GARBER-WELLINGTON ASSOCIATION POLICY COMMITTEE

In-Person Meeting with Call-In Option

AGENDA - Thursday, June 25, 2020 at 2:30 p.m.

The ACOG BOD meeting will be held at the physical location of 4205 N. Lincoln Blvd., Oklahoma City, OK. The ACOG Board Room will be set up in a classroom style arrangement to observe social distancing guidelines. **There will be no virtual options for this meeting**; however, if you choose to attend the meeting via conference call, a call-in option will be available.

To join this meeting via telephone, please dial: 1-800-326-0013
When prompted, type in Participant Code: 9476299

If you are a Board or Committee member and join the meeting via the telephone, please state your name and entity when you enter the meeting.

To follow social distancing, we encourage the public to join the meeting via telephone.

The phones will remain live during the entire meeting for voting, along with the ability to ask questions and make comments. If you join the meeting by phone, please mute your speaker phone to reduce feedback.

**Agenda items requiring a vote:** once a motion is made and seconded, the Chairperson will ask for a vote. If you are joining by telephone, your vote will be taken first by the Chairperson, then those present at the physical location will vote.

If you are not an ACOG BOD member and wish to sign up to speak during the Public Comments from Citizens or Delegations, please text or email your comments by Wednesday, June 24, at 5 p.m. to 405-760-5913 or conference@acogok.org. Citizen participants will be requested to mute their phones during the meeting. When the ACOG BOD reaches the Public Comments from Citizens or Delegations, the Chairperson will call each name in the order in which the names were received. Each citizen or delegate will have three minutes to present their question.

**If you have technical difficulties dialing in with the Call-in Option, please text 405-436-6261 and explain your current situation.**

Please be aware that due to Annual Budget review and approvals, all meetings scheduled for Thursday, June 25, may run longer than expected. If your meeting does not begin at its scheduled time, a meeting organizer will dial-in to inform those waiting on the conference call of an approximate time the meeting might begin.
THE GARBER-WELLINGTON ASSOCIATION POLICY COMMITTEE WILL HOLD A COMBINATION IN-PERSON AND CALL-IN REGULAR MEETING ON THURSDAY, JUNE 25, 2020, IN THE ACOG BOARD ROOM, 4205 N. LINCOLN BLVD., OKLAHOMA CITY.

PLEASE NOTIFY ACOG AT 405-234-2264 (TDD/TTY CALL 7-1-1 STATEWIDE) BY 5 P.M. MONDAY, JUNE 22, IF YOU REQUIRE ACCOMMODATIONS PURSUANT TO THE AMERICANS WITH DISABILITIES ACT OR SECTION 504 OF THE REHABILITATION ACT.

AGENDA

1. CALL TO ORDER (ATTACHMENT 1)

2. APPROVAL OF MAY 28, 2020 MINUTES (ATTACHMENT 2)

3. STAFF REPORT - John Harrington, Water Resources Director
   For information only.
   A. Navigable Waters Protection Rule – Clarifying The Clean Water Act (ATTACHMENT 3-A)
   B. Drought Update (ATTACHMENT 3-B)
   C. Sandstone Mapping Garber-Wellington Aquifer Oklahoma County-Update (ATTACHMENT 3-C)

4. PROGRESS REPORT - John Harrington, Water Resources Director (ATTACHMENT 4) For information only.

5. NEW BUSINESS

6. ADJOURNMENT

NO MEETING IN JULY

NEXT MEETING:
August 27, 2020 at 2:30 p.m.
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<th>CITY/ORGANIZATION</th>
<th>MEMBERS</th>
<th>ALTERNATES</th>
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<td>BETHANY</td>
<td>Hon. Chris Powell, Councilmember</td>
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<td>Hon. K.P. Westmoreland, Mayor</td>
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<td>CALUMET</td>
<td>Hon. Robert B. Wallace, Trustee</td>
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<td>Hon. Mike Birdsong, Councilmember</td>
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<td>DEL CITY</td>
<td>Hon. Floyd Eason, Mayor</td>
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<td>Hon. Michael Dean, Councilmember</td>
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<td>Hon. Matt White, Mayor</td>
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<td>Hon. Steven J. Gentling, Mayor</td>
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<td>HARRAH</td>
<td>Hon. Kim Bishop, Vice-Mayor</td>
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<td>JONES CITY</td>
<td>Hon. Ray Poland, Mayor</td>
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<td>LANGSTON CITY</td>
<td>Hon. Sheila Stevenson, Mayor</td>
<td>Hon. Magnus Scott, Trustee</td>
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<td>Hon. Linda Williams, Trustee</td>
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<td>MIDWEST CITY</td>
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<td>Hon. Christine Allen, Councilmember</td>
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<td>Hon. Brian Foughty, Mayor</td>
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<td>Hon. Marjorie Hill, Councilmember</td>
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<td>Hon. Joe Frisby, Trustee</td>
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<td>Hon. Todd Sloan, Councilmember</td>
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<td>Hon. John Brown, Councilmember</td>
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<td>Hon. Ted Cox, Mayor</td>
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<td>Hon. Mike Pollok, Councilmember</td>
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<td>Hon. Ronnie Fulks, Trustee</td>
<td>Hon. Valerie Stockton, Trustee</td>
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<td>SPENCER</td>
<td>Hon. Frank Calvin, Mayor</td>
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<td>Hon. Kerry Andrews, Councilmember</td>
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<td>THE VILLAGE</td>
<td>Hon. David Bennett, Vice-Mayor</td>
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<td>Hon. Cathy Cummings, Mayor</td>
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<td>Hon. Mary Smith, Vice-Mayor</td>
<td>Hon. Austin Hughes, Councilmember</td>
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<td>UNION CITY</td>
<td>Hon. Charlie Ross, Vice-Mayor/Trustee</td>
<td>Hon. Bob McGregor, Trustee</td>
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<td>WARR ACRES</td>
<td>Hon. Jim Mickley, Mayor</td>
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<td>YUKON</td>
<td>Hon. Mike McEachern, Mayor</td>
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<td>CANADIAN COUNTY</td>
<td>Hon. Marc Hader, Commissioner</td>
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<td>CLEVELAND COUNTY</td>
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<td>Hon. Carrie Blumert, Commissioner</td>
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<td>Hon. Kevin Calvey, Commissioner</td>
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SUBJECT:
MINUTES OF THE GARBER-WELLINGTON ASSOCIATION POLICY COMMITTEE MEETING

DATE:
MAY 28, 2020

The regularly scheduled meeting of the Garber-Wellington Association Policy Committee was convened at 4:08 p.m. on May 28, 2020 in the Association of Central Oklahoma Governments (ACOG) Board Room, 4205 N. Lincoln Boulevard, Oklahoma City, Oklahoma. The meeting was held as indicated by a notice filed in advance with the Oklahoma County Clerk and by notice posted at the ACOG offices at least twenty-four hours prior to the meeting.

PRESIDING
Hon. Kim Bishop, Vice-Chair

CITY/AGENCY
Harrah

POLICY COMMITTEE MEMBERS PRESENT IN-PERSON
Hon. Roger Malone, Vice-Mayor
Hon. Josh Moore, Councilmember
Hon. Steven Gentling, Mayor
Hon. Sheila Stevenson, Mayor
Hon. Matt Dukes, Mayor
Hon. David Bennett, Vice-Mayor
Hon. Rick Cacini, Councilmember
Hon. Rod Cleveland, Commissioner

POLICY COMMITTEE MEMBERS PRESENT VIRTUAL
Hon. Ken Blasdel, Councilmember
Hon. Mary Smith, Vice-Mayor
Hon. Michael Pearson, Commissioner

POLICY COMMITTEE MEMBERS ABSENT
Hon. Steve Palmer, Councilmember
Hon. Bruce Wallace, Trustee
Hon. Floyd Eason, Mayor
Hon. Matt White, Mayor
Vacant
Hon. Warren G. Carter, Councilmember
Hon. David Adams, Mayor
Hon. Ray Poland, Mayor
Hon. Jenni White, Mayor
Hon. Mark Hamm, Councilmember
Hon. Brian Grider, Vice-Mayor
Hon. Peter Hoffman, Councilmember
Hon. Brian Foughty, Mayor
Hon. Marjorie Hill, Councilmember
Hon. Breea Clark, Mayor
Hon. Joe Frisby, Trustee
Hon. Todd Sloan, Councilmember
Hon. Ted Cox, Mayor
Hon. Ronnie Fulks, Trustee

Chocow
Edmond
Guthrie
Langston
Midwest City
The Village
Yukon
Cleveland County

Piedmont
Tuttle
Logan County

Bethany
Calumet
Del City
El Reno
Forest Park
Geary
Lexington
Jones City
Luther
Moore
Mustang
Nichols Hills
Nicoma Park
Noble
Norman
Okarche
Oklahoma City
Purcell
Slaughterville
POLICY COMMITTEE MEMBERS ABSENT
Hon. Frank Calvin, Mayor
Hon. Charlie Ross, Vice-Mayor
Hon. Jim Mickley, Mayor
Hon. Marc Hader, Commissioner
Hon. Carrie Blumert, Commissioner

GUESTS
Pete White

STAFF
Mark W. Sweeney
Beverly Garner
John Harrington
Rachel Meinke
Jimmy Smith

POSITION
Executive Director
Executive Assistant
Water Resources Director
Public Information Director
IT

1. CALL TO ORDER

Vice-Chair Kim Bishop called the meeting to order at 4:08 p.m.

