

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

Cibola Center for Conservation

Citizens for the Protection of Cibola 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

September 12, 2023

The Hon. Austin City Council

Austin City Hall

301 W. 2nd Street

Austin, TX, 78701

Re: Submittal of Written Comments and Supporting Approval of Austin City
Council Agenda Item #80

Please accept the attached comments on behalf of the fifty-eight 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 Austin City Council is seeking approval for a resolution directing the City Manager to seek a contested case hearing regarding an application by Waterstone Creek LLC to the Texas Commission on Environmental Quality to construct a dam on the South Llano River, to proactively engage with Texas Parks and Wildlife Department in opposing any permits for the project, and to explore with the Lower Colorado River Authority additional opportunities to oppose the permit application. This item is agenda item #80 on the upcoming September 14, 2023, Austin City Council meeting and is being sponsored by Council Member Leslie Pool, Council Member José Velásquez, Council Member Alison Alter, Council Member Ryan Alter, and Mayor Pro Tem Paige Ellis.

2. Greater Edwards Aquifer Alliance (GEAA). GEAA submits the following comments on behalf of our fifty-eight member organizations and supports Agenda Item #80 on approval of a resolution directing the City Manager to seek a contested case hearing regarding an application by Waterstone Creek LLC to the Texas Commission on Environmental Quality to construct a dam on the South Llano River, to proactively engage with Texas Parks and Wildlife Department in opposing any permits for the project, and to explore with the Lower Colorado River Authority additional opportunities to oppose the permit application.

GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards and Trinity Aquifers, their springs, watersheds, and the Texas Hill Country that sustains them. 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 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 TCEQ 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 on 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 the 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 recreational permit would be the first 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:

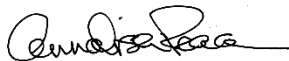
The impacts of the stream flow and water quality and quantity are cumulative as water moves down the Upper Llano River region; the South Llano River in this case. Management activities not only affect upstream users but all downstream users as well. The applicant has requested this water use permit to 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 is not only an environmental issue, but also an economic, cultural, and historical one as well.” Therefore, GEAA strongly encourages the approval of Agenda Item #80 by the Austin City Council

Thank you for the opportunity to submit these comments.

Sincerely,



Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance



Nathan Glavy
Technical Director
Greater Edwards Aquifer Alliance



Michael (Mike) Clifford
Technical Director
Greater Edwards Aquifer Alliance