

## Chapter 10

### Public Participation and Adoption of Plan

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Regional water planning in Texas is a public process, requiring strategy for ensuring that the region's citizens are able to participate in the process. Rules in 31 TAC Chapter 357.12 define the notice and public participation requirements of the process. These rules include the following requirements:

- A public meeting prior to preparation of the regional water plan.
- Ongoing opportunities for public input during preparation of the plan.
- A Public Hearing following adoption of an initially prepared plan (IPP).

In addition, opportunities for public participation and input have specific requirements regarding public notice and open meetings in the State of Texas. The rules call for the following:

- Public meetings and hearings noticed and held in accordance with the Texas Open Meetings Act.
- Agendas, meeting notices, IPP, and final regional water plan published on the internet.
- Copies of the IPP made available for public viewing.

This chapter addresses the ETRWPG's strategy for public involvement and participation in the development and adoption of the final 2011 Plan. The strategy included regular meetings of the ETRWPG, consultation with representatives of the major water user groups, publication of a region newsletter, distribution of regular press releases, and maintenance of a website for the ETRWPA. In addition, the regional

planning process requires holding a Public Hearing to introduce the 2011 IPP and accept public comment. A description of the ETRWPG and the process follows.

## **10.1 East Texas Regional Water Planning Group Members**

Original legislation for SB1 and the TWDB planning guidelines establish regional water planning groups to manage the planning process in their respective regions. The regional water planning groups include representatives of eleven specific community interests. Table 10.1 lists members of the ETRWPG and the interests they represent.

**Table 10.1 Voting Members of the East Texas Regional Water Planning Group and Group Representation**

<b>Member</b>	<b>Interest</b>
David Alders	Agriculture
Jeff Branick	Counties
David Brock	Municipalities
George P. Campbell	Other
Jerry Clark	River Authorities
Josh David	Other
Judge Chris Davis	Counties
Mark Dunn	Small Businesses
Michael Harbordt	Industries
Scott Hall	River Authorities
William Heugel	Public
Kelley Holcomb	Water Utilities
Dr. Joseph Holcomb	Small Businesses

Member	Interest
Bill Kimbrough	Other
Glenda Kindle	Public
Duke Lyons	Municipalities
Dale R. Peddy	Electric Power
Judge Hermon Reed	Agriculture
Monty D. Shank	River Authorities
Darla Smith	Industries
Worth Whitehead	Water Districts
Dr. J. Leon Young	Environmental

The ETRWPG appointed a Technical Committee comprised of individuals within the planning group. The charge to the Technical Committee was to work with the East Texas Region consulting team to develop recommended population and water demand projections, review work product of the consulting team, and provide technical advice to the planning group. Members of the Technical Committee during this round of planning included:

- Michael Harbordt
- David Brock
- George Campbell
- Chris Davis
- Glenda Kindle
- Monty Shank
- Scott Hall

The ETRWPG also worked closely with water planning staff at the TWDB during the planning process. TWDB water planning staff provided valuable technical and regulatory guidance to the ETRWPG regarding the final 2011 Plan.

## **10.2 Preplanning for the Final 2011 Plan**

Rules in 31 TAC Chapter 357.6 define tasks that must be performed prior to development of the regional water plan. These rules include the following requirements:

- A public meeting to discuss recommendations and suggestions of issues that should be addressed in the regional or state water plan.
- Prepare a scope of work including a detailed description of tasks to be performed.
- Designate a political subdivision as a representative of the regional water planning group.

The ETRWPG held a public meeting on June 4, 2008, to discuss issues and provisions important to the ETRWPA that should be included in the regional water plan. As a result of this public meeting, a scope of work was prepared by the consulting team. The scope detailed tasks and activities to be performed during the planning cycle, including expense budgets, schedule, and description of reports to be developed as part of the planning process. The City of Nacogdoches was designated as the political subdivision representative of the ETRWPG, responsible for applying for financial assistance for the scope of work and regional water plan development.

## **10.3 Opportunities for Public Input**

The ETRWPG utilized various types of media and outreach to keep the public informed and to receive input throughout the development of the final 2011 Plan, including the following:

- Water user group involvement
- Press releases
- Newsletters
- ETRWPA website – [www.etexwaterplan.org](http://www.etexwaterplan.org)
- Public meetings
- Public hearings

These means of media and outreach are described below.

