

Bill designates 19 potential new reservoirs

Legislation includes Lake Fastrill near planned Neches River Refuge

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The Texas Legislature this session is inundated with bills pertaining to water usage and conservation, along with the designation of 19 future reservoir sites, including Lake Fastrill near Jacksonville.

"The new reservoir designation is a huge issue. You will hear a lot about it this session," said Andy Jones with The Conservation Fund. "It is an affront on rural land owner rights second only to Trans-Texas Corridor."

Any bill that designates land as a future reservoir site has a harmful effect on property owners' investment in that land, said Janice Bezanson, director of the Texas Committee on Natural Resources organization.

Reservoir designations increase the likelihood of a reservoir being built, whether it is really needed or not, she said.

"Having this designation really puts a shadow on the land," Bezanson said.

Unique reservoir site designation, she said, has legal ramifications that mere inclusion in the state water plan doesn't have, by forbidding state and local governments from doing anything to the site that would preclude it from being a reservoir — like making it a state park.

Theoretically, Fastrill Reservoir would have become a moot point last year with the establishment of the National Neches River Wildlife Refuge in the footprint of the reservoir. But earlier this year the city of Dallas and state of Texas both filed lawsuits seeking a reversal of the site's designation as a federal refuge. Since then the U.S. Fish and Wildlife Service agreed to postpone acceptance of additional acreage into the refuge.

Documents pertaining to the case are due in federal court next week, according to Fish and Wildlife Service spokeswoman Elizabeth Slown.

Slown said the Fish and Wildlife Service would not comment on proposals like Senate Bills 3 and 165, and House Bill 1681, which designate the 19 reservoir sites.

SB 3, filed Thursday, is a "confusing bill" combining multiple water-related issues into one package that water conservationists find difficult, if not impossible, to swallow, Bezanson said.

It also is redundant of SB 165 filed earlier this year by the same author — Natural Resources Committee Chairman Sen. Kip Averitt, R-Waco. Both SB 165 and HB 1681 are stand-alone bills designating reservoir sites.

Entwined in SB 3, however, are several conservation-friendly proposals that also have been introduced in stand-alone bills more likely to receive support of the environmental community —

HB 3 and HB 4, according to Myron Hess, manager of Texas Water Programs with the National Wildlife Federation.

HB 3 promotes the need to implement environmental stream flows protection, which would ensure that healthy levels of water in streams and rivers needed to provide freshwater to lakes and estuaries are maintained. HB 4 focuses on promoting water conservation and land stewardship, Hess said.

Then there is HB 911, which would revoke junior water rights and make inter-basin water transfers easier to occur — which would have a detrimental impact on East Texas, according to state Rep. Jim McReynolds, D-Lufkin.