

From: "Emily Crom" <ECrom@bwrcorp.com>
To: <Bill.Roberts@twdb.state.tx.us>
Date: 10/5/2006 4:06:17 PM
Subject: 2007 State Water Plan - Region D Comments

Mr. Roberts,

Attached are Comments on the Draft 2007 State Water Plan submitted by the Region D - North East Texas Regional Water Planning Group. A hardcopy of this letter is being sent via Fed-ex to your office as well.

Thank you,

Emily Crom

Bucher, Willis & Ratliff Corporation

p. (214) 373-7873

f. (214) 373-7875

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CC: "Virginia Sabia" <Virginia.Sabia@twdb.state.tx.us>, <jimthompson@wardtimber.com>, <NETMWD@aol.com>, "James R Flemons" <jflemons@bwrcorp.com>

October 5, 2006

Mr. Bill Roberts
Texas Water Development Board
Stephen F. Austin Bldg.
1700 N. Congress Avenue
P.O. Box 13231
Austin, Texas 78711-3231

Ref: Water for Texas 2007
Draft State Water Plan

Dear Mr. Roberts:

The North East Texas Regional Water Planning Group (NETRWPG), Region D, has reviewed the Draft of the 2007 State Water Plan and is submitting the included comments. Bucher, Willis & Ratliff Corporation is submitting the comments on behalf of the Region D Planning Group as requested by them at their September 20th, 2006 meeting. As you know the NETRWPG has spent much time and effort dealing with the issues of the development of reservoirs in Region D. The NETRWPG made specific recommendations as to the development of reservoirs in Region D and do not see those recommendations reflected in the Draft of the 2007 State Water Plan. Please give further consideration to the inclusion of those views.

The NETRWPG does recognize that the state's population is growing and therefore the demand for water will rapidly increase. As the State prepares for this growth and increased demand, there is an obligation to see that the rights of the property owners, business owners and the environment are protected in harmony with the projected expansion. The NETRWPG also recognizes that some of the water to meet the projected needs may be allocated from Region D. This recognition does not supersede the requirement to develop the state's existing reservoirs to their fullest potential, exhaust all other avenues of water supply and implement all practical conservation methods so that the development of reservoirs should be the option of "last resort."

The following comments are submitted by the NETRWPG. Recommended changes have been noted in italics.

Volume I Highlights of the 2007 State Water Plan

Page 7: What can we do now?

Change the first sentence to: "...addressing to help implement the state water plan, *protect the environment, protect property ownership rights* and ensure Texas..."

Add the following bullets:

- Address ownership issues
- Address mitigation requirements

Page 11: Issue: Reservoir Site Designation and Acquisition

8140 Walnut Hill Lane | Suite 900
Dallas, TX 75231-4356

Phone 214.373.7873
Fax 214.373.7875
www.bwrcorp.com

Include the recommendation that as "...the Legislature provides a mechanism to acquire viable reservoir sites and possibly associated mitigation areas..." *the Legislature seek to address the property rights of the land owners of Texas and provide a more amenable acquisition policy as to the methods, timing and amount of property acquired for the necessary improvements for reservoir sites and the mitigation of those facilities.*

Page 12: Figure 7, Include on the map with Marvin Nichols Reservoir the following:

"Region D does not concur with the recommendation of Marvin Nichols Reservoir as a water management strategy. It is the position of the Region D Plan that Marvin Nichols Reservoir should not be included in any regional plan or the 2007 State Water Plan due to the significant negative impacts upon environmental factors, agricultural resources and third parties."

Page 12: Text, after the paragraph that ends "...site development of proposed Lake Fastrill." Region D recommends that the following paragraph be added directly afterward:

"In some cases regional differences to a project have come about. For instance, both Region C and Region D plans have determined that the proposed Marvin Nichols Reservoir would have a significant impact on the agricultural and natural resources of the State as per Section 357(a) of the Water Code. Region D determined that Marvin Nichols Reservoir should not be included in any regional water plan or the 2007 State water Plan due to the significant negative impacts upon environmental factors, agricultural resources, natural resources, and third parties."

Page 14: Figure 8, Include on the map with Marvin Nichols Reservoir as a unique reservoir site the following:

"Region D does not concur with the recommendation of Marvin Nichols as a unique reservoir site. It is the position of the Region D Plan that Marvin Nichols Reservoir should not be included in any regional plan or the 2007 State Water Plan due to the significant negative impacts upon environmental factors, agricultural resources and third parties."

