



August 14, 2018

The Honorable Senator Brian Birdwell, Chairman
and Commission Members
Sunset Advisory Commission
PO Box 13066
Austin, TX 78711

Dear Senator Birdwell and Members of the Commission:

The North Plains Groundwater Conservation District opposes the Sunset staff recommendation to abolish the Texas Board of Professional Geoscientists and repeal the Texas Geoscience Practice Act. The district opposes the recommendation because abolishment of the Act would represent a clear threat to the health, safety, and welfare of the public.

North Plains GCD was created in 1955, to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by the withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the Texas Constitution. To protect the public's health and safety, the district relies on competent geoscientists to monitor groundwater quality, to evaluate groundwater availability, oversee the district's water well permit programs, water quality programs and compliance investigations. Additionally, the district relies on the opinion of a registered professional geoscientist regarding the health of the district's aquifers, and to testify during litigation. Water quality and availability are clearly public health, safety and welfare concerns. To address those concerns, the Texas Geoscience Practice Act establishes minimum standards for evaluating the competency of geoscientists.

Texas is one of only a few states that require a joint planning process to develop Desired Future Conditions ("DFC") of its groundwater resources. In 2005, the Texas Legislature amended Title 2, Texas Water Code, Chapter 36 requiring groundwater conservation districts to jointly develop DFC's of groundwater resources in our area. The districts are required to produce a desired future conditions explanatory report to justify their conclusions. The statute requires that the districts identify each DFC and provide the policy and technical justifications for each desired future condition. The district uses registered professional geoscientists to analyze the groundwater withdrawal impacts and water quality impacts to our aquifers, springs and streams over time and to review the impacts of modeled available groundwater amounts provided by the board to achieve DFC's. These impacts affect both water quality and water availability for public health, safety and welfare.

The statute requires that our district use the modeled available amounts provided by the board in the district's management plan and subsequently in our rules. Since our district expends a significant amount of public funding resources through this joint planning process, the district expects the board to provide modeled available groundwater that are generated by competent geoscientists to protect the public. Though state law may not require a geoscientist working for the board to be registered, the district's minimum standard to measure that competency is whether

the professional is registered and regulated by Texas Geoscience Practice Act to protect the public's health and safety.

Since 2005, our district has been tasked through civil and administrative litigation to justify its desired future conditions twice. In both cases the district relied on reports, analyses and testimony provided by registered professional geoscientists protect the district's position regarding public health, safety and welfare.

Geoscience is a precise and detailed discipline. Its practice affects the health, safety and welfare the Texas and Texans; therefore, requiring that adequate standards be met by its practitioners is an important state function. The district requests the Sunset Advisory Commission and the Texas Legislature reject the Sunset staff recommendation to abolish the Texas Board of Professional Geoscientists.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold Grall". The signature is fluid and cursive, with the first name "Harold" and last name "Grall" clearly distinguishable.

Harold Grall
President of the Board
North Plains Groundwater Conservation District