

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST

AGENDA REQUESTED: August 22, 2007

DATE OF REQUEST: August 3, 2007

NAME & NUMBER OF PERSON TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Kerry Howard, 239-0556

CAPTION: Docket No. 2007-1061-MIS; Consideration of a resolution to appoint three representatives to the Steering Committee for the Edwards Aquifer Authority Recovery Implementation Program for species that are listed as threatened or endangered under federal law and are associated with the Edwards Aquifer. This Program is required by SB 3-Article 12 and HB 3-Article 2 from the 80th Legislative session, which amended Chapter 626 (Acts of the 73rd Legislature, Regular Session, 1993) regarding the Edwards Aquifer Authority. The Steering Committee will be composed of representatives of state agencies and stakeholders and will cooperatively develop a Program Document with recommendations for the Edwards Aquifer Authority's consideration. Three positions on the Steering Committee, consisting of a representative of the TCEQ, a municipal water right holder in the Guadalupe River Basin, and an industrial water right holder in the Guadalupe River Basin, shall be appointed by the commission. (Mary Ambrose, Robin Smith)

D.C. Scharbach
Chief Engineer

Kerry Howard
Agenda Coordinator

CHIEF CLERKS OFFICE

2007 AUG - 3 AM 10:47

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Chairman Kathleen Hartnett White
Commissioner Larry R. Soward
Commissioner Buddy Garcia

Date: August 3, 2007

Thru: Glenn Shankle, Executive Director
LaDonna Castañuela, Chief Clerk

From: David C. Schanbacher, P.E., Chief Engineer *DCS*

Docket No.: 2007-1061-MIS

Caption: Consideration of a resolution to appoint three representatives to the Steering Committee for the Edwards Aquifer Authority Recovery Implementation Program for species that are listed as threatened or endangered under federal law and are associated with the Edwards Aquifer. This Program is required by SB 3-Article 12 and HB 3-Article 2 from the 80th Legislative session, which amended Chapter 626 (Acts of the 73rd Legislature, Regular Session, 1993) regarding the Edwards Aquifer Authority. The Steering Committee will be composed of representatives of state agencies and stakeholders and will cooperatively develop a Program Document with recommendations for the Edwards Aquifer Authority's consideration. Three positions on the Steering Committee, consisting of a representative of the TCEQ, a municipal water right holder in the Guadalupe River Basin, and an industrial water right holder in the Guadalupe River Basin, shall be appointed by the commission.

Background and Statutory Requirements:

Both SB 3-Article 12 and HB 3-Article 2 from the 80th Legislative session, 2007, amended Chapter 626 (Acts of the 73rd Legislature, Regular Session, 1993) regarding the Edwards Aquifer Authority (EAA). Among the changes made to the act, new §1.26A Development of Withdrawal Reduction Levels and Stages for Critical Period Management through Recovery Implementation Program (see Attachment 1), requires the EAA, with assistance from Texas A&M University, to develop a recovery implementation program (RIP) for species that are listed as threatened or endangered under federal law and are associated with the Edwards Aquifer.

The RIP will be developed with input from U.S. Fish and Wildlife Service (USFWS), TCEQ, Texas Parks and Wildlife Department (TPWD), Texas Department of Agriculture (TDA), Texas Water Development Board (TWDB), other federal agencies, and interested stakeholders. Part of the RIP process will include the development of a Program Document that will be the basis of a revised Critical Period Management Plan to manage groundwater withdrawals from the aquifer during periods of drought.

Re: Docket No. 2007-1061-MIS

A 21 member Steering Committee (SC), composed of representatives of various governmental agencies and stakeholders, is required to be created by September 30, 2007. The commission is charged with appointing three members of the SC.

