

APPLICATION BY NORTH TEXAS	§	BEFORE THE TEXAS
MUNICIPAL WATER DISTRICT FOR	§	
A WATER USE PERMIT; LOWER	§	COMMISSION ON
BOIS D'ARC CREEK RESERVOIR;	§	
APPLICATION NO. 12151	§	ENVIRONMENTAL QUALITY

**EXECUTIVE DIRECTOR'S RESPONSE TO COMMENTS**

The Executive Director of the Texas Commission on Environmental Quality (TCEQ) files this Response to Comments on the Proposed North Texas Municipal Water District (NTMWD) application No. 12151 (the application"). The Executive Director responds to comments that were made at the public meetings held on September 10, 2007 in Greenville, Texas; on September 11, 2007 in Bonham, Texas; and September 13, 2007 in McKinney, Texas and also responds to written comments received prior to and during the meetings.

**BACKGROUND**

North Texas Municipal Water District (NTMWD) filed an application with the TCEQ on December 29, 2006 for a water use permit to construct and maintain a reservoir known as Lower Bois d'Arc Creek Reservoir located on Lower Bois d'Arc Creek, Red River Basin, in Fannin County, Texas for in-place recreational use and to divert and use water from the reservoir for municipal, industrial, and agricultural purposes. NTMWD also seeks an interbasin transfer authorization to use the water in all of Collin, Dallas, Denton, Fannin, Hopkins, Hunt, Kaufmann, Rains, and Rockwall Counties within the Red, Sabine, Sulphur, and Trinity River Basins and to use the bed and banks of Pilot Grove Creek and the East Fork Trinity River (Lake Lavon) to transport such water for subsequent diversion and use, and authorization for reuse of all of the return flows generated from diversion and use of water from the proposed reservoir.

The application was declared administratively complete on June 26, 2007 and notice was published and mailed to water right holders of record in the Red, Sabine, Sulphur, and Trinity River Basins. Public meetings were held on September 10, 2007 in Greenville, Texas, on September 11, 2007 in Bonham, Texas, and on September 13, 2007 in McKinney, Texas.

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 COMMISSION  
 ON ENVIRONMENTAL  
 QUALITY  
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 CHIEF CLERKS OFFICE

## COMMENTERS

The following persons provided written or oral comment:

City of Mesquite/ Ted Barron, City Manager  
Donnie Brewer  
Thomas R. Brewer  
John W. Burnett  
Patti Curry Chun  
Mayor Roy Floyd, City of Bonham  
The Honorable Butch Henderson/ The Fannin County Commissioner's Court  
Stephen B. Massey, P.E., City of Allen  
Nathan B. Melson/Citizens Organizing for Resources and Environment (CORE)  
Larry N. Patterson, Upper Trinity Regional Water District  
Kevin Riley and Jodie Riley/ The Riley Ranch  
Larry Robinson, City Manager, City of McKinney  
Mayor Stephen Terrell, City of Allen  
Robert Winningham, Allen Economic Development Corporation (ADEC)  
H.D. "Thump" Witcher, Jr., Citizens to Save Bois d'Arc Creek (CSBDC)  
Michael Yarbrough, Et Al  
Bill Jones/ Bonham Area Chamber of Commerce  
John W. Welch  
Cathy Melson/ (CORE)  
Scott Lipsett/ (CORE)  
Gregory Hall/ (CORE)  
Chad Knight  
Glen Lee  
Dustin Knight  
Mary Ann Strickland  
Jack L. May, Managing Director of Water and Wastewater, City of Garland  
Gary Hartwell, Director of Public Works, City of Frisco  
Corby Alexander, City Manager, City of Bonham

## **RESPONSE TO COMMENTS**

### **SUPPORT FOR THE PERMIT**

Ted Barron, City Manager, City of Mesquite (Mesquite) comments that the city supports the approval of the permit. Donnie Brewer supports approval of the permit. Thomas Brewer supports approval of the permit even though half of his 250 acre farm would be inundated by the proposed reservoir. John W. Burnett, Bonham City Council, supports approval of the permit. Mr. Burnett comments that the majority of Cities and water entities in Fannin County have passed ordinances supporting the reservoir. Mayor Roy Floyd, City of Bonham comments that the City of Bonham supports approval of the permit. The Honorable Judge Butch Henderson submitted comments on behalf of Fannin County Commissioners Court (Fannin County) that Fannin County supported the project by March 28, 2005 resolution. Stephen B. Massey, P.E., Community Services Director for the City of Allen, (Allen) comments that Allen is one of 13 member cities currently served by NTMWD. Mr. Massey supports the reservoir project. Larry N. Patterson from the Upper Trinity Regional Water District comments that he supports the project. Larry Robinson, City Manager, City of McKinney (McKinney) supports approval of the project. Mayor Stephen Terrell, City of Allen (Allen) supports issuance of the permit. Robert Winningham, Allen Economic Development Corporation (ADEC) supports the issuance of the permit. Jack L. May, Managing Director of Water and Wastewater, City of Garland commented that he supports the new reservoir. Corby Alexander, City Manager, City of Bonham, comments that Bonham has approved a resolution in favor of the reservoir and that he believes it is an integral part of economic development for Bonham and Fannin County.

**The Executive Director acknowledges these comments.**

### **OPPOSITION TO THE PERMIT**

Patti Curry Chun comments that she opposes the issuance of the permit. Nathan B. Melson/Citizens Organizing for Resources and Environment (CORE) opposes the permit. Mr. Melson comments that the Fannin County Commissioners' March 28, 2005 resolution supporting the reservoir was passed with little notice and does not represent the true feelings of the constituents. Cathy Melson of CORE comments that Fannin County is an agricultural county and not an industrial county and its citizens prefer it to stay that way. Kevin Riley and Jodie Riley owners of the Riley Ranch (Riley Ranch) located in Fannin County along both sides of Bois d'Arc Creek comment that they oppose the reservoir. Michael Yarbrough, and approximately 50 other persons (Mr. Yarbrough, et al) comment that they oppose the permit. Mary Ann Strickland commented that she does not support the reservoir because she would like Fannin County to remain rural.

**The Executive Director acknowledges these comments.**

## INTERBASIN TRANSFER ISSUES

Riley Ranch comments that interbasin transfers encourage wasteful uses in the receiving basin and transfer the economic benefits of the water away from the basin of origin.

Tex. Water Code § 11.085 requires an applicant for an interbasin transfer to submit a drought contingency plan and develop and implement water conservation plans that will result in the highest practicable levels of water conservation and efficiency achievable. The term "conservation" is defined in TCEQ rule as those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses. A water conservation plan submitted with an application for a new or additional appropriation of water must include data and information which (1) supports the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan; (2) evaluates conservation as an alternative to the proposed appropriation; and (3) evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures. The Executive Director's staff will review NTMWD's water conservation plan to determine whether it meets the requirements of the applicable law.

Texas Water Code § 11.085, regarding Interbasin Transfers, also requires the TCEQ to weigh the effects of the proposed transfer by considering, among other things, the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer. Evidence regarding any projected economic impacts may be raised by parties in a contested case hearing should the application be referred for a hearing. This application will be referred for a hearing if all potential parties agree to a referral or the Commission grants a hearing request based on a finding that the requestor is an affected person.

H.D. "Thump" Witcher, Jr., Citizens to Save Bois d'Arc Creek (CSBDC) comments that the proposed dam is not to provide water resources, but is intended to allow NTMWD to control all water resources in Northeast Texas.

**The Executive Director acknowledges this comment.**

Mr. Witcher comments that the impervious cover in the Dallas-Ft. Worth metroplex causes runoff not to be absorbed in the Trinity River Basin and instead runs into Lake Livingston for the benefit of Houston. Mr. Witcher comments that the municipalities in the area should be required to harvest this runoff in their own basin before going out of basin to secure water resources. Mr. Witcher comments that the impacts of acquiring water from Toledo Bend Reservoir and Wright Patman would be lower than the proposed

Bois d'Arc Reservoir.