Volume II Water for Texas 2007

Chapter 2 Regional Summaries

Page 25: Summary of Region C

Recommend a footnote be added in the Figure C.1.Region C to the Plan Highlights as follows:

"Region D does not concur with the recommendation of Marvin Nichols Reservoir as a water management strategy. It is the position of the Region D Plan that Marvin Nichols Reservoir should not be included in any regional water plan or the 2007 State Water Plan due to the significant negative impacts upon environmental factors, agricultural resources, natural resources and third parties."

Page 26: Ongoing Issues

Recommend the following language be added at the end of the paragraph:

"Region D does not concur with the recommendation of Marvin Nichols Reservoir as a water management strategy. It is the position of the Region D Plan that Marvin Nichols Reservoir should not be included in any regional water plan or the 2007 State Water Plan due to the significant negative impacts upon environmental factors, agricultural resources, natural resources and third parties."

Page 30: SELECT MAJOR WATER STRATEGIES

Recommend a footnote be added to the bottom of this table as follows:

"Region D does not concur with the recommendation of Marvin Nichols Reservoir as a water management strategy. It is the position of the Region D Plan that Marvin Nichols Reservoir should not be included in any regional water plan or the 2007 State Water Plan due to the significant negative impacts upon environmental factors, agricultural resources, natural resources and third parties."

Page 31: Summary of North East Texas Region D

Recommend a footnote be added in the Figure D.1. North East Texas Region to the Plan Highlights as follows:

"Marvin Nichols Reservoir was removed from the 2002 Region D plan due to inadequate protection of the State's water, agricultural and natural resources. It is the position of the Region D Plan that Marvin Nichols Reservoir should not be included in any regional water plan or the 2007 State Water Plan due to the significant negative impacts upon environmental factors, agricultural resources, natural resources and third parties."

Page 34: Ongoing Issues

Recommend the following language be added at the end of the last sentence:

"... the proposed Marvin Nichols Reservoir and that Marvin Nichols Reservoir should not be included in any regional water plan or the 2007 State Water Plan."

Page 34: Select Policy Recommendations

Recommend the following bullets be added to the Select policy Recommendations:

- *Encourage the USACE to review the mitigation practices and requirements to be more friendly to the property owners*
- *Recommend that the establishment of a new reservoir site be the "option of last resort"*

Chapter 6 Surface Water Resources

Page 138: Surface Water Resources Summary

Recommend clarification of the numbers in paragraph 5 and 6. Water amounts are unclear in that the "...existing surface water availability of 13.3 million acre feet" appears to become "...only 9

million acre feet per year of existing surface water supply" in less than 10 years. Is this a real decline, or is it simply a paper decline requiring permit or contract renewals to fix.

Page 155: Sulphur River Basin

Recommend changes be made to the last sentence in the main paragraph and the new sentence be added as follows:

Balancing environmental needs with continued development of surface water supplies is an issue in the basin, *as evidenced by Region D's recommendation against the development of a Marvin Nichols Reservoir in its plan. Further, the Reservoir Yield table on this same page lists Marvin Nichols as "recommended", which does not concur with the Region D plan.*

Page 158: Figure 6.3

The figure 6.3 is intended to indicate the number of structures constructed *annually*, whereas the title may be construed to mean *totally*.

Page 170: Figure 6.10.

The icons above the line "Surface water availability" add to a total of 21.8 million acre-feet. The two icons below that line add to a total of 20.8 million acre-feet. There is the discrepancy of 1 million acre-feet.

Chapter 7 Groundwater Resources

Page 189: Blossom Aquifer Figure

The Aquifer Characteristics at the lower left of the page states that the Well Yield averages 75 gallons per minute which decreases to 75 gallons per minute in western half of aquifer. Recommend reviewing these references as one of the 75 gallons per minute averages seem to be in error.

Page 193: Carrizo-Wilcox Aquifer

The Aquifer Characteristics in the lower left of the page states that the Well Yield is commonly 500 gallons per minute. In Region D much of the formation is outcrop, and 50 gallons per minute would be more likely.

Page 206: Nacatoch Aquifer

Recommend the following change to the main paragraph:

"The City of Commerce historically pumped the greatest amount from the Nacatoch Aquifer but has recently attempted to convert to surface water. However, with Lake Tawakoni presently at historically low levels the City of Commerce continues to pump 30 to 50% of its water from the Nacatoch rendering the Nacatoch supply very important.

