

From: "Don Trepagnier" <riosverdes@ev1.net>
To: <bill.roberts@twdb.state.tx.us>
Date: 10/6/2006 11:20:35 AM
Subject: 2007 State Water Plan Comment

October 6, 2006

Mr. Bill Roberts
Texas Water Development Board
P.O. Box 13231
Austin TX 78711-3231
bill.roberts@twdb.state.tx.us

Dear Bill,

Thank You for the opportunity to comment by email on the Texas 2007 State Water Plan. I agree with Ken Kramer's comments printed below from an email to the Texas Riparian Association Listserve dated October 5, 2006. And those of Steve Box printed below Kramer's comments. I will send a copy by snail mail at a later date for verification.

Respectfully Submitted,

Don Trepagnier
Rios Verdes News
Bastrop County, TX

^V^ ^V^ ^V^

note sierra club comments below:

October 5, 2006

Mr. Bill Roberts
Texas Water Development Board
VIA E-MAIL
P. O. Box 13231
Austin, TX 78711-3231

Dear Bill:

Please accept these comments as the formal written comments of the Lone Star Chapter of the Sierra Club on the draft 2007 state water plan, as presented on the TWDB web site and distributed in printed form at the public meetings held around the state in recent weeks. We appreciate the opportunity to provide our input on this document.

Let us note first that we recognize the considerable amount of hard work and effort that has gone into producing the regional water plans that form the core of the draft state plan, and we acknowledge the key role of the TWDB staff in bringing those regional plans and this draft state plan to fruition. We certainly find a wealth of valuable information in the draft state plan about the water resources of this state, which provides the foundation for critical decisions that state, regional, and local officials must make in the coming years.

Unfortunately we are profoundly disappointed in the draft state plan as a whole. In our opinion it represents a failed opportunity to break the state out of a 1950s mindset that favors large reservoirs and other expensive infrastructure as the primary means of addressing water supply demands, despite the huge environmental and financial costs of these approaches.

What Texas needs and deserves is a water plan for the 21st century-one that focuses on conservation, efficiency, management, technological advances, and innovation, and one that recognizes that Texas needs to provide water for people AND the environment. The current draft state water plan is NOT that plan.

We fully recognize that the TWDB takes the position that it does not have the authority to do much more in the state water plan than to take the regional water plans prepared by the 16 regional water planning groups and aggregate them into the state document. We do not agree with TPWD's limited perspective of its role, but we do not foresee a change in TPWD's position. Therefore, frankly, our comments on the draft state water plan are more limited than we might otherwise have provided, and they borrow from earlier comments on the regional water plans. There is not much to be gained by preparing comments on a draft plan that the agency has no intention of changing in any substantive way at this point in the process. Nevertheless we feel that it is important to go on the record with at least some of our major concerns about the draft state plan so that it is clear to decision makers and the general public that the draft plan falls far short of being the comprehensive and forward looking state water plan that our state needs to prepare and implement in order to

provide for continued economic prosperity while preserving and maintaining the natural heritage and quality of life that we Texans value.

I. BACKGROUND AND OVERVIEW

The Sierra Club supports a comprehensive approach to water planning in which all implications of water use and development are considered. Senate Bills 1 and 2 (SB 1, SB 2), and the process they established, have the potential to produce a major, positive change in the way Texans approach water planning. In order to fully realize that potential, water plans must provide sufficient information to ensure that the likely impacts and costs of each potential water management strategy are described and considered in full.

Only with that information can the state plan ensure compliance with the overarching statutory requirement that water management strategies in the plan must be consistent with long-term protection of the state's water resources, agricultural resources, and natural resources. Complying with this charge is essential in order to develop a true plan that is likely to be implemented-as opposed to a list of potential, but expensive and damaging, projects that likely will lead to more controversy than water supply. We feel that such a plan must adhere to the following key principles.

II. KEY PRINCIPLES

A. The State Water Plan Should Maximize Water Efficiency.

We strongly believe that improved efficiency in the use of water must be pursued to the maximum extent reasonable. New provisions included in SB 2 since the first round of planning mandate strengthened consideration of water efficiency. Potentially damaging and expensive new supply sources simply should not be considered unless, and until, all reasonable efforts to improve efficiency have been exhausted. In fact, that approach is now mandated.