**With regard to alternative supplies, the Executive Director's staff is conducting a technical review of this application. The review will consider the factors identified in the approved Region C Water Plan which address, among other things, the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer, the amount and purposes of use in the receiving basin for which water is needed, and the proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use. The projected population to be served by NTMWD and projected water demands will be evaluated in the review.**

## **REGIONAL WATER PLANNING**

Mr. Barron comments that, as one of 13 member cities currently served by NTMWD, the proposed reservoir will help meet the demands of Mesquite and the area. Without the additional source, Mr. Barron states that economic growth in the area could be eliminated. Mr. Burnett comments that the proposed reservoir is vital to assure Fannin County of future water supplies. Judge Henderson comments that a Fannin County Commissioner's Court resolution states that there is a need to secure future water sources for Fannin County and that this proposed reservoir is the best location and most cost effective potential source of water. Mr. Massey comments that experts are predicting severe water shortages in the future and that these predicted shortfalls are the reason the State Legislature has mandated water planning in this area of Region C. Mr. Massey comments that climate change will exacerbate these drought problems. Mr. Robinson comments that McKinney is one of 13 member cities currently served by NTMWD. Mr. Robinson comments that future projected water shortages have led to the creation of the Region C Plan which includes water conservation, water reuse, and water resource development. Mr. Robinson comments that regional growth mandates that this project be developed to supply future water needs. Mayor Terrell comments that recent droughts have shown the need for short and long-term water planning. Mayor Terrell comments that Allen has implemented conservation programs, but that regional growth mandates that this project be developed to supply future water needs. Gary Hartwell, Director of Public Works, City of Frisco comments that as a member city of NTMWD, Frisco has instituted several conservation oriented ordinances, however, based on growth projections these measures alone will not be adequate to assure water for future needs. Mr. Jones comments that he must shop for water out of the County to attract businesses. Mr. Jones comments that the proposed reservoir will serve Fannin County and not just Dallas. Mr. May comments that despite conservation measures, droughts have highlighted the need for more rural water resources. Bill Jones for the Bonham Area Chamber of Commerce comments there is a shortage of water in Fannin County.

**The technical review of the application will include the evaluation of NTMWD's projected water supply and demand, and the listed recommended water**

management strategies for NTMWD based on the 2006 Region C Water Plan, the 2007 State Water Plan, and the NTMWD's submittal. The TCEQ will consider the factors identified in the approved water plan which address water conservation, water reuse, and water resource development for this application.

The technical review of the application will include the evaluation of water supply and water need for NTMWD's service area. Texas Water Code § 11.085 requires the TCEQ to weigh the effects of the proposed interbasin transfer by considering the need for the water in the basin of origin and in the proposed receiving basin. The commission must also consider the factors identified in the applicable approved water plans which address availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer; the amount and purpose of use in the receiving basin for which water is needed; proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures; the proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use; and the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer.

Mr. Melson asks whether there is an Upper Bois d'Arc reservoir in the current State Water Plan.

Upper Bois d'Arc Creek Lake was selected as one of the reservoirs for detailed analysis after a preliminary screening in the 2001 Region C planning as stated in the 2006 Region C Water Plan. However, the Upper Bois d'Arc reservoir is not listed as one of the recommended water management strategies in the current 2007 State Water Plan. In the 2006 Region C Water Plan, Upper Bois d'Arc Creek Reservoir was replaced with the Fannin County Project, which is Fannin County's share of the Lower Bois d'Arc Creek Reservoir.

Mr. Yarbrough comments that the money allocated for the building of this reservoir as well as the other reservoirs sought by NTMWD and the necessary pipelines should be spent on desalinization plants instead. Mr. Chad Knight comments that water could be obtained in other ways besides building new reservoirs including desalinization.

NTMWD's recommended water management strategies will be examined using the 2006 Region C Water Plan during the review. Texas Water Code § 11.085, regarding Interbasin Transfers requires the TCEQ to weigh the effects of the proposed transfer by considering the need for the water in the basin of origin and in the proposed receiving basin. The technical review for the application will consider the relevant factors identified in the 2006 Region C Water Plan which addresses availability of feasible and practicable alternative supplies in the receiving basin.

Mr. Melson comments that the combined yield of all of the proposed reservoirs will result in 20% more water than is needed in 2060. Mr. Yarbrough comments that there is no need for more water in Fannin County. Mr. Yarbrough comments that the county relies on groundwater. Mr. Yarbrough comments that Bonham has four groundwater wells that it has abandoned showing a lack of need for more water.

**The technical review of the application will include the evaluation of NTMWD's projected water supply and demand. The review will include the recommended water management strategies for NTMWD to meet the projected water demand for the next 50-year planning period based on the 2006 Region C Water Plan. The technical review of the application will also consider the need for the water in the basin of origin and in the proposed receiving basin based on the 2006 Region C Water Plan. Fannin County is the basin of origin for this application and the water needed for the 50-year planning period will be considered.**

Mr. Massey comments that this proposed reservoir is a key component of the Region C plan that also includes drought management procedures to reduce water consumption. Mr. Massey comments that they and others in the region have made efforts to conserve water including instituting tiered rates and other measures, but without developing new resources such as this reservoir they won't be able to keep up with regional growth.

**The Executive Director's staff is conducting a technical review of this application, and will evaluate specific water demands based on the 2006 Region C Water Plan, the 2007 State Water Plan, and NTMWD's submittal. The TCEQ will consider the factors identified in the approved water plan which address, among other things, the amount and purposes of use in the receiving basin for which water is needed. Tex. Water Code § 11.085 requires applicants to submit drought contingency plans and develop and implement water conservation plans that will result in the highest practicable levels of water conservation and efficiency achievable. The term "conservation" is defined in TCEQ rule as those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.**

## **WATER CONSERVATION**

Mr. Melson asks whether the highest level of water conservation has been defined and, if not, how it can be determined whether the reservoir is necessary or not. Mr. Melson comments that the Dallas Metroplex is projected to use 256 gallons per day per capita up from 238 gallons per day while the State average is 176 gallons per day and San Antonio is 140 gallons per day. Mr. Witcher comments that NTMWD fails to enforce water conservation measures. Mr. Yarbrough, et al comments that NTMWD has a conservation plan that has 10 suggestions to conserve water. Mr. Yarbrough comments that the need for water is actually in Dallas, but Dallas as the highest per capita users of water in the

US needs to conserve more water. Mr. Yarbrough comments that cutting back yard watering to only one inch per 7 days is not conservation since it results in 52 inches per year in addition to the 40 inches of annual rainfall. Mr. Yarbrough further comments that the measures are suggestions and lack enforceability. Mr. Yarbrough comments that NTMWD should raise its rates to encourage conservation.

The term "conservation" is defined in TCEQ rule as those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses. The 2006 Region C Water Plan identifies a set of water conservation strategies that will result in the highest practicable level of water conservation and efficiency achievable to comply with the Texas Water Code § 11.085 requirements. The technical review of the application will include the evaluation of NTMWD's water conservation and drought contingency plan, the 2006 Region C Water Plan, and the 2007 State Water Plan to determine whether the application request meets the requirements of the applicable law.

A water conservation plan submitted with an application for a new or additional appropriation of water must include data and information which (1) supports the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan; (2) evaluates conservation as an alternative to the proposed appropriation; and (3) evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures. The Executive Director's staff will review NTMWD's water conservation plan to determine whether it meets the requirements of the applicable law.

## **COSTS OF THE RESERVOIR**

Mr. Melson asks what the projected costs of the reservoir and the projected costs of the pipeline to the reservoir will be and whether a better use of state funding would be to build pipelines which will still allow cattle grazing as opposed to a reservoir. Mr. Witcher comments that pipelines should be built to utilize the existing reservoirs.

The TCEQ must consider the availability of feasible and practicable alternative supplies to water from an interbasin transfer, and the technical review of the application will include consideration of the factors identified in the approved Region C Water Plan which address, among other things, the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer.

