



# **Drought Contingency Plan for Firm Water Customers**

**Lower Colorado River Authority**

**April 2024**

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**1. DECLARATION OF POLICY, PURPOSE, AND INTENT**

The Board of Directors of the Lower Colorado River Authority (LCRA) deems it to be in the interest of LCRA to adopt a Drought Contingency Plan (DCP) for the supply of firm water. This DCP constitutes the LCRA's drought contingency plan required under Section 11.1272, Texas Water Code, and associated administrative rules of the Texas Commission on Environmental Quality (Title 30, Texas Administrative Code, Chapter 288).

**2. PUBLIC INPUT AND COORDINATION**

Firm water customers within LCRA's water service area were provided with information related to the preparation of this DCP and provided an opportunity to give input on its development through LCRA's regularly scheduled public meetings of the LCRA Board in March and April 2024. In addition, LCRA posted its draft proposed DCP on its website, [www.lcra.org](http://www.lcra.org), provided an opportunity to submit written comments through its website, and held a customer meeting.

Further, LCRA has provided a copy of this Firm Customer DCP to the Region K Regional Water Planning Group to ensure consistency with the Region K water plan.

**3. USER EDUCATION**

LCRA will provide water users with information about this DCP, including information about the conditions under which drought response measures are to be initiated or terminated. This information will be provided by email to customers, by providing copies of the DCP to each customer, or by posting the DCP on LCRA's public website.

**4. AUTHORIZATION**

The LCRA General Manager or his designee is hereby authorized and directed to implement the applicable provisions of this DCP consistent with the criteria specified herein. LCRA Board action is not required for actions under this DCP other than those actions set forth below:

- Establishing surcharges or excess use rates applicable to firm water customers (Section 10).
- Declaration of a Drought Worse than Drought of Record (Section 7.4).
- Initiating, modifying and/or lifting of pro rata curtailment, or establishing criteria for such actions. (Section 7.4).
- Establishing the percentage curtailment required under continuing Stage 4 (Section 7.4).
- Updates to the Drought Contingency Plan (Section 13).

LCRA will carry out an appropriate public information campaign related to any item requiring Board action under this DCP as required by 30 Tex. Admin. Code Ch. 288.

**5. APPLICATION**

The provisions of this DCP shall apply to the use of water by all persons using firm water provided by LCRA. To the extent a person also is using groundwater, or surface water from sources outside the Colorado River Basin, the provisions of this DCP do not limit the use of that source of water. The term "person" as used in this DCP includes individuals, corporations, partnerships, associations, and all other legal entities.

## **6. NOTICE**

Notice of the initiation of drought response measures will be given by posting on the LCRA website and by U.S. Mail or email, where available, to each individual firm water customer.

## **7. DROUGHT RESPONSE STAGES**

This DCP sets forth the procedures by which LCRA will implement drought response stages for firm water uses. LCRA will encourage its firm water customers to implement long-term water conservation measures year-round to meet the goals included in their water conservation plans. LCRA will, as needed, share information with the public on water supply conditions, water use and conservation. LCRA's Water Contract Rules, including its Drought Contingency Plan Rules and Pro Rata Curtailment Rules may include additional requirements and details applicable to the following stages.

### **7.1 Drought Contingency Plan Stage 1**

If the total combined storage in lakes Buchanan and Travis drops below 1.1 million acre-feet, and interruptible stored water supplied to the Lakeside, Gulf Coast and Pierce Ranch agricultural operations is curtailed, LCRA will request its firm water customers implement mandatory drought response measures in their individual drought contingency plans with a target demand reduction goal of 10 percent. If the combined storage in lakes Buchanan and Travis subsequently increases to 1.2 million acre-feet, the stage will be exited.

### **7.2 Drought Contingency Plan Stage 2**

LCRA will enter Stage 2 if interruptible stored water supplied to the Lakeside, Gulf Coast and Pierce Ranch agricultural operations is curtailed, and:

- a) the total combined storage in lakes Buchanan and Travis drops below 900,000 acre-feet; or
- b) on March 1 or July 1, the combined storage in lakes Buchanan and Travis is below 1.1 million acre-feet and the cumulative prior three months of inflows total to those lakes is less than the 25<sup>th</sup> percentile of historic inflows for the three-month periods.

In this stage, LCRA firm water customers must implement additional mandatory drought response measures in their individual drought contingency plans with a target demand reduction goal of 20 percent. In this stage, firm customers' water use reduction measures must include a no more than once-per-week watering schedule for ornamental landscaping.

If the combined storage in lakes Buchanan and Travis subsequently increases above 1.1 million acre-feet, the stage will be exited and replaced by Stage 1.

### **7.3 Drought Contingency Plan Stage 3**

If the total combined storage in lakes Buchanan and Travis drops below 750,000 acre-feet and interruptible stored water supplied to the Lakeside, Gulf Coast and Pierce Ranch agricultural operations is curtailed, LCRA firm water customers must implement additional mandatory drought response measures in their individual drought contingency plans with a target demand reduction goal of 25 percent. In this stage, LCRA firm customers' water use reduction measures for ornamental landscaping must include a) a prohibition on the operation of automatic or manual sprinkler irrigation systems; or b) a maximum of no more than 6 hours per week for operating automatic or manual sprinkler irrigation systems. If the combined storage

in lakes Buchanan and Travis subsequently increases to 825,000 acre-feet, the stage will be exited and replaced by Stage 2.

