



8

Recommendations for
Unique Stream Segments,
Unique Reservoir Sites, and
Other Legislative Policy
Recommendations



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8 Recommendations for Unique Stream Segments, Unique Reservoir Sites, and Other Legislative Policy Recommendations

8.1 Recommendations Concerning River and Stream Segments Having Unique Ecological Value

Regional water planning groups are given the option of designating stream segments having “unique ecological value” within their planning areas. Five criteria are utilized to identify such segments:

1. Biological Function:

- Quantity (acreage or areal extent of habitat), and
- Quality (biodiversity, age, uniqueness).

2. Hydrologic Function:

- Water Quality,
- Flood Attenuation and Flow Stabilization, and
- Groundwater Recharge and Discharge.

3. Occurrence of Riparian Conservation Areas.

4. Occurrence of High Water Quality, Exceptional Aquatic Life or High Aesthetic Value.

5. Occurrence of Threatened or Endangered Species and/or Unique Communities.

The Brazos G RWPG has chosen not to designate any stream segments as having unique ecological value.

8.2 Recommendations Concerning Sites Uniquely Suited for Reservoir Construction

The Brazos G RWPG has chosen to identify the following five sites as uniquely suited for reservoir construction. Each of these sites is associated with a request by a potential local project sponsor to include the project as a recommended or alternative water management strategy in the 2016 Plan.

- Cedar Ridge Reservoir (City of Abilene),
- Turkey Peak Reservoir (Palo Pinto County Municipal Water District No. 1),
- Millers Creek Off-Channel Reservoir (North Central Texas Municipal Water District),
- Brushy Creek Reservoir (City of Marlin), and
- Coryell County Off-Channel Reservoir (Coryell County).

8.3 Legislative and Policy Recommendations

The Brazos G Regional Water Planning Group (Brazos G) established a Water Policy Workgroup to discuss various issues concerning State water policy and to formulate proposed positions for the planning group to consider for recommendation to the TWDB and the Texas Legislature. As the population and economic demands grow, water supplies become more stressed. These developments coupled with recent drought conditions make it increasingly important for water planning groups to consider diverse water management strategies.

Regional water planning rules require use of the Texas Commission on Environmental Quality (TCEQ) Water Availability Models in determining surface water supply availability. The period of record for most existing TCEQ Water Availability Models ends with the year 1997. In some parts of the State, and possibly in some portions of the Brazos River Basin, hydrologic conditions since 1997 may be worse than conditions experienced prior to 1997. Therefore, firm water availability from existing surface water supply sources and from new surface water supply strategies may be overstated. As a result, water shortages may exist that are not apparent in the regional and State water plans. Brazos G considers it prudent to explore alternatives to the historic drought of record for water planning purposes. As more diverse water management planning strategies are developed alternative water planning measurements may include firm yield, safe yield and/or operational yield as appropriate. In addition, the water planning process requires coordination with agencies such as the TCEQ and the TWDB. These agencies need sufficient funding and staffing in order to assist water planning groups in fulfilling their water planning mission. Also, funding should be provided for TCEQ to update the hydrology for all Water Availability Models (WAMs) to extend through 2016 to account for the ongoing drought with additional funding for regular maintenance updates.

Brazos G will promote water development policies that support efforts to protect both groundwater and surface water sources by encouraging sound practices that will not adversely affect water supply or quality. We support other agencies and organizations in their efforts to encourage responsible land management and will oppose any practice or action in our watersheds or recharge zones that could adversely affect our water resources. Maintaining our watershed health, economic sustainability, and community viability are all critical elements in our water planning efforts. Protecting source water and sensible stewardship of the areas adjacent to and around river basins, sensitive sub-basins, aquifers, and recharge zones is essential for maintaining these resources for present and future needs.

For the 2016 Plan, the Water Policy Workgroup revisited several legislative and water policy recommendations that had been incorporated into the 2006 Plan. The Water Policy Workgroup also reviewed the specific legislative and water policy recommendations that had been incorporated into the 2011 Plan. The Water Policy Workgroup offered specific revised recommendations to the full planning group for consideration.

Brazos G offers the following specific recommendations concerning State water policy to the TWDB and the Texas Legislature.



