

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting & Public Hearing
May 11, 2023**

Board members present at commencement: Blayne Stansberry, Dan Pickens, Lily Lucas, Vanessa Puig-Williams, and Christy Williams. Staff present included: Tim Loftus, Dana Wilson, Brian Smith, Justin Camp, Jeff Watson, Erin Swanson, and Tammy Raymond. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development) 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. Call to Order.

President Stanberry called the meeting to order at 5:09 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments of a General Nature).

There were no citizen communications on items not listed on the agenda.

3. Consent Agenda.

3a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.

3b. Approval of minutes of the Board's April 13, 2023 Regular Meeting and Public Hearing.

Director Pickens moved approval of items 3a. and 3b., noting invoices from LRE Water in the amount of \$9000.00, Geraldine Tucker in the amount of \$8025.00, and Bickerstaff in the amount of \$10,080.00.

Director Lucas seconded the motion and it passed unanimously with a vote of 5 to 0.

4. General Manager's Report.
Topics

- a. Review of key team activities/projects.
 1. Database project
 2. In-house Trinity model status

- b. Aquifer status update.
- c. Upcoming events of possible interest.

Dr. Loftus and staff gave updates on the items above.

5. Public Hearing.

Carpenter Road Ranch LLC, (584 McKinnon Loop, Hays, TX 78610) filed two well drilling applications on October 10, 2022 with the Barton Springs/Edwards Aquifer Conservation District (District) for two new nonexempt wells. One well is proposed to be discretely completed in the Lower Trinity aquifer and the second in the Middle Trinity aquifer. They are planned to be used as a public water supply well to support the RV park development staff and visitors. Both wells will also be used for landscape irrigations throughout the park and to supply water to both a recreational lake and swimming pool. Two separate Production Permit Applications will be required in order to operate and produce from these wells in the future. The proposed wells are located in Hays County at 584 McKinnon Loop (30.125619°, -97.883164° and 30.125568°, -97.882605° respectfully.)

President Stansberry opened the Public Hearing at 5:19 p.m.

Ms. Swanson reported that the applications are for two well drilling authorizations, one in the Middle Trinity Aquifer and one in the Lower Trinity Aquifer, located in Hays County on a 54.78-acre tract of land. The wells would be for a public water supply that would provide water to both staff and visitors, all facilities including a small café/coffee shop, a swimming pool, a pond, and for some outdoor irrigation. If approved and the applicant finds the groundwater production and quality to be adequate, the applicant must then file for production permits and will have to support the request by completing full-scale aquifer tests and hydrogeological reports. She said that an aquifer test and report could provide interesting data for an area that we do not have many Middle Trinity wells in, as well as providing data during a time of drought. She went on to give the well locations and designs and said that as per our normal drilling completion protocol, a geophysical log will be run, and water quality samples will be collected for both wells. All results will be saved into District files and the geophysical log will be looked at by the Aquifer Science team to confirm proper completion. She ended with saying that staff has reviewed both applications and has determined that both have satisfied all requirements and recommends approval.

The following citizens attended the Board meeting and spoke against the approval of the two welling drilling applications.

Carol Pennington
Paige Oliverio
Jim Camp
Darlene Starr

Director Puig-Williams asked Mr. Stinson how much water he would need, and if he looked at rainwater collection.

Mr. James Stinson, owner of Carpenter Road Ranch, stated they would need 50 gallons a day per RV per the TCEQs rules. He said that the clubhouse will have rainwater collection.

Ms. Oliverio asked if a geological assessment had been done.

Mr. Stinson said that one was completed and follows the 150' setback from any recharge feature.

Mr. John Mikels, Professional Geologist and Consultant, stated that he suggested drilling into the Lower Trinity so that it would not impact the citizens on the Edwards, and that they are basically untapped in that area.

After further discussion, President Stansberry closed the Public Hearing at 5:55 p.m.

6. Discussion and Possible Action.

6a. Discussion and possible action on two nonexempt well drilling applications filed by Carpenter Road Ranch, one well in the lower Trinity Aquifer and one well in the Middle Trinity Aquifer as described in the Public Hearing agenda item above.

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) at 5:56 p.m.

President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 6:22 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

President Stansberry stated into the record that two written comments were received during the public comment period from Carol Pennington and Paige Oliverio. Before the Board meeting written comments were received from Victoria Rose of Save our Springs Alliance, and Candace Blake.

President Stansberry stated that some of the constituents spoke about a daycare well that collapsed during the Gragg Tract well drilling, and asked Mr. Watson to explain what happened and why.

Mr. Watson stated that it was back in 2021 when they drilled the fourth well. He said that one day during operations the Honey Bear Daycare well started shooting up well drillings and foam, and it was clear that during drilling they had tapped into a conduit that was directly connected through to this other domestic well. He said that to his knowledge this is the first time that this has ever been observed. He said that it is a relatively rare event. He said the follow-up was done by Michael Redman, but his recollection was that the developer promised to provide water for the daycare in the meantime. He said that he was not aware that they were still having issues with their well.

