

October 5, 2006

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

VIA E-MAIL

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