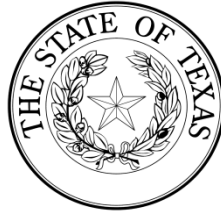


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND THE LCRA WATER MANAGEMENT PLAN AND PUBLIC MEETING

APPLICATION NO. 5838B

SUMMARY. Lower Colorado River Authority (LCRA) has applied for an amendment to its Water Management Plan. The Executive Director has prepared a draft Order Approving Amendments to LCRA's Water Management Plan. LCRA's amended Water Management Plan, if granted, will be subject to all findings, conclusions, and conditions contained in the Commission's Order that is adopted. More information on the application and how to participate in the permitting process is given below.

The application and Executive Director's draft order are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F., Austin, TX 78753.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public is encouraged to ask questions of the Applicant and TCEQ staff concerning the amendment application and the Executive Director's recommendations, but the comments and questions submitted orally during the Informal Discussion Period will not be considered by the Commission and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period, members of the public may state their formal comments orally into the official record. The Executive Director will subsequently summarize the formal comments and prepare a written response which will be considered by the Commission before it reaches a decision on the application. The Executive Director's written response will be available to the public online or upon request. The public comment period on this application concludes at the close of the public meeting.

The Public Meeting is to be held:

October 24, 2019 at 7:00pm

TCEQ
12100 Park 35 Circle
Building E, Room 201S
Austin, Texas 78753

Citizens are encouraged to submit written comments anytime during the public meeting. Citizens may mail their comments to the Office of the Chief Clerk, TCEQ, MC 105, P.O. Box 13087, Austin, Texas, 78711-3087 or submit them electronically at <http://www14.tceq.texas.gov/epic/eComment> before the public comment period closes, which is at the close of the public meeting. If you need more information about the amendment application or the permitting process, please call the TCEQ Public Education Program, Toll Free at 1-800-687-4040. General information can be found at our Web site at www.tceq.texas.gov. *Si desea información en Español, puede llamar al 1-800-687-4040.*

Further information about the application may also be obtained by calling Amy Settemeyer, Manager, TCEQ Water Availability Division, Water Rights Permitting and Availability Section, at 512-239-4691.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at 512-239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

APPLICATION. Lower Colorado River Authority (LCRA), P.O. Box 220, R325, Austin, Texas, 78767, seeks an amendment to 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.* Mailed and published notice of the application is being given to the water right holders of record in the Colorado River Basin.

The Water Management Plan (WMP) for Lakes Buchanan and Travis 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 water policies of the Lower Colorado River Authority's Board of Directors.

The 1988 Final Judgment and Decree for Certificates of Adjudication Nos. 14-5478 (for Lake Buchanan) and 14-5482 (for Lake Travis) specifically required LCRA to submit a reservoir operations plan for Lakes Buchanan and Travis, and this requirement is incorporated into the water rights for these lakes. Certificates of Adjudication 14-5478 and 14-5482 state that "LCRA shall interrupt or curtail the supply of water . . . pursuant to commitments that are specifically subject to interruption or curtailment, to the extent necessary to allow LCRA to satisfy all demand for water under such certificates pursuant to all firm, uninterruptible water commitments." The WMP is LCRA's required reservoir operations plan and provides the framework by which LCRA implements this requirement and sets forth the procedures by which LCRA makes water available from these lakes to help meet "firm" water customer needs, downstream interruptible agricultural demands, and environmental flow needs of the lower Colorado River and Matagorda Bay within LCRA's service area. The WMP also sets forth criteria for declaring a Drought Worse than the Drought of Record and includes a calculation of the Combined Firm Yield of Lakes Buchanan and Travis, which is the amount of water that can be supplied annually from Lakes Buchanan and Travis through a repeat of the Drought of Record.

LCRA's operation of Lakes Buchanan and Travis is subject to the water rights for these lakes, special conditions, and criteria set forth by the court order (1988 Adjudication Order) that adjudicated these and other water rights in the lower Colorado River Basin, and the state statutes and regulations that generally govern use of state water. LCRA's exercise of its water rights pursuant to these requirements is subject to the continuing jurisdiction of the Texas Commission on Environmental Quality (TCEQ), the state agency with primary authority over state water rights.

