

I am Steve Box, Executive Director of Environmental Stewardship  
Thank you for the opportunity to make comments to you on this permit application.

**Environmental Stewardship believes this permit is *premature* and that the Special Conditions in the Operating Permit are *inadequate* to protect surface features like**

- a) the Colorado River and its tributaries,**
- b) the trees and terrestrial vegetation, and very importantly**
- c) shallow domestic wells in the Simsboro and related aquifers (Calvert Bluff, Hooper and Carrizo aquifers).**

**The amount of pumping requested also further jeopardizes the desired future conditions (DFCs).**

I RESPECTFULLY REQUEST THAT THE FOLLOWING PARAGRAPH BE WRITTEN INTO THE MINUTES OF THIS MEETING:

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1. I am sorry to say that, after three years of urging, this permit is *premature* because the District has not yet complied with the Texas Water Code that is designed to protect surface features, shallow wells, and guide permit decisions.
  - Section 36.113(d)(2) requires that “*before granting or denying a permit ...the district shall consider whether the proposed use of water ... unreasonably affects existing groundwater and surface water resources or existing permit holders*”. This law has been on the books for over 18 years, yet this district continues to ignore this law in making final permit decisions without complying with the law.
    - Existing groundwater resources include other aquifers such as the Carrizo, Calvert Bluff, and Hooper aquifers.
    - Existing surface water resources include rivers, streams and springs -- which would include springs and seeps that hydrate near surface soils that support terrestrial vegetation.
    - Existing permit holders include exempt domestic wells that are registered with the District.

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2. The permit is *inadequate* because
  - a. it does not contain Special Conditions that allow future adjustments to the permit based on the impacts mentioned above as better information become available,
  - b. it does not provide for the mitigation fund to include wells in aquifers other than the Simsboro aquifer, and furthermore
  - c. the draft Operating Permit ignores groundwater availability modeling (GAM) that predicts that:
    - End Op pumping in the quantities requested in the Simsboro Aquifer will draw water from other aquifers thereby causing significant drawdown in the Carrizo, Calvert Bluff and Hooper aquifers.
    - End Op pumping in the quantities requested will decrease the amount of groundwater that currently flows from the aquifers and into the Colorado River, streams and springs, thereby reducing their flow – especially during drought conditions – in Bastrop, Lee and Fayette counties.
    - Contrary to what groundwater hydrologists claim, the model predicts that the groundwater pumped will not come from “storage” but rather from the sources listed below. The impact is

to cause irreversible damage to surface waters and shallow wells with little or no recourse provided in the Special Conditions. The sources of pumped water are, in order listed:

- First, the reduction in outflows to surface waters and features
  - Second, from leakage into the Simsboro from the other aquifers and from other counties,
  - Third, and last, from storage.
- Special Condition (4) calculations do not include a factor that considers future changes in the “rate of change” that are predicted by the groundwater model.
    - ES modeling, that has been provided to the District, predicts that this factor could be off by 15% or more.
    - Differences in this calculation would likely result in granting an increase in pumping to the next phase level that would lead to a greater exceedance of the desired future conditions.
3. The permit further jeopardizes the desired future conditions (DFCs) for the aquifers, the District, adjacent Districts, and the region.
- The model predicts that End Op pumping, especially when combined with other permitted pumping in the region, will cause the desired future conditions of the Simsboro Aquifer to be exceeded by 200-300 ft of drawdown.
    - This level of exceedance will trigger “pro-rata” curtailment of all permitted pumping. However, once contracts, pipelines and communities dependent on the water are in place, we believe it is very unlikely that such curtailment will be possible.

## **Environmental Stewardship RECOMMENDS and REQUESTS**

**Though we would urge the Board to table or deny this permit based on the shortcomings just mentioned, should the permit be approved, we urge that the following be included:**

1. In order to comply with Section 36.113(d)(2), the Operating Permit should contain a condition that states that: once the ongoing GAM improvements are completed, the District, working with GMA-12, will conduct studies to predict and consider:
  - a. The impact of the permitted pumping on surface waters and terrestrial habitats,
  - b. The impact of permitted pumping on hydrologically connected aquifers
  - c. The impact of the permitted pumping on domestic wells in hydrologically connected aquifer,
  - d. The impact of the permitted pumping on currently adopted DFCs.
  - e. Changes that may be made to the terms and conditions of the Operating Permit to accommodate the above findings.
2. Special Condition (13) on mitigation should be amended to include the “Simsboro, Calvert Bluff, Carrizo, and Hooper aquifers” in order to protect registered domestic wells in the communicating aquifers.
3. Special Condition (4) calculations should be revised to include a factor that considers future changes in the “rate of change” that are predicted by the groundwater model.
4. The monitoring well agreement should contain a requirement that groundwater-surface water monitoring wells be included in order to provide real-time data on the impact of pumping on the Colorado River and its tributaries.
5. The Operating Permit should contain “living document” language to convey that this is a work in progress and subject to future revisions as was included in the Forestar settlement.