



***Authorization to Finalize and Execute an
Interlocal and Contractual Agreement
with the Texas Parks and Wildlife
Department***

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Overview

- **BRA Legal and Water Services are working to finalize both an Interlocal and a Contract with Texas Parks and Wildlife Department ("TPWD") to memorialize BRA's dedication of 6,035 ac-ft of water per year along the mainstem of the Brazos River to TPWD.**
- **This dedication initially spurred from a 2011 Memorandum of Understanding (MOU) with TPWD that was created during BRA's System Operations Permit application process.**
- **Reminder: BRA's Sys. Ops. Permit authorizes BRA to utilize naturally occurring run of river flows and return flows, in conjunction with BRA's water supply in the 11 reservoirs in its system.**



BRA's Donation to TPWD Timeline

2004

- BRA filed its System Operations Permit application with the TCEQ. There were over 50 initial protestors to this application, including TPWD.

2010

- The TCEQ referred the Permit application to the State Office of Administrative Hearings ("SOAH") for a contested case hearing, of which TPWD was granted party status.

2011

- BRA and TPWD entered into a MOU whereby, among other things, BRA pledged to make a water dedication for 13,400 ac-ft of firm water to the Texas Water Trust for instream uses, with the TPWD acting as the Trustee.

2014

- Following the conclusion of BRA's 1st SOAH hearing, BRA & TPWD amended their MOU to account for major changes in the basin, most notably the adoption of the SB3 environmental flow criteria.



BRA's Donation to TPWD Timeline

2018

- BRA receives final authorization to utilize its Sys. Ops. Permit, approved Water Management Plan, and Technical Report.
- Section 4.4.7 of the Technical Report memorializes BRA's pledge to dedicate water to the Texas Water Trust, as described in the MOU.

2020

- BRA and TPWD began discussions on how to handle the dedication.
- Caveat: The total amount of the dedication was proportionally reduced (to the 6,035ac-ft) to account for the difference between the initial application and the final authorization.

2023

- BRA began the process of preparing for 1st update to the Water Management Plan, as required by the Permit.



BRA's Donation to TPWD Timeline

May -
August
2024

- BRA's Legal and Water Services undertook a joint effort to develop a water dedication that conforms to the current Permit authorizations and adheres to the overarching goal of the original MOU. *Caveat: Dedication cannot go in the Water Trust at this time.*

Sept.
2024

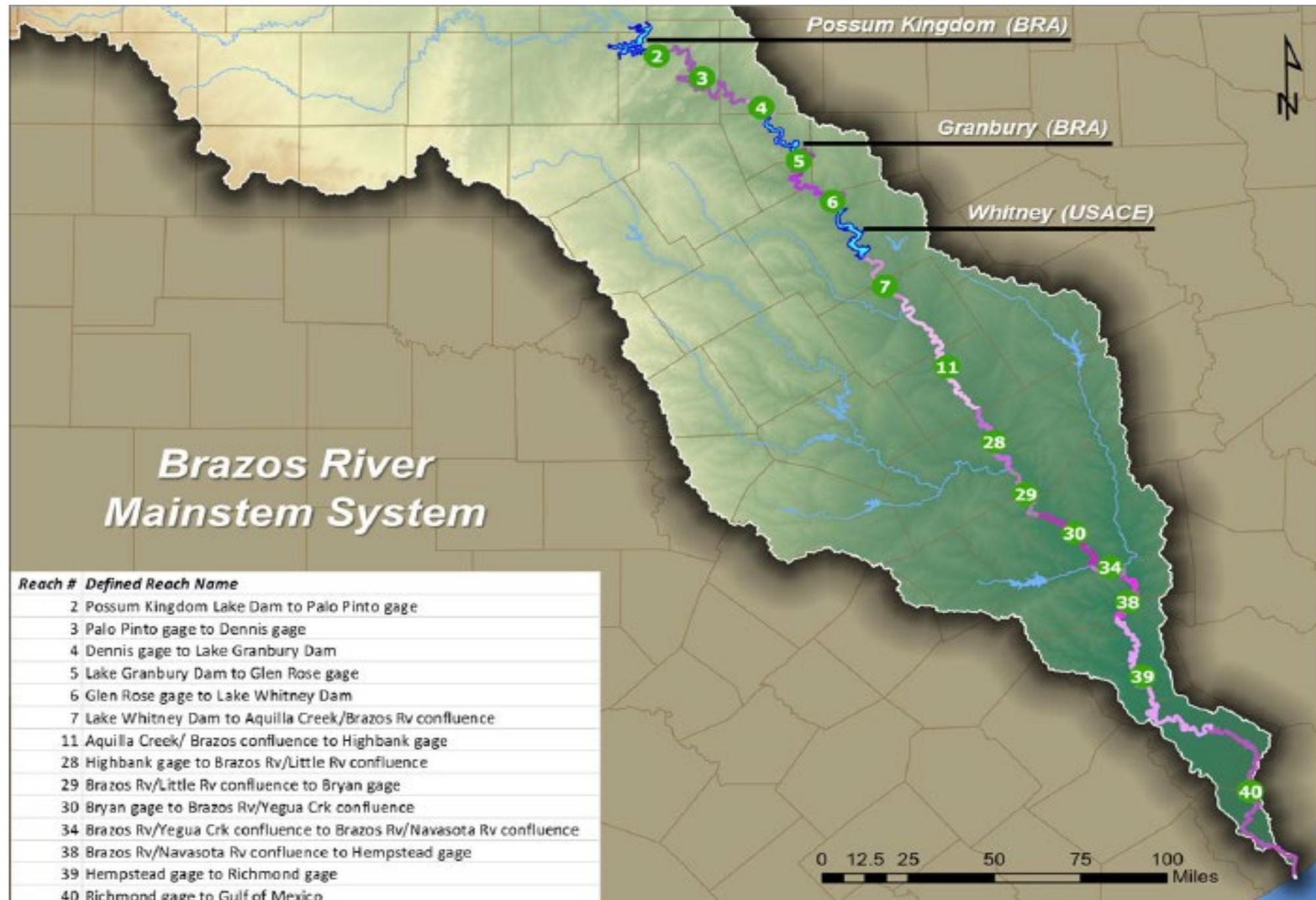
- BRA presented TPWD with the following dedication offer of 6,035 ac-ft per year from Possum Kingdom Lake to the Gulf of Mexico along the mainstem of the Brazos River for instream uses, of which TPWD accepted.

Nov. 2024 –
Jan. 2025

- BRA and TPWD Legal Services have been working together to generate a contractual agreement and Interlocal that memorializes this dedication.
- BRA and TPWD are extremely close to completing both documents.



BRA's Dedication to TPWD





Why Approve the TWPD Dedication Now?

- **The 2014 amendment to the MOU requires that the dedication be made and incorporated into the 1st WMP Update.**
- **The WMP Update is due by November 2026, but BRA may begin pre-application meetings with the TCEQ as early as September 2025.**
- **The TPWD Dedication is just one portion of the WMP Update.**
- **Per consultants: To successfully incorporate the Dedication into the WMP Update, a dedication must be executed by March 2025, so that it can be accounted for in the modeling.**



“WHEREAS, in 2011, BRA entered into a Memorandum of Understanding (MOU) with the Texas Parks and Wildlife Department (TPWD), where BRA pledged to dedicate water from BRA’s System Operations Permit. This MOU was subsequently amended in 2014, requiring that the dedication be incorporated into the first update of BRA’s Water Management Plan (WMP).

WHEREAS, BRA offered and TPWD has accepted, a dedication of 6,035 ac-ft per year for instream uses along the mainstem of the Brazos River, downstream of Possum Kingdom Lake to the Gulf of America, in the form of a contractual agreement.

WHEREAS, BRA and TPWD Legal Services are in the process of completing both the contractual agreement and the Interlocal that memorializes this dedication. Due to project deadlines, these documents must be finalized and executed by March 2025.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Brazos River Authority hereby authorizes the General Manager/CEO to finalize and execute an Interlocal and Contractual Agreement that dedicates 6,035 ac-ft of water to Texas Parks and Wildlife Department per year for instream uses along the mainstem of the Brazos River, downstream of Possum Kingdom Lake to the Gulf of America.”



Brazos River Authority



Brazos



RIVER AUTHORITY