

Congress of the United States
Washington, DC 20515

November 2, 2015

Ms. Cynthia Giles, Assistant Administrator
Environmental Protection Agency
Office of Enforcement and Compliance Assurance 2201A
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Dear Assistant Administrator Giles:

We are writing in our capacity as Members of Congress who represent the service area of the North Texas Municipal Water District (North Texas MWD) to express our concern over delays in issuing the Clean Water Act Section 404 permit (404 Permit) for the Lower Bois d'Arc Creek Reservoir (Reservoir). While the North Texas MWD has a productive working relationship with EPA, recent requirements add potential delays that have created an urgency to re-address how EPA, and the U.S. Army Corps of Engineers (USACE), will meet the North Texas MWD's need for a 404 Permit no later than June 2016.

North Texas MWD currently provides water for more than 1.6 million of our constituents in one of the fastest growing urban areas of the nation. In Collin County alone, 2013 population growth estimates originally indicated that the build-out population for the county would be about 2.1 million, and 2015 estimates now reflect a build-out population of 3.4 million. Water supplies, like the Reservoir, must be developed in an efficient and expedient manner to ensure that North Texas MWD can supply this growing population the water it needs.

Over the past 5 years, North Texas MWD has been faced with significant challenges, particularly a multi-year severe drought and the loss of over 28% of its water supply due to the presence of zebra mussels in Lake Texoma that triggered potential liability under the Lacey Act. To address these challenges, North Texas MWD had no choice but to require its customers to restrict watering to only twice per month—the most restrictive watering requirements to be implemented by a major water supplier in Texas. Our constituents that are served by North Texas MWD cannot afford to again experience such watering restrictions that significantly impact communities and stifle economic growth.

These experiences have made clear the urgency of moving forward with the permitting and construction of the Reservoir. While the timing and extent of future droughts is unknown, there can be no question that water shortages and a vastly growing population mandate new strategies to ensure adequate, reliable water supplies for our Districts in the 21st century. This includes the continuation of the rigorous water conservation efforts adopted during the recent drought and the construction of new surface water reservoirs.

North Texas MWD began working with State and Federal partners on the permitting of the Reservoir in 2007. Based upon future water supply needs of North Texas MWD, this Reservoir needs to be online by the year 2020. This, in turn, requires that construction be initiated no later than June 1, 2016. The State of Texas has already issued the necessary water right permit for the Reservoir; the first in many years. It is now essential that we move on to the final step of the USACE issuing the 404 Permit to allow construction of the Reservoir to begin by mid-2016.

It is our understanding that issues have arisen involving the USACE, EPA, and the North Texas MWD concerning the appropriate model used to assess the forested wetland impacts and mitigation requirements for this Reservoir. We are concerned that this could cause long delays in construction for the Reservoir

that in turn could imperil North Texas MWD's ability to meet the water supply needs of our constituents. We urge the EPA, in its role of evaluating the Reservoir for compliance with both the National Environmental Policy Act and the Clean Water Act, to do everything in its power to move ahead with the permitting process in a way that does not delay the ability to bring this critically needed Reservoir online no later than 2020.

We are also very willing to host a meeting in our offices on Capitol Hill so that you and your staff can join representatives of the North Texas MWD to discuss how best to ensure the Reservoir is permitted and constructed within the required timeframe and in a manner consistent with the applicable federal laws and regulations. Thank you very much for your attention to our concerns. We look forward to working with you to identify and implement a solution that will help ensure the critically needed water supplies of the people we represent.

Sincerely,



Pete Sessions
Member of Congress



Sam Johnson
Member of Congress



John Ratcliffe
Member of Congress