



December 16, 2010

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Robert Mace, *Deputy Executive Administrator*

Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231

Re: Objections to the Region L Water Plan (Agenda Item 29) and Water Infrastructure Funding (Agenda Item 34) containing Guadalupe-Blanco River Authority Simsboro Project

Dear Board Members and Deputy Executive Administrators:

Environmental Stewardship represents the interests of concerned citizens and the water resources of the Lost Pines Region primarily located in Bastrop and Lee counties of Texas. We are specifically concerned that the Guadalupe-Blanco River Authority (GBRA) Simsboro Project threatens the economic, ecological and social well being of our region. We are especially concerned that the process of “taking” water from our region to be exported to another region has been done without the consent of our local regional water planning group and groundwater conservation district. For the reasons given below, we are requesting that the Board reject the 2011 Region L Water Plan and funding of the GBRA Simsboro Project. As a solution, we request that the conflict be resolved by removing the GBRA Simsboro Project from the Region L Water Plan as a “recommended” strategy.

We consider the proposed “overdraft” of groundwater from the Lower Colorado Regional Water Planning Group (Region K) and the Lost Pines Groundwater Conservation District required by the South Central Texas Regional Water Planning Group (Region L) to be a “conflict” that must be resolved before the 2011 Regional Water Plan for Region L can be approved and the requested \$2.5 million Water Infrastructure Funding authorized.

In our November 18, 2010 letter we provided exhibit documents that included letters and testimony between Regions K, L and Lost Pines GCD that demonstrate that Region L has wholly and willfully disregarded the interests of Region K in establishing the GBRA Simsboro Project as a “recommended strategy” in conflict with the current and historic plans of Region K and the Lost Pines GCD. The actions of Region L on behalf of the GBRA Simsboro project create a “conflict” between Region L and Region K, and between Region L and the Lost Pines GCD.

DUTY TO RESOLVE CONFLICTS

The Texas Water Development Board (TWDB) has a statutory duty to facilitate a resolution of this conflict prior to approving the 2011 Regional Water Plan, prior to approving Water Infrastructure Funds, and prior to submitting a summary of the 2011 Regional Water Plans to the Legislature in January 2011. Imposing “over-draft” on a regional water planning group against its wishes, against the guidance of the local groundwater conservation district, and against the desires of the citizens of the counties does not, in our view, remove the conflict.

Section 16.053 (g) and (h) (6) establish the duty of the Texas Water Development Board to resolve interregional conflicts. Section (h) (6) states that **“If an interregional conflict exists, the board shall facilitate coordination between the involved regions to resolve the conflict. If conflict remains, the board shall resolve the conflict.”** (Emphasis added).

Section 16.053 (7) sets the standard for approving a regional water plan: **"The board may approve a regional water plan only after it has determined that: (A) all interregional conflicts involving that regional water planning area have been resolved;"** (Emphasis added).

The Texas Water Development Board (TWDB) has a statutory duty to approve only Water Infrastructure Funds for projects that are "recommended strategies" in approved Water Plans.

Title 31 Part 10, Section 363.1203 (b) of the Texas Administrative Code establishes that: **"The board may make funding available under subsection (a) of this section only for implementation of projects which are recommended water management strategies in a board-approved regional water plan adopted pursuant to Texas Water Code, §16.053 or in the water plan adopted pursuant to Texas Water Code, §16.051."** (Emphasis added).

ACTIONS ARE AGAINST THE WILL OF THE PEOPLE

The actions of Region L and the Guadalupe-Blanco River Authority related to the Simsboro Project are against the will of the people and elected officials of our region. Twelve (12) resolutions and over 400 petition signatures are being provided as evidence of the local opposition to these actions.

Resolutions Opposing the GBRA Simsboro Project

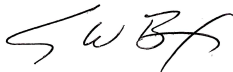
City of Bastrop – Passed by City Council on September 14, 2010
City of Smithville – Passed by City Council on September 13, 2010
City of Elgin – Passed by City Council on September 7, 2010
City of Giddings – Passed by City Council on September 20, 2010
Lee County Commissioners Court – Passed
Bastrop County Water Control and Improvement District No. 2 –
Passed by Board of Directors October 21, 2010
Bastrop Economic Development Corporation – Passed by Board August 23, 2010
Elgin Economic Development Corporation – Passed by Board September 16, 2010
Smithville Area Chamber of Commerce – Passed by Board September 8, 2010
Smithville Independent School District – Passed by Board September 20, 2010
Aqua Water Supply Corporation – Passed by Board September 13, 2010
Lincoln Water Supply Corporation – Passed by Board

Citizens' Petition to Keep Our Groundwater for Local Use - We are presenting our petition along with 400+ signatures from the citizens of our region and the receiving region opposing the GBRA Simsboro Project and requesting that the TWDB intervene in resolving the conflict.

Based on the evidence submitted in our November 18 letter and the statutory duties of the Texas Water Development Board, we are requesting that the Board reject the 2011 Region L Water Plan (Agenda Item 29) and the request for Water Infrastructure Funding (Agenda Item 34).

Thank you for the opportunity to present our concerns.

Respectfully submitted,



Steve Box, Executive Director
Environmental Stewardship

cc: State Senator Glenn Hegar
State Representative Tim Kleinschmidt
Tilmon Lee Walker, Chair GBRA

John Burke, Chair Region K
Con Mims, Chair Region L
Joe Cooper, GM Lost Pines GCD

Environmental Stewardship is a charitable nonprofit organization whose purposes are to meet current and future needs of the environment and its inhabitants by protecting and enhancing the earth's natural resources; to restore and sustain ecological services using scientific information; and to encourage public stewardship through environmental education and outreach. We are a Texas nonprofit 501(c) (3) public charity headquartered in Bastrop, Texas. For more information visit our website at Environmental-Stewardship.org.