

STATE OF TEXAS

§

RESOLUTION #032819-01

COUNTIES OF HAYS, TRAVIS
AND CALDWELL

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**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BARTON SPRINGS / EDWARDS AQUIFER CONSERVATION
DISTRICT CONCERNING THE KINDER MORGAN PERMIAN
HIGHWAY PIPELINE**

WHEREAS, the Barton Springs/Edwards Aquifer Conservation District (District) is a Groundwater Conservation District created by an act of the 70th Legislature and subject to various requirements of State Law governing groundwater districts, including Texas Water Code Chapter 36 and Chapter 8802 of the Texas Special District Local Laws Code; and

WHEREAS, the District was established for the purpose of providing for the conservation, preservation, protection, recharging and prevention of waste of groundwater and of groundwater reservoirs in the Barton Springs segment of the Edwards Aquifer (Edwards), including the Trinity Aquifer (Trinity), and other aquifers (collectively referred to as (Aquifers)); and

WHEREAS, in 2015, the legislature passed HB 3405, which added the previously unregulated Trinity outside the District in Hays County to the jurisdiction of the District; and,

WHEREAS, the Aquifers include a unique underground system of water-bearing formations in Central Texas, wherein water enters through the ground as surface stream inflow and rainfall infiltration, is rapidly transported in the subsurface by solution conduits and intrinsic permeability of the karst rock, and leaves the Aquifers through well withdrawals and spring flow and other natural outlets; and

WHEREAS, the Aquifers serves as a major source of drinking water for tens of thousands of people, is a vital resource to the general economy and welfare of the Central Texas, and the Edwards forms the only known habitat for the endangered Barton Springs salamander, *Eurycea sosorum*, and the Austin blind salamander, *Eurycea waterlooensis*; and

WHEREAS, Water Code Chapter 36 and District Rules prohibit pollution or harmful alteration of groundwater by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground; and

WHEREAS, Kinder Morgan intends to construct and operate the Permian Highway Pipeline, which is a 42" diameter pipeline that will include a 31.5-mile stretch though Hays County within the jurisdiction of the District; and,

WHEREAS, the Permian Highway Pipeline will be constructed within karst geology through the recharge zone of the Aquifers for the purpose of transporting natural gas, however, other

hydrocarbons including liquids could be transported, and even a natural gas-only pipeline will include some amounts of liquid hydrocarbons; and,

WHEREAS, District's dye tracing studies within the area of the Permian Highway Pipeline route indicate that a release of hydrocarbons along the proposed route will result in contaminants flowing to water-supply wells with the potential to disrupt water supply reliability, and the potential harm to Barton and San Marcos Springs; and

WHEREAS, Kinder Morgan has met with District Staff and appeared before the District Board to answer questions, provide information, and verbally commit to limit the pipeline to the transport of natural gas, conduct a karst survey, submit a biological assessment to U.S. Fish and Wildlife Service, develop a void response and mitigation plan, develop a stormwater pollution prevention plan and erosion control and revegetation plan, but has not committed to satisfy construction standards of TCEQ Edwards Aquifer protection rules nor perform an Environmental Impact Study evaluating the potential impact of construction and operation to the Trinity and Edwards Aquifers; and,

WHEREAS, the District has requested, and received additional information from Kinder Morgan to better understand the impacts of the natural gas pipeline on the Aquifers; and,

WHEREAS, with additional information and its review by the District, there is not reasonable assurance that the Aquifers will be protected during the construction and operation of the pipeline.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District:

1. The Permian Highway Pipeline should not be located within the District or any other hydrologically-sensitive area.
2. The District supports Kinder Morgan consideration of an alternative route outside hydrologically-sensitive areas.
3. If the Permian Highway Pipeline is constructed within the hydrologically-sensitive area, the District requests from Kinder Morgan:
 - a. The District be permitted to review and comment on the Kinder Morgan Karst survey;
 - b. The District be permitted to review and comment on the void mitigation plan;
 - c. The District be permitted to review and comment on the corrosion prevention plan that relies on cathodic protection;

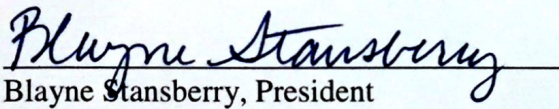
- d. Kinder Morgan develop an aquifer protection plan to protect the aquifers from stormwater runoff during construction. Such a plan should be based upon the TCEQ Edwards Rules (Texas Water Code, §26.046);
- e. Kinder Morgan notify the District when karst features are encountered during construction and allowed access to significant features that are formed;
- f. Kinder Morgan provide in each landowner easement agreement that only natural gas will be transported in the Permian Highway Pipeline;
- g. The District be permitted to review and comment on any biological assessment conducted by Kinder Morgan;
- h. Kinder Morgan develop a mitigation plan to address groundwater contamination resulting from pipeline break; and
- i. Kinder Morgan provide the District with its pipeline management plan addressing inspections and testing.

4. The District requests action by all members of both houses to the Texas Legislature to protect natural resources from the negative impact of the PHP and other potential oil and gas pipelines by requiring formal and thorough Environmental Impact Studies for intra-state oil and gas infrastructure.

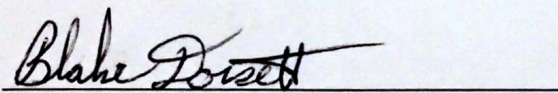
In Favor 4

Opposed 0

PASSED AND APPROVED THIS 28th DAY OF MARCH 2019.


Blayne Stansberry, President

ATTEST:


Blake Dorsett, Secretary