

**SUBJECT:** Requiring TPWD to encourage the use of the Texas Water Trust

**COMMITTEE:** Natural Resources — committee substitute recommended

**VOTE:** 9 ayes — T. King, Harris, Bowers, Kacal, Larson, Paul, Price, Walle, Wilson  
0 nays  
2 absent — Lucio, Ramos

**WITNESSES:** For — Myron Hess, National Wildlife Federation; Lon Burnam, Public Citizen; Ken Kramer, Sierra Club - Lone Star Chapter; (*Registered, but did not testify*: Scott Moorhead, Audubon Texas; Joey Park, Coastal Conservation Association Texas, David K. Langford Western Photography, and Texas Wildlife Association; Luke Metzger, Environment Texas; Vanessa Puig-Williams, Environmental Defense Fund; Judith McGeary, Farm and Ranch Freedom Alliance; Kenneth Flippin, US Green Building Council)  
  
Against — (*Registered, but did not testify*: Clifford Sparks, City of Dallas)  
  
On — David Bradsby, Texas Parks and Wildlife Department; (*Registered, but did not testify*: Kelly Mills, Texas Commission on Environmental Quality; Jeff Walker, Texas Water Development Board)

**BACKGROUND:** Water Code sec. 15.7031 establishes the Texas Water Trust to hold voluntarily granted water rights dedicated to certain environmental needs. The dedication of water rights placed in the trust must be reviewed and approved by the Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board and the Texas Parks and Wildlife Department, and the rights may be held for a specified term or in perpetuity.

**DIGEST:** CSHB 2225 would require the Texas Parks and Wildlife Department (TPWD) to encourage and facilitate the dedication of water rights in the

Texas Water Trust through lease, donation, purchase, or other voluntary transfer for certain environmental purposes, including maintaining or improving instream flows, water quality, fish and wildlife habitat, and bay and estuary inflows.

TPWD would be authorized to manage rights in the Texas Water Trust under a voluntary agreement with a rights holder and in a manner consistent with:

- the manner in which a holder of the rights was authorized to manage them;
- the dedication of the rights, including terms and conditions;
- certain statutory provisions relating to instream flows dedicated to environmental purposes, rights between appropriators, and amendments to water rights; and
- maximizing environmental benefits.

The provisions of the bill could not be construed to authorize TPWD to exercise any authority expressly granted to the Texas Water Development Board or the Texas Commission on Environmental Quality relating to the Texas Water Bank.

The bill would take effect September 1, 2021.

**SUPPORTERS  
SAY:**

CSHB 2225 would assist the Texas Water Trust in achieving its goal of maintaining and improving aquatic and marine habitats through the voluntary dedication of water rights by requiring the Texas Parks and Wildlife Department (TPWD) to encourage and facilitate use of the trust.

To date, the Texas Water Trust has acquired a total of three water rights, falling far short of its potential. Requiring TPWD to raise awareness of the trust among rights holders and encourage voluntary dedication would help to secure more rights for the trust, which in turn would benefit aquatic and marine habitats. Holding water rights in the trust increases the amount of water that is allowed to return to its natural flow, which helps to improve and maintain habitats. In turn, healthy aquatic and marine

habitats improve water quality and provide opportunities for commercial fishing, angling, hunting, and tourism.

All dedications of water rights would continue to be subject to approval by the Texas Commission on Environmental Quality. In addition, the bill prohibits TPWD from infringing on authorities expressly granted in statute to the commission or the Texas Water Development Board.

CRITICS  
SAY:

No concerns identified.