**10.3.1 Contact with Water User Groups.** The ETRWPG made special efforts to contact WUGs in the region and obtain their input in the planning process. Chapters 1 through 4 of the final 2011 Plan cite specific instances of contact with WUGs.

**10.3.2 Public Media and Press Releases.** Press releases were sent to approximately 105 media entities within one week of each regularly scheduled RWPG meeting. Releases were frequently published in area newspapers, and more in-depth stories were occasionally written by newspaper staff. Copies of news releases and newspaper articles concerning water planning in the ETRWPA are included in Appendix 10-A.

**10.3.3 Newsletters.** The ETRWPG published newsletters to periodically inform the public of the progress of the planning process and to provide other relevant news. Newsletters were posted on the ETRWPA website <http://www.etexwaterplan.org>, and digitally and/or physically mailed to the following:

- Members of the ETRWPG
- Elected officials in the region
- Cities in the region
- Counties in the region
- Individuals who requested to be on the mailing list

Copies of newsletters produced since February 2009 are provided in Appendix 10-A.

**10.3.4 East Texas Regional Water Planning Area Website.** The ETRWPA website, [www.etexwaterplan.org](http://www.etexwaterplan.org) was regularly updated to inform the public of scheduled meetings and to provide minutes, agenda, press releases, newsletters, presentations, and memoranda.

**10.3.5 Regular Meetings of the East Texas Regional Water Planning Group.** In execution of its duties as the water planning organization for the region, the ETRWPG held regular meetings during the development of the final 2011 Plan, received information from the region's consultants, accepted public comment on issues relevant to water planning, reviewed proposed planning elements, and made decisions on planning efforts. ETRWPG meetings were open to the public, with notice made in accordance with the ETRWPG By-Laws and the Texas Open Meetings Act. Regular meetings were held on the following dates:

- January 23, 2008
- April 9, 2008
- June 4, 2008
- August 13, 2008
- November 5, 2008
- February 11, 2009
- April 8, 2009
- July 8, 2009
- October 14, 2009
- December 9, 2009
- February 17, 2010

- June 30, 2010
- August 11, 2010

The 2011 IPP was adopted by the ETRWPG at its regularly scheduled meeting on February 17, 2010. The 2011 Plan was adopted by the ETRWPG on August 11, 2010.

**10.3.6 Public Hearings for the Initially Prepared Plan.** Following adoption of the IPP, hard-copies of the 2011 IPP were provided to at least one public library and county clerk's office in each county within the ETRWPA for public review. In addition, electronic copies were available for review on the ETRWPG website at [www.etexwaterplan.org](http://www.etexwaterplan.org) and at the Office of the City Secretary for the City of Nacogdoches.

According to rules in 30 TAC § 357.12(a)(3), a Public Hearing must be held in a central location within the ETRWPA following the adoption of an IPP. Appropriate public notice was provided for the Public Hearing, held in Jacksonville, Nacogdoches, and Beaumont on three consecutive evenings on April 20, 21, and 22, 2010. The purpose of the Public Hearing was to receive comments from the public on the 2011 IPP. Oral and written comments were received from two individuals at the Beaumont portion of the Public Hearing and are summarized in Section 10.5. Transcripts, presentations, and minutes from the Public Hearing are included in Appendix 10-B.

## **10.4 Comments from the Public and Agencies**

As a public planning process, the ETRWPG must accept comments by the public and federal and state agencies regarding the development of the regional water plan. The public are invited to provide comments at each regularly scheduled meeting of the ETRWPG. Likewise, comment in the form of letters, emails, or by telephone may be received. These comments are considered by the ETRWPG during the development of the 2011 IPP. After publication of the 2011 IPP, there is an official comment period

during which public and federal and state agencies may submit formal comments on the IPP.

Comments received through the end of the comment period were reviewed and evaluated by the ETRWPG and consulting team. The ETRWPG modified the 2011 IPP as necessary, in response to comments.