Issue #1: Streamlining the Permitting Processes for Project Implementation (Briggs Recommendation)

*“Brazos G recommends that the Legislature direct all State agencies involved in planning and/or permitting water projects to streamline the process of evaluating, approving, permitting, and funding in order to allow timely project implementation. **Permitting timelines are a critical factor in the development of new resources. The ability to timely develop new sources, consistent with adopted plan strategies, is a major element of meeting State water demands.** The amount of time required to gain approval for surface water projects is just one example of the need for more streamlined processes.”*

Issue #2: Plan Implementation (Committee Reviewed- No Change 6-27-19)

“Brazos G recognizes the need for expeditious implementation of the State Water Plan facilitated by the use of the State Water Implementation Fund for Texas (SWIFT).”

Issue #3: Coordination between Regional Water Planning Groups and Groundwater Conservation Districts (Committee Reviewed and Accepted 6-27-19)

“Brazos G is committed to working cooperatively with Groundwater Conservation Districts (GCDs) and Groundwater Management Areas (GMAs) when developing the Regional Plan. The GCDs are requested to review water demand and population projections numbers for their respective Districts and comment accordingly.

Brazos G recognizes, Modeled Available Groundwater (MAG) is the amount of water that the TWDB Executive Administrator determines may be produced on an average annual basis to maintain or achieve the Desired Future Conditions (DFCs) adopted by the GCDs within a GMA. "Desired future condition" means a quantitative description of the desired condition of the groundwater resources in a management area at one or more specified future times.

GMAs are tasked with the joint planning of groundwater resources as prescribed in Texas Water Code Chapter 36.108. DFCs proposed must provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area. Regional water plans are required to use the MAGs in place at the time of adoption of TWDB's state water plan in the next regional water planning cycle or, at the option of the regional water planning group, established subsequent to the adoption of the most recent plan. TWDB revised its planning rules to include a MAG Peak Factor that ensures regional water plans have the ability to fully reflect how, under current statute, GCDs anticipate managing groundwater production under drought conditions. However, additional work and efforts to implement regional water plan projects into the groundwater availability model pumping dataset would further assist and benefit uniform, comprehensive joint planning by both groups, further defining the potential impacts and outlook for the future.

Planning of and management to DFCs as a view of the health of aquifers without unreasonably depleting aquifers is consistent with Brazos G's historical policy not to support water management strategies that would substantially deplete aquifers.

Brazos G recognizes and supports the protection of local aquifer systems accomplished through planning and management by groundwater conservation districts and those

entities, at present or in the future, invested in groundwater production. Maintaining fluidity and flexibility of the planning processes is in everyone's best interest for setting goals for the future."

Issue #4: System Operation of Water Facilities (Briggs Recommendation)

"Brazos G recognizes the inherent benefit of system operations of existing water supply sources and recommends that State water planning as well as permitting continue to promote such water management strategies~~s.~~"

System operation involves coordinated operation of two or more water supply sources (including surface water reservoirs ~~and~~, run-of-river diversions, as and well as groundwater subsurface aquifers) such that the system yield is greater than the sum of the individual sources.

System operation provides several significant benefits to the State, including: better more effective utilization of existing infrastructure; efficient use of water supplies to meet ~~needs~~ water demand; delay or avoidance of expensive new water supply infrastructure; and reduced negative environmental impact potentially ~~occurring due~~ created by ~~to~~ major new projects.”

Issue #5: Outdated Hydrology Used for Surface Water Supply Availability (Committee Reviewed – Will be Deleted in 2021 Plan 6-27-19)

“Regional water planning rules require use of the TCEQ Water Availability Models in determining surface water supply availability. The period of record for existing TCEQ Water Availability Models ends with the year 1997. In some parts of the State, and possibly in some portions of the Brazos River Basin, hydrologic conditions since 1997 may be worse than conditions experienced prior to 1997. Therefore, firm water availability from existing surface water supply sources and from new surface water supply strategies may be overstated. As a result, water shortages may exist that aren’t apparent in the regional and State water plans. The TCEQ should be adequately funded to update the hydrology for all WAMS to extend through 2016 to account for the ongoing drought and additional annual funding should be provided for regular maintenance updates.”

Issue #6: Interbasin Transfers of Surface Water (Committee Reviewed - No Change 6-27-19)

“Brazos G recognizes that Interbasin Transfers have been a critical component of water management in Region G and are a necessary component of overall State water management strategies. The automatic assignment of junior rights to an interbasin water transfer is a deterrent and suppresses the development of interbasin water supply projects. We recommend the re-evaluation of the junior water rights provision that is automatically assigned to interbasin transfers. We also recommend that statutory rules, policies and administrative code be reviewed and the permitting and review process be streamlined to eliminate any unnecessary obstacles to IBT’s.”

Issue #7: Rule of Capture (Committee Reviewed and Accepted 6-27-19)

“While Brazos G recognizes that the Rule of Capture remains valid law in Texas, we also recognize that advances in science, changes in water marketing, Texas Supreme Court and case law rulings, and increasing pressures on groundwater add complexity to this issue.

The groundwater supply is being tapped to its limits, and in many instances, landowners risk loss due to depletion by over-pumping. Local management through checks and balances can most effectively and fairly regulate usage and protect individual property rights. GCDs are an appropriate mechanisms to provide local management of groundwater, to fairly preserve historic use, ensure future sustainability, and protect private property rights – both the rights of those pumping groundwater, and their neighbors. In areas without a GCD and their modification of the Rule of Capture, it is vital to engage individual local entities utilizing the resource in the current and future planning of the

resource through the regional water planning group and GMA.

As such, Brazos G supports the continued management of fresh, brackish, and saline groundwater by GCDs. Planning for these groundwater resources should be continued by GCDs and TWDB in defining brackish groundwater zones.”

Issue #8: Conjunctive Use of Groundwater and Surface Water (Briggs recommends no changes)

“Brazos G recognizes conjunctive use as an important management strategy. Conjunctive use is the systematic utilization of groundwater and surface water to optimize the combined yield from both sources. Conjunctive use seeks to maximize the advantages and minimize the disadvantages of each source when both are utilized together. As conjunctive use projects are recognized, they should be included as management strategies for the regional water plan. Brazos G encourages development of conjunctive use projects. Construction of surface water reservoirs, which provide new sources of water, along with judicious use of groundwater resources, which can be a finite quantity, will provide an integrated solution for the water needs of the future.”

Issue #9: Aquifer storage and recovery (ASR) (Committee Reviewed and Accepted 6-27-19)

“ASR projects have the potential to store large amounts of water, eliminate evaporative losses of stored water, reduce impacts to groundwater and surface water resources in times of peak demand, and minimize the impact on surface owners when compared to large reservoir projects. However, it is important to note the significant time component of ASR projects regarding injection and withdrawal. ASR historically is associated with water injection in the winter months, or times of high supply and low demand, and recovered in the following summer months, times of low supply and high demand. The longer the injected water is left in place, the injected water will migrate and disintegrate with the native water source. While ASR projects could be beneficial, there are a number of questions regarding ownership of the injected water, percentage of injected water that is recoverable over time, impact to existing users, and the quality to which injected water must be treated. An improved legal/public policy framework is needed to address these issues and enhance adoption. Further, we recommend that these water management strategies include sufficient hydrologic study to protect receiving aquifers.

An ARP means a project involving the intentional recharge of an aquifer by means of an injection well authorized under this chapter or other means of infiltration, including actions designed to reduce declines in the water level of the aquifer, supplement the quantity of groundwater available, improve water quality in an aquifer, improve spring flows and other interactions between groundwater and surface water or mitigate subsidence. ARPs have the potential to provide another avenue for water resource stewardship to benefit local and regional water supplies. Quantity and quality reporting for these projects will be vital for use in regional water planning activities to fully account for supplies available during times of drought. Brazos G encourages the use and development of ARPs to enhance and protect water resources available in our region.”

Issue #10: Municipal Per Capita Water Use (Committee Reviewed and Accepted 6-27-19)

“Brazos G recommends the regional water planning process be changed to separate non-residential and residential water use and look at both separately. The current practice of using a city’s overall gallons per capita/day unfairly characterizes some cities as water wasters, and does not take into account the land use or density of the areas. Adopting better metrics for water planning beyond the limitations of GPCD would improve the water resource planning process as well as allowing for more useful comparisons between cities. An example of this could be allocating expected water use per acre based on customer

type, (e.g. Residential, Commercial, Institutional, and Industrial). Also, there needs to be consistency in all water use calculations, and better guidance as to whether regional planning groups are to use raw water delivered or treated water provided in calculating water use for resource planning.”

Issue # 11: Reservoir Water Management

“Brazos G recognizes that the primary purpose of conservation storage capacity in Texas reservoirs authorized for water supply is, in fact, water supply. Although recreational and aesthetic benefits of these reservoirs may provide economic impacts locally, these are secondary incidental benefits. Therefore, we recommend that appropriate State agencies and State legislative bodies uphold the critically important primary purpose of Texas water supply reservoirs to ensure long-standing agreements and contracts are met and deliveries are not jeopardized by secondary interests. Further, consideration of providing educational programs regarding reservoir purpose and management and other appropriate assistance for businesses and others impacted is recommended.”

