

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

OPA
SEP 28 2001

20515
WR

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a water right holder in the San Saba River Basin and believe that my water right will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,

Cornie Adams

Water Right No.

3838

Date: *9/25/01*

CHIEF CLERKS OFFICE

2001 SEP 28 AM 10:18

Texas Natural
Resource
Conservation
Commission

dep

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

OPA *J*

SEP 28 2001

20515
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Re: Lower Colorado River Authority
Water Right Application No. 5731

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Sincerely yours,

Don Pagly Jr

Water Right No.

1893

Date: *9/26/01*

CHIEF CLERKS OFFICE

2001 SEP 28 AM 10:18

TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION

Form 2

Proy Bagley
P.O. Box 176
San Saba, Texas
915 372 - 3153
Fax 915 372 5863

OPA J
SEP 28 2001

20515
WR

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a water right holder in the San Saba River Basin and believe that my water right will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,

Proy Bagley

Water Right No. 001901

Date: 9-26-01

Texas Natural
Resource
Conservation
Commission

2001 SEP 28 AM 10:14

CHIEF CLERKS OFFICE

10

JORIN J

E. D. Byrd
406 S. Hwy 9
San Saba Texas
915-372-3864

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

20515
WR

OPA
SEP 28 2001

CHIEF CLERKS OFFICE

2001 SEP 28 AM 10:07

Texas Natural
Resource
Conservation
Commission

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a water right holder in the San Saba River Basin and believe that my water right will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,

E. D. Byrd

Water Right No.

Date:

9-28-2001

Form 2

Texas NATURAL
RESOURCE
CONSERVATION
COMMISSION

2001 OCT -1 AM 10:34

CHIEF CLERKS OFFICE

SEP 28 2001

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

20515
WR

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a water right holder in the San Saba River Basin and believe that my water right will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,
SLOAN LIVESTOCK LTD
Bill Sloan - PARTNER
Water Right No.

1888

Date: 9-28-01

SLOAN LIVESTOCK, LTD. IS AGAINST HAVING
A WATER MASTER ON THE SAN SABA RIVER

4

TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION

SEP 25 AM 10: 02

CHIEF CLERKS OFFICE

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

20515
WR

NDP
SEP 26 2001

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a resident of Menard County in the San Saba River Basin and believe that environmental values in the basin will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,

Date:

J. C. Davis
Box 1268
Menard, TX
76859

Christine Basley Edmondson
Roger Edmondson
RT 1
Box 203
San Saba, TX 76877

NATURAL
RESOURCE
CONSERVATION
COMMISSION

OCT -9 PM 3:04

CHIEF CLERKS OFFICE

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

20515
WR

OPA
OCT 10 2001

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a water right holder in the San Saba River Basin and believe that my water right will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,

Roger Edmondson

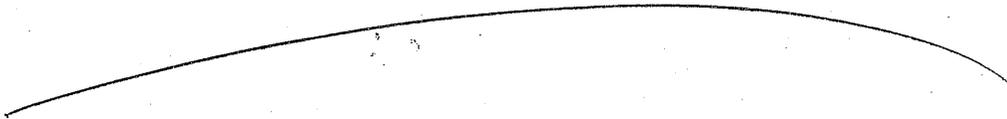
Water Right No.

1900 + 1880

Date:

9-22-01

I OPPOSE ANY EFFORT TO PUT A WATER MASTER PLAN
ON THE SAN SABA RIVER!



Verna J Hancock
P.O. Box 837
Menard, Texas 76859
(915) 396-2172
FAX none

OPA 9
SEP 28 2001

20515
WR

Office of the Chief Clerk, MC 105
TNRCC, O. Box 13087
Austin, TX 78711-3087

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a resident of Menard County in the San Saba River Basin and believe that economic production and environmental values will be seriously impaired by the Commission's grant of the above-referenced permit to the LCRA. Therefore I am requesting that the Commission hold public meetings on the matter prior to taking any action on it.

Sincerely yours,

Verna J Hancock

Date:

CHIEF CLERKS OFFICE

2001 SEP 24 AM 10:56

RECORDS
SECTION
COMMISSION

4



TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION

20515
WR

200 AUG 31 AM 10:10

CHIEF CLERKS OFFICE

111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Phone: 512.472.7800
Fax: 512.472.9123

IP

August 29, 2001

OPA J

AUG 31 2001

LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk
Texas Natural Resource Conversation Commission
P. O. Box 13087, MC-105
Austin, Texas 78711-3087

Re: *Water Use Permit Application No. 5731*

Dear Ms. Castañuela:

I am writing this letter to request that I be added to the interested party mailing list for Lower Colorado River Authority's application for a water use permit number 5731.

If you have any questions, please do not hesitate to contact me at (512) 494-3620.

Very truly yours,

BRACEWELL & PATTERSON, L.L.P.

Monica Jacobs

MMJ/jcb

R

MONICA JACOBS
DIRECT: (512) 479-9720
DIRECT FAX: (512) 226-7273
E-MAIL: mjacobs@mailbmc.com

WR
20515

September 26, 2006

VIA HAND DELIVERY

Ms. Iliana Delgado
Project Manager – Water Rights Permitting Team
Texas Commission on Environmental Quality
P.O. Box 13087, MC-160
Austin, Texas 78711-3087

OPA
SEP 26 2006

RE: Lower Colorado River Authority (LCRA)
WRPERM 5731
CN 600253637, RN 104090238
Application No. 5731 for a Water Use Permit
TWC §11.121, 11.085, Requiring Mailed and Public Notice
Colorado River Basin
Colorado, Wharton, and Matagorda Counties

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2006 SEP 27 PM 4:00
CHIEF CLERKS OFFICE

Dear Ms. Delgado:

The City of Austin submits the following questions and comments regarding Water Use Permit Application No. 5731.

