



TO: Ed Motley, with Chiang, Patel & Yerby  
CC: Bob Johnson, Director, Dallas Water Utilities  
Dallas City Council joint-committee members  
FROM: Beth Johnson, on behalf of Dallas Group and Lone Star Chapter of the Sierra Club  
Janice Bezanson, Executive Director, Texas Committee on Natural Resources  
DATE: 2/2/05  
RE: Inaccuracies and omissions regarding proposed Fastrill Reservoir on your draft analysis and recommendations

We are preparing a more comprehensive reaction on your draft recommendations and water-source analyses that you released at the Jan. 27 public meeting, but we wanted to respond more quickly to your recommendation of Fastrill Reservoir, because it is a new suggestion for Dallas and has major problems that we could have warned you of. Had we known you were considering it, we would certainly have told you of the current work by the U.S. Fish and Wildlife Service to develop a national wildlife refuge that would be partially flooded by Fastrill, as well as the other constraints detailed below.

Included on your chart of draft recommendations (Slide 64 at <http://www.stopmarvinnichols.com/DWU%20Draft%20Plan%202.pdf>) is a 27,000-acre new reservoir on the Neches River, called Fastrill, 140 miles distant, to be brought on line in 2040.

**REVIEW EXTREMELY SUPERFICIAL.** We are puzzled by your apparent failure to conduct even a cursory literature review of the Fastrill site, which would have discovered most of the basic issues listed below. Certainly it would have netted the information that there is a national wildlife refuge currently being developed that would have a substantial portion inundated by the reservoir, destroying the wildlife habitat.

**NO PREVIOUS MENTION OF THIS NEW RESERVOIR.** Until the January 27 public meeting, DWU had made no mention of Fastrill in any council briefings or elsewhere as an option it was considering. (At the December 13 public meeting, your recommendation contained a vague reference to “other Neches sources”, but did not name Fastrill.) If you had mentioned Fastrill during the half-day meeting you had with us January 7, we would have begun explaining to you the many factors (listed below) that you should have considered and that you should have listed as possible constraints against the project’s being built. We had no notion it was even being assessed, much less recommended.

**IMPACT REVIEW STILL NOT PROVIDED FOR PUBLIC REVIEW.** Your superficial review of this one recommended water source makes all the more imperative that you reveal the sources and results of your literature review, showing known impacts and issues for each option you are considering. You have stated that you want a fact-based public comment and review period, but you have provided little for us to review except your conclusions. You have failed to provide us most of the underlying analysis and facts to comment on, yet we are now only one day from the next public meeting and 17 days away from the deadline you’ve set for comments on your Jan. 27 draft analysis summaries and recommendations. Your failure to reveal the analysis and information on which you are basing your assertions and recommendations leads us to the conclusion that you are attempting to avoid thorough public scrutiny and meaningful comment. We need such information if we are to meet your publicly-stated goal of resolving as many of the disagreements as possible before the final draft.

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**FOR REASONS GIVEN BELOW, WE STRONGLY URGE THAT YOU REMOVE YOUR RECOMMENDATION THAT DALLAS PURSUE FOSTRILL. WE ARE VERY DISAPPOINTED THAT YOUR ANALYSIS INCLUDED VIRTUALLY NONE OF THE PERTINENT FACTORS LISTED BELOW.**

On behalf of our approximately 4,500 members in Dallas and its service area and our 26,000 members statewide, we provide the following preliminary comments and questions related to the superficial analysis that formed the basis of your draft recommendation that Dallas pursue Fastrill:

1. The proposed reservoir site overlaps a substantial portion of the **Neches River National Wildlife Refuge** and thus **is in direct conflict with the refuge**. The Department of Interior has signed off on the preliminary project proposal, the document that initiates development of a wildlife refuge, and is currently pursuing development of the Refuge.
  - a. **Your Jan. 27 summary** (slide 62) **omits any mention of the Refuge**, even though it should obviously be listed as a “development constraint” in your analysis. Indeed, you admitted to Andy Jones of the Conservation Fund of Texas that you were not aware of the Refuge until after you had included it in your draft recommendations of water sources for Dallas to pursue (unveiled on Jan. 27 after months of research). We are incredulous that your review on any potential water source--much less a draft recommendation--could fail to turn up such information.
  - b. You told Janice Bezanson that the relevant river authority, which would be Upper Neches River Municipal Water Authority, is beginning environmental and yield studies on Fastrill and thus we assume you are in contact with them. If you are asking them about new-reservoir information, are you not also asking them about any known environmental impacts or potential development constraints? If not, why not? If you did ask them, did they did not divulge this initiative? If you are not getting your information about the status of UNRMWA studies from them, from whom are you getting it?
2. The **U.S. Fish and Wildlife Service is currently completing the draft environmental assessment for the Refuge**, which is expected to be available for public review within a month or slightly longer. FWS has held public meetings within the last year to familiarize area residents with the project.
  - a. **Your Jan. 27 document misrepresents** when it states merely that **“no environmental studies [are] completed”** but fails to mention that this study is being conducted of the refuge and is on the verge of being released for public review.
3. **You have not provided a map or text to let us know precisely where the dam and inundation area** of Fastrill would be located. Please provide. Nor have you clarified if “Fastrill” is synonymous with the reservoir that was called “Weches” in the 2001 Region C plan. Our comments below are based on what little we have been able to obtain so far about the location of proposed Fastrill Reservoir and our understanding that, while smaller, it substantially overlaps the reservoir previously termed “Weches”.
4. All or most of the 25,000 acres within the refuge boundary has been **rated as Priority 1 bottomlands by the U.S. Fish and Wildlife Service**. Priority 1 lands are the best remaining bottomland hardwood forest habitat. Texas has already lost the vast majority of

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such habitat, and it is critical to preserve remaining remnants of our natural heritage. Inundation of this fast-vanishing high-quality bottomland hardwood forest habitat would destroy the habitat values on which many kinds of wildlife, waterfowl, and migratory songbirds depend.

- a. **Your Jan. 27 document mentions “wooded acres” but fails to mention the “Priority 1” designation.**
  - b. Inundating such habitat has **important implications for required mitigation acreage, a factor directly related to the ultimate cost and impact of new reservoirs.** Have your cost figures and analysis of the viability of the reservoir taken into account Priority 1 habitat mitigation requirements and costs?
5. Your document claims **“project will inundate 27,000 wooded acres.”** Please clarify whether that is the entire site of the reservoir or whether only a portion is wooded. Please state your source for the size of the reservoir, as references to “Weches” Reservoir at the same site refer to a substantially larger footprint.
6. **“Environmental Impacts”** of Weches are rated **“high” upon wetlands, “high” upon bottomland hardwood, “moderate” upon endangered species,** according to Table 5.3 on pg. 5.21 of the 2001 Region C Water Plan. While Fastrill is reportedly smaller than Weches, it is located in all or much of the same site, so the impacts can be expected to have the same ratings.
- a. **Your document fails to mention** the Region C environmental analysis or its conclusions, despite the fact that citizens’ groups requested, and Dallas City Council explicitly discussed, that your literature review was to include documents such as Table 5.3.
7. State and federal agencies rate Fastrill/Weches **in a category similar to proposed Marvin Nichols Reservoir for causing “the most significant adverse impacts to terrestrial wildlife resources based on surface area”** and for containing **“highest habitat quality ratings for bottomland hardwoods and riparian forests,”** according to a 1990 study.
- a. **Your document fails to mention** this study, and in fact **asserts that “no environmental studies [have been] completed.”** However, this information, on pg. 55 of “An Assessment of Direct Impacts to Wildlife habitat from Future Water Development Projects” by Texas Parks and Wildlife Dept. and U.S. Fish and Wildlife Service, 1990, is found in the excerpt we provided you on Jan. 7. This is the latest study of which we are aware and is the one cited in Region C’s 2001 plan. This document was also referenced in briefing documents we provided to Dallas City Council on Jan. 7, 2004, which you said you are including in your literature review.

