

7.0 Plan Adoption.

This chapter summarizes the public participation process used in the development and adoption of the North East Texas Regional Water Plan, the RWPG's responses to public comments, procedural approaches used in facilitating adoption of the plan, and recommendations concerning issues of plan implementation.

7.1 Public Participation Process

(1) Public Comment Opportunities at NETRWPG Meetings.

Every meeting of the North East Texas RWPG was noticed as a public meeting under the Texas Open Meetings Act and was attended by 25-50 persons. Those attending represented many sectors of the public, including water provider organizations, local government officials, members of the business community, farmers, representatives of area councils of government, utility officials, environmentalists, community activists and members of the general public. Comments and responses from these meetings have been included in meeting minutes and press release summaries.

(2) Public Hearing Prior to Submission of TWDB Funding Proposal.

As required by TWDB rules, the North East Texas RWPG held a public hearing to gather comment and ideas from the public before submitting a proposed scope of work and budget for the regional planning process. The hearing was held in Gilmer, a central location in the North East Texas Region, in June 1998 and was attended by approximately 70 people. The comments were summarized in the Scope of Work and addressed such issues as reservoir development, interbasin transfers, groundwater quality, the link between water planning and economic development, community concerns about displacement due to reservoir development and many other concerns.

(3) Outreach and Survey of Water Providers.

One of the exceptional aspects of the planning process in the North East Texas Region was the outreach process to involve every water provider in the region. This was done for two reasons. First, the RWPG wanted a review of population and water demand data provided by the TWDB, especially relating to the "County Other" category, referring to the large portion of the population of the North East Texas Region that is located in rural areas and small towns. Second, the consultant team surveyed water providers to gather a large volume of information about current water supplies, current and projected water demands, and the management and policy problems encountered by these organizations in their day-to-day operations and long-term planning. This was an invaluable source of information for the public outreach process.

(4) Development of a Public Participation Plan with a Subcommittee of RWPG.

From the beginning of its work, the North East Texas RWPG emphasized the importance of public outreach and education. The consultant team's public outreach specialist worked closely with a subgroup of members to design the initial Public Involvement Plan. The members of the subgroup were: Tony Williams, Steve Dean, Gary Jackson, Billy Adams, Ruth Culver and Mendy Rabicoff (a RWPG). Given a limited budget for the outreach program, the subgroup recommended, and the RWPG approved, a program consisting of three elements: 1) presentations to community groups by RWPG members, using slides prepared by the public involvement specialist; 2) distribution of press releases prepared by the consultant on the day following each monthly meeting to all daily and weekly papers in the region; and 3)

outreach interviews with members of the RWPG and key stakeholders to identify issues of special importance.

(5) Hosting by RWPG Members of Community Meetings.

Many members of the North East Texas RWPG made presentations to business clubs, membership organizations, professional associations, County Commissioner Courts and other groups. Hundreds of people heard about the basic elements of the regional planning process through these presentations. The issues and concerns raised by the public at these sessions were forwarded to the consultant team for inclusion in their research. Several members of the consultant team also made presentations at these meetings.

(6) Development of Slide Presentations for Public Information.

The public involvement specialist prepared three different slide presentations for use by the North East Texas RWPG members. In addition, these slides were posted on the Internet site of the Northeast Texas Municipal Water District, the administrative agency for the North East Texas RWPG.

(7) Preparation and Distribution of News Briefs After RWPG Meetings.

The public involvement specialist prepared a summary of each meeting in the form of a press release that was distributed to daily and weekly papers across the region. These press releases were often used as the basis for news stories in papers in Longview, Mount Pleasant, Texarkana, Mount Vernon, Paris and other towns and counties.

(8) Interviews With RWPG Members.

An important method of identifying issues of public concern was a series of in-depth interviews conducted by the public involvement specialist over a six-month period in 1999. These interviews identified issues but also other organizations and individuals with particular interest in issues involved in regional water planning. The consultant prepared a report summarizing the issues revealed through the interview process.

(9) Contacts with Media.

In addition to distributing press releases, the consultant team contacted reporters and editors at major papers in the region. Through their efforts, several major stories helped to educate the public about the regional planning process. The lack of a large city in the region made television coverage impractical.

(10) Public Meetings and Public Hearing Prior to Submission of Initially Prepared Regional Plan.

The North East Texas RWPG conducted a series of five public meetings and one public hearing to gather public input on the Initially Prepared Regional Water Plan. These sessions took place in September 2000. All oral and written comments were recorded and were considered by the RWPG in the Adopted Regional Water Plan.

7.2 Responses to Public Comments

The North East Texas RWPG approved the *Initially Prepared Regional Water Plan* for release to the public on August 25, 2000. TWDB planning rules at §357.12 (a) (3) require "a public hearing following

preparation, but before submittal to the board, of an initially prepared regional water plan, to be held in a central location within the regional water planning area..." Pursuant to the rules, the North East Texas RWPG made copies of the report available for public inspection in the County Clerk's office of each county within the North East Texas Region and in at least one public library in each county.

In order to provide opportunities for all residents of the region to comment on the Initially Prepared Regional Water Plan, the NETRWPG held a series of five public meetings in addition to the required public hearing. The informal meetings took place as follows:

September 12	Paris (Lamar County) and Longview (Gregg County)
September 14	Texarkana (Bowie County)
September 21	Greenville (Hunt County) and Canton (Van Zandt County)

Each public meeting began at 6:30 PM and included a presentation on the principal elements of the Initially Prepared Regional Water Plan, followed by a question and answer period. The sessions ended by 9 PM. The public hearing took place on September 28, 2000, at 1 PM in Gilmer (Upshur County). Approximately 200 persons attended the six events, and the consultant team recorded all questions either on video tape, audio tape or notes recorded by at least two persons.

Following the public hearing on September 28th, the NETRWPG approved submittal of the Initially Prepared Regional Water Plan to the TWDB.

All public comments provided either orally or in writing at the public meetings and hearing as well as comments received by interested parties who were not able to attend any of the public sessions were summarized and considered by the North East Texas RWPG prior to adoption of the final Regional Water Plan.

Following is a written summary of comments received with responses. In some cases, general responses are provided to a group of questions; in other cases, the general responses are accompanied by answers to specific questions.

Copies of comments submitted to the Planning Group in writing are reproduced in full in Appendix A, *Supplemental Data and Information*. Names of participants at the public meetings and hearing are also listed in Appendix A, but because comments have been summarized, in most cases, names are omitted from the responses provided below.

Comments are grouped into the following issue areas:

- (a) Marvin Nichols 1 Reservoir and Related Issues
- (b) Other Reservoir Sites
- (c) Water Policy
- (d) Condemnation and Property Rights
- (e) Groundwater
- (f) Ecologically Unique Stream Segments and Environmental Protection
- (g) Conservation and Alternative Technologies
- (h) Regional Water Planning Process, Strategies and Terminology
- (i) Public Participation Process

7.2 (a) Marvin Nichols I Reservoir and Related Issues

The recommendation involved in the Initially Prepared Regional Water Plan in support of Region C's strategy to build Marvin Nichols I Reservoir drew a large number of comments. Questions and comments illustrating public concerns are grouped below in four categories, and responses are provided to each category rather than to each question.