President Stansberry said that as a resource to our constituents, District staff is available to investigate problems when junk comes out of their water. Staff investigated and determined that it

was in fact due to the nearby drilling. Once the well drilling stopped and they cased the well, did that solve the problem for the daycare?

Mr. Watson said that he was only involved in the first few days of the occurrence, but that per our well regulations they were required to grout their well and there was discussion on how they were going to grout across the interval where we thought the conduit might be. They still have to conform to our well construction standards so the finished well should not have any impact on an Edwards well if it's been properly grouted and completed down to the lower Trinity. He said that he was not aware that the well had collapsed or had been permanently compromised. He said that he was just aware that during drilling when you have pressurized drilling fluid being forced down a bore hole some of that fluid and cuttings was making its way into this adjacent domestic well.

President Stansberry asked Regulatory Compliance if the daycare is still having problems with their well that they know of.

Mr. Camp answered that the last thing reported to us was that the developer at that time Bill Walters provided water to them while they were out of it and reclaimed the well and got it producing again.

President Stansberry said that the word collapse makes you think that it caved in, but Mr. Watson explained that it was the pressure of the fluid coming and getting into the Honey Bear well not destroying the casing.

Mr. Camp said that they ran a camera down the Honey Bear well and the back pressure coming up from the well destroyed the pump. He said that they determined that the well was drilled in the 1980's so there might have been some components that were ready to fail with that kind of back pressure. With all of that material coming up it did saturate the bore hole which made it impossible for any water to come into their bore hole.

Mr. Watson said that this was an open bore hole with no casing going down so under pressure it is conceivable that there would have been sluffing off the side of the bore hole.

President Stansberry stated that as staff said this is a rare occurrence.

Director Puig-Williams asked if there is any due diligence that the District could recommend making sure that wells are not drilled in an area where that can happen again or is that impossible to know.

Mr. Watson answered that it would be impossible to know.

President Stansberry stated that our authority is quite limited, the applications before us tonight are specifically and only for drilling the wells. She said that the reason that this is done separately from the production permit where they will come in and request a certain amount of water, is so that the applicant can drill the well and run tests. From those hydrogeological tests we will then be analyzing the potential for unreasonable impacts as part of our rules. That is going to look at adjacent wells in the area. After those tests are complete they may not have enough water available, or they may

have more than expected. She ended with saying that we have an Administratively Complete Application per our rules, and we need to take action.

Director Puig-Williams explained that when we are at the point of considering a production permit and an aquifer test is done, we will work with staff to utilize monitor wells around the property to really understand what the impacts are, and to make sure we have enough data to set a production amount that will not impact the neighboring wells.

Director Puig-Williams moved approval of the two well drilling applications filed by Carpenter Road Ranch in the Middle and Lower Trinity as discussed.

Director Pickens seconded the motion and it passed unanimously with a vote of 5 to 0.

6b. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.

Ms. Swanson stated that we are in month 9 of the District declared drought and reported the following:

Tier 3 Permittees that overpumped.

Creedmoor Maha – Signed and returned the agreed order and waiting on additional documents
Monarch Utilities – Waiting on the signed agreed order

Tier 2 Permittees that overpumped.

Aqua Texas - Bliss Spillar (Edwards)
Aqua Texas - Bear Creek Park
Hays Consolidated High School

All of Tier 1 Permittees are in compliance.

6b. Discussion and possible action on a complaint against the general manager and subsequent workplace investigation.

President Stansberry stated that the Board would meet in Executive Session as authorized by the Texas Government Code Section 551.074 (Personnel Matters) and 551.071 (Consultation with Attorney) at 6:42 p.m.

President Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board reconvened into open session at 8:25 p.m. President Stansberry stated that no final actions or decisions were made while in Executive Session.

President Stansberry stated that the investigator pleaded the investigation and reported the findings to the Board which she summarized as follows:

The majority of the complaints were unsubstantiated by other employees and former employees. Complaints regarding the overall staff or an individual staff member other than the complainant, some were partially substantiated however these issues were resolved to the satisfaction of the affected employees before the complaint was made. There were no findings on four matters that involved previous conversations or actions with other entities and the matters could not be substantiated.

President Stansberry stated that the Board will take action to enhance a collaborative work environment including remedial action where needed. We do appreciate the work that staff does, it is very important work. The personnel committee will communicate the investigation results to the complainant and the General Manager. We definitely appreciate the work of the investigator and the cooperation of staff in this matter.

7. Directors' Reports.

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:


- Meetings and conferences attended or that will be attended;
- Board committee updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

Board members gave reports on activities they have been involved with since the last meeting.

8. Adjournment.

With no objection, President Stansberry adjourned the meeting at 8:28 p.m.

Approved by the Board on June 8, 2023.

By: 
Blayne Stansberry, Board President

Attest: 
Christy Williams, Board Secretary