October 5, 2005

Mr. C. E. Williams, Chairman
Panhandle Water Planning Group
c/o Chris Coffman
Regional Water Planning Coordinator
P.O. Box 9527
Amarillo, TX 79105

Re: Comments on 2006 Initially Prepared Plan for Panhandle Water Planning Area

Dear Mr. Williams and Planning Group Members:

The National Wildlife Federation, Lone Star Chapter of the Sierra Club, and Environmental Defense appreciate the opportunity to provide written comments on the Initially Prepared Regional Water Plan for the Panhandle Water Planning Area. We consider the development of comprehensive water plans to be a high priority for ensuring a healthy and prosperous future for Texas. We recognize and appreciate the contributions that you have made towards that goal. As you know, our organizations have provided, either individually or collectively, periodic input during the process of developing the plan. These written comments will build upon those previous comments in an effort to contribute to making the regional plan a better plan for all residents of the Panhandle Region and for all Texans.

We do recognize that the draft Plan is subject to revision prior to adoption and is subject to continued revision in the future and provide these comments with such revisions in mind. Our organizations appreciate the amount of effort that has gone into developing the draft Plan for this region. Your consideration of these comments will be appreciated.

I. BACKGROUND AND OVERVIEW

Our organizations support a comprehensive approach to water planning in which all implications of water use and development are considered. Senate Bills 1 and 2 (SB1, SB2), and the process they established, have the potential to produce a major, positive change in the way Texans approach water planning. In order to fully realize that potential, water plans must provide sufficient information to ensure that the likely impacts and costs of each reasonable potential water management strategy are described and considered. Only with that information can regional planning groups ensure compliance with the overarching requirement that "strategies shall be selected so that cost effective water management strategies which are consistent with long-term protection of the state's water resources, agricultural resources, and natural resources are adopted." 31 TAC § 357.7 (a)(9). Complying with this charge is essential in order to develop true plans that are likely to be implemented as opposed to a list of potential, but expensive and damaging, projects that likely will produce more controversy than water supply.

This document includes two types of comments. We consider the extent to which the initially prepared plan complies with the requirements established by SB1 and SB2 and by the Texas

Water Development Board (TWDB) rules adopted to implement those statutes. In addition, our comments address important aspects of policy that might not be controlled by specific statutes or rules. We do recognize that the financial resources available to the planning group are limited, which may restrict the ability of the group to fully address some issues as much as you would like. These comments are provided in the spirit of an ongoing dialogue intended to make the planning process as effective as possible. We strongly support the state's water planning process and we want the regional water plans and the state plan to be comprehensive templates that can be endorsed by all Texans. Key principles that inform our comments are summarized below, followed by specific comments keyed to different aspects of the initially prepared plan.

A. Maximize Water Efficiency

We strongly believe that improved efficiency in the use of water must be pursued to the maximum extent reasonable. New provisions included in SB2 and TWDB rules since the first round of planning require strengthened consideration of water efficiency. Damaging and expensive new supply sources simply should not be considered unless, and until, all reasonable efforts to improve efficiency have been exhausted. In fact, that approach is now mandated. Consistent with TWDB's rules for water planning, we consider water conservation measures that improve efficiency to be separate and distinct from reuse projects. We do agree that reuse projects merit consideration. However, the implications of those projects are significantly different than for water efficiency measures and must be evaluated separately.

The Texas Water Code, as amended by SB1 and SB2, along with the TWDB guidelines, establishes stringent requirements for consideration and incorporation of water conservation and drought management. As you know, Section 16.053 (h)(7)(B), which was added after completion of the first round of regional planning, prohibits TWDB from approving any regional plan that doesn't include water conservation and drought management measures at least as stringent as those required pursuant to Sections 11.1271 and 11.1272 of the Water Code. In other words, the regional plan must incorporate at least the amount of water savings that are mandated by other law.[1] In addition, the Board's guidelines require the consideration of more stringent conservation and drought management measures for all other water user groups with water needs.
Section 31 TAC § 357.7 (a)(7)(A) of the TWDB rules sets out detailed requirements for evaluation of water management strategies consisting of "water conservation practices." Section 357.7(a)(7)(B) addresses water management strategies that consist of drought management measures. The separate evaluation of water management strategies that rely on reuse is mandated by 31 TAC § 357.7 (a)(7)(C).