LCRA solicited input from interested participants to develop this amendment to the WMP. Participants in this revision process included communities, industries and other firm water customers, interruptible agricultural customers, lake area interests, recreational interests, environmental interests, and elected officials. Throughout 2018, LCRA held numerous meetings to present staff-proposed changes to the WMP, present modeling results, and solicit input from participants. Following each meeting, participants had the opportunity to submit written comments, and LCRA developed written responses to the comments. LCRA staff was also available for individual and small group meetings. Additionally, LCRA presented updates to the Board of Directors throughout 2018, leading to action by the Board directing LCRA staff to prepare the WMP revision for TCEQ approval.

Some of the key changes made in the 2015 WMP included separate determinations of the supply available for the First and Second Agricultural Seasons and defined volumetric limits on the amount of Interruptible Stored Water available to the Gulf Coast, Lakeside, and Pierce Ranch operations for each season. The determination of available interruptible supply was based on water supply conditions and a look-ahead test under certain conditions. The 2015 WMP also incorporated the best available scientific studies into new criteria to help meet environmental flow needs of the lower Colorado River and Matagorda Bay.

LCRA’s proposed substantive revisions for the proposed WMP amendment retain the basic framework of the 2015 WMP and include changes to the period of record used in the evaluation; Interruptible Stored Water Availability; Environmental Flows; a reduction of the Combined Firm Yield of Lakes Buchanan and Travis; and an updated test for declaring a Drought Worse than the Drought of Record.

The revisions to the WMP are based on updated hydrology, updated demand projections through year 2025 and updated assumptions about LCRA’s use of its other water rights, including Arbuckle Reservoir.

The hydrologic Period of Record in the water availability model used for this WMP revision is 1940-2016.

Under the WMP, firm demands take precedence over all other uses; therefore, this amendment to the WMP requests changes to Interruptible Stored Water Availability to compensate for increases in firm demands and an extended Period of Record.

LCRA’s proposed revisions to its curtailment policies and procedures are intended to ensure that LCRA can satisfy current and projected firm demands during drought conditions, and to ensure that, in model simulations performed in support of this WMP, LCRA’s release of interruptible stored water does not result in combined storage dropping to the Drought Worse than Drought of Record storage trigger (600,000 acre-feet).

Interruptible Water

LCRA proposes to revise the annual interruptible water supply curtailment policy for the three Water Supply Conditions as described in Chapter 4 of the WMP. The curtailment policy revises the combined storage criteria for the inflow test for entering Less Severe Drought Conditions from the Normal Condition or exiting Less Severe Drought Conditions and returning to the Normal Condition and the criteria for entering Extraordinary Drought.

LCRA proposes revisions to the annual amount of interruptible stored water and the associated combined storage levels at which interruptible stored water will be made available for the First Agricultural Season as follows:

| Normal Condition | | Less Severe Drought Condition | |
|--|---|--|---|
| Combined Storage on March 1 (acre-feet) | Interruptible Stored Water (acre-feet)* | Combined Storage on March 1 (acre-feet) | Interruptible Stored Water (acre-feet)* |
| Below 1,100,000 | 0 | Below 1,100,000 | 0 |
| 1,100,000 to 1,300,000 | 107,100 to 178,000** | 1,100,000 to 1,499,999 | 88,200 to 155,000** |
| Above 1,300,000 | 178,000 | 1,500,000 or above | Not Applicable |
| Anytime cutoff* if storage drops to or below 1 million acre-feet | | Anytime cutoff* if storage drops to or below 1 million acre-feet | |

* Non-Garwood operations.

** For Combined Storage within the specified ranges, the Interruptible Stored Water available follows a linear scale between the values shown.

The maximum supply of Interruptible Stored Water to be released to the Gulf Coast, Lakeside, and Pierce Ranch operations in the First Agricultural Season is 210,000 acre-feet as measured at Mansfield Dam and is inclusive of all Interruptible Stored Water releases for those operations, regardless of whether the water is diverted at those operations.

