

The San Antonio Water System (SAWS) is premature in proposing to eliminate projects from its 1998 long-term water resources plan, and the San Antonio Express-News is premature in endorsing the SAWS recommendations. I am only slightly encouraged to see that your August 12 editorial titled "A joint effort best for water providers" somewhat contradicts the previous day's editorial titled "Eliminate unworkable water supply projects." If the Express-News is concerned about over-reliance on the Edwards Aquifer and favors a regional and cooperative approach to securing San Antonio's water future, it should not rush to endorse this updated plan. In its proper effort to continually evaluate its project options, SAWS offers a plan that falls short of providing a secure and diverse water supply for our region, and SAWS has fallen woefully short in involving key stakeholders and the general public in the crafting of this new plan. This lack of public involvement stands in glaring contradiction to the way in which the 1998 plan was devised.

The 1998 SAWS Water Resources Plan was the product of a Citizens Advisory Panel (CAP) that was established by Mayor Bill Thornton, and whose members were appointed by City Council. The membership of the CAP was diverse and reflective of the community's various interest groups who are concerned about our water future. Environmentalists, real estate and developer groups, citizen activists and neighborhood leaders, the chambers of commerce, manufacturers, taxpayer watchdogs, etc, were all either directly represented on the CAP, or were given valid consideration by the CAP in developing the plan. The plan was a result of years of work. In sharp contrast, the updated plan was crafted in a matter of a few months by a task force appointed by the SAWS CEO, and consisting entirely of persons internal to SAWS. The result is a plan that lacks due consideration from a political, legal, environmental and economic standpoint.

Veteran followers of San Antonio's water wars will recall that the 1998 water plan was devised on the heels of clear legal decisions in federal court regarding the protection of endangered species in Comal and San Marcos springs, as well as the Texas Legislature's creation of the Edwards Aquifer Authority (EAA) and statutory limits on pumping from the Edwards. The message from the bench and the Lege was loud and clear: San Antonio must diversify its water supply and avoid over-pumping the Edwards or face consequences. The community responded with a plan.

The consensus built around the 1998 plan was phenomenal, given the bitter divisiveness that had preceded it. Not everyone had agreed with the federal courts or the Legislature. The community had been divided over the question of regulating the Edwards, as it had been over the construction of the Applewhite projects. But one thing had become abundantly clear: San Antonio's lack of a long-term water plan was hurting its economic development. San Antonio was derided at the Legislature for its lack of foresight and over-reliance on the Edwards. San Antonio was losing federal court battles over pumping limits on the Edwards. San Antonio was losing out in attracting new and relocating businesses, because it had not secured its water future. Ultimately, the combination of these external forces, along with a drought, helped forge consensus on

our water issues, and the adoption of the 1998 plan. Most remarkably, support in the community and at City Council for paying the necessary costs associated with the plan was strong. On November 5, 1998, the San Antonio City Council unanimously approved the 50-year water plan that SAWS now seeks to “update” by prematurely eliminating vital projects. How was such consensus forged in 1998? San Antonio was tired of fighting legal and legislative battles while business opportunities passed it by. Our effort and money was better directed at securing water from diverse and reliable sources. San Antonio would never lose out again on an economic development opportunity because it couldn’t assure water availability during a drought. San Antonio wanted to be a good neighbor and trustworthy regional partner. The last seven years has seen San Antonio’s fortune flourish under this approach, having gone from pariah to national model for a secure and diverse water plan. San Antonio could never have landed Toyota before 1998.

The years of work that were invested in getting to where we are today, this exceptional progress, is today threatened. A more careful deliberation by a broader representation of the San Antonio community is necessary before such important decisions are made.

Specifically, a more careful review of the following points in the new plan is necessary:

Drought planning. One of the “updates” to the plan is to drop the drought-of-record (1950s) as the planning basis for pumping from the Edwards Aquifer, and instead use a figure of 340,000 acre-feet of annual pumping, which is based on the worst drought of the last 30 years (1980’s). This is likely to meet objection from the feds as well as the EAA, the Texas Water Development Board (TWDB), the Texas Legislature, not to mention our regional partners. Why? By SAWS’ own admission, 340,000 acre-feet pumped in a record drought sees Comal and San Marcos springs go dry, thrusting San Antonio back into the very legal battle that the 1998 plan was designed to avoid. In its discussion of the updated plan, SAWS emphasizes that the South Central Texas Regional Water Planning Group uses the same 340,000 acre feet figure, but it is clearly footnoted in the regional plan as a “placeholder” figure that is to be used until the EAA receives approval of its Habitat Conservation Plan (HCP) from the federal government. My interpretation of this is that the 340,000 acre feet figure is not permanent, and is very likely to be lowered as a result of negotiations over the HCP.