Additionally, it is also recommended that appropriate State agencies and State legislative bodies protect water supply reservoirs from future policies or rules that could cause a conversion from water supply purposes to flood control purposes (i.e. mandates of pre-releases, seasonal drawdown protocols, etc.).

Issue #12: Support for Brush Control Projects as Viable Water Management Strategies (Committee Reviewed – Will be Deleted in the 2021 Plan 6-27-19)

“Brazos G supports brush control projects as water management strategies and encourages the Texas legislature to instruct the Texas State Soil and Water Conservation Board to allow funding for these projects, via its Water Supply Enhancement Program, even if they are not included in a Regional Water Plan or the State Water Plan. Brush control projects are often not included in water plans due to the difficulty of assigning a specific amount of new water contributed; however, such projects may have a positive impact on aquifer recharge and stream flows.”

Issue #13: Watershed Planning/Source Water Protection (Committee Reviewed and Accepted 6-27-19)

“Brazos G will promote water development policies that support efforts to protect both groundwater and surface water sources by encouraging sound practices that will not adversely affect water supply or quality. We support other agencies and organizations in their efforts to encourage responsible land management and will oppose any practice or action in our watersheds or recharge zones that could adversely affect our water resources. Maintaining our watershed health, economic sustainability and community viability are all critical elements in our water planning efforts. Sensible stewardship of the areas adjacent to and around river basins, sensitive sub-basins, aquifers and re-charge zones is essential for maintaining these resources. Through source water protection, Texas can promote equitable costs for present and future water sources. Furthermore, Brazos G encourages all governmental agencies, when making regulatory/ permitting decisions or influencing decisions regarding land and resource use, to give preference to alternatives to protect or enhance the quality of water so that such water resources may be utilized for beneficial use.”



Issue #14: Water Pricing and Conservation (Committee Reviewed and Accepted 6-27-19)

“Acknowledging that water providers must protect a limited resource, pricing signals for both retail and wholesale should incentivize conservation. Brazos G encourages water providers to seriously consider implementing appropriate rate structures that would be consistent with best management practices for water. These rate structures should be able to provide water providers the ability to not only cover the cost of service, but act as a tool in recovering the known future costs of the developing or acquiring the next available resource.”

Issue #15: Integrating Water Quality and Water Supply Considerations (Committee Reviewed and Accepted 6-27-19)

“Brazos G promotes the full development of domestic wastewater effluent as a resilient water resource that can be responsibly used to meet the water needs of the State of Texas. We further support state agencies and organizations in their efforts to develop technologies and permit the storage and reuse of wastewater effluent as a resilient potable water source.”

Issue #16: Education (Committee Reviewed – No Change 6-27-19)

“Research indicates that there is a strong relationship between knowledge of water sources and a willingness to conserve. Conservation is the most cost-effective means of securing future water supply. Brazos G believes strongly that water education is important and supports water conservation and public awareness programs at the state and local level.”

Issue #17: Effects of the Federal Safe Drinking Water Act (SDWA) on Water Supply Systems (Pending – Mr. Beseda)

“Brazos G recognizes the difficulty in meeting the standards of the Federal Safe Drinking Water Act for some water supply systems. Therefore, we encourage the regionalization of these systems, and/or education and proactive planning.”

Brazos G is one the most diverse regional water planning areas in Texas, covering 37 counties along the Brazos River Basin. The geographic area extends from Kent, Stonewall and Knox Counties in the northwest to Washington and Lee Counties in the southeast.

For sixteen years, Brazos G has been an important platform in regional water planning. Its central mission is to develop a regional water plan. The planning process is the true added value. Bringing together perspectives from agriculture, industries, municipalities, counties, small business, water utilities, the public, electric utilities, groundwater management representatives, environmental and river authorities has helped to enhance the overall water planning process.

Brazos G does not operate in a vacuum. We use resources such as our consultant, HDR Engineering, Inc., to collect reliable data to include in our regional water plan. We reach out to constituents in the 37 counties as we develop the regional water plan. We engage with other stakeholders in addressing water planning issues. Our planning group meetings are forums for vetting ideas for or against water planning ideas. This process encourages transparency.

Brazos G serves an important role as an entry point for public engagement in the water planning process. This role also makes it a good resource for the State Legislature as it grapples with the realities of an ongoing drought, a burgeoning population, and strong economic development.

We welcome such a role and stand ready to be of assistance.



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