

H.R. 4466, The North Texas Reservoir Approval Act **Frequently Asked Questions**

Our local reservoirs are nearly full right now. Do we really need another reservoir?

Yes, we absolutely need the Lower Bois d'Arc Creek Reservoir. While we have been blessed with significant rainfall over the last year due to El Niño conditions, North Texas faces a challenging situation with rapid population growth and dwindling water resources. A study carried out by the North Texas Municipal Water District (NTMWD) shows that even during non-drought, normal year demand, the current total existing water supply will be insufficient to meet demand by the year 2020. Beyond 2020, water demands in North Texas will continue to rise and are projected to increase 1.5 times over the next 40 years due to population growth, meaning this reservoir is the critical first of several needed reservoirs over the decades to come. We absolutely must have this new reservoir and construction must begin as soon as possible considering the two years needed for construction as well as the minimum of two additional years needed to fill the reservoir.

Exempting the reservoir is a drastic step. Can't we just work with the EPA?

For eight years we have been working with the EPA and Army Corps of Engineers in an effort to secure the requisite Section 404 permit for the construction of the reservoir. During that same time, the State of Texas through the Texas Commission on Environmental Quality (TCEQ) conducted an extensive study of the proposed reservoir and issued the first uncontested water rights permit in Texas in 50 years. EPA initially agreed in 2007 to use the well-established Habitat Evaluation Procedures (HEP) method to assess impacts of the reservoir for the Environmental Impact Statement (EIS). However, in 2010, after three years of significant progress, EPA reversed course and now insists on using the Hydrogeomorphic Method (HGM) to assess impacts of the reservoir on forested wetlands. Making matters worse, the HGM method has not even been developed for the ecoregion in which the reservoir is located. Bottom line: EPA is needlessly obstructing this vital project for our community, and the dire water situation absolutely warrants exempting the reservoir's construction from the Federal permitting process.

Won't exempting the reservoir from the Clean Water Act endanger our water source?

No. This reservoir will yield safe, high quality water which will be in compliance with all state and federal drinking water regulations. H.R. 4466 exempts the reservoir from the Clean Water Act only to bypass the Federal permitting process for the construction of the reservoir. Again, water pumped from the reservoir will still have to comply with all state water quality regulations and all state and federal drinking water regulations. In addition, this project was exhaustively studied by the TCEQ over the course of nearly a decade and resulted in the first uncontested water rights permit in Texas in 50 years! There is no question that the reservoir will have high water quality, allowing all types of recreation activities.

There is a lot of unobligated water along the Red River and Sabine River. Why don't we just purchase water rights there and pump it into our area?

There are indeed available water resources in those areas, however because those water sources cross a state boundary, the federal Lacey Act comes into play. This century-old law prohibits the transportation of invasive species across a state line. Zebra Mussels have already infiltrated the Red River and the same will likely happen eventually along the Sabine River, making any such project untenable. And even if the Lacey Act weren't an issue, water from the Red River is high in salinity and must be blended before entering the water district. Equally difficult, water from the Sabine River is at such a lower elevation that pumping it up to the DFW Metroplex would require enormous amounts of energy, making such a project prohibitively expensive. Moreover, in order to use this water, NTMWD would first have to secure rights to such water, and then secure an interbasin transfer (IBT) permit to authorize moving such water from either the Red or Sabine River Basins into the Trinity River Basin. To address its growing water demands, NTMWD needs water by 2020—and securing rights to water from the Red or Sabine, obtaining an IBT permit, and constructing water conveyance facilities, cannot be completed by 2020. NTMWD has previously purchased water from Dallas Water Utilities (DWU) to make ends meet, however facing their own water issues, DWU can no longer provide emergency water. Bottom line: this reservoir is the only viable option and we need it as soon as possible.