We acknowledge and commend the strong recognition of the essential role of improved water efficiency in meeting irrigation water demands. However, we urge the planning group to give stronger consideration to municipal and industrial water efficiency measures.

[1] This is a common-sense requirement. We certainly should not be basing planning on an assumption of less water conservation than the law already requires. TWDB guidelines also recognize the water conservation requirements of Section 11.085 for interbasin transfers and require the inclusion of the "highest practicable levels of water conservation and efficiency achievable" for entities for which interbasin transfers are recommended as a water management strategy.

B. Limit Nonessential Use during Drought

Drought management measures aimed at reducing demands during periods of unusually dry conditions are important components of good water management. As noted above, Senate Bill 2 and TWDB rules mandate consideration and inclusion in regional plans of reasonable levels of drought management as water management strategies. It just makes sense to limit some nonessential uses of water during times of serious shortage instead of spending vast sums of money to develop new supply sources simply to meet those nonessential demands. Consideration of drought management measures is required in order for the initially prepared plan to comply with applicable requirements.

C. Plan to Ensure Environmental Flows

Although critically important, designing and selecting new water management strategies that minimize adverse impacts on environmental flows is only one aspect of planning to meet environmental flow needs. New rules applicable to this round of planning require a quantitative analysis of environmental impacts of water management strategies[2] in order to ensure a more careful consideration of those additional impacts. However, if existing water rights, when fully used, would cause serious disruption of environmental flows resulting in harm to natural resources, merely minimizing additional harm from new strategies would not produce a water plan that is consistent with long-term protection of natural resources or that would protect the economic activities that rely on those natural resources.

Accordingly, environmental flows should be recognized as a water demand and plans should seek to provide reasonable levels of environmental flows. Environmental flows provide critical economic and ecological services that must be maintained to ensure consistency with long-term protection of water resources and natural resources. Although we recognize that surface flows are very limited in the area, in many ways that only serves to make them more valuable.

D. Manage Groundwater Sustainably

Wherever possible, groundwater resources should be managed on a sustainable basis. Mining groundwater supplies will, in many instances, adversely affect surface water resources and constitute a tremendous disservice to future generations of Texans. Generally speaking, depleting groundwater sources will not be consistent with long-term protection of the state's water resources, natural resources, or agricultural resources. We urge the planning group to consider measures to move the region more rapidly towards true, long-term sustainable management of its precious groundwater resources. As discussed below, we also urge the planning group to explain the basis for what appears to be a selective use of data in the calculation of water in storage in the Ogallala Aquifer.

E. Facilitate Short-Term Transfers

Senate Bill 1 directs consideration of voluntary and emergency transfers of water as a key mechanism for meeting water demands. Those approaches seem to have received little attention in the planning process to date. Water Code Section 16.051 (d) directs that rules governing the

[2] The rules require that each potentially feasible water management strategy must be evaluated by including a quantitative reporting of "environmental factors including effects on environmental water needs, wildlife habitat, cultural resources, and effect of upstream development on bays, estuaries, and arms of the Gulf of Mexico." 31 TAC § 357.7 (a)(8)(A)(ii).

development of the state water plan shall give specific consideration to "principles that result in the voluntary redistribution of water resources." Similarly, Section 16.053 (e)(5)(H) directs that regional water plans must include consideration of "voluntary transfers of water within the region using, but not limited to, regional water banks, sales, leases, options, subordination agreements, and financing arrangements…." Thus, there is a clear legislative directive that the regional planning process must include strong consideration of mechanisms for facilitating voluntary transfers of existing water rights within the region, particularly on a short-term basis as a way to meet drought demands.

