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This Land Is Your Land, Until Dallas Needs It

HOW A BIG CHUNK OF EAST TEXAS MIGHT END UP UNDERWATER TO KEEP DALLAS SWIMMING IN GROWTH POTENTIAL.

by NATE BLAKESLEE

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Much like the rest of Texas, Dallas is enjoying a boom. Real estate prices are rising; huge corporations are relocating to the area; the Olympics may even come to town. But with great power and prosperity comes great responsibility—in this case to slake the thirst of a metropolis that is projected to double in size by 2060. For decades, local leadership has been lobbying to dam the Sulphur River in northeast Texas to provide the city with a much-needed new water source. The resulting 72,000-acre lake would

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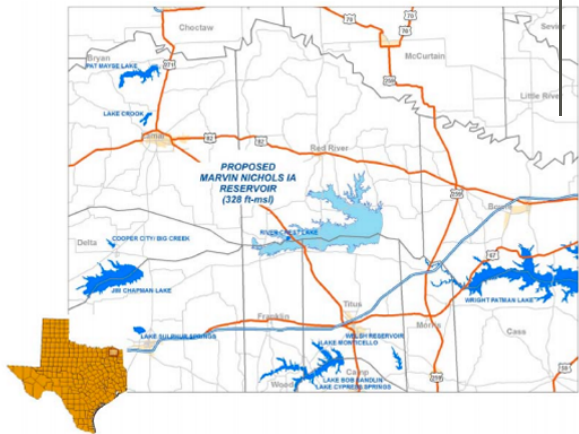
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The problem is that someone is already using that 72,000 acres. Much of the land that was flooded has been held for generations by farmers and timber companies, many of whom



interest in selling. Not that they would have a choice: authorities in Dallas could use eminent domain to force them to accept fair market value for the land. And because construction of a new reservoir would require flooding the river bottom, which includes relatively rare stands of mature hardwood habitat, federal environmental regulations dictate that an enormous amount of extra land be set aside and left undeveloped to compensate for the loss of wetland habitat. This land—as much as 160,000 acres—would also likely be taken through eminent domain.



The longstanding disagreement over Marvin Nichols has highlighted a public policy conundrum: Each region in Texas does its own water planning, but what happens when plans drawn up by neighboring regions disagree? Earlier this month, the executive administrator of the Texas Water Development Board recommended that the board's members use their authority to compel water

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planners in northeast Texas to officially drop their opposition to the project, so that the official State Water Plan would be consistent. This did not sit well with East Texans, including Representative David Simpson, of Longview, one of the leading standard-bearers for the tea party wing of the Republican party in Texas. At a hearing in Arlington early this month, he called the agency a “bully.” We caught up with Simpson recently to get his thoughts on what the fight over Marvin Nichols is all about.

Nate Blakeslee: Plans for this dam have been sitting on a shelf in Dallas for decades. It never gets built, but it never seems to die either. What in your mind is this whole fight about?

David Simpson: It’s not just about water. It’s about power, control, and property rights. And it’s also about local control, protecting the environment, and protecting one’s own region’s economic development. It’s also about the free market, or lack thereof.

Why is this a story about the free market?

Well, it’s really simple. If the price of water was not subsidized by various government authorities—and by taking either the water or the land to collect the water—the price of water would be higher in some places and lower in others depending on demand and supply. I think East Texas would be glad to help supply the water to Dallas –Fort Worth or other areas, but we just don’t want to do it unwillingly, to be forced to do it. Certainly the best way is to negotiate freely. So the free market’s really critical to this.

The biggest issue is the way in which we compensate people for property that’s taken by force using eminent domain. You pay them at the

present value of the land, but I think you need to take into account the future use of the property. One of the things that I think would make it more attractive and more equitable is if you give to the former property owners an interest in the project from which they could profit. Another way would be to give a hundred-year lease on the property. But to deprive them of the future profits and value of the property seems to be unjust. We've been prohibited by case law from taking into account the value that accrues through the taking of the property. Yes, we're saving the state—and the public in general—money by doing it the way we do it now. But it's only benefiting those in the locale who may be able to participate in the development.

You called the Texas Water Development Board a bully at a hearing in Arlington recently. What did you mean?

Another way to put it is they are acting like a dictator. The executive administrator has recommended that the Water Development Board members exalt Region C [the planning area that includes Dallas] over Region D [which covers northeast Texas] in an effort to say that there's no conflict. And you can certainly do that, but it's like telling two quarreling children that one is going to win and another's not. One of the good things about regional planning is that you have the motivation to take care of your own environment, your own economic development, and another region doesn't have that motivation.

What in your mind could Dallas be doing differently to meet their water needs?

Well, I know that Toledo Bend [a giant reservoir in southeast Texas] has a million acre-feet that's available for future use. Why take hundreds of

thousands of acres from northeast Texans when we have a reservoir that can supply the water? The difference is that they have to pay for the pipeline and for the pumping from Toledo Bend. But that means Dallas–Fort Worth pays for it instead of thousands of East Texans losing their jobs and giving up their farms and our own economic development. I think East Texans are willing to sacrifice, to give up some of their normally abundant future supplies of water to other areas of the state that need it. But they don't want to give up their land and their jobs and their own economic development.

Also, I think they can improve the dam there at Lake Wright Patman. And they

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WaterGOD · a month ago

So he thinks it's not ok to mess with his water in East Texas but hey.....SE Texas has T bend.....Just take theirs. It's called the a junior Water Rights Bill shmuck! We already fought this battle and won convincingly. That's why Dallas does not mess with SE Texas cause we will tell them where to go! OH...and by the way....nice comment at the end. Wear your tin foil hat much!

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David Simpson → WaterGOD · a month ago

No, I was NOT suggesting Region C use force with my neighbors to the south. It is my understanding that Toledo Bend has more water they need (at least a million acre feet) and would be glad to sell some or all of it. However, Region C has been reluctant to rely on this solution because of a pipeline's high cost of construction and ongoing high costs of operation. The comment about the first and second amendment is a fun way I have commonly thanked journalists who have interviewed me to encourage them in their role of facilitating civil discourse, the flow of ideas and dialogue such as this in a free society. Force is never a good way to settle differences. It should only be used in self-defense. Hope this helps.

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