

**Take
Action!**

Receive Action Alerts via e-mail

**LONE STAR CHAPTER****SIERRA
CLUB**
FOUNDED 1892

Explore, enjoy and protect the planet.

Conservation Priorities

- Water
- Clean Air, Smart Energy
- Texas Land Legacy

Press & Publications**Legislature****Regional Groups****Events & Outings****Membership****How to Donate****Links****Contact****Home****Lone Star Chapter Sierra Club**

For Immediate Release (Thursday, February 22, 2007):

Contact:

Ken Kramer, 512-476-6962 (office), 512-626-4204 (cell)

kenwkramer@aol.com

Lone Star Chapter Sierra Club, 512-477-1729 or

lonestar.chapter@sierraclub.org**Background Information on Key Water Proposals****Environmental Flows**

SB 1639, as passed by the Texas Legislature in 2003, created a Study Commission on Water for Environmental Flows that worked during the interim to craft a legislative proposal to address ways of determining and providing for instream flows for rivers and streams and freshwater inflows for bays and estuaries.

That Study Commission prepared a report to the 79th Texas Legislature with a proposed environmental flows process that reflected a negotiated agreement among several environmental groups and water supply interests.

That proposal was incorporated into Article 1 of SB 3 in the 2005 regular session of the Legislature. SB 3 did not pass in 2005 because of delay caused by controversy over provisions unrelated to environmental flows, despite widespread support for Article 1.

In order to sustain momentum on the environmental flows issue Governor Rick Perry appointed an Environmental Flows Advisory Group that worked during the interim to review and fine-tune the environmental flows proposal. That Group issued its report in December 2006 and basically endorsed the major points of Article 1 of SB 3 from the 79th Legislature.

After the 80th Legislature convened, Rep. Robert Puente, chair of the House Natural Resources Committee, introduced HB 3, which was basically the same language, with minor changes, that was in Article 1 of SB 3 as it was reported out of the House Committee in 2005.

Industry and agricultural groups have joined environmental groups and water supply interests in endorsing HB 3. Additional clarifying changes were made in a committee substitute for HB 3, which was approved 7-0 by the House Committee on February 21. The environmental flows proposal is now part of the omnibus water bill introduced in the Texas Senate.

Water Conservation

SB 1094, as passed by the Texas Legislature in 2003, created a Water Conservation Implementation Task Force and charged it with developing a water conservation best management practices guide and a set of legislative recommendations for promoting and facilitating water conservation. The Task Force was a 32-member body representing a wide spectrum of water interests that worked during 2003-2004 and produced the BMP guide and a Report to the Texas Legislature, published as reports from the Texas Water Development Board in November 2004.



Neches River Oxbow, USGS photo

[Sign-up for Action Alert](#)[Action Alert Text](#)

Many of the legislative recommendations from the Task Force, which represented a consensus of the 32 members, were incorporated as part of Article 2 of SB 3 in 2005. Most of these recommendations, with the exception of a few introduced as separate measures, failed with SB 3 in that session.

In the 80th Texas Legislature the major water conservation recommendations from the Task Force have been incorporated into HB 4, introduced by Rep. Robert Puente, Chairman of the House Natural Resources Committee. This legislation is expected to be heard in House Natural Resources Committee shortly. A number of water conservation recommendations from the Task Force are being incorporated into the omnibus water bill introduced in the Senate.

Reservoir Site Designation

Unlike the environmental flows proposal and the water conservation recommendations, the proposed legislation on designation of "unique reservoir sites" is not the result of a consensus process.

Separate legislation for reservoir site designation has been introduced at the behest of the Texas Water Development Board (TWDB) in the 80th Legislature as HB 1681 by Rep. Charlie Geren and as SB 675 by Sen. Kip Averitt. This legislative proposal is also being included in the new omnibus Senate bill.

In both bills nineteen reservoir sites have been proposed for designation as "unique reservoir sites." The purported purpose of the designation is to prevent the state or a political subdivision of the state from being able to undertake activities or spend money for activities that would preclude the use of that site in the future as a site for constructing a dam and reservoir to impound a stream and store water (three of the reservoirs, however, would be "off-channel" rather than "on-channel" reservoirs, and one site would be for a weir structure across the channel of the lower Rio Grande).

Some of these reservoir sites were proposed for designation in regional water plans and some were identified through a study done by consultants under contract to TWDB but not recommended by a regional water planning group.

Environmental groups dispute the need for additional reservoirs to meet future water supply needs in Texas – arguing that progress on water conservation, appropriate policies for estimating and meeting water needs during drought periods (making use of drought management contingency plans and planning for reasonable water savings rather than normal water use during droughts), and more efficient use of existing water supplies (through different ways of operating existing reservoirs, aquifer storage and recovery, desalination of brackish groundwater with proper environmental safeguards for brine disposal, etc.) would meet the state's water needs now and in the coming decades.

Therefore, environmental groups believe that designating reservoir sites is unnecessary and distracts from the steps that need to be taken to pursue other water management strategies of higher priority.

Private property interests are concerned that reservoir site designations will put a cloud over property use and property values, in some cases for decades to come. TWDB estimates do not foresee a need for many of these reservoirs for many years to come.

TWDB officials have also talked about seeking authority and funding to go beyond designations to condemn the land for reservoir sites and begin acquiring that land as soon as possible, although currently introduced legislation does not provide for that.

For more information, contact: Lone Star Chapter of the Sierra Club, 512-477-1729 or lonestar.chapter@sierraclub.org

[Sign-up for Action Alerts](#)

###

Explore, Enjoy, Protect

*This web site is best viewed with [Internet Explorer](#), available here for [download](#).
[Lone Star Chapter, Sierra Club](#)*