After reviewing the draft of the permit issued by TCEQ on July 13, 2006, the City of Austin remains concerned about issues raised its protest letter, which it submitted to the Commission on October 10, 2001. Specifically:

1. LCRA's permit will substantially affect the City's legal right to maintain and use its return flows. If LCRA is authorized to appropriate all "unappropriated" water in the basin, this may include the City's return flows unless specifically excluded. LCRA's permit will authorize the appropriation of 835,514 acre-feet of water, which appears to include the City's current and future return flows. The City, which has a reuse program and intends to reuse its return flows in the future, will be unable to do so because that water will already be appropriated by LCRA. A factor relevant to determining an affected person is whether the interest claimed is one protected by the law under which the application will be considered. 30 TEX. ADMIN. CODE § 55.256(c)(1)(2000). The City's interest in maintaining its return flows is protected by its legal right as a water rights holder to divert, use and reuse all of the water authorized in its permits.

BG

2. In determining whether someone has a personal, justifiable interest, the commission weighs the likely impact of the regulated activity on the use of the impacted natural resource by the person. 30 TEX. ADMIN. CODE § 55.256(c)(5)(2000). The City's use of the water in the Colorado River basin will be adversely affected if LCRA is authorized to appropriate the City's return flows, therefore the impacted natural resource is the water the City is legally entitled to divert and use.
3. The proposed permit would deprive the City of an equivalent quantity of water that was available with the full, legal exercise of its existing water right before the change, and thereby violate 30 TEX. ADMIN. CODE § 295.45(a). The City has a legal right to divert and use all of the amount of water appropriated in its water rights, including return flows. LCRA's permit would allow LCRA to appropriate the City's return flows, and would thereby reduce the amount of water available to the City in comparison with that available prior to the permit.
4. The City is the largest municipality in the basin, and will be unable to secure additional water rights if LCRA is granted all unappropriated flows. This will have a harmful impact on the City's ability to serve its growing population in the future.
5. LCRA's application may have a negative impact on basin-wide instream uses and bay and estuary flows. There may be associated instream flow and bay and estuary inflow impacts that may affect the City's ability to reuse its return flows even if the return flows are not included in the 835,514 acre-feet quantity.

In addition to the concerns raised its protest letter, the City submits the following questions regarding the draft permit:

6. Under Special Condition 6A, TCEQ staff recommends the use of the Target Flow régime found in the 1999 LCRA Water Management Plan as the instream flow requirement. Were other low flow criteria considered, such as the Lyon's Method? Would the instream flow requirements differ under other methods? If other methods were not considered, please explain the rationale behind the choice of criteria.
7. Are the Target Flows of Special Condition 6A to be counted as instantaneous flow requirements? Or will daily, multiple daily, or entire monthly flows be allowed to satisfy the Target Flows on an average basis?
8. The maximum diversion rate of this permit is 40,000 cubic feet per second. Did TCEQ staff consider limitations to the rate of change in flow conditions? For example, this permit could result in flow rates dipping and rebounding tens of thousands of cubic feet per second over a short period of time

- downstream of the diversion point(s). Were flood hydrographs at the Columbus gage examined to determine the natural variability in rates of change in flow?
9. Special Condition 6B does not indicate a gaging station for the flow requirement. Please clarify.
 10. Special Condition 6B requires a flow event of 27,000 cubic feet per second and 48 hours in duration to have occurred in the previous 24 months (or is forecast to occur) before diversion can be made under this permit. Will releases from conservation storage from LCRA's upstream reservoirs or storage facilities be considered as a constituent of flow for meeting this requirement?
 11. The Special Conditions section of the draft permit does not speak to the accounting method for limiting water for this permit to "those excess flood waters and those unappropriated flows of the Colorado River Basin downstream of O.H. Ivie Reservoir and downstream of Lake Brownwood." Please provide the accounting method and clarify the gaging locations and any other relevant information that will be used to ensure that water that may have originated upstream of O.H. Ivie Reservoir and Lake Brownwood will not be diverted under this permit.
 12. Are waters previously diverted, stored, and/or returned to the Colorado River Basin downstream of O.H. Ivie Reservoir and Lake Brownwood to be counted in the "excess flood waters" and unappropriated flows made available for this permit? How will it be determined which is a component of the "excess flood waters" and unappropriated flows.
 13. The Tri-Agency Texas Instream Flow Program ("TIFP") is currently studying methods and requirements related to instream flow protection. Current studies by the TIFP indicate a need to consider multiple levels of instream flow protection, such as for subsistence flows, base flows, high flow pulses, and overbank flows. Given that Permit Application No. 5731 will appropriate all remaining "excess flood waters" and "unappropriated flows" of the Lower Colorado River, has TCEQ considered the implications of granting a permit that could potentially complicate implementation in the Lower Colorado River of the instream flow protections included in the TIFP's final recommendations?

