



August 12, 2013

Zak Covar, Executive Director
Texas Commission on Environmental Quality (TCEQ)
Via Office of the Chief Clerk, MC 105
PO Box 13087
Austin, TX 78711-3087

RE: PUBLIC COMMENT

SOAH Docket No. 582-10-4184; TCEQ Docket No. 2005-1490-WR; In re:
Concerning the Application by the Brazos River Authority for Water Use Permit
No. 5851

Dear Mr. Covar:

First of all, thank you for agreeing to meet with us in person last Monday regarding the above-described permit. We appreciate your and your staff's continued willingness to confer with us and the citizens we represent to answer our questions and address their concerns.

As you know, in our legislative capacities we represent citizens directly impacted by the TCEQ's action on the proposed permit. To that end, we submit the following comment to the proposed permit and request that it be included in the official record.

The reservoirs in which the Brazos River Authority is currently permitted to impound and manage water are important drivers to the economic development and tourism of Hood, Palo Pinto, and many other counties throughout the upper basin. In addition, the shorelines of these reservoirs are largely owned by and/or leased as private residences and commercial properties.

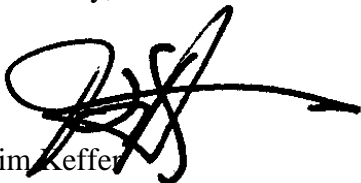
The commission has significant discretion in weighing the public interest potentially impacted by any new proposed water rights. In performing that balancing test, we urge that you give consideration to all the interests identified by the affected parties, particularly those related to local economic interests. As State Office of Administrative Hearings (SOAH) Judges Burkhalter and Newchurch pointed out in their proposal for decision, the state has a policy of maintaining the biological soundness of the state's lakes because they are of great importance to the public's economic health and general well-being. (*See Proposal for Decision § XII. A.*) Without question, the quality and level of Lake Granbury and Possum Kingdom Lake are indelibly tied to the economic vitality of the local community.

These interests cannot be dismissed simply because they have not traditionally been considered in the permitting of water rights. As you are well aware, this is not just any application, having been described by TCEQ staff as the most complicated application ever encountered. Because of that complexity, the volume of water requested, and the likelihood of a widespread and substantial impact to a variety of interests, we urge you to expand the scope of factors included in your consideration of the public welfare to include local economic impact.

In addition, we would also urge TCEQ to ensure that any water availability modeling incorporate data relative to the current drought. Of course, you know that a severe drought continues to plague Texas, particularly in the Brazos River basin. We are concerned that failing to take the current conditions into account ignores the poignant reality of a real water emergency which Texas finds itself in if conditions do not substantially improve.

Thank you for your serious consideration of the above matters. We look forward to continuing to work with you on this issue, which is of paramount importance to us and to the people whom we represent.

Sincerely,



Jim Keffer
State Representative



Brian Birdwell
State Senator