does anybody -- do y'all -- have y'all heard of any
8 increases in the Ruston and Bienville area? No?
9 No?

10 COMMISSIONER WELSH:

11 We'll have time for some public
12 comment in a minute where it is appropriate.

13 MR. COLEMAN:

14 Right, right.

15 MR. SNELLGROVE:

16 Yes, sir. And regardless of what we
17 get here, we will go back and look at the data and
18 assess --

19 MR. COLEMAN:

20 We want to work from true facts.

21 MR. SNELLGROVE:

22 Yeah. Absolutely. We don't want to
23 put out anything -- in fact, we'll hold putting this
24 PowerPoint presentation out to the public on our
25 website until we have, you know, USGS review the

1 same information that we're looking at to make sure
2 that they agree with it.

3 But we felt it was prudent at this
4 time to give you some feedback to let you know that
5 we are going to continue this process. We are going
6 to use this as, you know, a fundamental statistic or
7 approach to look - to use our network that we have
8 available to us and to report that information to
9 the members so that you can see and we can track as
10 these wells - as conditions change.

11 What we hope and what we expect to
12 some degree is that we'll continue to see an
13 improving situation here with - especially the
14 graphics packaging project when it gets up and
15 running, and, of course, the continued - the
16 continued improvements in the aquifer from the
17 activity that took place in Arkansas in Union
18 County. And we'll take whatever else we can get.
19 But let me get back through the process. Yes, sir?

20 MR. FREY:

21 I caution you in comparing static
22 levels to recognize seasonal variations in static
23 levels, and that's in many aquifers. I'm not an
24 expert on Sparta. That's important.

25 MR. SNELLGROVE:

1 Yes, sir. And that may be -- we need
2 to revisit the situation with those wells in
3 particular and see if we're not - if we're using a
4 method to evaluate and report that doesn't take into
5 consideration the seasonal variations.

6 MR. COLVIN:

7 Gary?

8 MR. SNELLGROVE:

9 Yes, sir.

10 MR. COLVIN:

11 Can I also go back to -- I want to
12 just comment again on this idea of water levels
13 versus water usage. I mean, I know your well -- you
14 can't get that information from private well owners,
15 at least you don't currently, but shouldn't a
16 methodology be developed to compare the rise or
17 decline of water levels in the Sparta with the
18 annual water usage levels such that there is some
19 correlation.

20 For instance, you mentioned that IP
21 shut down in Morehouse, and, of course, you got a
22 9-foot rise in the cone of depression. That was
23 probably up there. So there is a cause and effect.
24 So can't we add more information to this to show us
25 first, for instance, in Wash -- you know, there's

1 got to be some reasons, and I bet you that part of
2 the factors include the lesser use of water or other
3 means of - alternative uses of water.

4 You know, we need as a Commission to
5 track if people move to alternatives; for instance,
6 surface water use, that that's not going to be
7 reflected -- and I don't know. Maybe this graph
8 isn't for that purpose. But overall do we - do we
9 have a graph or a sense of trends that we can look
10 to as a Commission and say, well, this happened in
11 the last ten years; therefore, the water levels are
12 now this?

13 MR. SNELLGROVE:

14 Well, I think that as time goes
15 forward, us - our efforts today in trying to get a
16 handle on that -- and this may not be the best way
17 to present this information but -- right. I mean --

18 MR. COLVIN:

19 I want you to explore it, because,
20 for instance, graphic would be a good example of
21 when they come online, when they're a cooperative
22 deal with the City of West Monroe comes on line, the
23 plant that they're now building. It might reduce it
24 six, seven million. They claim up to
25 10 million-gallons a day.

1 Now, you're going to see that as a
2 blue or a light blue on your maps, but that's not
3 going to tell us the full story of why that is. And
4 I know you want to just present facts, but if you
5 want to present facts, let's put water usage levels
6 or develop some baseline of water usage in the last
7 ten years so that we can gauge what's going on
8 because it's not just recharge.

9 MR. SNELLGROVE:

10 I agree. I agree.

11 MR. COLVIN:

12 And for those of us that work in
13 industry that want to see our efforts in
14 conservation and new technology or new projects that
15 the State is also funding that we get some benefit
16 by the fact that, well, we've reduced five or
17 ten million gallons a day; therefore, the map looks
18 better, and I think that ought to be acknowledged
19 wherever it occurs and how it occurs.

