



National Wildlife Federation Texas Coast and Water Program

2021 Legislative Priorities

The National Wildlife Federation's Texas Coast and Water Program works to ensure fresh water, healthy rivers, and a resilient coast for all Texans. We believe water is the lifeblood of Texas. It drives our industry, sustains our cities, feeds our families, supports our wildlife habitat, and recharges our souls. With a booming population and intensifying swings between drought and flood, we need vision and leadership to ensure our rivers and streams continue to flow and our natural landscapes continue to protect us against flooding. Below we present some building blocks for a vision of our water future—one built on years of experience grappling with these complex issues. We call on our elected officials in Texas' 87th Legislature to advance this vision and ensure all of Texas has the water it needs to truly thrive.

Technology to capture and reuse water from our urban environment has advanced tremendously over the past decade. Our regulations need to catch up.



Respond to Winter Storm Uri

With its record-breaking polar vortex producing water outages and boil water notices for millions of households, Winter Storm Uri laid bare Texas' urgent need to invest in water infrastructure. After Hurricane Harvey in 2017, the state took significant steps to mitigate against increased rainfall events—it set aside significant funding, established participatory planning processes, and incentivized nature-based solutions. We urge Texas legislators to take a similarly urgent, comprehensive, and environmentally-sound approach to building resilient water infrastructure in the wake of Uri. Specifically, we encourage the Legislature to:

- Commission an in depth study by a research institute to investigate: 1) what went wrong with municipal water infrastructure across the state during Winter Storm Uri, and 2) the overall state of our water infrastructure, including leaks and water loss.
- Produce a report outlining pathways forward, including recommendations to guide future planning and investment.
- Allow onsite sewage facilities to beneficially reuse municipal wastewater without the need to obtain a Texas Commission on Environmental Quality (TCEQ) wastewater discharge permit or land application permit.
- Incentivize holistic approaches that balance effective onsite reuse with maintaining adequate return flows to keep streamflows at healthy levels for downstream communities and fish and wildlife.

Promote Water Supply Innovation

With our population set to grow significantly in the next thirty years, we have to find new, sustainable means of meeting water needs. Ensuring our expanding cities, industries, ranches, and farms all have the water they need while also maintaining

healthy flow to downstream communities and ecosystems is challenging. Historically, the state has limited itself almost entirely to two water supply sources: water pumped from underground and water diverted from streams and rivers. Yet there is a tremendous amount of water—harvested rainwater, AC condensate, graywater, stormwater, and wastewater—cycling through our rapidly expanding built environment. Recent innovations mean we can increasingly utilize these alternative sources to help meet our mounting supply needs while maintaining healthy river flows. Our regulatory system needs to catch up to these emerging technologies. We encourage the Legislature to:

Enable Sustainable Management of Groundwater

A full 60% of the water Texans use every day is groundwater—we wash our dishes with it, we eat food irrigated by it, we work in cities and industries that rely on it. Despite our dependence

Texans flocked to state parks in record numbers in 2020. We need to invest in the Texas Parks and Wildlife Department to ensure it is equipped to protect our beloved natural landscapes and serve our booming population.



on groundwater, it remains one of the least understood natural resources in our state. Most of our groundwater is contained in aquifers. These are not simple underground storage tanks, but complex geological structures that can spread across thousands of square miles. How these aquifers are replenished and how exactly they interact with springs, rivers, and other surface water features remains a subject of ongoing research. We cannot have effective water policy if we do not properly understand how these systems work and how our water usage might affect them. We encourage the Legislature to:

- Establish an advisory committee to study surface water and groundwater interaction. To ensure an accurate picture of the function and impact of these complex systems, the new committee must include broad representation from a variety of stakeholder and scientific perspectives.
- Provide increased funding to support enhanced information collection and modeling to improve our technical understanding of surface water and groundwater interaction.

Invest in Texas Parks

Texans emerged from domestic quarantine in 2020 to camp, hike, and fish in state parks in record numbers. After a year of unprecedented lockdowns, the true value of our state parks has never been clearer. While Texans have never loved our parks more, we've also never put them under such strain. Our growing population places an increasing burden on the land and waters the Texas Parks and Wildlife Department (TPWD) is assigned to protect. We need to better fund our park system and enable TPWD to advocate for the threatened waterways and state-owned fish and wildlife resources Texans hold dear.

We encourage the Legislature to:

- Reauthorize, as recommended by the Texas Sunset Advisory Commission, TPWD for another twelve years, fully allocate the Sporting Goods Sales Tax to support parks and historical sites, and fund acquisition and development of new state parks for a rapidly growing population.
- Resist any attempts to deprive TPWD of needed funds in order to fill budget holes elsewhere.
- Allow TPWD to play a proactive role in protecting public fish and wildlife resources—including state parks, natural areas, and wildlife management areas—by restoring its ability to request and participate in contested case hearings on permitting matters pending before the Texas Commission on Environmental Quality in order to advocate for at-risk fish, wildlife, and public lands.

Advance Natural Solutions to Flooding

2020 saw the most active hurricane season on record. Just over three years ago, Harvey wrought one of the most destructive and expensive flooding events in human history. Inland flooding ravaged the Hill Country in 2015 to a near-unprecedented degree. Intense rainfall events are increasingly the norm in our warming climate. In this changing context, the Legislature should continue to help Texas pivot to a new paradigm of flood mitigation. It is increasingly clear natural infrastructure—a mitigation approach that takes advantage of the resilience, cost-effectiveness, and multiple benefits of natural ecosystems—is our best bet for a flood-resilient, livable future. As the Legislature considers additional funding or guidance for flood response, **we support adding and strengthening incentives for incorporating natural solutions into existing and planned flood mitigation projects.**

Keep Our Rivers Flowing

From the muddy Red River to the languid Rio Grande, rivers shape the geography, culture, and economy of Texas. Countless species, too many of which are endangered, depend on the increasingly at-risk ecosystems that rely on an adequate flow of water from source to estuary. Our rivers are under threat from water withdrawals under permanent authorizations, most of which were granted without consideration of the economic and ecological ramifications of depleting a river's flow. To begin to address this threat, we urge the Legislature to:

- Fund studies and analyses to support the revision of environmental flow standards pursuant to the adaptive management process of SB 3, enacted in 2007, in order to identify flow levels adequate to protect healthy streams, rivers, and bays.
- Strengthen the role of the Texas Parks and Wildlife Department in facilitating the dedication of existing water rights—through lease, donation, purchase or other voluntary means—into the historically underutilized Texas Water Trust to help maintain healthy stream and river flows.
- Resist efforts to unduly complicate the process for acknowledging streams as navigable waters, which is how the rights of all Texans to protect and enjoy publicly-owned streams are recognized.

Additional Priorities

In addition to the above priorities, we encourage the Legislature to:

- **Improve access to broadband internet.** The shift to online schooling during the COVID-19 pandemic exposed a widespread disparity in internet access across the state. This disparity is in fact long-running—1.6 million Texas households lacked internet access as of 2018—and increasingly hampers many young Texans' learning and development. Lack of internet access is a hurdle

for many low-income communities to engage with their local government during public meetings and comment periods about our natural resources. Broadband is increasingly essential to the success of rural communities and landowners—some of the most important stakeholders and stewards of our land. In addition, the internet is a vital portal to nature for urban communities, providing access to information and services related to the outdoors. We support legislation aimed at improving equitable access to this critical resource.

- **Bring Texas up to speed with national aggregate mining standards.** While the mining and processing of aggregates—sand, gravel, and stone—provides jobs and construction material, it also results in significant negative impacts including: water supply and waterway contamination, long-term landscape destruction, high water consumption, as well as air, noise, light, and sound pollution. Texas lags behind most states in effective regulation of this high-impact industry—43 states have adopted comprehensive Surface Mining Control and Reclamation Act-like regulations. We encourage the Legislature to enact effective, common-sense, comprehensive regulation of aggregate mining operations in Texas.
- **Continue to address issues of social justice and racial equity.** Social inequity has long-affected which Texans have easy access to the best of our outdoor spaces and which suffer most from environmental hazards. We support legislative efforts to advance the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.



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