In addition, emergency transfers are intended as a way to address serious water shortages for municipal purposes. They are a way to address short-term problems without the expense and natural resource damage associated with development of new water supplies. Water Code Section 16.053 (e)(5)(I), as added by S.B. 1, specifically directs that emergency transfers of water, pursuant to Section 11.139 of the Water Code, are to be considered, including by providing information on the portion of each nonmunicipal water right that could be transferred without causing undue damage to the holder of the water right. Thus, the water planning process is intended as a mechanism to facilitate voluntary transfers, particularly as a means to address drought situations, by collecting specific information on rights that might be transferred on such a basis and by encouraging a dialogue between willing sellers and willing buyers on that approach. Although not fully evaluated during this round of planning, the planning group does acknowledge the potential for such transfers for future consideration.

II. PAGE-SPECIFIC COMMENTS

EXECUTIVE SUMMARY

County Summary Pages – We commend the planning group and consultant for including summary pages by county in the executive summary. This seems to be an excellent way to make summary information easily accessible to the general public. We would encourage the group to assess whether it would be possible to use colors or background symbols, particularly for the pie charts, that would make it easier to differentiate between all water use categories when plans are printed in black and white. At least for those who access the plan via the internet, the plans likely will be printed out in black and white. Also, for those counties in which an overall shortage of supply is predicted, it would be helpful to include a statement of the total amount of water use. The bar charts only indicate percentages.

TASK 1, PLANNING AREA DESCRIPTION

(Page 14) **Section 1.4.2. Mesa Water, Inc.** It would be helpful to include the date of the issuance of the term permits.

(Page 23). **Section 1.5.3 Springs** The information provided about springs in the region is very general. Revisions to the TWDB rules require the identification and description of springs that are major for water supply purposes or for natural resource protection purposes. See 31 TAC § 357.7 (a)(1)(D). We are unable to location any actual identification or description of such springs in the initially prepared plan. Even if the planning group does not consider it appropriate to give precise locations for individual springs, we believe more information is required. For example, information should be provided regarding the relative size of the springs and about the impact of

the springs on surface flows. On page 22, there is a reference to the disappearance of springs in Dallam County that resulted in formerly perennial streams becoming ephemeral. Comparable information about the role of remaining springs is needed. Also, information is needed about the criteria chosen by the planning group for identifying springs as major springs, particularly with respect to springs important for natural resource protection. Certainly a spring can be "major" for natural resource protection even if it is smaller in size than springs considered "major" for water supply purposes. Additional information about springs also is needed to comply with the requirement for evaluating the potential impact of water management strategies on groundwater surface water interrelationships. 31 TAC § 357.7 (a)(8)(B).

(Pages 33-34)**. Table 1-13.** It would be helpful if the table could be reconfigured, perhaps by printing in landscape mode, to appear in one piece. Even if the print size has to be reduced, it would still make the information much easier to interpret.

(Page 48). **Section 1.7.8 Wildlife Resources**
This section would benefit greatly from additional discussion about aquatic wildlife resources in the region. There is almost no acknowledgement of aquatic species. Because of the great potential for aquatic species to be affected by water management decisions, those resources merit attention and discussion.

(Page 50). **Section 1.8 Threats and Constraints to Water Supply.** The Board's rules also require consideration of threats to natural resources in the region due to water quantity or water quality problems. This section discusses one such natural resource, the Arkansas River shiner, in the context of its potential to affect water resource projects, but fails to acknowledge, or discuss, the potential for such projects to affect the shiner. We urge the planning ground to include some additional discussion of potential threats to the shiner, particularly as they may relate to water quantity issues. That information would help to better inform readers of the underlying issues that need to be addressed and is needed in order to provide a basis for discussion of the consistency of the plan with long-term protection of the state's natural resources.

Task 1, generally. Information seems to lacking about the tourism component of the regional economy. Particularly for any tourism activities that are dependent on water-related natural resources, that information is specifically required by Section 357.7 (a)(1)(G) of the Board's rules.

