



Member Organizations

Alamo Group of the Sierra Club
Aquifer Guardians in Urban Areas
Austin Regional Sierra Club
Bexar Audubon Society
Bexar Green Party
Boerne Together
Cibolo Nature Center
Citizens Allied for Smart Expansion
Citizens for the Protection of Cibolo Creek
Environment Texas
First Universalist Unitarian Church of
San Antonio
Friends of Canyon Lake
Friends of Government Canyon
Fuerza Unida
Green Party of Austin
Hays Community Action Network
Headwaters Coalition
Helotes Heritage Association
Helotes Nature Center
Hill Country Planning Association
Guadalupe River Road Alliance
Guardians of Lick Creek
Kendall County Well Owners Association
Kinney County Ground Zero
Medina County Environmental Action
Association
Northwest Interstate Coalition of
Neighborhoods
Preserve Castroville
Preserve Lake Dunlop Association
San Antonio Audubon Society
San Antonio Conservation Society
San Geronimo Nature Center
San Geronimo Valley Alliance
San Marcos Greenbelt Alliance
San Marcos River Foundation
Santuario Sisterfarm
Save Barton Creek Association
Save Our Springs Alliance
Scenic Loop/Boerne Stage Alliance
Securing a Future Environment
SEED Coalition
Solar San Antonio
Sisters of the Divine Providence
Smart Growth San Antonio
Texas Water Alliance
West Texas Springs Alliance
Wildlife Rescue & Rehabilitation
Wimberley Valley Watershed Association

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May 7, 2012

Ms. Charlotte Horn
MC 205
Office of Legal Services
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Rule Project Number 2011-059-298-OW
Environmental Flows Draft Rules Proposal

Dear Ms. Horn,

These comments are submitted to the Texas Commission on Environmental Quality (TCEQ) on behalf of the fifty-one member organizations of the Greater Edwards Aquifer Alliance (GEAA), our board of directors, and our individual members.

Having participated in the Edwards Aquifer Recovery Implementation Program (EARIP) during the entirety of that process, I am delighted to see the implementation of the EARIP moving forward based upon the consensus agreement of the group. Extrapolating from that experience, I can only imagine how disappointed and frustrated I would be to find that the consensus agreement reached by the stakeholders of the EARIP was disregarded in the same manner that the TCEQ is disregarding the consensus agreement reached by the Bay and Basin Stakeholders Committee (BBASC).

Since the passage of SB 3, we have anticipated the outcome of an in-stream flows process that was intended to create an inclusive approach to resolving the conflicts that have arisen regarding the over-allocation of fresh water flows to Texas bays and estuaries. The GEAA groups have agreed to support the recommendations approved by the BBASC. Subsequently, we were stunned to learn that the TCEQ is not honoring the decision reached by regional stakeholders in setting standards to protect in-stream flows. Given that TCEQ has chosen to disregard the BBASC recommendations, I fear that you are discarding Texas' best opportunity for lasting resolution to existing conflicts through the implementation of a plan that is publicly supported by a supermajority of stakeholders as a fair, rational, science-based solution.

The rules proposed by TCEQ have omitted major aspects of the recommended protections proposed by the BBASC and approved by the GEAA member groups. We fear that the rules proposed by the TCEQ lack

adequate protection of our rivers and bays, and are not adequate to support the ecosystem that relies on in-stream flows. Moreover, we are deeply disappointed at your failure to provide sufficient rationale for overturning major components of the carefully crafted stakeholder recommendations.

Science shows that in order to maintain a sound ecological environment, rivers require multiple tiers of baseflows, high flow pulses, and overbank flows. Both the Bay and Basin Expert Science Team (BBEST) and BBASC recommendations called for protection of these flows. However, TCEQ proposed rules have eliminated the multi-tiered baseflows, several of the high flow pulses, and all overbank flows. TCEQ has not provided adequate justification for how their proposed rules will protect a sound ecological environment.

Stakeholder recommendations for protecting bays and estuaries are based in part on the assumption that the stakeholder recommendations for stream flow would be honored by TCEQ. By not honoring these recommendations, TCEQ has also failed to protect our bays and estuaries and the birds and wildlife that rely upon these habitats. TCEQ has provided no scientific basis for how their proposed rules are adequate to protect a sound ecological environment in the bays and estuaries.

TCEQ Rules, as proposed, will not provide sufficient protection of water resources in the watershed and would undermine the efforts of the Legislature and stakeholders to balance human water needs while protecting our rivers and bays and the coastal economy.

The TCEQ Rules, as proposed, give stakeholders a feeling that their efforts have been wasted and provide no incentive for stakeholder participation in future legislatively mandated stakeholder processes.

For all of the reasons outlined above, the Greater Edwards Aquifer Alliance does not support the TCEQ Draft Rules for Environmental Flows. We urge you to scrap this Draft and start over on a set of rules that honors and implements the recommendations of the Bay and Basin Stakeholders Committee.

Thank you for the opportunity to submit these comments.

Sincerely,

Annalisa Peace
Executive Director