Benefits, Ownership and Water Uses in Region D for the Proposed Marvin Nichols I Reservoir:

1. How would the Marvin Nichols I reservoir help the North East Texas Region if all the water goes to Region C?
2. Who would own the reservoir – would we have any control? Will the Army Corps of Engineers own the lake?
3. What would cause Region C to switch to the three alternative reservoirs?
4. What portion of Marvin Nichols I would be reserved for the North East Texas Region? Could the percentage be changed?
5. Can any of the portion of the yield of Marvin Nichols I be used for agriculture within the North East Texas Region?
6. Since they're flooding my land, why can't water be used to irrigate land?
7. Would water from the Marvin Nichols I reservoir be provided to Dallas under a contract or would they own water rights?

Response:

The Region C Regional Water Plan proposes construction of the Marvin Nichols I Reservoir to meet needs of the Dallas-Fort Worth metropolitan area over the next 50 years. The North East Texas Regional Water Plan supports that strategy by recommending construction of the proposed reservoir, or construction of an alternative group of reservoirs (Marvin Nichols II and George Parkhouse I and II) if Marvin Nichols I cannot be built. The North East Texas Plan also recommends that a portion of the water yield of Nichols I (the yield is estimated at approximately 561,300 acre-feet) be reserved for the North East Texas Region. It is that portion of the project that would benefit this region.

None of the details of the proposed project have yet been determined, but it is likely that the Sulphur River Basin Authority will be the lead agency in developing the project. It is not anticipated at this time that the U.S. Army Corps of Engineers will build the project. Such Major Water Providers of Region C as Dallas Water Utilities and the North Texas Municipal Water District would be the major users of water from the project and would make the project financially viable. How much water would be retained in the North East Texas Region, what the uses and method of distribution of that water would be, how much it would cost this region, whether each participating agency would own a percentage of water rights or one public entity would own the rights and sell water to the others, are all questions that have not yet been answered.

Regarding questions about the future uses of water from the Marvin Nichols I Reservoir, it would be possible for water to be used for irrigation, provided that the irrigator obtained the appropriate contracts from the owner of the water rights stored in the reservoir.

Design and Location Issues of Marvin Nichols I:

8. How long will it take to construct the reservoir in the Region C plan? Does it filter the North East Texas Region?
9. Is Marvin Nichols I bigger or smaller than Ray Hubbard?
10. Clarify the difference between Marvin Nichols I and II.
11. Where would the Marvin Nichols I dam be built?
12. What is the conservation pool? What if the spillway were to be that high?
13. How high could the lake get? What is height of Marvin Nichols I and of the other Sulphur River basin lakes that might be built? How far upriver would Marvin Nichols I extend? Do you have the elevations yet?
14. Can they change the position of the dam?

Response:

The information available to the North East Texas Regional Water Planning Group about the design and specifications of the Marvin Nichols I reservoir project is contained in the Reservoir Site Assessment Study (Appendix B). That assessment had the limited purpose to "determine which sites for future reservoir development to include in the regional water plan." The study is a reconnaissance-level report, which is based on available information from prior studies updated to 1999 costs. The precise location of the dam, the elevation the water would be permitted for, and many other specifications are noted for most sites but are subject to change and would be closely reviewed by state and federal agencies during the permitting process.

Based on available information, the study reports that the dam would impound 1,369,717 acre-feet of water and cover 62,128 acres of land. Lake Ray Hubbard, by comparison, covers approximately 22,745 acres. The Marvin Nichols I conservation pool (the water stored to satisfy water rights) would rise to an elevation of 312 feet mean sea level. Levels above this would be reached under flood conditions. For example, the probable maximum flood elevation is 319.1 feet mean sea level, which would extend over 77,612 acres of land. The site of the dam would be on the mainstem of the Sulphur River at River Mile 114.7, upstream of the confluence with White Oak Creek. This location was chosen in the past as a result of engineering surveys as the best site for a reservoir of this size. Changing the location is possible but could affect the capacity and yield of the reservoir. The precise "footprint" of the reservoir, location of the dam, elevation and size of the conservation pool and many other issues will be determined by the agencies involved at the time they actually seek the relevant permits from the state and federal agencies.

Marvin Nichols II would be located on White Oak Creek, rather than on the mainstem of the Sulphur River, and the dam would be constructed at the confluence with the Sulphur River, contiguous to the site of the Nichols I dam. It is a much smaller project than Nichols I, and the Region C water providers have indicated that Nichols II would have to be built with the Parkhouse I and II projects

(located upstream on the south and north forks of the Sulphur respectively) in order to equal the yield of Nichols I.

Influence of Marvin Nichols I on Lake Wright Patman and Downstream Water Users:

1. The installation of one or more reservoirs will cause a decrease in the water available to Wright Patman Lake subsequently reducing the water available for discharge from Wright Patman Dam. ...[T]he ability for the [International Paper] Texarkana Mill to conduct normal operations will then be compromised. Local water supply [of approximately 10,000 persons] would also be affected.
2. Early estimates of the acreage required for construction and mitigation to wetland status would have a significantly negative impact on wood supply to the [International Paper Texarkana] mill. ... The estimated costs to the mill could be devastating.
3. How do water rights work for new reservoirs? If Marvin Nichols I is built, would Wright Patman still get water?
4. What if the lake volume drops? Would they not be able to fulfill contracts?
5. Are you building a chain of lakes on the river? What will be the impact on Wright Patman?
6. How can you both sell water to Dallas from the Sulphur River and raise the level of Wright Patman?

Response:

Under current Texas water law, TNRCC could only issue a permit for new water storage rights if existing water rights were fully protected. In addition, state interbasin transfer policy would also come into play, requiring a full analysis of the economic impact of transferring the water out of basin as well as a hydrologic and water rights analysis. We believe TNRCC would require Nichols I to release all water necessary to satisfy the rights to water stored in Lake Wright Patman, as well as rights of the International Paper Mill at Texarkana, other downstream run-of-the-river rights and additional flows required for environmental purposes.

The concern about the impact of a new reservoir on the discharge of wastes into the stream of a particular facility, like the International Paper mill, is a significant issue but is well beyond the reconnaissance-level study of potential reservoir sites. The comments indicate that reducing the flow of unappropriated waters that now pass the discharge point would have the effect of raising the concentration levels of contaminants in the waste stream and put the paper mill into noncompliance with the levels specified in its discharge permit from TNRCC. If compliance with the permit depends on flows that would now be stored in a new upstream reservoir, there are several ways in which this problem could be dealt with, should the project proceed. First, the downstream impacts of all kinds associated with Nichols I (in fact, all the impacts within the Sulphur Basin) would be closely reviewed by TNRCC, and mitigation measures could be specified at that time. It is also possible that mitigation of impacts of this sort could be the subject of negotiations among the lead agencies in the course of determining how the benefits and costs of the project would be shared between regions. If these opportunities did not adequately protect the mill, it would be possible for the mill to purchase or lease additional water from either Lake Wright Patman or from Nichols I to assure its ability to meet discharge permit conditions.

