

SUBJECT: Designating certain river, stream segments of unique ecological value

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 11 ayes — Larson, Phelan, Ashby, Burns, Frank, Kacal, T. King, Lucio, Nevárez, Price, Workman

0 nays

WITNESSES: For — (*Registered, but did not testify*: Sandie Haverlah, Caddo Lake Institute; Christopher Mullins, Sierra Club; Andrea Williams McCoy, Ward Timber, Ltd.; Anna Elman; Buddy Garcia)

Against — None

On — Temple McKinnon, Texas Water Development Board

BACKGROUND: Water Code, sec. 16.053(e) requires regional water plans to identify river and stream segments of unique ecological value to recommend to the Texas Water Development Board for protection. These recommendations may be included in the state water plan, which is submitted for review to the governor, lieutenant governor, speaker of the House, and appropriate legislative committees.

Sec. 16.051(f) allows the Legislature to designate a river or stream segment of unique ecological value, which would prevent a state agency or political subdivision from financing the construction of a reservoir in that segment.

DIGEST: CSHB 1862 would prohibit a state agency or political subdivision from financing the construction of a reservoir in specified segments of the following rivers or streams by designating them as being of unique ecological value:

- Alamito Creek;
- Black Cypress Bayou;

- Black Cypress Creek; and
- Terlingua Creek.

The bill would not affect the ability of a state agency or political subdivision to construct, operate, or maintain infrastructure related to water management, low water crossings, or recreational facilities in the designated segments.

CSHB 1862 also would not prohibit action related to a water management strategy identified in a 2016 regional water plan and would not alter existing property rights of affected landowners.

This 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, 2017.

**SUPPORTERS
SAY:**

CSHB 1862 would implement the recommendations of regional water planners to protect ecologically valuable segments of certain rivers and streams in the state. The bill would identify portions of creeks and a bayou that are unique for various reasons, such as their ability to support biodiversity and biological habitats or their contribution to water quality, flood mitigation, and flow stabilization. Designating these segments as having unique ecological value would prevent the construction of reservoirs. Such construction could impound free flowing water, eliminate valuable habitats and associated benefits, and result in algae blooms.

For example, the bill would prevent any future construction of a reservoir on Black Cypress Creek, which is a significant tributary to Caddo Lake. The loss of water inflows from Black Cypress Creek would endanger the natural systems that support the lake's fish and wildlife and, by extension, the regional economy, which depends on hunting, fishing, and recreation.

Designating certain river or stream segments as being of unique ecological value also would help regional water planners by allowing them to avoid controversial reservoir projects and instead focus their resources on water supply projects that have broader consensus.

The bill would employ a limited designation that would not constrain reasonable development and activity in the identified river or stream segments.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

CSHB 1862 differs from the bill as filed by not designating a segment of Pecan Bayou as being of unique ecological value.

A companion bill, SB 863 by Perry, was referred on February 27 to the Senate Committee on Agriculture, Water, and Rural Affairs.