

STATE OF TEXAS  
COUNTY OF BLANCO

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RESOLUTION #022119-01

BLANCO-PEDERNALES GROUNDWATER CONSERVATION DISTRICT

Permian Highway Pipeline Project - Kinder Morgan

WHEREAS, the Blanco-Pedernales Groundwater Conservation District (BPGCD) is a groundwater conservation district created in accordance with, and subject to, Chapter 36, Texas Water Code and;

WHEREAS, Section 36.0015(b), provides that: "*In order 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 withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution, groundwater conservation districts may be created as provided by this chapter. Groundwater conservation districts created as provided by this chapter are the state's preferred method of groundwater management in order to protect property rights, balance the conservation and development of groundwater to meet the needs of this state, and use the best available science in the conservation and development of groundwater through rules developed, adopted, and promulgated by a district in accordance with the provisions of this chapter.*" and;

WHEREAS, BPGCD staff has met with Kinder Morgan staff to discuss the proposed pipeline and asked questions relating to the protection of the groundwater resources that may be impacted by the pipeline and;

WHEREAS, Kinder Morgan staff have provided answers to the questions asked by the District staff which appear to reasonably address many of the concerns relating to the protection of the groundwater resources that may be impacted by the pipeline and;

WHEREAS, Kinder Morgan staff have verbally agreed to consider local groundwater conservation districts as technical and scientific resources, contact the local district if groundwater wells are encountered or threatened by pipeline construction activities, and intend to utilize district staff expertise when appropriate and necessary on other groundwater, aquifer, water well, geology, cave, and karst related issues and;

WHEREAS, groundwater conservation districts have not been assigned or authorized any statutory jurisdictional, supervisory, regulatory, or enforcement authority over hydrocarbon pipelines and;

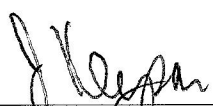
WHEREAS, the proposed pipeline is subject to various statutory jurisdictional, supervisory, regulatory, and enforcement under one or more of the following entities: the U.S. Department of Transportation, the Texas Railroad Commission, the Texas Commission on Environmental Quality, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and;

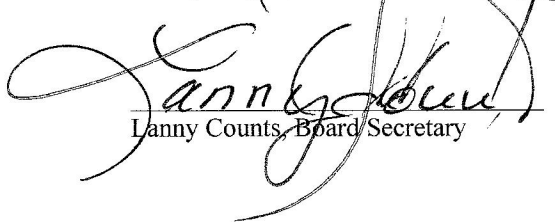
WHEREAS, the Board of Directors and staff of the BPGCD have discussed these matters and believe the District has addressed the proposed pipeline concerns and issues to the extent of its authority and jurisdiction.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Blanco-Pedernales Groundwater Conservation District does hereby request that Kinder Morgan and its contractors and subcontractors not only comply with all relevant federal and state requirements for pipeline construction, operation, maintenance, and inspections, but include every opportunity to eliminate, reduce, or mitigate real or potential impacts on the unique needs of local aquifers, local geology, karst terrains, and other environmentally sensitive areas.

PASSED AND APPROVED THIS 21 DAY OF February, 2019,

with 4 ayes, 1 nays, and 0 abstentions.

  
Jimmy Klepac, Board President

  
Lanny Counts, Board Secretary