Impacts on wood supply available to the mill are also important and would be considered in the permitting process and in negotiations between the lead agencies of each region. The interbasin transfer provisions of SB-1 were designed to address just such concerns of economic impacts on important industries, such as agriculture and forest products, in the basin of origin. It is not possible to anticipate what remedies or mitigation measures might be possible at this stage.

As noted, it is beyond the scope of this planning effort to evaluate such site-specific impacts or to suggest exactly how those impacts might be avoided, minimized or mitigated. The concerns, however, are valid and need to be raised in the appropriate forums at such time as a project proposal is presented to state and federal permitting agencies.

Environmental and Socio-Economic Impacts of Marvin Nichols I:

1. Construction of Marvin Nichols I would result in destruction of the White Oak Creek wildlife management area and other areas.
2. The proposed Marvin Nichols I reservoir will destroy the habitat of the paddlefish, a species that lives only in certain stream segments of the Sulphur River in Bowie County. Other endangered species or protected species likely to occur in the proposed reservoir area include Bachman's sparrow, creek chubsucker, alligator snapping turtle, interior least tern, bald eagle, American swallow-tailed kite, timber rattlesnake, and southeastern myotis. Endangered natural communities in the proposed reservoir area are the imperiled and very rare globally silveanus dropseed series and the Texas state-listed sugarberry-elm series.
3. Would Marvin Nichols I cover mined land and send pollution down this way?
4. I understand that fly ash was dumped on the Talco fault line. Would that come downstream if Marvin Nichols I were built? Can you dig out the fly ash and do something with it?
5. Marvin Nichols I will devastate the area and change our way of life. They need to find alternate sources of water, such as wells and dredging lakes.
6. We are concerned that there is not enough additional high valued bottomland hardwood habitat or lands suitable for habitat improvements available in the Sulphur River Basin to compensate for the large amount of habitat that would be lost due to the construction of the Marvin Nichols I Reservoir. ... The Plan assumes that the amount of mitigation land required is equal to the amount of land required for the reservoir itself. The amount of mitigation land required may not be equal to the size of the project. Compensation may require more land than in the conservation pool, flood easements and lignite rights combined. The Texas Water and Wildlife assessment indicates that a minimum of approximately 163,620 acres of intensely managed mitigation land to 648,578 acres of minimally managed mitigation land would be required to compensate for habitat loss for the Marvin Nichols I Reservoir site alone.

Response:

These questions are representative of concerns about the impact of actual development of the Marvin Nichols I reservoir. As noted in the previous response, it is beyond the scope of this planning study to review these issues in detail or to suggest how they might be addressed or resolved. The Nichols I water management strategy has been selected by Region C as a means of meeting its water needs over the next 50 years. *The North East Texas Region is not required to evaluate the project according to the criteria specified in the TWDB rules on regional water planning because it is not proposing this option to meet*

any of its water needs over the next 50 years. The North East Texas Regional Water Planning Group is supporting implementation of the Nichols I strategy (or a group of alternative reservoirs) provided a portion of the water is reserved for future use within the North East Texas Region, possibly beyond the 50 year planning horizon of this study. If such a surface water management strategy should be adopted in the future, the North East Texas RWPG would have to evaluate it under the TWDB rules and amend the regional plan to incorporate the option.

The Reservoir Site Assessment Study (Appendix B) identified a number of environmental issues relating to Nichols I. Within the site there are several rare, threatened or endangered species, though the scope of impact to each species has not been studied. There are also substantial wetland areas, and the US Fish and Wildlife Service has identified a Priority 1 Bottomland Hardwood Area and a Priority 5 area. Further study of these and other environmental issues will occur during the state and federal permitting processes once the details of a Nichols I proposal have been determined.

The exact language of the recommendation on Nichols I is important to quote here as a further response to the many concerns expressed about this aspect of the Initially Prepared Regional Water Plan:

"The development of the Marvin Nichols I reservoir site as a future water source for the Dallas-Ft. Worth Metroplex would require interbasin transfer authorizations from the Texas Natural Resource Conservation Commission. Among its many provisions, S.B. 1 includes provisions (Texas Water Code, Section 11.085) requiring the TNRCC to weigh the benefits of a proposed new interbasin transfer to the receiving basin against the detriments to the basin supplying the water. S.B. 1 also established the following criteria to be used by the TNRCC in its evaluation of proposed interbasin transfers:

- The need for the water in the basin-of-origin and in the receiving basin.
- Factors identified in the applicable regional water plan(s).
- The amount and purposes of use in the receiving basin.
- Any feasible and practicable alternative supplies in the receiving basin.
- Water conservation and drought contingency measures proposed in the receiving basin.
- The projected economic impact that is expected to occur in each basin.
- The projected impacts on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries.
- Proposed mitigation and compensation to the basin-of-origin.

The North East Texas RWPG supports the full application of the criteria for authorization of interbasin transfers contained in current state law. With regard to compensation to the basin-of-origin, the North East Texas RWPG recommends that a portion of the firm yield of the Marvin Nichols I reservoir, or other projects developed in the Sulphur River Basin for interbasin transfer, be reserved for future use within the basin. The specific terms of such compensation, along with other issues associated with development of the project (e.g., financing, operation of the reservoir, etc.), should be addressed by the appropriate representatives of the Sulphur Basin Authority, in coordination with the Franklin County Water District and the Titus County Freshwater Supply District No. 1, and with the entities in Region C and within the North East Texas Region that are seeking the additional water supply."

7.2(b) Other Reservoir Sites

In addition to the Marvin Nichols I reservoir site, 14 other reservoir sites were recommended to the Legislature for designation as "unique reservoir sites". Included in this group were the Carthage and Waters Bluff sites, and there were several comments that focused on these two potential reservoirs. Other comments raised more general issues about reservoir construction. Following are numerous examples of the issues and concerns raised by these comments. Responses are provided to the questions about straightforward factual issues immediately following the question. Larger issues are dealt with following the questions.

1. Regarding Carthage Reservoir:

- a. What is the source of the iron and manganese in the Sabine River at the Carthage site?

Response:

As noted below, the Reservoir Site Assessment Study (Appendix B) did not include identification of the sources of particular substances or the current levels of concentration in streams where water would be impounded. The Study does note that the Carthage site includes within it or within a one mile buffer area one Superfund site, four municipal solid waste landfills, and two permitted industrial and hazardous waste sites. It also cites the 1997 Update to the Texas Water Plan regarding concerns about "elevated levels of lead in sediments" in the middle third of the reservoir site and "elevated levels of manganese" in the entire reservoir.

- b. Would there be a new bridge if the reservoir is built?

Response:

It is not possible to predict what improvements would be associated with the site if and when a reservoir is ever proposed for development. However, development of new reservoirs often involves highway and road relocations and replacement of bridges.

- c. Can you dig a deeper lake so it doesn't take up so many acres?

Response:

Lakes are not excavated because such an undertaking would be prohibitively expensive. A dam site is generally chosen because it provides a relatively narrow space on a stable bed where a dam can be built to back water up to fill a natural depression, usually a river valley or canyon. Some depressions are shallow and wide, others deep and narrow. Reservoir sites in this part of Texas tend to be shallow and extensive because of the terrain of prairies and woodlands within the Gulf Coastal Plain.

