

Fastrill back on radar again

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The Jasper Newsboy, 06/06/2007

Legislators reattached Fastrill Reservoir, the proposed additional dam on the Neches River, to Senate Bill 3 at the last minute; however, this does not necessarily mean that the dam will be built according to Janice Bezanson, director of the Texas Conservation Alliance.

"It means nothing unless the Judge rules against the U.S. Fish and Wildlife Service in the pending lawsuit," Bezanson said, referring to the lawsuit filed by the City of Dallas.

The proposed reservoir would flood the Neches River National Wildlife approved last June. Fastrill's only purpose is to supply water to the City of Dallas, a plan that East Texas conservationists and landowners deplore.

"State law cannot supersede federal law," she said. "State and local governments cannot condemn federal land. The refuge is in place unless it is overturned by the courts or congress."

Earlier in the session, SB3 had come out of the Senate with 19 unique reservoir sites in it. It also contained provisions to protect environmental flows, water left in streams to protect river habitat, bays and estuaries, and to protect water conservation.

During the last week of the legislative session, the House passed its version of SB3 which took Fastrill, Marvin Nichols, Bedia and possibly others out of the bill. Bezanson said that Rep. Stephen Frost raised a point of order that would have killed the bill. The chair of the House Natural Resources committee and the Speaker of the House offered Frost a deal that he thought was a commitment to keep the two reservoirs out of the bill and name him to the conference committee. Therefore, he withdrew his point of order.

It then went to a conference committee to resolve differences between the House and Senate versions, Bezanson said. Frost was not named to the committee.

"It was loaded down with members who were in favor of the unique reservoir site designation," she said.

The bill that came out of conference gave unique reservoir status to all reservoirs recommended in the state water plan.

"The conference committee tried to make it look like tying the designation to the state water plan meant that the presence of the designation was a matter of local decisions by regional planning groups, but that's a sham," Bezanson said. Region D is adamantly

opposed to Marvin Nichols, for example, but it's in the state water plan because Region C wants it."

Bezanson said that Reps Frost, Jim Mc Reynolds, Dan Gatis, Lon Burnam and others worked very hard to prevent passage of the bill in the House. It was scheduled for a vote the last day of the session, but the length of time it took for earlier bills meant that SB3 hadn't come up by the time the Legislature was supposed to adjourn at midnight on May 27.

The motion was made for a suspension of rules to consider the bill and it failed by one vote, looking like the bill was dead. Then a Dallas legislator, Terri Hodge, made a motion to reconsider and several people changed their votes. This time the bill passed.

Still, conservation groups are optimistic that the issue is not dead.

"The water developers are not declaring a victory over SB3," Bezanson said. "They stirred up so much anti-reservoir feeling among private property rights groups that a number of pro-reservoir people have said that they wished they'd never proposed the unique reservoir sites bill."

In addition, water development is becoming an issue between cities and rural areas. For example, Fastrill Reservoir pits Dallas/Fort Worth against the largely rural East Texas and most East Texans see this as robbing their resources to feed the habits of a wasteful metropolitan area.

In both 2005 and 2006, East Texans spoke out in opposition in the public hearings for the Region I water plan.

At this point, East Texans can only hope that when lawsuit filed by Dallas goes to court, the judge will rule in favor of the Neches River Wildlife Refuge.

"The precedents set about such cases have tended to favor USFWS," Bezanson said. "We have every expectation that the refuge will be upheld and the unique reservoir site designation will be moot."

Some of the other areas are not so lucky and reservoirs will continue to go forward whether local people, especially in rural areas, want them or not.