We certainly acknowledge the progress made in incorporating water conservation into this draft state water plan, as compared to the 2002 plan. However, much more progress is possible and needed. That is particularly true for the water user groups in the state water plan for which new interbasin transfers are recommended. By state law the entity seeking an interbasin transfer of water must demonstrate "the highest practicable level of water conservation and efficiency achievable." Although interbasin transfers are key water management strategies recommended in this draft plan to meet water demands in certain areas of the state, there is no documentation in the plan that water user groups for which interbasin transfers are recommended are meeting or will achieve the levels of water savings needed to support the authorization of an interbasin transfer of water. Dallas, for example, is one of those water use groups looking to interbasin transfers to meet future water demands, but that city's per capita water use is atrocious (see below) - indicating that it does not meet the "conservation test" for a potential interbasin transfer.

The relative paucity of water conservation in the municipal water use sector in this draft plan is demonstrated by the fact that the anticipated 600,000 acre feet per year of water demands that will be met by water conservation measures by 2060 under this plan represents only about 7.5% of the total projected 8 million acre feet per year of municipal water demands by 2060.

Indeed overall TWDB is projecting that both the state's population and the state's municipal water use are going to double over the next 50 years (2010 to 2060) - which indicates that the agency does not expect any major advances in municipal water conservation over that period that would reduce per capita water consumption.

When one looks at the tremendous progress that a city such as San Antonio has been able to achieve in terms of reductions in per capita water use over a 20 year period, which has basically allowed that city to make do with the same amount of total water use today as it did several decades ago despite having twice as large a population as then, one begins to question why TWDB does not believe that such progress on water conservation is not possible on a statewide basis, if adequately promoted and facilitated. Certainly, the abysmally high per capita water use figures that have been reported recently in the state press - a 210 GPCD in Beaumont in 2004, a 238 GPCD in Dallas, a 286 GPCD in Galveston, a 231 GPCD in Midland - as contrasted to a 150 GPCD in Corpus Christi and a 140 GPCD in San Antonio - shows that there is considerable room for improvement in municipal water efficiency in most areas of the state. A concerted effort for municipal water conservation would achieve much more than 600,000 acre feet per year in municipal water savings by 2060.

B. The State Water Plan Should Limit Nonessential Use During Drought.

Drought management measures aimed at reducing demands during periods of unusually dry conditions are important components of good water management. Senate Bill 2 mandates consideration and inclusion in the regional and state water plans of reasonable levels of drought management as water management strategies. It just makes sense to limit some nonessential uses of water during times of serious shortage instead of spending vast sums of money to develop new supply sources simply to meet those nonessential demands.

Moreover, since SB 1 and subsequent legislation requires major water rights holders and water suppliers to prepare and submit drought contingency plans to the state, it seems absurd that the draft state water plan does not take into consideration those drought plans and anticipated water use reductions during a drought, which would decrease the water "needs" during a drought situation. If you do not take the results of drought contingency plans into account, then you are likely to project a much greater need for additional water supply and infrastructure than is actually the case.

Because drought management measures are not included as water management strategies, the draft state water plan does not comply with applicable requirements. Region H is requesting funds during the third round of regional planning to consider drought management as a water management strategy. We urge TWDB to take a baby step toward using drought management as a water management strategy by funding that effort, which we believe will provide a clear demonstration of the value of this approach.

C. The State Water Plan Must Ensure Environmental Flows.

Although critically important, designing and selecting new water management strategies that minimize adverse impacts on environmental flows is only one aspect of planning to meet environmental flow needs. New requirements

applicable to this round of planning require a quantitative analysis of environmental impacts of water management strategies in order to ensure a more careful consideration of those additional impacts. However, if existing water rights, when fully used, would cause serious disruption of environmental flows resulting in harm to natural resources, merely minimizing additional harm from new strategies would not produce a water plan that is consistent with long-term protection of natural resources or that would protect the economic activities that rely on those natural resources.

