

House Bill 3883: Good Legislation for the Hill Country

by Milan J. Michalec

The citizens of Kendall County who are directly affected by the ever-increasing growth of recent years have been heard.

Hearing concerns about crowded roads, schools and the ever-increasing taxes that fall on citizens to pay to build more, and of course, water availability, the Kendall County Commissioners Court took a proactive step forward several years ago.

That first step began with a conversation with our House District 73 State Representative Kyle Biedermann shortly after he took office in 2017. Today, three and a half years in the making, a result is House Bill (HB) 3883.

Should it become law by the end of this 140-day session of the Legislature, the Kendall County Court will be authorized to enact specific local control measures that can be used to better manage development in the unincorporated areas of this specific county.

However, these powers would not be available until a majority of the voters asked for them after petition to the Kendall County Court.

To gauge the potential for voter support, the Court conducted a survey. The quantity of responses exceeded expectations and showed overwhelming support to grant additional powers to locally manage growth.

When questioned about water, 96.4% responded “yes” to Item 7. “Providing Kendall County Commissioners Court to require all future developments to provide a primary and secondary different source of water to ensure a sustainable water supply is provided during drought conditions.” It was the highest rated topic.

This groundbreaking legislation to grant some local control can provide relief to other counties beleaguered by the same growth-related issues as Kendall County. Namely building density on land in the unincorporated areas and drinking water availability. Water quality is a growing concern as after use, it’s returned to area streams, lakes or aquifers.

These issues are especially relevant given the proliferation of the Water Control and Improvement District (WCID and its close cousin the Municipal Utility District (MUD). Since 2007, three WCIDs and two MUDs were created in Kendall County. The first WCID was created in 1947 to serve the Comfort area.

The others get all or part of their water from out-of-county. The source is Canyon Reservoir and it's delivered through a Guadalupe-Blanco River Authority (GBRA) pipeline. Water is delivered at a constant flow rate with no peaking capability.

Adding to all of these new water districts in Kendall County, a Notice of Intent to file a bill to create Blanco County WCID No. 1 was recently printed in the Blanco County News. Earlier this year the Blanco City Council provided its conditional consent to it first MUD.

It could also be said this bill is more than 30 years in the making. It began when the Hill Country Priority Groundwater Management Area (PGMA) was created in 1990 with its boundaries covering all or parts of nine counties.

Per the Texas Commission on Environmental Quality (TCEQ): "A Priority Groundwater Management Area (PGMA) is an area designated and delineated by TCEQ that is experiencing, or is expected to experience, within 50 years, critical groundwater problems including shortages of surface water or groundwater, land subsidence resulting from groundwater withdrawal, or contamination of groundwater supplies."

The process within the PGMA designation led to the creation of our local groundwater conservation districts. These districts are the Legislature's preferred method of groundwater management.

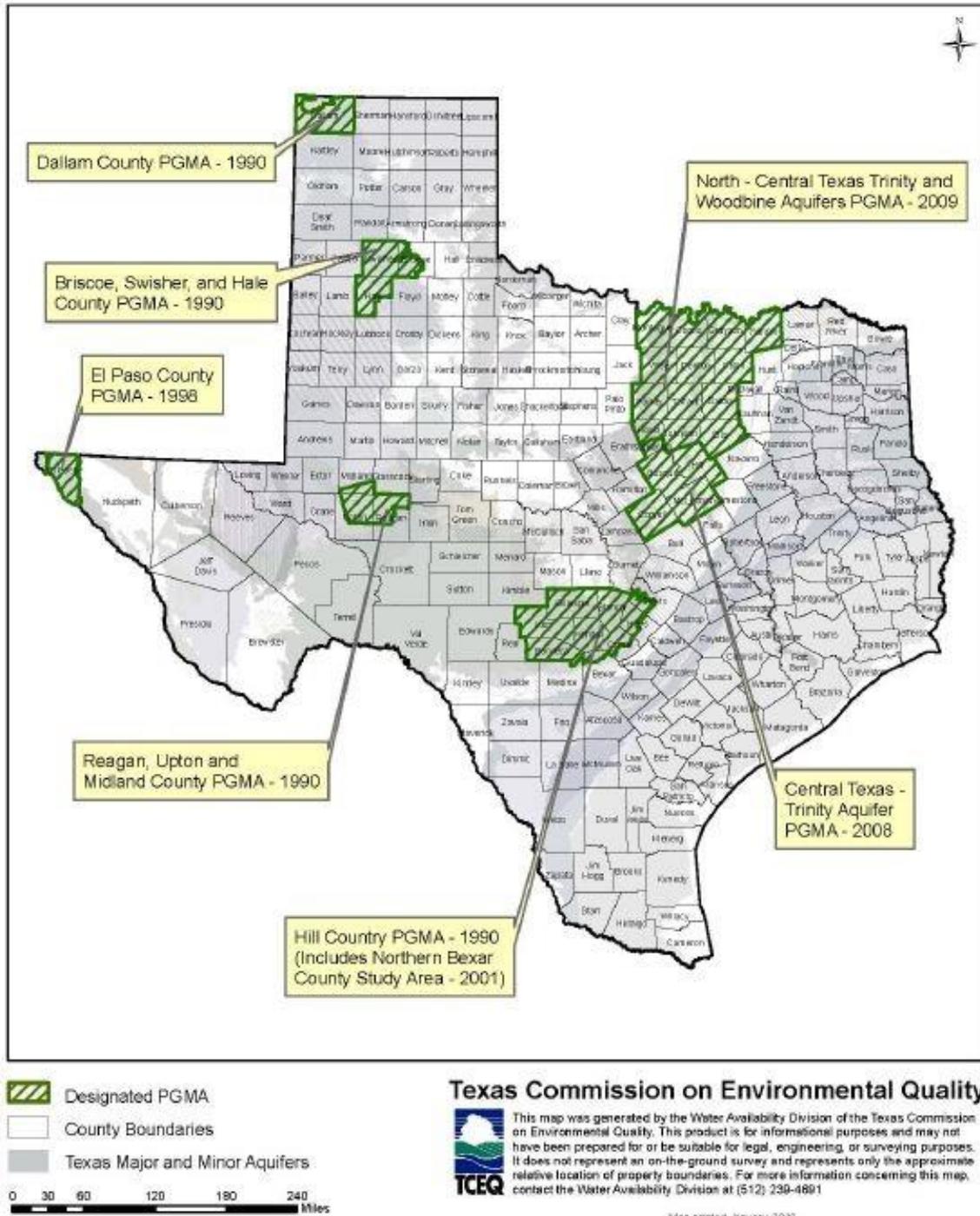
The Cow Creek Groundwater Conservation District (GCD) was created in 1999. Twenty years later, the Southwestern Travis GCD was confirmed and new Directors were elected. The entire Hill Country PGMA now has GCDs in place to manage the groundwater below in the Trinity Aquifer.

These districts must share information for cooperative water planning. This highlights the interdependent relationship of the Desired Future Conditions (DFC) and the individual districts as they use their Management Plans and Rules to determine the destiny of our most essential natural resource—water.

Kendall County Commissioners and Cow Creek GCD Directors ask for your support of HB 3883. If passed, it can provide the basis to bring appropriate local control to any other county within the Hill Country PGMA.

Michalec is a resident of Kendall County, Director Pct 2 and President, Cow Creek Groundwater Conservation District.

Figure 2. Map of Priority Groundwater Management Areas



Source: Priority Groundwater Management Areas and Groundwater Conservation Districts Report to the 87th Texas Legislature. TCEO. SFR-053/20. January 2021