Following are responses to the comments received from individuals, entities, and agencies regarding the IPP for the 2011 update of the ETRWPA regional water plan. In all, comments were received from eight persons on behalf of various agencies or groups. These included one oral comment provided at the Public Hearing for the 2011 IPP, one hand-written response provided at the Public Hearing, and six letters received during the comment period. In four cases, the comments received related to a single issue of the commenter. The other comments received addressed multiple issues. Appendix 10-C contains a transcript of the one oral comment and copies of all other comments received during the public comment period.

Responses to the comments are separated by commenter and provided in the order in which they were received. Where practical to do so, comments are first restated verbatim. Otherwise, a summary of the comment is provided. Some comments appeared to be, essentially, observations about the 2011 IPP instead of comments for which a response was intended. In such cases, the observation is summarized and acknowledged. In cases where the comment has resulted in modifications to the 2011 IPP, the locations within the plan are identified within this response to comments.

#### **10.4.1 Comment of Richard Harrel on Behalf of Clean Air And Water,**

**Inc.** Dr. Richard Harrel attended the Public Hearing held in Beaumont on April 22, 2010, and offered one oral comment, restated as follows:

*My name is Richard Harrel, and I am the president of the citizen's environmental organization, Clean Air & Water, Inc. And Clean Air & Water, Inc., has been active since 1966. And Clean Air & Water, Inc., the*

*Board of Directors, is opposed to construction of any new reservoirs in either of the drainage basins concerned. We think that construction of reservoirs, which would include – especially Fastrill reservoir but also the old Rockland reservoir, would have untold environmental effects that would all be harmful. And so, we want to go down on the record that we are opposed to taking water from our upper basins and moving it to Houston, Dallas or the Fort Worth area. We need the water. There are shortages in this region; and we will need the water, especially during those times. That’s all.*

Response: The ETRWPG acknowledges the comment. No changes have been made to the 2011 IPP as a result of the comment.

**10.4.2 Comment of Bruce Drury on Behalf of the Big Thicket Association.** Dr. Bruce Drury attended the Public Hearing held in Beaumont on April 22, 2010, and offered one written comment on the Public Comment Request Form, restated as follows:

*Strike the provisions for Fastrill and Rockland. Impoundment of the Neches will do great harm to the floodplain – the core of the Big Thicket.*

Response: The ETRWPG acknowledges the comment. Fastrill Reservoir is no longer a recommended strategy for the City of Dallas (see comment and response in Section 10.4.7). Fastrill Reservoir remains a unique reservoir site. No changes have been made to Chapter 8 in the 2011 IPP as a result of the comment.

**10.4.3 Comment of Fred Manhart on Behalf of Entergy Texas, Inc.** Fred Manhart, manager of environmental support with Entergy Texas, Inc., offered one comment in a letter to the ETRWPG dated June 17, 2010. Mr. Manhart’s comment is summarized as follows:

The comment referenced the 2011 IPP Executive Summary, Section 8.3, first bullet of the section, in which the ETRWPG encourages all areas in the region not presently in a groundwater management area to create or join one. Mr. Manhart expressed concern about this “one size fits all” approach and that individual areas within the region should be responsible for selecting the methods by which protection of future uses and natural resources would be accomplished.

Response: The referenced location in the 2011 IPP is the Executive Summary, which is a summary of language found in Chapter 8 of the 2011 IPP (Section 8.3.4). The ETRWPG’s intent was to point out that conservation of groundwater resources is important to the future of water supply within the region. At the June 30, 2010, meeting of the ETRWPG, it was noted by some members that a groundwater conservation district had prevented over-drafting of the aquifer. Had the district not already been in place, it would have been too late to prevent potential loss of resource. Nevertheless, it was not the intent of the ETRWPG to imply that management of groundwater be addressed in only one manner. As a result of this comment, the applicable section within Chapter 8 (Section 8.3.4) and the referenced section within the Executive Summary of the 2011 IPP have been modified.

**10.4.4 Comments of Billy Sims on Behalf of the City of Woodville.** Billy Sims offered two comments in a letter to Rex Hunt, dated June 21, 2010. The comments are discussed following:

**Comment 1.** Mr. Sims noted that the City of Woodville is in need of a new water well to supplement its supply. He indicated that the population and water demands shown for the City in the 2011 IPP are too low, not showing the presence of two prison facilities and the commensurate water demand for these facilities. Mr. Sims requested that the plan be changed to more accurately reflect the City’s demand, and to add a new well to their water management strategies.

