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Senators compromise on water bill legislation passes; Eltife adds Marvin Nichols amendment to measure

By Jodi Sheridan Texarkana Gazette

Legislation including Marvin Nichols as a unique reservoir site passed the Texas Senate on Tuesday, but not before Sen. Kevin Eltife, R-Tyler, did a little tinkering.

“We did the best we could to craft a plan to please everyone,” he said.

The bill, Senate Bill 3, was authored by Sen. Kip Averitt, R-Waco, and addresses a large number of water issues, including the contentious one of designating unique reservoir sites.

It includes the controversial Marvin Nichols Reservoir, a plan by the state to address long-term water needs in the Dallas vicinity.

It and Senate Bill 675 were debated by senators at a Natural Resources Committee meeting earlier in the month, and citizens and officials offered public testimony.

SB 675 deals with designating 19 reservoir sites, including Marvin Nichols, as unique, while SB 3 deals with those sites along with various other water issues like conservation.

During the committee hearings, Eltife was vocal about his opposition to rolling over the rights of property and business owners in Northeast Texas, where Marvin Nichols would be.

He also voiced his con- of the Region D Water Planning Group, which covers Northeast Texas, leaving the reservoir out of its water plan, but Region C, which includes Dallas, including it in theirs.

Wednesday, Eltife said they asked advocates and opponents—including chambers of commerce, water authorities, Dallas Metroplex officials and timber industry representatives—to give senators their “wish list.”

“We asked for input from all sides,” he said.

After that, Eltife formulated an amendment that is now a part of the bill, which was received by the House on Wednesday.

Eltife’s amendment stipulates Region D has the right to at least 20 percent of water from the proposed Marvin Nichols, and Region C must pay all costs of construction, operation and maintenance of the site.

His amendment also creates a commission of three Region D and three Region C representatives to study alternative water supplies from existing and proposed reservoirs, required acreage, mitigation issues and to make recommendations to the Legislature on things like whether Marvin Nichols should remain a designated reservoir site based on the information obtained from the study.

“We’re forcing the two regions to work together,” said Eltife.

The amendment specified the commission cannot be assisted by anyone who might perform any engineering work for the reservoir, to eliminate bias.

In terms of mitigation, Eltife noted a “follow the water” mitigation plan in place, where the mitigation acreage required would be assigned to those using the water.

“So, if Region C gets 80 percent of the water, they should take on 80 percent of the mitigation,” he said.

With Eltife’s amendment, and three other technical amendments, he said the bill passed unanimously.

Eltife said the main aim was to try to please as many as they could, and he believes that was achieved.

For instance, Sen. Royce West, D-Dallas, conveyed Dallas’ support of the measure by signing on to the amendment, he said.

Also, International Paper, one of the most vocal opponents at the committee hearing, expressed being somewhat pleased.

“WestillbelieveMarvinNichols is not necessary. But we are very appreciative of Sen. Eltife’s amendment,” said International Paper’s Texarkana Mill spokesman Amanda Black-Keeney. “The amendment requires what we have advocated all along—a serious, thoughtful review of full utilization for existing reservoirs as a cost-effective means to provide for Texas’ future water needs.”

Black-Keeney said the serious review and study mandated by this amendment should SB 3 become law is not currently available.

“Should SB 3 become law, it is our strong belief that further studies of Marvin Nichols Reservoir will show its potential harmful effects to our manufacturing jobs, our significant renewable resources and its unnecessary hefty price tag to Texas taxpayers,” she said.

She said they want to help find a solution for water needs, but while “preserving and protecting our important renewable resources and ... manufacturing jobs so important for thousands of women and men in rural Northeast Texas.”

Jim Thompson, the Region D planning group chairman and CFO for Ward Timber in Linden, a company that has vigorously opposed Marvin Nichols, hasn’t been able to yet read and study the amendment and declined comment.

Jim Parks, chairman of the Region C planning group, was pleased with the amendment and bill’s passage.

“The inclusion of Sen. Eltife’s amendment in SB 3 reflects the sincere desire of Region C water suppliers to pursue the project, for the benefit of both regions, and that we look forward to working with Senate and House members in passing SB 3 in a manner that respects the interests of both regions and the state of Texas,” he said.

Also happy with the bill was the Northeast Texas Water Coalition, recently formed by elected officials from Bowie, Franklin, Red River and Titus counties to support Marvin Nichols.

Members of the group, including president and bank president Ty Abston, vice president and Clarksville Mayor Ann Rushing, treasurer and Titus County water official Tommy Spruill and Mount Pleasant Mayor Jerry Boatner, were happy with Eltife’s amendment, especially the mitigation and 20 percent water designation.

The group is for Marvin Nichols, but only if it stays beneficial to Northeast Texas, and provides the water and economic benefits they believe it will.

“If it’s done wrong, we’re going to turn against it,” said Abston of building the reservoir.

Vatra Solomon, who works with a consultant helping the group, said they plan to address members of the House just as they did the Senate to get SB 3 passed all the way through.

The bill will soon be referred to a committee, most likely the House Committee on Natural Resources, where it will undergo a hearing for the representatives and public testimony; if passed there, it will go to the Calendars Committee.

If passed there, it will then be scheduled for a vote on the House floor.

Eltife said he really didn't know how it would fare in the House. Rep. Stephen Frost, D-Atlanta, was not immediately available for comment.