LCRA also proposes revisions to the annual amount of interruptible stored water and the associated combined storage levels at which interruptible stored water will be made available for the Second Agricultural Season as follows:

| Normal Condition | | Less Severe Drought Condition | |
|--|---|--|---|
| Combined Storage on July 1 (acre-feet) | Interruptible Stored Water (acre-feet)* | Combined Storage on July 1 (acre-feet) | Interruptible Stored Water (acre-feet)* |
| Below 1,100,000 | 0 | Below 1,100,000 | 0 |
| 1,100,000 to 1,400,000 | 39,700 to 66,000** | 1,100,000 to 1,499,999 | 39,700 to 55,000** |
| Above 1,400,000 | 66,000 | 1,500,000 or above | Not Applicable |
| Anytime cutoff* if storage drops to or below 1 million acre-feet | | Anytime cutoff* if storage drops to or below 1 million acre-feet | |

* Non-Garwood operations.

** For Combined Storage within the specified ranges, the Interruptible Stored Water available follows a linear scale between the values shown.

The maximum supply of Interruptible Stored Water to be released to the Gulf Coast, Lakeside, and Pierce Ranch operations in the Second Agricultural Season is 82,000 acre-feet as measured at Mansfield Dam and is inclusive of all Interruptible Stored Water releases for those operations, regardless of whether the water is diverted at those operations. The amount available for Second Agricultural Season will be reduced by the amount of the Second Agricultural Season maximum supply that is used to finish the First Agricultural Season.

If all available Interruptible Stored Water has been diverted in the First Agricultural Season, but there will be Interruptible Stored Water available for the Second Agricultural Season, then all or part of the Interruptible Stored Water available for the Second Agricultural Season can be used to finish the First Agricultural Season.

If releases of Interruptible Stored Water for the First Agricultural Season were cut off for the entire season, then releases of Interruptible Stored Water also are cut off for the Second Agricultural Season. Garwood operations will be provided Interruptible Stored Water consistent with the Garwood Purchase Agreement.

Combined Firm Yield

LCRA updated the period of record for the Colorado WAM to 2016 and modified the method used to calculate the combined firm yield. The revised calculation is based on the critical period for Lakes Buchanan and Travis, defined as the time-period from when Lakes Buchanan and Travis were full to when Lakes Buchanan and Travis are essentially empty (October 2007 - April 2015). Based on the calculations, the combined firm yield would be reduced from 434,154 acre-feet to 418,848 acre-feet for a reduction of 15,306 acre-feet.

Environmental Flows Needs

Under the 2015 WMP, LCRA committed 33,440 acre-feet of firm water to help meet environmental needs. LCRA does not propose to change this amount and a combination of firm and interruptible water is used to help meet environmental flow needs.

LCRA proposes changes to the operational procedures that LCRA will use to help meet environmental flow needs. In the event of a pro rata curtailment of Firm Water supplies, the applicable environmental flow criteria will be subject to the same percentage reduction as LCRA’s Firm Water customers.

LCRA proposes to add an additional evaluation date, November 1, for environmental flows. The environmental flow criteria in place from November through the following February will be based on the combined storage in Lakes Buchanan and Travis on November 1.

LCRA proposes the following combined storage triggers at which specific instream flow levels apply:

| Combined Storage on Evaluation Date (acre-feet) | Instream Flow Criteria |
|--|-------------------------------|
| Above 1,960,000 | Base-Average |
| 1,960,000 to 1,800,000 | Base-Dry |
| Below 1,800,000 | Subsistence |

LCRA proposes to add additional provision for instream flows at the Wharton gage when combined storage is below 900,000 acre-feet. In the event combined storage is below 900,000 acre-feet, LCRA’s obligation to provide previously stored water from Lakes Buchanan and Travis for instream flows at the Wharton gage is limited to helping maintain the greater of 50 percent of the Subsistence value for the current month or 107 cubic feet per second (cfs). When Combined Storage is below 900,000 acre-feet, LCRA is obligated to provide storable inflows for Wharton up to the full Subsistence value.

LCRA’s proposed revisions do not specifically provide for pulse flows; however, LCRA will monitor pulse flows during the time the proposed WMP amendment 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.

