

# Texarkana Gazette

## Water board wants more data on reservoir

Dallas-Fort Worth Metroplex told to provide more information about Marvin Nichols' effect on Northeast

By: Paige Alexander - Texarkana Gazette

AUSTIN—Texas Water Development Board voted 2-1 to revisit the Marvin Nichols Reservoir issue in November, provided the Dallas-Fort Worth Metroplex submits more information about the proposed reservoir's impact on Northeast Texas first.

Chairman Carlos Rubinstein and Board Member Kathleen Jackson approved the move, while member Bech Bruun voted against it during a Thursday morning TWDB meeting held to consider the interregional conflict between the Northeast Texas, or Region D, water plan, and the DFW Metroplex, or Region C, water plan concerning the proposed project.

The proposed 72,000-acre, \$3.4 billion Marvin Nichols Reservoir would be built across four Northeast Texas counties in Region D to provide the majority of its water yield to Region C.

The reservoir is listed as a water strategy in Region C's plan, but not in Region D's plan, something Region D officials—and opponents of Marvin Nichols—say is a conflict.

In making his motion, Rubinstein said Region C's plan does not contain an adequate quantitative analysis of the impact building Marvin Nichols could have on Region D's natural and agricultural resources.

Region C's plan contains more qualitative analysis than quantitative, something board members would like to see before ruling on the conflict, he said.

The move directs Region C to develop the quantitative analysis and present it to TWDB by Nov. 3, but if Region C does not submit the data, a TWDB meeting will be set to remove Marvin Nichols from the plan without prejudice.

Region D Planning Group Chairman Bret McCoy said he thinks the decision is “a step in the right direction.”

“For the first time, it feels like the board is listening,” he said.

Prior to the vote, TWDB members listened to each region present arguments about the proposed reservoir.

Jim Parks, chairman of the Region C planning group and former executive director of Wylie-based North Texas Municipal Water District, spoke to the board for Region C.

He said Region C has been counting on Marvin Nichols for decades to provide for the growing region’s 50-year water needs, and the reservoir is set to provide the region with 30 percent of its future water needs.

“The cost of failing to plan for adequate water supplies is high. ... No other supply, strategy or combination can provide Region C with that amount as reliably (as Marvin Nichols),” he said.

If Region C is forced to go “back to the drawing board” to develop replacements for Marvin Nichols, the results would be more expensive with greater environmental costs, Parks said.

“We should all agree the main purpose of statewide planning is (to develop) an adequate water supply. ... Region D’s opposition is a protest of the merits of the Marvin Nichols project,” he said.

Parks questioned if TWDB is the proper agency to resolve the Marvin Nichols issue, since “TWDB is not an adjudicative agency,” but Texas Commission on Environmental Quality is, in part because of the agency’s ability to grant or deny water rights and permits, two hurdles that must be cleared before reservoir construction can begin.

Parks said the regional water plans are basically a “wish list” and no

projects listed in any regional plan is a guarantee.

But simply listing Marvin Nichols in the plan—regardless of whether it's built—already affects Region D, an official said.

Jim Thompson, attorney for Cass County-based Ward Timber Co. and former Region D planning group chairman, spoke on behalf of Region D.

He told board members the looming threat of Marvin Nichols affects farming, ranching and timber decisions.

“Believe me, the people who live there consider this a threat to the timber process,” Thompson said.

Businesses and landowners are in limbo, as they don't know whether to add or expand a paper mill in the area, or if land management techniques should include plans that consider 30 to 40 years in the future.

“While these plans (to build Marvin Nichols) may or may not be realized, it has impacts today,” Thompson said.

Region C's plan does not address quantitative data of Marvin Nichols' impact on agriculture and natural resources, nor does the plan protect Northeast Texas' natural and agriculture resources, he said.

Each point is required per Texas Water Code, Thompson said.

“The Region C plan does very little, if anything, to meet statutory guidelines. ... At best, it's incomplete, and in some areas, it's misleading and incorrect,” he said.

Thompson said the plan does not treat timber as an agricultural resource, though timber production is “vital to Region D.”

Another area of concern is mitigation, and the current Marvin Nichols footprint calls for more than 40,000 acres of forested land and bottomland hardwood to be flooded, something that will cause “substantial mitigation,” he said.

Another point raised by Thompson is the Metroplex's current water plan provides for much more water than projected future needs, including a projected excess water supply of more than a quarter-million acre feet for the North Texas Municipal Water District alone.

Demand is also exceeded for the Upper Trinity Regional Water District, and if Marvin Nichols is removed from Region C's plan, the only entity that will have less supply than demand according to drought of record standards will be Tarrant Regional Water District, he said.

Thompson said Tarrant Regional's future deficit amounts would be relatively small that could be made up with Upper Trinity and North Texas water districts' excesses.

"So if Marvin Nichols is taken out, every water supplier except Tarrant will have more supply than demand in drought of record, which is our understanding of what this board's requirements to be. ... Is the best plan to provide a relatively small amount of water to construct a project that doesn't meet statutory requirements?" he said.

Thompson said other alternatives available for the Metroplex include raising the level of Wright Patman Lake and tapping Toledo Bend Reservoir.

Thursday's hearing was another step in TWDB's process to resolve the interregional conflict.

TWDB has been tasked with resolving the conflict as the result of a court ruling issued last year.

Ward Timber, based in Linden in Cass County, and others filed suit against TWDB over the conflicting plans, citing the loss of natural resources and economic impact to the Northeast Texas region if the reservoir is built.

District and appellate courts sided with Ward Timber and instructed the two regions to resolve the conflict.

A three-person team from each region met in December, but the talks failed.

Kevin Patteson, executive administrator of TWDB, issued his final recommendation May 19 on how to resolve conflict between the two plans; it instructs the DFW plan to keep the Marvin Nichols Reservoir as a strategy and instructs the Northeast Texas plan to be amended to reflect the conflict has been resolved.

The recommendation also instructs both regions to participate in the ongoing, basinwide study of the Sulphur River, conducted in partnership by Sulphur River Basin Authority and the Army Corps of Engineers.

Public comment was gathered by TWDB regarding the issue through two hearings held in April in Mount Pleasant and Arlington.

Hundreds attended the two-day hearings, and the majority of speakers were staunchly opposed to building the reservoir.

In May, TWDB solicited briefs from each side, which presented their oral arguments at Thursday's meeting.

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