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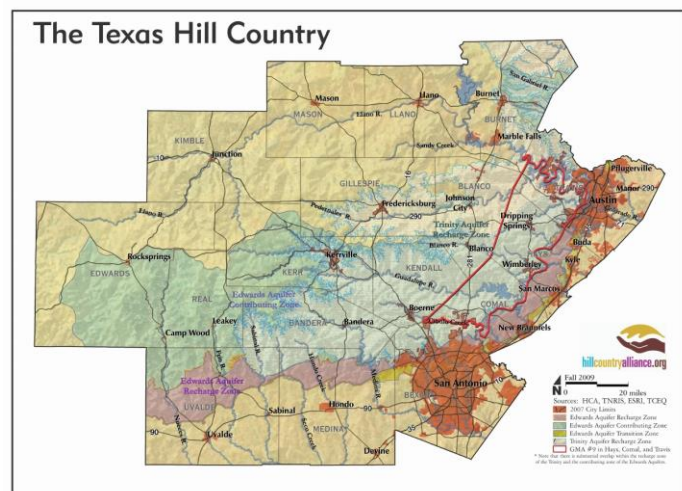
CASE CLOSED: Disappointment for Hill Country Aquifer Protection

(April 23, 2014) - The Texas Commission on Environmental Quality (TCEQ) recently halted a process that could have created groundwater conservation districts (GCDs) in some of the fastest growing areas of the Hill Country. TCEQ Executive Director Richard Hyde successfully petitioned the State Office of Administrative Hearings (SOAH) with a motion to dismiss the case that had been underway since 2010 to create GCDs in Western Travis and Western Comal counties. The request was granted January 27, 2014, and the case is now closed.

It was not clear why the leadership of TCEQ brought forth a motion to dismiss the ongoing case and process for putting GCDs in place. Many of those involved in the proceedings expressed surprise by the abrupt decision. “The completion of this process appears to be caught in an endless political loop,” said longtime observer and former Travis County Commissioner Karen Huber.

Back in 1990 the Hill Country area was studied by the Texas Water Commission. A determination was made that the area was already experiencing and likely to experience more “critical groundwater problems” in the next 20 years. The report concluded that groundwater demand would exceed availability and that groundwater conservation districts should be created throughout the “Hill Country Priority Groundwater Management Area” to locally manage the resource.

In the summer of 2010, [TCEQ recommended the creation of a multi-county groundwater conservation district](#) covering western portions of Hays, Comal and Travis Counties to provide effective management of the Trinity Aquifer. The area described is outlined in red on the attached map below. At that time the commissioner’s courts for all three counties passed resolutions of support for the regional district. In 2011, the board of the Hays Trinity GCD in western Hays County responded with a resolution firmly opposing the idea.



Thus, TCEQ revised this recommendation to suggest the Barton Springs Edwards Aquifer District annex Western Travis and the Trinity Glen Rose District annex Western Comal. Then, in January of 2014, TCEQ recommended dismissal of the process altogether.

As background, it is important to note that the Trinity Aquifer is the major source of well water west of I-35 covering all or portions of Bandera, Blanco, Gillespie, Kendall, Kerr, Comal, Hays, Travis, and Bexar Counties. Nine GCDs have been established by willing landowners, voting citizens and local governments in most of these counties. Western Comal and Southwestern Travis Counties are seeing explosive population growth, widespread development, and increasing demand on groundwater resources; yet they are the only remaining areas in the Hill Country not managing their water resources through a GCD.

Ron Fieseler, General Manager of the Blanco-Pedernales GCD has been looking forward to seeing southwestern Travis County and western Comal County become part of the GCD community for years. “These counties are technically part of the Hill Country Groundwater Management Area 9, where GCDs work across boundaries to coordinate and plan jointly. But because GCDs don’t exist in Travis and Comal counties, they are not at the table. It is disappointing that these areas still do not have groundwater governance, despite many years of effort to overcome either real or imagined problems,” stated Fieseler.

Groundwater is strongly protected as a private-property right under the Texas water code’s Rule of Capture, or the “law of the biggest pump.” Regulation through GCDs with locally elected boards is currently the only option in Texas for landowners to protect their water from a neighbor’s bigger pump. GCDs issue permits for large volume producing wells, also known as non-exempt wells. GCDs also implement drought management plans, monitor the aquifer levels, study the science of their aquifer, and deliver public education about groundwater and water conservation. Individual household wells are generally exempt.

Unfortunately most GCDs have been formed along county lines and county lines are political boundaries rather than natural boundaries. Underground water flows freely from county to county and it is impossible to effectively manage groundwater without addressing this issue. Managing water resources within natural systems such as aquifers and watersheds is a step in the right direction for the Hill Country. The Hill Country Alliance (HCA) recommends a regional, three county GCD as the most science based, and economically stable option.

The lack of GCD governance in a fast growing region could have detrimental impacts to neighboring regions whose groundwater *is* managed by a GCD. Without GCD management, the future of plentiful groundwater and a healthy aquifer in southwest Travis and western Comal counties is in jeopardy. But for now, it appears that TCEQ has abdicated the issue to the 2015 legislature. Stay tuned.

The Hill Country Alliance is a nonprofit organization whose purpose is to raise public awareness and build community support around the need to preserve the natural resources and heritage of the Central Texas Hill Country.