Texas Water Code § 11.085, regarding Interbasin Transfers, requires the TCEQ to weigh the effects of the proposed transfer by considering, among other things, the

**projected economic impact that is reasonably expected to occur in each basin as a result of the transfer.**

## **ECONOMIC IMPACTS**

Ms. Chun comments that the proposed lake footprint will cover 16,526 acres and will require around 46,000 acres of additional mitigation acres. Ms. Chun is concerned about the economic impact on Fannin County of taking this property out of production. Ms. Chun comments that the reservoir will only provide economic benefits to feral hog trap builders. Mr. Melson comments that the total income for Fannin County may decrease due to losses in agricultural and wildlife declines. Mr. Melson comments that we should not cover up food producing lands with water. Riley Ranch comments that the taking of the ranch will cause the property to become an unproductive economic unit. Mr. Yarbrough comments that the permit will negatively affect him, and likely jeopardize his business, by taking away his best and most productive agricultural property. Mr. Yarbrough comments that agricultural production in Fannin County was the largest producing industry and accounted for 67 million dollars in 2006. Mr. Yarbrough comments that the removal of acreage from production for the reservoir and mitigation will result in an economic loss to the county of 7.7 to 11.4 million dollars. Mr. Yarbrough comments that when he and the other farmers and ranchers leave Fannin County due to the project, there will be no businesses or industry to replace them. Mr. Yarbrough comments that this will burden older people and agriculture supply businesses. Mr. Yarbrough comments that the loss of property from the tax roll due to the reservoir footprint and mitigation land will negatively affect the Fannin County schools as will the loss of students due to the lack of federal funds, however, Bonham ISD will benefit if the other schools are forced to close and consolidate with Bonham. Mr. Yarbrough comments that some of the problems with closing the schools are that the public schools are a large employer in the area, children will need to be bussed longer distances, and it will increase competition among students for scholarships.

**Texas Water Code § 11.085, regarding Interbasin Transfers requires the TCEQ to weigh the effects of the proposed transfer by considering, among other things, the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer. The commission must also consider the proposed mitigation or compensation, if any, by the applicant to the basin of origin, as well as the information required to be submitted by the applicant as part of the application. Finally, evidence regarding any projected economic impacts may be raised by parties in a contested case hearing should the application be referred for a hearing. This application will be referred for a hearing if all potential parties agree to a referral or the Commission grants a hearing request based on a finding that the requestor is an affected person.**

Mr. Melson comments that contrary to general consensus land values in the area of the proposed reservoir area have declined rather than increased. Mr. Witcher comments that the proposed reservoir will be only partially full most of the time causing extensive mud flats rather than an attractive reservoir and because of this no one will want to buy lake front property on the reservoir. Mr. Welch comments that there will not be development around the lake because lake levels will be so low that adjacent landowners will need a telescope to see the lake.

**Texas Water Code § 11.085, regarding Interbasin Transfers requires the TCEQ to weigh the effects of the proposed transfer by considering, among other things, the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer. The commission must also consider the proposed mitigation or compensation, if any, by the applicant to the basin of origin, as well as the information required to be submitted by the applicant as part of the application.**

**A water availability analysis will be performed for the application. The TCEQ's water availability model encompasses a 51 year period of record that is representative of hydrologic variability in the area, including droughts. If there is water that has not been appropriated to other water rights in the basin, then the Executive Director may recommend granting that unappropriated water. The application requests diversion of a volume of water that is available each year, even during drought conditions. The Executive Director acknowledges that there may be times when the storage in the reservoir is very low.**

Mr. Winningham comments that water supplies are vital for long range economic planning. Mr. Winningham comments that economic development will enhance City, County, and State tax bases and stimulate new jobs. Mr. Winningham comments that this project is required to sustain the region's economic development.

**Texas Water Code § 11.085, regarding Interbasin Transfers requires the TCEQ to weigh the effects of the proposed transfer by considering, among other things, the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer. The Executive Director will consider this factor during the technical review of the application. Additionally, evidence regarding any projected economic impacts may be raised by parties in a contested case hearing should the application be referred for a hearing. This application will be referred for a hearing if all potential parties agree to a referral or the Commission grants a hearing request based on a finding that the requestor is an affected person.**

Mr. Yarbrough comments that the USDA classifies the bottom land as prime farm land due to its fertility, slope, soil type, and climate. Mr. Yarbrough comments that this land is a natural resource that cannot be replaced.

**Mitigation will be required for the building of the reservoir. The environmental**

review will consider any mitigation information provided by the applicant and determine whether that information adequately addresses impacts from the project. If any adverse impacts are identified, then the draft permit will contain special conditions to mitigate these impacts. If the mitigation plan is not completed by the time technical review of the application is completed, the draft permit will contain a special condition requiring the Applicant to obtain approval of its mitigation plan prior to beginning construction of the reservoir. Issues associated with compensating land owners whose property is appropriated for the reservoirs will be addressed through the eminent domain process. The TCEQ does not regulate the eminent domain process.

Mr. Yarbrough comments that the mitigation land will be used to create a buffer strip around the reservoir to prevent development.

**As part of the technical review of the interbasin transfer in this application, the TCEQ must look at the economic impact to the basins as a result of the transfer. Additional evidence regarding any projected economic impacts may be raised by parties in a contested case hearing should the application be referred for a hearing.**

Mr. Jones comments that complaints about the loss of tax revenue for the land over the proposed reservoir are not correct because most of the land has agricultural exemptions already.

**The Executive Director acknowledges this comment.**

Mr. Lipsett comments that a healthy river supports multiple recreational purposes and is a valuable economic asset to rural communities.

**The Executive Director acknowledges the comment.**

Mr. Lipsett comments that the reservoir will prevent water from reaching the estuaries and Texas' multi-billion dollar recreation and fishing industries depend on the inflows.

**Pursuant to section 11.147 of the Texas Water Code, TCEQ staff must assess the effects, if any, of the project on the bays and estuaries of Texas for proposed projects or diversions within 200 river miles of the coast. However, this project does not invoke this provision because the Red River is a tributary of the Mississippi River, which reaches the Gulf of Mexico in Louisiana.**

## **PUBLIC HEALTH AND SAFETY/ WATER QUALITY ISSUES**

Mr. Melson comments that the Old Bonham City Landfill and the Hamilton Junkyard, which are both closed, both drain into Sloan's Creek – a tributary of Bois d'Arc Creek. Mr. Melson comments that the Bonham landfill water samples have yielded acceptable levels of barium and unacceptable levels of chromium, manganese, arsenic, lead, and thallium according to EPA standards. Mr. Melson asks whether the impact of these landfills on the water quality have been studied and whether water treatment facilities will be able to remove these from the reservoir water. Riley Ranch comments that the proposed dam will adversely affect public health by receiving pollution from landfills 2 to 3 miles East of Bonham. Mr. Yarbrough comments that the proposed reservoir is to be built near the old Bonham city dump which likely contains lead, mercury and other toxins and carcinogens.

**The application is being reviewed for environmental impacts, including the impact on water quality from non-point source pollutants. If any impacts from the construction of the reservoir and diversion of water are found, the draft permit will contain special conditions to mitigate those impacts. However, a review of whether land has been previously contaminated is not considered in a water rights application. The TCEQ regulates waste disposal and water quality in other contexts, however, and you may contact the regional office if you have concerns (Region 4: 2309 Gravel Dr., Fort Worth, TX 76118-6951, 817-588-5800, FAX: 817-588-5700). Finally, water treatment facilities which provide water for public consumption must comply with the Safe Drinking Water Act and its requirements for testing and contamination.**

Riley Ranch comments that the proposed dam will adversely affect public health by contaminating shallow drinking water wells and damage the local Bois d'Arc MUD.

**The application is being reviewed for environmental impacts, including the impact on water quality. If any adverse impacts from the construction of the reservoir and diversion of water are found, the draft permit will contain special conditions to mitigate those impacts. Otherwise, pollution of waterways is regulated under the Clean Water Act. You may contact the regional office if you have specific concerns regarding groundwater contamination (Region 4: 2309 Gravel Dr., Fort Worth, TX 76118-6951, 817-588-5800, FAX: 817-588-5700).**

Riley Ranch comments that the proposed dam will adversely affect public health by increasing disease spread by mosquitoes and other insects by decreasing habitat for species that eat those insects. Mr. Yarbrough comments that any increase in feral hogs will create public health problems due to water quality issues and the hogs carry diseases communicable to humans.

