

A Critique of the NWF, Environmental Defense, Sierra Club Coalition's Comments on TWDB Plans & More

(An East Texan's Perspective)

In general, the comments on some TWDB Regional Water Plans, jointly submitted on behalf of the Sierra Club, National Wildlife Federation (NWF), and Environmental Defense Coalition, have focused on conservation and on registering strong opposition to construction of new reservoirs. The Coalition's comments on the Region I water plan that were submitted to the DETCOG / TWDB in September 2005 did not include a discussion of desalination which has the potential to augment or replace the East Texas reservoir water yield that major metropolitan areas are vying for. However, their comments devoted four and one-half pages of text to arguments against construction of Lake Columbia. Furthermore, the coalition comments on the Region I plan include statements that are supportive of interbasin transfer of surface water. Specifically, their comments on the 2006 Initially Prepared plan for the East Texas Region include recommendations for diversion of surface water from Sam Rayburn and Toledo Bend to meet the projected needs of a new steam power plant in Nacogdoches County. The Coalition failed to consider, or failed to mention, the social and economic impact of excessive drawdown of reservoirs, or the planned construction of a pipeline to transfer water from Toledo Bend to Dallas, even though businesses are failing at Toledo Bend due to the current drought, as reported by East Texas media. Moreover, the coalitions September 2005 critique of the Region H TWDB plan contained no comments on the planning (Appendix 4B 20) for large scale diversion of surface water from the Sabine and Neches Basins to the Trinity Basin to support the Houston / Conroe metropolis even though the Coalition's comments devoted six pages to review and critique of the majority (18) of the other 23 appendices to the Plan. The Coalition's comments (Region I) that includes commendation of "research on potential voluntary transfers and negotiations to bring such transfers to fruition" as a way to meet drought demands within a region are baffling and short on logic. The idea only has merit in the very unlikely event that a drought occurs that is confined to a part of region. Otherwise, the idea has no merit. Who will have the authority to volunteer transfer of water within a region?

The posted Sierra Club (National) Policy Statement reads; *"Interbasin Diversion - There should be a moratorium on major new interbasin diversions of water; until the ground and surface water interrelationships and ecological, social, economic, and land use implications of such diversions are fully understood and appropriate protection has been established by law."* The disparity between the coalition material supportive of interbasin water transfer jointly submitted to the TWDB and DETCOG by the three party coalition that includes the Lone Star Chapter of the Sierra Club and THE Sierra Club Policy should be reconciled – if possible!

The coalition's narrow focus on water conservation and opposition to construction of reservoirs has resulted in statements that detract from the coalition's credibility. The following is a quote of written material on the proposed Nichols reservoir from an executive of the Texas Committee on Natural Resources that is affiliated with the National Wildlife Federation. *"Proponents of water development argue that building a reservoir can result in large economic benefit for local regions, but, as one can see, by looking other lakes (sic) building a reservoir does not bring industry and development."* (Emphasis added) There are varied definitions of "industry & development" but something more general than widget production (read as a manufacturing operation) is appropriate. You will not be able to convince tackle manufacturers, boat builders, retailers, motel owners, real estate businesses, Rayburn Country developers, etc. that the quoted statement is fact. The quoted remark supports the stated opinion regarding the narrow focus of the Coalition's comments.

The TWDB planning documents (2007 Texas Water Plan) that were recently offered for public review contained recommendations that will be presented to the next legislative assembly. Unfortunately, these recommendations were not discussed in the Coalition comments critiqued herein.

In general, the TWDB recommendations to the legislative body that are delineated under the heading **Interbasin Transfers** (page 321) are intended to give TCEQ Commissioners, who are appointed by the Governor, even more control of the public's water resource and decrease the opportunity for the ordinary citizen to be informed, protest, or influence the politically driven agency. As is, the existing rules and policy do not provide a level playing field when corporate interests are challenged by public interests. It is a fact that TCEQ can take years to work on a permit while responding to corporate pressure and purchased political influence and then give the public only 30 days to respond to complex permit provisions. It is not unusual for the required TCEQ advertisement of permit action to be issued on holidays and when public meetings are held the time allowed for the public's input is extremely limited. Some TCEQ commissioners have simply ignored the input of the Public Interest Counsel when valid legal issues are identified. **More opportunity for public participation is needed – not less.**

The recommendations of the Environmental Flow Advisory Committees that were created in February 2006 should be made available for the public's consideration well before the legislature enacts law that will control the balance between "human water needs" and "bay and estuary freshwater inflows". The TWDB should be certain that they are really balancing "human needs" and not corporate needs against flow requirements that must be maintained in order to ensure the productivity of Texas bays and estuaries. Municipal water provided by the LNVA for public use makes up only 10% of their total water use and 90% is devoted to industrial and agribusiness interests. The economic impact of commercial fishing and recreational activity must be protected. The TWDB recommendation for enactment of legislation controlling flows to estuaries and bays before public input is enabled, is putting the cart before the horse and it should be opposed.

At this point a thorough review of the TWBD recommendations that will be submitted to the legislative body should be undertaken by the environmental organizations so as to arrive at a consensus for legislation that can be supported and legislation that should be opposed during the next legislative session.

River Authorities are in the business of extracting revenue from sale of a public resource. They currently have a legal right to draw reservoir water levels down to extremely low elevations without regard for local interests. River Authorities do not have adequate oversight from authorities concerned with public interests and their committees are typically weighted with members serving municipal and special interests. Legislation should be enacted that will establish minimum water elevation drawdown levels necessary for sustaining home values, tax bases, and recreational activities on East Texas reservoirs.

An objective cost benefits study comparing the cost & benefits to Texas of the construction of the Trans Texas Corridor to the costs and benefits of construction of a desalination system, or systems, capable of resolving the states water deficit problems would be beneficial to Texas citizens. The Governors Texas Enterprise Fund would be ample to finance such a cost / benefits study and it would undoubtedly benefit the ordinary citizens of the state without subsidizing corporate interests.

The TWDB plan, as written, invites unending contention and legal challenges that could be averted. The citizens of Texas would be better served by the TWDB replacing their support for interbasin transfer with a real commitment to develop large-scale desalination systems.

The November Issue of Texas Fish & Game includes the third part of a series titled Turbulent Water that includes discussion of desalination, the Trans Texas Corridor and Texas Politics. The issue reports that “after two days of seminars with petroleum engineers, university professors, and desalination experts, the evidence suggests that the technology to supply Texas with a new fresh water source is available, viable, and the cost is relative to the demand” - with reference to desalination. The article also stated that with very few exceptions there was no water governing entities, regional planners or elected officials at the TAMU conference. “With 15 speakers and 44 attendees, it was a classic case of preaching to the choir”. According to the TF&G article, Region K & L do not intend to implement desalination for the next 40 years. The \$3.3 million for desalination pilot plants, demonstration projects, and out reach activities provided by the 79th legislative session pales in comparison to the \$40 million plus that San Antonio is spending to study taking water from the Colorado River. Forty million dollars to study removal of water from a river basin and \$3.3 million to develop desalination puts emphasis on a conclusion that Governor Perry's decision to spend \$3.3 million on desalination is "little more than throwing a Hush Puppy to the hounds".

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