(Page 86). **Section 3.1.1 Groundwater Supplies**
The first paragraph on this page refers to "providing more representative aquifer bottom elevations and refined recharge inputs" that result in significantly revised figures for water in storage, particularly in the Ogallala Aquifer. Indeed, Figure 3-3 indicates that the estimates for water in storage for some counties have more than doubled when compared to the previous water plan. We certainly support using the best possible estimate of the amount of water in storage.

However, after reviewing Appendix R, we believe further explanation is needed regarding the rationale underlying the decision to use only well data that showed lower elevations for the base of the aquifer and to disregard those data that indicate higher elevations for the base of the aquifer. Because the calculation of the amount of water in storage drives the water availability

calculation, this is a critically important issue. As we read Appendix R, data for approximately 1,500 wells were reviewed. However, as described there, in developing the revised model "[l]ayer thickness was increased in more than 500 model cells but not decreased in any …." Appendix R at p. 4. Figure 1 in Appendix R indicates that the new well data indicate lower base-of-aquifer estimates for 549 cells and higher base-of-aquifer estimates for 714 cells. Some clear explanation should be provided for the decision not to use the data for any of those 714 cells. As currently drafted, it very much appears that data were selectively used to increase the estimate of water in storage. If that is not true, further discussion should be provided to make that clear. If it is true, an explanation of why that represents a reasonable estimate of water in storage should be provided. In addition, if there are additional factors that contributed to the increases in estimated storage, they should also be included in this discussion.

(Page 86). **Section 3.1.2 Major Aquifers**
We recognize the extent of economic impact that would result from a short-term movement to sustainable management of the region's groundwater resources. However, we also believe that a failure to move, in a reasonable time period, to sustainable management will leave the region without a viable long-term water supply. The planning group has chosen to implement the original policy goal of having "50% of annual saturated thickness remaining in 50 years" through considering "1.25% of annual saturated thickness as an available supply."

Figure 3-3 shows significantly to vastly increased availability for all counties as compared to the existing regional water plan. Some explanation should be provided regarding the basis for that increased availability. Given the determination that more water appears to be available, that would seem to present an opportunity to move the region more rapidly towards a true sustained-yield approach. It would be helpful to have an explanation for the rationale used in choosing the 1.25% per year implementation approach.

(Page 86). **Table 3-1**. Additional explanation is needed for how Table 3-1 was developed and what assumptions are embedded in those results. What is the basis of the water use levels reflected for the various counties?

For some counties (Dallam, Moore, and Sherman), the depletion rates predicted in Table 3-1 appear to significantly exceed 1.25% per year when compared to the GAM results presented in Appendix D. Again, additional explanation for those apparent differences is needed. For those same counties, the depletion rates exceed 50% of supplies during the period from 2000 to 2050: Dallam County (17,604,000 ac-ft in 2000 to 7,549,000 ac-ft in 2050), Moore County (10,662,000 ac-ft in 2000 to 3,551,000 ac-ft in 2050), and Sherman County (19,498,000 ac-ft in 2000 to 6,390,000 ac-ft in 2050). We urge the planning group to provide additional explanation of the information presented in Table 3-1.

(Page 87). **Table 3-2**. As is true for Table 3-1, additional explanation is needed in order to understand this information. Again, for at least the same three counties, it appears that available supplies are reduced by significantly more than 50% over a 50-year period.

The text on page 87 indicates that Figure 3-5 corresponds to Table 3-2. However, it appears that Figure 3-5 actually corresponds to Table 3-1 because it presents information about total amount in storage rather than annual availability amounts.

(Page 88). **Figure 3-4.** The bar charts in Figure 3-4 don't seem to correspond with the numbers in Table 3-1.