2. It won't do any good to have more dams without the necessary infrastructure improvements. ... The answer for most East Texas water needs is additional wells, increased treatment capacity, additional pipelines and infrastructure. ... When and if additional water is needed, we would like to see small non-mainstem reservoirs such as the proposed Prairie Creek Reservoir be built. ...Giant mainstem reservoirs are not needed. What is needed is capital outlays for additional wells and infrastructure.

Response:

TWDB planning rules specifically exclude planning for local facility infrastructure improvements, except where such improvements to increase well or storage capacity are part of a recommended water management strategy. In fact, all the identified needs of Water User Groups in the North East Texas Region will be met from relatively small-scale and mostly local strategies, such as those mentioned in the comment. In the future, any reservoirs proposed for the recommended sites would include transmission facilities to the major customers. Local planning for handling new water sources through infrastructure improvements is a matter for decisions by local water providers.

3. Future dams should be built off the main stem of the rivers, like Prairie Creek....

Response:

Proposals for impoundments of water in other river basins of Texas have suggested that construction of artificial structures entirely away from river channels (known as "off-channel reservoirs") and construction on tributaries are viable strategies. In this case, the North East Texas RWPG is not proposing that reservoirs be built at all the recommended locations. It is only recommending that the Legislature protect the sites from actions by state and local agencies that would reserve the site lands for conservation purposes. Please see below for the discussion on the scope and intention of the current recommendation for designation of "unique reservoir sites."

4. It is ironic that the North East Texas RWPG concern for property owners leads to no designation of ecologically unique stream segments but to recommendations for designation of 15 unique reservoir sites.

See section below on property rights.

5. We need to plan ahead for people moving into the region. It is important to plan new reservoirs now.

Response:

The Planning Group agrees and has taken the initial steps to ensure that future options are preserved for meeting needs through appropriate water management strategies, including the possibility of new reservoirs being developed in the future.

6. No more dams are needed on the Sabine River in this part of Texas.

See discussion below.

7. Would there be mitigation for Cooper Lake? Would Parkhouse I be an extension of Cooper Lake?

Response:

Cooper Lake was built by the Army Corps of Engineers and there already exists a mitigation area to offset the loss of wetlands caused by the lake. Parkhouse I would be downstream of Cooper Lake but would be an independent structure, not an extension of Cooper.

8. Who were George Parkhouse and Marvin Nichols?

Response:

George Parkhouse was a state representative and senator from the Dallas area, serving during the 1940's through the 1960's. Marvin Nichols was an engineer and water planner from Fort Worth who had a major role in the development of many of the reservoirs in Texas.

9. What does "proposed" mean in relation to Parkhouse and Estes reservoirs?

See discussion below.

10. The proposed Waters Bluff Reservoir and Belzora Landing Reservoir are not needed, should not be classified as a "unique reservoir site" and should easily be designated as "ecologically unique stream segment". ... This area has been designated as a "priority one status" by US Fish and Wildlife Service, for hardwood forest quality.

Response:

These reservoirs are not "proposed" to be built by the North East Texas RWPG, the Sabine River Authority or any other appropriate entity. As noted, the RWPG is recommending the preservation of the site lands for potential future reservoir use. If the Legislature followed the recommendation and voted to designate the sites for "unique reservoir site" status, that decision would apply only to state and local agencies. It would not affect the ability of federal agencies to acquire conservation easements. See the discussion below.

11. Please do not build all those reservoirs and destroy so much of our East Texas forests.

See discussion below.

12. What is the location of Ralph Hall Reservoir?

Response:

The Ralph Hall Reservoir is a project proposed by the Sulphur Valley Water Supply Corporation (SVWSC) to be located in Fannin County, within Region C, on the North Sulphur River. The dam would be located on the west side of State Highway 34, just north of the City of Ladonia. It is a medium-sized reservoir that would impound approximately 125,000 acre-feet of water and would have a firm annual yield, according to a study prepared for the SVWSC, of approximately 30,500 acre-feet.

13. What is the cost of moving graveyards when a reservoir is built?

Response:

The Reservoir Site Assessment Study (Appendix B) includes the methodology for identifying the need for and cost of relocation of all cultural resources, including cemeteries. The cost will vary depending on the size and condition of each cemetery. The assessment for each reservoir includes the cost of resolving identified land use conflicts of this type. For example, the cost given for relocating three cemeteries displaced by Marvin Nichols I is estimated at \$1,532,700. All cost estimates follow assumptions provided by TWDB unless otherwise noted in that study.

14. Is there a preliminary elevation for any of the lakes?

Response:

The Reservoir Site Assessment Study, (Appendix B), includes information on reservoir elevations obtained from previous studies.

15. The National Wildlife Federation has submitted comments generally finding the discussion of reservoir impacts inadequate. It has also provided brief comments on each of the 15 recommended unique reservoir sites urging that recommendations for some be delayed until more detailed information is available and arguing that other sites are not appropriate for the reservoir site designation. (The comments are printed in full in Appendix C.)

General Response on Reservoir Site Recommendations:

The Initially Prepared Regional Water Plan discusses the nature of the unique reservoir site designation in Section 6.1 and is quoted, in part, here to help clarify the intention behind including 15 site recommendations for this designation.

" Pursuant to TWDB rules, the approved scope of work for the preparation of the North East Texas Regional Water Plan included a subtask to "...determine which sites for future reservoir development to include in the regional water plan." Accordingly, consultants to the North East Texas RWPG conducted a "reconnaissance-level" assessment of previously identified reservoir sites in the region. This assessment was based on a review and limited update of information contained in previous studies for three previously "proposed reservoirs" and 14 "potential" reservoir sites. It should be noted that the "proposed" and "potential" designations used here and in the *Reservoir Site Assessment Study* were made only to assist in the planning process and are not intended to convey a relative priority among the various reservoir sites.

The 1997 state water plan recommended development of two new reservoirs within the North East Texas Region – the George Parkhouse II reservoir project (Lamar County) and the Marvin Nichols I reservoir project (Red River and Titus counties), both of which are located within the Sulphur River Basin. It is noted in the 1997 state water plan that development of the Nichols I reservoir could eliminate or significantly delay the need for the Parkhouse II reservoir. Also, the recently completed *Comprehensive Sabine Watershed Management Plan* includes a recommendation that the Sabine River Authority develop the Prairie Creek Reservoir and Pipeline Project (Gregg and Smith counties) to supply projected needs within portions of the North East Texas Region. It should be noted that the Prairie Creek Reservoir and Pipeline Project is being pursued at this time due to the conservation easement limitation on the Waters Bluff reservoir site. If the conservation easement were removed, the Waters Bluff reservoir would be the Sabine River Authority's top priority project to meet projected water needs in the upper Sabine River Basin.