Response: The ETRWPG responds that the population and water demands contained within the 2011 IPP have previously been approved by the ETRWPG and the

TWDB and cannot be changed at this time in the water planning process. Such changes will be evaluated in the next update of the water plan. However, the 2011 IPP will be modified to note this issue. A footnote to Table 2.1: Distribution of Population by County/Entity in Chapter 2 has been added. In addition, the 2011 IPP has been modified to add the new well as a water management strategy for the City. This addition is found in Chapter 4C, Section 4C.20.

**Comment 2.** Mr. Sims noted that the East Texas Electric Cooperative is planning to construct a bio-mass power plant in Tyler County, south of the City of Woodville, but that the 2011 IPP does not include any demand for power production in Tyler County. He requested that the 2011 IPP be modified to include power production demands in Tyler County.

Response: The ETRWPG responds that steam-electric water demands contained within the 2011 IPP have previously been approved by the ETRWPG and the TWDB, and cannot be changed at this time. The proposed power facility in Tyler County was not identified by the TWDB previously. It is still in the planning stages. The ETRWPG will consider this potential new demand in the next round of planning. No changes to the 2011 IPP were made regarding this comment.

**10.4.5 Comments of Ross Meinchuk on Behalf of the Texas Parks and Wildlife Department.** Ross Meinchuk offered several general observations and five comments on the 2011 IPP in a letter to Kelley Holcomb dated June 21, 2010. The comments are discussed following:

**Comment 1.** Mr. Meinchuk noted that the following listed Species of Special Concern listed in Appendix 1-A, Table 1-A.1, should be denoted in the plan as “State Threatened” species:

- Texas pigtoe
- Louisiana pigtoe

- Texas heelsplitter
- Triangle pigtoe
- Sandbank pocketbook
- Southern hickorynut

Mr. Meinchuk also requested that these species be included in Chapter 1, Table 1.13 of the 2011 IPP.

Response: Table 1-A.1 has been modified to add the designation of State Threatened for the above listed species. In addition, these species have been added to Table 1.13.

**Comment 2.** Mr. Meinchuk noted that fish consumption advisories due to mercury contamination have been issued by the Texas Department of State Health Services for a number water bodies within the ETRWPA.

Response: The ETRWPG acknowledges that fish consumption advisories resulting from mercury contamination have been issued for water bodies in the region. No changes to the 2011 IPP have been made as a result of this comment.

**Comment 3.** Mr. Meinchuk noted the following in regard to the water management strategy, Lake Columbia:

*TPWD recognizes the value of Lake Columbia in meeting certain local water supply needs and is committed to assisting the Angelina-Neches River Authority (ANRA) in attenuating impacts to fish and wildlife from reservoir constructions, as well as working with ANRA to develop compatible recreational and natural resources plans for the reservoir once constructed.*

Response: The ETRWPG appreciates TPWD's support of the appropriate development of water resources and protection of environmental resources in the

ETRWPA. Discussion of this statement of support has been added to the description of the Lake Columbia project found in Chapter 8, Section 8.2.9 of the final 2011 Plan.

**Comment 4.** Mr. Meinchuk noted that the TPWD wonders whether the Fastrill Reservoir project should continue to be recommended as a viable water management strategy.

Response. Based on comments from the City of Dallas (see Section 10.4.7), Fastrill Reservoir has been removed as a water management strategy for the City of Dallas. There are no other entities proposing the reservoir as a water management strategy. Therefore, the final 2011 Plan for the ETRWPA has been modified to remove Fastrill Reservoir as a water management strategy. However, Fastrill Reservoir is a Unique Reservoir Site, so designated by the Texas Legislature in 2007. Therefore, a discussion of the Fastrill Reservoir project remains in the final 2011 Plan in Chapter 8, Section 8.2.10. This section has been updated from the 2011 IPP to reflect the current status of the site.

