

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF AN APPLICATION
FOR A WATER USE PERMIT**

APPLICATION NO. 12733

Angelina & Neches River Authority (ANRA) has applied for a term permit to divert and use not to exceed 10,000 acre-feet of water per year for a period of ten years, from all tributaries of the Angelina River, Neches River Basin, in Sabine, San Augustine, Shelby, Nacogdoches, and Rusk Counties, upstream of and terminating at the north and northeast shore of Sam Rayburn Reservoir, for mining purposes, and for storage in future off-channel reservoirs for subsequent diversion and use for mining purposes. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Angelina & Neches River Authority, P.O. Box 387, Lufkin, Texas 75902, Applicant, have applied to the Texas Commission on Environmental Quality (TCEQ) for a water use permit pursuant to Texas Water Code § 11.1381 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being published and mailed to the water rights holders of record in the Neches River Basin pursuant to Title 30 TAC § 295.151.

Angelina & Neches River Authority (ANRA), seeks a term permit pursuant to Texas Water Code (TWC) § 11.1381 to divert and use not to exceed 10,000 acre-feet of water per year for a period of ten years, from all tributaries of the Angelina River, Neches River Basin upstream of and terminating at the north and northeast shore of Sam Rayburn Reservoir in Sabine, San Augustine, Shelby, Nacogdoches, and Rusk Counties at a maximum combined diversion rate of 75.72 cfs (34,000 gpm) for mining purposes, and for storage in future off-channel reservoirs for subsequent diversion and use for mining purposes in those portions of Angelina, Cherokee, Nacogdoches, Shelby and San Augustine Counties located within the Neches River Basin.

The proposed diversions will occur anywhere in each such watershed located at elevations above 173 feet mean sea level (msl). The location of the most downstream points within each watershed are described below:

- A. Bayou La Nana at Latitude 31.459474° N, Longitude 94.721307° W in Nacogdoches County.
- B. Dorr Creek at Latitude 31.482800° N, Longitude 94.594700° W in Nacogdoches County.
- C. Bayou Carrizo at Latitude 31.458300° N, Longitude 94.518300° W in Nacogdoches County.

- D. Moss Creek at Latitude 31.423200° N, Longitude 94.492100° W in Nacogdoches County.
- E. Lavaca Creek at Latitude 31.406800° N, Longitude 94.463000° W in Nacogdoches County.
- F. Martin Creek and Morton Creek at Latitude 31.384900° N, Longitude 94.432500° W in Nacogdoches County.
- G. Sandy Creek at Latitude 31.293200° N, Longitude 94.137900° W in San Augustine County.
- H. Lagroulle Creek at Latitude 31.416800° N, Longitude 94.343700° W in Nacogdoches County.
- I. Polysot Creek at Latitude 31.473000° N, Longitude 94.314300° W in Nacogdoches County.
- J. Amaladeros Creek at Latitude 31.483800° N, Longitude 94.317300° W in Nacogdoches County.
- K. Attoyac Bayou at Latitude 31.469700° N, Longitude 94.314100° W in San Augustine, Nacogdoches, Shelby, and Rusk Counties.
- L. Curry Creek at Latitude 31.463100° N, Longitude 94.313300° W in San Augustine County.
- M. Brushy Creek and Spears Creek at Latitude 31.39800° N 0, Longitude 94.298400° W in San Augustine County.
- N. Ayish Bayou at Latitude 31.322200° N, Longitude 94.136000° W in San Augustine County.
- O. Chiamon Creek at Latitude 31.307000° N, Longitude 94.105800° W in San Augustine County.
- P. Bear Creek at Latitude 31.226300° N, Longitude 94.013400° W in Sabine County; and

Applicant submitted the *DRAFT ANGELINA AND NECHES RIVER AUTHORITY ACCOUNTING PLAN FOR TERM WATER USE*, which was accepted and approved by the Executive Director.

The application and fees were received on August 4, 2011. Additional information and fees were received on January 6, and February 6, 2012; and February 1 and July 6, 2016. The application was declared administratively complete and filed with the Office of the Chief Clerk on February 21, 2012.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would contain a number of special conditions including, but not limited to, special conditions related to conservation, accounting for authorized water diversions, and streamflow restrictions.

The application and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F., Austin, TX 78753.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <http://www.tceq.texas.gov/about/comments.html> by entering WRPERM 12733 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

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