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TEXAS IN DROUGHT: STATE WATER POLICY

## Behind the scary water headlines

Mary Kelly, former Environmental Defense Fund lawyer who heads the environmental consulting firm Parula, LLC.

By Mary E. Kelly

It's hard to look at any media in Texas today without being confronted by a dire outlook on the state's water future. The jarring effects of a deep drought and the steep price tag attached to the state's water plan definitely make for attention-grabbing copy. But for those who care about sustainable management of our limited water resources, property rights and fiscal discipline in the state budget, it's worth a look behind those headlines.

There is little disagreement that it is time for action. However, instead of throwing money at unnecessary, expensive reservoir projects that would inundate productive private lands, state funding should come with a clear set of priorities that focus on water efficiency, land stewardship and developing the science and technology that we need for a sustainable future.

Layered upon the eye-opening stories of drought are predictions that Texas population may grow by more than 80 percent by 2060. Based on that projection — which may itself be overstated — the state water plan proposes at least \$53 billion in new water supply projects, including over 20 proposed new reservoirs, with half of that cost to be picked up by state taxpayers. The staggering price tag is based on a projected increase in annual statewide water use, from about 14 million acre-feet today to over 22 million acre-feet by 2060 (at current rates of use, an acre-foot is roughly enough water for three Austin households for a year).

Appropriating billions of dollars to “fund the water plan” won't bring the rain our land, lakes, rivers and aquifers need to recover from drought. Instead, we have to recognize the stark, if unpleasant, reality: a growing Texas is faced with the challenge of learning to live within our water limits.

Nevertheless, there is an important role for state funding in moving Texas towards a more sustainable water future. Here is a proposed four-point approach:

First: Get realistic about projected water demand. The Legislature should not take the inflated projections of the water plan as our inevitable fate.

The municipal sector accounts for the bulk of the increased use projected by the state plan. Adding up the forecasts made by regional water planning groups results in a projected 2060

municipal use of 8.4 million acre-feet per year, more than double the 2010 use of 4.1 million acre-feet per year reported by the Texas Water Development Board.

One region of the state (centered on the Dallas Fort Worth Metroplex) accounts for almost a third of the projected municipal water demand increase by 2060. Many cities in the Dallas-Fort Worth area project that each customer will still be using about the same amount of water in 2060 as a customer does today (well over 200 gallons per capita per day). Regional planners then added a 25 percent “contingency factor” to bump up projected demand even further. This contrasts with 2060 per capita projections in El Paso, San Antonio, Houston and other cities of less than 150 gallons per capita per day. Not coincidentally, the DFW region is proposing big-ticket reservoirs and pipelines as necessary to meet demand by 2060.

The legislature should not encourage these and other overinflated demand projections by allocating state funds now for condemning productive private lands for reservoirs that may never be necessary. Instead, the state should be willing to allocate taxpayer funds only to those projects that meet demonstrable, near-term water needs in a cost-effective manner and where local funding is insufficient to pay the project cost. Furthermore, the Legislature should require the Texas Water Development Board to review per capita projections made by the various regions to determine whether or not they are reasonable.

Second: Focus on efficiency. The clear trend over the last couple of decades shows that improved efficiency can help Texas live within its water limits, and efficiency strategies are almost always much cheaper than big new infrastructure projects. If there is going to be state money allocated, a sound fiscal approach means that it should first go to the literally hundreds of conservation strategies identified in the state water plan. We can serve many more people with the same amount of water.

Third: Support private land stewardship that benefits water resources. The farms and ranches at the heart of our state’s natural and cultural heritage give rise to the water flowing in our rivers and filling reservoirs and aquifers. These lands have suffered mightily during the recent extreme drought. The legislature should enact cost-effective, market-based incentives to help private landowners manage their properties in ways that build resilience to drought and enhance overall water supply for all Texans.

Fourth: Invest in the science, technology and institutions we need to sustainably manage water resources now and in the future. State agencies are struggling to maintain basic river flow monitoring and water rights administration; budgets for groundwater science have been cut; and many local groundwater districts lack sufficient resources to do their job well. Investing a reasonable amount of state funds in science and vital state and regional agencies to improve management of water is not frivolous spending, it’s essential to solid 21st century water management.

In addition, the state could spur private sector development of new technology. As innovations in El Paso and other areas have shown, both brackish groundwater desalination and water reuse can greatly ease pressure on limited freshwater resources and help drought-proof communities. Giving a modest boost to research and development in these areas would not only assist in

meeting genuine water needs, it would likely create good-paying jobs and help Texas companies lead the way to better water management across the country.

As the 2013 Legislature tackles the state's many pressing needs, water certainly should be on the agenda. The goal, however, must be a fiscally responsible package that promotes sustainable water management.

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Mary Kelly, founder of environmental consulting firm Parula, LLC, is a water lawyer who provides environmental analysis and advocacy services to non-profits, foundations and other organizations. She previously held various positions with the Environmental Defense Fund.

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