Chapter 10 Water Management Strategies

Page 266: Figure 10.5 Recommended new major and minor reservoirs

Recommend a footnote be added in the Figure 10.5 as follows:

"Region D does not concur with the recommendation of Marvin Nichols Reservoir as a water management strategy. It is the position of the Region D Plan that Marvin Nichols Reservoir should not be included in any regional plan or the 2007 State Water Plan due to the significant negative impacts upon environmental factors, agricultural resources and third parties."

Page 268: Figure 10.6 Recommended unique reservoir sites

Recommend a footnote be added in the Figure 10.6 as follows:

"Region D does not concur with the recommendation of Marvin Nichols Reservoir as a water management strategy. It is the position of the Region D Plan that Marvin Nichols Reservoir should not be included in any regional plan or the 2007 State Water Plan due to the significant negative impacts upon environmental factors, agricultural resources and third parties."

Page 274: Table 10.7 Major water conveyances proposed by planning groups

Recommend a footnote be added to Table 10.7 as follows:

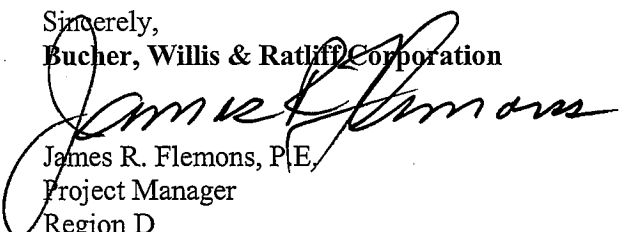
"Region D does not concur with the recommendation of Marvin Nichols Reservoir as a water management strategy. It is the position of the Region D Plan that Marvin Nichols Reservoir should not be included in any regional plan or the 2007 State Water Plan due to the significant negative impacts upon environmental factors, agricultural resources and third parties."

The NETRWPG appreciates the opportunity to comment on the Draft 2007 State Water Plan. It is the Planning Group's hope that the Texas Water Development Board will seriously consider these comments and include the recommended changes in the Final 2007 State Water Plan.

Also attached is a letter with individual comments from Sharron Nabors, a member of the Regional Water Planning Group.

Sincerely,

Bucher, Willis & Ratliff Corporation


James R. Flemons, P.E.
Project Manager
Region D

Cc: Jim Thompson, Chairman Region D
Walt Sears, Executive Administrator, Region D

The following comments are from a Region D Planning Group Member:

Volume I

Page 5: Reuse of water is shown at 370,000 acre feet per year between 2010 and 2060 and on Page 6 and Page 24 additional water reuse is stated to be 1.3 million acre-feet by 2060. Desalination would produce 320,000 acre-feet.

Page 7: Recommend that the legislative recommendations include increasing conservation in existing reservoirs.

Page 7: How was it determined that 85% of population will be without enough water?

Page 8: Again how is it determined that 80% of population will be short of water?

Page 16: Refer to Chapters 15 & 16 of Texas Water Code which already authorizes increasing conservation storage in existing reservoirs.

Page 13: The discussion of acquisition of reservoir sites when there have yet to be determined if they are needed and if studies or permits can be acquired.

Page 11: The Plan only counts 196 major reservoirs and did not mention the total of 440 reservoirs. The total number of usable reservoirs should be indicated.

It should be noted that a lapse in contractual agreements on water supply between entities does not mean the water is not there. It's still in place just paperwork needs to be updated (see page 138). All of Delta County gets water out of a MUD Lake that is less than 5000 acre feet. How many other examples could be sighted?

Page 23: The 2 week notice on amendment changes process is not long enough should be minimum 30 days or layover from 1 meeting to the next to amend the plan.

Page 25: The plan states that desalination promises to deliver substantial amounts of drought proof-water from Gulf of Mexico or the estimated 2.7 Billion acre-feet of brackish ground water. There are numerous references in Texas Water Code & Water Laws other than 1605.1 & 1605.3 that require any State approved Water Plan must protect agriculture & natural resources first.

Volume II

Page 30: Conversion of Wright Patman does not take consideration of raising conservation level and will possibly generate as much as 600,000 acre feet of storage with little expense "close the gates to the dam."

Sharron Nabors
1822 E. Polk
Paris, TX 75460
Lamar County
Region D
Agriculture