**Comment 5.** Mr. Meinchuk also made the following comment:

*TPWD does wish to reiterate its perspective that there are other conservation alternatives that are favorable to wildlife and the environment, such as water conservation, wastewater reuse, full use of existing supplies, and good land stewardship, to name a few. Construction of off-channel reservoirs can also help to minimize wildlife impacts if reservoirs are located to minimize inundation of habitats and diversions are modified to avoid impacts to environmental flows.*

Response: The context of this comment is unclear; however, the ETRWPG believes that the conservation alternatives listed in the comment are at least not harmful to wildlife and the environment, and may be considered favorable in many instances. The ETRWPG currently does not have an opinion regarding off-channel reservoirs. No changes to the plan have been made as a result of this comment.

#### **10.4.6 Comment of Jim Jeffers on Behalf of the City of Nacogdoches.**

Nacogdoches City Manager, Jim Jeffers, provided two comments on the 2011 IPP in a letter to Rex Hunt dated June 22, 2010. The comments are discussed following:

**Comment 1.** Mr. Jeffers related the City's desire to replace their alternate water management strategy for water from Toledo Bend with an alternate water management strategy for water from Sam Rayburn Reservoir. The comment provided reasons for the requested change and suggested modifications to the 2011 IPP to address the requested change.

The ETRWPG discussed the City's comment with Mr. Jeffers during a regularly scheduled ETRWPG meeting on June 30, 2010. At that time, it was suggested that the City need not delete the Toledo Bend alternate water management strategy in order to add another alternate water management strategy. Mr. Jeffers agreed and indicated that it would be acceptable to leave the Toledo Bend alternate water management strategy in the plan for now. In addition, the ETRWPG stated that the proposed new Sam Rayburn strategy could not be incorporated into the plan as an alternate water management strategy at this time due to time and resource limitations. However, the ETRWPG agreed that the proposed new alternate water management strategy could be described in the plan with the intent of finalizing it in the next round of regional water planning. This would mean the alternate water management strategy could be in the 2016 update of the regional water plan. Mr. Jeffers agreed that this would be acceptable to the City.

Response: Based on the discussions held during the June 30 meeting, the ETRWPG has modified Chapter 4C, Section 4C.2.7, of the 2011 IPP to incorporate a discussion of the proposed future alternate water management strategy.

**Comment 2.** Mr. Jeffers expressed the City's concern that the water demand projections for the City in the 2011 IPP are too low, and that the City is not in agreement with the projections.

Response: The ETRWPG appreciates the City’s concern about water demand projections, but cannot modify the demands further in this round of planning. Water demands will be evaluated more closely in the next round of regional water planning where the 2010 Census population data can be used to better support water demand projections for all of the ETRWPA. Section 4C.2.7 acknowledges that the City’s current planning efforts indicate greater population growth and higher demands by the commercial and manufacturing sectors.

**10.4.7 Comments of Jody Puckett on Behalf of Dallas Water Utilities.**

Jody Puckett offered seven comments on the 2011 IPP in a letter to Kelley Holcomb dated June 28, 2010. The comments are discussed following:

**Comment 1.** Ms. Puckett provided an updated description of Lake Palestine for Chapter 1 of the plan, for consideration of the ETRWPG.

Response: The updated description provided has been added to the final 2011 Plan.

**Comment 2.** Ms. Puckett noted changes in the status of Lake Fastrill resulting from the recent decision of the United States Supreme Court to not hear appeals of the TWDB and City of Dallas, stating that the decision “rendered the development of Lake Fastrill extremely unlikely.” Excerpts from the Region C Plan outlining the plans for replacements to the Lake Fastrill water management strategy were provided for consideration of the ETRWPG.

Response: The ETRWPG agrees that the Region C plan and the ETRWPA plan should be consistent with regard to Lake Fastrill. The final 2011 Plan has been revised to incorporate the Neches Run-of-the-River Project or Fastrill Replacement Project in place of Fastrill Reservoir.

**Comment 3.** Ms. Puckett noted that Lake Fastrill has been designated by the Texas Legislature as a Unique Reservoir Site and likewise identified in the 2007 State Water Plan. As such, Ms. Puckett suggested that Lake Fastrill should remain in the final 2011

Plan “in the event conditions change and it becomes favorable to proceed with Lake Fastrill.”