2. INTRODUCTION OF GUESTS

3. APPROVAL OF MINUTES – FEBRUARY 27, 2020

Director David Bennett, The Village, made a motion to approve the February 27, 2020 Garber-Wellington Association Policy Committee minutes. Director Sheila Stevenson, Langston, seconded the motion. The motion carried.

4. STAFF REPORT

A. Stratigraphic Mapping Garber-Wellington Aquifer Oklahoma County

As part of a 604(b) grant, staff is continuing and extending net sand maps originally created as part of a drilling project with the City of Norman. This effort will allow drillers to focus their efforts in areas with more sandstone, thus increasing well capacity.

To date, two regional structural cross-sections have been constructed through the project area. These sections are oriented along the dip direction of the Garber formation. The cross-sections show extensive faulting in southern Oklahoma County, consistent with the regional geologic province of the Nemaha Ridge and the proximity to the Oklahoma City field. Sand content on the well logs in the intervals of interest are highly variable.

Two regional dip sections will be constructed next, then intervening wells will be added to the database to construct the net sand maps.
B. **Drought Update**

Oklahoma is now experiencing a much different climate than in the 1980-90 decades. We are going back to the more severe dry/wet cycles seen in the 1950-60 era. Static water levels have finally returned to pre-drought levels seen in 2010, ending a nine-and-a-half-year cycle of groundwater drought.

Currently, only 23% of Oklahoma is in dry or drought conditions, affecting 16,476 people. Drought is not impacting central Oklahoma and will probably not be a problem until at least late summer. Recharge to the aquifer is currently running about 0.56 inches above normal.

Long-term modelling of La Nina/El Nino conditions are showing a possible La Nina event in late 2020. This is significant because La Nina events tend to be big weather makers in Oklahoma. Generally, the jet stream moves north, allowing much drier conditions to make their way into Oklahoma. The drought of 2011-13 started with a large La Nina event.

Since the last progress report, three monthly drought reports have been generated.

C. **2020 Legislative Update**

The 2020 State legislature initially had about 48 water-related bills filed. About six have survived to see April; three are significant.

This first is HB1048, which has been signed by Governor Stitt. This bill allows groundwater rights to be severed from surface property. The bill, in its entirety, reads: “Condemning authorities seeking to acquire surface rights for public purpose shall provide written notice to the landowner subject to the acquisition that the landowner may elect to retain, through severance, the groundwater rights, if any, that are attached to the property to be acquired. If the landowner elects to retain such groundwater rights, the acquisition shall be limited to surface rights and exclude groundwater rights; however, an owner of groundwater rights shall not have a right of access to the acquired surface rights and no person may construct, maintain or operate any water well, drilling equipment or lines on or under the surface acquired by the condemning authority without the express written permission of the condemning authority.

Notwithstanding the foregoing, this provision shall not apply to a condemning authority that is seeking to acquire groundwater rights based on an affidavit of need or resolution of necessity that sets out an expressly stated need and purpose for the acquisition of such groundwater rights.”

The second bill is HB2078, which is in committee. This allows municipalities to control the drilling of domestic wells. The bill, in its entirety, reads: “A municipality has the authority to regulate or permit the drilling of domestic and industrial water wells within its corporate limits. A municipality may use the water allocated to the platted land within its corporate limits provided the municipality can make water available to the platted land, a permit therefore is obtained from the Oklahoma Water Resources Board,
and the wells are located on platted land shall be not less than six hundred (600) feet within its limits, and such wells may be drilled on the platted land or dedicated land.”

The third bills is SB1269 which directs the OWRB to develop a comprehensive state flood land. SB1269 was sent to the governor’s desk on May 12.

This bill is a response to the flooding events of May 2015 and May 2019. A comprehensive state flood plan has been needed and talked about for twenty years and OFMA has been pushing this for about that long.

The bill reads in part:

“Contingent on available funding, the Oklahoma Water Resources Board shall prepare and adopt a comprehensive state flood plan. The plan shall:

1. Provide for orderly preparation for and response to flood conditions to protect against the loss of life and property;
2. Be a guide to state and local flood control policy; and
3. Contribute to water development when possible.”

5. **PROGRESS REPORT**

Vice-Chair Kim Bishop pointed out that the progress report was available for review in the agenda.

6. **NEW BUSINESS**

None

7. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:25 p.m.
SUBJECT:
NAVIGABLE WATERS PROTECTION RULE – CLARIFYING THE CLEAN WATER ACT

DATE:
JUNE 25, 2020

FROM:
JOHN HARRINGTON
Water Resources Director

INFORMATION:
On April 21, 2020, the EPA and the Department of the Army (Army) published the Navigable Waters Protection Rule to define “waters of the United States (WOTUS) in the Federal Register. In addition, the Supreme Court ruled that some groundwater discharge also comes under the Clean Water Act.

