

Summary of Speaker Comments at the December 6, 2004 RCWPG Public Hearing and Public Meeting

Comments Regarding Public Hearing on Proposed Amendment to the 2001 Plan to Add NTMWD Reuse Project

1. Jack Hittson (Landowner, Rockwall County)

Mr. Hittson asked the RCWPG to consider that the proposed project will affect a lot of people in a negative way. The pipeline will have a negative impact on the private land that it crosses. Mr. Hittson noted that there had not been much publicity about the proposed project in Rockwall County. The County Judge, County Commissioners, and other officials were unaware of the proposed project. He also suggested that the public relations efforts ought to stem from the North Texas Municipal Water District instead of the surveyors.

2. Elizabeth Hittson

Mrs. Hittson passed on the opportunity to speak.

3. Kevin Smith (Lawyer, Rockwall County)

Mr. Smith expressed concern that only one path has been considered for the pipeline. He asked how many routes will be considered in light of other transportation work. He understood that the SB1 legislation, passed in 1997, was to address water needs during drought. He asked if this project will solve water problems during drought years. He also commented that the reuse project could impact riparian areas and other uses downstream.

4. Beth Johnson

Ms. Johnson represented the Lone Star Chapter of the Sierra Club and the Texas Committee on Natural Resources. Ms. Johnson stated that she was concerned with procedural and public participation issues. She mentioned that the 22-page document posted on the web site had no map and that should be added. Ms. Johnson stated that the information on the web site was different than the presentation shown today. She commented that there were no copies of the 22-page document available at today's meeting.

Ms. Johnson stated that the newspaper mentioned "wetland credits" but this term was not mentioned in the 22-page document. The 22-page document mentions "net gain" on page 16. She asked how the two terms were related.

Ms. Johnson also told the group that it appeared as if the RCWPG was being asked to vote on the proposed reuse project and water conservation. Water conservation was first mentioned in today's public hearing. She stated that this was a confusing, piecemeal approach to solving the water needs. Ms. Johnson questioned the idea of amending the water conservation before discussing it.

5. Sheri Fowler (Rockwall County landowner)

Ms. Fowler stated that the early residents of Rockwall County settled along the river because of the water. She requested that NTMWD identify plans and pathways that are the least destructive to the river and value of the land. She does not believe that NTMWD has taken into account all of the proposals. Some specific points stated:

- Underestimated the cost of right-of-way (ROW) in Rockwall County
- Why not use the ROW easement of TXDOT. Other states use transportation ROW for pipelines.

- She understands the need for a utility easement, but the amendment would allow “our way or the highway” approach.
- There is land further east that is less developed and less expensive.
- She asked NTMWD to be diligent in assessing pathways for the pipeline.

6. David Nabors

Mr. Nabors agrees with the principle of reuse. He asked the RCWPG and NTMWD to be diligent in choosing the pipeline location. He encouraged Region C to use all the reuse water possible.

7. Alan Plummer

Mr. Plummer passed on the opportunity to speak.

Comments Regarding Public Meeting

Action Items

The following public comments were provided to the RCWPG regarding the following Action Items:

Action Item B: Available Supplies

1. Beth Johnson

Ms. Johnson questioned the idea of voting to approve the numbers before the public has commented on them. She stated that this seemed backwards and confusing. She asked if the 1.853 million acre-feet gap in supply in July had changed. She stated that she is unable to make her numbers match Tom’s without his figures. Ms. Johnson also noted that existing water supply numbers seem to decrease every time a new reuse or use of existing supplies is considered.

Action Item D: Methodology for Evaluating Water Management Strategies

1. Beth Johnson

Ms. Johnson stated that it was unclear which memo went with this action item. Ms. Johnson assumed that the cost memo that was available on the web site was the memo associated with this action item. She noted that the web site states that written comments are due 10 days in advance of the meeting but that this document was not posted in advance of the 10 day time frame. Ms. Johnson had concerns with the mitigation and permitting costs. She assumed that the costs referred to the inundated land and suggested that this have a range of values. As for environmental impacts, Ms. Johnson referred to a November 18 memo and stated that the memo needs to address the condemnation costs. She asked if this was an implementation issue. Ms. Johnson noted that the fair market value of willing buyer/willing seller should include the condemnation issue.

Action Item E: Conflicts with Federal and/or State Actions with Approved Water Supply Plans

1. David Nabors

Mr. Nabors respectfully disagrees with the letter. Marvin Nichols is not a reservoir site, it is a proposed site. Mr. Nabors told the Region C Water Planning Group that

the proposed Hearts Bluff Mitigation Bank was “none of your business.” He stated that the proposed mitigation bank would not stop the Marvin Nichols project. Mr. Nabors said that the Region C Water Planning Group should not be involved because they do not have the right or authority to stop the landowner from doing as he wishes with his private property.

2. Beth Johnson

Ms. Johnson stated that the proposed letter caught many people unaware. She commented that the Texas Committee on Natural Resources (TCNR) and the Sulphur River Oversight Society support the proposed mitigation bank. She added that a letter on behalf of the Sulphur River Basin Authority had been retracted. Ms. Johnson asked why preliminary comments were sent to the Corps and who authorized these comments. Ms. Johnson stated that the North Texas Municipal Water District could amend the plan when it wants but that no one else can amend the plan.

Ms. Johnson added that she had concerns with the action that Region D took to remove Marvin Nichols from their plan while Region C did not make the same adjustment. She stated that she thought the regional water plans had to be consistent with each other. Ms. Johnson asked if the Hearts Bluff Mitigation Bank worked with the statewide water plan as it had been amended. Ms. Johnson said that this gives the impression that Marvin Nichols will be built. In which case, she suggested that the planning group ought to save the tax payers \$1.85 million that is being paid to Freese and Nichols and get on with it.

Action Item F: Unique Stream Segment Committee

1. Beth Johnson

Ms. Johnson passed on the opportunity to speak.

Action Item G: Letter to Texas Water Development Board Regarding the Regional Water Planning Process

1. Beth Johnson

Ms. Johnson raised a procedural question. She noted that the agenda and meeting memo said that Jim would lead a discussion and may ask for approval to send a letter to the Texas Water Development Board. She stated that she thought the planning group’s current discussion was in violation of the Open Meetings Act. She added that her clients have comments but that she could not comment on this topic without their input. Ms. Johnson noted that the letter was not on the web site and had just been handed out. She questioned the statement that the interbasin transfer rules should be relaxed. She thought the term “relaxed” should be defined. She stated that the requirement of “highest practicable level of conservation” that is part of IBT approval is very important to her clients. Ms. Johnson asked how this relates to 5-year planning. She stated that the planning group could be pushing projects along prior to their need.

General Comments

The following public comments were provided during the general comment period of the meeting:

1. Beth Johnson, Freelance Issue Advocacy

Ms. Johnson stated that the presentation on reserve supplies said the reserve supply was needed to address drought and growth above the projected demands. She thought that drought management would address such conditions rather than padding the supplies. She stated that the RCWPG specifically rejected drought management as a long-term strategy so that it could be used for these conditions. Excess and premature supply development is harmful to riparian areas and landowners. It also can result in premature siltation. We don't hear about reuse or conservation, only padding the supplies. The chart presented by Brian McDonald shows conservation meeting a substantial need. It still does not account for other existing sources such as Oklahoma water, Lake Chapman or Lake Wright Patman. Ms. Johnson also objects to the statement made in the newsletter that "new supplies will need to be developed."