

## **Item 11 – DFC Comments Received, Summarized, & Suggested Revisions**

Below are the summarized comments received during the comment period ending July 26, 2021 related to the 2021 proposed Desired Future Conditions (DFCs). The Board is asked to review the summary of comments and recommend any needed revisions to the proposed DFCs based on the comments.

It is the recommendation by the General Manager that the Board accept the summary of DFC comments received as presented, submit the summary to GMA 12, and recommend no revisions be made to the currently adopted proposed DFCs.

## **DFC Comments Received – Summary of Comments**

The Brazos Valley Groundwater Conservation District (BVGCD) is required under Section 36.108(d-2) of the Texas Water Code to submit to Groundwater Management Area 12 (GMA 12) a summary of the comments it received during the public comment period for the proposed desired future conditions (DFCs) that are relevant to the BVGCD. The BVGCD's public comment period was open from April 23, 2021 to July 26, 2021, after proper notice was posted and published pursuant to Sections 36.063 and 36.108(d-2) of the Texas Water Code. During the public comment period, the BVGCD did not receive verbal or written comments about the DFCs proposed for the Sparta, Queen City, Carrizo, Calvert Bluff, Simsboro, Hooper, Yegua-Jackson, and Brazos River Alluvium aquifers in the BVGCD's two counties of Brazos and Robertson. The comments received were essentially directed to GMA 12 as a water planning entity and can be categorized under the following five general topics. A summary of the relevant comments received is provided in the following paragraphs.

### **Critically Impacting Domestic/Livestock Well Owners**

Comments addressing this issue received from:

Andy Weir speaking on behalf of the Simsboro Aquifer Water Defense Fund  
Kermit Heaton  
Melanie Pavlas speaking on behalf of the Pines & Prairies Land Trust  
Renate Suitt  
Sam Martin  
Diane Wassenich  
Environmental Stewardship  
POSGCD

The listed commentors were all individuals or associations outside of the boundaries of BVGCD expressing concerns about artesian water levels mainly in counties west of the Brazos River. There were no specific comments regarding proposed BVGCD DFCs.

BVGCD performed a model simulation using the adopted S-12 pumping files to simulate the effect of pumping out to 2040 on domestic/livestock (exempt) wells in the Sparta, Carrizo, and Simsboro aquifers, the aquifers with greater amounts of pumping in the District. Results of the model run presented to the Board showed impacts of pumping were not detrimental to the utilization of the wells and well within the proposed DFC for each of the aquifers modeled.

### **Surface Water Flow Adversely Impacted by Groundwater Pumping**

Comments addressing this issue received from:

Kermit Heaton  
Melanie Pavlas speaking on behalf of the Pines & Prairies Land Trust  
Renate Suitt

Diane Wassenich  
Miriam Vaughn  
Environmental Stewardship  
Joe Trungale (Trungale Engineering)  
Eric Allmon (Perales, Allmon & Ice, P.C.)

The listed commentors were all individuals or associations outside of the boundaries of BVGCD expressing concern about environmental stream flow along a segment of the Colorado River from Bastrop, Texas southward. Environmental Stewardship expressed a desire for GMA 12 to adopt the same pumping files used during the last round of planning and insert those files into the updated GAM model.

Concerns about the adverse impact of groundwater pumping on stream flow in the Colorado River was the common theme. The Brazos River has only been mentioned briefly by Environmental Stewardship within the comments received.

There is a need for more study of groundwater and surface water interaction leading to the development of an applicable model.

### **Sustainable Pumping DFCs Should be Adopted**

Comments addressing this issue received from:

Kermit Heaton  
Sam Martin  
Melanie Pavlas speaking on behalf of the Pines & Prairies Land Trust  
Diane Wassenich  
Miriam Vaughn  
Environmental Stewardship  
Joe Trungale (Trungale Engineering)  
Eric Allmon (Perales, Allmon & Ice, P.C.)

The listed commentors were all individuals or associations expressing concerns about reduced streamflow and adverse impacts on exempt wells. There were no challenges to our proposed District DFCs. Commentators put forth the idea that GMA 12 should develop DFCs that based on sustainable pumping. GCDs are legally mandated to consider the statutory factors listed in Section 36.108(d) of the Texas Water Code and:

....provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area.

Exempt and permitted production are considered in the DFCs required factors and production/conservation balance.

## **Socioeconomic & Property Rights not Properly Considered**

Comments addressing this issue received from:

Andy Weir speaking on behalf of the Simsboro Aquifer Water Defense Fund  
Kermit Heaton  
Melanie Pavlas speaking for the Pines & Prairies Land Trust  
Renate Suitt  
Diane Wassenich  
Eric Allmon (Perales, Allmon & Ice, P.C.)

The listed commentors were all individuals or associations expressing concerns of two of the nine factors mandated for consideration, socioeconomic impacts and property rights, were not properly considered. There were no challenges to proposed BVGCD DFCs.

Artesian head reduction within an aquifer was anticipated during the development of Chapter 36 Texas Water Code. There are private property rights owners that do not want the artesian water level in aquifers beneath their property to decline over time and those that do accept artesian head decline as groundwater is pumped.

The BVGCD respects and considered private property rights each time a permit is granted or an exempt well approved. Not only are many hydrogeologic impact studies performed, BVGCD recently performed a model run using the adopted S-12 pumping files to simulate the effect of pumping out to 2040 on domestic/livestock (exempt) wells in the Sparta, Carrizo, and Simsboro aquifers. Results of the model run presented to the Board showed modeled impacts of pumping were not detrimental to the operations of wells and well within the proposed DFC for each of the aquifers modeled. The evaluation was done to address property rights

## **Monitoring Well System Should be Established for the Colorado River Alluvium**

Comments addressing this issue received from:

Environmental Stewardship

The comment received from Environmental Stewardship asks GMA 12 representatives to develop and implement a monitoring well system for the Colorado River Alluvium. The comment is best addressed by districts located along the Colorado River.

## **Other Comments Received**

A comment was received from Nelda Calhoun, resident in the BVGCD, urging the District to continue managing the groundwater resources for present and future generations.

The comments received during the comment period are appreciated and will be considered as the District continues to participate in the GMA 12 planning efforts.