20 MR. SNELLGROVE:

21 Yeah. I will say this, I don't
22 have - I don't have all the answers as to why. You
23 know, I have explained that earlier. As a
24 scientist, I'm very curious to know the cause and
25 effect of things.

1 Certainly, when we know that --
2 whenever we're able to connect a date of an activity
3 in a data point that shows, you know, a recovery,
4 we're going to make a lot of noise about that.

5 MR. COLVIN:

6 Sure.

7 MR. SNELLGROVE:

8 You know, absolutely. So -- but
9 right now --

10 MR. COLVIN:

11 I know you have drought conditions;
12 you have seasonal variations; you have irrigation.
13 You know, for instance, graphic does a lot of work
14 in the Summer working for the Fall Beverage sales,
15 and that's probably why you see an increase in water
16 there, for instance; so, yeah, I think we need to
17 get more specific about why these - what are the
18 cause and effects of --

19 MR. SNELLGROVE:

20 And I agree, and I think we're trying
21 to establish a basis that we can build upon and get
22 there as we, you know, learn and get more and more
23 information.

24 MR. BOLOURCHI:

25 Gary, in Union Parish, you indicated

1 a rise of 90 feet. Do you think that's related,
2 perhaps, to the closure of that chicken processing
3 plant?

4 MR. SNELLGROVE:

5 It very well could be, yes, sir. I
6 think that would - that would be a contributing
7 factor.

8 COMMISSIONER WELSH:

9 Mr. Johnston, you've been waiting for
10 a question.

11 MR. JOHNSTON:

12 First off, I think that we need to go
13 back to the database and show -- I would like to
14 know what's the activities around these wells. That
15 would be one way to look at cause and effect. And I
16 agree with what you said; you know, we need to look
17 at all of it. I think it's a great first start of
18 tracking this and seeing what's going on.

19 So my question would be, you know, I
20 don't know if USGS has a comment on this or not.

21 MR. DEMAS:

22 Yes, if I could.

23 MR. SNELLGROVE:

24 Sure.

25 MR. JOHNSTON:

1 The other question I have, you can
2 answer this one, too, Charlie, is, we have this data
3 in this area. What about the other areas of
4 concern? I mean, do we have any other data set
5 similar to this any place else?

6 COMMISSIONER WELSH:

7 Charles, if you're going to testify,
8 identify yourself.

9 MR. DEMAS:

10 I'm Charlie Demas, I'm the Director
11 of the Louisiana USGS Water Science Centers, and we
12 operate these wells here. A couple of things.
13 Question on water use and pumping wells, you can't
14 get an accurate water level if the well is
15 continuously pumping; and, so, that's why you don't
16 see the two often put together, because a lot of
17 times they won't shut down the well long enough to
18 get it stabilized so you can get an accurate water
19 well. So that's why you've got to marry the two
20 data sets, which we are collecting the water used
21 data.

22 It can show -- for instance, in the
23 reports we do for DOTD, you can show when they shift
24 from surface water or ground water to surface water
25 vice versa, and that trend data is available. Okay?

1 And that's published. Basically we collect it
2 yearly and try to get it published every five years.
3 That's been going on since, what; '63?

4 MR. COLVIN:

5 Is that available on your site?

6 MR. DEMAS:

7 Yeah, it is. But we share that data
8 with DNR.

9 MR. COLVIN:

10 So it's out there?

11 MR. DEMAS:

12 It's out there. And this data is
13 available whenever we collect water levels. It's
14 there and we collect water used data by parish by
15 category statewide.

16 And, then, the question on not
17 showing any water level negative changes in the
18 Sparta, I think if you look at his graph - or his
19 diagram, it's pretty clear. If you can bring that
20 up. The colors kind of -- the map, please. The
21 light green, if you read there, the decline has
22 lessened but it's still declining; so it was kind
23 of -- we were sitting in the back trying to figure
24 out what exactly is it because the colors are so
25 close. But the light green is a decline, but it's

1 not as sharp a rate; so --

2 MR. COLEMAN:

3 I understood that. It's got that on
4 the side.

5 MR. SNELLGROVE:

6 Yeah. I hadn't gotten to that.

7 MR. COLEMAN:

8 But I want to maybe just mention a
9 couple of things. I think it's good that we get it
10 started. I'm not being critical, you know, but what
11 I would say is that one of the things is, is,
12 Smurfit-Stone spent a ton of money recently reducing
13 their consumption down there, and that should have
14 some positive impact on the situation.