In addition to the proposed reservoirs referenced above, 14 other reservoir sites within the North East Texas Region were also evaluated. These are:

Cypress Creek Basin

Black Cypress (Cass and Marion)

Red River Basin

Barkman (Bowie)

Caddo Lake Enlargement (Marion and Harrison) Red River) Little Cypress (Harrison)	Big Pine (Lamar and Liberty Hills (Bowie)
Sabine River Basin Big Sandy (Wood and Upshur) (Titus) Carl Estes (Van Zandt) Hopkins) Carthage (Harrison) River) Kilgore II (Greg and Smith) Waters Bluff (Wood)	Sulphur River Basin Marvin Nichols II Parkhouse I (Delta and Pecan Bayou (Red

Figure 6.1 shows the approximate location of the previously proposed and potential reservoir sites in the North East Texas Region.

The *Reservoir Site Assessment Study* provided information on various characteristics of each reservoir site, including:

- Location;
- Impoundment size and volume;
- Site geology and topography;
- Dam type and size;
- Hydrology and hydraulics;
- Water quality;
- Project firm yield for water supply;
- Other potential benefits (e.g., flood control, hydro power generation, recreation);
- Land acquisition and easement requirements;
- Potential land use conflicts;
- Environmental conditions and impacts from reservoir development;
- Local, state, and federal permitting requirements; and,
- Project costs updated to second quarter 1999 price levels using the *Engineering News Record Construction Cost Index*."

It must be borne in mind that the only reservoirs that are proposed for construction within the North East Texas Water Planning Region, according to the most recent planning documents, are Marvin Nichols I reservoir which is included in the Initially Prepared Regional Water Plan for Region C and Prairie Creek Reservoir, which is indicated as the top priority in the Upper Sabine Basin by the Sabine River Authority in its 1999 comprehensive management plan.

Thirteen additional reservoir sites are recommended not for construction but for designation by the Legislature for "unique reservoir status". Two other sites, Caddo Lake Enlargement and Black Cypress, were reviewed but excluded from this recommendation. The RWPG believes it is important to preserve the recommended sites for possible future development, beyond the 50-year planning horizon of the current Regional Water Plan. There are two further rounds of consideration of these sites. First, the TWDB will review the North East Texas Regional Water Plan to determine whether it agrees with the recommendations. It may decide to include all, some or none of the proposed sites when it assembles the new State Water Plan. The State Water Plan is due for presentation to the

Legislature in January 2002. If any recommendations for unique reservoir designation were included, the Legislature would begin its consideration in the session beginning January 2003. Both the TWDB and the Legislature will receive extensive public comment during their processes. Given the fact that actual construction at the recommended sites remains speculative, the North East Texas RWPG has nevertheless revised the Regional Water Plan to indicate potential Water User Group recipients from possible future reservoirs at these sites.

7.2(c) Water Policy

TWDB gives special attention to areas where there are conflicts between the plans of adjacent regions. Murray, Thomas & Griffin, the engineering firm working with the Sulphur Basin Joint Task Group of Region C and the North East Texas Region, points out that the Region C Plan calls for repeal of the interbasin transfer provisions of Texas Senate Bill 1 (75th Texas Legislature), including the “Junior Water Rights” provision, while the North East Texas Regional Water Plan calls for the full implementation of those criteria.

Here are some of the concerns most frequently expressed during the public comments period.

1. We should have a policy to keep our water here. Keep the water here because we might need it in the next 50 years after this plan is over.
2. We have to be realistic about water supplies. The groundwater should be reserved for rural folks and agriculture. Surface water should be used for municipal and all other needs.
3. Region C believes the interbasin transfer provisions of Senate Bill 1 are a barrier to the movement of water and should be repealed while the North East Texas RWPG supports the enforcement of those provisions.
4. The purpose of this plan seems to be to supply water to the Dallas-Fort Worth area.

Response:

The question of interbasin transfers, especially transfers that would take Sulphur River Basin water to the Dallas-Fort Worth metropolitan area, has been central to the entire planning effort. With near unanimity, the North East Texas RWPG determined that the best policy for North East Texas Region was to seek to participate in such transfers and to receive appropriate benefits rather than to oppose future transfers of water from the region. The RWPG disagrees with those who prefer a policy of not allowing any exportation of surface water. At the same time, the RWPG supports full application of the many provisions of Senate Bill 1 that serve to protect the interests of the basin of origin when interbasin transfers are at issue. In this regard, the members disagree with Region C, which is recommending repeal of the interbasin transfer provisions of Senate Bill 1. The different approaches of the two regions reflect differing interests but will not be a barrier to continued discussions and cooperation about how best to meet future water needs.

The North East Texas RWPG also considered the future uses of groundwater but did not adopt any recommendation that uses be limited to preferred Water User Groups. Given the fact that there are no groundwater districts in the planning region, the rule of capture applies, and future uses of groundwater will depend on the decisions of private landowners. Local residents would have opportunities under existing law to approve or disapprove the formation of groundwater districts, but it is at that level of decision-making that policies about groundwater use would be determined.

7.2(d) Condemnation and Property Rights

A number of comments urge the North East Texas RWPG to adopt recommendations for fair treatment of property owners in the land acquisition phase of reservoir development. Following are examples of these questions:

1. We need stronger language on compensation for condemnation. We prefer cash payment or like-kind swaps.
2. Since water is a natural resource, why doesn't the landowner get royalties in the condemnation process? I'd like to keep the land and sell water.
3. When they take the land, will they compensate for the living as well?
4. Is there any proposed time for purchase of the land?
5. Can they come in on an easement and build something like a condominium?

Response:

As is the case regarding many other issues concerning reservoir development, the North East Texas RWPG is charged only with planning and identifying water management strategies that can meet water needs. The questions concerning compensation would arise at a much later time after the appropriate entities have applied for permits to construct a reservoir or pipeline project. With regard to interbasin transfers of surface water, like that contemplated for the proposed Marvin Nichols I Reservoir, the TNRCC must consider economic impacts within the basin of origin. That is one forum in which compensation issues could be raised. Others would likely arise well before any actual purchase of land for reservoir construction and/or habitat mitigation began. The Sulphur River Basin Authority is the agency that will likely have the lead responsibility should any of the proposed Sulphur Basin projects be implemented.

The North East Texas RWPG has adopted a new recommendation specifically urging the future developers of proposed and/or potential reservoirs to provide adequate and fair compensation for all property rights.

7.2(e) Groundwater

Most of the concerns about groundwater have been spurred by the proposal of the Ozarka Company to bottle spring water in Wood County for export. Many residents believe this will deplete shallow groundwater that supports domestic wells. Commenters urge policies for:

- Addressing the protection of shallow groundwater, especially relating to the Ozarka proposal in Wood County.
- Recommending the formation of groundwater districts in the North East Texas Region.
- Sustainable use of groundwater as a policy goal for the Carrizo-Wilcox and other aquifers of the region.

Examples of the questions and comments follow:

1. Shallow groundwater is not fully addressed in the plan. It should have protection.

2. If you drain the Queen City and Carrizo Wilcox aquifers, the Sulphur River will lose water. There will be a big effect on industry. Who would be using that water?
3. The Queen City aquifer should be used before the shallow groundwater. Water from the bigger aquifers can be used for industry and mining. Water from the shallow aquifers should be reserved for agriculture and residential use.
4. The RWPG should recommend a transfer fee on groundwater exports. That would create an incentive for industry to locate here to use the water.
5. The plan should recommend groundwater rules to deal with the Ozarka situation.

