

## Officials assess options after failed water legislation

### Bill would have protected flow of Texas rivers

**By TIM EATON Scripps Howard Austin Bureau  
June 8, 2005**

AUSTIN - When the main water bill foundered and died as the legislative session ended, the hopes of environmentalists of preserving the flow of rivers in Texas slowed to a trickle.

The failed water legislation, Senate Bill 3 introduced by state Sen. Ken Armbrister, D-Victoria, contained provisions to protect the flow of rivers. Environmentalists had hailed the measure as a forward-thinking step to save inland rivers and coastal waters.

Senators unanimously approved the water bill but time ran out in the 140-day session before House members could debate it.

Since the end of the legislative session, environmentalists lamented the bill's death and started thinking about other options.

The Texas coast depends on fresh water flowing into the Gulf of Mexico to create a balanced ecosystem that sustains fish and wildlife populations, said Myron Hess, manager of Texas Water Programs for the National Wildlife Federation.

"Freshwater inflows are absolutely vital to the coastal economy and the coastal ecosystems," Hess said. "Basically, that whole marine system is dependent on the estuaries, and the estuaries are dependent on fresh water inflows."

Armbrister's bill was designed to maintain the health of bays and estuaries and the businesses they support.

"A healthy Texas coast has a multibillion-dollar impact on our economy," Armbrister said when he introduced his bill earlier in the session.

Armbrister said environmental flows have inland implications, too. Overly tapped rivers cannot provide the water for farming and drinking, he said.

Without Senate Bill 3, Armbrister said environmental groups could seek legal remedies to ensure better flow and healthier rivers, bays and estuaries. A court could order Texas Commission on Environmental Quality officials to consider environmental flow issues when they issue permits to take water.

The Sierra Club is not planning any new lawsuits, said Ken Kramer, state director of the environmental group's Lone Star Chapter. But Kramer said the Sierra Club is considering other options.

"All may not be lost," he said. "There are some possibilities to salvage the failure of the legislation to pass."

Kramer said he remains hopeful that lawmakers will deal with the issue in a special session. Also, another state agency could try to initiate a program to determine environmental flow requirements.

Hess had another idea. He said environmentalists still have the permitting system, particularly the public comment and hearings, to fight efforts to take water out of rivers.

Contact Tim Eaton at 512-3346642 or [eatont@scripps.com](mailto:eatont@scripps.com)