

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

TO: Chief Clerk

From: Robin Smith, Staff Attorney
Dinniah Tadema, Staff Attorney
Environmental Law Division

Subject: Lower Colorado River Authority
Docket No. 2015-1444-WR
WRPERM 5838
CN600253637, RN104252267
Application No. 5838 to Amend LCRA Water Management Plan
Texas Water Code § 11.122, Requiring Mailed and Published Notice
Colorado River Basin
Mason, San Saba, Lampasas, Llano, Burnet, Travis, Bastrop, Gillespie,
Williamson, Fayette, Colorado, Wharton and Matagorda Counties

EXECUTIVE SUMMARY

The Executive Director (ED) received an application from Lower Colorado River Authority (LCRA) seeking to amend its Water Management Plan pursuant to Texas Water Code § 11.122 and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.*

LCRA's Application No. 5838A to amend the WMP was received by the Commission on March 12, 2012, and was declared administratively complete on April 19, 2012. Technical review was completed in November 2012 and the application was sent to notice and the comment period ended on May 28, 2013. On June 3, 2013, based on public comment and the ongoing drought conditions, the Executive Director determined that further evaluation of LCRA's application was necessary. In May 2014, after review of more recent severe drought data, the Executive Director's staff issued a draft report with recommendations related to the curtailment of interruptible stored water. On October 31, 2014, LCRA submitted a revised and supplemental application to amend its WMP that was intended to replace the 2012 WMP application. Technical review of LCRA's October 31, 2014 amended application was completed on June 11, 2015.

LCRA filed another revision to its application on May 21, 2015 to include its Firm Raw Water Drought Contingency Plan (Firm Customer DCP) in the WMP.

Notices of the original and revised applications to amend the WMP were each published in newspapers regularly published and generally circulated in Mason, San Saba, Lampasas, Llano, Burnet, Travis, Bastrop, Gillespie, Williamson, Fayette, Colorado, Wharton and Matagorda Counties, Texas. These counties are the only counties in which persons reside who may be affected by action taken by the Commission on the proposed amendments. Notices of the original and revised applications to amend the WMP were

also sent by first-class mail to the water right holders of record in the Colorado River Basin as required by law.

Eighty-six hearing requests were received. Seventy hearing requests were withdrawn prior to this filing. The remaining sixteen hearing requests are: (1) STP Nuclear Operating Company, (2) City of Austin; (3) Highland Lakes Firm Water Customer Cooperative; (4) Central Texas Water Coalition Inc.; (5) Garwood Irrigation Company and the Lehrer/Lewis Interests; (6) Haskell Simon; (7) Texas Rice Producers Legislative Group, Laurance Armour, III, Daniel Berglund, and Ronald Gertson; (8) Texas Farm Bureau; (9) Michael Sullivan; (10) Kimbra Henry; (11) Patricia Porter; (12) Wayne Bulgerin; (13) Susan Denn and Robert Schmidt; (14) Russell Lynch; (15) Brian Banigan; and (16) National Wildlife Federation.

The application is now technically complete, and Staff has recommended that the application be granted based on the analysis in the technical review memos.

Below is the caption for this application:

Consideration of the application of the Lower Colorado River Authority amending its Water Management Plan (WMP) in Mason, San Saba, Lampasas, Llano, Burnet, Travis, Bastrop, Gillespie, Williamson, Fayette, Colorado, Wharton and Matagorda Counties, Texas. The proposed amendments would reduce interruptible supplies to offset the increase in firm water demand; change the procedure for supplying water to help meet instream flow needs at certain locations downstream of Lady Bird Lake and incorporates specific instream flow values based on the most recent scientific studies; and change the combined firm yield of Lakes Buchanan and Travis. The Executive Director has prepared a draft order approving amendments to the WMP. The Commission will consider all timely filed hearing requests and related responses and replies. (Sarah Henderson, Robin Smith).

THE LCRA WATER MANAGEMENT PLAN

The WMP for the Lower Colorado Basin defines LCRA's water management programs and policies in accordance with the Final Order of Adjudication of the water rights for the Lower Colorado River Authority; the Enabling Act of the Lower Colorado River Authority; General Law of the State of Texas, particularly the Texas Water Code; LCRA's Certificates of Adjudication Nos. 14-5478 and 14-5482, as amended; the Commission's Orders concerning the WMP; and the policies of the Lower Colorado River Authority's Board of Directors. TCEQ considers the WMP to be part of LCRA's water rights. Amendments to the WMP were last approved by the Texas Commission on Environmental Quality (TCEQ) on January 27, 2010.

PROPOSED AMENDMENTS

LCRA's proposed substantive revisions to the WMP under this amendment fall within three areas: 1) interruptible stored water availability; 2) new environmental flow criteria

based on the most recent scientific studies and implementation of those criteria; and 3) a new determination of the combined firm yield.

1. Interruptible Stored Water Availability

Firm demands take precedence over all other uses; therefore, the proposed amendment to the WMP requests a reduction in interruptible supplies to offset the increase in firm water demand. The reduction is achieved by revising the annual interruptible water supply curtailment policy. Under the 2014 WMP, LCRA will determine availability of Interruptible Stored Water for its Gulf Coast, Lakeside operations and Pierce Ranch separately for First and Second Crop and apply volumetric limits on the availability of Interruptible Stored Water for each Crop Season. The amount of water available for these irrigation operations will be based on a Water Supply Condition: “Normal”, “Less Severe”, or “Extraordinary Drought” combined with a look-ahead test. Under the requirements in the WMP for the look-ahead test, if the LCRA Board determines that the Combined Storage would drop below 900,000 acre-feet in the upcoming Crop Season or below 600,000 acre-feet within twelve months, LCRA will not begin releasing water for non-Garwood irrigation operations for that Crop Season.

