

February 19, 2010

Edits in red reflect Official Comments, added and submitted April 13, 2010 in San Antonio, TX.

MEMORANDUM

To: Con Mims  
Bill West  
Sam Vaughn  
Brian Perkins

From: David K. Langford

Re: **Official** Comments on Region L Initially Prepared Plan (IPP)

As per the e-mail from Erin Newberry, I am offering the following **official** comments on Region L's IPP. While some might not consider these comments "editorial changes," they really are, as they could have direct bearing on the potential overall "tone" of the whole IPP. This is so because (even though all our comments are specifically directed toward Volume 2, Section 4C.9, Storage above Canyon Reservoir), they might influence how well the entire IPP is received.

***(Page 4C.9-1) 4C.9.1.1 Off-channel Reservoir Screening Criteria and Site Selection***

*"Eight criteria were used in the screening process. Nineteen sites for surface storage were identified in the watershed above Canyon Reservoir or in the Canyon Reservoir flood pool. For the planning level purposes, these sites are meant to be illustrative only of potential sites and do not exclude other sites that may be identified upon further study."*

I realize these sites that are discussed were "randomly" selected and are serving as examples for the point of this discussion. With that said, it is important to remember that once ideas are committed to paper and time passes, people lose sight of the original intent of any document. What in 2010 is an "example" could become a "vetted plan of action" in 2015. The Planning Group must realize that every suggestion in this document could have real-world implications for the people who live in the areas under discussion.

***(Page 4C.9-7) 4C.9.3 Environmental Issues***

*"Field surveys by qualified professionals to document vegetation/habitat types, waters of the U.S. including wetlands, and cultural resources that may be impacted by the ASR system would be required. Where impacts to protected species habitat or significant cultural resources cannot be avoided, additional studies would be necessary to evaluate habitat use and/or value, or eligibility for inclusion in the National Register of Historic Places, respectively."*

As a member of a family who has lived and worked in the area in question since the 1880s, I am glad surveys and documentation will be required before this process moves forward. My family believes our seven-generation agricultural and natural heritage – and that of our multi-generation neighbors – is indeed a cultural resource Texas cannot afford to lose.

***(Page 4C.9-10, 14) 4C.9.3.2 Site 8***

*"The soils in this association are well drained and are poorly suited to many uses including cropland and most recreation uses; this soil's primary value is as wildlife habitat."*

While the shallow soils of the Hill Country are relatively "poor" in comparison to the deep soils of the Blackland Prairies, they do not render the land as useless or valueless as this seems to imply. Yes, the productive open spaces are suitable for wildlife habitat, but they have also provided a livelihood for many

generations of hardy farmers and ranchers, who learned how to make the most of the area's natural resources.

The comments regarding recreation are totally inaccurate. Texans consider the Hill Country their big backyard. Flat Rock Ranch, which Site 8 would completely submerge for example, is globally recognized as a superior, accredited mountain bike course. In fact, Lance Armstrong won a nationally significant event held on the ranch on the last weekend of January, 2010. The natural beauty and the rugged terrain of this entire area offer some incredible recreational opportunities. To mention only a few, these opportunities range from biking to hunting to hiking to fishing to bird-watching to nature photography. This part of the Hill Country is a preferred destination for recreation by citizens from all over the world.

***(Page 4C.9-21) 4C.9.3.5 ASR***

Most reasonable people would not have a problem considering the placement of an injection well and a well-placed underground pipeline on their property, especially as an alternative to a reservoir. But this discussion, as written, lacks an important component that we discussed and agreed upon within the Region L Planning Group. Eminent domain should only be used to acquire pipeline easements as a last resort. It should be the goal of Region L to enlist voluntary cooperators. **Moreover, in all these and related matters, "voluntary cooperators" means in-fact, bona fide willing sellers and cooperators; not those who capitulate because no other options are available for them.**

Furthermore, the northern-most area proposed for this ASR follows Block Creek. My family's home, where my wife and I live, is located less than 200 yards from Block Creek. Our home was built previous to 1887. In addition to ranching and hunting, our Block Creek Natural Area enterprise has become a nationally-known nature photography destination.

***(Page 4C.9-23) 4C.9.5 Implementation Issues***

***"3. Land will need to be acquired through either negotiations or condemnation."***

Again, we agreed as a Planning Group that condemnation using eminent domain should be a last resort. This sentence implies that we are giving equal weight to negotiations and condemnation as a means of acquisition. That's not correct. Negotiation is always preferable. **And, as previously noted, negotiations should only proceed with bona fide willing sellers, not those who are surrendering to power of eminent domain because they have no other choices.**

In closing, as a member of the Region L Planning Group, I understand the issues, challenges and multiple considerations this plan tries to address. At this point, the sites under consideration in 4C.9 have been selected by throwing metaphoric darts at a map. Nonetheless, we cannot approach this plan as an empty bureaucratic exercise, because even metaphoric darts can one day have ramifications for the private lands and the land stewards that they hit.

Anytime the Planning Group discusses taking property, any properties anywhere in Region L, not just those specific to these comments, we must be cognizant that we are potentially impacting people's lives and livelihoods. Therefore, the plan's language ... throughout the entire plan ... must reflect a tone of respect and appreciation, and not one of arrogance or entitlement.

Thank you very much for considering these comments, and please distribute them as you wish.