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The Honorable Bryan Shaw  
Chairman, Texas Commission on Environmental Quality  
P.O. Box 13087  
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Austin, Texas 78711-3087

The Honorable Toby Baker  
Commissioner, Texas Commission on Environmental Quality  
P.O. Box 13087  
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The Honorable Zak Covar  
Commissioner, Texas Commission on Environmental Quality  
P.O. Box 13087  
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Austin, Texas 78711-3087

Dear Chairman and Commissioners:

**Re: LCRA Emergency Order, TCEQ Docket No. 2014-0124-WR**

Ducks Unlimited is one of the nation's oldest conservation organizations, representing approximately 600,000 waterfowlers and other conservationists. As the world leader in wetlands science and conservation, DU remains very concerned about the LCRA Emergency Order that will result in a third year without LCRA water for rice farmers, wetlands, waterfowl and other wildlife in the rice prairie wetlands complex in the lower Colorado River basin. We join with others to say, "Do not shut off the Colorado River downstream of Austin."

**Critical Ecosystem.**

As we said in previous letters, science clearly demonstrates that rice fields produce more than just a commodity crop. The rice prairie wetlands complex is an essential ecosystem that supports over 200 species of wildlife and is critically important to waterfowl, shorebirds, wading birds and other wetland-dependent wildlife. The Gulf Coast is one of DU's top five continental conservation priorities, and it remains a high priority under the North American Waterfowl Management Plan (NAWMP). The bays, marshes wetlands, and rice/wetland complexes form the single most important wintering area (with a goal to winter and return to breeding areas over 13M ducks and 1.5M geese) for waterfowl in North America. In addition, the Gulf Coast Joint Venture identifies specific population objectives for over 12 million shorebirds and wading birds in the region.

The Texas Mid-Coast is significant for many species of waterfowl and is the winter home to about 2 million ducks and 750,00 geese annually. The Mottled Duck is a year-round resident,

and the 163,000 Mottled Ducks on Texas Mid-Coast represent 25% of the world's population. This is the last intact rice prairie wetland complex of its size remaining in Texas, and at its foundation is the Colorado River, an important migration landmark and critical source of water.

### **Science.**

We want to remind Commissioners that ricelands provide 66% of the dietary demands and energy supply of wintering waterfowl on the Texas Mid-Coast. Ricelands solely within LCRA irrigation operations provide almost 33% of the energy required by wintering waterfowl on the Texas Mid-Coast. For every 10,000 acre decline in rice acreage, the capacity to support 120,000 wintering waterfowl is lost. The reduction of over 50,000 acres of rice in 2012 within LCRA's Irrigation Districts reduced the ability of the Texas Mid-Coast to support wintering waterfowl by approximately 600,000 birds, representing 31% of the Texas Mid-Coast wintering population objective. Environmental flows are necessary for the Texas Gulf Coast habitat that supports 60 to 80 percent of the continental redhead duck population. Despite the importance of this habitat to redheads, the flows are treated as interruptible water that is terminated under the Water Management Plan for the duration of the Emergency Order (and subsequent extensions and renewals).

### **Wetland Restoration Efforts.**

Since 1991, Ducks Unlimited, the Texas Parks and Wildlife Department, U.S. Fish and Wildlife Service and USDA Natural Resources Conservation Service have partnered to create the Texas Prairie Wetlands Project (TPWP) to achieve the habitat objectives set forth by the NAWMP Gulf Coast Joint Venture (GCJV) conservation plan, with the primary goal of providing sufficient habitat for wintering waterfowl. The TPWP works with private landowners to restore, enhance and create shallow-water wetlands through a 28-county focus area along the Gulf. To date, the TPWP has created or restored 60,000 acres of wetlands, 25% of which occur within LCRA's irrigation service area. The LCRA decision to withhold rice water from ~50,000 acres in 2012 and 2013, and as almost guaranteed in 2014 Emergency Order, neutralized the equivalent of 17 years of habitat conservation efforts. Please note that supplemental water is needed in most of these created/restored wetlands and was withheld in fall 2011 also.