Respectfully,



MONICA JACOBS

MMJ:jn

2

TCEQ Public Meeting Form

Tuesday, September 26, 2006

Lower Colorado River Authority Proposed Water Use Permit No. 5731

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 SEP 27 PM 4:00

CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Norman D. Johns

Address: 44 East Ave. #200

City/State: Austin TX Zip: 76701

Phone: () 476-9905

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? National Wildlife Federation

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

CRAIGAN JOHNSON
Route 1 Box 141A
San Saba, Texas 76877

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

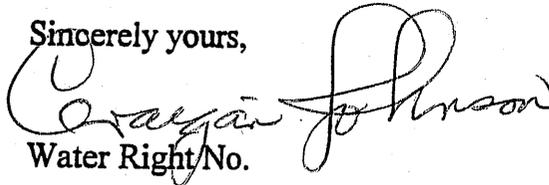
20515
WR

OPA J
SEP 28 2001

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a water right holder in the San Saba River Basin and believe that my water right will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,


Craigan Johnson
Water Right No.

Date:

9-26-01

CHIEF CLERKS OFFICE

SEP 28 AM 10:14

TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION

AP

Form 2

ELEANOR OWEN JOHNSON
ROUTE ONE, Box 132
SAN SABA, TX 76877
915-372-3609

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

20515
WR OPA J
SEP 28 2001

CHIEF CLERKS OFFICE

SEP 28 AM 10:07

TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION

Re: Lower Colorado River Authority
Water Right Application No. 5731

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Sincerely yours,

Eleanor Owen Johnson

Water Right No.

14-1868

Date:

9-26-01

FAX No. 915-372-4088

TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION

2001 SEP 26 AM 11:15

CHIEF CLERKS OFFICE

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

20515
WR

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OPA
SEP 26 2001

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a resident of Menard County in the San Saba River Basin and believe that environmental values in the basin will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,

Nacie Kniffen
500 Kniffen Lane
Menard, Tx 76859

Date:

9/20/01

MAX MAHAN
P.O. Box 965
SAN SABA, TEXAS 76877

915-372-3971 or 372-3739

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

20515
WR OPA J

SEP 28 2001

Re: Lower Colorado River Authority
Water Right Application No. 5731

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Sincerely yours,

Max Mahan - 1915
Water Right No.

Date: 9-22-01

CHIEF CLERKS OFFICE

SEP 28 11 10:06

TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION

20515
WR



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Division of Ecological Services
17629 El Camino Real, Suite #211
Houston, Texas 77058-3051
281/286-8282 / (FAX) 281/488-5882



October 2, 2001

OPA
OCT 08 2001

LaDonna Castañuela
Chief Clerk
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION
CHIEF CLERKS OFFICE
OCT 05 AM 11:55

Dear Ms. Castañuela,

The U.S. Fish and Wildlife Service has reviewed Notice of Water Right Application No. 5731 and would like to submit the following comments. The applicant, The Lower Colorado River Authority is seeking authorization for the following:

1. To divert, store, and use flood waters and unappropriated flows of the Colorado River Basin downstream of O.H. Ivie Reservoir and downstream of Lake Brownwood, in an amount not to exceed 853,514 acre-feet of water annually,
2. To construct an unspecified number of off-channel reservoirs within Colorado, Wharton and Matagorda Counties with a maximum combined storage capacity of 500,000 acre-feet and a maximum combined surface area of 25,408 acres, and
3. To use the water requested in this application anywhere within the applicant's authorized water service area and/or such other areas that hereinafter may be authorized by law.

The Service's primary mission is the conservation, protection, and enhancement of fish, wildlife, and plants and their respective habitats. We accomplish these mandates by working together with agencies like TNRCC and under the authority of a number of laws including, but not limited to, the Fish and Wildlife Coordination Act, The Endangered Species Act, The Clean Water Act, the Migratory Bird Treaty Act, and the National Environmental Policy Act. Our goal is that of having the American people be the beneficiaries of our efforts. To this end, we appreciate the opportunity to comment on this permit application.

Regarding the request for new water use authority, the Service is currently participating in the Advisory Committee that is reviewing LCRA's Water Management Plan. The existing and proposed water release trigger related to Target and Critical Freshwater Inflows into Matagorda Bay is at a point when the combined storage capacity for Lake Buchanan and Lake Travis drop below 80%. At this point in time, LCRA has been unwilling to change that trigger point. This position is of concern to the Service because the health of Matagorda Bay will be negatively affected while other uses are not

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affected at all. Until the Critical Freshwater Inflow issue is addressed, the Service does not believe that authorizing additional water use is appropriate. The very health of the resource that your agency, as well as the Service, is mandated to protect depends on a more detailed analysis of how much Freshwater Inflow is required. In addition, permitting new water uses should not be allowed until the Water Availability Model for the Colorado River is completed and an assessment of how much water is really available is done.

Regarding the request for authority to construct an unspecified number of off-channel reservoirs within Colorado, Wharton and Matagorda Counties, the Service recommends that it be deleted from this application. We make this recommendation based on the lack of specific information regarding the impacts to the natural environment at the intended project location(s). In addition, the Houston toad (E), the Attwater's Greater Prairie Chicken (E), and the Bald Eagle (T) are Federally listed as endangered (E) or threatened (T) in Colorado county; and the Bald Eagle is listed in Wharton and Matagorda counties. Without the appropriate levels of consultations as required by the Endangered Species Act, and a thorough analysis of project impacts, no authorization is appropriate.

Regarding the request to use the water in this application anywhere within the applicant's authorized water service area and/or such other areas that hereinafter may be authorized by law, the Service believes that more information regarding impacts to the natural environment resulting from Interbasin Transfers is required before such authority can be given. The Service is concerned that the health of Matagorda Bay will be further degraded by such transfers and until data can show one way or the other, no Interbasin Transfers should occur.