The SC is tasked with cooperatively developing the Program Document recommendations which will be provided to the EAA for their consideration. The SC responsibilities under the statute include:

- Preparing a Memorandum of Agreement to develop a program document to be entered into by EAA, USFWS, TCEQ, TPWD, TDA, TWDB and other stakeholders by December 31, 2007,
- Establishing and publishing a regular meeting schedule,
- Hiring a Program Director for the RIP by October 31, 2007,
- Appointing an expert science subcommittee by December 31, 2007,
- Establishing a recharge facility feasibility subcommittee,
- Overseeing and assisting in the development of the cooperative implementing agreement between EAA, USFWS, TCEQ, TPWD, TDA, TWDB and other stakeholders to be entered into by December 31, 2009, and
- Preparing and submitting recommendations to the EAA after development of the cooperative implementing agreement.

TCEQ Appointments under Section 1.26A:

The statute specifies under §1.26A(e) that the SC must be created no later than September 30, 2007. The governing body of the TCEQ is charged with appointing:

- a representative for TCEQ,
- a representative of a holder of an industrial surface water right in the Guadalupe River Basin, and
- a representative of a holder of a municipal surface water right in the Guadalupe River Basin.

Executive Director Recommendations for Appointment:

- Mr. Bruce Moulton, Water Policy Specialist, with the Chief Engineer's Office Water Programs to represent TCEQ. In addition, it is recommended that an alternate who can attend the meetings in his absence be Herman Settemeyer, Engineer, with the Water Supply Division of the Office of Permitting, Remediation, and Registration.
- Ms. Kristan Soto with Dow Chemical Company (E. I. DuPont De Nemours & Co.) to represent a holder of an industrial surface water right in the Guadalupe River Basin.
- Mr. Jerry James, Director of Environmental Services with City of Victoria to represent a holder of a municipal surface water right in the Guadalupe River Basin.

Re: Docket No. 2007-1061-MIS

Additional information regarding all potential candidates that hold municipal or industrial surface water rights in the Guadalupe River Basin is included in Attachment 2 and 3, respectively. The Executive Director's recommendations for water right holder appointments were based upon several factors including the large volume of water right, water diversion point being down stream of Comal Springs, and the water right holder not currently being represented on or filling a position on the Steering Committee. Two letters regarding suggested appointments are included as Attachments 4 and 5.

Impact on agency programs:

The bill requires that TCEQ participate with the EAA, USFWS, TPWD, TDA, TWDB, and other interested stakeholders in the development of a RIP for threatened or endangered species associated with the Edwards Aquifer. One TCEQ staff will be required to serve on the SC and other staff will be needed to provide legal support for development of various agreements. In addition, staff from various program areas may be asked to serve on technical subcommittees or to provide information to the TCEQ representative, the SC, the EAA, and the subcommittees.

Under §1.29(i), financing for the SC, all subcommittee efforts, and the Program Director is to be provided as necessary by the EAA, TCEQ, TPWD, TDA, TWDB and other stakeholders (see Attachment 1); however, the exact amount and source of funds is yet to be determined.

SB 3-Article 12 /HB 3-Article 2 Implementation Team Members:

Mary Ambrose, Water Programs, 239-4813
Todd Chenoweth, Water Supply Division, 239-4483
Robin Smith, Environmental Law Division, 239-0463

Attachments (5)

cc: Chief Clerk, 5 copies
Executive Director's Office
David C. Schanbacher, P.E.
Jason Skaggs
Ashley K. Wadick
Daniel Womack
Office of General Counsel

Attachment 1 – New §1.26A and Revised §1.29(i), Chapter 626
(Acts of the 73rd Legislature, Regular Session, 1993)
regarding the Edwards Aquifer Authority

Sec. 1.26A. DEVELOPMENT OF WITHDRAWAL REDUCTION LEVELS AND STAGES FOR CRITICAL PERIOD MANAGEMENT THROUGH RECOVERY IMPLEMENTATION PROGRAM. (a) The authority, with the assistance of Texas A&M University, shall cooperatively develop a recovery implementation program through a facilitated, consensus-based process that involves input from the United States Fish and Wildlife Service, other appropriate federal agencies, and all interested stakeholders, including those listed under Subsection (e)(1) of this section. The recovery implementation program shall be developed for the species that are:

- (1) listed as threatened or endangered species under federal law; and
- (2) associated with the aquifer.