Accordingly, environmental flows should be recognized as a water demand, and the state water plan should seek to provide reasonable levels of environmental flows based on best available science. Environmental flows provide critical economic and ecological services that must be maintained to ensure consistency with long-term protection of water resources and natural resources.

We do recognize and applaud the Region H Plan for its identification and incorporation of target environmental inflows for Galveston Bay into the draft Region H plan, although this gets scant mention in the draft state water plan.. We also acknowledge the efforts of the Region H planning consultants to provide a quantitative assessment of the overall impact of all Region H/Region C water management strategies on those target inflows. There are other environmental impacts than just those associated with target inflows, of course, including, as an example, the location of inflows within a bay system.

However, the Region H plan does not provide, with perhaps one exception, quantitative analyses of environmental impacts of the specific proposed water management strategies. Nor do we believe that the Region H plan demonstrates consistency with long-term protection of natural resources or agricultural resources. Unfortunately that is the rule rather than the exception among the regional plans incorporated into the draft state plan. The draft state water plan recommends water management strategies that would result, for example, in the destruction of bottomland hardwoods, wetlands, and other important wildlife habitat and fails to consider the potential implications on oyster beds and productivity in the Galveston Bay system that would result from changes in location and volume of freshwater inflows into that system. Moreover the level of impact analysis done to determine consistency of the regional plans in this state plan with protection of natural and agricultural resources is too limited to allow any consistency determination.

D. The State Water Plan Should Minimize Construction of New Reservoirs.

Because of the associated adverse impacts, new reservoirs should be considered only after existing sources of water, including water efficiency and reuse, are utilized to the maximum extent reasonable. When new reservoirs are considered, adverse impacts to regional economies and natural resources around the reservoir site must be minimized. Regardless of whether the proposed reservoir is located inside or outside the boundaries of the region, reservoir development must be shown to be consistent with long-term protection of the state's water, agricultural, and natural resources.

We believe that the draft state water plan proposes reservoirs that are both unnecessary and inadvisable because they are based on faulty assumptions about water "needs" that result in over-projection of those needs (one example is the philosophy adopted by Region C and others that touts the need for a

'margin of safety" that would provide a much greater water supply than would be warranted by the drought of record scenario).

Moreover, we believe that TWDB is not being upfront in the state water plan about the conflict between Region C and Region D over the proposed Marvin Nichols reservoir on the Sulphur River that Region C wants as a water supply but that Region D adamantly opposes being built within their region. Certainly Region C at the very least has failed the test of adequately considering and addressing the impacts of building such a reservoir on the agricultural, natural, and water resources of Region D.

Further we believe that logic dictates that TWDB remove from the draft state water plan the proposed Fastrill Reservoir on the Neches that will now be precluded by the creation of a national wildlife refuge in the footprint of the proposed reservoir. It makes no sense to continue to include as a key water management strategy a reservoir that will not be built because of a federal action that takes precedence over a state proposal.

Also, we are adamantly opposed to the proposed legislative recommendation in the state water plan that calls for the designation of sites of unique value for the construction of reservoirs - obviously in the first place because we do not consider these reservoirs to be necessary. We also see major problems for landowners in regard to the cloud under which their property in the footprint of a proposed reservoir will exist if such a designation is made, especially well in advance of any effort to acquire and construct the reservoir. Moreover, efforts to acquire properties designated as unique reservoir sites would be a tremendous waste of funds that could best be used for funding major new strides in water efficiency and new technologies for water use.

E. The State Water Plan Should Manage Groundwater Sustainably.

Wherever possible, groundwater resources should be managed on a sustainable basis. Mining groundwater supplies will, in many instances, adversely affect surface water resources and constitute a tremendous disservice to future generations of Texans. Generally speaking, depleting groundwater sources will not be consistent with long-term protection of the state's water resources, natural resources, or agricultural resources. We commend those regions whose regional plans proclaim a commitment to sustainable groundwater yield, but we must recognize that the state water plan does not come to grips with the major questions regarding the future of the Ogallala Aquifer nor do all regions incorporate sustainable groundwater management as a management goal.