Based on the reasons listed above, the U.S. Fish and Wildlife Service recommends that the application for the subject water-use permit be denied. Because we have an interest in this matter, we further ask that you keep us informed about any meetings or hearings that are scheduled for this application.

Once again, the Service appreciates the opportunity to comment and if you have any questions, please feel free to call me at 281/286-8282.

Sincerely,



Carlos H. Mendoza
Project Leader, Clear Lake ES Field Office

cc:

David C. Frederick, U.S. Fish and Wildlife Service, Austin, TX
Terry Rossignol, U.S. Fish and Wildlife Service, Eagle Lake, TX
Rusty Swafford, National Marine Fisheries Service, Galveston, TX
Andy Sansom, Texas Parks and Wildlife Department, Austin, TX

Carl S. Menzies
2749 Briarwood
San Angelo, Tx 76904
915-949-7489

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

20515
WR

OPA 
OCT 04 2001

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a water right holder in the San Saba River Basin and believe that my water right will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,

Water Right No.

Date:

9-20-01

TEXAS NATURAL
RESOURCES
CONSERVATION
COMMISSION
2001 OCT -3 PM 3:36
CHIEF CLERK'S OFFICE

14

*Mr. S. Menzies
2749 Briarwood
San Angelo, Tx 76904
915-949-7489
9-20-01*

September 20, 2001

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

*20515
WR*

OPA *[Signature]*
OCT 04 2001

Re: Lower Colorado River Authority
Water Right Application No. 5731

TEXAS NATURAL
RESOURCES
CONSERVATION
COMMISSION
2001 OCT -3 PM 3:36
CHIEF CLERKS OFFICE

I am a water rights holder in the San Saba River in the Colorado River Basin and request a contested case hearing in the above-referenced water rights application.

My water rights would be negatively affected by grant of a permit to the LCRA to divert, store and use excess flood waters and unappropriated flows in the Colorado River because:

- a) Existing adjudicated, permitted and senior riparian rights, particularly run-of-the-river rights, including mine, will not be adequately protected if the above-referenced permit is granted in the absence of specific quantification of total flows that are allocated to each of the tributaries and main stem of the Upper Colorado River under various rainfall and drought-condition scenarios.
- b) There are a total of approximately 10,000 acre-feet of water rights adjudicated or permitted in the San Saba River in Menard County. During many years there is not enough water in the river for many of the holders of water rights, including me, to fully utilize their right. The Menard County Water Control and Improvement District No. 1 is currently is in the process of entering into a contract with an engineering firm to study the feasibility of creating facilities to store water for the purpose of augmenting flows during drought years to enable water rights holders to more fully utilize their right. To implement this project for the purpose of assuring an adequate water supply to meet my adjudicated water right, the MCWCID No. 1 will require authorization from the TNRCC to divert and store a modest amount of excess flood waters.
- c) the Menard County Water Control and Improvement District is in the process of creating a non-profit entity to purchase and/or lease existing water rights in the San Saba River in Menard County for the purpose of maintaining streamflows for environmental and agricultural purposes during times of drought. Grant of the above-referenced permit will impair my water right in that it will may prohibit my donation, sale, or lease of my water right to said entity.

Location of Water Right:

My water right is located on the San Saba River in the Colorado River Basin approximately $2\frac{1}{2}$ miles ~~South~~ ^{East} of the City of Menard.

Proposed Conditions in the Requested Permit

- 1) That, prior to granting of the referenced permit, the quantity of water to be allocated to each main tributary and the main stem of the Upper Colorado under normal and varying rainfall and drought conditions, sufficient to meet existing water rights and foreseeable riparian rights through the year 2050, be quantified, based on annual flows passing certain gauges to be established for that purpose.
- 2) That there be a ten-year moratorium, from the date of grant of the application, on forfeiture of any existing water rights in the Upper Colorado River basin.
- 3) That the LCRA permit will except the San Saba River in its entirety from its operation, or, in the alternative, that the permit will specify that only flood waters and unappropriated flows in excess of 30,000 acre feet in the San Saba River basin will be subject to the terms of the permit.

~~001788~~ 006814

Water Right No.

FEDERAL
DEPARTMENT OF
AGRICULTURE
AUG 11 11:01
OFFICE

20515
WR

I am 87 years old and cannot attend the meeting. I live on the Colorado River near Bend^{Texas} on my Ranch. Every summer the river barely runs because so much water is drained by irrigation. I am opposed to giving any more rights. Our rivers need to keep flowing - my vote is NO

OPA
AUG 30 2001

Sincerely,
Elsie Mullican
403 E. Brown
San Saba, Texas

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



NOTICE OF WATER RIGHT APPLICATION

APPLICATION NO. 5731

APPLICATION. The Lower Colorado River Authority, applicant, P.O. Box 220, Austin, Texas 78767, seeks a Water Use Permit pursuant to § 11.121 of the Texas Water Code, and Texas Natural Resource Conservation Commission Rules 30 TAC § 295.1 et seq.

The applicant is seeking authorization to divert, store and use those excess flood waters and those unappropriated flows of the Colorado River Basin downstream of O.H. Ivie Reservoir and downstream of Lake Brownwood, in an amount not to exceed 853,514 acre-feet of water annually. O.H. Ivie Reservoir is located on the Colorado River in Coleman, Concho, and Runnels Counties. Lake Brownwood is located on Pecan Bayou, tributary of the Colorado River, in Brown County.