TASK 4, WATER MANAGEMENT STRATEGIES

(Page 133) **Section 4.3.2 Conservation**

Some additional explanation is needed regarding the discussion of conservation savings included in projected water demands. First, with respect to municipal users, the text seems to indicate that plumbing fixtures savings were included only for projected growth. The rationale for that decision is not clear. As existing plumbing fixtures are replaced because they wear out or fall out of fashion, they will, by necessity, be replaced with new, more-efficient fixtures. Those savings should be reflected in demand projections. From the discussion on page 207, it appears that the assumed savings from efficient plumbing fixtures only totals about 460 acre-feet/year when applied to new growth as opposed to 6,750 acre-feet/year if those savings were applied across all municipal users. We urge the planning group to reconsider that limited application of plumbing fixtures savings. As the discussion on page 207 also notes, new federal standards for energy-efficient washing machines take effect in 2007. Those standards will result in significantly reduced water usage for washing clothes, which is a major water use within the municipal use category. Again, those savings will result automatically as existing washing machines wear out and are replaced with the new, more efficient machines. All of these savings are automatic results that do not require active effort or implementation on the part of municipalities or other water suppliers and should be accurately reflected in planning for meeting projected water demands. We also urge the planning group to include information, by water user group, showing the actual savings, in gallons per capita per day, included in the water demand projections as a result of implementation of the 1991 Water-Efficient Plumbing Act.

We support the planning group's decision to include at least some conservation measures resulting in water savings "of up to 5% of the demand." However, it would be helpful to have more specific information about the actual amount of assumed savings and particularly to have information about how that 5% savings relates to savings resulting from installation of efficient plumbing fixtures. The first full paragraph on page 134 suggests that the 5% conservation savings may actually include accounting for automatic savings expected from the plumbing fixtures code and federal washing machine efficiency standards. If so, that 5% savings is extremely minimal.

Municipal per capita water usage in the region is relatively high. As noted on page 68 of the IPP, median usage is 185 gallons per capita per day (gpcd), with a range of 333 gpcd to 75 gpcd. By contrast, the Water Conservation Implementation Task Force recommended a goal of 140 gpcd, with a 1% per year reduction in usage rate for entities over that goal. The stated goal in the IPP of achieving a total 5% reduction over the 55 year planning period stands in stark contrast. We urge the planning group to consider endorsing a water conservation goal more in keeping with that adopted by the South Central Texas Regional Water Planning Group (Region L):

> "For municipal water user groups (WUGs) with water use of 140 gpcd and greater, reduction of per capita water use by 1 percent per year until the level of 140 gpcd is reached, after which, the rate of reduction of per capita water use is one-fourth percent (0.25) per year for the remainder of the planning period; and
>
> For municipal WUGs having year 2000 water use of less than 140 gpcd, reduction of per capita water use by one-fourth percent per year."

These excerpts are from the Initially Prepared 2006 South Central Texas Regional Water Plan at p. 6-1.

Section 4.5 Manufacturing Shortages
It appears that many of the projected manufacturing shortages may be met through wastewater reuse. That strategy may well prove to be appropriate. However, some discussion is required regarding the potential for that strategy to adversely affect environmental flows. Surface flows are very limited in the area, in part because mining of groundwater supplies has decreased flows from springs and seeps. Information about the extent to which wastewater flows may currently affect surface flows should be provided along with discussion of the potential impacts of reuse of that wastewater on those flows. That information is needed to provide the required quantitative analysis of impacts on environmental water needs and wildlife habitat. See 31 TAC § 357.7 (a)(8)(A)(ii).

(Page 159). **Section 4.5.2 Hutchinson County**
Wastewater reuse is recommended as the primary strategy to meet projected manufacturing demands. There is no discussion about the potential for that reuse to affect environmental flows. Information about the current use or discharge of wastewater flows from the City of Borger should be provided along with discussion about the potential impacts of having those flows no longer available.

(Page 169) **Section 4.8 Irrigation Shortages**
As the initially prepared plan acknowledges, improved water efficiency provides the only viable strategy for attempting to meet projected demands on any long-term basis. We strongly support the planning group's call for improved water efficiency in irrigation practices.