(b) The authority shall enter into a memorandum of agreement with the United States Fish and Wildlife Service, other appropriate federal agencies, the Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Department of Agriculture, the Texas Water Development Board, and other stakeholders, not later than December 31, 2007, in order to develop a program document that may be in the form of a habitat conservation plan used in issuance of an incidental take permit as outlined in Subsection (d) of this section.

(c) The authority shall enter into an implementing agreement with the United States Fish and Wildlife Service, other appropriate federal agencies, the Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Department of Agriculture, the Texas Water Development Board, and other stakeholders to develop a program document that may be in the form of a habitat conservation plan used in issuance of an incidental take permit as outlined in Subsection (d) of this section not later than December 31, 2009.

(d) The authority, the Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Department of Agriculture, the Texas Water Development Board, and other stakeholders shall jointly prepare a program document that may be in the form of a habitat conservation plan used in issuance of an incidental take permit with the United States secretary of the interior, through the United States Fish and Wildlife Service and other appropriate federal agencies, under Section 4 or Section 6, Endangered Species Act of 1973 (16 U.S.C. Section 1533 or 1535), as applicable, based on the program developed under Subsection (a) of this section. The program document shall:

(1) provide recommendations for withdrawal adjustments based on a combination of spring discharge rates of the San Marcos and Comal Springs and levels at the J-17 and J-27 wells during critical periods to ensure that federally listed, threatened, and endangered species associated with the Edwards Aquifer will be protected at all times, including throughout a repeat of the drought of record;

(2) include provisions to pursue cooperative and grant funding to the extent available from all state, federal, and other sources for eligible programs included in the cooperative agreement under Subsection (c) of this section, including funding for a program director; and

(3) be approved and executed by the authority, the Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Department of Agriculture, the Texas Water Development Board, and the United States Fish and Wildlife Service not later than September 1, 2012, and the agreement shall take effect December 31, 2012.

(e) Texas A&M University shall assist in the creation of a steering committee to oversee and assist in the development of the cooperative agreement under Subsection (c) of this section. The steering committee must be created not later than September 30, 2007. The initial steering committee shall be composed of:

(1) a representative of each of the following entities, as appointed by the governing body of that entity:

- (A) the Edwards Aquifer Authority;
- (B) the Texas Commission on Environmental Quality;
- (C) the Parks and Wildlife Department;
- (D) the Department of Agriculture;
- (E) the Texas Water Development Board;
- (F) the San Antonio Water System;
- (G) the Guadalupe-Blanco River Authority;
- (H) the San Antonio River Authority;
- (I) the South Central Texas Water Advisory Committee;
- (J) Bexar County;
- (K) CPS Energy; and
- (L) Bexar Metropolitan Water District or its successor; and

(2) nine other persons who respectively must be:

- (A) a representative of a holder of an initial regular permit issued to a retail public utility located west of Bexar County, to be appointed by the authority;
- (B) a representative of a holder of an initial regular permit issued by the authority for industrial purposes, to be appointed by the authority;
- (C) a representative of a holder of an industrial surface water right in the Guadalupe River Basin, to be appointed by the Texas Commission on Environmental Quality;
- (D) a representative of a holder of a municipal surface water right in the Guadalupe River Basin, to be appointed by the Texas Commission on Environmental Quality;
- (E) a representative of a retail public utility in whose service area the Comal Springs or San Marcos Springs is located;
- (F) a representative of a holder of an initial regular permit issued by the authority for irrigation, to be appointed by the commissioner of agriculture;
- (G) a representative of an agricultural producer from the Edwards Aquifer region, to be appointed by the commissioner of agriculture;
- (H) a representative of environmental interests from the Texas Living Waters Project, to be appointed by the governing body of that project; and
- (I) a representative of recreational interests in the Guadalupe River Basin, to be appointed by the Parks and Wildlife Commission.

