



Public Comment Period for Potential Interregional Conflict Between Regions C and D Regarding the Proposed Marvin Nichols Reservoir

Comment Period Ends June 9, 2025

At its May 8, 2025, meeting the Texas Water Development Board requested that members of the public submit written input regarding the potential for substantial adverse effects or other reasons for the Board to find an interregional conflict exists between regions C and D regarding the proposed Marvin Nichols Reservoir.

Comments can be submitted to IRCcomments@twdb.texas.gov and are due by close of business on June 9, 2025.

[Letter from Region D, the North East Texas Regional Water Planning Group, is below.]

NORTH EAST TEXAS REGIONAL WATER PLANNING GROUP - D

Executive Committee

Jim Thompson
Chair

Richard LeTourneau
Vice Chair

Cindy Gwynn
Secretary

Joe Bumgarner
At-Large

John Brooks
At-Large

April 22, 2025

Voting Members

Russell Acker
Counties

David Aikin
Public

Brandon Belcher
Environmental

Greg Carter
Electric
Generating Utilities

Kevin Chumbley
Municipalities

Joe Coats
Environmental

Andy Endsley
Counties

Nicolas Fierro
Water Districts

Richard Garza
Agriculture

Hattie Hackler
Agriculture

Billy Henson
Industries

Robert Hurst
Counties

Conrad King
River Authority

Howdy Lisenbec
Municipalities

Janet McCoy
Small Business

Fred Milton
Public

Ned Muse
Municipalities

Sharron Nabors
Agriculture

Harlton Taylor
Water Utilities

Bryan McMath

Executive Administrator, TWDB

Dan Buhman

Chair, Region C Water Planning Group

Dear Mr. McMath and Mr. Buhman:

At the April 9, 2025 meeting of The Northeast Texas Regional Water Planning Group (Region D), the Planning Group unanimously voted to assert an interregional conflict between the Initially Prepared Plans of Region C and Region D. This conflict is a result of the proposed Marvin Nichols Reservoir being included as a recommended strategy in the Region C IPP. Region D's IPP states that the proposed Marvin Nichols Reservoir would have substantial adverse effect on our Region, including adverse effect on our Region's economic, agricultural and natural resources. Pursuant to TWDB's guidelines, this constitutes an interregional conflict.

BACKGROUND

The proposed Marvin Nichols Reservoir would be located exclusively within Region D although it is a proposed water management strategy only for Region C. Region C and Region D have been in dispute over this proposed strategy for over 20 years.

In anticipation of a potential interregional conflict over Marvin Nichols Reservoir, our Planning Group voted unanimously at our first meeting of this planning cycle to take efforts to try to resolve this potential conflict. The Region D Group authorized me to send a letter to Region C detailing the concerns over the proposed project and attempt to start a process to discuss and meet in order to avoid a potential conflict. On November 11, 2021, I sent a letter to Kevin Ward, Chair of the Region C Planning Group at that time, expressing the potential for an interregional conflict, our hope that a conflict could be avoided, and stating that our Planning Group would be willing to take all reasonable measures to avoid a conflict. Copies of this letter were sent to the Executive Director of TWDB and other TWDB staff.

For almost 3 years, no response to our November 11, 2021 letter was made by Region C other than a comment by the Chair that the water management strategies for Region C this planning cycle had not been decided and their Planning Group felt it was premature to have any meetings or discussions on a potential conflict. On August 21, 2024, I received a letter from the Chair of Region C advising me that Marvin Nichols Reservoir would be a proposed strategy for Region C. He invited Region D members to the September 30, 2024 Region C meeting and allocated time on the Agenda for me to speak on the Marvin Nichols Reservoir. I then invited Region C members to the Region D meeting on October 30, 2024 and allocated time on our Agenda for Kevin Ward to speak on the proposed Marvin Nichols Reservoir.

