

KEY MESSAGES of the Lower Colorado River Basin Coalition

- We join together to say, “Do not shut off the Colorado River downstream of Austin.”
- A severe drought continues to grip Central Texas negatively affecting us all, but it is simply not true that there is a shortage of drinking water among LCRA's firm customers .
- The Emergency Order sets an unprecedented 1.1 million acre-foot trigger for interruptible release – over 50 percent of combined storage in the lakes. This trigger creates a first-time, unparalleled minimum recreational pool level designed to meet the very public demands of Highland Lakes area residents, and thereby sets a dangerous precedent affecting other releases as well as state water planning processes.
- The Emergency Order as proposed does not equitably share the sacrifice across all LCRA water users within the basin. Virtually all of the burden falls unfairly on the lower basin by cutting off water below Longhorn Dam from eastern Travis County to Matagorda Bay. Even after reservoir levels have greatly recovered or have filled to capacity, the Emergency Order continues to cut off interruptible water for irrigation and environmental flows, and never turns it back on again.
- In most true emergency situations, as has happened in other areas of the state, communities cut off all non-essential outdoor watering, including lawns. We fully expect similar mandatory water conservation in the face of an emergency.
- On its current course, this Emergency Order threatens to decimate the river, wetlands, estuaries, bays and near Gulf, creating an environmental and economic catastrophe.
- If TCEQ moves forward with the findings of fact they now have in the Emergency Order, the agency in effect reveals that the firm yield of the lakes is lower than LCRA has been using to determine water availability, because they are using raw water intakes at levels well above available water to justify an emergency (see attachment, I-8).
- We respectfully urge the Commission to reject the triggers requested in this Emergency Order. We would have preferred that the needs of all users had been considered in a fair manner and that basin-wide shared sacrifice had been achieved through a collaborative stakeholder process. We believe that in the absence of that process the order must revert back to the conditions that were last hammered out through such a process – that being the 2012 Emergency Order.

OTHER SUPPORTING POINTS FOR REFERENCE

I. The Provisions Of The Emergency Order Requested By LCRA Are Unjustified

- 1) Previous emergency orders, using a 850,000 acre-feet trigger level, have prevented reservoir levels from falling below 600,000 acre-feet and, thus, prevented the declaration of a drought worse than the drought of record despite experiencing extremely low reservoir inflow levels for multiple years.
- 2) Even at 600,000 ac-ft lake levels, or slightly below, firm customers will NOT be running out of water. Both the LCRA and the City of Austin have acknowledged that.
- 3) In the unlikely event that firm water customers were to have their water use curtailed by 20 percent, that could largely, if not entirely, be achieved by limiting non-essential outdoor water use and would not imperil public health or safety.
- 4) In a presentation before the Austin City Council on October 3, 2013, the Austin Water Utility director advised that if the Lakes reach 600,000 acre-feet, there is still water for the City of Austin and firm customers. Reaching 600,000 acre-feet does not constitute a lack of drinking water but rather a 20% curtailment trigger. Curtailment does not equal running out of water, and the presentation notes that Austin was already meeting their 20% curtailment with current measures.
- 5) Lower basin interests have suffered greatly during the last two years with the imposition of emergency orders using an 850,000 acre-feet trigger level even though they did not oppose the orders. Basin stakeholders downstream of Longhorn Dam have accepted those adverse impacts to local economies and the environment in recognition of the need for shared sacrifice.
- 6) The request for use of a 1.1 million ac-ft trigger and imposing interruptible curtailments all the way up to and inclusive of a lakes full condition is patently unfair and is simply not justified in response to current conditions, and can only be construed as an attempt to maintain water in the lakes at minimum recreational and property value friendly levels to the detriment of the entire lower portion of the river basin.
- 7) The LCRA approved the sale of additional firm water at the January 2014 Board meeting. If there is truly a water emergency occurring in this basin, how can the LCRA approve firm water contracts?
- 8) If TCEQ moves forward with the findings of fact they now have in the Emergency Order, the agency is in effect saying that the firm yield of the lakes is actually lower than LCRA

has been using to determine water availability. The highest water intake pipes for raw water customers not on LCRA utilities are being used to de facto justify the emergency.

