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Leaders positive about water bill

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Representatives of groundwater districts, the city of Victoria, the Guadalupe-Blanco River Authority, the National Wildlife Federation and others reacted mostly positively this week to provisions of Senate Bill 3, the far-reaching water policy act introduced Monday by Victoria state Sen. Ken Armbrister.

Here's what they said:

On groundwater

Groundwater district representative Jim Allison called the bill "a step forward" for districts.

While some of the groundwater-district-related parts of the bill concern him, others contain provisions beneficial to districts, he said.

"In a lot of ways, it's probably a reasonable compromise," said Allison, an Austin water attorney who serves as legal counsel to DeWitt County's Pecan Valley Groundwater Conservation District as well as other Victoria-area groundwater districts and the County Judges and Commissioners Association of Texas.

He said he has some concerns about the SB3 provision under which the Texas Water Development Board - rather than local officials - would determine groundwater availability.

The groundwater availability number is crucial to counties in the Victoria area because it determines how much water can be exported to municipalities such as San Antonio or Corpus Christi.

But on the positive side of the ledger, SB3 would improve things for districts by taking them "out from under" the authority of regional water planning groups, Allison said.

The regional planning group system, Allison said, now allows San Antonio to dominate water planning in the Victoria area.

He said the most dramatic change Senate Bill 3 would have on groundwater districts is to group them into new Groundwater Management Area Councils.

For instance, Victoria and DeWitt counties would be grouped in Groundwater Management Area 15 with Calhoun, Jackson, Lavaca, Matagorda, Wharton and all or parts of other area central Gulf Coast Aquifer counties.

The new councils would focus their planning on the "beneficial use and protection" of groundwater aquifers, rather than on meeting the water needs of populations outside of the aquifer's boundaries, Allison said.

"You're going to have to use sound science to establish the needs of your aquifer, but once you do that, if you want to preserve your aquifer and guarantee continued historic uses, (SB3) will provide a blueprint for you to do that," said Allison.

SB3 would also keep districts, which often operate on low budgets, out of expensive legal battles over water availability restrictions. Under SB3, those who challenge availability numbers would have to sue the state.

Armbrister's bill would also provide a state hydrologist to give groundwater conservation districts technical assistance the districts otherwise might not be able to afford.

Water-use fee

Senate Bill 3 would also establish a first-ever water-use fee to be charged to Victoria residents and other Texas municipal water users. The fee would finance water projects as well as improvements to existing water systems.

The first 5,000 gallons a month used would be exempted. But for every additional 1,000 gallons used, the user would be assessed a fee in the neighborhood of 13 cents.

Jerry James, director of environmental services for the city of Victoria, said the fee would help fund repairs to Victoria's water-distribution system.

James said the fee, with its 5,000 gallon-a-month floor, would not affect most small families or people on fixed incomes.

Victoria's Bill Richter, a member of the grassroots Water Research Group, an organization opposed to the Lower Guadalupe Water Supply Project, which would export water from the Victoria area via pipeline to San Antonio, doesn't like the water-use fee.

"With this, Victoria gets to finance part of the pipeline to San Antonio and then gets slapped in the face with the loss of its water needed to fuel water-based local economic development," Richter said.

Environmental flows

For the first time in Texas history, SB3 would set aside an amount of river flow, based on coming scientific studies, for the environmental needs of the Guadalupe River, for San Antonio Bay and for each of the state's river basins and bay-and-estuary systems.

Bill West, general manager of the Guadalupe-Blanco River Authority, said he's excited about the set-aside provision in SB3. "It will provide for the protection of the bays and estuaries across the state."

At the same time, West said, the water needs for the economic future of Texas will also be provided for.

Jerry James said the environmental flows provisions in SB3 are important to the bays and estuaries and the economy of the Victoria area. The dedicated flows would also have a beneficial effect on the aquatic life all up and down the river, James said.

Myron Hess, policy specialist/counsel with the National Wildlife Federation's Austin office, said the federation is very excited about SB3's flow provisions.

"It's a step forward. We think it has a real potential to sort of jumpstart the process of a comprehensive approach to dealing with protecting environmental flows, in recognition of the incredible economic value of environmental flows to the state of Texas," Hess said.

The next step will be quantifying the set-aside amounts and ensuring they are large enough to provide environmental benefits.

But Hess said the set-asides aren't the complete solution, because there are Texas rivers whose flows are already over-allocated to cities, industries and other water-rights holders.

"For a lot of our rivers, there's not enough unappropriated flows available to fully deal with providing environmental flow needs," Hess said.

"But this (SB3) process starts us down the road of acknowledging where those challenges exist, identifying them and potentially starting to come up with the solution. So, it's a very important step."

Guadalupe River

Armbrister said SB3 would also help increase the flow from Edwards Aquifer springs into the Guadalupe River, Victoria's primary water supply source, by raising the existing springflow level at which San Antonio is required to begin implementing Edwards water-use reductions during drought.

Victoria's James agreed that the springflow measures in SB3 guarantee more river water for the Guadalupe during dry periods.

With more water flowing into the river, developers of the Lower Guadalupe Water Supply Project, who now plan to use Guadalupe flows as well as billions of gallons of groundwater annually from Victoria, Refugio and Goliad counties to supply San Antonio, could "zero out" the groundwater component of the project, Armbrister said.

GBRA's Bill West said tying the kick-in point for water-use reductions in San Antonio to higher springflow levels is "crucial. We are very much in support of that."

West also said the Lower Guadalupe water project's groundwater use could "absolutely" be cut as a result.

"The more reliable the surface water is, the less dependency is required on the groundwater," West said.