2. Environmental Flow Criteria

LCRA’s amendment to the WMP includes a change in the procedure for supplying water to help meet instream flow needs at certain locations downstream of Lady Bird Lake and incorporates specific instream flow values based on the most recent scientific studies, as set out in WMP Section 4.4.2. The 2014 WMP includes three levels of instream flows: 1) subsistence; 2) base-dry; and 3) base-average and the amount of water provided will be determined based on combined storage on March 1st and July 1st. The WMP also includes specific trigger levels at which the three levels of instream flows apply. Under the 2014 WMP, LCRA will make releases from Lakes Buchanan and Travis limited to the daily storable inflows to help meet base-average and base-dry instream flows. In addition to storable inflows, previously stored water will be released as necessary to maintain subsistence flows.

LCRA will not manage water in the lower Colorado River to specifically provide for pulse flows under the 2014 WMP. However, LCRA will monitor pulse flows during the time period that this amendment to the WMP is in effect to assess whether pulse flows are occurring at the frequency recommended in the 2008 instream flow study of the lower Colorado River. (WMP Section 4.4.3)

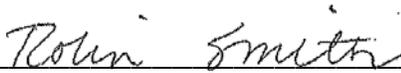
LCRA’s amendment to the WMP also includes a change in the procedures for supplying water to help meet freshwater inflow needs. The freshwater inflow criteria are based on the most recent scientific studies as set out in Section 4.4.3 of the WMP. The WMP freshwater inflow criteria include five levels of inflow to help meet freshwater inflow needs and are defined using two-month operational criteria. The 2014 WMP also includes three month spring and fall freshet requirements and a combined storage trigger at which specific freshwater inflow levels apply.

At the end of each month, to the extent storable inflows are available, LCRA will provide storable inflows, if available, as necessary to meet the two-month operational criteria. In all months, LCRA will release storable inflows to help meet the Threshold level of 15,000 acre-feet per month, to the extent of storable inflows. The WMP also includes additional limitations, which may reduce the amount of water LCRA provides to help meet freshwater inflow needs.

In the event of a pro rata curtailment of firm supplies, the applicable instream flow and freshwater inflow criteria will be subject to the same percentage curtailment as imposed on LCRA's firm water customers. The WMP includes annual and multi-year caps on water for environmental flows in Section 4.4.4 of the WMP.

3. Combined Firm Yield

LCRA requests a change to the combined firm yield of Lakes Buchanan and Travis. Under the 1988 Adjudication Order, LCRA's firm commitments shall not exceed the combined firm yield. The Combined Firm Yield represents the maximum amount of water LCRA can commit from Lakes Buchanan and Travis for firm water supply. Based on updated modeling using a modified version of the TCEQ's water availability model (WAM) for the Colorado River Basin, the combined firm yield of Lakes Travis and Buchanan is reduced from 535,812 acre-feet (which includes 90,546 acre-feet of water associated with O.H. Ivie Reservoir) to 434,154 acre-feet (which does not include an amount for O.H. Ivie Reservoir). The combined firm yield was determined based on the average annual amount of water supplied during the critical period. The new combined firm yield is a net reduction of 11,112 acre-feet from the previously calculated combined firm yield. The combined firm yield is subject to change in future WMP revisions. (WMP Section 3.2.)



Robin Smith, Staff Attorney



Dinniah Tadema, Staff Attorney

Attachment

**ATTACHMENT
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3. Map
4. Executive Director's Response to Comments
5. LCRA's Letter dated October 31, 2014
6. LCRA's letter dated May 21, 2015
7. Exhibit A: Proposed Water Management Plan
 - 3.a. Appendix A: Technical Papers
 - 3.b. Appendix B: Flood Control Regulations
 - 3.c. Appendix C: Prior Orders Regarding LCRA's Water Management Plan and Firm Water Curtailment Plan
 - 3.d. Appendix D: 1988 Final Judgement and Decree
 - 3.e. Appendix E: LCRA Policy 105
 - 3.f. Appendix F DCP for Firm Water Customers
8. Exhibit B: Water rights for lakes Buchanan and Travis
9. Exhibit C: LCRA Board Resolution (2012)
10. Exhibit C-1: LCRA action (2014)
11. Exhibit C-2: LCRA action (2015)
12. Exhibit D: LCRA Board policy on authority and responsibilities
13. Exhibit E: 2014 LCRA service area map
14. Exhibit F-1A: Summary of 2014 public input process
15. Exhibit F-1B: Letter dated May 15, 2015 from the City Austin
16. Exhibit F-2B: Letter dated May 18, 2015 from the Highland Lakes Firm Water Customer Cooperative
17. Exhibit F-2A: Documents available during 2014 public input process and other related files from lcra.org
18. Exhibit F-3A: Written (emailed) comments received during the revision process (2014 only)
19. Exhibit F-4A: Oral comments at LCRA Board and Water Operations committee meetings
20. Exhibit G: Water availability model runs
21. LCRA's letter dated August 17, 2015
22. LCRA's letter dated September 3, 2015
23. LCRA's letter dated October 1, 2015
24. LCRA's Application for Amendment to a Water Right
25. Executive Director's Proposed Order

The attachments listed on the Table of Contents are too voluminous to upload.

All of these attachments can be viewed in the Office of the Chief Clerk, TCEQ, 12100 Park 35 Circle, Austin, Texas 78753, Building F, Suite 1101. Please contact Meghan Taack, (512) 239-3313 with questions.