



August 4, 2014

VIA E-FILING

Ms. Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building F
Austin, Texas 78753

Re: Central Texas Water Coalition Comments in Support of Issuance of an Emergency Order to the Lower Colorado River Authority; Agenda Item No. 3; August 6, 2014 Commissioners Agenda (Docket No. 2014-1044-WR)

Dear Ms. Bohac:

On behalf of the Central Texas Water Coalition, Inc. (CTWC), a non-profit organization with approximately 3,000 members, we appreciate the opportunity to submit these comments regarding Agenda Item No. 3 on the Commissioners Agenda of Wednesday, August 6, 2014 regarding the continuation of emergency management of water supplies by the Lower Colorado River Authority (LCRA). We urge the Commissioners to affirm the Executive Director's Emergency Order of July 24, 2014; however, we reiterate that the Emergency Order should be modified to include the use of 1.4 million acre-feet (MAF) as the minimum combined storage volume in Lakes Buchanan and Travis at which releases may be allowed from storage to interruptible customers for the duration of the Emergency Order.

I. Emergency Conditions Continue to Exist. Combined storage amount and lake level data clearly show that the conditions that led to the issuance of the February 2014 Emergency Order (Docket No. 2014-0124-WR) and its renewal in early June have not improved.

Combined Storage in Lakes Travis and Buchanan

Date	Event	Combined Storage (acre-feet)
Dec. 10, 2013	LCRA applies for emergency relief	752,425
Feb. 17, 2014	Evidentiary hearing on requested emergency relief	762,115
Feb. 26, 2014	Commission Agenda on Emergency Order	761,774
June 4, 2014	Commission Agenda on renewal of Emergency Order	789,705
August 4, 2014	Today	762,775

Lake Levels in Lakes Travis and Buchanan

Date	Event	Lake Travis (msl)	Lake Buchanan (msl)
Dec. 10, 2013	LCRA applies for emergency relief	628.11	988.31
Feb. 17, 2014	Evidentiary hearing on requested emergency relief	627.73	989.36
Feb. 26, 2014	Commission Agenda on Emergency Order	627.72	989.34
June 4, 2014	Commission Agenda on renewal of Emergency Order	629.31	990.41
August 4, 2014	Today	627.62	989.49

Lake Travis is full at 1,134,956 acre-feet, and Lake Buchanan is full at 875,588 acre-feet. When these lakes are full, the combined storage is 2,010,544 acre-feet. When this Commission last granted emergency relief to LCRA on June 4, 2014, the lakes stood at 39 percent full. As of today, the combined storage volume has fallen to 38 percent. The numbers clearly show that sporadic heavy rains in Central Texas have failed to produce significant inflows.

Lake Travis is full at an elevation of 681 feet above mean sea level (msl). Lake Buchanan is full at an elevation of 1,020 feet above msl. Despite recent rains, as of today, the lakes remain down more than 53 feet and 30 feet, respectively.

II. Emergency Conditions Continue to Present an Imminent Threat to Public Health and Safety. The Commission may grant emergency relief when it finds, among other things, that emergency conditions exist which present an imminent threat to the public health and safety. Tex. Water Code § 11.139(a). Threats to human health and safety caused by low lake levels and lack of stored water were well-documented in the Proposal for Decision (Findings of Fact Nos. 29a, 31d, 32, 32a, 41a, and 42c-42i) and in the Commission Order issued on February 27, 2014 (Findings of Fact Nos. 44 - 46). These conditions are directly tied to dropping lake levels. As shown in the Lake Levels chart above, lake levels have barely changed since the hearing on the February 2014 Emergency Order or the renewal of that Order -- as of yesterday, Lake Travis' level had decreased by 0.11 feet and Lake Buchanan increased by 0.13 feet.

III. The Commission Should Modify the Emergency Order to Set a Trigger Level of 1.4 MAF. CTWC urges the Commission to reconsider its decision declining to set a level below which releases of stored water for interruptible contract-holders is prohibited. The evidence developed at hearing in February clearly supported the finding by the Administrative Law Judges that "(a)t 1.1. MAF, with a continuation of the current hydrology, lake storage would drop within

approximately one year to emergency levels and continue downward from there. Therefore, a refill amount of at least 1.4 MAF is necessary to avoid a rapid return to emergency levels.” (Proposal for Decision, Finding of Fact No. 30c.). Likewise, the Executive Director’s own recent re-evaluation of appropriate, safe trigger levels under this intense level of drought concluded that a trigger level of 1.4 million-acre feet is necessary to protect firm drinking water supplies. *Draft Naturalized Streamflows Updates and Modeling Report, Colorado River Basin*, p. 7 (May 16, 2014). The Executive Director’s Order should be modified to include the level of protection his staff determined necessary to protect drinking water users.

An appropriate trigger level for potential releases to downstream interruptible customers would provide much-needed assistance to water suppliers and firm water customers along the Highland Lakes. Right now, during perhaps the most critical time for sound water planning in our history, we essentially lack a Water Management Plan foundation upon which to base our plans and projects. For example, the combined storage level at which water may be released from the lakes for interruptible customers downstream is a critical input into the models used to inform water management decisions. The region’s water supply planning activities are on hold at a time when we should be moving forward.

IV. A Hearing on this Renewal is Unnecessary and Would be Unduly Burdensome. The issues under consideration for this Agenda item were the subject of the hearing before the State Office of Administrative Hearings in February 2014. Information arising since that time was provided in the LCRA’s May 5, 2014 application for renewal of the February Emergency Order and in the LCRA’s July 3, 2014 application for this Emergency Order. Additional information can be adequately communicated to the Commission through written and oral comments -- another evidentiary hearing on this request, at this time, would be extremely costly and time-consuming and would not provide a corresponding level of utility.

V. The ED Should Explore Alternatives to Short-Term Emergency Orders. As the Commission knows, LCRA’s management of 1.5 million acre-feet of water rights in Lakes Buchanan and Travis has been governed by a continuing series of TCEQ emergency orders for the last three years. Clearly, such a method of water management is less than ideal for everyone involved. CTWC agrees with the LCRA and the TCEQ that reverting to the flawed 2010 Water Management Plan is unacceptable. At the same time, in the interest of using the time and resources of all parties wisely, and allowing all parties to focus on the upcoming revisions to the existing Water Management Plan, CTWC respectfully requests the agency to consider a Temporary Amendment to LCRA’s existing Water Management Plan. A Temporary Amendment would address only the most essential provisions within the 2010 Water Management Plan, much like the provisions included in TCEQ’s emergency orders, and it would be effective for a finite period of time (not to extend beyond the date that the next Water Management Plan becomes effective).

Emergency orders are not intended to be a long-term solution to an ongoing problem, and operating under the LCRA’s 2010 Water Management Plan at this time of historic drought would

be disastrous. CTWC urges the Commission to direct the Executive Director to explore options for a tailored, short-term water management plan to remain in place until the revised Water Management Plan goes into effect.

VI. Conclusion. For the reasons discussed above, CTWC respectfully requests that the Commission affirm the Executive Director's Emergency Order, but modify the Order to reflect a trigger level of 1.4 million acre-feet for releases to interruptible contract-holders. Further, CTWC requests that the Commission direct the Executive Director to explore options for a temporary, interim TCEQ authorization for LCRA's management of its water rights in the Highland Lakes in a manner that will bridge the gap until an updated Water Management Plan is ready for use.

If you have any questions, please feel free to contact me at 512.755.4805.

Sincerely,

Jo Karr Tedder

Jo Karr Tedder
President, Central Texas Water Coalition

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Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has. Margaret Mead