Response:

The North East Texas RWPG members strongly agree that much more complete data on groundwater availability is needed. Several members expressed reservations about data provided by the TWDB concerning the major aquifers, citing the inability to distinguish groundwater with total dissolved solids concentrations requiring treatment from those that did not and TWDB reliance on groundwater models with little historical well data. The RWPG supports TWDB's current efforts to develop much more complete and accurate groundwater modeling data.

Regarding the regulation of groundwater, North East Texas is an area of the State that does not currently have any groundwater management districts. The formation of these districts depends primarily on a petition by local residents to the TNRCC to form a district and a confirmation election in each county that would be included in the proposed district. TNRCC may also initiate the district formation process, but a local election is still required. Given the importance of local acceptance for the initiation and creation of a new management structure, the RWPG believes it is not appropriate for this regional entity to propose district formation in any county. Residents of any county where a need for groundwater management may exist can make use of the existing laws to begin the process of forming a district. The RWGP also notes that the 2001 session of the Legislature may address a number of questions relating to the formation and powers of groundwater districts.

7.2(f) Ecologically Unique Stream Segments & Environmental Protection

Numerous comments address environmental issues and urge policies that would:

- Protect bottomland hardwoods located at reservoir sites
- Protect endangered and threatened species habitat
- Change some unique reservoir site recommendations to recommendations for ecologically unique stream segments
- Protect environmental stream flows from the impacts of reservoir development.

Examples of questions and comments follow:

1. There are conflicts between the plan and the areas indicated by the Texas Parks and Wildlife Department for ecologically unique stream segments.
2. The plan fails to protect natural resources. Indeed, recommendations to build Prairie Creek Reservoir...and to designate 15 sites as unique reservoir sites, despite the extensive

environmental harm they would cause and the lack of a demonstrated need for the water that would be produced, portend significant harm to natural resources and to agricultural resources.

3. Mitigation is a waste of taxpayers' money.
4. The plan should have an overall discussion of the impacts of dams on the environment.
5. The plan lacks discussion of non-point source pollution.
6. The plan should address the impacts on bottomland hardwoods if the reservoirs are built.
7. The plan should give serious consideration to recommending ecologically unique stream segment designations.
8. The [U.S. Fish and Wildlife] Service believes that your plan should recognize the need for appropriate instream flows for fish and wildlife resources as beneficial uses of water. The Plan should not only identify ecologically unique stream segments, as suggested by SB-1, but should go farther to identify conservation measures that should be taken to ensure protection of the quantity and quality of the aquatic habitats of those areas.

Response:

This group of public comments has raised important issues about environmental impacts and how they are to be addressed and mitigated. The National Wildlife Federation, in particular, has presented a thoughtful critique of the Initially Prepared Plan and finds it lacking in consideration of environmental water needs, instream flow impacts and the analysis of threats to natural resources. The North East Texas RWPG again draws attention to the fact that its recommendations about reservoirs are not equivalent to water management strategies, within the meaning of TWDB rules. Water management strategies are designed to meet the needs of specific Water User Groups over the next 50 years and must be evaluated according to a list of TWDB criteria that include the State Consensus Environmental Criteria relating to instream environmental flows. The water management strategies actually proposed in Chapter 5 to meet the identified shortages of specific Water User Groups are quite small in scale and typically involve adding another well to an existing system or seeking a water supply contract from an existing water supply source.

The North East Texas RWPG respectfully disagrees with the suggestions of several commenters regarding the inadequacy of the environmental review. The water management strategies recommended to meet the relatively isolated shortages identified in the region are quite local in nature, and few, if any, have any significant environmental impacts. The environmental impacts of significance are all associated with the reservoirs reviewed in Chapter 6 ("Additional Recommendations"). The proposed Marvin Nichols I is a water management strategy of Region C and is reviewed according to the full list of TWDB criteria in the Initially Prepared Plan of that region. The proposed Prairie Creek Reservoir is a top priority of the Sabine River Authority for the upper portions of the Sabine River Basin area but is not included in the Initially Prepared Plan as a water management strategy. At such time as that project is presented as a candidate water management strategy, it will be reviewed by the RWPG according to TWDB criteria. It is also important to note that the amendment process can be initiated at any time after adoption of the final Regional Water Plan. The openness of the process assures that additional studies can be completed in the future as changing needs and opportunities arise.

Detailed review of the environmental impacts of each water management strategy, and especially of reservoirs to be used for interbasin transfers as noted above, will occur during the permit reviews of state and federal agencies, including TNRCC and the Army Corps of Engineers.

7.2(g) Conservation and Alternative Technologies

Some commenters urge that conservation should be a centerpiece of the plan, that more information about specific water conservation measures be included in the plan and that the plan should address the role of conservation and drought management in meeting water supply needs. Quoted here are sample comments:

1. There is no attention given to conservation in the plan. The draft plan is devoid of any discussion of conservation measures that should be included in water conservation plans and of any discussion of what water savings might be realized through an advanced water conservation program.
2. The plan fails to recommend advanced conservation and action to reduce instream uses.
3. New water demands can be met by means of conservation.
4. The draft Plan lacks any meaningful analysis of drought management as a mechanism for limiting demand during water-short periods.
5. Desalination should be seriously considered. Dallas should use desalination and not take water from Region D.
6. Why not use turbines (for hydropower?) instead of power plants that use too much water?

Response:

There are three major issues presented in this group of comments: 1) the role of conservation in the Plan; 2) the requirements regarding drought management planning; and 3) proposals that the Plan consider alternative water management technologies, such as desalination.

1) In considering conservation, the RWPG had several concerns. First, it noted an unfortunate popular apathy about water conservation in a region that normally enjoys substantial rainfall. Several members felt that people thought about the issue only in times of drought; and that there was a great need for education at all levels regarding conservation. Second, there was concern that the conservation assumptions built into the TWDB water demand projection scenarios did not take into account those Water User Groups that already had low rates of water consumption. The RWGP agreed with TWDB on a floor of 115 gallons per capita per day (gpcpd) for applying the conservation projections. Without such a floor, it was feared, small water systems, especially in rural areas, that already have per capita levels well below 115 gpcpd, would have to incur unreasonable expense and would receive no credit for their already frugal use of the resource. It was also pointed out that the impact of spreading urbanization tended initially to increase rather than decrease water use in rural areas, but that increase was only due to the availability of improved water and sanitation systems and still fell well within TWDB targets. Finally, the RWGP felt strongly that conservation planning was a local affair and could not be imposed by a regional entity. The entire region has only seven cities with a population greater than ten thousand, and the water providers in those areas have taken steps already to initiate or to implement conservation programs. The Plan does, however, reflect conservation assumptions built into the water demand projections developed by the State. The Texas Water Development

Board's "expected case scenario" incorporates the assumption that under federal law requirements water-saving fixtures will be built into new construction, thus phasing in a reduction in water demand of approximately 15 percent. This level of demand reduction through conservation does not appear in the Regional Water Plan as a water management strategy but rather is reflected in the water demand projections, which would be 15 percent higher if the assumption had not been applied.