The applicant seeks authorization to divert and use the requested appropriation of water at nine of the applicant's authorized existing diversion points downstream of the U.S.G.S. streamflow gage at Columbus in Colorado County. These existing authorized diversion points are located as follows: (i) at a point on the west bank of the Colorado River in the Samuel Kennelly Grant, Abstract 30, Colorado County, also being Latitude 29.516° N, and Longitude 96.409° W; (ii) at a point on the west bank of the Colorado River in the Cornelius H. Vanderveer Grant, Abstract 95, Matagorda County, also being Latitude 28.776° N and Longitude 95.997° W; (iii) on the perimeter of the reservoir located in the John Raney Grant, Abstract 80; the Cornelius H. Vanderveer Grant, Abstract 95 and the Abram Sheppard Survey, Abstract 383, Matagorda County, also being Latitude 28.793° N and Longitude 96.051° W; (iv) on the perimeter of the reservoir located at the John Raney Grant, Abstract 80, Matagorda County, also being Latitude 28.796° N, and Longitude 96.046° W; (v) at a point on the east bank of the Colorado River in the A. W. McLean and James McNair Grant, Abstract 33, Colorado County, also being Latitude 29.516° N, and Longitude 96.410° W; (vi) on the perimeter of Eagle Lake, also being Latitude 29.559° N, and Longitude 96.334° W; (vii) at a point on the east bank of the reservoir on the Colorado River located in the Sylvenus Castleman Grant, Abstract 11, Wharton County, also being Latitude 29.193° N, and Longitude 96.072° W; (viii) at a point on the east bank of the reservoir on the Colorado River located in the John F. Bowman and Henry Williams Grant, Abstract 9, Matagorda County, also being Latitude 28.983° N, and Longitude 95.999° W; and (ix) at a point on the west bank of the reservoir on the Colorado River located in the Thomas Cayce Grant, Abstract 14, Matagorda County, also being Latitude 28.980° N and Longitude 96.012° W. The maximum combined diversion rate from all diversion points will be 40,000 cubic feet per second (cfs).

A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

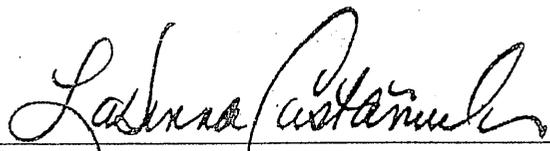
CONTESTED CASE HEARING. The TNRCC may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions in the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TNRCC can be found at our web site at www.tnrcc.state.tx.us.

Issued: AUG 22 2001



LaDonna Castañuela, Chief Clerk
Texas Natural Resource Conservation Commission

The applicant is also seeking authorization to construct an unspecified number of off-channel reservoirs within Colorado, Wharton and Matagorda Counties with a maximum combined storage capacity of 500,000 acre-feet and a maximum combined surface area of 25,408 acres. In order to estimate the maximum total surface area of the reservoirs, the maximum evaporative losses from the reservoirs, and the maximum total yield from the reservoirs, the applicant indicates that, for those purposes, assumptions were made that at the maximum normal operating level of the reservoirs, the approximate depth of the reservoirs would be no more than 45 feet and no less than 20 feet.

The applicant indicates that the estimated combined maximum annual evaporation from the off-channel reservoirs would be 82,264 acre-feet, based on a maximum surface area estimate of the reservoirs, assuming an approximate water depth of 20 feet in the reservoirs. The maximum combined annual diversion of water from the off-channel reservoirs would be not exceed 327,591 acre-feet, based on an assumed maximum approximate water depth of 45 feet within the reservoirs, at the maximum normal operating level, with a maximum combined diversion rate from the off-channel reservoirs of 4000 cubic feet per second (or 1,785,200 gallons per minute). Applicant estimates that the maximum monthly demand from the off-channel reservoirs would be 110,000 acre-feet based on an assumed capability of diverting one third of the annual total of 327,591 acre-feet in a single month.

The reservoirs would be off-channel, in that no natural inflows from watercourses in the Colorado River Basin watershed would be captured and impounded by the reservoirs. Watercourses which are tributaries of the Colorado River Basin watershed and which may be currently located within the boundaries of the reservoir sites, would be redirected to flow around the perimeter of the reservoir sites, in order to maintain local drainage, runoff, and natural streamflow in the immediate area of the selected reservoir sites. The specific location of the off-channel reservoirs has not been determined by the applicant with the exception that the three counties - Colorado, Wharton, and Matagorda Counties have been identified as the general location of the reservoirs. Approval by the Commission of an amendment or amendments to the applicant's permit for this appropriation of state water would be required prior to the construction of the off-channel reservoirs.

The applicant is seeking authorization to use the water requested in this application anywhere within the applicant's authorized water service area and/or such other areas that hereinafter may be authorized by law. The purposes of use will be municipal, industrial, irrigation, and/or agricultural. Appropriate instream flows and bay and estuary inflow requirements will be determined by the Commission in consultation with the Texas Parks and Wildlife Department.

The application is subject to the Texas Coastal Management Program (CMP) and must be consistent with the CMP goals and policies.

The application was received on March 31, 1999 and declared to be administratively complete on February 28, 2001.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing.

OCT 03 2006

CHIEF CLERKS OFFICE
OCT 03 2006
COMMUNICATIONS SECTION
12:30 PM

OPA
OCT 02 2006

BY

W
Whom it may Concern -

502
20515
2006

I am nearly 93 years old. I was born in a house nearest the place where the San Saba River empties into the Colorado River. Our Colorado river grows smaller - and in time will be no more because of dams and town usage. Tomita, Texas was only to get water from the Colorado River until its flow was a certain point. Now with this drought they are getting a change so they can obtain water with the river this low.

