

Texas Rivers Need More Than Proclamations

By: Myron Hess

Governor Perry has declared June to be “Texas Rivers Month.” Although the proclamation is a good step, unless the Governor and other state leaders act decisively, the future for Texas rivers, and the natural heritage they support, looks bleak.

Just last month, the Rio Grande stopped flowing through Big Bend National Park, causing concern that many aquatic species may be lost from the park forever. The Rio Grande situation results from a complicated mixture of water diversions, international disputes, and drought conditions. But, the simple reality is that human diversions have helped dry up the river in the biggest national park in Texas. Unless we treat this as a wake-up call, we could see lot more Texas rivers go dry.

The water in Texas rivers belongs to all Texans, and in our name, the state issues permits to various users—cities, industries, farmers—allowing them to withdraw water from a river for consumptive uses. These water rights permits generally are perpetual, meaning they never expire, and apart from a permit application fee, the water is free. Permit holders can and do sell the permits to other users. After more than a century of this system of allocating surface water, Texas rivers are in trouble. For many rivers, permits to take water out exceed the amount of river flow present during dry periods. Unless something changes, we could continue to dry up Texas rivers, and in the process, deprive our coastal bays of essential freshwater inflows.

Over the last year or so, a number of non-profit organizations have attempted a new strategy for protecting rivers. They’ve applied for water-rights permits that would be used to keep a certain amount of water *in* the river. These so-called “instream flow” permits would protect water quality, help insure the survival of fish and other aquatic species, and guarantee that our coastal bays get at least some of the fresh water they need to stay productive. However, in March, the governor-appointed members of the Texas Commission on Environmental Quality overruled the agency staff’s recommendation and denied the first of those applications. More recently, with the passage of S.B. 1639, the Texas Legislature *prohibited* the issuance of new permits for river protection for at least two years, pending the recommendations of a newly created Study Commission established to consider how to protect river flows and freshwater inflows into our bays. Permits for other uses will continue to be issued.

Depending on who state leaders appoint, the Study Commission could be an empty promise or it could lead to real progress for river and bay protection in Texas. Governor Perry, Lt. Governor Dewhurst, and House Speaker Craddick will appoint public members to the Study Commission. If they choose people with knowledge of and a strong commitment to the protection of Texas rivers and bays, the Study Commission could be productive and useful. If, on the other hand, the appointments are dominated by interests that view unclaimed surface water as nothing but an opportunity for more water diversion

projects, the Study Commission's work will be a waste of time that brings Texas rivers and bays closer to ruin.

Nothing will have a greater impact on the survival of fish and wildlife in Texas than how we manage our rivers and bays. Productive rivers and bays are an essential part of a healthy environment and a healthy economy. Coastal fishing and nature tourism are multi-billion dollar industries in Texas. Texas policy-makers must meet the challenge of addressing the water needs of future Texans in a way that protects our state's unique natural heritage. We can do both. And we quickly need to get beyond the point of studying options for protecting rivers and start actually doing it.

In honor of Texas Rivers Month, Governor Perry, Lt. Governor Dewhurst, and Speaker Craddick should start this latest study process off on the right foot by making quality appointments and by sending a message that the Study Commission will be a serious effort to find solutions and not just a delaying tactic.

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