Response: The ETRWPG agrees that it would be inappropriate to remove Lake Fastrill from the final 2011 Plan as long as the proposed lake is designated as a Unique Reservoir Site. While the description of Lake Fastrill in Chapter 8 (Section 8.2.10) has been modified to reflect the changes suggested in the Region C plan, Lake Fastrill will remain as an Unique Reservoir Site in the final 2011 Plan.

**Comment 4.** Ms. Puckett noted that demand by Lake Fastrill, in the amount of 112,100 ac-ft per year beginning in 2040, was left blank in Table 4.B.18. The comment indicated that this demand will be met through UNRMWA.

Response: Table 4B.18 was titled, “Demands Supplied by Lake Fastrill.” With the removal of Lake Fastrill as a water management strategy, the title of this table will be modified to reflect the change in source of supply. In addition, the demand for the City of Dallas will be included in the table in the amount of 112,100 ac-ft per year beginning in 2040.

**Comment 5.** Ms. Puckett noted that the volume of “future potential” demand shown in the UNRMWA demand table on page 4C-90 was inconsistent with the volume provided in the text above the table for water to Dallas Water Utilities.

Response: The table has been corrected.

**Comment 6.** This comment is in reference to a discussion in Chapter 1, Section 1.16.4 regarding Lake Murvail. The comment provides updated information regarding the contract between the City of Dallas and Luminant.

Response: The final 2011 Plan has been updated to reflect the updated information.

**Comment 7.** The comment refers to the Tables and Figures in Chapter 4C not being identified with names or numbers.

Response: The ETRWPG acknowledges the comment. No changes have been made to the final 2011 Plan relevant to this comment.

## 10.5 Comments of Carolyn Brittin on Behalf of the Texas Water Development Board

Carolyn Brittin offered comments to the 2011 IPP in a letter to Kelley Holcomb dated June 28, 2010. The comments were divided between “Level 1” and “Level 2” comments. Level 1 includes comments, questions, and online planning database revisions that must be satisfactorily addressed in order to meet statutory, agency rule, and/or contract requirements. Level 2 includes comments and suggestions for consideration that may improve the readability and overall understanding of the regional plan. Each comment is addressed following.

**10.5.1 Level 1 Comments.** There were 21 Level 1 comments offered by Ms. Brittin.

**Comment 1.** Please describe the plan’s impact to navigation. [Title 31 Texas Administrative Code (TAC) §357.5(e)(8)]

Response: A new section with a description of the plan’s impact to navigation has been added to Chapter 1, Section 1.2.3.

**Comment 2.** Please describe how the plan considered existing regional water plans, existing recommendations in state water plan and existing local water plans. [31 TAC 31§357.7(a)(1)(I), (J), and (K)]

Response: A new section with a discussion of how the plan considered existing regional water plans, existing recommendations in the state water plan, and existing local water plans has been added to Chapter 1, Section 1.15.

**Comment 3.** Provide a list of potentially feasible water management strategies that were considered and evaluated by the planning group. [Contract Exhibit “C” Section 11.1]

Response: A list has been included in Appendix 4C-B of the final 2011 Plan. The potentially feasible strategies are also listed on page 4B-1 of the 2011 IPP.

**Comment 4.** Page 1-24, Figure 1.12; Page 3-15, Figure 3.5: Complete outcrop areas of minor aquifers in the region are not displayed and sub-crop areas overlap and cover the outcrop areas of younger units. Please review plan text to reflect the accurate locations. For example: In chapter 1, page 1-26, although the Yegua-Jackson aquifer is located in the southern portion of Houston county it is not shown on the map (Figure 1.12) or discussed in text. [31 TAC §357.7(a)(1)(D)]

Response: Figures and text have been revised to appropriately demonstrate minor aquifer locations.

**Comment 5.** Water demand projections are not split out by river basins. Please present water demand projections by river basin for each county. [31 TAC §357.7(a)(2)(A)(iv)]

Response: Water demand projections have been split out by river basin in the plan, in Appendix 2-B of the final 2011 Plan.

**Comment 6.** The plan does not include categories of water demands for wholesale water providers by river basins. Please present water demands for wholesale water providers by river basin. [31 TAC §357.7(a)(2)(B)]

Response: Water demands for wholesale water providers have been split out by river basin in the plan, in Appendix 2-B of the final 2011 Plan.