Let's be real and allow our rivers to flow and not dry-up. The farmers need this water for their crops and to water livestock. In the 1950 - the Colorado was dry above where the San Saba emptied into it -

A Concerned Citizen
Elise Wilkison
203 E. Brown
Llano Saba Texas 76877

Phone

325-372-3446

TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION

SEP 26 AM 11: 07

CHIEF CLERKS OFFICE

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

20515
WR

D

OPA

SEP 26 2001

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a water right holder in the San Saba River Basin and believe that my water right will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,

Ray Orson by *kk*

Water Right No.

149 RAY ORSON
1004 N BRYAN
LAMESA, TX 79331

Date:
Sept. 20, 2001

Danny C. Pennington
Box 123
Menard Texas 76859
(915) 396-4738

TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION

2001 OCT -1 AM 10:29
CHIEF CLERKS OFFICE

Office of the Chief Clerk, MC 105
TNRCC, O. Box 13087
Austin, TX 78711-3087

NDA KO
SEP 28 2001

20515
WR

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a resident of Menard County in the San Saba River Basin and believe that economic production and environmental values will be seriously impaired by the Commission's grant of the above-referenced permit to the LCRA. Therefore I am requesting that the Commission hold public meetings on the matter prior to taking any action on it.

Sincerely yours,

Danny C. Pennington

Date: 9-26-01

As

Del Venado Ranch
C/o B. Sultermier
12735 Treadwell Lane
McKarett, TX 76841

OPA *J*
SEP 28 2001

Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

20515
WR

Re: Lower Colorado River Authority
Water Right Application No. 5731

I am a water right holder in the San Saba River Basin and believe that my water right will be seriously impaired by the agency's grant of the above-referenced permit application. Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission.

Sincerely yours,

D. Sultermier

Water Right No. 14793

Date: *Sept 21, 2001*
Phone *915-396-4453*

CHIEF CLERKS OFFICE

200 SEP 28 AM 10:18

TEXAS NATURAL
RESOURCE
CONSERVATION
COMMISSION

James and Carol Taylor
PO Box 1176
Menard, TX 76859
915-396-4302

OPA *J*
SEP 28 2001
20515
WR

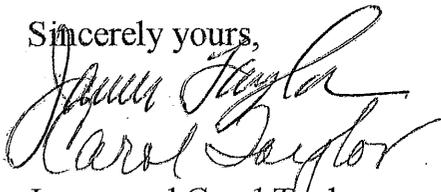
Office of the Chief Clerk, MC 105
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

Re: Lower Colorado River Authority
Water Right Application No. 5731

We are residents of Menard County and live on the San Saba River with one mile of frontage eight miles from the headwaters. Our house water and stock water comes from the river. We believe that environmental values in the basin will be seriously impaired by the agency's grant of the above-referenced permit application. The long drought we have been experiencing has made it impossible to estimate what is 'normal' here and created serious local water needs which we as a community have been addressing together.

Therefore I am requesting a public meeting on the matter prior to any action being taken on it by the Commission. Please inform us of the meeting when scheduled.

Sincerely yours,



James and Carol Taylor
September 20, 2001

CHIEF CLERKS OFFICE

SEP 24 AM 10:53

NOISE CONTROL
NOISE ABATEMENT
SOURCE
NATIONAL

4

1

TCEQ Public Meeting Form

Tuesday, September 26, 2006

Lower Colorado River Authority Proposed Water Use Permit No. 5731

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 SEP 27 PM 4:00

CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Ben Vaughan

Address: PO Box 98

City/State: Austin

Zip: 78767

Phone: (512) 480-5617

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? COASTAL CONSERVATION ASSOCIATION / TEXAS

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

BG

These comments by the Coastal Conservation Association – Texas on Draft Water Rights Permit 5731 presented to the Texas Commission on Environmental Quality on September 26, 2006 by Ben F. Vaughan III, Chair of the Water Committee of Coastal Conservation Association – Texas.

1. The proposed permit calls for the appropriation of all or practically all of the unappropriated flows of the Lower Colorado River. Granting the Permit for 853,514 acre feet of water per year without a showing of the current need therefore and application of such volume to the satisfaction of the need is inappropriate and constitutes an abnegation by the Commission of its statutory obligation to dispense the waters of the State of Texas only when needed by appropriators.

While it may be true that the Commission has continued control over the future application of this 853,514 acre feet of the State's water the control is limited to the approval or disapproval of the LCRA's Management Plan. This does not provide the same flexibility of management of this water as were ownership thereof retained by the State. The water once granted by the State is lost to the State for the future. The Permit should be limited to that volume of water for which there is either a present use or a certain quantified future use.

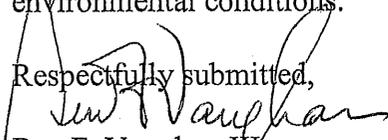
2. Although the reservoirs are part of the LCRA/SAWES Project and the Permit would allocate 327,591 acre feet for storage, Paragraph 2 of the Permit "Use" does not authorize the use of the water in Bexar County. Without the application of this water to the LCRA/SAWES Project what is the use of the reservoir or water stored therein?

3. The special condition 6(B) which requires a peak flow of 27,000 cfs for 48 hours within 24 months of the scalping of the flows must be a prerequisite for the diversion of water to the reservoirs. The only exception for "is forecast to occur" should be when rain has already fallen and the rise of the river upstream manifests that prerequisite flow will be at the diversion points within seven days.

