

VICTORIA COUNTY GROUNDWATER CONSERVATION DISTRICT

RESOLUTION No.: 2010-11-19-A

Opposition to Sunset Commission Staff TWDB Recommendations

Whereas, the Groundwater Conservation Districts (GCDs) of Texas have successfully performed the state mandated duty to develop and adopt Desired Future Conditions (DFCs) for the aquifers of Texas through the Groundwater Management Area (GMA) process with the cooperation and assistance of the Texas Water Development Board; and

Whereas, the Texas Water Development Board is presently utilizing these DFCs to determine the Managed Available Groundwater (MAG) within the aquifers of Texas; and

Whereas, the MAG will be integrated into the Management Plans of all GCDs to assure proper evaluation and implementation of the DFCs; and

Whereas, this process has been continuing for several years and provides a fair and equitable methodology for the regulation, protection and development of the aquifers of Texas; and

Whereas, the Staff of the Texas Sunset Commission has submitted certain recommendations on the functions and duties of the Texas Water Development Board (TWDB), although the TWDB is not subject to abolishment under the Sunset Act; and

Whereas, the Staff Recommendations contained two proposals that demonstrate a complete lack of understanding of the balanced role of the State and Groundwater Conservation Districts in the regulation, protection, and development of the aquifers of Texas; and

Whereas, these Staff proposals would radically alter the current groundwater planning responsibilities and severely diminish the responsibilities and input of the Groundwater Management Areas and the Groundwater Conservation Districts; now

Therefore, Be It Resolved that the Board of Directors of the Victoria County Groundwater Conservation District does hereby request that the Texas Sunset Commission reject Staff Recommendation 2.1 to include a voting representative on each GMA from each regional planning group whose boundaries overlap the area because 1) this would increase the GMA board by several members who have no responsibility for the regulation and protection of the groundwater within that area; 2) this would enable the regional planning group members to frustrate the requirement of a two-thirds vote to adopt DFCs and impede area planning and protection of this natural resource in the interest of potentially unsafe production levels; and 3) this would impair and potentially disrupt the currently progressing implementation of the DFCs through the development of the MAG by the TWDB; and

Be It Further Resolved that the Board of Directors of the Victoria County Groundwater Conservation District requests that the Texas Sunset Commission reject Staff Recommendation 3.2 to transfer the DFC process from the TWDB to the Texas Commission on Environmental Quality (TCEQ) because 1) this would alter the present coordinated role of the TWDB and the GMA to develop and implement the DFCs and would enable the TCEQ to usurp

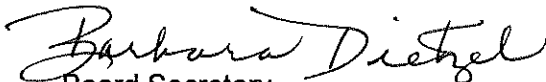
the responsibilities of the GMAs and local GCDs and substitute its judgment for the present shared process; 2) this would interrupt the implementation of the DFCs and the MAG to the detriment of the State Water Planning Process; 3) this would greatly expand the time and cost of review and implementation of the DFCs, requiring State Office of Administrative Hearings proceedings on DFC objections and effectively eliminating GMA participation by the excessive cost of SOAH proceedings; and 4) this would effectively and unfairly "tilt the playing field" in groundwater planning and implementation toward those interests with access to unlimited funding to overwhelm the over-riding goals of protection and balanced regulation of our groundwater as embodied in the present statutes and policies of the State of Texas.

Read and Adopted this 19th day of November, 2010, by a vote of 4 Ayes and 0 Nays.



President, Victoria County Groundwater
Conservation District

Attest:



Board Secretary