(f) The steering committee shall work with Texas A&M University to:

(1) establish a regular meeting schedule and publish that schedule to encourage public participation; and

(2) not later than October 31, 2007, hire a program director to be housed at Texas A&M University.

(g) Texas A&M University may accept outside funding to pay the salary and expenses of the program director hired under this section and any expenses associated with the university's participation in the creation of the steering committee or subcommittees established by the steering committee.

(h) Where reasonably practicable or as required by law, any meeting of the steering committee, the Edwards Aquifer area expert science subcommittee, or another subcommittee established by the steering committee must be open to the public.

(i) The steering committee appointed under this section shall appoint an Edwards Aquifer area expert science subcommittee not later than December 31, 2007. The expert science subcommittee must be composed of an odd number of not fewer than seven or more than 15 members who have technical expertise regarding the Edwards Aquifer system, the threatened and endangered species that inhabit that system, springflows, or the development of withdrawal limitations. The Bureau of Economic Geology of The University of Texas at Austin and the River Systems Institute at Texas State University shall assist the expert science subcommittee. Chapter 2110, Government Code, does not apply to the size, composition, or duration of the expert science subcommittee.

(j) The Edwards Aquifer area expert science subcommittee shall, among other things, analyze species requirements in relation to spring discharge rates and aquifer levels as a function of recharge and withdrawal levels. Based on that analysis and the elements required to be considered by the authority under Section 1.14 of this article, the expert science subcommittee shall, through a collaborative process designed to achieve consensus, develop recommendations for withdrawal reduction levels and stages for critical period management including, if appropriate, establishing separate and possibly different withdrawal reduction levels and stages for critical period management for different pools of the aquifer needed to maintain target spring discharge and aquifer levels. The expert science subcommittee shall submit its recommendations to the steering committee and all other stakeholders involved in the recovery implementation program under this section.

(k) The initial recommendations of the Edwards Aquifer area expert science subcommittee must be completed and submitted to the steering committee and other stakeholders not later than December 31, 2008, and should include an evaluation:

(1) of the option of designating a separate San Marcos pool, of how such a designation would affect existing pools, and of the need for an additional well to measure the San Marcos pool, if designated;

(2) of the necessity to maintain minimum springflows, including a specific review of the necessity to maintain a flow to protect the federally threatened and endangered species; and

(3) as to whether adjustments in the trigger levels for the San Marcos Springs flow for the San Antonio pool should be made.

(l) In developing its recommendations, the Edwards Aquifer area expert science subcommittee shall:

(1) consider all reasonably available science, including any Edwards Aquifer-specific studies, and base its recommendations solely on the best science available; and

(2) operate on a consensus basis to the maximum extent possible.

(m) After development of the cooperative agreement, the steering committee, with the assistance of the Edwards Aquifer area expert science subcommittee and with input from the other recovery implementation program stakeholders, shall prepare and submit recommendations to the authority. The recommendations must:

(1) include a review of the critical period management plan, to occur at least once every five years;

(2) include specific monitoring, studies, and activities that take into account changed conditions and information that more accurately reflects the importance of critical period management; and

(3) establish a schedule for continuing the validation or refinement of the critical period management plan adopted by the authority and the strategies to achieve the program and cooperative agreement described by this section.

