

# *Cherokeean Herald – Front page*

## Neches River's future remains muddy

### State Legislature continues Lake Fastrill debate

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**April 18, 2007**

AUSTIN - A House of Representatives' committee appears willing to negotiate on a substitute of HB 2470 before designating 19 reservoir sites in Texas as "unique."

Two reservoir sites in East Texas came up frequently during testimony before the Natural Resources committee hearing as opponents to the designation spoke against a group of bills considered together: HB 1681, HB 2187 and HB 2470. Those two proposed reservoir sites are Lake Marvin Nichols on the Sulphur River and Lake Fastrill, located on the Neches River between Rusk and Palestine.

If the Legislature signs off on the "unique reservoir designation" then no state or local government entity can do anything on that site which would preclude its use for constructing a reservoir.

Property owners and realtors complain that this designation makes it more difficult to sell land, and that in some instances, land prices decline. Supporters of the designation say this is the only way to plan for the future.

The group of 19 proposed sites impact more than 600,000 acres of land.

State Rep. Robby Cook (DEagle Lake), author of HB 2470, compared the concept to booking a hotel for a wedding reception 15 years from now; there is a chance that the wedding will never occur.

He said that there is no guarantee that the 19 reservoirs will ever be built in Texas.

Most environmental groups at the committee supported HB 2470 because a component requires a water surcharge to be paid to former landowners as a type of royalty.

This bill drew harsh opposition from Bill Ceverha, a former state representative from Richardson in the DFW Metroplex who currently serves on the water board of Region C.

Mr. Ceverha said that the proposed bills are the result of thousands of meetings, extensive research and more than seven years of planning. "The bills are absolutely vital."

He urged the committee to look ahead 50 years and create an environment in Dallas that promotes dynamic growth. He objected stridently to the concept of fees being paid to former landowners.

Rep. Harvey Hilderbran (RKerrville) expressed concern that a big city such as Dallas can use powers of eminent domain and travel 200-300 miles to condemn property. "This is not what our forefathers envisioned."

Mary Decker and Gene Decker, both of Jacksonville, spoke in opposition of the designation of unique water sites. Ms. Decker gave the committee copies of Richard Donovan's book on the Neches River, "Paddling the Wild Neches."

She said that Dallas has plenty of water available and that a conservation plan is needed for those residents. She warned committee members, "I hope you will be careful about this, and that you will let rivers and streams flow."

Mr. Decker predicted that the decisions made in the Legislature on water will make or break the state in the future.

He said that even large lakes in the U.S., including Lakes Mead and Powell, are drying up because the environment is damaged. He asked the committee to look behind the requests to construct reservoirs and determine if foreign interests are being served.

Even though he does not serve on the Natural Resources Committee, state Rep. Chuck Hopson (D-Jacksonville) sat in on the committee hearing for several hours last Wednesday.

After the meeting, he told the Cherokeean Herald, "It was good to see people from the district testify about our water issues. When citizens take the time to travel to Austin it highlights the importance and passion for these issues. Water is the future of East Texas. We need to do everything we can to protect our natural resources. I do not support an outside group or region coming in and altering our community."

Many of the persons in the "standing room only" hearing room signed up to testify several hours before being called. And being on the list three hours before the committee convened was no guarantee of having an opportunity to speak.

Janice Bezanson, executive director of the Texas Committee on Natural Resources, waited more than 10 hours and left the hearing at 2:30 a.m. without having an opportunity to address the committee.

"I will have to submit my concerns about the legislation in writing," she said. "What I wanted to be able to say is that there is no way that the state is going to need 19 reservoirs in the foreseeable future. The state water plan identifies other water sources adequate to meet the needs of DFW-North Texas without building any of the four proposed for that area.

"Any reservoir that is actually needed will get built. This bill encourages boondoggles for the benefit of individuals and companies that make hundreds of millions of dollars off of dam construction, land speculation and use of public money for expensive publicworks projects," she said.

Ms. Bezanson has been an outspoken opponent of the construction of Lake Fastrill.

A group of property owners in the Sulphur River basin captured the attention of the committee with their sincerity.

Molly Barridge stood at the podium and asked her nine traveling companions to stand. "You are looking at nine property owners who travelled 300 miles one way to address you. They represent 14,000 acres of working farm land that will be impacted.

"Take a long, hard look at us," she said. "We left our farms and jobs to be here. We have no expense accounts, and we are your backbone. We raise your cattle, your lumber and lease our land for people to hunt."She cited her brother, who is a Marine in Iraq.

"Will you steal his land while he's protecting your homeland?"

The group opposes the creation of Marvin Nichols and suggested that the answer lies nearby at Lake Wright Patman. The water level is maintained at 220 feet as a flood control lake, but the spillway is capable of retaining 259 feet. The U.S. Army Corps of Engineers owns the land around the lake, and no additional property would need to be condemned if the water level is raised.

Rep. Hilderbran said he shares some of the concerns of persons testifying against the designation for 19 new reservoirs.

"We must think about the unintended consequences of actions," he said. "Our job is to balance and do what's best for the state at large. Some bills may need changing. We may need some of these sites; we may need to remove some from the bill. But we do not need to remove all of them."