

**From:** "redbirdsong@juno.com" <redbirdsong@juno.com>  
**To:** <bill.roberts@twdb.state.tx.us>  
**Date:** 10/5/2006 2:30:37 PM

To Bill Roberts TWDB

Please add the following comments to the 2007 State Water Plan:

Kevin Ward

TWDB Staff and Board

As stated in the 2007 State Water plan, Lower Bois d Arc Reservoir will be on-line in 2020 and Marvin Nichols is scheduled to be on-line for 2030.. By building these new reservoirs before utilizing the existing water sources such as Lake Wright Patman and Lake Toledo Bend is a clear violation of 16.051: 16.051

The state water plan shall provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions, in order that sufficient water will be available at a reasonable cost to ensure public health, safety. and welfare; further economic development; and to protect the agricultural and natural resources of the entire state.

Mrs. Braniff,

You stated in your response that:

There is no requirement in the statutes that existing reservoirs be completely utilized

prior to the planning of additional water supply resources to meet future needs. The

inclusion of new reservoirs in the Plan is not a violation of 16.051.

16.051 also calls for a State Water Plan that protects the agricultural and natural resources of the state... The current State Water Plan for both Bois D Arc and Marvin Nichols reservoirs to be on-line ahead of using existing water sources such as Wright Patman, Lake of the Pines, and Toledo Bend....

By building Marvin Nichols reservoir the state plan to submerge 75,000 acres of prime agricultural and hardwood timber, plus require another 162,000 to 240,000 acres of mitigation land... In addition the building of Marvin Nichols will also have a negative impact on the current White Oak Creek mitigation area.. My question to you is: By destroying, not protecting the agriculture, timber, and natural resources of the affected areas, how can this not be a violation of 16.051 which calls for the protection of the above mentioned areas ??? Also, since you are the General Counsel for TWDB, how can this not be a inter-regional conflict, when Region C has Marvin Nichols on their plan and Region D does not ???

Mrs. Braniff,

You state in your recent letter that :

The fact that the development of water supply resources compromises some natural resources

is a question of balance. Every reservoir project requires the inundation of land - that

is a given. The role of the regional planning groups is to adopt a plan that considers

these competing interests and provides adequate water supply for the future.

I would like to address some of the things that you stated in your letter... First I would not call the inundation of 75,000 acres of prime agricultural,

and timber land a "question of balance".. When you consider those 75,000 acres plus another 162,00 - 240,000 acres taken for mitigation area permanently removed from the tax base of the counties affected in Region D area, the balance seems very one-sided towards Region C... Is Region C going to share the profits of selling water to the D/FW metroplex with Region D to cover the loss of tax revenues in the counties of Region D ??? All this so Tramell Crow and Jerry Jones can afford to use over 1,000,000 gallons of water per month each for their lawns ??? All of this when currently there is over 1,000,000 acre ft. available for sale at Lake Toledo Bend, 100,000 acre ft. available at Lake of the Pines, and an average of 60,000-350,000 acre ft. available by raising Lake Wright Patman 1-5 feet.. Add these sources together and you have an available water source that is 2-3 times greater than the yield of Marvin Nichols without the expense of building a new reservoir and no new private acreage needed...

Now on to the inter-regional conflict issue.. You state:

Interregional conflicts in regional water plans are those that contemplate the utilization

of the same water resources for mutually exclusive uses. The fact that some people in

Region D may object to the development of a water resource in Region D to provide water

supply for people in Region C is not an interregional conflict. It is simply an objection

those people have to Region C's plan.

I would have to say that the owners (some people) in Region D of the 237,000 - 315,000 acres whose land will be taken from them for the building of the new reservoir or for mitigation would disagree with you... I would bet if you poll the people who will lose land in Region D, that a solid majority are in objection to the new reservoir Marvin Nichols.... I suppose that this is still a "question of balance" between Region C and Region D, and once again the scales tips towards a one-sided balance... If Region D or Region H decided to build a new reservoir on the lower Trinity River in the territory of Region C and Region C was in jeopardy of losing hundreds of thousands of acres, I would expect that Region C and the folks in Dallas would have some serious questions about how the TWDB decides who is right in these "questions of balance" and these non-conflicts ...Would you Mrs. Braniff tell Region C that this was "simply an objection" to the Region D or H plan, or would the TWDB step in and decide that not be legal for Region D or H to build a new reservoir in Region C's territory??? If one region has the right to take advantage of the resources and income of another region with no intervention of the TWDB, why do we need the TWDB ??? We can rename TWDB, RCWDB ( Region C Water Development Board ) and save everyone some time...

Sincerely,

Red Birdsong  
3679 Cooper Creek Rd.  
Denton, Texas 76208