15 We've had three or four
16 municipalities that were pumping about 50 percent
17 more than what they were using, and they've updated
18 their system so that they're now down in the 10-15
19 percent category; so there's been some conservation.

20 And then there's been some education
21 that's been going on up in the Sparta area, and I
22 think that a lot of things that's contributing to
23 some improvements and the -- like you were talking
24 about the deal over in West Monroe. There are a lot
25 of industries going about doing a lot of positive

1 things, I think, that's contributing in a positive
2 way to a situation that would otherwise be much more
3 negative than what it is.

4 MR. SNELLGROVE:

5 Okay. And to answer Mr. Johnston's
6 questions, we do intend to move about the State with
7 a similar approach, but we felt it was only prudent
8 as far as the Sparta, considering that's where our
9 areas of ground water concern are, but certainly we
10 would -- you know, the Chicot has some areas where
11 there's some drawdown activity in that area there
12 that we want to keep a watchful eye on, and it would
13 be nice to know if - you know, to have this same
14 type of data set that we can use as, you know, a
15 help with the Chicot Aquifer down in Southwest
16 Louisiana like we're going to do - like we're
17 establishing here with the Sparta, and likewise with
18 the Baton Rouge area right here with the Chicot
19 equivalent in this aquifer system.

20 We're just keeping a watchful eye,
21 using the existing data that we - you know, the
22 network we already have out there, put it to use.
23 That's the idea.

24 MR. JOHNSTON:

25 Let me get my last question before

1 you step down.

2 COMMISSIONER WELSH:

3 All right, sir.

4 MR. JOHNSTON:

5 I noticed on your action report here,
6 the Statewide Well Notification Audit and
7 Enforcement Results. I live in a parish that
8 evidently we're going to hell in a handbasket. We
9 had 471 actions, 471 actions total. Nobody's even
10 close to that. And when I see the word actions,
11 that normally means something bad.

12 MR. SNELLGROVE:

13 What action means, that's correct.
14 It was --

15 MR. JOHNSTON:

16 So what are you doing --

17 MR. SNELLGROVE:

18 There's no way to sugar coat that.
19 St. Tammany Parish has its issues with a lot of
20 small public supply providers, and we knew when we
21 got to that parish that it was going to be a
22 challenge to get all of the paperwork out.
23 Compliance orders and notices of violation are what
24 we issue to those providers.

25 You recall that whenever we went to

1 that area, prior to that audit, we made it very
2 public - publicly known, that we're - you're coming
3 up on this audit process. Of course, you know, only
4 those who were in attendance probably heard that
5 message, but we do encourage any well owners that
6 are not compliant to come through and get compliance
7 so that when we go through this audit process they
8 would have already resolved the issue and they won't
9 be issued anything.

10 But that's what we're seeing over
11 there, is a lot of small - a lot of subdivisions are
12 growing there, you know, Mandeville, Covington.
13 There's a lot of population growth, a lot of small
14 providers, small community public supply providers
15 out there, and that's -- that accounts for a large
16 portion of it.

17 MR. JOHNSTON:

18 471, that's a lot.

19 MR. SNELLGROVE:

20 It is a lot. Caddo had a pretty
21 good - pretty good list too, as a matter of fact, if
22 I recall, not quite the volume y'all had, but --

23 MR. JOHNSTON:

24 These would be individual wells for
25 people who own homes.

1 MR. SNELLGROVE:

2 Those are individual well owners.
3 No. This does not reflect any actions against
4 domestic water well users. They're not part of the
5 audit. I mean, these are only ones that require -
6 that is required that they notify us 60 days prior
7 to installation.

8 MR. JOHNSTON:

9 Okay.

10 MR. SNELLGROVE:

11 Okay? So, yeah, if we went the
12 domestic route, we wouldn't have enough paper in the
13 building to issue compliance actions against. And
14 we prioritize those out of the process because it's
15 just -- and we do have a game plan that will
16 address - to address that situation and what
17 we'll -- we don't see the need for a water well
18 owner that's a domestic water well owner to provide
19 basically the same information that a driller is
20 going to provide us to now that it's all under one
21 house. So we're going to take some steps to try to
22 eliminate that from - that requirement, and we'll do
23 it by these notices I mentioned earlier about rule
24 changes.

25 COMMISSIONER WELSH:

1 Okay.

2 MR. SNELLGROVE:

3 Okay. So we went through the blues,
4 the whites, and the black dots; and so now we're
5 going to the shade of green. And the shade of green
6 represents, again, an optimistic look at what's
7 happening. Although it is declining as it was
8 discussed earlier, the rate of decline from 2000 to
9 2005 is different than the rate of decline from 2005
10 to present.

