

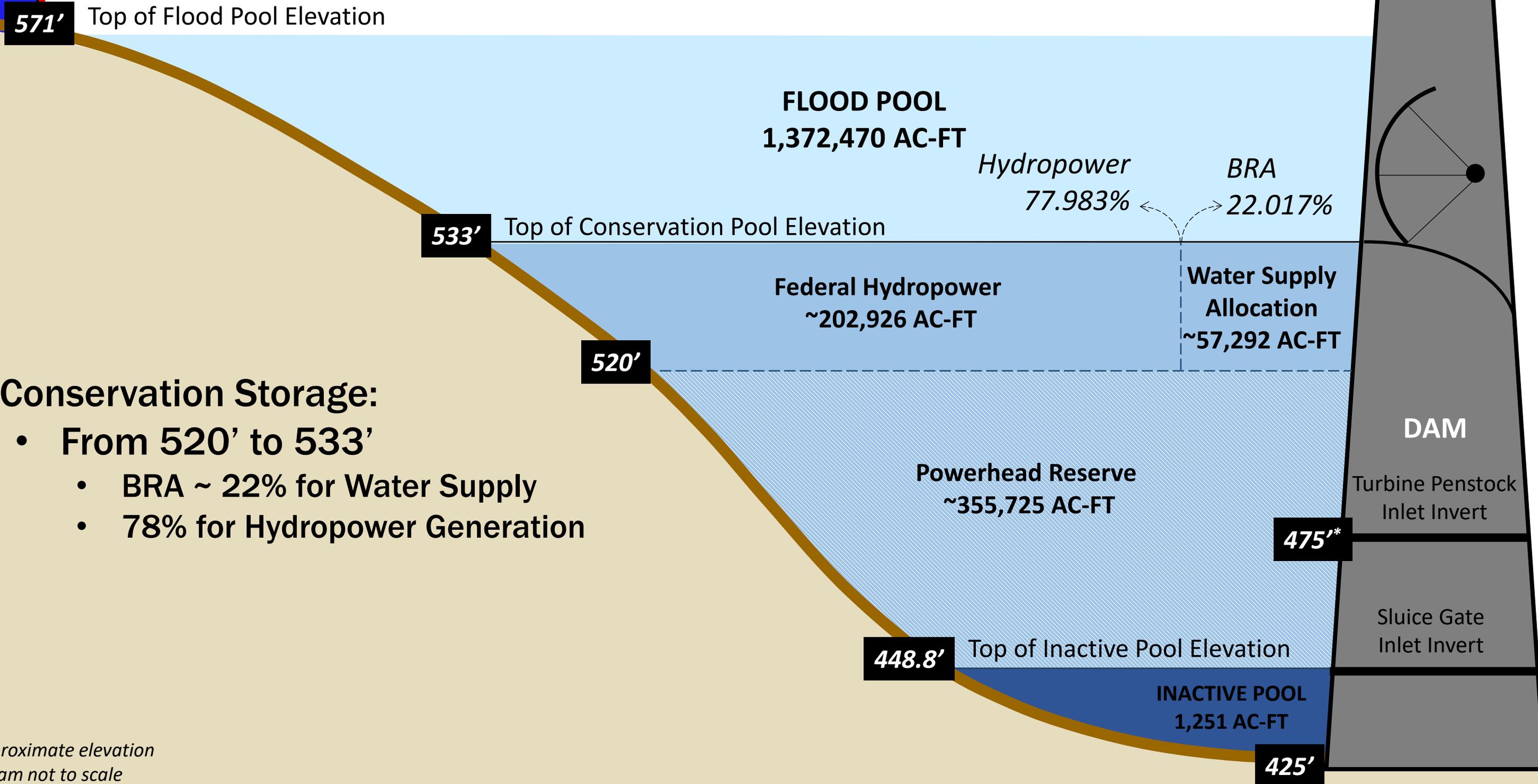


Update on Whitney Reallocation

***Presented by
Brad Brunett
Chief Operations Officer***



Lake Whitney: Current Use



- Conservation Storage:
 - From 520' to 533'
 - BRA ~ 22% for Water Supply
 - 78% for Hydropower Generation

* Approximate elevation diagram not to scale



Feasibility Study: Purpose & Goal

- **Assess alternatives to provide additional water supply storage to meet immediate and future needs in the Brazos River Basin.**
- **Assess volume of available water associated with different reallocation alternatives.**
- **Identify best alternative to meet increased demands and improve system efficiency, while minimizing environmental impacts and effects on other authorized purposes.**

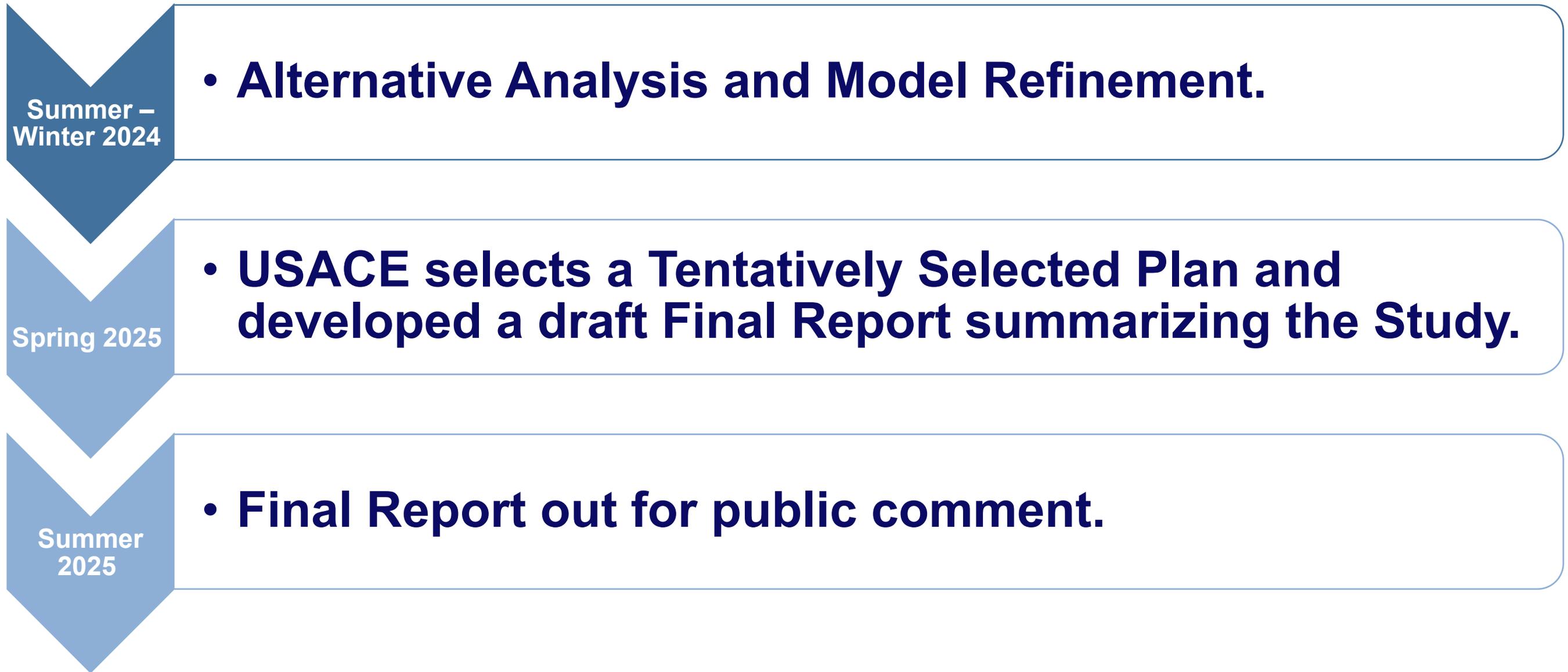


BRA's Role

- **Non-Federal Sponsor**
 - **Contributes half of the study cost (\$1.5 million)**
 - **Member of the Project Team**
 - **Aids in model development and analysis**
 - **Supplies pertinent system and demand data**
 - **Reviews data and report language**
 - **Provides recommendations and input on key decisions**



Study Timeline





Reallocation Alternative - TSP

Alt 2a BRA Storage + New Storage (520'-512')

571' Top of Flood Pool Elevation

580'

