

February 26, 2014

The Honorable Bryan Shaw
Chairman, Texas Commission on Environmental Quality
P.O. Box 13087
MC 100
Austin, Texas 78711-3087

The Honorable Toby Baker
Commissioner, Texas Commission on Environmental Quality
P.O. Box 13087
MC 100
Austin, Texas 78711-3087

The Honorable Zak Covar
Commissioner, Texas Commission on Environmental Quality
P.O. Box 13087
MC 100
Austin, Texas 78711-3087

Dear Chairman and Commissioners:

Re: LCRA Emergency Order and Proposal for Decision

The organizations, communities, businesses and others signed on to this follow-up letter related to the SOAH hearing PFD represent a growing coalition of interests in the lower Colorado River basin and other areas of the Lower Colorado River Authority (LCRA) service area. We wish to express strong concerns related to the recent LCRA Emergency Order request. We join together to say:

- “Do not shut off the Colorado River downstream of Austin.”
- A severe drought continues to grip Central Texas negatively affecting us all, but we reiterate that it is simply not true that there is a shortage of drinking water among LCRA's firm customers. Appropriate design, engineering, construction and maintenance should be set by LCRA to meet required thresholds for drought lake levels.
- The Emergency Order sets an unprecedented 1.1 million acre-foot trigger (or potentially 1.4) for interruptible release for agriculture – over 50 percent of combined storage in the lakes – and continues to curtail interruptible releases to brim filled capacity. The trigger creates a first-time, unparalleled minimum recreational pool level designed to meet the very public demands of Highland Lakes area residents, and this sets a dangerous precedent or standard affecting other releases as well as state water planning processes.

- The Emergency Order and the findings in the PFD as proposed do not equitably share the sacrifice across all LCRA water users within the basin. Virtually all of the burden falls unfairly on the lower basin by cutting off water below Longhorn Dam from eastern Travis County to Matagorda Bay severely restricting flows to the river and bays and impacting downstream businesses, communities and the entire lower basin economy.
- On its current course, this Emergency Order threatens to decimate the health of the river, wetlands, estuaries, bays and near Gulf, creating an environmental and economic catastrophe.
- In most true water emergency situations that were real imminent threats to public health and safety, as have actually occurred in other areas of the state, communities cut off or very nearly cut off all non-essential outdoor watering, including lawns. If this was an imminent threat to public health and safety, we would fully expect similar mandatory water conservation in the face of an emergency.
- After reservoir levels have greatly recovered or even have reached brim filled capacity, the Emergency Order continues to curtail interruptible water for agriculture. This clearly remains unjustified, and seems to unfairly penalize agriculture.

Those who have signed on respectfully ask the Commission to reject the use of specific triggers requested in this Emergency Order. Instead we recommend the Commissioners recognize that no one, including rice farmers, wishes to drive the combined lake storage below 600,000 acre-feet (when drought emergency measures are actually initiated), and we ask the Commission to issue an emergency order that avoids setting a trigger level and instead states water for interruptible flows is cut off on March 1, 2014, in response to historic low inflows, lake storage conditions and lack of rain. We further recommend that the Commissioners allow the collaborative Water Management Plan stakeholder process planned for this spring to assess and consider, in the context of long-term revisions to the Plan, the needs of all users in a fair manner that provides shared basin-wide sacrifice.

