

Alamo, Austin, and Lone Star chapters of
the Sierra Club

Bexar Audubon Society

Austin, Bexar and Travis Green Parties

Bexar Grotto

Boerne Together

Bulverde Neighborhood Alliance

Bulverde Neighbors for Clean Water

Cibolo Center for Conservation

Citizens for the Protection of Cibolo Creek

Comal County Conservation Alliance

Environment Texas

First Universalist Unitarian Church of SA

Friends of Canyon Lake

Friends of Castroville Regional Park

Friends of Dry Comal Creek

Friends of Government Canyon

Fuerza Unida

Green Society of UTSA

Guadalupe River Road Alliance

Guardians of Lick Creek

Headwaters at Incarnate Word

Helotes Heritage Association

Hill Country Alliance

Kendall County Well Owners Association

Kinney County Ground Zero

Leon Springs Business Association

Native Plant Society of Texas – SA

Northwest Interstate Coalition of
Neighborhoods

Pedernales River Alliance – Gillespie Co.

Preserve Castroville

Preserve Lake Dunlop Association

Preserve Our Hill Country Environment

RiverAid San Antonio

San Antonio Audubon Society

San Antonio Conservation Society

San Geronimo Valley Alliance

San Marcos Greenbelt Alliance

San Marcos River Foundation

Save Barton Creek Association

Save Our Springs Alliance

Scenic Loop/Boerne Stage Alliance

Securing a Future Environment

SEED Coalition

Signal Hill Area Alliance

Sisters of the Divine Providence

Solar San Antonio

Texas Cave Management Association

Trinity Edwards Spring Protection Assoc.

Water Aid – Texas State University

Wildlife Rescue & Rehabilitation

Wimberley Valley Watershed Association

June 11, 2022

Laurie Gharis, Chief Clerk

Office of the Chief Clerk, MC 105

Texas Commission on Environmental Quality

PO Box 13087

Austin, TX 78711-3087

Submitted electronically at <https://www14.tceq.texas.gov/epic/eComment/>

Re: Submittal of Written Comments and Meeting Request Regarding Application
of Waterstone Creek, LLC for Water Use Permit No. 13524

Please accept the attached comments on behalf of the fifty-four member groups
of the Greater Edwards Aquifer Alliance

1. Background. Waterstone Creek, LLC, Applicant, 11610 Bistro Lane, Houston, Texas 72082, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.121 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.* Notice is being published and mailed to the water rights holders of record in the Colorado River Basin pursuant to Title 30 TAC § 295.151. Waterstone Creek, LLC seeks authorization to construct and maintain a dam and reservoir on the South Llano River, Colorado River Basin, impounding 12.02 acre-feet of water, for recreational purposes in Edwards County, ZIP code 78880.

The centerline of the dam is located at Latitude 30.253005° N, Longitude 99.954751° W in Edwards County, in Zip Code 78880. The applicant submitted a Firm Water Contract with the Lower Colorado River Authority (LCRA) to account for storage of state water in the reservoir. Ownership of the land to be inundated is evidenced by a *General Warranty Deed* dated May 26, 2016, recorded as Volume 347, Page 477 in the Official Records of Edwards County.

2. Greater Edwards Aquifer Alliance (GEAA). GEAA submits the following comments on behalf of our fifty-four member organizations and requests a public meeting regarding this water use permit application. GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards Aquifer, its springs, watersheds, and the Texas Hill Country that sustains it. GEAA has multiple members who would be adversely affected by the proposed application of Waterstone Creek, LLC

GEAA's members have serious concerns regarding the permit application and concerning the degradation and flow to the South Llano River that will likely occur with granting approval of this water use permit. GEAA and its members' specific areas of concern are summarized in the following section of this letter.

3. Comments on the application. As noted in the Notice of an Application for a Water Use Permit, Waterstone Creek, LLC seeks authorization to construct and maintain a dam and reservoir on the South Llano River, Colorado River Basin,

impounding 12.02 acre-feet of water for recreational purposes in Edwards County. The applicant will utilize a Firm Water Contract with the LCRA to account for storage in the reservoir. GEAA submits the following comments regarding this application:

1. Water Quality and Quantity Impacts:

The Upper Llano River, which includes the North and South Llano Rivers, supports several unique plant and animal communities and provides constant flows downstream to waterbodies such as Lake Lyndon B. Johnson (LBJ) and other Highland Lakes, which are especially critical during times of drought. In fact, the Texas Parks and Wildlife (TPWD) recognizes the Upper Llano River as an Ecologically Significant Stream, having high water quality, exceptional aquatic life, high aesthetic value, and diverse benthic macroinvertebrate and fish communities. However, with impending threats of local growth and development that will spur land fragmentation and increase water use across the region, negative impacts to the region's water quality and quantity are imminent

While the applicant is requesting to impound 12.02 ac-feet amount of water on the South Llano River, even small dam projects (similar to ones found in this permit application) can have large impacts on water quality. Good water quality is essential for preserving macroinvertebrate habitat, sustaining environmental flows, and promoting properly functioning riparian areas. However, dam impoundments can lead to elevated stream temperatures and low dissolved oxygen levels that would increase the stress on a local area's aquatic organisms. Further, local community residents have expressed concerns that approval of this water use permit application would set a dangerous precedent; this water use permit for recreational purposes would be the first permit type of its kind for the region. Approval of this water use permit would cause implications for the Upper Llano River's stewardship and long-term sustainability.

2. Downstream Impacts:

The impacts of the stream flow and water quality and quantity are cumulative as water moves down the Upper Llano River region; the South Llano River in this case. Management activities not only affect upstream users but all downstream users as well. The applicant has requested this water use permit to spur the development of a dam and reservoir that will be used for recreational purposes. In the application paperwork, specifically the *Information Sheet: Proposed New Construction, Modification, Repair, Alteration or Removal of a Dam* file, the applicant states this proposed structure is excluded from Texas Dam Safety Regulations (reference 30 Texas Administrative Code, Chapter 299, Dams and Reservoirs). With this exclusion, the applicant was not required to conduct a hydrological study for the project site. Forgoing this information allows the applicant to speed up their application process without the need to understand the current and projected environmental and flow conditions. Not having this information would lead to a definite loss of both natural and economic values to downstream users.

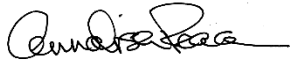
GEAA urges the use of management activities that aim to protect healthy stream systems or allow recovery for a stream system to return to a healthy and functional area.

The Llano River Watershed Alliance, a local nonprofit headquartered in Junction, TX, states that "the Llano River is an integral component of the community. Preserving its flows are not only an environmental issue, but also an economic, cultural, and historical one as well." GEAA trusts that the

TCEQ will consider the stated factors when ultimately deciding the applicant's water use permit and will adopt standards that protect our natural resources.

Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Annalisa Peace", with a long horizontal line extending to the right.

Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance