

Comments on the Draft 2027 Texas Nonpoint Source Management Program (SFR-68/27)

Submitted to: Kristin DeBone, Water Quality Planning Division, Texas Commission on Environmental Quality

Re: Public Comments on the Draft 2027 Texas Nonpoint Source Management Program (TCEQ SFR-68/27, June 2026)

Submitted by: Save Texas Streams (formerly Save Barton Creek Association), Hill Country Alliance, and Greater Edwards Aquifer Alliance

Dear Ms. DeBone,

Save Texas Streams, the Hill Country Alliance, and the Greater Edwards Aquifer Alliance are Central Texas nonprofit organizations focused on water quality protection, natural space preservation, and sustainable development. We appreciate TCEQ and the Texas State Soil and Water Conservation Board (TSSWCB) for the chance to comment on the draft 2027 Nonpoint Source Management Program.

1. We support the Program's stronger commitment to protecting clean, unimpaired waters

We're glad to see the draft Program place more emphasis on protecting waters that are still clean, not just fixing waters that are already polluted. The new goal language says the state should work with local partners on "unimpaired waters of special interest" (*Chapter 2, Management Program Overview, p. 24, Goal Two – Implementation, Objective A*), and the plan for prioritizing waters says it should help "protect high quality unimpaired waters of local interest" (*Chapter 3, p. 31–32, section "The Nonpoint Source Priority Waters Report," first paragraph*). That's the right goal, and we appreciate TCEQ and TSSWCB building it in more clearly.

We also like the added detail on how nonprofits and other outside groups can help write Watershed Protection Plans (WPPs) — the local, voluntary plans used to fix and prevent water pollution. The draft makes clear that groups like ours can develop these plans and bring them to TCEQ or TSSWCB for review (*Chapter 4, Water Quality Management Cycle, p. 54–55, section "Watershed Protection Plans," third paragraph on p. 54 and first full paragraph on p. 55*), which is a good way to get more local watersheds under active protection.

2. The "Special Interest" list hasn't changed in at least five years, and the criteria for SI designation need clarification

The priority waters list in the back of the plan (*Appendix A, "Nonpoint Source Priority Waters List"*) includes a special label, "Special Interest," for waters that aren't polluted but that the state wants to protect anyway (*Appendix A, footnote 1, p. A-24*). Right now, 12 water bodies statewide carry that label:

- Lake Lavon (Segment 0821_01-04) and Lake Arlington (Segment 0828_01-08) — *Appendix A, p. A-8*
- Joe Pool Lake (Segment 0838_01-03) — *Appendix A, p. A-9*
- Lake Granbury (Segment 1205_01-05) and the Lampasas River above Stillhouse Hollow Lake (Segment 1217_01-05) — *Appendix A, p. A-14*
- the Llano River (Segment 1415_05-06), the Colorado River below E.V. Spence Reservoir (Segment 1426_01-04), and Shoal Creek (Segment 1429A_01) — *Appendix A, p. A-17*
- the Upper San Marcos River (Segment 1814_01-04) — *Appendix A, p. A-18*
- North Floodway (Segment 2491B_01), the Drainage ditches flowing into Lower Laguna Madre (Segment 2491C_01-04), and the Brownsville Ship Channel (Segment 2494_01) — *Appendix A, p. A-23*

We compared this list to the one in the last version of this plan from 2022, and it's exactly the same 12 water bodies — no additions, no removals. We think that's worth asking about, especially since several important Central Texas streams with histories of protection planning and concern — including Salado Creek, the South San Gabriel River, Barton Creek, and notably Cypress Creek — do not carry this label, even though comparable Hill Country systems like the Llano River and Upper San Marcos River do.

In fact, we found that Cypress Creek has completed Watershed Protection Plans for two separate segments (Segment 1009, completed 2021, appearing at *Appendix A, p. A-10 to A-11*; Segment 1815, completed 2015, appearing at *Appendix A, p. A-18*), yet neither segment appears on the Special Interest list. This raises a question about what role WPPs play in SI designation — is SI status meant to follow from a completed WPP, or are the two processes separate?

We'd like to know:

- How does a water body get the "Special Interest" label in the first place? Is there a way for a city, county, river authority, or nonprofit like ours to nominate a stream?
- Why has the list stayed exactly the same for at least two five-year planning cycles in a row?

- Specifically, why doesn't Cypress Creek — which has two completed WPPs already on record — carry SI designation?

3. Some water bodies on the SI list appear to have water quality impairments, which seems inconsistent with the SI definition

The draft 2027 plan defines "Special Interest" as waters that "are not impaired but are targeted for protection activities" (*Appendix A, footnote 1, p. A-24*). However, when we compared the SI list in Appendix A to current water quality impairment records, we found that at least two of the 12 SI-designated water bodies appear to carry impairment designations:

- North Floodway (Segment 2491B_01) has a 5r designation (Bacteria in water, Recreation Use impairment)
- Part of the Drainage ditches flowing into Lower Laguna Madre (Segment 2491C_01) also has a 5r designation (Bacteria in water, Recreation Use impairment)

Meanwhile, Cypress Creek Segment 1815 (which has a completed WPP, *Appendix A, p. A-18* of this draft) shows multiple impairment designations (5r/Depressed dissolved oxygen, 5c/Impaired fish community, 5c/Impaired macrobenthic community), and Cypress Creek Segment 1009 (completed WPP, *Appendix A, p. A-10 to A-11*) shows a 4a designation (Bacteria in water, Recreation Use), yet neither segment appears on the SI list in this draft.

This suggests either:

- The SI definition of "unimpaired" (*Appendix A, footnote 1, p. A-24*) doesn't align with how the Integrated Report categorizes impairments, or
- The two lists (SI in the NPS Management Program and impairment categories in the Integrated Report) are updated on different schedules and may not reflect current water quality, or
- A water body can be designated SI while still being impaired in certain parameters.

We'd appreciate TCEQ explaining how these two systems are meant to work together and whether the final 2027 Management Program can clarify the relationship between SI designation and the Integrated Report's impairment categories.

4. The 2027 list dropped two helpful columns that used to explain the "why"

The 2022 version of this same list included two extra columns next to each water body: whether it had a Watershed Protection Plan underway or completed, and which organization was leading that plan. Looking at that older version, every single "Special Interest" water body had an active or completed Watershed Protection Plan tied to it. That tells us the "Special Interest" label may

not be handed out on its own — it may follow from a water body already having a Watershed Protection Plan in place.

The 2027 draft removes both of those columns (*compare Appendix A, "Nonpoint Source Priority Waters List," p. A-1 through A-24, which retains only the Segment, Segment Name, and Integrated Report Subcategory columns*). We don't think this was an attempt to hide anything, but it does make it harder for the public and for potential WPP sponsors to understand how the "Special Interest" label works. We'd ask that TCEQ either bring those two columns back, or explain elsewhere in the plan how a water body earns the "Special Interest" label and what role a Watershed Protection Plan plays in that process.

If a Watershed Protection Plan really is the key to earning "Special Interest" status, that connects directly back to the outside-group WPP process we mentioned above in Section 1 (*Chapter 4, p. 54–55*). It may mean the clearest path for Central Texas organizations to help a clean or threatened stream earn this protective label is to help sponsor a Watershed Protection Plan for it.

Closing

Thank you for the opportunity to comment. We think the direction of this plan is a good one, and we hope these questions help make sure the plan's good intentions turn into real results on the ground.

Respectfully submitted,

Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance

Marisa Bruno
Water Program Manager
Hill Country Alliance

Bobby Janecka
Board Member
Save Texas Streams