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May 14, 2012

Charlotte Horn, MC-205
Office of Legal Services
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas, 78711-3087

RE: Rule Project Number 2011-059-298-OW

The Hill Country Alliance (HCA) respectfully submits the following comments regarding the Environmental Flows Draft Rule Proposal for the Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays, and the Colorado and Lavaca Rivers and Matagorda and Lavaca Bays.

HCA is a 501c3 non-profit whose mission is *"to bring together an ever-expanding alliance of groups throughout a multi-county region of Central Texas with the long-term objective of preserving open spaces, water supply, water quality, and the unique character of the Texas Hill Country."*

HCA has been attuned to this process for a long time. Advisory Board member and Water Team member David K. Langford was one of nine appointees who served on the Governor's Environmental Flows Advisory Committee in the Interim between '05 and '07, when the whole SB 3 process was defined. The following comments were drafted collaboratively by members of our Water Team and Technical Team on behalf of HCA:

We applaud the Legislative intent of SB3 to create a stakeholder process unique for each river basin to explore and resolve water resource conflicts. We also appreciate the time, resources and energy that has been spent to-date, gathering information and building consensus. Many HCA leaders have personally given numerous hours of time toward this process. We urge the TCEQ to honor recommendations given to you by the stakeholder groups. If the stakeholder decisions are ignored, conflicts will not only continue but are more likely to intensify.

As stated in the San Antonio Express News, "The TCEQ representatives explained that they did not follow the recommendations of the stakeholders, which represented industrial, recreational, environmental and business interests, because they had balanced the needs of humans and nature."

Science shows that in order to maintain a sound ecological environment, rivers require multiple tiers of base flows, high flow pulses, and overbank flows. Both the BBEST and BBASC recommendations called for protection of these flows. However, TCEQ staff proposed rules have eliminated the multi-tiered base flows, several of the high flow pulses, and all overbank flows.

The rules proposed by staff have dismissed major aspects of the stakeholder recommendations, recommendations based in part from hydrological and ecological conclusions and analyses provided by the Basin and Bays Expert Science Team. TCEQ staff has not provided adequate scientific justification for how these proposed rules will protect a sound ecological environment.

The TCEQ Rules as proposed, suggest to stakeholders that their efforts have been wasted – such actions provide no incentive for stakeholder participation in the future. HCA believes that sincere stakeholder involvement is essential for the future Texas.

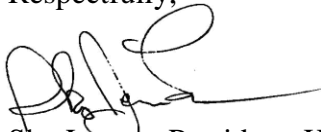
We encourage you consider the guiding principles and values of HCA and let these ideas lead you and inspire you:

- ✓ Encourage responsible water practices – The economy of the Hill Country and land values are dependent upon the water needs of today being balanced among current users, e.g. ranchers, development and the environment, in such a way that does no harm to the streams and aquifers.
- ✓ Inform the friends of the Hill Country – A key to solving our region's challenges is to work collaboratively with all interested stakeholders in order to make readily available honest and fair information, along with opportunities for participation in decisions.
- ✓ Nurture unified support for innovative policy changes – While the actions needed to sustain the Hill Country's natural features vary across the region – from the rapidly urbanizing southern and eastern portions, to the vast open spaces on the western and northern edges – there is a shared interest in respecting private property rights and encouraging locally grown solutions to complex issues through education.
- ✓ Support economic development that is compatible with the Hill Country's unique features – A key to keeping our Hill Country a special place for generations to come is to promote sources of income for landowners and businesses so that ensuing generations are motivated to keep ranches intact and small towns functional.

HCA urges the TCEQ not to adopt the rules as written and proposed by TCEQ staff. Please move forward with the recommendations given to you by the dedicated regional stakeholder groups.

Thank you for your commitment to public service,

Respectfully,



Sky Lewey, President, Hill Country Alliance



Christy Muse, Executive Director, Hill Country Alliance

cc:

TCEQ Commissioners:

Bryan W. Shaw, Ph.D., Chairman

Carlos Rubinstein, Commissioner

Toby Baker, Commissioner

Environmental Flows Advisory Group:

Senator Troy Fraser, Co-presiding Officer

Representative Allan Ritter, Co-presiding Officer

Senator Glenn Hegar, Jr.

Senator Joan Huffman

Representative Jodie Laubenberg

Representative Doug Miller

Mr. Joe M. Crutcher, Texas Water Development Board

Commissioner Karen Hixon, Texas Parks and Wildlife Commission

Commissioner Carlos Rubinstein, Texas Commission on Environmental Quality

Committee on Natural Resources
Texas House of Representatives
Robert R. Puente
CHAIRMAN

February 1, 2007

PUENTE FILES TEXAS RIVER AND BAY PROTECTION BILL

*House Bill 3 provides long-term protection for Texas river levels
and the ecological balance of Texas bays and estuaries*

(Austin, TX) – House Natural Resources Chairman and State Representative Robert Puente (D-San Antonio) filed legislation today in the Texas House that will help protect water levels in Texas rivers and the ecological balance of our bays and estuaries. “The water that flows through our rivers and into our bays is one of our most important natural resources and must be protected for future generations,” Puente said.

“Current water projections point to a strain on our water supply, possibly upsetting the delicate ecological balance in bays and estuaries and impacting public consumption needs, water recreation and coastline fishing economies,” Puente said. “State law does not currently provide long-term basin-by-basin study and protection for our state river levels, and this bill ensures that proposed water permit applications are evaluated for their impact on water levels, the environment and public needs.”

The issue is widely recognized by environmental and water groups across Texas. Greg Rothe, general manager of the San Antonio River Authority and president of the Texas Water Conservation Association (www.twca.org), a water conservation association representing the full spectrum of water users says, “this bill will provide needed certainty for both the environment and our water supply needs.”

Puente said that his legislation will provide a more consistent water management policy and mark a momentous step forward in environmental protection, directing the Texas Commission on Environmental Quality (TCEQ) to adopt environmental flow standards for each river basin and bay in the state and determine the amount of unappropriated water to be set aside to meet flow needs.

According to Puente, the legislation recognizes that each region has unique characteristics and needs, providing a mechanism for local communities to be directly engaged in the decision-making process. Under HB 3, local stakeholder groups would provide input and guidance to the TCEQ prior to the adoption of any standards or set-asides. The science behind the standards would be developed through local science teams composed of scientists with expertise regarding the particular basin. A statewide science team would coordinate and ensure consistency in environmental flow activities throughout the state.

House Speaker Tom Craddick (R-Midland) supports the effort by Puente to provide long-term protection of Texas rivers, bays and estuaries. “I first carried legislation to address this issue twenty-two years ago and am very glad to see Chairman Puente moving forward with additional protections,” Craddick said. “This is extremely important for our environment, our quality of life and for Texas recreation and fishing industries that depend on water flowing through our state’s rivers. I appreciate the time and effort Chairman Puente has put into this issue over the years and look forward to consideration of this bill by the House.”

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