Conclusion and Summary

In conclusion we must reiterate that although there are good elements in certain regional water plans incorporated into this draft state plan and although there is much important data on water resources in the draft plan, overall this draft is a major disappointment.

The state is making progress on water issues:

- the consensus between environmental groups and the water supply community on a process for addressing environmental flow needs,

- the furtherance of that work by the Governor's Environmental Flows Advisory Committee,
- the production of the Best Management Practices Guide and the water conservation report and recommendations by the Water Conservation Implementation Task Force of 2003-2004,
- the Water IQ campaign that is beginning to build water awareness among the public and has already had dramatic effects in North Central Texas in reducing water consumption during a serious drought, and
- the remarkable reductions in per capita water consumption that are being achieved in cities such as San Antonio and El Paso, for examples.

But by and large the draft state water plan is still stuck in the rut of:

- overestimating water needs, pushing costly and unnecessary water reservoir and infrastructure projects,
- largely ignoring the environmental impacts of many proposed water management strategies, downplaying the potential for water conservation while giving lip service to its value,
- refusing to recognize the existence of drought contingency plans and what their effective use and implementation could achieve in meeting water needs in times of drought,
- ignoring a number of proposed alternative water management strategies (such as those proposed by the Sierra Club for South Central Texas),
- ignoring the impending crisis in the Ogallala Aquifer region as pumping continues to dramatically outstrip recharge, and
- probably ignoring the public criticism of many of its provisions.

Again, despite some improvements in the plan over previous iterations and despite the promising exploration of certain strategies such as desalination of brackish groundwater, the draft 2007 state water plan more resembles a blueprint for the future from 1957 - the year the Texas Water Development Board was created - than a view of our water needs and strategies for 2057 - or 2060. Texas and Texans deserve better.

Sincerely,

Ken Kramer, Director
Lone Star Chapter, Sierra Club

^v^ ^v^ ^v^

Note: In view of the comments above, and for my own reasons, one of which is that the plan seems more developer driven than ecologically driven, and as a Bastrop County Region K resident, I also concur with the comments of Steve Box as printed below from a post to the Texas Riparian Association Listserv dated October 5, 2006:

Dear Riparians,

FYI: I am reprinting a statement about the State Water Plan below from Steve Box who is working on the new Bastrop County Environmental Network webpage about the Colorado River and the Austin-Bastrop River Corridor Partnership and the newly forming Bastrop-Smithville River Corridor.

Then, below that, Box calls for a Moratorium by the TWDB on any projects that could affect the water quality, river environmental health and groundwater pumpage sustainability until the State Water Plan includes suggested safeguards.

Whether are not should you choose to take any action, reading Box's comments is an education about the issues. I endorse Box's comments and will send them in under my name as well.

As you know, I am opposed to all out-of-basin transfers. To me, when a river has been dried up by its riparian residents it is being managed in an unsustainable fashion. Transferring more water from other basins and/or out-of-watershed groundwater sources would be like feeding a black hole...never ending.

Onward down the river,
Don Trepagnier
Rios Verdes News
Upland Wetland Research &
Sustainable Living
Bastrop County, TX
^V^ ^V^ ^V^

Draft 2007 State Water Plan wastes water, money

Water plan "a wildly expensive wish list that the legislature and the people of Texas should view with great skepticism."

(AUSTIN, TX) The state water development board recently released a draft version of the 2007 state water plan. A coalition of conservation groups has criticized the plan, calling it "a 31-billion dollar boondoggle that, if implemented as written, could leave the state with dry rivers and empty pockets."

The plan calls for the creation of 14 major new reservoirs and relies on unsustainable pumping of groundwater in many areas of the state. The water development board estimates that Texas' population will double by 2060 and that total water demand will increase by twenty-seven percent.

Myron Hess of the National Wildlife Federation said of the plan, "While some regions did a good job, on the whole the draft 2007 State Water Plan is a

squandered opportunity. Instead of focusing on cost-effective solutions with the least impact on our rivers and bays, we've ended up with a wildly expensive wish list that the legislature and the people of Texas should view with great skepticism."

