



TEXAS WATER DEVELOPMENT BOARD



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TO: Board Members

THROUGH: Carolyn L. Brittin, Deputy Executive Administrator
Water Resources Planning and Information *CLB*

Dan Hardin, Director, Water Resources Planning *DH*
Water Resources Planning and Information

FROM: Temple McKinnon, Regional Water Planning *TM*
Water Resources Planning and Information *DH for TM*

DATE: April 8, 2009

SUBJECT: Consider Approving the Bright-Star Salem Special Utility District Minor Amendment to the 2006 North East Texas (Region D) Regional Water Plan

ACTION REQUESTED

Consider approval of the Bright-Star Salem Special Utility District minor amendment to the 2006 Region D Regional Water Plan for a surface water supply water management strategy.

BACKGROUND

The Bright-Star Salem Special Utility District (District), which serves areas in Rains and Wood Counties, has contracted with the Sabine River Authority of Texas (SRA) to receive raw water from Lake Fork. The District intends to implement water system improvements with Drinking Water State Revolving Fund (DWSRF) funds. The 2006 Region D Regional Water Plan does not contain a water management strategy for the District and reflects their source of supply as being solely from groundwater from the Carrizo-Wilcox Aquifer. To satisfy a loan condition of consistency on a February 2007 Drinking Water State Revolving Fund commitment, the District requested a minor amendment to the 2006 Region D Regional Water Plan to add a surface water management strategy reflecting the contract with the SRA.

At its February 2007 meeting, the Board approved a loan commitment to the Bright-Star Salem Special Utility District (District) for \$5,930,000 from the Drinking Water State Revolving Fund Program. This

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loan was to finance water system improvements, including construction of a new raw water intake structure, a new surface water treatment plant, additional distribution lines, and associated water storage facilities, utilizing the pre-design commitment option. At the February 17, 2009 meeting, the Board approved by resolution a request from the District for a six (6) month extension of the initial loan commitment.

Minor amendments to regional water plans may be made if the Executive Administrator determines that an amendment is minor under 31 TAC § 357.16. The criteria under 31 TAC § 357.16 that must be met for an amendment to be considered minor include that the amendment:

- (1) does not result in overallocation of an existing or planned source of water;
- (2) does not relate to a new reservoir;
- (3) does not have a significant effect on instream flows, environmental flows or freshwater flows to bays and estuaries;
- (4) does not have a significant substantive impact on water planning or previously adopted management strategies; and,
- (5) does not delete or change any legal requirements of the plan.

On January 5, 2009, a letter requesting a minor amendment determination from TWDB containing the engineer's work was submitted to the TWDB by Mr. Walt Sears on behalf of the Region D Regional Water Planning Group (Attachment A). In response to the Region's request, the Executive Administrator determined that the proposed plan amendment constituted a minor amendment and sent a letter to the planning group on January 21, 2009 (Attachment B). On March 25, 2009, the Region D Regional Water Planning Group unanimously approved the minor amendment to their 2006 Regional Water Plan.

KEY ISSUES

The Region D Water Planning Group received no written or verbal public comments in opposition to the proposed water management strategy for the District.

Approval of this minor amendment satisfies the loan condition that the project is consistent with the 2006 Region D Regional Water Plan.

An associated amendment to the State Water Plan is presented for your consideration in a separate Board item.

ANTICIPATED OPPOSITION

None.

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RECOMMENDATION

Staff recommends approval of the Bright-Star Salem Special Utility District minor amendment to the 2006 Region D Regional Water Plan.

This recommendation has been reviewed by legal counsel and is in compliance with applicable statutes and Board rules.



Ken Petersen
General Counsel

Attachment A: Cover Letter Request for Bright-Star Salem Special Utility District Minor Amendment to the 2006 Region D Regional Water Plan

Attachment B: Minor Amendment Determination from Executive Administrator

Attachment A

January 5, 2009

J. Kevin Ward
Executive Administrator
Texas Water Development Board
P.O. Box 13231
Austin, TX 78711-3231

Dear Mr. Ward:

The North East Texas Regional Water Planning Group is requesting a minor amendment to the Region D Regional Water Plan. Currently, the 2006 Region D Regional Water Plan does not have a water management strategy for Bright Star-Salem SUD. The NETRWPG would like to revise the plan so Bright Star-Salem SUD will have surface water as its water management strategy. Bright Star-Salem has historically received its water from wells in the Carrizo-Wilcox Aquifer, most of which yield a low amount of water (30-100 gpm). Bright Star-Salem SUD desires to obtain water from Lake Fork to supplement its low yielding wells and develop a more dependable surface water source for the planning period. The NETRWPG would like the TWDB to make a determination on whether a minor amendment can be adopted.