2) Drought management planning is a dimension of regional water planning that has largely been addressed through other forums, and recent communication by many Regional Water Planning Groups with TWDB seems to confirm this. TNRCC requires every public water supply system to file a drought management plan, and these are available for review through that agency. The larger water suppliers and wholesalers, and many of the smaller suppliers, already have drought management plans, and where these are lacking it has proven impractical for the Regional Water Planning Groups to undertake the detailed work needed to identify drought management trigger levels for every water source in the region. This is an issue, most of the Water Planning Regions agree, that needs to be revisited by the State in its review of the regional water planning rules. The Regional Water Plan has been revised to include this additional information on the drought contingency plans of designated "major water providers."

3) Alternative technologies, such as desalination, suggested by some commenters are more appropriate for consideration by the large centers of demand in the state that lack adequate resources for the future. The planning study carried out by the North East Texas Regional Water Planning Group determined that, while there were isolated local shortages around the region, there were almost always relatively inexpensive and completely adequate ground or surface water sources readily available. The availability of these sources of inexpensive water makes alternative technologies economically impractical in the North East Texas Region.

7.2(h) Regional Planning Process, Strategies or Terminology

This is a set of varied questions about different aspects of the planning process, and each is answered separately.

1. The Sabine River Authority has submitted revisions to Table 4.34 concerning water supplies and demands for the Sabine River Authority. The requested revisions are in italics as follows:

Table 4.34 (Revised) – Water Supplies and Demands for Sabine River Authority

SUPPLIES (ACRE- FEET)	2000	2010	2020	2030	2040	2050
Lake Tawakoni	238100	238100	238100	238100	238100	238100
Lake Fork	188660	188660	188660	188660	188660	188660
TOTAL	426760	426760	426760	426760	426760	426760

DEMANDS (ACRE- FEET)	2000	2010	2020	2030	2040	2050
Commerce	8401	8401	8401	8401	8401	8401
Edgewood	840	840	840	840	840	840
Emory	2016	2016	2016	2016	2016	2016
Greenville	21283	21283	21283	21283	21283	21283
Quitman	1120	1120	1120	1120	1120	1120
Kilgore	6721	6721	6721	6721	6721	6721
Longview	20000	20000	20000	20000	20000	20000
Point	448	448	448	448	448	448
West Tawakoni	1120	1120	1120	1120	1120	1120
Wills Point	2240	2240	2240	2240	2240	2240
Ables Springs WSC	1120	1120	1120	1120	1120	1120
Cash WSC	3564	3564	3564	3564	3564	3564
Combined Consumers WSC	1680	1680	1680	1680	1680	1680
Community Water Company	92	92	92	92	92	92
Steam Electric (TXU)	12000	12000	12000	12000	12000	12000
Other Regions	337462	337462	337462	337462	337462	337462
Mac Bee WSC	2240	2240	2240	2240	2240	2240
South Tawakoni WSC	1120	1120	1120	1120	1120	1120
Manufacturing (Eastman)	3500	3500	3500	3500	3500	3500
TOTAL	426967	426967	426967	426967	426967	426967

DEFICIT (ACRE-FEET)	2000	2010	2020	2030	2040	2050
TOTAL	207	207	207	207	207	207

Response:

Water demand numbers in Table 4.34 were submitted to the regional planning group for review and adoption over a several month period during the winter/spring of 2000. The regional planning group approved these numbers, which were then submitted to the TWDB with draft Chapter 4.

Subsequently, SRA has identified discrepancies in the demand numbers for Commerce, Wills Point, Cash WSC, Combined Consumers, Steam Electric, McBee WSC, South Tawakoni, and “other regions.” The net result of all changes is an increase in demand of 207 acre-feet. At this point in the planning process, it is too late to change supply or demand figures, which would require formal approval of the Texas Water Development Board, consultation with individual entities that are proposed for change, and consent from the regional planning group.

Revised Table 4.34 is included in Chapter 7, and revisions tabulated therein should be considered in the next round of the regional planning process.

2. Have all the regions been raising their population figures? Can't everyone do it the same way?

Response:

All population and water demand projections were initially provided by the State through the TWDB. The planning rules include a process by which each Region can provide additional data or considerations that would result in changes to the data. All these requests are subject to rigorous scrutiny by the TWDB staff and must be approved by the Board. Thus, all Regions do approach population and water demand data in the same way because they are starting with TWDB data, but each can also argue for changes based on factors unique to each region.

3. Elaborate on the meaning of "built-in water conservation"?

Response:

The water demand projection data provided by the State includes assumptions about conservation. The "expected case" scenario assumes that water will be conserved through the gradual introduction of water-saving plumbing fixtures as required by federal law. This assumption is "built-in" in the sense that the projections based on this assumption show a lower level of water use than would occur in the absence of the introduction of water-saving equipment. The saving has been estimated to be approximately 15%.

4. Ralph Hall Reservoir will meet part of the need in Hunt County and should be included in the Region D plan.

Response:

The use of this water management strategy to meet part of the need of Water User Groups in Hunt County has been noted, and the Regional Water Plan includes revised language to this effect.

5. How does the plan deal with loss of capacity and sedimentation of Lake Wright Patman?

Response:

The Plan makes use of the reservoir surveys prepared by the TWDB and is dependent on that agency's schedule in updating the material on sedimentation. The Plan holds the reservoir yields constant over the 50-year planning period.

6. There is another level of planning between regions. Aren't C and D meeting to look at needs between the regions?

Response:

There is one other level of planning - Regions C and D established a Joint Sulphur Basin Task Group early in the process in order to have a forum for reviewing the common interest of the two regions in that basin. Any discrepancies in planning between regions have to be resolved at the level of State water planning by the TWDB.

7. What is the cost of the Region D planning study?

Response:

The contract amount provided by TWDB to the North East Texas Regional Water Planning Group for the study covering a period of 27 months was \$1,578,440. The State provides 100% of the planning funds, while the Region itself must pay 100% of all administrative costs incurred by the Administrative Agency, in this case, the Northeast Texas Municipal Water District.

8. Clarify the need to conform to the Regional Plan to obtain state funding.

Response:

The SB-1 planning process requires that the State agencies making grant or loan decisions (TWDB) and permit decisions (TNRCC) are to make a finding of "consistency" between the proposed water project and the approved Regional Water Plan. Grants and loans are not to be made to projects that are "inconsistent" though the TWDB can grant a waiver from this requirement.

9. What does "unique reservoir site" mean? Does that designation mean that other agencies, like the Fish and Wildlife Service can't protect the site?

Response:

See the discussion above about unique reservoir sites. The designation would have no impact whatsoever on federal agencies like Fish and Wildlife Service. Federal agencies cannot be controlled by state law.

10. What is the role of TNRCC in this plan?

Response:

TNRCC is involved in the planning process most directly as a source of data about public water supply systems and as the agency responsible for designing and applying a series of new Water Availability Models (WAMs). The WAM program will provide new and improved analyses of water availability in every surface water basin of the State. The first basin to be modeled under the WAM program was the Sulphur River Basin.

