

- SUBJECT:** Designating a site in Fannin County for reservoir construction
- COMMITTEE:** Natural Resources —favorable, without amendment
- VOTE:** 9 ayes — Puente, Callegari, Bonnen, Campbell, Geren, Hardcastle, Hilderbran, Hope, Laney
- 0 nays
- WITNESSES:** For — James Park, North Texas Municipal Water District
- Against — Ken Kramer, Lone Star Chapter of the Sierra Club
- BACKGROUND:** Water Code 16.051(g) authorizes the Legislature to designate a site of unique value for the construction of a reservoir. Such a designation prevents a state agency or political subdivision from obtaining a fee title or easement that would prevent the construction of a reservoir on the site.
- DIGEST:** HB 2679 would designate the Lower Bois d’Arc Creek Reservoir in Fannin County as a site of unique value for the construction of a dam and reservoir. The bill also would identify the reservoir project as necessary to meet identified water supply requirements in Region C of the state water plan.
- The bill would include the following legislative findings:
- The development of new water supplies to meet growing demand for water is necessary for economic development and of importance to the state.
 - The state water plan identifies several sites for new reservoirs as having unique value, including the site for the Lower Bois d’Arc Creek Reservoir.
 - The designation of the site for the Lower Bois d’Arc Creek Reservoir as a unique reservoir is necessary for sound economic development and for the purpose of promoting public health, safety and welfare.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

The Lower Bois d'Arc Reservoir would help address important water needs for residents of Fannin County and the Region C Water Planning Group. For this reason the project has been included in the Region C and state water plans. By designating the location as a unique site for the construction of a dam and reservoir, HB 2679 would ensure that the footprint of this project was preserved and not encroached upon by a political subdivision of the state.

HB 2679 would not initiate the construction of the Lower Bois d'Arc Reservoir; it simply would prevent a political subdivision from obtaining a fee title or easement. This would make eventual construction much less difficult. Region C still would be free to revise its finding that the Lower Bois d'Arc Reservoir was a necessary water development project.

**OPPONENTS
SAY:**

Some stakeholders in the Region C water planning process have argued that this region could meet its water needs through existing water supplies and increased conservation. For this reason, it would be best for the state to refrain from designating this location as the site for a reservoir at this time. Regional water planning is an ongoing process, and although this location has been recommended as the site for a reservoir, the Region C planning group could change this determination in the future.

NOTES:

The companion bill, SB 1519 by Deuell, was reported favorably, without amendment, by the Senate Natural Resources Committee on April 22 and recommended for the Local and Uncontested Calendar.