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## High and Dry

### LCRA Approves Controversial Pipeline to Dripping Springs

BY ROB D'AMICO, JUNE 2, 2000, NEWS

**The Lower Colorado River Authority** (LCRA) continues to proclaim that it is fulfilling its mission as an environmental steward by offering an innovative aquifer protection plan to accompany its water pipeline to Dripping Springs. But LCRA officials and the authority's board offered a slap in the face to their newfound environmental allies last week, by deciding to forge ahead with the project before completing an Environmental Impact Statement (EIS). In December, LCRA had promised to do the EIS to determine whether building the pipeline would spur new development, and thus pollution, of the Edwards Aquifer. "Some things have changed over the past six months in my view," says LCRA general manager Joe Beal. Namely, he says, the Dripping Springs area is suffering from "extreme drought conditions." Furthermore, Beal notes that Hays County has taken the lead in setting up a water and sewer authority that has the power to manage water and wastewater service. And most importantly, he adds, the LCRA has finalized its Memorandum of Understanding (MOU) with U.S. Fish and Wildlife that would impose restrictions on new developments wanting water from the pipeline. Beal pledged verbally and in the agreement with U.S. Fish and Wildlife that the pipeline would serve only existing development until the EIS is completed (contract negotiations on the project are wrapping up this week). "I think there is little risk to the environment proceeding with this water pipeline," he says.

The decision to approve the MOU and proceed with construction came in a unanimous LCRA board vote on May 24, a mere five days after the public and environmentalists learned of the authority's about-face. Last week's vote contrasted sharply with the scene last December when Mark Rose, LCRA's former general manager, got chummy with at least one faction of the environmental community -- the Save Barton Creek Association (SBCA) -- and they jointly announced a decision to conduct an EIS for the pipeline project before any construction began. At the time, SBCA members, a bit detached from more vehement opposition in the Save Our Springs Alliance (SOS), stood behind Rose with smiling faces. "We will hold off building the line until we complete this environmental study," Rose said.

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### Writing on the Wall

Environmentalists weren't caught totally off guard by the sudden change, says Jon Beall, SBCA president. Beall says the group had heard rumors of LCRA abandoning their promise. The writing may have been on the wall when they watched well-orchestrated publicity in early May. TV news reports showed five-gallon jugs of LCRA water being delivered to thirsty Dripping Springs-area residents with dry wells. And the Hays County Commissioners Court declared a state of emergency for the area, which garnered even more press.

Then came the barrage from elected officials -- including state Rep. Rick Green, who lives in Dripping Springs -- who held a news conference urging pipeline construction. State Sen. Ken Armbrister, whose district covers Hays County, chimed in for getting the project going. And Lt. Gov. Rick Perry telephoned LCRA's Beal, who says the two discussed "water supply issues."

In response to this flurry of pro-pipeline activity, environmentalists from the Hays County Water Planning Partnership (HCWPP), SOS, and SBCA rushed to ready their arguments against the construction. The groups crafted a "near-term solution" to the dry wells that proposed linking water to the area from an existing Hill Country Water Supply pipeline a mere 1.5 miles away. The pipeline carries city of Austin water, and several Austin City Council members were recruited to pledge their support for the idea. However, no one bothered to even ask the Hill Country Water Supply Company if they could

accommodate such an expansion, and LCRA and Hays County officials quickly dismissed the idea as infeasible and a "piecemeal solution" to the water situation in Dripping Springs, particularly in Sunset Canyon, a subdivision off Highway 290 east of town that now stands to get LCRA pipeline water. Dozens of residents there have testified in petitions, surveys, and before the LCRA board that their wells are drying up at alarming rates, forcing them to buy water, or pay for costly well expansions and storage tanks. They recount how their faucets spew silt and stones and, if they're lucky, water that tastes as bad as it smells. "I have concern about the environment," says Sunset Canyon resident Linda Erwin, "but when you wake up and can't take a drink of water, you have to deal with reality."

Environmentalists say they are sympathetic to the residents' plight, and are supportive of development restrictions listed in the MOU with Fish and Wildlife. Nevertheless, they wonder how the rules for new development will be enforced, and they lament the obvious: There's no way a pipeline is ever going to be taken away once it's built, regardless of what an environmental study may show.

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## **Breakdown of the Project**

LCRA officials have been studying ways to get surface water to northwest Hays County for over a decade, which has added greatly to the frustration among residents there with ailing wells. The current project will extend a 15-mile, 24-inch-diameter pipeline carrying water to Dripping Springs along U.S. 290 from the Colorado River at the Village of Bee Cave.

The project will cost \$17.5 million, and additional treatment expansions that serve it and other projects raise that amount to \$25 million. Beyond that, residents will be responsible for paying the cost to hook up to the pipeline -- about \$4,000 to \$5,000 per home -- and for the regular monthly water fee, around \$80, depending on usage. The pipeline could be operational in 18 months.