11 So what we see there is a trend that
12 the decline is lessening or it's decreasing. It's
13 still declining and it's still -- you know, but at
14 least the rate of decline is getting closer to
15 flattening out and becoming more of a shade of the
16 white or the neutral situation. And then, of
17 course, we've got the long circle there that's
18 brown, showing that the actual level of decline has
19 decreased in comparison from 2000 to 2005 to - from
20 2005 to present.

21 So we believe that that -- again,
22 trying to put cause and effect, we believe that that
23 phenomenon is due to the proximity of that well from
24 the area that is showing the significant recovery,
25 which would be the northern part of the state and,

1 of course, Union County in Arkansas and the fact
2 that it's in between, if you will, the three areas
3 of ground water concern where we've had, you know,
4 larger volume drawdowns and also the fact that it's
5 in the farthest reaches of the aquifer from the
6 recharge area.

7 So the water's got a long way to go.
8 It's had to go through three cones of depression to
9 get to it; so it's kind of one of those -- that's
10 what we think is happening there. But when we do an
11 area of review around that location, we don't see --
12 we do not see any large volume users anywhere near
13 that register. Now, there may be an unregistered
14 irrigation well or something of that effect nearby
15 that we don't see, but that's what we see on the
16 record as being the possible cause. Next.

17 That leads us now to the section of
18 the meeting where we talk about public outreach and
19 education, and we've kind of regrouped and assessed,
20 got with our public relations folks and brainstormed
21 and came up with this short list of things we want
22 to achieve in the next fiscal year, if you will,
23 from now until the end of mid next year; one being
24 on the top of the list is to send out notice to
25 State superintendents and develop a curriculum guide

1 for water conservation purposes that is focused on
2 middle school and put that out on our internet, on
3 our website and send that message out.

4 In speaking with Lindsay here earlier
5 with the Sparta Commission, I see the need that - or
6 see that we need to tap her in her knowledge of this
7 process as she -- I think the Sparta Commission has
8 already investigated or maybe even put some things
9 in motion on this front, and we certainly want to,
10 you know, learn from her experiences and partner
11 with the Sparta, because a lot of our effort will be
12 focused on the Sparta Aquifer on water conservation
13 purposes. But this will be a statewide approach
14 that we're looking to send that out.

15 Secondly, we -- you know, we've got
16 staff surveying public supply water companies for
17 their billing cycles and whether or not they're
18 providing information on water conservation tips,
19 brochures, whatever, some type of message that gets
20 out to the individual consumers that gets the
21 message out for water conservation, good water
22 conservation practices and things of that sort, and
23 we are finding -- we just really started this and
24 I've asked that we put together a plan that would
25 reach out to the major suppliers statewide that are

1 in areas where we know they're providing ground
2 water resources for public supply and for those
3 who -- you know, right now we're finding some of
4 them already doing it, which is great, you know, but
5 there may be some that we could, you know, get on
6 board with in giving them some information that they
7 can start putting that in their billing cycle.

8 Thirdly, I've discussed this before
9 and it doesn't materialize in the sense that we hit
10 the ground, but we're near that point now with LSU's
11 AG center and NRCS partnership on their outreach
12 efforts and their education efforts with the
13 agricultural community. We want and have been in
14 discussions with Mr. Ernest and in their efforts
15 there. We want to ride on their coattails, if you
16 will, and be a part of that process so that we can
17 get our message out on ground water notification and
18 registration and maybe some of this - you know, some
19 of the use of the database now that we've got that
20 ramped up, you know, educating that sector on all
21 things ground water conservation. And we are going
22 to meet with the LSU AG center and NRCS here soon.
23 I think we've got a meeting in a couple of weeks to
24 initiate the process and implement it. We've got
25 the information. We just need to partner with them

1 and make it officially - make it official and get
2 out there.

3 And the last that we came up -- the
4 fourth item that we came up with is to seek a public
5 service announcement partnering with Southern
6 University and their -- I guess it's in their
7 Journalism Department, but our public relations
8 folks are kind of coordinating this effort, but
9 we -- the objective there is to see if we can't, you
10 know, utilize their production facilities and what
11 have you to create a water conservation public
12 service announcement.