Water conservation estimates. SAWS is to be commended for emphasizing the role of conserved water in San Antonio’s water future. Conserved water is the least expensive and easiest to develop of any available source. Today, San Antonio is a national model for effective water conservation programs. However, SAWS is overly aggressive in its attempt to reach 116 gallons per capita per day (gpd), and to sustain 122 gpd during a drought. A more careful assessment by water experts outside of SAWS should be undertaken to determine whether it is realistic to plan for 122 gpd in a drought of record. If this target is not realistic, the rest of the numbers in the updated plan begin to collapse. Furthermore, the plan assumes that SAWS most vital regional partners – its wholesale customers, will also achieve these aggressive conservation figures. If they do not, the rest of the figures further collapse. The manner in which SAWS has confronted its regional partners, including its wholesale customers, by quickly and unilaterally

advancing this new plan, is not a good step toward cooperation in achieving these conservation measures.

Legal obstacles. It appears that one of the premises upon which SAWS bases its decision to drop the GBRA and Simsboro projects in favor of acquiring more Edwards rights is the calculation of legal risk associated with these projects. SAWS is disingenuous in offering letters from Tom Stehn of the U.S. Fish and Wildlife Service, and John Burke, Chairman of the Lower Colorado Regional Planning Group, as evidence that it has made the right choice in dropping these projects. By all indications, the letter from Mr. Stehn, the whooping crane coordinator for the U.S. Fish and Wildlife Service (USFWS), offers his personal opinion, which is likely influenced by his professional duty to protect the whooping crane. The letter does not appear to reflect an official USFWS position, does not express any legally binding edict on the part of USFWS, and should not be given much weight in assessing the legal risk associated with the project. The letter is anecdotal, yet has been presented by SAWS in public meetings as evidence of a looming legal challenge to the GBRA project. The same applies to the letter from Mr. Burke. By SAWS own admission, nothing has changed in the legal or regulatory arena to support Mr. Burke's claim that water will never leave the Simsboro region for San Antonio. Those opposed to the Simsboro project have no more legal standing today than they did in 1999 when they promoted legislation to statutorily prohibit it. This was a hard-fought legislative battle led by the Bexar delegation, namely Robert Puente, Frank Corte and John Shields who served on the House Natural Resources Committee at the time, and Jeff Wentworth who served on the corresponding Senate committee. The Legislature sided with San Antonio, realizing that it had previously directed San Antonio to diversify its water resources and that San Antonio was making every effort through conservation and new project development to follow this directive. In short, the Legislature at the time recognized that San Antonio deserved an opportunity to develop the project in a responsible manner. More importantly, the Legislature realized it should not talk out of both sides of its mouth in demanding resource diversification on the one hand, and on the other hand opposing San Antonio's plans to diversify. This legislative victory stands today, yet SAWS depicts an ominous and invincible legal challenge to the project in order to justify its decision to abandon it.

Lack of a complete financial analysis. This issue is close to the core of why SAWS is pushing the updated plan: the desire for lower user water rates. SAWS is to be commended for wanting to be fiscally responsible, but lower rates should not come at the expense of San Antonio's water future. Rates should be as low as possible, while still securing an adequate water supply that is reliable in times of drought. The updated plan seeks to keep rates low at the expense of a drought-proof water future.

SAWS has offered aggregate cost figures for the updated plan versus the 1998 plan. The savings are significant. What SAWS has not offered is a comparative analysis of average monthly user rates for the new plan versus the old one. This is vital information for responsible decision-making, yet the SAWS Board is prepared to act without this information, and it is not clear whether such information will be available to City Council before it takes action in October. The 1998 plan is more expensive because it provides

water from sources that are more diverse and more secure. The updated plan is considerably less expensive because it overestimates conservation and relies excessively on our least expensive yet limited source next to conservation, the Edwards Aquifer. We know that we must pay more for the original 1998 plan, but how much more per month? This information is needed to consider this fundamental question: How much more per month are San Antonians willing to pay to secure their water future? The San Antonio City Council actually answered this question resoundingly when it unanimously approved the 1998 plan, with broad community support; yet new leadership at SAWS today seeks a different answer that delivers political expediency in the form of lower rates.

I am fearful that conclusions have been reached in reverse in this updated plan. It appears that the decision to not raise rates was made, and the science and planning to support this decision was subsequently compiled. I am fearful that institutional knowledge, history, and perspective have lacked in considering this updated plan. San Antonio needs a diverse, long-term water supply that is secure in times of drought. Yes, this will cost money, and the higher cost today can be seen as a result of forgone opportunities, such as the City Water Board/GBRA contract that was turned down by City Council in the 1970's, and the Applewhite projects rejected by the citizens in the 1990's. Are these setbacks to San Antonio's future so far in the past that our leadership no longer recalls them? In the world of water resources planning where projects take decades from inception to completion, this was only yesterday.

I worry most, however, about the following possible scenario. The small but vocal minority of San Antonio water activists who favor exclusive reliance on the Edwards Aquifer and are opposed to any new water projects have won favor with SAWS leadership. They won the fight over Applewhite, but lost the fight over limiting San Antonio's use of the Edwards and have yet to get over it. It is their "white whale." Of all the possible challenges San Antonio could face over its water future, they relish the idea of fighting and fighting again over the Edwards. The updated plan is a subtle pretext to thrust San Antonio back into the Edwards fight in hope of a different outcome.

San Antonio cannot afford to fight this battle again.