LCRA officials originally scheduled pipeline construction for January, but vocal opposition from many Hays County residents throughout much of last year led to the hiatus and EIS process. Chief opponents included the Hays County Water Planning Partnership, a grassroots group of northern county residents that formed to fight the pipeline on the grounds that it would fuel new development and destroy the county's rural lifestyle. The HCWPP also succeeded in halting a Hays County Transportation Plan that proposed putting in several four-lane roads over the Edwards Aquifer, and extending MoPac south to San Marcos.

Other pipeline opponents include the SOS Alliance, whose chief concern is that development fueled by the pipeline will contribute pollution to the Edwards Aquifer, and thus Barton Springs and its endangered salamander. Additionally, several members of the Edwards Aquifer Barton Springs Conservation District are concerned that development-related pollution could endanger some 45,000 people who depend on the aquifer for their drinking water. Both SOS and the HCWPP have filed intent-to-sue notices against LCRA over the project.

For its part, LCRA maintains that the pipeline is intended for about 4,000 or so existing customers, but they say that the capacity could eventually serve up to 7,000 homes at an average of 15,000 gallons a month for each customer. And additional expansion of the LCRA treatment and storage facilities could increase that amount in the future. And they agree that building the pipeline will make it easier to add extensions deeper into the Hill Country. Since the LCRA mandate is to offer water to customers within their jurisdiction, officials there also note that they would not turn down new development.

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## **Half Empty or Half Full?**

Complicating the LCRA pipeline issue is how you define a dry well. Water levels that drop during dry periods may simply require a deeper well, which means paying a substantial amount of money to a driller (usually around \$2,000-\$3,000). Many

residents also say that their wells are dry when they actually just need extended periods of time to recharge. In some extreme cases, residents are not able to use their water for more than five minutes before running "dry." The solution here may also be expensive -- building a storage tank so that water may be managed more effectively without dry spells in the well.

Then there's water use to consider. One Dripping Springs-area resident lamented that he couldn't fill his hot tub and water the lawn at the same time, while others suffer from more fundamental needs -- they can't even take a shower. So defining "dry" is subjective.

It's hard to pin down who really needs surface water, and who really deserves it. The magnet for publicity over the water plight has been the subdivision of Sunset Canyon, an area of about 450 homes developed more than 15 years ago. Chief rabble-rouser for the residents is Dede Stevenson, who is pushing the LCRA for pipeline water as soon as possible. Her family recently installed a 2,500-gallon storage tank after she went to turn on the faucet one day and found only air. "We're basically looking at being without any water," she says. "Ten people had to redrill their wells in the last few months."

Alan Hardy, chair of the subdivision's water committee, spearheaded a door-to-door survey of 254 residents. Some 10% have been forced to drill new wells or deepen their existing wells, and 24% experienced significant lapses in water supply. Of those surveyed, 90% wanted LCRA surface water and were ready to pay \$4,000 for a hookup, while 7% wanted the water but couldn't afford the hookup at this time.

Only 10 households say they use rainwater collection, a system that isn't a total solution to water supply but still has potential to provide for a significant portion of the needed water.

Furthermore, LCRA pulled a host of statistics from several studies of aquifers in the area, including well monitoring that showed drops of about 80 feet in the past 10 years. HCWPP President Erin Foster did note, however, that these wells are more than 350 feet deep, so they can most often accommodate temporary drops. She says of the current drought, "I'm not sure that it constitutes a \$25 million emergency Band-Aid."

LCRA officials essentially are showing that water demand over the aquifers in the Dripping Springs area will increase 170% in the next 50 years, while population increases 233%.

Water availability and quality depends on several factors, such as the actual aquifer, whether the wells are in shallow or deep portions of the aquifer, the recharge rate, and who else is pumping or polluting the land next to you.

The most common analogy for the problem is that the aquifer is a cup and each well a straw. "There's too many straws in the cup that supplies the water, and it's only going to get worse," says David Frederick, field supervisor for U.S. Fish and Wildlife in Austin.

Frederick, who has been lauded by both environmentalists and the LCRA for his efforts in trying to resolve development concerns, felt the Sunset Canyon situation was dire enough to get things moving with the pipeline. "I do not put endangered species above health and human safety," he told the LCRA board. However, no one made much of a case that the residents' predicaments -- ranging from irritating dry spells to serious financial hardships -- are really a health concern. With bottled water they use for drinking anyway, they're not going to die of thirst, and contamination of shallow aquifer wells is most likely from new development, precisely what environmentalists are trying to control.

