

SUBJECT: Water storage for wildlife resources

COMMITTEE: State Recreational Resources — committee substitute recommended

VOTE: 7 ayes — Cook, Alexander, J. Davis, Ellis, Homer, Hope, Ritter
0 nays
2 absent — Kuempel, Crownover

WITNESSES: None

BACKGROUND: Sec. 11.142 of the Water Code allows a land owner to construct a dam or reservoir with normal water storage of less than 200 acre-feet for domestic and livestock purposes without obtaining a permit from the Texas Natural Resource Conservation Commission (TNRCC).

DIGEST: CSHB 1789 would allow a land owner to construct a dam or reservoir with normal water storage of less than 200 acre-feet for the purpose of managing wildlife resources without obtaining a permit from TNRCC. Wildlife resources, which would be defined as in sec. 61.005 of the Parks and Wildlife Code, refers to all game animals, game birds, marine animals, fish, and other aquatic life.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS SAY: CSHB 1789 would allow landowners to construct a small watering area for wildlife. Landowners have a vested interest in maintaining wildlife resources on their property because hunting and fishing leases generate income and ecotourism is becoming a new industry. This bill would permit the building of a dam or reservoir to maintain water not only for domestic livestock use, but also to manage important commercial wildlife resources.

OPPONENTS SAY: There is no need to make the change in the law that is proposed by CSHB 1789. If a landowner wants to build a dam or a reservoir for purposes other than providing water for livestock, that landowner simply can obtain a permit from TNRCC.

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NOTES: The original bill would have added “commercial or noncommercial wildlife management, including fishing” as a purpose for building a water storage area without a permit. It was changed in the committee substitute to “management of wildlife resources.”