Hess said that while some regions did recommend strong water conservation, many of the regions did not adequately focus on using water more efficiently as a way to meet needs. None of the groups looked at how drought management could reduce non-essential water demands as a way to avoid expensive new water supply projects that would only be needed during drought periods. Each of the 16 regional water-planning groups was responsible for developing their regional plan which was incorporated into the draft state plan.

If fully implemented, the plan could have serious environmental impacts across the state. Excessive groundwater pumping could dry up springs and leave some communities high and dry, without options for the future. During dry periods, many rivers could be left without enough water in them to support fish and wildlife.

Texas' seven major coastal bays could also be impacted. Bays, or estuaries, are where the state's rivers flow into the Gulf of Mexico. These areas support amazing abundance of wildlife-fish, oysters, shrimp, blue crabs, and birds such as the endangered whooping crane. All of this abundance is reliant on an adequate amount of fresh water making it downstream from the rivers into the bay.

"If all the projects in the plan were built," said Hess, "many of Texas' estuary systems could face a serious decline in productivity."

The conservation groups believe the state should create a plan that meets increased water needs with minimal damage to the environment-and to ratepayer's wallets. And whether it is through increased water rates or fees on bottled water or new tap fees, there is only one ultimate source of cash for these proposed big water projects: Texas residents.

Mary Kelly of Environmental Defense explains, "We have to prepare ourselves for droughts like the one we are in today and that means being innovative about how we use water. Letting water sit out in a lake to evaporate during a hot Texas summer isn't a smart approach, especially as climate change could increase statewide temperatures. Using water efficiently is not just cheaper; it is also more reliable. This draft plan, unfortunately, is a 1950s-style solution to a 21st-century problem."

The groups point to the Dallas-Fort Worth area portion of the plan as particularly problematic.

"The Dallas Fort-Worth section of the plan is a perfect storm of bad planning," said Hess. "It fails to include serious water conservation measures and proposes four massive new reservoir projects at a cost of almost \$3.5 billion-even though enough water to meet all projected needs would be available without them."

One of these projects, the proposed Marvin Nichols reservoir in North East Texas, is particularly contentious. It would flood 72,000 acres of farmland

and bottomland hardwood forests. The regional water plan for North East Texas, where the dam would be located, recommends against building the reservoir, but the Texas Water Development Board chose to include the project in the statewide plan.

Jennifer Walker of the Lone Star chapter of the Sierra Club concluded, "We recognize that as Texas grows, some new supplies will be needed. The Water Development Board, water suppliers and the legislature should focus on a balanced set of water management strategies with an increased emphasis on water conservation-the most affordable and secure strategy for the future."

A copy of the 2007 draft state water plan is available at
<http://www.twdb.state.tx.us/home/index.asp>.

^V^ ^V^ ^V^

Citizens concerned about water planning in Region K and the State.

After hearing testimony and reading much of the Region K and State Water Plan I have sent the following letter to the Texas Water Development Board (TWDB) to express my concerns of some key inadequacies in the plan. Though I am very pleased that the State of Texas has taken the initiative to develop a grass roots water plan, it appears that it lacks an adequate consideration of the environmental impacts of the proposed projects and is inadequate in its municipal conservation measures. The TWDB has a responsibility to work with the Regional planning groups to ensure that their planning balances the needs of humans and the environment in a way that protects and conserves our water resources in a manner that provides a sound ecological environment. Unfortunately this plan has not accomplished that base line objective.

If you wish to comment (one way or the other) please submit your comments to Bill Roberts at bill.roberts@twdb.state.tx.us by OCTOBER 6, 2006.

You can find more information on the plan at:
http://www.twdb.state.tx.us/publications/reports/State_Water_Plan/2007/Draft_2007SWP.htm

And view comments by the Sierra Club, National Wildlife Federation and Environmental Defense at <http://www.bcen.org/news.php?id=17>

Thank you for taking the time to participate in this important grass roots stakeholder process.

Steve.