4. Paragraph 6(C): The environmental discharge from the reservoir should not be limited to waters impounded during the preceding month. All water stored in the reservoir should be available to meet the environmental flow requirements of LCRA's Management Plan.

5. Paragraph 7(B): The requirement of the commencement of construction of the reservoirs within two years of the issuance of the Permit is inappropriate. The study period to determine whether or not the LCRA/SAWES Project should proceed will not expire until 2010. As written the Permit would require commencement of the reservoirs two years before this decision on whether or not to proceed and would place unwarranted pressure on both participants to proceed with the project that may well yet be determined to be ill-advised.

Coastal Conservation Association – Texas submits that the Texas Commission on Environmental Quality should delay the granting of Permit 5731 until such time as the finite amount of water required is established and then grant the permit only to that extent and with appropriate environmental conditions.

Respectfully submitted,

Ben F. Vaughan III
Chair, Water Committee
Coastal Conservation Association – Texas

OPA
SEP 26 2006

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
SEP 27 11:40 AM
OFFICE CLERK

3

TCEQ Public Meeting Form

Tuesday, September 26, 2006

Lower Colorado River Authority Proposed Water Use Permit No. 5731

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2006 SEP 27 PM 4:00
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Jennifer Walker - Sierra Club
Address: PO Box 1931
City/State: Austin TX Zip: 78767
Phone: (512) 477-1729

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? Lone Star Chapter, Sierra Club

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

R2



SIERRA CLUB
FOUNDED 1892

Lone Star Chapter

P. O. Box 1931
Austin, TX 78767
512-477-1729 (phone)
512-477-8526 (fax)
lonestar.chapter@sierraclub.org
www.texas.sierraclub.org

OPA
SEP 26 2006

September 26, 2006

Office of the Chief Clerk
Texas Commission on Environmental Quality MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: LCRA Application No. 5731, Comments on Draft Permit

Dear Ms. Castañuela:

The Lone Star Chapter of the Sierra Club appreciates the opportunity to provide these comments on the draft permit for LCRA Application No. 5731. We concur with the comments, dated September 11, 2006, that were submitted to TCEQ by Myron Hess on behalf of the National Wildlife Federation (NWF). In addition, without waiving the right to contest any aspects of the permit application and the draft permit, the Sierra Club offers the following comments.

We are aware that this permit is one of several that will be required before the Lower Colorado River Authority (LCRA) is permitted to divert water from the Colorado River for transfer to the San Antonio River Basin for municipal water use by the San Antonio Water System (SAWS). As of this time LCRA has not finalized the location and intakes for off-channel reservoirs. Moreover, LCRA and SAWS have not reached a final decision to move forward with the project. In the interests of efficiency, we request that consideration be given to a process whereby issues related to this Application No. 5731 be reserved until such time that said decisions are finalized and that this draft permit be held in abeyance in the meantime.

Indeed we are quite surprised that TCEQ is moving this draft permit through the permitting process now, since TCEQ is well aware of the intensive environmental and other studies underway – but not yet complete – as part of the evaluation of the proposed LCRA/SAWS project. Those studies will provide valuable information that would be important and relevant to TCEQ's own environmental analysis of this permit application. Why, then, does the agency feel the necessity to move forward with this draft permit in the absence of the results of those studies – especially when, as best we are able to ascertain, the applicant has not been pushing nor expecting that this permit application would move through the TCEQ process before at least next year? At best, the release of a draft permit by TCEQ at this time was premature and illogical.

CHIEF CLERKS OFFICE
 2006 SEP 27 PM 4:00
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

The Sierra Club expresses great concerns regarding the vagueness of this draft permit in regards to the location, quantity, and manner in which water authorized by this permit would be used. For example, LCRA seeks authorization to divert, store, and use excess flood flows and those unappropriated flows of the Colorado River in an amount that is greater than three times the stated 250,000 acre-feet in the LCRA-SAWS Definitive Agreement. We feel that authorization of such an overallocation of water does not meet the test set forth in Section 11.134(b)(3)(E) of the Texas Water Code that TCEQ may approve an application for a water rights permit only if: *“the proposed appropriation addresses a water supply need in a manner that is consistent with the state water plan and the relevant approved regional water plan for any area in which the proposed appropriation is located, unless the commission determines that conditions warrant waiver of this requirement...”* As there seem to be no conditions that warrant such a waiver, we question whether TCEQ would be in compliance with the Texas Water Code if it issued this permit in its current form, given that the current Region K and Region L water plans do not call for this large a volume of water to be transferred from the Colorado to the San Antonio Basin as part of the LCRA/SAWS project.

It is also unclear how this permit is to be used for irrigation purposes. According to the LCRA-SAWS Project proposal and the approved Region K plan, none of the irrigation needs in Colorado, Wharton, and Matagorda Counties is to be met by excess flows stored in the off-channel reservoirs that are proposed under *this* permit.

Comments on Draft Permit and Permit Conditions:

2. Use Authorization: The magnitude of water contained in the draft permit far outstrips the amount of water that will be required for the LCRA-SAWS project. The SAWS terminal storage facilities are not being designed to handle 327,000 acre-feet. No justification has been provided for authorizing that large an appropriation of water through this permit.