(Pages 179-80) **Section 4.9.8 Summary of Irrigation Conservation Strategies**
As noted at the end of this discussion, the potential exists for savings resulting from improved irrigation efficiency simply to be translated into additional crop production rather than actual reduction in pumping. In recognition of the critical importance of reduced pumping in achieving a reasonable long-term future for the Panhandle Region, we urge the planning group to consider clear language encouraging groundwater conservation districts and other entities to take all reasonable measures to support the goals of reducing pumping and of moving the region to achieving long-term sustainable management of its incredible groundwater resources.

(Page 187) **Section 4.14 Socioeconomic Impacts of Not Meeting Shortages**
We appreciate the caveats listed regarding interpretation of the socioeconomic impact analysis report. We agree that the information easily can be misinterpreted.

(Page 194) **Section 5.2.2 Groundwater Quality**
This discussion acknowledges some specific areas of water quality concerns. However, it does not address potential water quality issues expected as water levels decline with continued mining of aquifer supplies. Those issues are raised in the "Region A Task 2 Report: Agricultural Water Demand Projections" at page 18. That document specifically notes "lower water quality in the lower regions of the water bearing formation." In view of the predicted water level declines, the potential for those impacts to affect use of available supplies should be assessed.

(Page 207) **Section 6.1 Introduction.** In discussing conservation related to irrigation and livestock uses, the text indicates that future reductions due to conservation savings are incorporated into the projected demands for these use categories. Some summary information about those reductions should be provided here or there should be some reference to direct the reader to the discussion where information about those conservation savings can be found. That information is needed to demonstrate compliance with requirements to evaluate water conservation as a water management strategy.

(Page 208). **Figure 6-1 Municipal Conservation Savings**
It appears that this figure actually only represents expected savings through accounting for the effects of the existing State Water-Efficient Plumbing Act. It should be labeled accordingly so that it is not misunderstood as representing the full potential for municipal conservation savings. As noted above, we strongly urge the planning group to incorporate the full (total population) savings for implementation of the 1991Water-Efficient Plumbing Act.

(Pages 208-209) **Table 6-1: Municipal Water Users Gallons Per Capita Per Day**
The figures presented here illustrate significant potential for water savings through municipal water conservation measures. We urge the planning group to consider strengthening the recommendations for municipal water conservation.

(Page 210) **Section 6.2 Water Conservation Plans**
The last sentence of the third paragraph indicates that Table 6-2 contains a list of entities required to develop water conservation plans. That reference should be corrected to refer to Table 6-3. In addition, the entries in Table 6-3 should be expanded. Section 288.2 of the rules of the Texas Commission on Environmental Quality (TCEQ), which applies to entities supplying water for municipal use that are themselves required to develop water conservation plans, to require, by contract, that any wholesale suppliers purchasing water also must develop water conservation plans. See 30 TAC § 288.2 (a)(2)(C). Thus, each wholesale supplier who purchases water from the entities currently listed in Table 6-3 should be added to the list because they also are required to develop water conservation plans.

(Page 211) The discussion regarding water conservation for industrial water users is extremely general. Water conservation is a water management strategy and it must be fully evaluated as a strategy, including a quantitative reporting of quantity, reliability, and cost. See 31 TAC § 357.7 (a)(8)(A)(i). Although we recognize that it may be difficult to provide detailed information for individual industries, additional information about the consideration of the potential for industrial water conservation at least within categories of industrial users is needed.

(Page 211) A cross-reference from the discussion of agricultural water conservation on this page to Table 4-8 would be helpful in directing the reader to information about the required quantitative analysis of those water management strategies.

(Page 217) **Section 6.4.1 Drought Contingency Plans**. As required by 357.7 (a) (7) (B) of TWDB's rules, drought management is a water management strategy that must be evaluated. That provision, along with Section 16.053 (h)(7)(B) also requires that drought management be included as a water management strategy for each entity required to prepare a drought management plan pursuant to Section 11.1272 of the Water Code. Although the planning group may decide, provided it documents the basis for that decision, not to include drought management as a water management strategy beyond those measures specifically required by Section 11.1272, it must include at least the Section 11.1272 level of drought management as a water management strategy. SB2 made inclusion of drought management measures at least at the level required by Section 11.1272 a mandatory prerequisite for approval by TWDB of a regional water plan. See Tex. Water Code Ann. § 16.053 (h) (7)(B). The initially prepared plan includes some summary discussion of drought contingency plans developed by various municipal water user groups. However, that discussion does not include consideration of the amount of water use reduction to be achieved by those plans during drought conditions and does not evaluate drought management as a water supply strategy for municipal or other water user groups.