**Regarding any decrease in habitat which may result in increased mosquitoes or feral hogs, the application must include mitigation land. The evaluation of any proposed mitigation will be in coordination with other state and federal agencies, including Texas Parks and Wildlife Department and the U.S. Army Corps of Engineers. If any adverse impacts are found, the draft permit will contain special conditions to address those impacts. If the mitigation plan is not completed by the time technical review of the application is completed, the draft permit will contain a special condition requiring the Applicant to obtain approval of its mitigation plan prior to beginning construction of the reservoir.**

Except to the extent mentioned above, the potential spread of disease or mosquitoes or increase in feral hogs due to loss of habitat would not be part of the Executive Director's review. However, parties to a contested case hearing, should one be granted, may wish to raise the issue at the hearing. This application will be referred for a hearing if all potential parties agree to a referral or the Commission grants a hearing request based on a finding that the requestor is an affected person.

Mr. Witcher comments that the proposed reservoir will be too shallow resulting in poor water quality due to aquatic growth. Mr. Yarbrough comments that mud flats will increase the population of marsh plants that will be flooded and decay in the spring, thus causing oxygen depletions. Mr. Yarbrough further comments that oxygen depletions will kill fish causing a public health hazard.

**The review of the application includes an environmental analysis to determine the impact the project may have on the environment. The analysis includes a review of existing information and data. Additional studies are being conducted to properly evaluate the environmental impacts from the project. If the Executive Director's staff determines that there will be impacts to instream uses, including fish and wildlife habitat and water quality, then special conditions will be included in the draft permit to mitigate those impacts. Additionally, parties to a contested case hearing, should one be granted, may wish to raise such issues at the hearing. This application will be referred for a hearing if all potential parties agree to a referral or the Commission grants a hearing request based on a finding that the requestor is an affected person.**

Mr. Yarbrough comments that the Lower Bois d'Arc Creek in the proposed reservoir area has a slope of 3.5 to 5 feet per mile. Mr. Yarbrough comments that if NTMWD removes half of the water from the reservoir as proposed in the permit, that the gentle slope and shallow reservoir will cause extensive mud flats. Mr. Yarbrough comments that mud flats will increase mosquitoes and their diseases.

**The review of the application includes an environmental analysis to determine the impact the project may have on the environment. The analysis includes a review of existing information and data. Additional studies are being conducted to properly evaluate the environmental impacts from the project. If the Executive Director's staff determines that there will be impacts to instream uses, including fish and wildlife habitat and water quality, special conditions will be included in the draft permit to mitigate those impacts. Additionally, parties to a contested case hearing, should one be granted, may wish to raise such issues at the hearing. This application will be referred for a hearing if all potential parties agree to a referral or the Commission grants a hearing request based on a finding that the requestor is an affected person.**

Mr. Yarbrough comments that the proposed reservoir is oriented southwest to northeast and will be 16 miles long. Mr. Yarbrough comments that this orientation with the prevailing winds combined with the length of the reservoir will cause large waves which will erode the north and east banks causing the water to stir and creating more water quality problems.

**The application is being reviewed for environmental impacts, including the impact on water quality. If any adverse impacts from the construction of the reservoir and diversion of water are found, the draft permit will contain special conditions to mitigate those impacts.**

**Chapter 299 of the TCEQ's rules, concerning dam safety, require owners of dams to provide geotechnical, hydrologic and hydraulic reports, and construction plans for the dam for review before any work on the dam is started. The construction plans will be required to address slope protection on the dam to ensure that the integrity of the dam is not compromised by wave action erosion. The Executive Director will review the construction plans to ensure that all structural issues are addressed.**

Mr. Yarbrough comments that the proposed reservoir is to be built on land previously used for cotton farming from 1920 to 1960. Mr. Yarbrough comments that these farms were contaminated with lead and arsenic used in the fertilizers and defoliant.

**The application is being reviewed for environmental impacts, including the impact on water quality from non-point source pollutants. If any impacts from the construction of the reservoir and diversion of water are found, the draft permit will contain special conditions to mitigate those impacts. However, in the review of this**

**application, the Executive Director does not consider whether the land had been previously contaminated.**

Mr. Yarbrough comments that the proposed reservoir will require the rerouting of electric transmission lines and natural gas pipelines into more densely populated areas and will be at risk of damage by erosion and flooding.

**Issues regarding dam siting and electrical transmission and pipeline relocation are not considered in the dam safety technical review of the application unless these issues relate to dam safety. Regulation of the safety of electric transmission lines and natural gas pipelines is under the jurisdiction of other state and local governmental entities including the Public Utility Commission. However, parties to a contested case hearing, should one be granted, may wish to raise the issue at the hearing.**

Mr. Yarbrough comments that the proposed reservoir will receive effluent from Bonham and several other cities. Mr. Yarbrough comments that Bonham's sewage treatment plant is at elevation 540 ft., whereas the flood elevation of the proposed reservoir is at 541 ft. Mr. Yarbrough is concerned that flooding will release raw sewage into the reservoir. Riley Ranch comments that the proposed dam will adversely affect public health by inundating sewage units and treatment facilities in the water shed.

**TCEQ has rules to protect the waters of the state from contamination from wastewater and septic systems. However, in the review of this application, the Executive Director does not consider whether these systems may contaminate the reservoir in the future. However, parties to a contested case hearing, should one be granted, may wish to raise the issue at the hearing.**

Mr. Lipsett comments that the Hardwood Bois d'Arc ecosystem is currently healthy and provides a natural treatment for water used in downstream city's drinking water system. Mr. Lipsett comments that this saves millions of dollars and preserves their health.

**The Executive Director acknowledges the comment.**

## **LOCAL GOVERNMENTS**

Mr. Melson asks who will have jurisdiction over the Lower Bois d'Arc Drainage Zone for allowable fertilizer, pesticide, siltation, effluent, herbicides, and sewer systems and whether these will remain under local control.

**The issuance of the proposed permit will not change jurisdiction over these matters.**

Mr. Melson asks why City of Bonham's association with NTMWD gives it authority to build a reservoir outside the city limits of Bonham.

**NTMWD is the applicant in this matter. The City of Bonham's authority to contract with, or associate with NTMWD, is not considered by the Commission in this matter.**

### **FLOODING ISSUES**

Mr. Melson comments that the area is subject to flooding. Mr. Melson asks whether any studies have shown the effect of nine inches of rain in a twelve-hour period on the proposed reservoir. Mr. Yarbrough comments that the damming of the Lower Bois d'Arc creek will exacerbate current flooding in the area and cause disruptions of East-West transportation in the county. Mr. Yarbrough comments that the creek already has flooded Highway 56 without a dam. Mr. Yarbrough comments that the Corps of Engineers has twice rejected plans to build a reservoir in this location due to concerns over flooding and water quality. Mr. Yarbrough comments that flooding will create the need for a reservoir on the upper part of the creek to protect Bonham. Glen Lee comments that a September 2000 Army Corps of Engineers' study found the proposed reservoir location to be a poor site for a reservoir due to effective flood control and potential environmental and water quality problems. John Welch comments that in the case of high rainfall upstream when the reservoir is full, Powder Creek and Pig Branch will flood Bonham.