II. Decisions Must Be Made With The Welfare Of The Entire LCRA Service Area In Mind

- 1) Previously, major changes to LCRA water management plans have been made through a thoughtful stakeholder processes. The imposition of a 1.1 million acre-feet trigger and new allocation formula is not justified to respond to the current situation, and that type of reprioritization should not be imposed on an emergency basis outside of the stakeholder process.
- 2) The requested emergency order would largely shut off the river below the Longhorn Dam from storage releases even if there are very large inflows to the reservoirs. This unfairly impacts the river itself and all communities and businesses downstream in eastern Travis, Bastrop, Fayette, Colorado, Wharton and Matagorda counties.
- 3) Effectively shutting off the river at Longhorn Dam would unnecessarily create an economic emergency for communities downstream and an environmental emergency for the river and the bay. We join other downstream interests to say, "Do not shut off the Colorado River downstream of Austin."
- 4) The Colorado River connects us. The 600-mile stretch of the Colorado River managed by the LCRA provides the life-blood for over one million Texans over multiple counties through urban and rural areas and supports various local economies valued at well over one hundred billion dollars.
- 5) The LCRA and TCEQ are obligated to act in consideration of the well-being of the entire basin and the economies of the entire basin.
- 6) The continued curtailment of water released to the Lower Basin will further impact not only the local economies but also negatively impact the school districts located in the Basin. The loss of jobs in the rice related industries causes a reduction in student populations due to the necessary relocation of families. State funding for schools is determined by WADA (Weighted Average Daily Attendance). A loss in enrollment causes a loss in State funding on which all districts depend. A loss of acreage in production causes the taxable value of land to be reduced by as much as 70% when taken out of production and placed in pasture which is currently the only alternative. Local property taxes collected by the Lower Basin districts will be dramatically impacted. The impacts

are far reaching and affect not only the farmers and businesses in our communities but also the children and their futures.

- 7) The LCRA Board and staff have previously balanced water use and the interests of users across the basin. However, the current LCRA Emergency Order request to suspend water releases to rice farmers for a third year with a dramatically raised trigger level and allocation process is not in keeping with previous actions of the LCRA or fairness across the basin.
- 8) The LCRA Board, before voting to seek the requested emergency order, rejected a proposal to establish an accelerated stakeholder process—the sort of process which has long been the basis for water management revisions—aimed at developing a more balanced request, and then subsequently indicated in its application to TCEQ that action wasn't needed before the end of February.
- 9) The river and water does not just belong to LCRA's firm customers. Water resources must be shared across the basin for all users, including those from eastern Travis County to Matagorda Bay.

III. Political Pressure

- 1) We want to thank those LCRA Board members that in a close vote did not “cave in” to political pressure from Highland Lakes interests and rather argued for balanced use and shared sacrifice across the entire basin.
- 2) The LCRA Board has—under intense political pressure —essentially punted the hard decisions and rational and unbiased review of water management policies to the TCEQ. The TCEQ must now stand up for all residents and communities in the basin and must not allow this request to set a dangerous statewide precedent for other basins.

IV. Recreational Pool

- 1) Lakes Travis and Buchanan are water supply lakes, and historically designed and designed to vary in depth to meet the region's water management and water supply for the entire basin. These lakes were NOT designed to retain water at minimum recreational pool levels (at over 50% reservoir capacity) as requested under the current LCRA “emergency” request designed to meet the very public demands of Highland Lakes area residents. Therefore, the 2014 Emergency Order changes the mission of the LCRA from a catch and release water management operation to catch and recreate management style.

- 2) The Highland Lakes community representatives have publicly stated repeatedly their desire to kill the rice industry as well as launch a very public campaign to generate political pressure to hold higher lake pool levels for recreational use.

V. State Water Plan and Regional Planning

- 1) Texas' State Water Plan developed by the Texas legislature through SB 1, SB 2, and SB 3 and by regional planning, and the most recent State Water Plan approved by the Texas Water Development Board and the Texas legislature supports state water code that agricultural use is a priority use preference over recreational use, of which the 1.1 million ac-ft trigger and mandated recreational pool clearly stands in violation.
- 2) The 1.1 million ac-ft trigger is harmful to regional and state water planning. The reservation of water for recreational pool levels would remove critically needed water supplies from those already short supplies that are depended upon for meeting both present and future water demands. The water lost to these recreational pools would have to be made up with new supplies. The money that Texas has set aside to help develop new water supplies will end up being wastefully spent to merely replace the water removed from the supply by recreational pool levels if this effort is not stopped now

VI. Non-Essential Water Use

- 1) The LCRA Board recommended restricting lawn watering to once/week for 15 hours/day (although not contained within the Emergency Order request, and therefore may not be guaranteed or obliged to do this) while contending there is an emergency, and we contend a shared sacrifice must be felt across the basin to meet the threshold for "emergency" status.
- 2) If interruptible water for rice farmers and the environmental flows are cut off at 1.1 million acre-feet then ALL NON-ESSENTIAL OUTDOOR WATER USE, INCLUDING ALL LAWN WATERING, should be similarly managed and terminated at the 1.1 million acre-foot trigger level.
- 3) An "emergency" river cut off injures the economy of the lower basin below Longhorn Dam, while continued lawn watering merely allows the city of Austin and other communities to make their annual budgets off their lawn watering revenue.

VII. Impacts downstream of Longhorn Dam

- 1) Approval of the Emergency Order, with the trigger level requested by LCRA, would unfairly burden and threaten the long-term health and public safety of downstream communities, many of whom depend upon the river.
- 2) Sufficient downstream flows are necessary to maintain water quality. Without agricultural releases, there isn't the necessary flow to provide water recharge to maintain water quantity and quality.
- 3) The cut-off of water below Longhorn Dam raises the prospect of significant groundwater drawdowns in the 5 1/2 counties in the impact zone due to minimal recharge from the river itself, and farmers, municipalities and industries now meeting all their needs from groundwater sources.

