



March 2, 2015

VIA E-FILING

Ms. Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Central Texas Water Coalition Comments in Support of Issuance of an Emergency Order to the Lower Colorado River Authority; Agenda Item No. 8; March 4, 2015 Commissioners Agenda (Docket No. 2015-0219-WR)

Dear Ms. Bohac:

On behalf of the Central Texas Water Coalition, Inc. (CTWC), thank you for the opportunity to submit these comments regarding Agenda Item No. 8 on the Commissioners Agenda of Wednesday, March 4, 2015: the Emergency Order amending the Instream Flow Provisions for the Blue Sucker in the Lower Colorado River Authority's (LCRA's) 2010 Water Management Plan (Permit No. 5838). The CTWC urges the Commissioners to affirm the Executive Director's Emergency Order of February 18, 2015.

CTWC is a nonprofit organization that advocates for the preservation and conservation of the Highland Lakes' water supply for the benefit of human health and safety. Our organization includes municipal water suppliers and domestic water users who hold firm water contracts from LCRA for use of water from the Highland Lakes, as well as other entities and individuals that rely upon the presence of water in Lakes Buchanan and Travis for their health and welfare. In our view, the factual information provided to the TCEQ in LCRA's request for emergency relief dated December 22, 2014 presented a clear and convincing basis for emergency relief. In addition, LCRA's pending request for emergency relief reflects a reasonable, responsible, and scientifically justified effort to preserve and protect the water supplies it manages under its state-issued water rights.

In response to LCRA's request, the Executive Director's issuance of the February 18, 2015 Emergency Order was clearly justified and satisfies all of the legal requirements for issuance of this emergency relief. We concur with the Executive Director's conclusions that this request for emergency relief will help meet the clearly identified needs of LCRA's firm water customers; therefore, it constitutes a benefit to the public welfare. There is no doubt that public water supplies in Lakes Buchanan and Travis have been reduced to critical levels as a result of the severe and sustained drought we are experiencing in Central Texas, and there are no feasible, practicable alternatives to the proposed reduction in the current instream flow requirements authorized by this Order.

For all of these reasons, the CTWC urges the Commission to affirm the Emergency Order relating to the instream flow provisions for the blue sucker. In addition, we ask the Commission to correct one of the Findings of Fact in this Order. Specifically, it appears that Finding of Fact No. 67 (on Page 12 of the Executive Director’s Order) inadvertently included the word “release” in the second sentence of that Finding, instead of the word “maintain.” In other words, Finding of Fact No. 67 should be corrected to read as follows:

67. “LCRA states that this emergency order will not reduce the overall firm commitment of water for instream flows included in LCRA’s 2010 WMP. The requirement to maintain ~~release~~ a minimum continuous flow of 120 cfs from Bastrop to Eagle Lake at all times would remain.”

This correction should avoid any suggestion that the LCRA must continuously release stored water from the lakes in order to meet the minimum instream flow requirements. Instead, the LCRA may not need to release stored water when the instream flows are sufficient under ambient conditions.

In conclusion, the CTWC appreciates the efforts of the LCRA, the TCEQ, and the Texas Parks and Wildlife Department in applying sound science to this issue involving instream flows under the LCRA’s 2010 Water Management Plan. We respectfully request that the Commission affirm the Executive Director’s Emergency Order approving a reduction in instream flow requirements for the short duration specified in the Order. To avoid confusion, we also ask that Finding of Fact No. 67 be clarified as suggested above.

Thank you for your attention to these critically important issues during this historic drought.

Sincerely,

Jo Karr Tedder

Jo Karr Tedder, President
Central Texas Water Coalition

CENTRAL TEXAS WATER COALITION
P O BOX 328, SPICEWOOD, TX 78669
www.CentralTexasWaterCoalition.org

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