**Chapter 299 of the TCEQ's rules, concerning dam safety, require owners of dams to provide geotechnical, hydrologic and hydraulic reports, and construction plans for the dam for review before any work on the dam is started. The rules require that the dam be designed to contain the probable maximum flood without overtopping the dam. The rainfall for that event is just over 29 inches in 24 hours. The Executive Director agrees that the hydrologic and hydraulic report submitted with the application shows that the dam will be designed to contain the required design flood without overtopping the dam. However, parties to a contested case hearing, should one be granted, may wish to raise such issues at the hearing. This application will be referred for a hearing if all potential parties agree to a referral or the Commission grants a hearing request based on a finding that the requestor is an affected person.**

### **EMINENT DOMAIN ISSUES**

Ms. Chun comments that she is concerned that her property, while not in the footprint of the proposed reservoir, will be taken as mitigation land. Ms. Chun comments that landowners over potential mitigation sites should be able to protest the application. Ms. Chun comments that landowners in the potential mitigation areas should also receive notice of the application and the comment period should be extended for their comments. Mr. Melson comments that mitigation land should have been identified along with the

reservoir footprint at the beginning of this process. Mr. Melson comments that the amount of mitigation land has yet to be identified as well. Glen Lee comments that he is concerned where the mitigation land will be. Mr. Yarbrough comments that the TCEQ estimates the amount of mitigation land to be around 30,000 acres, but if the Corps of engineers makes NTMWD mitigate the reservoir at a rate of 3:1 there will be a need for 49,578 mitigation acres in the Bois d'Arc drainage basin.

**The evaluation of any proposed mitigation will be in coordination with other state and federal agencies, including Texas Parks and Wildlife Department and the U.S. Army Corps of Engineers. If any adverse impacts are found, the draft permit will contain special conditions to address those impacts. If the mitigation plan is not completed by the time technical review of the application is completed, the draft permit will contain a special condition requiring the Applicant to obtain approval of its mitigation plan prior to beginning construction of the reservoir.**

Notice of the application was provided as required by statute, including newspaper notice in all areas which may be inundated. Protests, or hearing requests, are governed by chapter 55 of the Commissions rules (Title 30 of the Texas Administrative Code). Persons must show that their request meets the requirements of 30 TAC section 55.21, is timely, and demonstrate that they are an affected person as defined by 30 TAC section 55.29. The deadline for requesting a hearing expired thirty days after the final notice of the application. Landowners who believe they are in 'potential mitigation areas' would specifically need to show a definite justiciable interest different than other members of the public. The Commissioners and the Administrative Law Judge at the State Office of Administrative Hearings ultimately decide whether a person is affected.

**Issues associated with compensating land owners whose property is appropriated for the reservoir will be addressed through the eminent domain process. The TCEQ does not regulate the eminent domain process.**

Mr. Yarbrough comments that NTMWD's allocated budget for land acquisition is inadequate to compensate landowners in the proposed area and the mitigation areas even at the average price per acre in Fannin County and this estimate does not include improvements. Mr. Yarbrough comments that he estimates that the land will generate annual income of \$1254.17 from 43 inches of rain at \$350 an acre foot. Mr. Yarbrough comments that not many people would sell land of this quality for little more than one year's worth of production. Ms. Melson comments that it is not possible to move an entire operation and buy land elsewhere for the price that will be paid for land in the proposed reservoir site. Mr. Witcher comments that the proposed reservoir will displace him from his home and land and that it would be difficult to move.

**Issues associated with compensating land owners whose property is appropriated for the reservoir will be addressed through the eminent domain process. The TCEQ does not regulate the eminent domain process.**

Mr. Yarbrough comments that the Texas Supreme Court's ruling in the *Hubenak* case allows entities to use eminent domain to take land at a fraction of its true value.

**Issues associated with compensating land owners whose property is appropriated for the reservoir will be addressed through the eminent domain process. The TCEQ does not regulate the eminent domain process.**

Mr. Yarbrough, et al comments that the Texas Private Property Preservation Act, enacted by the 78<sup>th</sup> Texas Legislature, requires that cities must assure they have implemented the highest levels of water conservation before condemning private property for surface water rights and reservoirs. Mr. Yarbrough, et al further comments that the legislation requires drought contingency plans and a good faith effort to obtain practicable alternative water supplies and a need for the water rights to provide for domestic needs within the next 10 years. Mr. Yarbrough comments that he and his neighbors should not lose their property when NTMWD has not complied with the Texas Private Property Preservation Act's requirement to implement the highest levels of water conservation and other provisions.

**Tex. Water Code § 11.085 requires applicants to submit drought contingency plans and develop and implement water conservation plans that will result in the highest practicable levels of water conservation and efficiency achievable. The term "conservation" is defined in TCEQ rule as those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses. A water conservation plan submitted with an application for a new or additional appropriation of water must include data and information which (1) supports the applicant's proposed use of water with consideration of the water conservation goals of the water conservation plan; (2) evaluates conservation as an alternative to the proposed appropriation; and (3) evaluates any other feasible alternative to new water development including, but not limited to, waste prevention, recycling and reuse, water transfer and marketing, regionalization, and optimum water management practices and procedures. The Executive Director's staff will review NTMWD's water conservation plan to determine whether it meets the requirements of the applicable law.**

**The Executive Director could find no requirements in the Texas Private Property Preservation Act relating to water conservation. Further, the Commission does not regulate the eminent domain process.**

Mr. Melson comments that he should not lose his land so that people in NTMWD service areas can obtain water for lawn watering and recreation.

**The Executive Director acknowledges the comment.**

Mr. Melson asked for a copy of the Texas Private Property Preservation Act.

**The Texas Private Property Preservation Act is codified in Chapter 2007 of the Texas Government Code and can be found online at the Texas Legislature's website: <http://www.statutes.legis.state.tx.us/>.**

## **WATER AVAILABILITY/DOWNSTREAM USES**

Mr. Witcher comments that the Corps of Engineers rejected consideration of this dam site in a January 17, 2000 study. Mr. Witcher comments that the proposed reservoir will be too shallow resulting in excessive evaporative losses.

**A water availability analysis will be performed for the application using the Commission's Water Availability Model (WAM) for the Red River Basin. If it is determined that there is water that has not been appropriated to other water rights in the basin, then the Executive Director may recommend granting that unappropriated water for beneficial use. The water availability analysis accounts for evaporative losses.**

Riley Ranch comments that the proposed dam will render useless their irrigation permit for pumping water from Bois d'Arc Creek.

**Should the existing diversion point and place of use be affected by the construction of the reservoir, the existing water right can be amended to add a new diversion point and place of use.**

Mr. Yarbrough comments that the proposed reservoir will be one-half full or less under average conditions and will be dry during below average conditions. Mr. Welch comments that the slope between Highway 82 and the bridge over Bois d'Arc Creek on FM1396 is only 3.5 feet per mile and if the lake level is drawn down 30 feet, the perimeter will recede 10 miles to create a mud hole.

**A water availability analysis will be performed for the application using the Commission's Water Availability Model (WAM) for the Red River Basin. If there is water that has not been appropriated to other water rights in the basin, then the Executive Director may recommend granting that unappropriated water. The application requests diversion of a volume of water that is available each year, even during drought conditions. The Executive Director acknowledges that there may be times when the storage in the reservoir is very low.**

## **ENVIRONMENT/WILDLIFE ISSUES**

Riley Ranch comments that the proposed dam will diminish fresh water running into the Red River and diminish salt water dilution by shutting normal water flows from smaller creeks.

**The Executive Director's review of the application includes completing an instream flow analysis to determine if the project could impair instream uses. If such an impairment is identified, the draft permit will include streamflow restrictions or other conditions to mitigate those impacts.**

Mr. Melson asks whether an environmental impact study had been completed or scheduled.

**The National Environmental Policy Act requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies must, for certain federal actions, prepare detailed statements known as Environmental Impact Statements (EIS). The applicant may be required to obtain federal permits which require an EIS for construction of a reservoir; however, an EIS is not required for state actions such as this permit.**

**The environmental impacts of the project are being reviewed as part of the review of the application. This assessment includes a review of existing information and data. However, additional studies are being conducted by the applicant including a Habitat Evaluation Procedure (HEP) study, water quality analyses and an instream flow study to properly evaluate the impact of the project. If the Executive Director's staff determines that there will be impacts to in stream uses, including fish and wildlife habitat and water quality, then special conditions will be included in the draft permit to mitigate those impacts. If the mitigation plan is not completed by the time technical review of the application is completed, the draft permit will contain a special condition requiring the Applicant to obtain approval of its mitigation plan prior to beginning construction of the reservoir.**

Mr. Gregory Hall of Core comments that there has been no determination of the proposed reservoir's impact on the Caddo National Grasslands, just downstream.