### **Survey Results.**

In past comments to both the LCRA Board and to the TCEQ Commissioners, we advised we did not yet have a definitive understanding based on data and waterfowl population trends as to the impact of withholding water for just over 50,000 acres of rice within of the LCRA irrigation operations area. Recently completed Texas Parks and Wildlife Department wintering goose surveys show a continued decline in 2014 (see attached graph) of 81% from the long term average in Zone 2 (see attached map); Zone 2 is the coastal survey zone in the Texas Mid-Coast). Similarly, an 89% decline from the long term average was detected in Zone 3, the Texas Mid-Coast zone north of Highway 59. The past 3 years now demonstrate a clear trend that the interruption of water to over 50,000 acres of rice in LCRA irrigation area has had a devastating impact on Texas Mid-Coast goose populations.

### **Recommended Conservation Solutions for the Rice Prairie Wetlands Complex.**

Ducks Unlimited recommends:

- maximizing permissible use of "Run-of-River" water to provide for flooding of ricelands, fall and winter flooding of waterfowl habitat, and other appropriate uses across all Irrigation Districts;

- construction of strategic off-channel reservoirs in the lower basin to ensure water for irrigated agriculture, wetlands and wildlife;
- reasonable decisions and compromises based only on sound science and best forecasts that provide reasonable water supply for first and second crop rice water;
- increased water conservation messaging and actions that examine other regulatory options, including mandated restrictions, to implement water conservation practices in the basin's urban areas that would increase water availability and ultimately benefit all users.

We continue to question the lack of significant, coordinated water conservation restrictions in the basin's communities where, for example, dormant, winter lawns are regularly irrigated and plans call for water restrictions that permit once/week lawn watering up to 15 hours/day. Such landscape and lawn irrigation is not appropriate while water for agriculture is cut off, food production for human and wildlife consumption are drastically curtailed, and Texas' natural resources, wetlands and bays are facing continued threat of devastation. Ducks Unlimited understands during drought the need to consider an Emergency Order based on the drought impacts, but finds the current trigger levels are extreme and do not meet any logical threshold for "imminent threat to public health and safety," and that withholding interruptible water for agriculture and environmental flows indefinitely is not in the public's interest. The use of an Emergency Order developed without stakeholder involvement seems to circumvent legislative intent in the shared development of Water Management Plans under the Water Code.

We support the strict use of sound science, responsible water management, and shared sacrifice throughout the basin to make sound water resource decisions. However, this decision will have important consequences for migratory birds and other natural resources important to all Texans. We cannot overstate the importance of this area for waterfowl and other wetland wildlife. Again, this is the last, intact rice prairie wetland complex of its size remaining in Texas, and the Texas Mid-Coast rice prairie wetlands complex is a unique national treasure. DU is committed to assisting TCEQ and the LCRA Board in both the short and long term in bringing sound science to shared decision-making to this critical natural resource issue.

Respectfully submitted,



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CC: The Honorable Rick Perry, Texas Governor  
The Honorable David Dewhurst, Lt. Governor  
The Honorable Joe Straus III, Speaker  
The Honorable Troy Fraser, Chairman Senate Natural Resources Committee  
The Honorable Allan Ritter, Chairman House Natural Resources Committee  
The Honorable Glen Hegar, Texas Senate  
The Honorable Kirk Watson, Texas Senate  
The Honorable Dennis Bonnen, Texas House of Representatives  
The Honorable Lois Kolkhorst, Texas House of Representatives  
The Honorable Tim Kleinschmidt, Texas House of Representatives

The Honorable Phil Stephenson, Texas House of Representatives  
The Honorable Tim Timmerman, Chairman, LCRA Board of Directors  
Mr. Richard Hyde, Executive Director, TCEQ  
Mr. Phil Wilson, General Manager, LCRA  
Mr. Blas Coy, Public Interest Counsel, TCEQ

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*LEADER IN WETLANDS CONSERVATION*