11. Who authored SB-1?

Response:

Senator Buster Brown is generally credited as being one of the major driving forces behind this legislation, along with Representative Ron Lewis in the Texas House of Representatives.

7.2(i) Public Participation Process

1. What is the importance of comments made at the public meetings before the hearing on September 27th? Is September 27th the last chance to comment?

Response:

The Planning Group decided that questions raised at all six meetings held around the region, including the five that preceded the meeting on September 27th, would be summarized and responded to in the Final

Regional Water Plan. The public comment period ended on September 27th, but the RWPG has responded herein to comments that arrived after that date.

2. There are supposed to be written public comments in chapter 7, but they are not there. Why?

Response:

The public comment period occurred in the 30-day period following publication of the Initially Prepared or Draft Plan. The comments are summarized and responded to in this, the Final Regional Water Plan.

3. Was the meeting notice put in the newspaper?

Response:

Yes, the notice that announced the availability of the Initially Prepared Plan included announcements of the six public meetings. The notice was required to be printed in newspapers of general circulation in each county and to be mailed to: 1) mayors of every municipality of 100 or greater population, 2) each county judge, 3) each special or general law district or river authority with responsibility to manage or supply water in the regional water planning area, 4) each retail public utility and community water system, and 5) each holder of record of a surface water right for diversions made within the planning area.

4. There is no time for the RWPG to consider public comments before it sends the plan to the state.

Response:

At the same time the Initially Prepared Plan was made available to the public it was also available to the Texas Water Development Board. However, the official submittal to TWDB of the Initially Prepared Plan occurred immediately following the public hearing on September 27th. The period for considering public comments, as well as comments from TWDB and other State agencies, began on September 27th. The months of October, November and December have been devoted to considering comments from all sources and to changing the Plan as the Planning Group determined necessary. Thus, there has been ample time for considering public comments.

5. Why were there no public meetings in Titus or Red River counties?

Response:

Almost every monthly meeting of the North East Texas Regional Water Planning Group has taken place in Mount Pleasant (Titus County). The site for the official public hearing and September meeting of the RWPG had to be moved to Gilmer because the facilities in Mount Pleasant were unavailable. The RWPG returned to Mount Pleasant in October, and each meeting has included opportunity for public comment. The Planning Group, however, has not met thus far in Red River County.

6. The RWPG has inadequate representation of women and minorities and also of environmental interests.

Response:

The North East Texas Regional Water Planning Group extended the scope of representation beyond the twelve interests identified in the SB-1 statute to include at least one representative from each County in

the Water Planning Region. The Planning Group has complied with all statutory requirements relating to representation of interests in the Region, and its members believe they present the full spectrum of views.

7. The RWPG has not done its homework or taken its responsibility seriously.

Response:

The RWPG believes it has taken its responsibilities quite seriously and has carried out exactly the sort of regional planning intended by the Legislature. Its volunteer members have met at least monthly for the past three years and have worked hard to identify water management strategies that will take the North East Texas Region through the next 50 years.

8. Will there be any public meetings of the Sulphur River Authority?

Response:

As the presumed lead agency in developing the Marvin Nichols 1 project, the Sulphur River Authority will certainly hold public meetings in accordance with the Texas Open Meetings Act. The public will have many opportunities for a full review of specific reservoir and water management strategies to be implemented by that agency.

9. Who is the Bowie County representative on the RWPG?

Response:

As noted at the beginning of the Regional Water Plan, Mike Huddleston, Mayor of Wake Village and Chairman of the Sulphur River Authority, has served as the representative of Bowie County.

7.3 Facilitation and Plan Adoption

7.3(a) Sulphur Basin Task Group

From the outset, the North East Texas Regional Water Planning Group has worked with the neighboring Region C Planning Group to deal with issues of common concern. Region C includes the Dallas-Fort Worth Metroplex, and the major water provider organizations of that region have long contemplated the possibility of meeting some portion of their future water needs by construction of new reservoirs in the Sulphur Basin, most of which is located in Region D. The 1997 State Water Plan Update also recommended reservoirs in that basin to serve the future needs of the metroplex. The two planning groups therefore created the Sulphur River Joint Task Group in 1998 through a joint agreement and resolution. Consisting of members from the Regional Water Planning Groups of Region C and Region D, the Task Group was charged with making recommendations to both planning groups. The Task Group received funding from the planning budgets of the two RWPG's to hire an independent facilitation/engineering team.

The team's function was to review study data produced by C and D consultants for consistency, to identify areas of disagreement between the two regions and to facilitate agreement on those issues. The Joint Task Group met several times during the planning period and was a primary means of communication between the two planning groups and their consultants. In this forum, Region D members indicated their desire to receive an indication from Region C about priorities for future reservoir construction. Region C consultants presented a memo outlining a tentative prioritization of reservoir

construction in the Sulphur River Basin, and this memo helped in the formulation of Region D recommendations concerning "proposed reservoirs" in Chapter 6 of this Plan.

7.3(b) County Representation

At its early meetings, the original, state-appointed members of the North East Texas RWPG determined that agreement on a regional plan would be facilitated by having representation not only from the 12 interests mentioned in SB-1 but also from each of the 19 counties in the region. The membership was therefore expanded to include such representation.

7.3(c) Role of Executive Committee

As the planning work of the RWPG intensified in the late 1999 through summer 2000 period, the RWPG made active use of the Executive Committee to review critical issues with consultants by conference calls, when necessary, and immediately prior to each regular RWPG meeting. This system facilitated the consideration of many issues and clarified areas that needed special attention and discussion during the RWPG meetings.

7.3(d) Initially Prepared Plan Approval Process

The above steps facilitated the resolution of inter-regional issues relating to the proposal of Region C to meet the major part of its defined water need by construction of a new reservoir in the North East Region's portion of the Sulphur River Basin. Early and continued sharing of information through the forum of the Sulphur River Joint Task Group and additional contacts between the Regions' consultants and the Co-Chairs of the Task Group helped the two Regions to craft plans that were consistent regarding the major reservoir construction proposal. Differences remained over the Interbasin Transfer provisions of SB-1, but these were not regarded as threatening in any way the cooperative problem-solving relationship for future implementation of the plans.

Each county government assumes special importance in the North East Texas Region where there are few municipalities large enough to support professional water resources staff and many residents turn to their county commissioners for information on critical issues, including water. It was therefore especially important that each County had its own representative on the Regional Water Planning Group. This step greatly facilitated communication across the region and kept the RWPG closely informed about emerging issues. The Chair of the RWPG facilitated decision-making throughout the process and helped resolve numerous differences of opinion with the aid of an active Executive Committee.

7.3(e) Final Plan Approval

The RWPG released the Initially Prepared Plan for public review on August 23, 2000. Following the public comment period, as documented above, the RWPG approved the Initially Prepared Plan for submittal to the Texas Water Development Board on September 27, 2000.

During the next three months, the RWPG discussed public and agency comments, provided direction to the Consultant Team on preparation of responses and approved the responses as well as the changes in the plan resulting from them. On December 13, 2000, the RWPG approved the final North East Texas Regional Water Plan.