(n) In this subsection, "recharge facility" means a dam, reservoir, or other method of recharge project and associated facilities, structures, or works but does not include facilities designed to recirculate water at Comal or San Marcos Springs. The steering committee shall establish a recharge facility feasibility subcommittee to:

(1) assess the need for the authority or any other entity to own, finance, design, construct, operate, or maintain recharge facilities;

(2) formulate plans to allow the authority or any other entity to own, finance, design, construct, operate, or maintain recharge facilities;

(3) make recommendations to the steering committee as to how to calculate the amount of additional water that is made available for use from a recharge project including during times of critical period reductions;

(4) maximize available federal funding for the authority or any other entity to own, finance, design, construct, operate, or maintain recharge facilities; and

(5) evaluate the financing of recharge facilities, including the use of management fees or special fees to be used for purchasing or operating the facilities.

(o) The steering committee may establish other subcommittees as necessary, including a hydrology subcommittee, a community outreach and education subcommittee, and a water supply subcommittee.

(p) On execution of the memorandum of agreement described by Subsection (b) of this section, the steering committee described by Subsection (e) of this section may, by majority vote of its members, vote to add members to the steering committee, change the makeup of the committee, or dissolve the committee. If the steering committee is dissolved, the program director hired under Subsection (f) of this section shall assume the duties of the steering committee.

(q) The authority shall provide an annual report to the governor, lieutenant governor, and speaker of the house of representatives not later than January 1 of each year that details:

(1) the status of the recovery implementation program development process;

(2) the likelihood of completion of the recovery implementation program and the cooperative agreement described by Subsection (c) of this section;

(3) the extent to which the recommendations of the Edwards Aquifer area expert science subcommittee are being considered and implemented by the authority;

(4) any other actions that need to be taken in response to each recommendation;

(5) reasons explaining why any recommendation received has not been implemented; and

(6) any other issues the authority considers of value for the efficient and effective completion of the program and the cooperative agreement under this section.

Sec. 1.29 FEES

(i) The authority and other stakeholders, including state agencies, listed under Section 1.26A of this article shall provide money as necessary[, but not to exceed five percent of the money collected under Subsection (d) of this section,] to finance the activities of the steering committee and any subcommittees appointed by the steering committee and the program director of the recovery implementation program under Section 1.26A of this article. The authority shall provide, as necessary, up to \$75,000 annually, adjusted for changes in the consumer price index, to finance the South Central Texas Water Advisory Committee's administrative expenses and programs authorized under this article.