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8. The **Region C Water Planning Group** twice last year (July and August) considered and **put Weches/Fastrill on a list of potential new reservoirs NOT to be given further consideration**. No one, including DWU, suggested that Fastrill be considered further. (This reservoir also received initial consideration and rejection for further consideration in Region C's 2001 planning process.)
  - a. **What information do you have that makes this project more viable than it was in July and August** at Region C WPG? If you have such information, why haven't you provided it?
9. **Reasons given by RCWPG for eliminating Fastrill from further consideration** (in July and Aug., 2004) were "**distance from Region C**" and "**permitting difficulties**". (Document available at <http://www.regioncwater.org/Documents/Water%20Management%20Strategies/Draft%20-%20Potentially%20Feasible%20Projects%20for%20New%20Surface%20Water%20Supplies.pdf>)
  - a. **Your document omits mention of these relevant negative conclusions that surely should have been included**. In fact, issues relating to "permits" are one of the categories listed on your analysis summary, and citizens' groups requested and Council directed that permitting issues be addressed. Are you including Region C Water Planning Group documents in your (council-required) literature review? If not, why not? This document has been available online since July. We assume you were present at the two meetings where this document was discussed and voted on.
  - b. What is different in your analysis of feasibility that would make "distance from Region C" a "reason for elimination" at RCWPG but not under your review?
  - c. Have you asked RCWPG what the "permitting difficulties" are? If not, why not? If so, why did your document not divulge them?
10. The Neches River Protection Initiative, a coalition of a number of citizen groups, launched an initiative several years ago to seek **designation of the Neches as a National Scenic River** from Lake Palestine to B.A. Steinhagen Reservoir and possibly farther downriver. The next step is to have Congress approve a study of the river. Should it be added to the Wild and Scenic Rivers System, it would be only the second in the state of Texas -- after the Rio Grande. Fastrill Reservoir would be in direct conflict with preservation of this scenic river corridor.
  - a. **Your document omits any mention** of this initiative, even though Upper Neches River Municipal Water Authority would surely know of it, and they are cited as a source for contractual issues on pg. 62 of your document.

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11. Texas Parks and Wildlife Department has conducted studies and is currently holding public meetings on the **reintroduction of the endangered black bear in Texas**, with the **focus on releasing bear into the habitat-rich Neches River corridor**. These meetings are being held from Beaumont to Paris, Texas. The southern meetings took place in 2004 and the meetings to the North will take place this month (February).
  - a. **Your document omits any mention** of this initiative, even though Upper Neches River Municipal Water Authority would surely know of it, and they are cited as a source for contractual issues on pg. 62 of your document.
  - b. Have you contacted Texas Parks and Wildlife Department or done a literature review concerning documents that they have produced, relevant to all the water sources you're considering?
12. Additional reservoirs on the Neches such as Fastrill **would impact the Big Thicket National Preserve, two national forest wilderness areas, and other significant downstream natural resources**.
  - a. Under "environmental issues", **your document makes no mention** of potential impacts on these significant nationally-designated natural areas. A map review would reveal the existence and need to acknowledge potential impacts on these resources.
13. The reservoir site is also **in the debris field of the wreckage of the space shuttle *Columbia***. The Neches River National Wildlife Refuge site is **under consideration as a memorial** to this national tragedy. Your document omits any mention.
14. **It stands to reason that any of the numerous organizations, citizens, and agencies working on any of the above initiatives to preserve the Neches Corridor are opposed to Fastrill Reservoir**.
  - a. **Your analysis summary asserts (slide 62) that "Fastrill has no known opposition."** We could have informed you of varied and strong opposition had you indicated that you were considering this reservoir or seeking information regarding it. But, more importantly, the independent literature review and professional analysis for which Dallas Water Utilities ratepayers are paying you should have turned up this information long before it appeared as a draft analysis and recommendation in a public meeting shortly before a Council decision deadline, **had you inquired of pertinent sources**. Please reveal the source(s) (or lack thereof) of your assertion that there is no known opposition.