**The potential environmental impacts of the project, including but not limited to, those on the Caddo National Grasslands are being evaluated as part of the review of the application. This assessment includes a review of existing information and data. However, additional studies are being conducted to properly evaluate the impact of the project. If the Executive Director's staff determines that there will be impacts to instream uses, including fish and wildlife habitat and water quality, then special**

conditions will be included in the draft permit to mitigate those impacts. If the mitigation plan is not completed by the time technical review of the application is completed, the draft permit will contain a special condition requiring the Applicant to obtain approval of its mitigation plan prior to beginning construction of the reservoir.

Mr. Melson comments that this project will have a negative impact on waterfowl and waterfowl hunting in Fannin County and will cause damage to at least four Ducks Unlimited wetlands projects and will cause losses to Ducks Unlimited's funding in the County.

**The Executive Director's review of the application includes an evaluation of environmental impacts associated with the project, and this review includes impacts to recreation uses and any impacts to wetlands. If adverse impacts are identified, the draft permit will include special conditions to mitigate those impacts.**

As part of the technical review of the interbasin transfer in this application, the TCEQ must look at the economic impact to the basins as a result of the transfer. For the appropriation of the water for the reservoir, the TCEQ is limited to the criteria established in its governing statutes and rules, and therefore the TCEQ does not consider economic issues or economic impacts as part of that technical review related to the new appropriation of water and permitting of the reservoir.

Mr. Melson asks whether any studies have been done to show the projected impacts on wildlife including where the wildlife from the reservoir footprint will go and whether overcrowding in the remaining habitat will cause wildlife overcrowding and death. Riley Ranch comments that the proposed dam will destroy wildlife habitat and will destroy native ecosystems for protected species such as the Nutmeg Hickory; Burying Beetle; and Horned Toad Lizard. Mr. Witcher comments that the Bois d'Arc bottom land is conducive to the appearance of fireflies and that the loss of this ecosystem could adversely affect tree frogs and other wildlife. Mr. Witcher comments that the proposed reservoir will displace large amounts of wildlife. Scott Lipsett of CORE comments that Texas has lost 63% of its original flood plains and some of the most valuable hardwood bottom lands to reservoir construction. Mr. Lipsett comments that these valuable and diverse habitats are a disappearing commodity that cannot be regenerated within any practical timeframe. Mr. Yarbrough comments that the area has a natural beauty and abundant wildlife that cannot be replaced. Mr. Yarbrough comments that inundation will result in the loss of ancient trees and the displacement of wildlife into less fertile and more densely populated areas. Mr. Yarbrough comments that the change in the ecosystem will cause an overabundance of feral hogs to occur which will put further pressure on the remaining wildlife in the area.

**The review of the application includes an evaluation of environmental impacts associated with the project. A Habitat Evaluation Procedure (HEP) study is being**

conducted. If any adverse impacts to these resources are identified in the HEP analysis, then the draft permit will contain special conditions to mitigate these impacts. If the mitigation plan is not completed by the time technical review of the application is completed, the draft permit will contain a special condition requiring the Applicant to obtain approval of its mitigation plan prior to beginning construction of the reservoir.

Mr. Yarbrough comments that the reservoir will not support fishing because the pumping to 50% capacity will dry up the food fish nurseries and break the food chain.

The environmental impacts of the project are being reviewed as part of the evaluation of the application. This assessment includes a review of existing information and data. However, additional studies are being conducted to properly evaluate the impact of the project. If the Executive Director's staff determines that there will be impacts to instream uses, including fish and wildlife habitat and water quality, then special conditions will be included in the draft permit to mitigate those impacts.

#### **CULTURAL RESOURCES**

Riley Ranch comments that the proposed dam will inundate Caddo Indian burial grounds.

When reviewing water rights applications, the TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth by statute. The TCEQ can only consider the criteria in applicable statutes and rules. The disturbance of potential archeological sites is not a listed criterion. However, the U.S. Army Corps of Engineers and the Texas Historical Commission (THC) have jurisdiction over the listing and/or protection of sites of historical or archaeological significance. The Applicant may not begin construction of the project until it has complied with all applicable requirements of either or both of those entities.

#### **APPLICATION/NOTICE QUESTIONS**

Ms. Chun asks who will verify the numerical data contained within the application.

The Executive Director's staff will do its own technical review of this application in order to determine if the Executive Director can recommend issuance of a permit. Additionally, affected parties to a contested case hearing may present evidence regarding the veracity of the numerical data in the application and the Executive Director's review of that data.

Mr. Melson comments that the Notice of the Public meeting was not mailed to Cindy Loeffler at Texas Parks and Wildlife. Mr. Melson comments that notice of the public meeting was not published in the "Paper of Record for Fannin County" which he states is the Fannin Co. Special.

**The notice of the application, which included notice of the public meetings, was mailed to the standard water rights interested parties list, which includes staff in the Water Resources Branch at Texas Parks and Wildlife Department. The notice of the application and public meetings was published in the *Dallas Morning News*, which is a newspaper of general circulation for Fannin County.**

Mr. Melson asks how many engineers and attorneys TCEQ employs for the water division.

**Currently, the Water Rights Permitting and Availability Section does not have an engineer who reviews water rights permit applications. The Dam Safety Program now has nine professional engineers and 5 other graduate engineers. The Executive Director has at least 3 attorneys to assist with Dam Safety issues.**

Mr. Melson asks whether the TCEQ has ever denied a permit for a reservoir and why?

**In the past the Commission has recommended a smaller diversion from a water supply reservoir than an applicant requested. Reasons for recommending less water than requested can include insufficient water available in the source of supply or no demonstrated need for the water.**

Mr. Melson requests that a transcript of the public meetings be mailed to the participants and the mailing list.

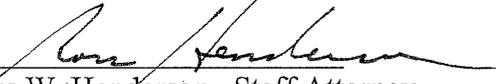
**A transcript of the public meeting is not typically created by the Commission, however, persons may obtain a copy of the audio recording of the meetings at the Office of the Chief Clerk of the TCEQ, 12100 Park 35 Circle, Building F, Austin, TX 78735.**

Respectfully Submitted;

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

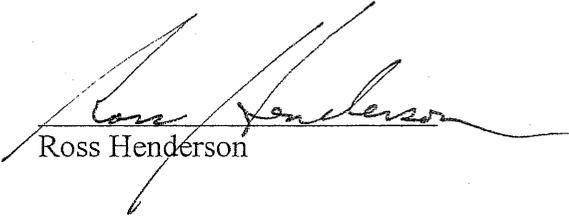
Mark R. Vickery, P.G., Executive  
Director

Robert Martinez, Director  
Environmental Law Division

By   
Ross W. Henderson, Staff Attorney  
Environmental Law Division  
State Bar of Texas No. 24046055  
P.O. Box 13087; MC 173  
Austin, Texas 78711-3087  
Phone: (512) 239-6257

CERTIFICATE OF SERVICE

I hereby certify that on this 11<sup>th</sup> day of February, 2010, a true and correct copy of the foregoing document was filed with the Chief Clerk of the Texas Commission on Environmental Quality.

  
Ross Henderson

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2010 FEB 11 PM 3:37

CHIEF CLERKS OFFICE

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 17, 2010

TO: Persons on the attached mailing list.

RE: North Texas Municipal Water District  
Application No. 12151

Enclosed is a courtesy copy of the Executive Director's response to comments.

Should you have any questions, please contact Emily Reyna of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3304.

Sincerely,

A handwritten signature in black ink that reads "LaDonna Castañuela".