Attachment 2 – Municipal Water Right Holders in the Guadalupe Basin

Owner Name	Total Amount To Be Diverted Per Year in Acre-Feet	Use	Remarks
INVISTA (UNION CARBIDE CHEMICAL & PLASTICS COMPANY) and GUADALUPE-BLANCO RIVER AUTHORITY	167,191	Multi-Use	Total amount authorized includes Union Carbide Chemical & Plastics Company and Guadalupe-Blanco River Authority water rights authorized for multi-use purposes which include: Municipal/Domestic, Industrial, and Irrigation. Guadalupe-Blanco River Authority (GBRA) is on the Steering Committee by statute.
GUADALUPE-BLANCO RIVER AUTHORITY	127,422	Multi-Use	Guadalupe-Blanco River Authority (GBRA) is on the Steering Committee by statute. Total amount authorized includes GBRA water rights authorized for multi-use purposes which include: Municipal/Domestic, Industrial, Irrigation, Recreation, and Domestic & Livestock.
CITY OF VICTORIA	20,520	Municipal/Domestic	
SEGUIN MUNICIPAL UTILITIES	7,000	Municipal/Domestic	
NEW BRAUNFELS UTILITIES	6,952	Multi-Use	Will be filling the Steering Committee position representative of a retail public utility whose service area is located within the Comal Springs or San Marcos Springs area. Total amount authorized includes New Braunfels Utilities water rights authorized for multi-use purposes which include: Municipal/Domestic, Industrial, Irrigation, and Recreation.
CITY OF KERRVILLE	5,922	Municipal/Domestic	
CITY OF GONZALES	2,240	Municipal/Domestic	
UPPER GUADALUPE RIVER AUTHORITY	2,000	Municipal/Domestic	
CITY OF BLANCO	600	Municipal/Domestic	
GREEN VALLEY FARMS	584	Municipal/Domestic	
EBL INC DEF BEN PENSION PLAN & TRUST	580	Multi-Use	Total amount authorized includes EBL Inc Pension Plan & Trust water right authorized for multi-use purposes which include: Municipal/Domestic, Industrial, and Irrigation.
TEXAS STATE UNIVERSITY - SAN MARCOS	513	Municipal/Domestic	
TRI-COMMUNITY WSC	500	Municipal/Domestic	
BARBARA BAUGH	320	Multi-Use	Total amount authorized includes Barbara Baugh water right authorized for multi-use purposes which include: Municipal/Domestic and Irrigation.
KNIGHT-CUMMINGS FARM PARTNERSHIP	188	Municipal/Domestic	
ABNER M USSERY	150	Multi-Use	Total amount authorized includes Abner M. Ussery water right authorized for multi-use purposes which include: Municipal/Domestic, Industrial and Irrigation.
CITY OF SAN MARCOS	150	Municipal/Domestic	
SMRR LTD	150	Multi-Use	Total amount authorized includes SMRR Ltd. water right authorized for multi-use purposes which include: Municipal/Domestic, Industrial, Irrigation and Recreation.
COMAL CO FRESH WSD #1	120	Municipal/Domestic	
R B COLVIN	104	Multi-Use	Total amount authorized includes R. B. Colvin water right authorized for multi-use purposes which include: Municipal/Domestic, Industrial and Irrigation.
PRESBYTERIAN MO-RANCH ASSEMBLY	60	Municipal/Domestic	
RAY E DITTMAR	44	Multi-Use	Total amount authorized includes Ray E. Dittmar water right authorized for multi-use purposes which include: Municipal/Domestic and Irrigation.
CANYON REGIONAL WATER AUTHORITY	43	Municipal/Domestic	
TEXAS PARKS & WILDLIFE DEPT	25	Municipal/Domestic	TPWD is on the Steering Committee by statute.
ROBERT E BARTELL ET AL	15	Municipal/Domestic	
CAMP MYSTIC INC	14	Municipal/Domestic	

Owner Name	Total Amount To Be Diverted Per Year in Acre-Feet	Use	Remarks
CAMP LA JUNTA INC	14	Multi-Use	Total amount authorized includes Camp La Junta water right authorized for multi-use purposes which include: Municipal/Domestic and Recreation.
RIO NORTE LTD	14	Municipal/Domestic	
LUTHERAN CAMP CHRYSALIS	11	Municipal/Domestic	
RIVER INN ASSN OF UNIT OWNERS	10	Municipal/Domestic	
CARL HAWKINS	10	Municipal/Domestic	
PATRICK S MOLAK	9	Municipal/Domestic	
GUAD VALLEY LOT OWNERS ASSN	3	Municipal/Domestic	
CANYON LAKE WSC	3	Municipal/Domestic	
LAVERNE CRIDER MOORE ET VIR	3	Municipal/Domestic	
C W GRUMBLES		Municipal/Domestic	