Steve Box
Environmental Steward
Bastrop, TX 78602
512-300-6609
Steve.Box@att.net

TWDB Chairman and Board Members

c/o Bill Roberts
Texas Water Development Board
P. O. Box 13231
Austin, Texas 78711-3231
Sent via: bill.roberts@twddb.state.tx.us

Re: 2007 Draft State Water Plan

Dear Chairman Pittman and Board Members:

Overall I want to express my appreciation for the foresight of the Texas Legislature for establishing this grass roots process for planning for the State's water needs. Water is the life-blood of our great State; enabling the economic development and a high quality lifestyle for its inhabitants - both human and wildlife. I agree whole heartedly with Chairman Pittman that we have a responsibility to ensure that these resources are used to the benefit of both human and environmental needs. To that end I do have a few concerns that I want to voice on behalf of our water resources.

1. Environmental Consideration Inadequate - The State water code requires that we protect the environmental resources of our state in order to provide for a sound ecological environment. It does not appear that adequate attention has been given to this aspect of water planning. Unlike many of the planning processes in this state, there is not a scientific advisory committee that oversees the ecological implications of recommended actions. Until there is adequate scientific input regarding recommended actions and ecologically desirable alternatives there should be a moratorium on any major actions taken by the state, regions, local or private entities that would have an irreversible impact on our groundwaters, rivers, streams, bays or estuaries.

An example of this concern is reflected in the low number of stream segments that are recommended as "unique stream segments" and the associated bottomland hardwood that may be eligible for such a designation. The 2007 water plan should include a listing of all stream segments that have been proposed by the TPWD and others to be considered for this designation along with an evaluation of their ecological value, and a statement about the status of such reviews. Chapter 6 on surface water does not even mention unique stream segments and the risks associated with loss of those segments due to recommended actions. It may be that the Legislature or the TWDB should direct an expedited review of this aspect of the water plan.

2. Municipal Conservation Inadequate - The 2007 water plan does not consider the impact of drought management on water needs and sets inadequate targets for per-capita water use/conservation. To balance water needs of a growing consumptive population against environmental needs and limited supplies in a sustainable manner requires that we change our thinking about water. A healthy respect for water conservation during times of plenty will mitigate against excessively consumptive "needs" during times of drought. For example, if we would have had more aggressive conservation programs during the last three years (going into the current drought) we would have greatly increased the quantity of water available in our existing storage reservoirs and aquifers. Likewise, we would have a consumer population that has a high respects the value of water and that would be more conservation minded going

into the future . whatever that future may hold.

Water conservation must be given a more prominent role in water management to ensure that we do not over-plan our resources. Until the water plan adequately reflects a the benefits of aggressive water conservation in the overall demand for water in times of drought there should be a moratorium on any major actions taken by the state, regions, local or private entities that would have an irreversible impact on our groundwaters, rivers, streams, bays or estuaries.

3. TWDB Role - Though the TWDB is limited in its ability to change, remove or add to regional plans, the board does have a responsibility to bring sound planning processes to the regions that reflect a wise use of our water resources. Unless regional planning meets the baseline criteria of protecting our natural resources and providing a sound (and sustainable) ecological environment while balancing human needs, the process is not meeting the mandate of the legislature. It would appear that the TWDB has a responsibility to take the Regional plans back to the Regions and work with them to develop plans that are balanced and reasonable with minimum damage to the environment that sustains us.

Until the 2007 water plan reflects an iterative process where the concerns raised by the stakeholders in the series of meetings just held are taken back to the Regions for correction at the region level there should be a moratorium on any major actions taken by the state, regions, local or private entities that would have an irreversible impact on our groundwaters, rivers, streams, bays or estuaries.

As such, I strongly encourage the members of this committee to recognize the shortcomings of the current 2007 Draft State Water Plan and remand it back to the Regional planning groups for modification. In doing this I would encourage the TWDB to establish a scientific advisory group to expedite a review of the ecological implications of the plan in order to better advise the Regions regarding their statutory requirement to provide a sound ecological environment for present and future generations of Texan.

Sincerely,

Steve Box
Environmental Steward
Bastrop, TX

CC: <TCFTexas@aol.com>, <Steve.Box@att.net>