**Comment 7.** Page 3-10, Table 3.4: It appears that the Trinity County-Neches Basin-Irrigation water supply is mislabeled as “mining.” Please revise if appropriate.

Response: The use type was changed to irrigation and supply summaries were updated.

**Comment 8.** Page 3-17, Table 3.5: Water supply sources are not summarized by county and river basin. Please revise to summarize by county and river basin. [31 TAC § 357.7(a)(4)(B) ; Contract Exhibit “D” Section 3.0]

Response: Water supply sources have been summarized by county and river basin in Appendix 3-B of the final 2011 Plan.

**Comment 9.** Page 3-28, second paragraph: A reference is made to “Appendix 3-B.” The referenced appendix was not included in plan. Please include appendix or revise text.

Response: Appendix 3-B has been included in the final 2011 Plan.

**Comment 10.** Pages 3-29 and 3-30, Tables 3.9 and 3-10: Please revise tables to summarize water supplies by county and river basin. [31 TAC § 357.7(a)(4)(B)]

Response: The available supplies to water users are shown by county and basin in Appendix 3-B of the final 2011 Plan. No changes were made to table 3-9 and 3-10.

**Comment 11.** Page 4A-5, Table 4A.3: It appears that total county surplus and shortage (water need) volumes were calculated incorrectly by subtracting total [county-wide] supply from total [county-wide] demand. Please revise to reflect total county water needs as the sum of the individual needs of each water user group in the county; needs that are calculated based on each water user group’s own demands and supplies. Please also delete region totals at bottom of table as this further mis-aggregates water needs (shortages) region-wide.

Response: These tables reflect a supply and demand comparison by county. The projected shortages by water user group are shown in Table 4A.5. The projected surplus or shortage for each water user group by county and river basin is included in the DB12 tables in Appendix 4C-B of the final 2011 Plan. A footnote was added to Table 4A.3 noting that the sum of individual shortages may differ from the surplus or shortage shown in this table. A reference to Table 4A.5 with the WUG shortages was added.

**Comment 12.** Please include a table with recommended and, if applicable, alternative water management strategies with project capital costs and water supply by decade. [31 TAC §357.7(a)(7)(H); Contract Exhibit “C” Sections 4.3, 11.1]

Response: The requested table has been included in Appendix 4C-B of the final 2011 Plan.

**Comment 13.** Please explain how the region considered emergency transfers of non-municipal use surface water without causing unreasonable damage to the property of the non-municipal water rights holder pursuant to Texas Water Code §11.139. [TAC 31 §357.5(i)]

Response: Only water management strategies to meet long-term needs were identified in the East Texas Regional Water Plan. Emergency transfers are strategies implemented on a short term basis and were not considered in this update.

**Comment 14.** Please describe how alternative water management strategies were evaluated using environmental criteria. [31 TAC §358.3(b)(180)]

Response: Alternative strategies were evaluated in the same manner as all strategies discussed in the plan. Details of the strategy evaluation process are outlined in Appendix 4B-A.

**Comment 15.** Please confirm that capital costs are based on September 2008 dollars as required, or revise as appropriate. [Contract Exhibit “C” Section 4.1.2]

Response: The assumptions used for cost estimates have been included in Appendix 4C-A. This was inadvertently omitted from the 2011 IPP.

**Comment 16.** In instances when conservation was considered but not recommended as a water management strategy, please indicate why conservation was not recommended. [31 TAC §357.7(a)(4)]

Response: The screening of conservation strategies is outlined in Appendix 4B-A.

**Comment 17.** Please include a summary of information regarding water loss audits specific to Region I. [31 TAC § 357.7 (a)(1)(M)]

Response: A summary of information regarding water loss audits for the ETRWPA has been added to Section 1.14.3 of the final 2011 Plan.

**Comment 18.** Page 6-3, paragraph 3: Plan does not include a model water conservation/drought contingency plan. Please include a model water conservation/drought contingency plan. [31 TAC §357.7(c)]

Response: The final 2011 Plan is an update of the 2006 Plan only. Model water conservation and drought contingency plans were included in the 2006 Plan and have been referenced in the final 2011 Plan. To further aid water user groups in development of water conservation and drought contingency plans, a hyperlink to model plans on the Texas Commission on Environmental Quality website was provided.

