

**Section 8**  
**Legislative Recommendations,**  
**Unique Stream Segments, and Reservoir Sites**  
**[31 TAC §357.7(a)(8-9); 31 TAC §357.8; 31 TAC §357.8]**

Each of the 16 regional water planning groups may make recommendations to the TWDB regarding legislative and regional policy recommendations; identification of unique ecological stream segments; and identification of sites uniquely suited for reservoirs. The Coastal Bend RWPG selected a subcommittee to consider legislative and regional policy recommendations, which were adopted by the Coastal Bend Region. The following are the Coastal Bend Region's recommendations regarding these matters.

**8.1 Legislative and Regional Policy Recommendations**

Under the authority of Senate Bill 1, the Coastal Bend RWPG has developed the following legislative and regional policy recommendations.

*General Policy Statement*

- I. The Texas Legislature is urged to declare that: i) all water resources of the State are hydrologically inter-related and should be managed on a "conjunctive use" basis, wherever possible; ii) existing water supplies should be more efficiently and effectively used through improved conservation and system operating policies; and iii) water re-use should be promoted, wherever practical, taking into account appropriate provisions for protection of downstream water rights, domestic and livestock uses, and environmental flows.

*Interbasin Transfers*

- I. The Texas Legislature is urged to repeal the "Junior Rights" provision and the additional application requirements for interbasin transfers that were included in Senate Bill 1.

*Desalination*

- I. The Texas Legislature is urged to direct TCEQ to investigate the current regulatory status of the "concentrate" or "reject water" produced during the desalination of brackish ground water, brackish surface water and seawater in industrial and municipal treatment processes and compare these to reject water requirements for the oil and gas industry and arrive at a common set of standards for the disposal of these waste products so that safe, economical methods of disposal will be available to encourage the application of these technologies in Texas.

- II. The Texas Legislature is urged to direct TCEQ to work with TWDB and TPWD to develop information on the potential environmental impacts of concentrate discharges from seawater desalination facilities and to facilitate the permitting of these discharges into tidal waters where site specific information shows that no environment damage would occur.
- III. Texas Legislature is urged to amend state laws governing the procurement of professional services by public agencies in order to allow municipalities, water districts, river authorities and other public entities to utilize alternatives to the traditional “Design-Bid-Build” methods for public work projects, including desalination facilities. For example, most large-scale desalination facilities built in the past 10 years are constructed using “Build-Own-Operate-Transfer” method, allowing for a cost-effective transfer of project risks to the private sector.<sup>1</sup>

### *Groundwater Management*

- I. The Texas Legislature is urged to encourage a regional approach to the management of groundwater resources wherever feasible, while also recognizing and encouraging local decision-making related to groundwater resource allocation issues.
- II. TWDB, TCEQ, and the Texas Railroad Commission are urged to expand and intensify their activities in collecting, managing, and disseminating information on groundwater conditions and aquifer characteristics throughout Texas.
- III. TWDB is urged to continue funding for updates to the groundwater availability models, specifically the Central Gulf Coast GAM covering the Coastal Bend Region.
- IV. The Texas Railroad Commission is urged to cooperate with TWDB and TCEQ to encourage oil and gas well drillers to furnish e-logs, well logs, and other information that might be available on shallow, groundwater bearing formations to facilitate the better identification of aquifer characteristics.
- V. The Texas Legislature is urged to appropriate additional funds for TWDB to continue and expand their statewide groundwater data program and to appropriate new funds, through regional institutions such as Texas A&M University – Corpus Christi and Texas A&M University –Kingsville, for a regional research center to support research, data collection, monitoring, modeling, and outreach related to groundwater management activities in the Coastal Bend region of Texas.
- VI. The Texas Legislature is urged to make funds available through regional water planning groups and groundwater management districts to educate the citizens of Texas about groundwater issues, as well as the powers and benefits of groundwater management districts.

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<sup>1</sup> “Large-Scale Seawater Desalination and Alternative Project Delivery”, Design-Build DATELINE, February 2005.

- VII. TCEQ is urged to amend rules and regulations to require routine water quality monitoring, by a non-partisan third-party, of mining operations and enforcement of water quality standards, including in situ mining and those with deep well injection practices.
- VIII. The Texas Legislature is urged to prohibit in-situ mining in aquifers that serve as drinking water sources for residents and livestock.

#### *Surface Water Management*

- I. The Texas Legislature is urged to provide funding for the development of periodic updates to surface water availability models, (WAMs), with specific consideration to updating the Nueces River Basin WAM though new drought period (Through December 2003.)