LaDonna Castañuela  
Chief Clerk

LDC/er

Enclosure

MAILING LIST  
for  
North Texas Municipal Water District  
Application No. 12151

FOR THE APPLICANT:

Martin C. Rochelle  
Lloyd Gosselink  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701

PROTESTANTS/INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Ross W. Henderson, Staff Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

Ron Ellis, Technical Staff  
Texas Commission on Environmental Quality  
Water Supply Division MC-160  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE  
via electronic mail:

Bridget Bohac, Director  
Texas Commission on Environmental Quality  
Office of Public Assistance MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Blas J. Coy, Jr., Attorney  
Texas Commission on Environmental Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK  
via electronic mail:

LaDonna Castañuela  
Texas Commission on Environmental Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

ADAMS , CARL  
PO BOX 404  
ECTOR TX 75439-0404

ALEXANDER , CORBY  
301 E 5TH ST  
BONHAM TX 75418-4002

ALEXANDER , TERRY  
2406 OAKLAND DR  
BONHAM TX 75418-5128

ALLEN , HARRY  
1125 COUNTY ROAD 2670  
TELEPHONE TX 75488-6819

AVERY , PATSY & PAUL  
532 COUNTY ROAD 2656  
TELEPHONE TX 75488-6836

BARRON , COLETTE J ATTORNEY  
TX PARKS & WILDLIFE DEPT  
4200 SMITH SCHOOL RD  
AUSTIN TX 78744-3218

BARRON , TED  
MESQUITE TEXAS  
PO BOX 850137  
MESQUITE TX 75185-0137

BEZANSON , JANICE  
TEXAS CONSERVATION ALLIANCE  
1101 YAUPON VALLEY RD  
WEST LAKE HILLS TX 78746-4328

BEZANSON , JANICE  
STE 110  
3532 BEE CAVE RD  
WEST LAKE HILLS TX 78746-5467

BLAINE , JAMES G  
3011 COUNTY ROAD 2730  
HONEY GROVE TX 75446-4212

BLAINE , MONIKA  
3011 COUNTY ROAD 2730  
HONEY GROVE TX 75446-4212

BOW , ELIZABETH BROWN  
1059 COUNTY ROAD 4105  
GREENVILLE TX 75401-1407

BRENNECKE , PAULA  
540 COUNTY ROAD 2521  
BONHAM TX 75418-6914

BREWER , DONNIE  
3280 FM 897  
DODD CITY TX 75438-3231

BREWER , THOMAS R  
126 CARPENTER LOOP  
BONHAM TX 75418-4049

BROACH , LARRY D  
CITIZENS AGAINST  
1215 CR 2901  
DODD CITY TX 75438

BURNETT , JAMES ENVIRONMENTAL PLANNER  
TEXOMA COUNCIL OF GOVERNMENTS  
1117 GALLAGHER DR  
SHERMAN TX 75090-1797

BURNETT , JOHN  
402 MOCKINGBIRD ST  
BONHAM TX 75418-2213

CAMPBELL , CURTIS W  
RED RIVER AUTHORITY OF TEXAS  
PO BOX 240  
WICHITA FALLS TX 76307-0240

CARLSON JR , CURTIS E  
PO BOX 292364  
LEWISVILLE TX 75029-2364

CARPENTER , JOE  
2177 COUNTY ROAD 2945  
DODD CITY TX 75438-3042

CARSON , MARY  
CORE  
9520 E FM 1396  
TELEPHONE TX 75488-6036

CARSON , MARY & W L  
9520 E FM 1396  
TELEPHONE TX 75488-6036

CHANEY , ARTHUR  
3603 S ST HIGHWAY 78  
BONHAM TX 75418-9131

CHUN , PATTI  
6232 S FM 1743  
WINDOM TX 75492-4826

CIRKLES , LEE ROY  
FANNIN COUNTY WATER AGENCY ALTERNATE  
1717 ORIENTAL ST  
BONHAM TX 75418-2619

CONCERNED CITIZEN ,  
365 PR 520  
BLUE RIDGE TX 75424

CONCERNED CITIZEN ,  
111 SANTE FE TRL  
WHITEWRIGHT TX 75491

CRANFORD SR , D H  
7095 COUNTY ROAD 2537  
QUINLAN TX 75474-5424

CRAWFORD , R P  
690 COUNTY ROAD 37500  
SUMNER TX 75486-3003

DURBIN , MICHAEL J  
242 COUNTY ROAD 2650  
TELEPHONE TX 75488-6658

ECHEANDIA , JAMES  
PO BOX 388  
SAVOY TX 75479-0388

ECHEANDIA , LISBETH  
PO BOX 388  
SAVOY TX 75479-0388

EMADIAZAR , MELODY  
11300 RESEARCH RD  
FRISCO TX 75034-2047

ESTES , PEGGY  
232 COUNTY ROAD 2650  
TELEPHONE TX 75488-6658

FLOYD , ROY MAYOR  
408 RAINEY ST  
BONHAM TX 75418-2108

FOREMAN , LELA  
8719 E FM 1396  
TELEPHONE TX 75488-6025

FORTENBERRY , JAMES M  
CASH SUD  
7086 FM 513 S  
LONE OAK TX 75453-5110

FOWLER , ROZELLE  
BONHAM JOURNAL  
520 W 9TH ST  
BONHAM TX 75418-3517

FRANKLIN , LARRY D  
15387 E FM 1396  
WINDOM TX 75492-3652

GEHALO , JANE  
10101 E FM 1396  
TELEPHONE TX 75488-6039

GESSETT , GILBERT  
661 COUNTY ROAD 2670  
TELEPHONE TX 75488-6817

GRAHAM , ROBERT  
4005 TRACY LN  
GREENVILLE TX 75402-5438

HACEY , PHIL  
1596 COUNTY ROAD 4215  
BONHAM TX 75418-9378

HALL , GREGORY  
328 COUNTY ROAD 1035  
RAVENNA TX 75476-3017

HALL , JOHN GREGORY  
328 COUNTY ROAD 1035  
RAVENNA TX 75476-3017

HAMMETT , HARRY & LYNDA  
1494 COUNTY ROAD 2917  
DODD CITY TX 75438-3204

HAMMETT , HARRY S  
1494 COUNTY ROAD 2917  
DODD CITY TX 75438-3204

HARGUES , W A  
5782 COUNTY ROAD 2610  
BONHAM TX 75418-7202

HARTWELL , GARY  
8560 SHAKESPEARE LN  
FRISCO TX 75034-8268

HARWELL , DENNIS & SUSAN  
18015 E FM 273  
TELEPHONE TX 75488-3625

HASSELL , KENNETH  
14262 COUNTY ROAD 565  
FARMERSVILLE TX 75442-5173

HENDERSON , BUTCH  
PO BOX 710  
LEONARD TX 75452-0710

HESS , MYRON J COUNSEL  
NATIONAL WILDLIFE FEDERATION  
STE 200  
44 EAST AVE  
AUSTIN TX 78701-4384

HOLMES , MABEL  
15924 E FM 1396  
WINDOM TX 75492-3625

JONES , BILL  
327 N MAIN ST  
BONHAM TX 75418-4320

JONES , JANET & KENNETH  
3054 COUNTY ROAD 2730  
HONEY GROVE TX 75446-4211

KELLAR , BRAD  
HERALD-BANNER NEWSPAPER  
PO BOX 5000  
GREENVILLE TX 75401

KNIGHT , CHAD  
791 COUNTY ROAD 2945  
DODD CITY TX 75438-3031

KNIGHT , DUSTIN  
1037 CR 2950  
DODD CITY TX 75438

KNIGHT , REBECCA & RONNIE  
317 COUNTY ROAD 2950  
DODD CITY TX 75438-3209

KNIGHT , REBECCA  
317 COUNTY ROAD 2950  
DODD CITY TX 75438-3209

KNIGHT , RENEA  
791 COUNTY ROAD 2945  