At the February 27, 2008 meeting of the NETRWPG, Kathleen Garrett from the TWDB presented the new rules about minor amendments to the approved regional plan. After her presentation Richard Letourneau made a motion and Mendy Rabicoff seconded the motion to begin the process to allow Bright Star-Salem SUD to approach the TWDB with a minor amendment regarding their use of surface water from the Sabine River Authority.

Below is an itemized list that demonstrates the desired strategy for the minor amendment meets the criteria listed in 31 TAC Ch. 357.16:

31 TAC Ch. 357.16 Amendment Criteria:

(1) *Does not result in over allocation of an existing or planned source of water.*

Response: A state regulated agency (Sabine River Authority) has granted and contracted with Bright Star-Salem SUD for 750,000 GPD from Lake Fork.

(2) *Does not relate to a new reservoir.*

Response: Lake Fork construction started in 1975 and reached conservation level in 1980.

(3) *Does not have a significant effect on in stream flows, environmental flows or fresh water flows to bays or estuaries.*

Response: Lake Fork is situated in North East Texas on the Sabine River and is one of the upper most lakes in the basin. Lake Fork does not drain directly into the coastal region.

(4) *Does not have a significant substantive impact on water planning or previously or previously adopted management strategies.*

Response: The reservoir's storage capacity at the 403 foot m.s.l. conservation pool level is 675,819 acre-feet with a minimum firm yield of 188,660 acre-feet per year. Bright Star-Salem SUD's contract is for 2.30 acre-feet per day or 0.43% of the annual minimum yield.

(5) *Does not delete or change any legal requirements of the Plan.*

Response: Bright Star-Salem SUD is a ground water based utility seeking to add surface water as a source to its supply. This does not delete or change any of the legal requirements of the Plan.

Four alternative strategies were considered to meet Bright Star-Salem SUD's future water needs. Advanced conservation was ruled out because the per capita use per day was less than the 140 gpcd threshold set by the water planning group. Reuse was not a feasible option because the water supply is mainly used for public consumption. The groundwater alternative was eliminated because ground water is very limited in this area. Wells in this area yield approximately 30 to 100 gpm. One surface water alternative was considered which has Bright Star-Salem SUD purchasing surface water from Lake Fork.

Attached is the backup documentation for the determination of the minor amendment for Bright Star-Salem SUD.

Sincerely,



Walt Sears
NETMWD

Attachment B



James E. Herring, *Chairman*
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Edward G. Vaughan, *Member*

J. Kevin Ward
Executive Administrator

Jack Hunt, *Vice Chairman*
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Joe M. Crutcher, *Member*

January 21, 2009

Mr. Walt Sears
North East Texas (Region D) Administrative Agent
North East Texas Municipal Water District
P.O. Box 955
Hughes Springs, TX 75656

RE: The North East Texas Regional Water Planning Group's written request, received January 13, 2009, for a determination regarding whether or not amending the 2006 North East Texas (Region D) Regional Water Plan to include the Bright-Star Salem Special Utility District's Water Supply Project would be a minor amendment under 31 TAC Ch. 357.16.

Dear Mr. Sears:

I have reviewed Region D's above-referenced request and, based on the request and supporting materials, have determined that adding the Bright-Star Salem Special Utility District's surface water supply water management strategy could be considered as a minor amendment under 31 TAC Ch. 357.16.

If Region D adopts the proposed minor amendment, Region D will need to:

- Provide the Texas Water Development Board (TWDB) with documentation of the planning group's action adopting this water management strategy as a minor amendment;
- Issue and distribute an addendum to the 2006 Region D Regional Water Plan updating the plan accordingly;
- Provide TWDB with corrected DB07 data to reflect all the associated changes to the 2006 Region D Regional Water Plan and the 2007 State Water Plan; and,
- Request that the Bright-Star Salem Special Utility District obtain a web link from TWDB staff in order to fill out an associated online Infrastructure Financing Survey regarding how the entity plans to finance the project associated with the amendment.

If Region D makes any substantive changes to the project components or configuration during the minor amendment process, TWDB will need to review the modified proposed amendment to ensure it still meets all of the criteria under 31 TAC Ch. 357.16.

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Mr. Walt Sears
January 21, 2009
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If you have any questions concerning this approval or its associated requirements, please contact Temple McKinnon, the TWDB's designated Project Manager for this region at (512) 475-2057.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Kevin Ward". The signature is fluid and cursive, with the first name "J." and last name "Ward" clearly visible.

J. Kevin Ward
Executive Administrator

C: Mr. Justin M. Rutkowski, EIT, Hayes Engineering, Inc.
Mr. Jim Thompson, Chairman, Region O
Mr. Ray Flenmons, BWR Consultants
Ms. Temple McKinnon, Texas Water Development Board