FLOOD POOL
1,372,470 AC-FT

SWPA 50% BRA 50%

Federal Hydropower
~130,109 AC-FT

~130,109 AC-FT ~57,292 AC-FT

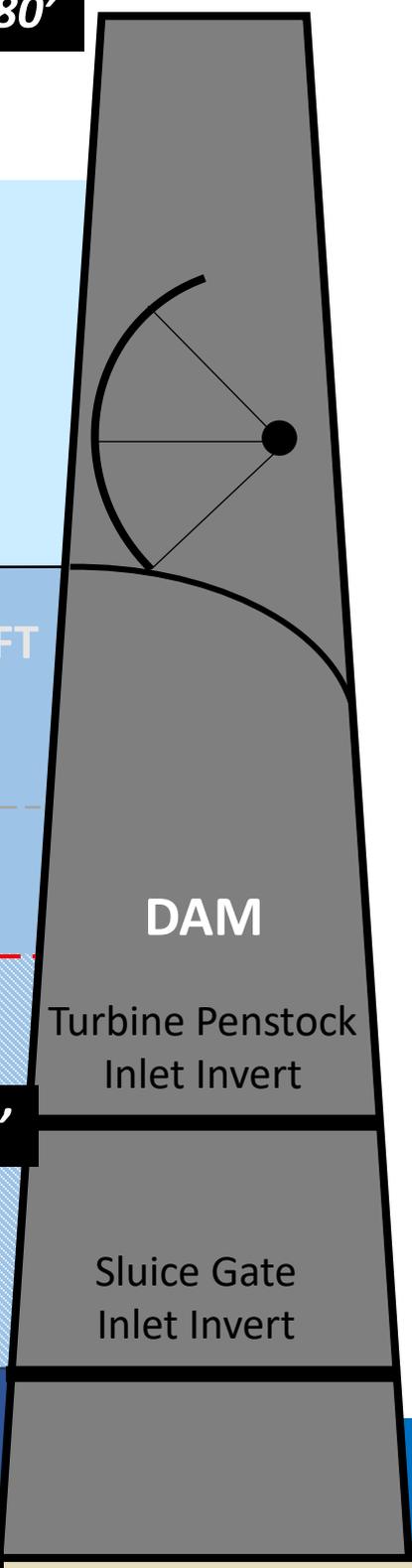
~111,537 AC-FT

Powerhead Reserve
~244,188 AC-FT

448.8' Top of Inactive Pool Elevation

INACTIVE POOL
1,251 AC-FT

425'



Total Water Supply Allocation Increases from ~57,292 AC-FT to ~241,646 AC-FT

533'

520'

512'

475'

Diagram not to scale



Remaining Study Effort





Additional Project Support

- **USACE Project Team manages the feasibility study.**
- **BRA staff has utilized additional support to assist BRA's review of the data and documentation provided by the USACE:**
 - **Additional Modeling Support: Hazen and Sawyer**
 - **Approved by the Board July 2024 to assist with Riverware (model) analysis.**
 - **Additional Legal Support: Jones and Fortuna, LP**



Jones & Fortuna: BRA Representation

- **Jones and Fortuna, LP began representing BRA on the Whitney Reallocation Study on September 26, 2023.**
- **The scope of this engagement included:**
 - **Reviewing all project documents, including the final draft report and storage contract;**
 - **Attending USACE and BRA meetings;**
 - **Coordinating with BRA staff and outside technical consultants on modeling endeavors;**
 - **Evaluating alternatives and documentation for potential litigation issues; and**
 - **Coordinating legal strategy with BRA legal services.**
- **The scope of this engagement specifically excludes:**
 - **Litigation ensuing from a reallocation of Whitney Lake; and**
 - **Settlement discussions or negotiations with project opponents.**



Jones and Fortuna, LP: Relevant Experience

- **Ongoing representation of Atlanta-area water providers in the “Tri-State Water Wars” litigation in the Apalachicola-Chattahoochee and Alabama-Coosa-Tallapoosa River Basins. Includes:**
 - ***Alabama v. USACE***
 - ***In re ACF Basin Water Litigation***
 - ***Alabama v. National Wildlife Federation***
 - ***In re Tri-State Water Rights Litigation***
 - ***Cobb County-Marietta Water Authority v. USACE** (resulted in successful completion of a reallocation study and reconsideration of long standing USACE policy on “return flows” credits)**
- **Secured and successfully defended the largest reallocation of storage in USACE history at Lake Lanier, Georgia, to meet Metro Atlanta’s long-term water needs.**
- **Secured major reallocation of storage at Stockton Lake, Missouri.**
- **Secured and successfully defended major water supply reallocation and decision reversing USACE policy at Allatoona Lake, Georgia, resulting in new storage contracts and recognition of clients’ state granted water rights.**
- **Represented hydropower developed to obtain permits necessary to install hydropower turbines on multiple USACE dams in Ohio River Valley.**



Possible Action

Based on their successful performance to date, BRA staff would like to continue utilizing Jones and Fortuna, LP for the remainder of the Whitney Reallocation Study.

To facilitate the continuation of these services:

- Authorize BRA staff to utilize Jones and Fortuna, LP for legal services on the Whitney Reallocation Study in an amount not to exceed \$500,000.**



“WHEREAS, Jones and Fortuna, LP has successfully provided legal services to the Brazos River Authority on the Lake Whitney Reallocation Study; and

WHEREAS, Brazos River Authority staff believes the continued utilization of Jones and Fortuna, LP for legal services, including but not limited to potential litigation, will promote a successful completion of the Lake Whitney Reallocation Study.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Brazos River Authority hereby authorizes the General Manager/CEO to continue to utilize Jones and Fortuna, LP in relation to the Lake Whitney Reallocation Study at an amount not to exceed \$500,000.”



Brazos River Authority



Brazos

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RIVER AUTHORITY