DODD CITY TX 75438-3031

KRAMER , KEN DIR  
SIERRA CLUB  
PO BOX 1931  
AUSTIN TX 78767-1931

LANE , JERRY  
4517 CROWN RIDGE DR  
PLANO TX 75024-5221

LEE , GLENN  
703 MARKET ST W  
HONEY GROVE TX 75446-1520

LEE , MAETA  
703 MARKET ST W  
HONEY GROVE TX 75446-1520

LEHEW , JERRY  
5405 LANSINGFORD TRL  
ARLINGTON TX 76017-3233

LEINART , JERRY  
1994 PR 1183  
GREENVILLE TX 75401-7995

LINKENAUGER , RA "LINK"  
SABINE RIVER AUTHORITY  
2325 E BEACH DR  
GREENVILLE TX 75402-8649

LIPSETT , SCOTT  
PO BOX 121  
RANDOLPH TX 75475-0121

LOCKE , GORDON  
13849 E FM 1396  
WINDOM TX 75492-3615

LOCKE , LEM  
13849 E FM 1396  
WINDOM TX 75492-3615

LORD , JENNIFER  
525 COUNTY ROAD 2780  
HONEY GROVE TX 75446-5226

LOSCHKE , JOHN  
874 COUNTY ROAD 2750  
HONEY GROVE TX 75446-5202

MARTIN , PHILLIP A COMMISSIONER  
HUNT CO  
PO BOX 1097  
GREENVILLE TX 75403-1097

MASSEY , STEPHEN B  
607 COMANCHE DR  
ALLEN TX 75013-8501

MAY , JACK L  
1709 OAK BEND LN  
GARLAND TX 75040-8900

MELSON , CATHY J  
3385 E STATE HIGHWAY 56  
DODD CITY TX 75438-3853

MELSON , ELLEN  
3385 E STATE HIGHWAY 56  
DODD CITY TX 75438-3853

MELSON , NATHAN  
CORE  
3385 E STATE HIGHWAY 56  
DODD CITY TX 75438-3853

MICHAUD , MIKE  
2315 COUNTY ROAD 3105  
BONHAM TX 75418-9107

MILLS , ED  
4B RHEA MILLS CIR  
PROSPER TX 75078-9137

MILLS , EDWARD & ELLEN  
4B RHEA MILLS CIR  
PROSPER TX 75078-9137

MOORE , BLAKE  
STATE REP LARRY PHILIPS OFFICE  
421 N CROCKETT ST  
SHERMAN TX 75090-0019

MURPHY , JAMES LEE  
TRINITY RIVER AUTHORITY OF TEXAS  
5300 S COLLINS ST  
ARLINGTON TX 76018-1710

MYRE , CLAY  
PO BOX 276  
ROYSE CITY TX 75189-0276

NEWHOUSE , JIMMY  
2438 COUNTY ROAD 2730  
HONEY GROVE TX 75446-4208

NEWHOUSE , MARK  
BOIS D'ARC MUD  
2704 COUNTY ROAD 2730  
HONEY GROVE TX 75446-4209

NEWSOM , SKIP  
STE 1A  
6806 BEE CAVE RD  
AUSTIN TX 78746-5036

ODOM , RUBY F  
PO BOX 354  
WINDOM TX 75492-0354

PARDO , CARLOS A  
4085 PRESTON HILLS CIR  
CELINA TX 75009-5541

PATTERSON , LARRY N  
UPPER TRINITY RWD  
PO BOX 305  
LEWISVILLE TX 75067-0305

PHILLIPS , THE HONORABLE LARRY  
TX HOUSE OF REPRESENTATIVE  
PO BOX 2910  
AUSTIN TX 78768-2910

REED , JOE  
116 HILLTOP LN  
POTTSBORO TX 75076-4852

REED , WES  
4519 W LOVERS LN  
DALLAS TX 75209-3131

RICHARDSON , STEWART  
9086 FM 100  
HONEY GROVE TX 75446-3434

RILEY , JODIE & KEVIN  
500 US HIGHWAY 385  
SPRINGLAKE TX 79082-6201

ROBERTSON , LLOYD B  
7104 ARAGLIN CT  
DALLAS TX 75230-2097

ROBINSON , LAWRENCE W  
PO BOX 517  
MCKINNEY TX 75070-8013

RUSSELL , JUDY  
790 COUNTY ROAD 2900  
DODD CITY TX 75438-3060

RUSSELL , KENNETH  
790 COUNTY ROAD 2900  
DODD CITY TX 75438-3060

RYKER , RICK  
1524 FM 2029  
TELEPHONE TX 75488-6050

RYSER , CATHY  
4097 COUNTY ROAD 2765  
HONEY GROVE TX 75446-5211

RYSER , CHARLES  
4097 COUNTY ROAD 2765  
HONEY GROVE TX 75446-5211

RYSER , DONNA  
4227 COUNTY ROAD 2765  
HONEY GROVE TX 75446-5212

RYSER , ERICH  
404 WENTWORTH DR  
MCKINNEY TX 75070-2801

RYSER , NATHAN  
602 OAK ST  
HONEY GROVE TX 75446-2138

RYSER , PHYLLIS  
PO BOX 149  
HONEY GROVE TX 75446-0149

RYSER , PHYLLIS  
16909 E FM 1396  
WINDOM TX 75492-3627

SEBASTIAN , WILLIAM  
1476 COUNTY ROAD 2130  
TELEPHONE TX 75488-5238

SEGER , PHILIP  
2355 N FM 1743  
WINDOM TX 75492-4230

SIERRA , DAVID  
TXPWD  
11942 FM 848  
TYLER TX 75707-5234

SKIPPER , ROGER  
3243 COUNTY ROAD 2955  
DODD CITY TX 75438-3236

SPRADLIN , LARRY  
PO BOX 518  
SULPHUR SPRINGS TX 75483-0518

STATON , JUSTIN K  
281 COUNTY ROAD 2650  
TELEPHONE TX 75488-6659

STRICKLAND , KAREN & MARY ANN  
7720 COUNTY ROAD 1135  
LEONARD TX 75452-6044

STRICKLAND , MARY ANN  
7720 COUNTY ROAD 1135  
LEONARD TX 75452-6044

STRONG , JOE  
BONHAM CHAMBER  
1593 S FM 2077  
BONHAM TX 75418-7363

STRONG , KATHY  
1593 S FM 2077  
BONHAM TX 75418-7363

TERRELL , THE HONORABLE STEPHEN  
CITY OF ALLEN  
305 CENTURY PKWY  
ALLEN TX 75013-8042

WAGMAN , THOMAS J  
433 PR 125  
SAVOY TX 75479-5135

WEBB , GWENDOLYN HILL ATTORNEY AT LAW  
WEBB & WEBB  
PO BOX 1329  
AUSTIN TX 78767-1329

WEBSTER , JIM & JUDY  
APT 1311  
7200 PRESTON RD  
PLANO TX 75024-3221

WEDELL , ELIZABETH FAYE  
PO BOX 812  
BONHAM TX 75418-0812

WEISZ , RON  
1009 E BERKELEY DR  
RICHARDSON TX 75081-5804

WELCH , JOHN W  
1588 COUNTY ROAD 2655  
TELEPHONE TX 75488-6804

WHISENANT , ADAM  
TXPWD  
11942 FM 848  
TYLER TX 75707-5234

WINNINGHAM , ANNA BELLE  
1359 COUNTY ROAD 2715  
HONEY GROVE TX 75446-3402

WINNINGHAM , ROBERT  
STE 211  
100 ALLENTOWN PKWY  
ALLEN TX 75002-4200

WITCHER , DOROTHY & JOHN REX  
APT 1513  
8729 SOUTHWESTERN BLVD  
DALLAS TX 75206-8277

WITCHER JR , H D  
972 COUNTY ROAD 2705  
TELEPHONE TX 75488-6066

WITCHER JR , HAROLD D  
PO BOX 36  
HONEY GROVE TX 75446-0036

WOLFE , CATHY & LARRY  
11922 FM 100  
HONEY GROVE TX 75446-3004

WOLFF , MATT  
#805  
2500 STONEWALL ST  
GREENVILLE TX 75401-4209

WOOD , JASON  
1259 COUNTY ROAD 2945  
DODD CITY TX 75438-3036

YARBROUGH , CHARLES  
404 PECAN ST  
HONEY GROVE TX 75446-1821

YARBROUGH , CHARLES MICHAEL  
2325 COUNTY ROAD 2765  
HONEY GROVE TX 75446-5210

YARBROUGH , JOHN  
3576 COUNTY ROAD 2765  
HONEY GROVE TX 75446-5215

YARBROUGH , MIKE  
2325 COUNTY ROAD 2765  
HONEY GROVE TX 75446-5210

YOUNG , ALTON  
239 FM 2029  
TELEPHONE TX 75488-6041