

ATTN: BILL ROBERTS

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October 5, 2006

The Honorable E.G. Rod Pittman, Chairman
Texas Water Development Board
515 South 1st Street
Lufkin, TX 75901

Dear Mr. Pittman:

The North East Texas Regional Water Planning Group (NETRWPG or Region D) is totally unsatisfied with the conclusions in the state water plan regarding Marvin Nichols Reservoir. The state plan repeatedly refers to Marvin Nichols as "recommended" without making it clear that it is "recommended" by Region C but that Region "recommended" against it. These conclusions are unacceptable to the NETRWPG as a group and to members individually. If the intent of Senate Bill 1 was for the state water plan to result from "ground up" water planning from the regional groups, the draft state plan has failed miserably.

Why Marvin Nichols is unacceptable to Region D

I would assume, as a Board Member of TWDB, that you would ask yourself why Region D chose to eliminate the Marvin Nichols Reservoir and to make it clear that the reservoir is unacceptable to our region. We eliminated Marvin Nichols Reservoir for several reasons:

First, the acres lost to our region, both in the footprint of the reservoir and to the required mitigation, would be an enormous loss to our timber and agricultural base. Agricultural entities are opposed to it, including ranching, farming and timber interests, as well as the businesses that support these interests, both directly and indirectly.

Second, the loss of pristine habitat for diminishing species of flora and fauna and the impacts to the river, forests, and other natural resources would be staggering.

Third, we eliminated Marvin Nichols because it is clear that the citizens of our region are overwhelmingly against it. This has been shown repeatedly. Conversely, the only people for it are those that stand to gain monetarily from it, and that is only a few from our region.

Conservation and environmental groups recognize the staggering losses of this ill-conceived reservoir. The estimate made by the U.S. Fish and Wildlife Service and Texas Parks and Wildlife Department of how much acreage would be required to mitigate it (163,620 to 648,578 acres) is clear indication of the reservoir's incredible level

of impact. The shallowness (low yield per acre inundated, so necessity for large number of acres) exacerbates those impacts.

Region D's offer of a cost-competitive viable alternative

Raising the level of Lake Wright Patman would yield an average of 60,000 acre-feet per year for every one foot in elevation it is raised. The elevation can be raised to 239 feet mean sea level (an increase in yield of more than 700,000 acre-feet per year) without adversely affecting landowners, farmers, ranchers, the timber industry, or the existing wildlife management area. We ask the Texas Water Development Board: why isn't this the recommended option?

Misdirected guidance from TWDB

When, after careful weighing the information presented, the North East Texas Water Planning Group reached the conclusion that Marvin Nichols Reservoir would greatly harm the people, economy, and natural resources of our region, the members, having the working relationship we have with the TWDB, legally, financially, and in many cases, personally, asked the state agency that empowers us how we should proceed to get Marvin Nichols out of the state water plan. We first looked to TWDB for guidance in 2002, asking how to amend our plan to "demote" the Marvin Nichols Reservoir from "proposed" to "potential". After receiving guidance from the TWDB, we did amend our plan, only to learn from TWDB that the words proposed and potential had no legal meaning.

Because it was by this time very clear to TWDB, affected citizens, landowners, farmers, ranchers, timber interests, conservation and environmental groups, and others interested in protecting our natural resources, both from our region and across the state, that the NETRWPG wanted to eliminate the Marvin Nichols Reservoir as an option in our region, we again sought guidance from TWDB.

Upon asking TWDB how to get Marvin Nichols out of the state water plan, the answer that many of the leaders and members of NETRWPG received was "Take it out of your plan." While serving on the State Water Conservation Implementation Task Force in Austin, I personally asked of Kevin Ward, Executive Administrator of the Texas Water Development Board, "How can Region D totally kill Marvin Nichols Reservoir?" In direct response to my question Mr. Ward's answer was, "Take it out of your plan. If it's in, it's in. If it's out, it's out." Given Mr. Ward's ongoing knowledge of the immense opposition to the proposed Marvin Nichols Reservoir within the 19-county Region D community, this seemingly direct and logical answer to my question made sense. So we took Marvin Nichols out of the Region D Water Plan. We went a step further and stated that it was our position that it should not be in any regional water plan or the state water plan. According to Mr. Ward's response to my question, that should have been the end of Marvin Nichols. It should have been enough to "totally kill" it.

Instead we find that Marvin Nichols is not only not dead, it is described in the draft state water plan as "recommended". Not even as "recommended by Region C but not by Region D". Just "recommended".

On Page 34, the Draft State Water Plan contains one sentence that indicates Region D's disagreement with whether Region C's plan would adequately protect the state's water,

agricultural, and natural resources in recommending the proposed Marvin Nichols Reservoir. Throughout the rest of the plan, Marvin Nichols is often referred to as "proposed" and "recommended", implying that there is a consensus. There is no consensus among anyone other than Region C that Marvin Nichols should even be in the Draft Water Plan. After the absolutely clear actions that Region D has taken to remove Marvin Nichols from its plan, giving the reasoning for its actions, after getting guidance from the TWDB in regards to removing it from the Region D plan, shouldn't the Board members of the TWDB offer some explanation to the Region D members, the thousands of citizens, ranchers, farmers, landowners, business owners, industry leaders, and our state representatives and state senators, what the purpose was for Region D having met for the last eight years?

I have met many of the people associated with TWDB, consider many as my friends. All are highly competent and very knowledgeable. I would add that TWDB may be the easiest state agency to work with, among many.

My question to TWDB board members is: "Since Region D functions as a group, seeking guidance from the TWDB on a regular basis, shouldn't a lay person or a member of Region D assume, given the above comments by the TWDB, that if we vote to take the Marvin Nichols Reservoir out of the Region D plan, that we effectively kill it for all future intent and purposes?"

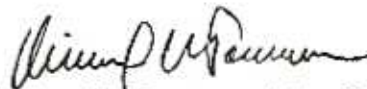
Request for review and correction

I fervently ask the members of the TWDB Board to look again at the disparity between the Region D Plan and the Region C plan. There are other solutions besides new reservoirs, many of which have been identified and are on the table, to meet the future water demands of Region C. There seems to be a common denominator among most of the proposed "solutions" emanating from Region C. Region C doesn't want to buy water that already exists or could be made to exist through enhancement of existing impoundments. Region C wants to own and control water, and therefore its cost, at the expense of continually destroying the natural resources, livelihoods, quality of life, and cultures of rural people who are somewhat different than most of the residents Region C. Left unchecked, there can be no end to this. That the most wasteful in Texas have a right to continually take from those who have the least, is wrong, especially when Region C has other cost-competitive options.

These are my thoughts and the thoughts of the majority of NETRWPG (Region D).

Region D has twice voted to get Marvin Nichols Reservoir out of the state water plan. My final question for you: How many times must we vote to be heard?

Sincerely,



Richard LeTourneau, Vice Chair
North East Texas Water Planning Group (Region D)