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**Sent:** Friday, September 26, 2008 3:56 PM  
**To:** Vaugh, Sam  
**Cc:** cmims@nueces-ra.org  
**Subject:** Re: TPWD Region L comments Sept 2008

Sam, here are the San Marcos River Foundation comments:

Dear Chairman Mims and members of Region L Planning Group:

San Marcos River Foundation (SMRF) agrees with comments prepared by Sierra Club and National Wildlife Federation on the Region L Draft Technical Studies on the Lower Guadalupe Water Supply Project (Study 1) and the Brackish Groundwater Supply Evaluation (Study 2). We wanted to know more about the interbasin transfer aspect of those purchases mentioned in Study 1, too. The evaporation questions that TPWD noted in their comments about Study 1 were also something we wanted to know more about.

In addition, there are a few more points we believe are important and want to note, about the Lower Guadalupe Study 1.

1. When SMRF applied in 2000 for the exact amount of water that the State of Texas determined (with thirty years of state-funded freshwater inflow studies) was needed for the health of San Antonio Bay, an availability analysis was done by TCEQ during 2001 and 2002. The analysis stated that the amount of water applied for by SMRF could only be considered available 4% of the years or 40 % of the months. This makes it clear to us that there is not sufficient water available for additional consumptive water rights to be granted. In fact, we believe this indicates that too many water rights have been granted already by Texas in the Guadalupe River basin without specific conditions attached, requiring reduction in pumping during drought. We realize that the Lower Guadalupe project will utilize senior water rights that do not have conditions attached, reducing pumping during drought. However, we suggest that overall Region L water planning efforts could provide for this kind of set-aside for freshwater inflows, perhaps using water that is currently coming back to the river in the form of return flows. Return flows could be part of the planning that could be considered essential by the planning group for any water project to be approved by Region L, to ensure sustainable and appropriate projects for the region. In fact, the law that sets up regional water planning does call for planning groups to protect inflows for bays and estuaries.

2. Our understanding of the consensus criteria is a little less benign than described in the Lower Guadalupe Study 1. We realize that consensus criteria dictates in this case that diversions can be made only when 742 cfs or greater is flowing past the saltwater barrier, at one stage of the criteria. (We remind the planning group that saltwater barriers by their very definition are damaging to the ecosystem, particularly when they are fully inflated and species that need freshwater during droughts cannot reach the sanctuary historically offered by coastal river mouths.) Our further understanding of the consensus criteria is that during extremely dry periods, there is very little water required to pass over the saltwater barrier. That fact is not clear in the paragraph ES.2.2, where it is stated briefly that "diversions can only occur when 742 cfs or greater is passing the saltwater barrier",

leading one to believe that the consensus criteria takes care of the bay "problems" under all conditions. It is not clear later in the text either, when more detail is given on consensus criteria on page 7. We would appreciate a clearer explanation of that subject since the Region L planning group members need to truly understand the consensus criteria stages, and what they really mean in terms of how much water is going to pass to the bays under drought conditions, compared to what the freshwater inflow requirement of the bay really is according to the State of Texas freshwater inflow studies, and also, compared to historical flows during previous droughts.

3. New studies are mentioned in Study 1, being done to get more specific information about how much freshwater is needed by the whooping cranes and for bay health. This statement seems to assume that the new studies will prove that much less fresh water is needed than the current "conservative" estimates. Those studies are not out yet, and so we trust that this Region L planning effort will be relying on the state-established amounts of freshwater inflow for this study's purposes. If new information, currently unavailable to us, is going to be used as the basis for this study, we would want the right to comment on that, at the appropriate time. We hope a last minute change will not be happening, in this study.

4. We remind the planning group that there is no assurance that springflow will continue to be adequate to provide the kind of historical river flows being modeled in Study 1. With more wells being punched into every aquifer in the Hill Country every day, and no real figures on pumping from many of those wells, a drought of record could result in much less flow in rivers than any of us even expect. This kind of uncertainty is certainly difficult to model, but perhaps should be given a few sentences, to describe the margin of error that could be expected. Perhaps using the population differences, comparing current to historic, and current to future, would begin to make a realistic impression about the rather large uncertainty involved.

5. The issue of whether this project AND the nuclear plant proposed for the Lower Guadalupe can be simultaneously planned is an issue on which we don't even know how to comment. According to numbers shown to the Region L group by Bill Jones, the two cannot be simultaneously proposed. Perhaps this Lower Guadalupe project as currently studied, is assuming that the nuclear plant is not happening, or perhaps there is some other source of water besides the Guadalupe River that is involved. We would like clarification on this subject, and if it is not appropriate to put it in this study, perhaps GBRA can address it with the Region L group soon, so we can understand this Lower Guadalupe study more clearly. It is hard to fully understand and comment on both these studies, when such a major uncertainty is before us.

6. Finally, the estimated cost of power to pump the water from the coast to the Hill Country, at \$.09/KW-Hr, may be what the Region L group has agreed to use in all its planning for the next 50 years. But we feel that we must mention that this cost is not realistic, seeing the rates at which power costs are rising currently.

The Board of the San Marcos River Foundation thanks you for the opportunity to comment.

Dianne H. Wassenich, Exec. Director, San Marcos River Foundation