

City of Canton

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August 18, 2010

Mr. Ron Ellis (MC 160)
Texas Commission on Environmental Quality
Bldg. F, Room 3101
P.O. Box 13087
Austin, Texas 78711-3087

Re: Comments to Environmental Flows Rulemaking (2670-0)

Dear Mr. Ellis:

This letter is submitted in response to the Texas Commission on Environmental Quality's (the "Commission's") request for comments regarding issues raised at its August 12, 2010 stakeholder meeting. In particular, this letter is submitted to apprise the Commission of the City's ongoing projects to ensure that they are carefully evaluated as the Commission considers the factors identified in Texas Water Code 11.1471(b).

At this time, the City has a pending indirect reuse application, which is being processed as Application No. COA 05-4675A. Additionally, on or about November 5, 2009, the City and its consultants met with your staff in a pre-application meeting for a new reservoir that would be located on either Mill or Grand Saline Creek. This new reservoir is included in the 2011 Initially Prepared Plan for the Region D Regional Water Planning Area.

The City wants to ensure that the strategies used by the Commission in addressing the factors in Section 11.1471(b), particularly Sections 11.1471(b)(7) and (8), include consideration for the City's proposed water management strategies. The City also wants the Commission to consider the fact that the City's proposed projects will not be located on the mainstem of the Sabine River, and should not be treated as a mainstem diversion for compliance with whatever standards are ultimately adopted in the upper Sabine River Basin. The Commission needs to develop a protocol for implementing permits for projects on ungaged tributaries that will allow flexibility for meeting the flow regime standards ultimately adopted. This protocol should take into account differences in hydroclimatology, yield of separate watersheds for large flow events, and minimum flow conditions needed for tributaries not designated in 30 Texas Admin. Code Chapter 307, or in the future 30 Texas Admin Code Chapter 298.

The City has concerns regarding the adoption of environmental flow standards that could have significant impacts on water supplies in the Sabine River Basin, including the City's proposed projects. The City urges the Commission to carefully consider all factors when developing its recommendations for proposed rules, including comments of the Sabine River Authority regarding proposed flow standards. The City appreciates the opportunity to work with

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Mr. Ron Ellis
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you and your staff on this important issue. Should you have any questions regarding this matter, please feel free to call at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy McCuiston". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andy McCuiston

cc: Mr. Jerry Clark, SRA
Mr. Gary Burton, P.E.
Mr. Richard Hoffpauir
Mr. Brad B. Castleberry