

BILL ANALYSIS

Senate Research Center
83R5007 JAM-D

S.B. 589
By: Hegar
Natural Resources
3/1/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 16.051 (State Water Plan: Drought, Conservation, Development, and Management; Effect of Plan), Water Code, provides for designation by the Texas Legislature of streams having unique ecological value. Such designation only means that a state agency or political subdivision of the state may not finance the actual construction of a reservoir in the designated segment.

Region L (the South Central Texas Regional Water Planning area) completed its 2011 Regional Water Plan in September 2010 and that plan is, now, incorporated into the State Water Plan. Region L covers 21 whole counties and a portion of another county.

Region L's 2011 plan includes recommendations for designation by the Texas Legislature of five stream segments as having unique ecological value. That recommendation was approved without opposition and Region L continues to support the recommendation today.

The recommended stream segments are the upper Nueces, Frio, and Sabinal rivers from the Uvalde County line downstream to approximately the recharge zone of the Edwards Aquifer, and the Comal and San Marcos rivers within the immediate influence of the Comal and San Marcos springs. More precise descriptions are found in the bill.

A stream segment may be considered for unique designation if it meets one or more of the following criteria:

- Significant biological function
- Valuable hydrologic function
- Riparian conservation areas
- High water quality/exceptional or high aquatic life use/high aesthetic value
- Threatened or endangered species/unique communities

Each of the recommended stream segments meets each of these criteria.

There are no reservoirs planned for any of these segments to the best of Region L's knowledge. Region L also believes that a legislative designation of these stream segments will instill pride in these rivers by adjacent landowners and nearby communities, and that will encourage continued, voluntary preservation of the streams.

As proposed, S.B. 589 amends current law relating to the designation of certain river or stream segments as being of unique ecological value.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. DEFINITION. Defines, in this Act, "Region L" to mean Regional Water Planning Area L designated in accordance with Section 16.053 (Regional Water Plans), Water Code, as the area's boundaries existed on September 1, 2013.

SECTION 2. DESIGNATION OF RIVER OR STREAM SEGMENTS OF UNIQUE ECOLOGICAL VALUE. Provides that the legislature, as authorized by Section 16.051(f) (relating to authorizing the legislature to designate a river or stream segment of unique ecological value), Water Code, designates as being of unique ecological value certain river or stream segments.

SECTION 3. EFFECT OF DESIGNATION. Provides that the designation of a river or stream segment as being of unique ecological value under Section 2 of this Act means only that a state agency or political subdivision of the state may not finance the actual construction of a reservoir in the designated segment; does not affect the ability of a state agency or political subdivision of the state to construct, operate, maintain, or replace a weir, a water diversion, flood control, drainage, or water supply system, or a recreational facility in the designated segment; does not prohibit the permitting, financing, construction, operation, maintenance, or replacement of any water management strategy to meet projected water supply needs recommended in, or designated as an alternative in, the 2011 Regional Water Plan for Region L, and does not alter any existing property rights of an affected landowner.

SECTION 4. EFFECTIVE DATE. Effective date: September 1, 2013.