#### *Regional Water Resources Data Collection and Information Management*

- I. The Texas Legislature is urged to provide SB1 planning funds, through the Coastal Bend RWPG to a regional institution, to support regional water resources data collection and activities to develop and maintain a “Regional Water Resources Information Management System” for the Coastal Bend area.

#### *Role of the Coastal Bend RWPG*

- I. The Coastal Bend RWPG should play a role in facilitating public information/public education activities that promote a wider understanding of state and regional water issues and the importance of long-range regional water planning.
- II. The Texas Legislature is urged to continue funding the TWDB to provide support for state mandated regional water planning group activities.
- III. Public entities in the Coastal Bend Water Planning Region are urged to provide their share of continued funding for the administrative support activities that facilitate the Coastal Bend RWPG activities.

### **8.2 Identification of River and Stream Segments Meeting Criteria for Unique Ecological Value**

The Coastal Bend Region considered TPWD’s recommendations regarding the identification of river and stream segments which meet criteria for unique ecological value (Appendix G). In January 2005, the Coastal Bend Region recommended that no river or stream segments within the Coastal Bend Region be identified at this time.

### **8.3 Identification of Sites Uniquely Suited for Reservoirs**

No sites uniquely suited for reservoirs were identified by the Coastal Bend Region.

## 8.4 Additional Recommendations

The following additional recommendations are under consideration by the Coastal Bend RWPG:

- Studies of the interaction of groundwater and surface water along the Lower Nueces River should be continued to identify alternatives to improve water quality to entities diverting water from this stream segment.
- Studies of the potential to develop a large-scale, multiyear ASR system in the Gulf Coast Aquifer should be continued to help drought-proof the Region.
- Options that will maximize the benefits of using treated wastewater to enhance the productivity of the Nueces Estuary should continue to be evaluated. This would allow other water now used for this purpose to be conserved. For example, continue studies of a methodology using a multiplier system for granting credits (exceeding 1:1 ratio) under the Agreed Order for treated wastewater flows to the Nueces Delta to enhance biological productivity of the Nueces Bay and Estuary.
- Studies of desalination options to further reduce the cost of using seawater and/or brackish groundwater should be continued.
- Studies addressing the potential for saltwater contamination from various sources, such as over pumping of water wells or improperly plugged and abandoned oil and gas wells, that adversely affect local groundwater supplies should be undertaken. Funding should be provided to address known problems and/or enforce responsible parties to properly plug abandoned wells, including oil, gas, and water wells.
- Studies should be undertaken to analyze the effects/costs of new EPA Safe Drinking Water Act requirements regarding the treatment of problematic constituents in groundwater on users in the Coastal Bend Region.
- Feasibility studies should be undertaken to optimize and reduce, if possible, the costs of water system interconnects for the cities of San Diego, Freer, Benavides, Premont, and Falfurrias to improve the quantity and quality of potable water available to these cities. Additionally, an evaluation should be undertaken of the feasibility of a regional desalination facility for the treatment of poor quality groundwater to improve the quality of potable water to these cities.
- Feasibility studies should be undertaken to identify opportunities/costs to develop regional groundwater systems that could utilize poor quality groundwater in conjunction with a desalination treatment plant to more effectively manage groundwater resources within the Coastal Bend Region.
- A detailed inventory of irrigation systems, crops, and acreage should be undertaken to more accurately estimate irrigation demands in the region.

- Environmental studies of the segments of the Frio and Nueces Rivers downstream of Choke Canyon Reservoir and upstream of Lake Corpus Christi should be undertaken to fully evaluate the potential impacts of reduced instream flows, including groundwater recharge, associated with the option to construct a pipeline between the two reservoirs.
- The Coastal Bend Region should work with Region P on environmental studies associated with the potential construction of Stage II of Lake Texana.
- The Coastal Bend Region should perform environmental field studies of potentially unique stream segments and potential unique reservoir sites on the Aransas River and Copano Creek provided additional clarification is provided by the Texas Legislature regarding the repercussions of identifying a stream segment as unique.
- Support studies to closely monitor discharges from sand and gravel operations in the Lower Nueces River.
- Support studies of construction and implementation of pilot desalination plant to quantify and qualify impacts of operating a desalination facility in the Coastal Bend Region.
- The City of Corpus Christi is opposed to indirect reuse of water associated with the City of Austin's proposal for indirect reuse to be reclaimed downstream by new customers.

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