13 And, again, our DNR public relations
14 folks are helping conservation with this effort, and
15 it's very preliminary. We haven't -- I don't know
16 if we've gotten a commitment yet, but we're
17 certainly pursuing it, and we've made contact, and it
18 appears that it's a positive thing that we may be
19 able to get something here shortly. Hopefully this
20 Fall we'll be able to put out the PSA. And, of
21 course, once we get the public service
22 announcements -- the cost is the production. Once
23 you've got it, then I think it's part of, you know,
24 requirement for broadcasting that they provide these
25 snippets out there on periodic time periods, you

1 know, especially like on channels like LPB, what
2 have you. So that's the game plan on that item.
3 Next, please.

4 And, of course, we touched base a
5 little bit of the Commissioner's report. This is
6 the second report that we've put together. The game
7 plan back whenever we did this in July of '09 was to
8 provide it semiannually.

9 We had -- for whatever reasons, we
10 did not meet that objective in getting it out by
11 January of 2010; so this report here is an annual
12 report, if you will, from the point in time where we
13 left off with the July '09 report. And hopefully,
14 you know, we'll be able to maintain a semiannual
15 report moving forward.

16 But, at any rate, we did make some
17 changes. We improved the look of it a little bit, I
18 believe. We've also added an appendix on the
19 Haynesville Shale. We've included the Sparta areas
20 of ground water concern water use reports. We've
21 got tables there; whereas last time we were not at a
22 point where we could report that information because
23 we didn't have confidence in it. We were still
24 trying to enforce.

25 And, by the way, our enforcement

1 activities with water well owners in the areas of
2 ground water concern is near 100 percent. There's
3 only two out of many. I don't know the exact
4 number, but if you look at the -- if you look at the
5 spreadsheet, you'll see what I'm saying. There's
6 only two water wells that we're lacking reports on.
7 So it's near 100 percent compliance with water well
8 owners in the areas of ground water concern;
9 whereas, you know, when we started this process, the
10 percentages were more around 50 percent. So we've
11 made tremendous strides in getting the information,
12 and now we're presenting the information. We're at
13 that point.

14 Unfortunately, when we produced this
15 report, the graphs that you saw earlier in this
16 presentation were not included, but moving forward
17 we'll include the raw data tables as well as the
18 graphical description or depiction of that
19 information moving forward.

20 Haynesville Shale, the same thing.
21 The Lt. Governor was looking for information that I
22 do not believe I included in Item D, but we will --
23 we do produce that information on a parish-by-parish
24 breakdown on percentage of different water resources
25 being used parish by parish and we'll get that

1 information out to all soon.

2 The other side, though, as I
3 explained earlier, is going to take a little bit
4 more effort. It won't be so quick that we release
5 that information. But getting the
6 operator-by-operator breakdown parish by parish, we
7 can do it. We've got the information in the
8 database. It's just going to take a little bit more
9 to get it in a format that will be presentable.

10 And, of course, last, E and F on
11 there, we report accomplishments on public ed and
12 outreach and other accomplishments of significance.
13 And that pretty much concludes this PowerPoint.

14 The next meeting date is scheduled
15 for Wednesday, October the 6th and - for 11:00
16 and the location will be --

17 COMMISSIONER WELSH:

18 Mr. Mays?

19 MR. MAYS:

20 I have a comment and a request. A
21 good report. Excellent information. I would like
22 to make two comments on the - it looks like that the
23 Ruston area of ground water usage there has been
24 coming down, and the reason that you're getting
25 100 percent reporting is probably because of the

1 education in that area, basically because of the
2 Sparta Commission and Kelly and a lot of work has
3 been done over the years.

4 I would ask the Commissioner and
5 yourself if you would add to Number 5, perhaps,
6 grants, educational grants, especially in areas of
7 concern. If you have some funds there,
8 Commissioner, that you might can request, that would
9 help us out in the educational process with the
10 Sparta.

11 MR. SNELLGROVE:

12 Okay. Yeah. To make sure I
13 understand correctly. You're talking about the four
14 items on our public ed and outreach that I discussed
15 earlier?

16 MR. MAYS:

17 Yeah.

18 MR. SNELLGROVE:

19 Okay. And the item would be to
20 pursue grants and --

21 MR. MAYS:

22 Grants.

23 MR. SNELLGROVE:

24 Okay. We can certainly do so, but I
25 would say this, that part of the contract we have

1 with Eco - Ecology Environment on the Statewide
2 Water Management Plan is for them to identify all,
3 you know, available funding; so we're certain to --
4 I'll certainly get that message out to them, too, to
5 really focus in on that aspect of it to identify
6 potential funding sources. Fair?