**Comment 19.** Page 6-8, first paragraph: Plan does not include a model drought contingency plan from an affected water user group. Please include a model drought contingency plan for an affected water user group. [31 TAC §357.7(d)]

Response: The final 2011 Plan is an update of the 2006 Plan only. Model water conservation and drought contingency plans were included in the 2006 Plan and have been referenced in the final 2011 Plan. To further aid water user groups in development of water conservation and drought contingency plans, a hyperlink to model plans on the Texas Commission on Environmental Quality website was provided.

**Comment 20.** (Attachment B) Comments on the online planning database (i.e. DB12) are herein being provided in spreadsheet format. These Level 1 comments are based on a direct comparison of the online planning database against the Initially Prepared Regional Water Plan document as submitted. The table only includes numbers that do not

reconcile between the plan (left side of spreadsheet) and online database (right side of spreadsheet). An electronic version of this spreadsheet will be provided upon request.

Response: The planning data base (DB12) and the final 2011 Plan have been reconciled. Responses to specific comments are documented on the spreadsheet provided by the TWDB in Appendix 10-D.

**Comment 21.** (Attachment C) Based on the information provided to date by the regional water planning groups, TWDB has also attached a summary, in spreadsheet format, of apparent unmet water needs that were identified during the review of the online planning database and Initially Prepared Regional Water Plan. [Additional TWDB comments regarding the general conformance of the online planning database (DB12) format and content to the Guidelines for Regional Water Planning Data Deliverables (Contract Exhibit D) are being provided by TWDB staff under separate cover as ‘Exception Reports’]

Response: Shortages for Cherokee and Hardin Mining demands and Nacogdoches Steam Electric Power are correct. Discussions of the needs for these entities are included in Chapter 4C. The ETRWPG did not develop water management strategies for needs less than 5 ac-ft per year. No changes were made to the ETRWP.

**10.5.2 Level 2 Comments.** There were six Level 2 comments offered by Ms. Brittin.

**Comment 1.** Page 1-27, Section 1.6.1: “Springs” appears to incorrectly refer to Section 1.9.8. Please consider revising reference as appropriate (i.e., to “Section 1.9.7”)

Response: The reference to springs has been corrected in the final 2011 Plan.

**Comment 2.** Page 1-42, Section 1.9: Please consider including assessment of the importance of recreational uses of natural resources (fishing, boating, etc.).

Response: The ETRWPG agrees that recreational uses of natural resources are important. However, such uses will not be assessed at this time and no change will be made to the final 2011 Plan.

**Comment 3.** Page 3-7: A reference is made in the “Reservoirs” paragraph to a summary of “firm yields” in Table 3.2. The Table is titled “Currently Available Supplies from Permitted Reservoirs...” Please consider clarifying in Table 3.2 that it presents firm yields, if applicable.

Response: The last sentence under paragraph “Reservoirs” was modified to reflect available supplies. The definition of available supply is defined earlier in the paragraph.

**Comment 4.** Page 3-17, Table 3.5: Please consider revising two of the table headings from “Yegua” to “Yegua-Jackson” and from “Carrizo” to “Carrizo-Wilcox.”

Response: The requested revisions were made.

**Comment 5.** Page 4C-62, table: Table is referenced in the text as “4C.A”. Please consider adding the missing table number “4C.A” to the table title to be consistent with other tables.

Response: The requested revisions were made.

**Comment 6.** Appendix 4C-A: Project cost estimates are presented in two different formats (e.g., Anderson County Other, page 4C-A-3 format vs. Hardin County-Other, page 4C-A-28 format). Please consider using a consistent format for presenting “Cost Estimate” worksheets.

Response: The requested revisions were not made.

## **10.6 Adoption of the Final 2011 Plan**

The ETRWPG met in August 2010, to review comments and propose modifications to the 2011 IPP. The final 2011 Plan was adopted by the ETRWPG on August 11, 2010, and published on the Internet for public viewing. The final 2011 Plan was submitted to the TWDB by September 1, 2010.