TASK 7, Description of How the Regional Plan Is Consistent with Long-Term Protection of the State's Water Resources, Agricultural Resources, and Natural Resources

(Page 229). **Section 7.1 Introduction**
The last sentence of this section indicates that the "1.25% of annual saturated thickness" standard was chosen "as a management option for long-term sustainable management of the aquifers within the PWPA to meet local demands." Although we certainly appreciate the difficultly of a rapid movement to a true long-term sustainable management level, we do not believe this standard is accurately described as actually providing for long-term sustainable management. For several counties, Ogallala Aquifer supplies would be substantially depleted during the planning period: Dallam County falling from 17,604,513 ac-ft to 6,779,683; Moore County falling from 10,662,411 ac-ft to 2,928,227 ac-ft; and Sherman County falling from 19,498,315 ac-ft to 6,390,606 ac-ft. For the planning region overall, it appears that a reduction of over 72,000,000 ac-ft (or about 30%) in total Ogallala Aquifer supplies within the region is predicted within the planning period. See Table 3-1 on page 86. That simply is not an approach that is sustainable over the long-term.

This chapter of the initially prepared plan is lacking in substance, particularly as it relates to consistency with long-term protection of natural resources. For example, there is no discussion of the potential impacts of continued depletion of groundwater supplies on springflows and on natural resources dependent on those flows. For example, instead of considering how aquifer water level declines might affect springs or seeps providing flows to the Canadian River and by extension the Arkansas River shiner, the discussion merely notes that the presence of the species might affect water resource projects. The legislative charge is to consider how water resource management might affect natural resources, including endangered species. That type of analysis appears to be completely lacking in the initially prepared plan. That information is needed to

support an essential finding that the plan is consistent with long-term protection of natural resources.

As you know, the Texas Legislature, in recognition of the key importance of this information, specifically provided that TWDB may not approve a regional water plan absent an affirmative finding that the plan is consistent with long-term protection of the state's water resources, agricultural resources, and natural resources. See Texas Water Code Section 16.053 (h)(7)(C).

TASK 8, Unique Stream Segments, Reservoir Sites, and Legislative Recommendations
Unique Stream Segments. We are disappointed that the planning group has again chosen not to recommend segments for designation. It is not clear what more the Legislature could do to limit the legal effect of such designations beyond its current declaration that the designation "solely means that a state agency or political subdivision of the state may not finance the actual construction of a reservoir in a specific river or stream segment" designated for this status. See Tex. Water Code Ann. § 16.051 (f) (emphasis added). It would be beneficial if the planning group included information about the characteristics that resulted in TPWD's nomination of the fourteen segments for consideration by the planning group.

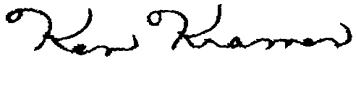
8.3.2 Legislative Issues. Create a Water Conservation Reserve Program for Irrigated Acreage Management. It would be helpful if the planning group provided a bit more discussion to explain this concept.

Appendix C. Model Water Conservation and Drought Contingency Plans
The TCEQ rule excerpts included in Appendix C appear to be out of date. The rules were amended in September, 2004 and updated versions should be substituted for the current content.

Thank you for your consideration of these comments and please free to contact us if you have any questions. We look forward to a continuing positive dialogue with the planning group during this and future planning cycles.

Sincerely,





Myron Hess
National Wildlife Federation

Mary Kelly
Environmental Defense

Ken Kramer
Sierra Club, Lone Star Chapter

cc: Temple McKinnon, TWDB
Kevin Ward, TWDB
Cindy Loeffler, TPWD
Stephan Schuster, Freese & Nichols