



# connemara conservancy

*Protecting the land and our quality of life.*

February 27, 2014

J. Kevin Ward  
RCWPG Secretary/Administrator  
c/o Trinity River Authority of Texas  
P.O. Box 60  
Arlington, Texas 76004

RE: Written Comments for Marvin Nichols Reservoir Public Hearing

Mr. Ward,

This letter is being sent by the staff of Connemara Conservancy to notify you of a potential impact to preserved lands within the proposed footprint of the Marvin Nichols Reservoir and to inform you of the terms for compensation should this tract of land be taken in whole or in part by eminent domain.

The footprint of the proposed Marvin Nichols Reservoir would detrimentally impact an existing 79-acre perpetual conservation easement tract located north of CR1915 in Titus County called the "Hearts Bluff Mitigation Tract." The easement property is owned by Bobby Lide as part of the Hearts Bluff Game Ranch. This mitigation site was chosen to set aside a piece of quality bottomland hardwood forest in the watershed of Oliver Creek and the Sulphur River.

This mitigation tract was established in 2008 as compensation for a 2004 crude oil spill, and is protected lands under requirements of federal and state laws outlining conservation easements, along with the state's July 24, 2007 Restoration Plan for this spill remediation. This conservation easement is filed in the Titus County Court House in the Deed Records as document 200800000905 (64 pages.) A scanned copy of this easement is also available in our office should you require the documentation.

Should this tract of land be unavoidably impacted by the reservoir development and those lands acquired from the private landowner by eminent domain, this conservation easement spells out the terms for termination of the easement. Such terms would require the mitigation for the loss of property on at least a 1:1 acreage basis or recovery of the full value of the interests in the property subject to the taking or in lieu purchase and all direct or incidental damages resulting from the taking or in lieu purchase. Compensation shall be by the method as is set forth in IRC Treasury Regulation Section 1.170A-14(g)(6)(ii). Compensation received shall be placed in a trust account for the purpose of conducting additional land preservation activities consistent with the goals of the Restoration Plan at the Property or at an alternative property.

Sincerely,

Sandra Greenway  
Executive Director

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