

## RESERVOIR-MANIA IS MY PROPERTY AT RISK?

Texas water hustlers are on the march, and they might be coming to your backyard:

- The 2007 State Water Plan recommends the construction of 14 major and 2 minor new reservoirs, with a total construction price tag of \$ 4.9 billion.  
([www.twdb.state.tx.us](http://www.twdb.state.tx.us) )
- Now, the legislature is considering whether to go a step further and actually designate 19 specific areas, covering almost half a million acres, as “unique reservoir sites.”  
(Senate Bill 675; House Bill 1681; House Bill 2187; and Senate Bill 3).  
([www.capitol.state.tx.us](http://www.capitol.state.tx.us))

### 1. What does it mean if a reservoir is “recommended” in the State Water Plan?

It means that somebody (a city, river authority or other water supplier) wants, at some point in the future, to build a reservoir at that site for water supply. The reservoir would still have to receive state and federal permits and financing. Then, the land to be flooded for the reservoir would have to be acquired, either by purchase from willing sellers or via condemnation. Understand that it’s possible that a reservoir can be built in one area to meet the water needs of another part of the state.

### 2. What does it mean if an area is designated a “unique reservoir site” by the legislature?

Technically, it means that no state agency or political subdivision of the state (city, county, etc) can do anything on that land that would prevent the construction of a reservoir. In practice, it marks all the land within the approximate footprint of the reservoir as a location where the state has decided a reservoir is needed and is likely to be built by somebody, someday. This land *might* be bought or condemned by the reservoir proponent in the future so that it can be flooded. In addition to creating immediate uncertainty for a landowner about his or her future use of the property, it could have a negative effect on the potential to sell the land for any future use except as a reservoir site.

### 3. What are the implications of these proposals for private landowners?

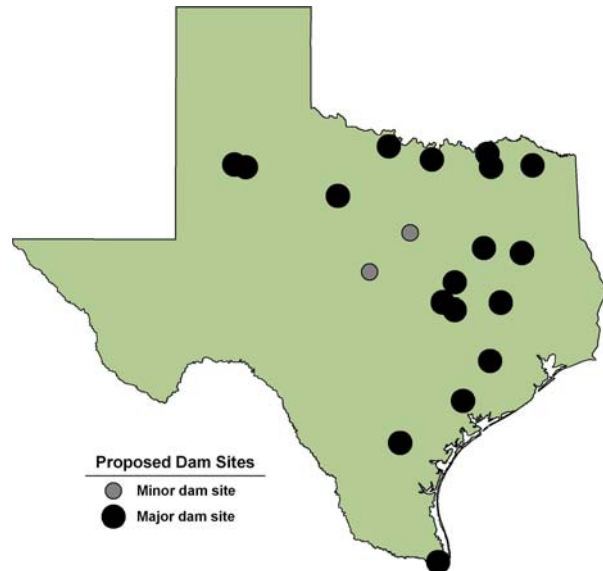
If you own land in the area of the approximate footprint of one of these proposed reservoir sites, the value of that land could be adversely affected. **Designation as a “unique reservoir site” could put a cloud over future possible uses of the property, making long-term planning uncertain for the landowner and making it less desirable to prospective buyers.** If you don’t want to sell your land for a reservoir site in the future, you may be faced with lengthy condemnation proceedings if the state or water developers seek to start acquiring land for the reservoirs. Also, federal and state law will require that good habitat (such as bottomland hardwoods or wetlands) that is lost to a reservoir has to be “mitigated.” That means that reservoir proponents may be looking to acquire more

than just the land for the reservoir, they might start looking to designate and acquire mitigation land as well.

#### 4. Where are the proposed reservoirs?

The State Water Plan and the proposed legislation each have slightly different lists of proposed reservoirs. This map depicts those included in the proposed legislation (Senate Bill 675; House Bill 1681, House Bill 2187 and Senate Bill 3; [www.capitol.state.tx.us](http://www.capitol.state.tx.us) ).

Most, but not all, of the proposed sites are in East Texas.



#### 5. Why is there legislation to designate so many “unique reservoir sites”?

The legislation appears to primarily be motivated by the battle over the proposed Fastrill Reservoir on the Neches River. Water developers from the Dallas metroplex area and some state leaders are angry that the U.S. Fish and Wildlife Service (with strong support from local communities) decided to put a national wildlife refuge in the area where those interests wanted to possibly build Fastrill Reservoir 40+ years down the road. The National Wildlife Refuge designation was far down the road to becoming reality before the Fastrill Reservoir proposal was included in the state water plan and the regional water plan for North Texas.

#### 6. Are all these reservoirs really needed?

No. All told, the reservoirs proposed in the state water plan would provide only about 1 million acre feet/year, even if they were all to be built as proposed and if there were really enough water in the rivers to fill up the reservoirs. The National Wildlife Federation has estimated that this same amount of water could be available if we just reduced water use by 1%/year between now and 2060 in those cities with water use higher than 140 gallons per capita per day. San Antonio, El Paso and many other cities are already at or below 140 gpcd. And, remember...these projections are for 2060, when hopefully we will have even better water conservation technology than we do now. And, conservation is almost always cheaper for the ratepayer than a new reservoir: use less water, save money!

In addition, there is enough water not being used in existing reservoirs to more than meet future demands. These existing reservoirs should be tapped before we consider incurring the economic and environmental damage that new reservoirs could cause.

#### **7. How much will it cost the ratepayers and taxpayers?**

The 2007 state plan estimates that the reservoirs will cost about \$4.9 billion to construct. These costs are likely underestimated because they are based on some outdated assumptions about energy prices and other factors. Acquiring the land for the proposed reservoirs is estimated by the TWDB study to cost over \$ 400 million (again, those costs appear to be on the low side of the estimate, as they are based on average real estate values in the area of the proposed reservoirs, not actual acquisition costs).

#### **8. What are the implications for the state's fish and wildlife resources?**

None of these reservoirs have been fully evaluated for how they would reduce river flows or affect the freshwater inflows necessary to sustain healthy bays and estuaries. In general, reservoirs, which are created by dams that block river flow, alter the natural flow regimes and have adverse effects on downstream habitats. Moreover, many of the rivers where the new reservoirs are proposed already have reservoirs that have greatly altered the natural flow regime, so there is little resilience to more new dams. In addition, the reservoirs would flood large quantities of valuable and rare bottomland hardwood forest wildlife habitat.

#### **9. What is the alternative?**

The legislature should not designate or authorize acquisition of large reservoirs sites until there is an *independent analysis* of whether the particular reservoir is really needed to meet reasonable future water demand. This independent analysis should be done by an entity with no current or future financial stake in the construction or operation of the proposed reservoir.

The analysis should be based on current and projected energy prices; possible changes in availability of water to even fill the reservoir under different climate change scenarios; and an analysis of the effect of "designation" on local property values, land uses and environmental values. The analysis should also include a full evaluation of the costs of conservation and other alternatives to the reservoir so the state and potential ratepayers can fully evaluate the cost of the reservoir vs. the costs of alternatives.

**For more information please contact;**  
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