



ENVIRONMENTAL BOARD MOTION 101707-001

Date: October 17, 2007

Subject: Supplemental Water Supply Agreement between the City of Austin and the Lower Colorado River Authority

Motioned By: Dave Anderson, PE, CFM

Seconded By: John Dupnik, PG

Recommendation

The Environmental Board offers the attached resolution in response to the Supplemental Water Supply Agreement between the City of Austin and the Lower Colorado River Authority (LCRA) to increase the firm water available to Austin by an additional 250,000 acre-feet/year through the year 2100 pursuant to the Settlement Agreement executed on June 18, 2007 between the City and LCRA.

Staff Conditions

Not Applicable.

Rationale

Not Applicable.

Vote 5-0-0-2

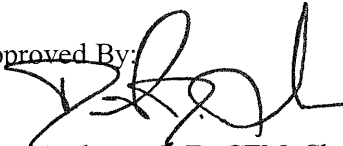
For: Dupnik, Maxwell, Anderson, Neely, Moncada

Against: None

Abstain: None

Absent: Ahart, Beall

Approved By:

 P.E.
Dave Anderson P.E., CFM, Chair

RESOLUTION NO. EB 101707-001

WHEREAS the City of Austin (City) and the Lower Colorado River Authority (LCRA) entered into a Settlement Agreement on June 18, 2007 and a Supplemental Water Supply Agreement (SWSA) is under consideration—both of which much be approved by both entities for either to be valid; and

WHEREAS the Environmental Board is aware of the investments that LCRA has made to protect water quality in the Highland Lakes – the water supply for 1 million Central Texans - and the lower Colorado River basin, including the Highland Lakes Watershed Ordinance (requiring construction projects to meet performance-based standards related to removal of pollutants from stormwater in the watersheds contributing flows to the Highland Lakes), the management of more than 23,000 on-site sewage facilities in an area around the Highland Lakes, and coordination with the Texas Commission on Environmental Quality on their ban of pollutant discharges into the Highland Lakes since 1986; and

WHEREAS the LCRA also provides education opportunities related to natural resources at six nature parks and natural science centers where more than 50,000 kids have been introduced to the lower Colorado River through classes, camps and teacher workshops, and that the LCRA regularly solicits input from customers and stakeholders on its water quality programs through numerous public processes; and

WHEREAS the LCRA has undertaken the Colorado River Environmental Model (CREMS) Project, a 10-year project to develop environmental models capable of assessing water quality, performing environmental analyses and evaluating the affects of water quality ordinances; and that LCRA professionals and more than 100 citizen monitors collect water quality data throughout the lower Colorado River basin that is used to publish LCRA's Water Quality Index to inform and educate the public about general water quality conditions along the Highland Lakes, Colorado River and major tributaries; and

WHEREAS the LCRA has collaborated with partner agencies through the Clean Rivers Program that has also resulted in a water quality database that includes information from more than 200 sites; and

WHEREAS the City of Austin Environmental Board recommended support for the Settlement Agreement, and despite of LCRA's water quality programs, they are primarily focused on inflows into the Highland Lakes, and the Board is concerned about the impacts of the Supplement Water Supply Agreement on the natural environment in and around Austin, including the instream flows and bay and

estuary inflows that might be impacted by either Agreement, as well as the impact of LCRA water supplies to customers in the LCRA service area that provide water for development upstream of receiving waters and watersheds that lie within the City of Austin's jurisdiction that could negatively impact creeks, streams, springs, and the general watershed health of the City's natural resources; and

WHEREAS the City of Austin has the responsibility to provide input on any water supply increments provided by LCRA if the City feels that it may cause elevated City of Austin water treatment costs, elevated maintenance and repair costs due to stream erosion or flooding within the City's jurisdiction, environmental harm to the creeks, streams, springs, or flora and fauna of the watersheds impacted by the water supply increment, or if the water supply increment does not match the intent of the Envision Central Texas program; and

WHEREAS the proposed Water Partnership set out in the Supplement Water Supply Agreement does not expressly provide for public participation, and the decisions made by the City of Austin and LCRA jointly through the Water Partnership on incremental water supplies should be open to a public stakeholder process in which those citizens potentially impacted by water supply decisions have an opportunity to voice their opinions on the validity of such an incremental water supply; and

WHEREAS water conservation standards were not expressly made prerequisite to either the City's or LCRA's interconnection rules; and

WHEREAS the scope of the Settlement and SWSA is unclear with respect to the City's ability to object to present and future supply decisions that are not the subject of the Settlement, and;

WHEREAS the City of Austin Environmental Board requests, and the City and LCRA commit to, having language that outlines the premises and recommendations in this resolution be explicit in the agreement and be hereby incorporated into the SWSA, to protect the natural environment in and around Austin through the end of this Agreement; **NOW THEREFORE**

BE IT RESOLVED BY THE CITY OF AUSTIN ENVIRONMENTAL BOARD, that the Board recommends that the City Council authorize the City Manager to negotiate and execute the SWSA with LCRA to include the following recommendations:

1. The recommendations of the Resource Management Commission should be accepted and explicitly addressed in the Supplemental Water Supply Agreement.

2. Consistent with the Parties' stated mutual interests to "preserv[e] water quality and environmental health of the river and bay system," as stated in Section 5.C(iii)(2) of the Water Partnership framework set forth in Exhibit A of the Settlement Agreement, the Water Partnership should establish a process for monitoring water quality of the springs, streams, and lakes within the City of Austin that receive runoff from areas served by LCRA and for considering water quality impacts, if any, of Supply Decisions evaluated by the Water Partnership.
3. The Water Partnership should establish a process, to include open meetings act notification and stakeholder input, for considering various strategies that may be available to address any adverse impacts that might be identified prior to those water supply decisions being made.
4. The Water Partnership should evaluate available regulatory tools, incentives, or other mechanisms and regional approaches that may be available to help safeguard against any water quality impacts of concern that the Water Partnership might identify.
5. For these purposes, the Water Partnership should use, to the maximum extent possible, existing mechanisms and information, such as the Clean Rivers Program, interlocal agreements regarding nonpoint source pollution prevention, existing studies, and ongoing water quality monitoring and modeling efforts, to collect and assess relevant water quality information.
6. The Water Partnership shall consider the Draught of Record and Draught Contingency Plans as they relate to incremental water supplies on or before the date on which the City of Austin develops its first Demand Projection under the Supplement Water Supply Agreement.
7. On or before the date on which Austin develops its first Demand Projection under the Supplemental Water Supply Agreement, the Water Partnership (or a subcommittee thereof) should report to the Parties' respective governing bodies on its efforts, and shall include a summary of its findings, as well as any recommendations for further study or action.

ADOPTED: October 17, 2007

ATTEST: _____

A handwritten signature in black ink, appearing to read "D. Anderson", is written over a horizontal line. To the right of the signature, the letters "PE" are handwritten.

David J. Anderson, PE, CFM
Environmental Board Chair