EPA and the Army have simplified the Navigable Waters Protection Rule into four parts. They are:

- Territorial Seas and Traditional Navigable Waters. These are waterbodies that are obviously navigable waters, such as a navigable water like the Mississippi River, a tidally influenced waterbody like the territorial waters of the Pacific Ocean off California, or a water used for interstate commerce like the Great Lakes.

- Tributaries to Navigable Waters. Examples are a perennial tributary that contributes surface flow, or a snowpack-fed intermittent tributary that contributes surface flow.

- Certain Lakes, Ponds, and Impoundments. These include a lake that contributes surface flow to a traditional navigable water, a pond that contributes surface flow to a traditional navigable water, or an impoundment that contributes surface flow to a traditional navigable water.

- Adjacent Wetlands. These include wetlands that abut a traditional navigable water, wetlands with manmade structures that allow surface connection, or wetlands that are adjacent to a traditional navigable water.

Non-WOTUS waterbodies include dry washes and ephemeral streams, farm ditches, roadside ditches, and stormwater runoff.

ACTION REQUESTED:
For information only.
SUBJECT: DROUGHT UPDATE

DATE: JUNE 25, 2020

FROM: JOHN HARRINGTON
Water Resources Director

INFORMATION:
A couple of important climatological milestones have been reached as Oklahoma begins the next major drought cycle.

First, the Pacific Ocean temperature analysis on June 3 shows that a La Nina cooling event is developing. A value of 0.5 degree Celsius below average has been reached. The half-degree Celsius below average is the threshold for La Nina.

La Nina is the term given when Pacific Ocean equatorial temperatures reach a sustained value of at least 0.5 degree Celsius below average. La Nina presence during the U.S. summer has been correlated to hotter and drier conditions in the U.S. Midwest.

The second milestone is the development of extreme drought conditions outside the Oklahoma Panhandle. Extreme drought conditions now exist in Kingfisher, Blaine and Dewey Counties.

The development of drought in what is the wettest time of the year (May and June) underscores the gravity of this situation and gives more weight to the argument that the next drought cycle has begun.

ACTION REQUESTED:
For information only.
SUBJECT:
SANDSTONE MAPPING GARBER-WELLINGTON AQUIFER OKLAHOMA COUNTY - UPDATE

DATE:
JUNE 25, 2020

FROM:
JOHN HARRINGTON
Water Resources Director

INFORMATION:
An update on the 604(b) mapping project.

Two more cross-sections have been completed through Oklahoma County and a preliminary net sand map of sequence 71 has been produced.

ACTION REQUESTED:
For information only.
SUBJECT: PROGRESS REPORT

DATE: JUNE 25, 2020

FROM: JOHN HARRINGTON
Water Resources Director

INFORMATION: ACOG Drought Program

Oklahoma is now experiencing a much different climate than in the 1980-90 decades. We are going back to the more severe dry/wet cycles seen in the 1950-60 era. Static water levels have finally returned to pre-drought levels seen in 2010, ending a nine-and-a-half year cycle of groundwater drought. Currently, 43% of Oklahoma is in drought, affecting 300,997 people. Drought is impacting central Oklahoma; extreme drought conditions now exist outside the Oklahoma Panhandle to include Kingfisher, Blaine and Dewey Counties. The development of drought in what is the wettest time of the year (May and June) underscores the gravity of this situation and gives more weight to the argument that the next drought cycle has begun.

Pacific Ocean temperature analysis on June 3 shows that a La Nina cooling event is developing. A value of 0.5 degree Celsius below average has been reached. The half-degree Celsius below average is the threshold for La Nina. La Nina is the term given when Pacific Ocean equatorial temperatures reach a sustained value of at least 0.5 degree Celsius below average. La Nina presence during the U.S. summer has been correlated to hotter and drier conditions in the U.S. Midwest. The drought of 2011-13 started with a La Nina event.

Since this progress report, one monthly drought report has been generated.

18604(b) – Stratigraphic Mapping Garber-Wellington Aquifer Oklahoma County

As part of a 604(b) grant, staff is continuing and extending net sand maps originally created as part of a drilling project with the City of Norman. This effort will allow drillers to focus their efforts in areas with more sandstone, thus increasing well capacity.

Work commenced in March. To date four regional cross-sections have been completed.

20604(b) – Stratigraphic Mapping Garber-Wellington Aquifer Southern Logan County

As part of a 604(b) grant, staff will continue and extend net sand maps created in the 18604(b) and 19604(b) projects into southern Logan County and southern Cleveland County.

ACTION REQUESTED:
For information only.