

# HOUSTON CHRONICLE

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## Legislature threatens Houston's water rights

Water is our most vital resource and giving up access to it is unthinkable, yet [House Bill 2846](#) in the Legislature would force Houston to hand over its rights to the Allens Creek Reservoir to the Brazos River Authority. This cannot be allowed to happen — our resilience in the face of drought and continued sustainability as one of the largest cities in the country is at stake.



The Allens Creek Reservoir permit was issued in 1974 to provide water for a proposed nuclear power plant, but as America soured on nuclear power, it was never built, and the permit expired. In 1999, the Legislature revived the water rights permits and gave them to the Texas Water Development Board. That's where Houston comes in. The city and the Brazos River Authority bought the 9,500-acre reservoir site, about 30 miles west of Sugar Land, and entered into a joint agreement. Houston and the BRA would share the cost of building the reservoir, along with the water yield, in a 70-30 split.

As part of the deal, the project was to begin construction no later than Sept. 1, 2018, but in 2011, Houston supported a bill that delayed the start date to 2025, with scheduled completion by 2030.

For the past 10 years, but more intensely since the state began to recover from drought in 2016, the BRA has attempted to negotiate with the city to get the project started sooner. The BRA offered to buy out Houston, to take on all initial costs or move forward with the existing agreement, but the city put off any action, officials said.

Houston should have listened, even though the reason for its lack of urgency is clear — it doesn't immediately need the water. After all, the city has a diversified supply, including water from the San Jacinto and Trinity rivers, and ongoing conservation efforts that have paid dividends. The

state's current water plan shows that Houston wouldn't require water from the Allens Creek Reservoir until 2040. There's also the matter of money. The expense of building the reservoir is pegged at around \$350 million, with mitigation costs potentially adding millions more, out of which Houston is responsible for 70 percent.

The BRA — frustrated and spurred on by petrochemical interests that would profit from a lower water rate if Houston were out of the picture — took their case to the Legislature this session. The bill, proposed by Rep. Lyle Larson, R-San Antonio, would pay Houston up to \$23 million to cover the city's costs to date and transfer all reservoir water rights and obligations to the Brazos River Authority.

The proposal sailed through the House last month, no doubt in part because the industry interests that stand to benefit, including Dow Chemical and BASF Corporation, sit in the district represented by Speaker of the House Dennis Bonnen.

If the Brazos River Authority wanted to get Houston's attention, they have it.

“We did not fully appreciate the urgency of our partners. We fully understand where they stand now, and we understand the importance of getting this on the ground,” said Carol Haddock, Director of Houston Public Works, before the House Natural Resources committee.

Mayor Sylvester Turner has committed in writing to moving forward, with the city making \$10 million available to begin the design and permitting process from the federal government. Though Houston is struggling with a budget deficit, money for the project would come from low-interest loans or bonds, officials said.

However it's funded, Houston should do all it can to meet its obligations. While the project is expensive to build, the city cannot afford to give up rights to its share of the approximately 100,000 acre-feet of water expected from the Allens Creek Reservoir. Today, Houston delivers about a billion gallons of water on peak days to customers. Once online, the reservoir would represent 15 percent of the city's surface water portfolio, Haddock said.

For their part, BRA representatives are taking a too-little, too-late approach, saying they are listening to their future customers and are leery of Houston's continued involvement. They would much rather see a buyout that grants the authority full control. This is unreasonable.

Regardless of the city's failure to develop the reservoir under an expedited timeline, it was still acting within the previously agreed upon timeframe, and while it's true that the reservoir's water rights were revived by the Legislature, the state stepping in and forcing the city to relinquish those rights sets a troubling precedent.

Larson could not be reached for comment, but in presenting the legislation before committee he said his preference would be to reach an agreement. “But anything short of a compromise that would work for the best interest of the folks in Texas, then we're going to pass this bill,” he said.

By that criteria, there's no need for further interference after Houston pledged to act, but that hasn't stopped the bill from moving forward. It is now up to the Senate to take Larson at his word and allow the city and the Brazos River Authority to find a mutually beneficial agreement — *that's* what's in the best interest of Texas.

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