3. Diversion: It is unclear how the diversion points identified in 3.A. (iii), (iv) and (vi) of the draft permit – which are described as drawing water from existing off-channel reservoirs or Eagle Lake fit the nature of this permit application, which seeks to divert water for storage in new off-channel reservoirs. It is also unclear how the Special Conditions associated with this Permit Application would apply to these Diversion Points. In addition, it is unclear how the diversion point identified in 3.A.(i) can be on the west bank of the Colorado, while the diversion point identified in 3.A.(v), described as being at the same latitude but at a longitude that is further west than the first diversion point, can be on the east bank of the Colorado.

4. Conservation: We commend the permit condition that requires the permit applicant and any successive wholesale customer to develop and implement conservation measures. However, this requirement is fairly boiler plate language, it is ambiguous, and most likely it is not enforceable as written. In order for this requirement to be meaningful specific requirements for permit compliance need to be developed and included in the permit. For example, HB1629 authorizes SAWS to resell water from the LCRA-SAWS

2006 SEP 27 PM 4:00
CHIEF OF STAFF OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Project anywhere within the South Central Texas Region (Region L). While SAWS is to be commended on their water conservation efforts, there is no requirement in the permit that ensures that other customers of the waters obtained as a result of issuance of this permit will adopt water conservation measures or goals as aggressive as those that have been adopted by SAWS within its retail service areas. Moreover, since the water to be obtained through this permit is intended to be transferred eventually to another river basin the level of water conservation requirements included in the permit should be in the range of the "highest practicable levels of water conservation and efficiency achievable...."

Special Conditions:

6.A. (Target Instream Flows) It appears that six of the nine authorized diversion points identified in the draft permit are below the Wharton gage. With this in mind, there should be an addition to Table 1 of an appropriate target flow at an existing gage location downstream of the final point of diversion.

Compliance with target instream flow requirements should be met on an instantaneous measurement basis rather than a daily average.

The draft permit should make clear that no diversions are ever to take place unless the instantaneous flow measurement at the gage downstream of the diversion point is above target instream flows as listed in Table 1. We believe that this is the intent of the permit; however, there is room for misinterpretation of this requirement as stated in the draft.

6.B. (Channel Maintenance Flows) - River ecosystems require a variety of flow types and we are pleased to see the inclusion of channel maintenance flows in this application. However, special condition 6.B in the draft permit is quite vague and needs to be clarified as to whether or not the permittee can divert water if the flow is less than 27,000 cfs. The special condition only notes that permittee will make no diversion that will reduce flows below 27,000 cfs. We certainly hope that the intent is to set 27,000 cfs as a benchmark for channel maintenance flows. Furthermore, we again concur with NWF that the inclusion of the phrase "is forecast to occur" introduces uncertainty because there are no guidelines for how or when that forecast would occur.

6.C. (Freshwater Inflows) - The Sierra Club is generally supportive of this requirement, however, monthly target freshwater inflow amounts should come from the best available science and most current data. In this case the currently adopted and the pending LCRA Water Management Plans do not include the most recent data on freshwater inflow needs for Matagorda Bay. In addition it is not clear which version of the WMP the Commission contemplates using as a basis for freshwater inflow amounts.

In addition we agree with the comment in the September 11 letter from NWF that using a plan that is intended to guide the management of the Highland Lakes may not be appropriate in this case. It may be more appropriate to use the August 2006 Matagorda Bay Freshwater Inflow Needs Study to establish the criteria for this condition.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2006 SEP 27 PM 4:00
CHIEF CLERK

Again, compliance should be measured downstream of the lowermost authorized diversion point for any diverter on the Colorado River in order to insure that the required flows are indeed reaching the bay.

6.E. (Riparian Management Plan) – The Riparian Management Plan is a welcome inclusion in this permit. The RMP should include the riparian area from Columbus to the lowermost authorized diversion point, not just to Wharton. The permit should include more guidance on the contents of this RMP, the extent and components of the riparian corridor covered, and the performance criteria for evaluating plan implementation.

6.F. (Gage Locations) – As mentioned previously, just measuring flows at the Columbus and Wharton gages seems insufficient. Flows should be measured downstream of all authorized diversion point for purposes of permit compliance. Furthermore, flows should be measured down stream of any diverter on the Colorado River for means of assessing compliance with freshwater inflow requirements.

6.G. (Off-Channel Reservoirs) – The proposed issuance of this draft permit before the specific locations for the proposed off-channel reservoirs have been identified and evaluated emphasizes again the premature nature of this permit. Environmental analysis of the full impacts of the issuance of this permit require consideration of the terrestrial mitigation and other issues associated with off-channel reservoirs, and the permit should not move forward without information being provided on specific sites. If TCEQ does proceed regardless, then the agency needs to make explicit that the permit must be amended in the future to expressly authorize specific off-channel reservoirs (after full evaluation and mitigation) before any diversions take place under this permit.

Again, we appreciate the opportunity to comment on the draft permit, but we must firmly assert again that we consider TCEQ action on the permit at this time to be ill-advised, especially given the incomplete nature of the environmental and related studies that are meant to inform the decisions about whether to proceed with the project that is driving this permit application. We urge the agency to put this permit on hold at least until the completion of those studies. If the agency does move forward, however, we want to be clear that we have not withdrawn our request for a contested case hearing on the matter.

Sincerely,



Ken Kramer, Director
Lone Star Chapter, Sierra Club

cc: Ms. Lyn Dean, LCRA
Dr. Wendy Gordon, TCEQ
Ms. Colette Barron, TPWD
Mr. Doug Caroom, Bickerstaff, Heath, Pollan & Caroom
Mr. Myron Hess, National Wildlife Federation