7 COMMISSIONER WELSH:

8 Okay. That kind of brings us to the
9 end of our agenda. At this time, we'll take public
10 comments if anyone with the public would. State
11 your name for the record, although everybody knows
12 Buck.

13 MR. VANDERSTEEN:

14 I'll still identify myself.
15 Mr. Acting Chair, Members, my name is Buck
16 Vandersteen. I'm with the Louisiana Forestry
17 Association, and I'm also a member of the Ground
18 Water Advisory Task Force Committee, and my comments
19 today are on the Advisory Task Force Committee on
20 how that committee can help you looking at the
21 issues that you're looking at.

22 There's 47 members on the Advisory
23 Task Force. Twenty-eight or so are very active and
24 are very eager to help you in the process that
25 you're going through right now, maybe even so much

1 as to have maybe our Chairman of our Advisory Task
2 Force at future meetings have an opportunity to
3 bring forward to the full Committee here some of the
4 things that the Advisory Task Force is talking
5 about.

6 But we don't want to be operating in
7 contradiction to what you do, and I don't think
8 we're doing that, but we want to be sure that our
9 energies are parallel and helpful to this
10 Commission.

11 COMMISSIONER WELSH:

12 Very good. Thank you, sir.

13 MR. COLEMAN:

14 I think there's been several
15 Commissioners mentioned that they would like for
16 y'all to be at the workshops.

17 MR. VANDERSTEEN:

18 Thank you.

19 COMMISSIONER WELSH:

20 Any other comments from the public?
21 Lindsay?

22 MS. GOUEDY:

23 Good afternoon, Mr. Chairman,
24 Commissioners. My name is Lindsay Gouedy. I'm
25 currently contracted to the Sparta Ground Water

1 Commission, and I'd like to take just a minute and
2 again begin by thanking y'all for your continued
3 support and push for education across the State, not
4 just in areas of ground water concern, but across
5 the State.

6 We all know in this room that
7 education is the key to making a generational shift
8 between where we're at today in our water usage, how
9 it's very easy to the next generations and how they
10 need to make changes in everyday life for ways to
11 conserve our water use, our water.

12 I would like to also take a brief
13 minute and let you know some of the things we are
14 pushing in North Louisiana. I am currently the
15 education coordinator and are at this time
16 developing several different programs. We're
17 pushing Waterfest now in Lincoln Parish. That will
18 be going on in October. This will be following the
19 pattern of one that has been put in play for several
20 years, and we are asking the Department of Natural
21 Resources to join in and be a part of that.

22 We are also looking at community
23 events. We are putting on the first annual Sparta
24 5K run as a community regional event for all of the
25 Sparta parishes and anybody out of the Sparta

1 parishes. If anybody likes to run, you're welcome
2 to come join on November 13th.

3 But we are looking at every venue to
4 put forward water conservation education as our
5 primary concern in North Louisiana.

6 In saying that, I would like to
7 extend on behalf of the Sparta Ground Water
8 Commission that any long-term support that this body
9 might be willing and able to extend, we would like
10 for your consideration to look at that in the
11 future. Thank you.

12 COMMISSIONER WELSH:

13 Thank you. We know about your good
14 work, and we thank you very much.

15 MR. COLEMAN:

16 We've got a website up, and we've got
17 billboards on the conservation issue.

18 COMMISSIONER WELSH:

19 A website and billboards. Okay.
20 Anyone else, public comments? I see nobody and no
21 lights are flashing. So if there's no further
22 business the meeting is adjourned. Thank you all
23 for coming.

24 (MEETING ADJOURNED AT 3:00 P.M.)

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C E R T I F I C A T I O N

This certification is valid for a transcript accompanied by my original seal on this page. I, Michelle M. Dardeau, a Certified Court Reporter, License #21014, in and for the State of Louisiana, as an officer before whom this testimony was taken, do hereby certify that the witness to whom the oath was administered, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinbefore set forth in the foregoing pages; that this testimony was reported by me in the stenographic reporting method, complemented audio-sync recording, and thereafter reduced to computer-aided transcription by me, and is a true and correct transcript to the best of my ability.

I further certify that I am not an attorney or counsel for any of the parties; that I am neither related to nor employed by any attorney or counsel connected with this Action; and that I have no financial interest in the outcome of this Action.

MICHELLE M. DARDEAU, CCR