#### **7.4 Drought Contingency Plan Stage 4**

If the total combined storage in lakes Buchanan and Travis drops below 600,000 acre-feet, and the LCRA Board of Directors declares a Drought Worse than the Drought of Record consistent with the LCRA Water Management Plan (WMP), LCRA will curtail and distribute the available supply of firm water among its firm water customers and firm environmental flow commitments on a pro rata basis according to the amount of firm water to which they are legally entitled consistent with the Pro Rata Plan for Firm Water Demands approved by TCEQ. All uses of interruptible stored water will be cut off prior to and during any mandatory pro rata curtailment of firm water supplies. The initial curtailment of firm water supplies under pro rata will be 20 percent with a target demand reduction goal of 30 percent. In this stage, LCRA will require that firm customers implement mandatory water use reduction measures for ornamental landscaping that must include a prohibition on irrigation of ornamental turfgrass using automatic or manual irrigation systems, including drip irrigation and hose-end sprinklers. Upon entering Stage 4, the LCRA Board also shall determine the conditions under which additional mandatory actions shall be triggered, consistent with Appendix C of LCRA's Water Contract Rules, which include specific procedures and requirements related to a pro rata curtailment of firm water supplies. During Stage 4, LCRA will further encourage firm water customers to use alternative water supplies, if available.

The LCRA Board also may set additional criteria for ending or easing pro rata curtailment, such as combined storage increasing to a given level. If such criteria are subsequently met, the Board may increase or decrease the pro rata curtailment percentage. A declaration of a Drought Worse than Drought of Record will be canceled if combined storage in lakes Buchanan and Travis increases to 1.4 million acre-feet. In that event, mandatory pro rata curtailment would be lifted, and the stage would be exited.

### **8. FIRM CUSTOMER DROUGHT CONTINGENCY PLANS**

As part of its contracts, LCRA requires its firm water customers to prepare and adopt a drought contingency plan that is legally enforceable by the firm water customer and specifies the actions to be taken to comply with this Drought Contingency Plan regarding the implementation of drought response measures, including a plan to reduce demand during curtailment of firm supplies consistent with LCRA's approved Pro Rata Plan and LCRA's Water Contract Rules, including its Drought Contingency Plan Rules and Pro Rata Curtailment Rules. Customers' DCPs should be developed pursuant to LCRA guidelines and submitted for LCRA review and acceptance within 60 days of the approval of this plan. LCRA will provide firm customers a template DCP outlining recommended drought response measures for each stage that may be voluntarily adopted. For temporary contracts, domestic use contracts and landscape irrigation contracts for up to 30 acre-feet per year, customers shall follow an LCRA-developed DCP that is specific to such uses unless customers develop a stand-alone DCP that meets LCRA requirements.

## **9. VARIANCES**

The General Manager may, in writing, grant to a firm water customer a temporary variance from the pro rata curtailment required under this DCP and LCRA's Pro Rata Plan, consistent with Appendix C of LCRA's Water Contract Rules.

In addition, the General Manager may, in writing, grant a temporary variance to the pro rata curtailment of water supplied to meet environmental flow criteria under sections of the LCRA WMP if the Texas Parks and Wildlife Department submits a written variance request, and the General Manager determines a variance is justified to avoid severe adverse biological conditions and/or a variance would not result in an increase in the amount of water made available for environmental flows during the curtailment.

## **10. ENFORCEMENT**

LCRA will monitor firm customers' compliance with its DCP requirements. Specific enforcement provisions are included in customer contracts, LCRA's Drought Contingency Plan Rules (which are incorporated into this DCP by reference), and LCRA's Drought Contingency Plan for Domestic, Temporary, and Landscape Irrigation and Recreation Contracts. Monitoring and enforcement of water-use restrictions at the end-user level is the customers' responsibility. In addition, all LCRA firm water contracts include a provision requiring that, in cases of a shortage of water resulting from drought, the water will be distributed in accordance with the LCRA's WMP and Texas Water Code section 11.039. Customers that exceed their allotted supply during a pro rata curtailment will be subject to excess use rates or surcharges, to be specified by the LCRA Board, in addition to LCRA's firm water rate. They also may be subject to civil action to enjoin them for breach of contract.

## **11. SEVERABILITY**

It is hereby declared to be the intention of the LCRA Board that, if the sections, paragraphs, sentences, clauses, and phrases of this DCP shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this DCP.

## **12. EFFECTIVE DATE OF PLAN**

The effective date of this DCP shall be the date of approval by the LCRA Board and shall supersede all other Firm Water DCPs and amendments thereto, previously adopted by LCRA through resolution or otherwise. Ignorance of the DCP is not a defense to a prosecution for enforcement of a violation of the DCP.

## **13. DROUGHT CONTINGENCY PLAN UPDATES**

LCRA will make any necessary conforming changes to this DCP within 90 days of TCEQ's approval of changes to the LCRA WMP that affect the firm customer drought response measures contained in this DCP. Further, LCRA may make other updates or amendments to the DCP in accordance with other applicable law.

## **14. NOTIFICATION OF EXECUTIVE DIRECTOR**

The LCRA General Manager will provide all required notices to the TCEQ Executive Director as required by applicable law, including but not limited to notifying the Executive Director within five business days of the implementation of any mandatory provisions under this DCP.