Attachment 3 – Industrial Water Right Holders in the Guadalupe Basin

Owner Name	Total Amount To Be Diverted Per Year in Acre-Feet	Use	Remarks
VICTORIA WLE LP	209,189	Industrial	
INVISTA (UNION CARBIDE CHEMICAL & PLASTICS COMPANY) and GUADALUPE-BLANCO RIVER AUTHORITY	172,501	Multi-Use	Total amount authorized includes Union Carbide Chemical & Plastics Company and Guadalupe-Blanco River Authority water rights authorized for multi-use purposes which include: Municipal/Domestic, Industrial, Irrigation and Stockraising. Guadalupe-Blanco River Authority (GBRA) is on the Steering Committee by statute.
NEW BRAUNFELS UTILITIES	142,732	Multi-Use	Will be filling the Steering Committee position as a representative of a retail public utility whose service area is located within the Comal Springs or San Marcos Springs area. Total amount authorized includes New Braunfels Utilities water rights authorized for multi-use purposes which include: Municipal/Domestic, Industrial, Irrigation, and Recreation.
GUADALUPE-BLANCO RIVER AUTHORITY	124,622	Multi-Use	Guadalupe-Blanco River Authority (GBRA) is on the Steering Committee by statute. Total amount authorized includes GBRA water rights authorized for multi-use purposes which include: Municipal/Domestic, Industrial, Irrigation, Recreation, and Domestic & Livestock.
DOW (E I DUPONT DE NEMOURS & CO)	60,000	Industrial	
COLETO CREEK WLE LP	32,500	Industrial	
TEXAS PARKS & WILDLIFE DEPT	15,780	Industrial	TPWD is on the Steering Committee by statute.
KATE S O'CONNOR TRUST	9,676	Industrial	
PLAINS COTTON COOPERATIVE ASSOCIATION	5,000	Industrial	
TEXAS STATE UNIVERSITY - SAN MARCOS	594	Industrial	
EBL INC DEF BEN PENSION PLAN & TRUST	580	Multi-Use	Total amount authorized includes EBL Inc Pension Plan & Trust water right authorized for multi-use purposes which include: Municipal/Domestic, Industrial, and Irrigation.
DEL & GLORIA WILLIAMS	272	Industrial	
ABNER M USSERY	150	Multi-Use	Total amount authorized includes Abner M. Ussery water right authorized for multi-use purposes which include: Municipal/Domestic, Industrial and Irrigation.
SMRR LTD	150	Multi-Use	Total amount authorized includes SMRR Ltd. water right authorized for multi-use purposes which include: Municipal/Domestic, Industrial, Irrigation and Recreation.
R B COLVIN	104	Multi-Use	Total amount authorized includes R. B. Colvin water right authorized for multi-use purposes which include: Municipal/Domestic, Industrial and Irrigation.
STRUCTURAL METALS INC	34	Industrial	
H B SHANKLIN	31	Industrial	
ACME BRICK COMPANY	25	Industrial	
BOBBY DON BLACKBURN	15	Industrial	
DARRELL G LOCHTE ET AL	2	Industrial	
HELDENFELS BROTHERS INC	2	Industrial	
LYLE & MARY BOLLINGER		Industrial	

GUADALUPE BASIN COALITION

Greater New Braunfels Chamber of Commerce
New Braunfels, Texas 78131
Phone: (830) 625-2385 • Fax: (830) 625-7818

July 18, 2007

2007 JUL 20 PM 3:52

RECEIVED
TCEO WATER SUPPLY

TOM TAGGART
San Marcos
Chair

Commissioner JAY MILLIKIN
New Braunfels
Vice-Chair

To: Todd.Chenoweth
Manager, Water Rights permitting and Availability Section
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building F, Room 3101
Austin, Texas 78753

Re: GBC recommendation for Steering Committee appointments
to Edwards Aquifer Recovery Implementation Program

Greater New Braunfels Chamber of
Commerce

Dear Mr. Chenoweth:

Comal County

The Guadalupe Basin Coalition is a voluntary association of businesses, chambers of commerce, governmental and nonprofit entities, and individuals in counties along the Guadalupe, San Marcos, Comal and Blanco rivers. The Coalition is bonded by a common concern for the sustainable viability of these rivers, both economically and environmentally. The mission of the Coalition is to protect and enhance the value of the Guadalupe River and its tributary rivers from their headwaters to the coast.