VIII. Natural Resources and the Environment

- 1) Approval of the requested Emergency Order with the 1.1 million acre-feet trigger and entire new interruptible water allocation formula would unjustifiably put at risk the ecosystem that supports the health of fish and wildlife in the Colorado River and Matagorda Bay, including state and federal endangered species. These natural systems are integral to the economic viability of communities downstream of the Longhorn Dam and the entire Texas Gulf Coastal Bend Region. Water made available for interruptible use for agriculture also provides critical environmental benefits.
- 2) The LCRA Board voted 9-6 in September 2013 to request an Emergency Order to cut off even the small amount of firm water allocated to provide environmental flows to Matagorda Bay, and it was initially part of the Board's draft proposal for this Emergency Order. Although that aspect was deleted following rains in Austin and the lower basin, we fully expect the LCRA Board may again try to cut off any water from the Highland Lakes for Matagorda Bay and that is unacceptable.
- 3) The terms of the LCRA Emergency Order would have the effect of depriving the Colorado River and Matagorda Bay of any releases of interruptible water for environmental purposes even if the reservoirs were to be filled by heavy rains.
- 4) Maintaining a reasonable level of reliable flow of water in the Colorado River, below Longhorn Dam in Austin, is essential for maintaining the health and vitality of sensitive ecosystems and the failure to do so, has the alarming potential to do great harm to the environment and the terrestrial and aquatic/marine resources from eastern Travis County all the way to Matagorda Bay.

- 5) The lack of deep water and high-velocity flows that are provided by water releases for rice irrigation will negatively affect the reproductive capabilities of the state protected 'threatened' blue sucker.
- 6) The nutrient-enriched nursery grounds, in our bays and estuaries, are critical for sustaining larval and juvenile marine species that contribute heavily to our economically critical recreational and commercial fisheries. These nursery areas will greatly shrink, as will areas of favorable salinity levels that help protect organisms like oysters from predators and devastating diseases, when inflows become meager or non-existent.
- 7) The lack of adequate flows along the 288-mile reach of the Colorado River (Austin to Matagorda), and the lack of nutrient (i.e., plankton-feeding)- and sediment-laden (i.e., marsh-building) freshwater flowing into the Matagorda Bay estuary system, will also displace many species of birds as their food supply is diminished.
- 8) Science affirms that rice fields produce more than just a commodity crop, and the Texas Mid-coast rice prairie wetlands complex is an essential ecosystem that supports over 200 species of wildlife and is critically important to waterfowl, shorebirds, wading birds and other wetland-dependent wildlife.
- 9) Ricelands within LCRA irrigation operations provide almost 50% of the energy required by wintering waterfowl on the Texas Mid-Coast, and for every 10,000 acre decline in rice acreage, we lose the ability to support 120,000 wintering waterfowl. Thus, the reduction of over 50,000 acres of rice in 2012 and 2013, and potentially 2014 within LCRA's Irrigation Districts reduces the ability of the Texas Mid-Coast to support wintering waterfowl by approximately 600,000 birds, representing 31% of the Texas Mid-Coast wintering population objective.
- 10) It is estimated that >4,800, 000 shorebirds use inland/managed habitats, such as wet agricultural fields, in the Gulf Coast Joint Venture region during fall migration (from the U.S. Shorebird Conservation Plan, analysis of landcover data, and expert opinion).

IX. Feeding the World versus Recreating and Watering Lawns

- 1) Texas rice helps to feed the human population both here and around the world. The 50,000 acres of lost rice production resulting from each of the previous emergency orders results in the loss of about 540 million pounds of food production in each of those years. That much rice represents enough food calories to feed about 805,000 people for a full year – that is almost the entire population of the City of Austin.

- 2) The absence of that much rice from the human food supply ultimately affects everyone as it causes reactions throughout the food supply chain affecting other food commodities that must be utilized to take up the slack. Texas already produces only about 60% of its food consumption by weight, and this rice production loss only exacerbates that food production deficit.
- 3) How can it be right to remove a critical commodity from the human food supply for the purpose of reserving recreational pools in water supply lakes?

X. Final Points

- 1) We respectfully urge the commissioners of the Texas Environmental Quality Commission to reject this requested Emergency Order as submitted by the LCRA that drastically, unfairly, and ill-advisedly raises the emergency threshold for interruptible water release above the levels that were previously approved in 2012 and 2013. Those previous levels were detrimental to downstream interests, but were not opposed because they appeared to be based upon logic and scientific data, as well as stakeholder input.
- 2) We would have preferred that the needs of all users had been considered in a fair manner and that basin-wide shared sacrifice had been achieved through a collaborative stakeholder process. We believe that in the absence of that process the order must revert back to the conditions that were last hammered out through such a process – that being the 2012 Emergency Order.