Many environmentalists and longtime rural homeowners are frank enough to tell Dripping Springs area residents that they should expect poor quality water and shortages, because they live in the country and depend on wells. Furthermore, it's hard

for many to have pity for residents who go to great lengths to ask for surface water, but don't do anything to try and control the growth that is helping to deplete their existing source. For instance, Sunset Canyon resident Stevenson told the LCRA board that the nearby Polo Club -- an equestrian-themed, 93-lot development with \$600,000-plus houses -- is a "very nice subdivision" that needs to keep its lakes filled to make it attractive.

No one (besides environmentalists) seemed too concerned about the Coyote Crew resort planned west of Dripping Springs that would include a 300-room hotel and golf courses. One resident even told the LCRA board that bringing surface water to the east side of Dripping Springs would ease pressure on other new development that would then depend on well water. It doesn't take a visionary to see that the new developments will themselves be clamoring for surface water a few years down the road when newer neighboring subdivisions and dry spells ruin their wells.

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## How to Stop the Deluge

The most popular refrain from Hays County residents wanting surface water is, "Nothing is going to stop the growth. It's not 'build the pipeline and it will come.' It will come anyway."

"If we want to restrict development, let's do it through ordinances and land controls," Sunset Canyon's Hardy says. And even some environmentalists echo those sentiments. "Restricting utilities is not the way to stop growth," says Bill Bunch, the SOS legal counsel, even though he opposes the current construction until findings from the EIS are complete.

Section 7 permit reviews from the Endangered Species Act and the MOU between LCRA and U.S. Fish and Wildlife also will be important tools, if enforceable. Any new development that gets surface water from the pipeline will have to meet rigorous impervious cover standards, runoff controls, and other environmental guidelines similar to those in Austin's SOS ordinance. But other areas not covered by the pipeline will rely on regulation from Hays County and the city of Dripping Springs, not exactly a government climate that controls growth.

This is the county government that presented a surprise 25-year road plan with an extension of MoPac to San Marcos, and courted a developer that planned to put 14,000 homes over the Edwards Aquifer and recharge zone at the Rutherford Ranch site. Still, County Judge Jim Powers correctly asserts that his county has some of the strictest subdivision rules in the state. He also points to a new Hays County Water and Sewer Authority (newly authorized by the last Legislature) that will be able to control utility development to some extent.

While some bluntly describe Powers as a "pimp for developers," he simply maintains that he has always been of the mindset that growth is inevitable, and the only thing to do is plan for "quality growth." Indeed, the often-praised Hays County subdivision rules are designed to ensure that development density does not allow for contamination of wells and that it provides adequate roads and drainage. Yet current residents are quick to point out that thousands of homes and commercial buildings are still going to pollute the aquifer, clog roadways, ruin the air, and destroy rural life in Hays County, even if they are quality-made.

The county has never had much power to regulate new development, but SBCA's Jon Beall notes that it can deny subdivision plats and other development under Chapter 35 of the Texas Water Code, which states: "The commissioners court of a county in a priority groundwater management area may adopt water availability requirements in an area where platting is required if the court determines that the requirements are necessary to prevent current or projected water use in the county from exceeding the safe sustainable yield of the county's water supply."

Since the Dripping Springs area is a "priority groundwater management" area, the Hays Co. Commissioners Court could adopt strict requirements linking development with water supply, Beall says. On the simplest level, LCRA's own doom-and-gloom

groundwater projections would be enough evidence to deny all new development. Moreover, many environmentalists point out that Dripping Springs is a small city with a large extraterritorial jurisdiction (ETJ). They ask why the city can't adopt water quality ordinances similar to the SOS ordinance, or even push the envelope with requirements that all new homes and businesses be equipped with rainwater collection systems, even if they're expensive and limiting to developer profits. After all, this isn't an area known for developing new affordable housing, and developers are targeting high-income residents who want the Hill Country charm, or what's left of it, and good schools.

Dripping Springs Mayor Wayne Smith did say that officials there are in the process of developing new land use recommendations. All agree that planning for where development would have the best chance at getting adequate water and transportation without polluting or depleting the aquifers is the key. But the entities involved have yet to get past the idea that there will be some contention in the process.

For example, a past LCRA-sponsored Oversight Committee designed by Powers didn't include the main opponents of the pipeline and then dissolved before ever getting off the ground. Recent efforts have proved to be more inclusive and fruitful, such as a blue ribbon committee to advise on the county's transportation plan. (But even that effort is now fraught with controversy; see "Roadblock" below.)

In a letter to the LCRA, Rep. Rick Green wrote that regional planning efforts never got underway because of "threatened lawsuits" from SOS and HCWPP. But officials can learn something from recent Austin politics: Just because someone says nasty things about you or threatens to sue doesn't mean you don't invite them to the table. 🗨️end story

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