

## PUBLIC COMMENT

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Thank you allowing me to make a few comments before you began your meeting.

1. Role of the BBASC. At this stage the Committee is starting to formulate its recommendation for environmental flows. Thus I think it's important to remember the Legislative charge given to the Committee in Section 11.02362 (o):

*Each basin and bay area stakeholders committee shall review the environmental flow analyses and environmental flow regime recommendations submitted by the committee's basin and bay expert science team and shall consider them in conjunction with other factors, including the present and future needs for water for other uses related to water supply planning in the pertinent river basin and bay system.*

The Committee has received and reviewed the analysis and recommendations presented by the BBEST. Of course the Science Team was only required to look at the water needs from an environmental standpoint, "without regard to the need for water for other uses".

It is important to remember that the legislative charge does not require the BBASC to adopt the BBEST recommendations. In fact I would argue the charge prevents you from adopting the BBEST recommendations verbatim because it further requires you to "consider them in conjunction with other factors, including the present and future need for water for other uses". To adopt the exact BBEST recommendations would be saying there are no "present or future needs for water" supply projects within the river basin.

Of course that is simply not true. The *2012 Water for Texas Plan* recently published by the Texas Water Development Board cites the need for 10 new surface water projects in the Brazos River Basin. This is almost 40% of the total number of projects identified state wide. For comparison, the Plan identifies only one new project in the Colorado River Basin, and no new projects in the Trinity River Basin.

Thus the adoption of excessive flow requirements could jeopardize the future water supply for a large portion of the State.

2. The issue of "sound science". An argument was made that the BBEST recommendation is the only one the committee has that is based on "sound science". Also there is not enough time and/or funding for the BBASC to develop an alternative similarly based. However, as I understand it, the BBEST plan only mimics historic environmental conditions. They have not determined the impact a specific flow scheme has on each individual species.

Thus the Committee can modify or alter the BBEST recommendations without deviating from the “sound science” principle, except that any new flow requirements may not mimic the historic environment as closely as those under the original BBEST proposal.

***I would encourage the Committee not to hesitate to modify the BBEST recommendations simply because such modifications may not be considered by some to be based on “sound science”. Remember the current recommendations only mimic the historic environmental flow conditions and do not consider the adaptability of the species to changes in the environment. Water supply needs, economics and practicality must be considered in your decision according to the legislative directive.***

3. Large Pulse Flows have the greatest impact on reservoir yield. The Committee has seen studies indicating an upper basin reservoir, such as the Double Mountain Fork West Reservoir, would lose about 40% of its yield under the BBEST recommended plan. This loss was also verified by a study done on the proposed Cedar Ridge Reservoir. A 40% loss of yield for a new reservoir would likely make it uneconomical thus preventing the development of a much needed municipal or industrial water source.

The District did a rough study on a theoretical reservoir near the South Bend gauge based on 1992-2011 flow data, equal ending reservoir elevations and 1954 evaporation rates. The study showed yield loss could be reduced to less than 10% by using the Base Flows and the lowest High Flow Pulse requirements only.

***I would encourage the Committee to consider adopting only the Base Flow and a single High Flow Pulse requirement for the Brazos River Basin. This would not only reduce the financial impact of the e-flow requirements to a more tolerable level, but would also simplify the monitoring of releases by the reservoir operators and regulators alike.***

4. All suffer during a drought. Drought conditions have a tremendous impact on reservoirs, as well as stream flow. The first large inflow to a reservoir is critical to its recovery from a drought condition. Reservoir operators should not bear the full weight of the drought condition in order to maintain streamflow requirements. Establishing a floor elevation in a reservoir, below which the operator would not be required to make High Flow Pulse release, would delay but not eliminate water releases downstream.

***I would recommend the Committee consider exempting reservoirs from High Flow Pulse releases anytime the quantity of water actually impounded therein is less than 50% of its conservation storage capacity.***

5. Maximum Impact to a Reservoir. The Committee has neither the time or funds to determine what impact its recommendations will have on the yield at each of the ten future water supply projects. There could be instances where a 40% reduction or greater is experienced by a proposed reservoir, similar to that seen by calculations on the Double Mountain Fork West. Such large losses cannot be recovered by simply “enlarging” the

proposed reservoir; rather they tend to make the project unfeasible at a time when the State desperately needs new water supplies.

The Committee may be able to include a provision in their recommendations which would allow the developer of a potential reservoir to reduce their releases if they can demonstrate such releases would produce a loss of yield greater than 15% versus the same project with no release requirements at all. The cost for all such studies would be borne by the reservoir developer.

***I would suggest the Committee consider recommending that reservoir developers be allowed to petition the TCEQ for a reduction in the High Flow Pulse requirements if they can demonstrate a 15% or greater reduction in yield would be caused by the imposition of such requirements.***

Thank you again for allowing me to share my thoughts. I brought enough copies of my remarks to share with each of the Committee members, if that is appropriate.

I would also be happy to field any questions the Committee may have at this time.