The Interregional Planning Council Report to The Texas Water Development Board dated October 16, 2020 stressed the importance of identifying issues and potential conflicts at the beginning and throughout the planning cycle. Region D's letter dated November 11, 2021, identifying this potential conflict and expressing a desire to meet and discuss ways to avoid an interregional conflict, was an effort to comply with this directive. The guidelines of TWDB regarding interregional conflicts state: "During the development of their Initially Prepared Plan (IPP) - draft plan - all RWPGs are encouraged by the TWDB to coordinate with neighboring regions and to proactively identify and work cooperatively to avoid potential interregional conflicts." Region D did just that. We requested Region C to join our Group in trying to avoid this potential interregional conflict and were ignored for almost 3 years. For Region C to state that meeting to try to resolve this potential conflict prior to the finalization of Region C's water management strategies seems particularly lame since the proposed Marvin Nichols Reservoir has been a part of Region C's water planning strategy since Regional Water Planning began over 20 years ago.

INTERREGIONAL CONFLICT/ADVERSE IMPACTS

Chapters 6.9, 6.10 and 8.12 of the Region D IPP contain a detailed analysis of the proposed Marvin Nichols Reservoir and the impacts the proposed project, along with the required mitigation, would have on agriculture, the timber industry, farming and ranching, natural resources and environmental factors. Our Planning Group members live in the area that will be affected and have studied the impacts this proposed strategy would have on the economic, agricultural and natural resources. We have also heard from a tremendous number of people that live in our Region, industry and business leaders, community leaders and others regarding the substantial adverse effects this proposed project would have on our Region. The amount of opposition from the citizens of Region D to Marvin Nichols Reservoir is simply unexplainable in words. Many counties, cities and other groups have passed resolutions requesting the proposed Marvin Nichols Reservoir be removed from the State Water Plan due to the adverse impacts this project would have on our Region. That includes Red River County where the vast majority of this proposed reservoir would be located.

To sum up the position of our Planning Group regarding Marvin Nichols Reservoir, I will cite two paragraphs from Chapter 6.10 of our IPP which was unanimously approved by the Region D Planning Group:

“It has been and continues to the position of the NETRWG that due to the significant negative impacts upon environmental factors, agricultural resources/rural areas, other natural resources and third parties, Marvin Nichols Reservoir should not be included as a water management strategy in any regional water plan or the State Water Plan.”

“In order to be included in any regional water plan or the State Water Plan, a proposed project must protect the agricultural and natural resources of the State. The proposed Marvin Nichols Reservoir would inundate vast amounts of agricultural and timber lands in Northeast Texas. In addition, this project will require very substantial acreage to be removed from production for mitigation of this project. It is the position of the Region D Water Planning Group that it is not possible to find that this project protects the agricultural and natural resources of the State when so much agricultural/timber land will be inundated and when it is not known how much additional acreage will be required, the location of that acreage, or the type of acreage that will be taken for mitigation.”

Conversely, the Region C IPP states that the proposed Marvin Nichols Reservoir impacts to the economic, agricultural and natural resources are beneficial or limited.

It is the position of the Region D Water Planning Group that an interregional conflict exists between the Region C and Region D IPPs. We request TWDB determine there is an interregional conflict and begin the process to resolve the conflict.

INDEPENDENT ASSESSMENT

At the Region D meeting on April 9, 2025, the Region D Planning Group unanimously voted to request TWDB require an independent assessment of costs regarding the proposed Marvin Nichols Reservoir. This request is being made due to several factors including the following:

- 1) Discussion regarding the value placed on land and other costs on the proposed Marvin Nichols Reservoir by the consultants of Region C in comparison to values/costs on other potential water supply options for Region C; and**
- 2) The conflict of interest of consultants considering the amount of money that would be allocated for engineering fees on the proposed Marvin Nichols Reservoir.**

On behalf of all of the members of the Region D Water Planning Group, I thank you for your consideration.

Very truly yours,



**Jim F. Thompson
Chair, Region D Water Planning Group**

**cc: Temple McKinnon
TWDB**

**Matt Nelson
TWDB**

**Elizabeth McCoy
TWDB**

**Kyle Dooley
Riverbend Water Resources District**

**Tony Smith
Carollo Engineers**