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June 13, 2024

By Email

Kean Register
City Manager, City of Bryan
P.O. Box 1000
Bryan, TX 77805

Re: Transport Permit Applications for Cula d'Brazos LLC (BVTP-008) and Others

Dear Mr. Register:

I am proud, third-generation owner and caretaker of some of Robertson County's finest farmland, and I fully appreciate the importance of water in my community. Together, my brother and I steward our land and resources for our children, their children, and their children's children. We take this responsibility seriously and respect the long-term implications that may outlive us. With this in mind, we aligned ourselves with UW Brazos Valley Farm (UWBVF) for a groundwater transport project because UWBVF demonstrated a commitment to sustainable pumping and a proactive approach to well mitigation measures where and if needed. Every step of this project has met or exceeded the applicable rules, including all rules that aim to protect existing wells like the City of Bryan's. While I understand the City could have a protectionist reaction to this project, opposing the pending transport applications would waste time, money, and effort. It would only delay and burden local landowners undertaking responsible and thoughtful development of their private property in support of regional and statewide water supply needs.

Private property rights are clearly defined in Texas, including with respect to groundwater. We applied for, and were granted, groundwater production permits in alignment with these principles. When the Brazos Valley Groundwater Conservation District (BVGCD) issued our production permits in September 2023, it did so with full consideration of all applicable District rules and the law in Chapter 36 of the Texas Water Code. UWBVF went above and beyond what was required by the law in offering mitigation options, including funding a Well Assistance Program and agreeing to an aggregate annual cap for the entire project. The permitting process for the production permits was open to the public, and the City of Bryan did not comment on my production applications or otherwise reach out to me about the project.

We also followed all BVGCD and state rules in submitting the detailed transport permit applications that are now up for consideration at the June 18, 2024 hearing. Anticipating the risk of protectionism, including where significant in-district pumpers hold sway over the District, the Texas Legislature specifically guarded these type of transport permits from

discriminatory action. To better meet pressing regional water demand issues, the law requires the District to consider these transport permits in a fair, impartial, and nondiscriminatory manner. When a transport permit application meets all applicable rules, it should be granted, just like a production permit would be.

With that in mind, a protest would waste taxpayer money and District resources, unnecessarily burdening me and the other applicants when the underlying process has been compliant, fair, and completely transparent. This project offers a proactive solution to pressing regional water needs in the receiving area as documented in State and Regional Water Plans, and it also ensures that in-district needs continue to be met.

I would appreciate the City's respect for and non-objection to the fair, impartial, and non-discriminatory issuance of my requested transport permit to accompany prior-issued production permits. I am open to engage in further discussions on this issue, as I believe it is important for our community as a whole.

Sincerely,

C. Mark Hoelscher

cc: Brazos Valley Groundwater Conservation District
David Lynch, UWBVF