Under LCRA’s proposed amendment to the WMP, LCRA’s obligation to help meet freshwater inflow needs is limited to the amount of storable inflows to Lakes Buchanan and Travis during the applicable month. However, LCRA can also provide water to help meet freshwater inflow needs from water stored in Arbuckle Reservoir. The proposed WMP amendment includes two-month operational criteria (OP-1, 2, 3, and 4) to help meet a range of freshwater inflow needs, as detailed in the WMP. The combined storage triggers at which specific freshwater inflow levels will apply are as follows:

| Combined Storage on Evaluation Date (million acre-feet) | Freshwater Inflow Criteria |
|--|-----------------------------------|
| 1.95 and above for March 1 and July 1; 1.85 and above on Nov. 1 | OP-4 |
| 1.5 to 1.949 for March 1 and July 1; 1.5 to 1.849 for Nov. 1 | OP-3 |
| 1.3 to 1.499 | OP-2 |
| 1.0 to 1.299 | OP-1 |
| Less than 1.0 | Threshold only |

LCRA also proposes additional limitations which may reduce the amount of water LCRA provides to help meet freshwater inflow needs under specific conditions. These include:

- a. A maximum monthly release to help meet freshwater inflow criteria to the extent of storable inflows:

| Combined Storage (million acre-feet) | Maximum Release for Bay Criteria (acre-feet) |
|---|---|
| 1.5 and above | 82,000 |
| 1.3 to 1.499 | 56,000 |
| Less than 1.3 | 25,000 |

- b. A bay release percentage rule that limits releases for freshwater inflow criteria that exceed 15,000 acre-feet for a month to the percentages of Storable Inflows remaining after the release of water for instream flows and the release of 15,000 acre-feet for freshwater inflow criteria, based on combined storage at the end of the month for which the criteria applies:

| Combined Storage (million acre-feet) | Bay Release Percentage |
|---|-----------------------------------|
| Less than 1.5 | 50 percent |
| 1.5 or greater | 60 percent |

- c. Specification of times when the bay release criteria is limited to the Threshold value; and
- d. Bay criteria deferral provisions based on specific quantities of additional freshwater inflows to the bay on the first two days of the following month or direct rainfall on the bay subject to specific limitations.

The proposed WMP also includes revised annual and multi-year caps, consistent with the amounts simulated in development of the WMP for periods when combined storage is below 1.3 million acre-feet. If LCRA releases water from Arbuckle Reservoir to help meet environmental flow needs, these releases will not count against the caps.

Drought Worse than Drought of Record

LCRA's proposes revisions to the criteria and procedures for the declaration and cancellation of a Drought Worse than the Drought of Record. The revisions include updates to the tests for declaring a Drought Worse than Drought of Record to reflect the intensity and duration of the recent new critical period for Lakes Buchanan and Travis as specified in Sections 4.5 and 4.6 of the WMP.

LCRA's DCP

LCRA's DCP for its firm customers was approved by the LCRA Board of Directors in February 2019. The updated Firm Customer DCP did not make any changes to the triggers, amount of curtailment of interruptible stored water supply, or the triggers or criteria related to bay and estuary inflows or instream flows. The updated DCP became effective upon approval by the LCRA Board of Directors and was submitted to the commission on February 28, 2019 as Appendix F to the proposed WMP. LCRA's Firm Customer DCP will be incorporated into Chapter 4 of the proposed WMP by reference for all purposes as if set forth in Chapter 4 in full.

LCRA's Application No. 5838B to amend the WMP was received by the Commission on February 28, 2019, and was declared administratively complete on March 28, 2019. By statute, the technical review must be complete within one year of the administrative complete date. Technical review was completed on September 4, 2019.

The application and Executive Director's draft Order Approving Amendments to LCRA's Water Management Plan are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F., Austin, TX 78753. A list of zip codes in which persons reside who

may be affected by this application has been provided by the applicant to the TCEQ. To request a copy, contact Sarah Henderson at sarah.henderson@tceq.texas.gov or (512) 239-2535.

CONTESTED CASE HEARING. The TCEQ 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;" and (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 any proposed conditions to the requested amendment which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TCEQ Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is timely filed, the Executive Director will not issue the requested amendment and may forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests or public comments should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 5838 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: September 20, 2019