Respectfully submitted,

Amanda Hunter, Matagorda County

Area Rice Marketing Company

Audubon Texas

Baldemar Vasquez, Matagorda County

Barbara Hoffman-Director, Eagle Lake Chamber of Commerce

Bastrop Chamber of Commerce

Bay City Chamber of Commerce and Agriculture

Bill Hefner, Superintendent, Rice Consolidated Independent School District

Bink Grimes Outdoors
Buddy and Gina Treybig, Arnold's Seafood and Buddy's Seafood
Camoil, Inc., Columbus, Texas
City of Bastrop
City of Eagle Lake - Mary Parr, Mayor
City of Smithville
Charles Skeeters, Farmland owner
Charlie Paradoski Guide Service
Chris Harvey, Matagorda County
Clive Runnells d/b/a AP Ranch
Coastal Conservation Association Texas
Coastal Rice and Futures, Inc.
Colorado Water Issues Committee
Commissioner William Pina, Bastrop County, Precinct 1
Commissioner Clara Beckett, Bastrop County, Precinct 2
Commissioner John Klaus, Bastrop County, Precinct 3
Commissioner Bubba Snowden, Bastrop County, Precinct 4
Commissioner Doug Wessels, Colorado County, Precinct 1
Commissioner Darrell Kubesch, Colorado County, Precinct 2
Commissioner Tommy Hahn, Colorado County, Precinct 3
Commissioner Darrell Gertson, Colorado County, Precinct 4
Commissioner James Gibson, Matagorda County, Precinct 3
Commissioner Kent Pollard, Matagorda County, Precinct 2
Commissioner Margaret Gomez, Travis County, Precinct 4
Ducks Unlimited
Eagle Lake Chamber of Commerce & Agriculture - Shirley Jones, President
Eagle Lake Hunting Lodge, *Mary Parr*
Eagle Lake Rice Dryer, Inc.
East Bernard Rice Marketing
Eva K Denman, Farmland owner
Evangeline Whorton, Colorado County
Freddy Eggemeyer, Matagorda County
Gulf Coast Bird Observatory, Inc.
Hundred Acre Wood-*James W. And Barbara Hoffman*
Jeffrey Hershey, Hershey Farm
Jim Rutta, Columbus, Texas
John Donald Taylor, Farmland owner
John O'Brien, Superintendent, Van Vleck Independent School District
Johnny's Sport Shop, Mike Grigar
Juan Hector Gomez, Matagorda County
Judge Ed Janecka, Fayette County
Judge Nate McDonald, Matagorda County
Judge Paul Pape, Bastrop County
Judge Phillip Spenrath, Wharton County
Judge Ty Prause, Colorado County
Kallina Dryer, Inc.

Kathryn and Clive Runnells III, C3 Cattle Company
Kenny McCay, Matagorda County
King Davis, Superintendent, Wharton Independent School District
Lalise Mason, Colorado County and Scenic Galveston
Laura Shay, Superintendent, Matagorda Independent School District
Lisa Meysembourg, Superintendent, Schulenburg Independent School District
Mark Pool, Superintendent, El Campo Independent School District
Mark Talasek Guide Service
Mary Ansley, Farmland owner
Matagorda Sunrise Lodge
Michael Hershey, Egypt, Texas
Michael Rolf Guide Service
Perry Morris, Farmland owner
Pierce Ranch and the Armour family
Ray Sexton Guide Service
Red Bluff Prairie Hunting Club
Rice Market Letter
Ricebelt Warehouse, Inc.
R.K. Sawyer, Texas Outdoor Writers Association
Robert Spitzmiller, Manager, Duncan Brothers Ranch
Ron Sanders, Executive Director, Wharton Chamber of Commerce and Agriculture
Ross Aschenbech, Superintendent, East Bernard Independent School District
Run-N-Gun Adventures, Daniel Kubecka
Sawyer Coastal LLC
Scenic Galveston, Inc.
Shoppa's Farm Supply, Inc.
South Texans' Property Rights Association
Sylvia Rucka, City Manager, City of Eagle Lake
Texas Insurance & Financial Services, Inc.
Texas R.I.C.E. (Rice Industry Coalition for the Environment)
Texas Rice Producers' Legislative Group
Texas Wildlife Association
Thunderbird Hunting Club
Tim Kelley, 3TK Cattle and Rice Company
Tim Soderquist
Tom Kelley, 3TK Cattle and Rice Company
Traditions Insurance Services, Inc.
Trent Kelley, 3TK Cattle and Rice Company
Tommy Alexander Guide Service
Vicki Adams, Superintendent, Palacios Independent School District
W.S. Sherrill Waterfowl
Waligura Farms, *John and Holly Waligura*
Wesley P Eiland, Farmland owner
WieKellceks Smokehouse and Meat Market
Wiese Crop Insurance
William David Anders, Matagorda County

**William Younger, Commissioner, Matagorda County Conservation and Reclamation
District #1
Wray-Todd Ranch, LLC**

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