New Braunfels Utilities

City of New Braunfels

Guadalupe-Blanco River Authority

City of Seguin

Senate Bill 3, Article 12 passed this legislative session, makes changes to the Edwards Aquifer Authority Act. These changes include the requirement for the Texas Commission on Environmental Quality, Edwards Aquifer Authority, and the Texas Commissioner of Agriculture to appoint committee members for a 21 member steering committee that will participate in development of an Edwards Aquifer Recovery Implementation Program in cooperation with federal, state and local stakeholder groups. In regard to the appointments your agency is responsible for, the Guadalupe Basin Coalition respectfully requests your consideration of the following individuals for appointment to represent the class identified in Article 12, Section 126A (e).

Guadalupe County

Seguin Chamber of Commerce

Victoria Chamber of Commerce

City of Victoria

County of Victoria

City of San Marcos

Our recommendation for the **Industrial Surface Water Right Holder on the Guadalupe River is Dow Chemical Company represented by Kristan Soto.** Our alternate recommendation would be **Coletto Creek Power represented by Mike Fields.**

San Marcos Area Chamber of Commerce

Protect Lake Dunlap Association

Our recommendation for the **Municipal Surface Water Right Holder on the Guadalupe River is Victoria represented by Jerry James.** Our alternate recommendation is **San Marcos represented by Tom Taggart.**

Friends of Lake McQueeney

Citizens United for Lake Placid

We appreciate your participation in this critical effort to protect the Edwards Aquifer springs, rivers, endangered species and environmental health.

Upper Guadalupe River Authority

Respectfully,

Canyon Regional Water Authority



Thomas P. Taggart, Chairman

cc: Glen Shankle, Kathleen Hartnett White, H. S. Buddy Garcia, Larry R. Soward, Kristan Soto, Mike Fields, Jerry James and Tom Taggart

RECEIVED

Docket No. 2007-1061-MIS

Attachment 5

JUL 19 2007

Texas Commission on Environmental Quality
Commissioners' Offices



CITY OF VICTORIA

Established 1824, Founded By Congress, Republic of Texas, 1839

OFFICE OF MAYOR AND COUNCIL
City Hall Square, Main at Juan Linn

RECEIVED BY OPA
TRACKING # 15569
ASSIGNED TO: OPRE

July 17, 2007

JUL 23 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#7004 0550 0000 0254 0394

DUE DATE: fyr

Ms. Kathleen Hartnett White, Chair
Mr. H. S. Buddy Garcia and Mr. Larry R. Soward, Commissioners
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
TOEQ WATER SUPPLY
2007 JUL 24 AM 11:22

Re: Edwards Aquifer Authority/US Fish and Wildlife Department Recovery
Implementation Program

Dear Chair White and Commissioners Garcia and Soward:

Senate Bill 3, as passed by the 80th Legislature, includes language in Article 12 outlining a process for the recovery of the endangered species related to the Edwards Aquifer. This would be a collaborative process involving stakeholders throughout the Edwards Aquifer Region. Some of the stakeholders in the process are named to the Steering Committee including:

- "(D) a representative of a holder of a municipal surface water right in the Guadalupe River Basin, to be appointed by the Texas Commission on Environmental Quality".

The City of Victoria supports the intent of the legislators that this seat on the Steering Committee be occupied by a representative of the City of Victoria. Our surface water permit, as supported by the findings of the Commission in the South Central Texas Water Advisory complaint about the Bifurcated Permit System of the EAA, is the most impacted of municipal water rights on the Guadalupe River by the regulations concerning the Edwards Aquifer. The City of Victoria has actively been involved in the process of working with the San Antonio area to find a reasonable and effective solution to balancing the needs of the endangered species and the economic stability of our region.

We therefore encourage the Commission to appoint Jerry James, Director of Environmental Services for the City of Victoria, to the position on the Steering Committee for the holder of a municipal surface water right in the Guadalupe River

Basin. This nomination is also being supported by the Guadalupe Basin Coalition, a valued association of businesses, Chambers of Commerce, and governmental entities that represent cities and counties along the Guadalupe and San Marcos Rivers and the City of Gonzales.

Thank you for your consideration in this matter.

Sincerely,



Will Armstrong
Mayor