

Water group approves 16 recommendations

County Judge Chris Davis represents Cherokee County on long-range planning

By **BOB BOWMAN**
SPECIAL CONTRIBUTOR

Directors of the East Texas Regional Water Planning Group approved 16 recommendations for a new round of planning for 20 counties in the region.

Representing Cherokee County at the meeting was County Judge Chris Davis, a recently-named board member.

The recommendations were outlined by engineering consultant Gary Graham of Beaumont during a regularly-scheduled meeting when in Nacogdoches.

Recommendations include:

- A review of population, water demands and supplies, and the proposal of new water management strategies
- A new review of water conservation strategies.
- An examination of a Texas Water Development Board (TWDB) study on electrical generation with amendments to the new East Texas water plan
- Completion of a study comparing TWDB and Texas Commission on Environmental Quality databases for small water suppliers in an attempt to reconcile differences.
- A review of new TWDB work on environmental resources with possible amendments to the East Texas plan.
- The updating of groundwater availability for the Gulf Coast aquifer.
- A study of environmental protection strategies for wetlands and fresh water associated with bays and estuaries
- The evaluation of the effects of in-stream environmental flows on water planning
- A review of alternatives for capturing, treating and storing flood flows
- A review of water bodies impacted by water quality and the impact on surface water treatment facilities
- A study of the role of reusing water in water conservation strategies
- The study of the impact of envi-

16 nominees submitted for new basin

ronmental flows on existing water rights permits

- A review of groundwater management predictive data
 - Consideration of the formation of groundwater conservation districts in areas uncovered by existing districts
 - A review and updating of agricultural water needs
 - The refinement of groundwater availability impacted by water quality and geographic restrictions
- The planning group also suggested 16 nominees to the TWDB's new river basin and bay area stake holders committee.

Nominated were Mel Swoboda, agriculture and irrigation; Josh W. David, free-range livestock; David Alders, concentrated animal feeding; George Goehringer, recreational water usage; Mike Norris, municipalities; Jerry D. Nichols, soil and water conservation; Darla Smith, refining; Olan Webb, chemical manufacturing; Dale Peddy, electrical generation; Mike Harbordt, paper products or timber; Wade Butler, commercial fishermen; John D. Stover, public interest groups; Kelley Holcomb, regional water planning; Walter Glenn, groundwater conservation districts; Jerry Clark, river authorities; and Dr. Matthew McBroom, environmental interests.

The planning group also acknowledged receipt of the resignation of the Deep East Texas Council of Governments of Jasper as its administrative agent and authorized the group's executive committee to begin the process of negotiation with a new agent.

The group's next meeting will be Jan. 9 in Nacogdoches.

The group serves all or parts of Anderson, Angelina, Cherokee, Hardin, Henderson, Houston, Jasper, Jefferson, Nacogdoches, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity and Tyler counties.

ANRA

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ley Authority did not realize the full impact of the amendment that they approved last year," said Sen. Nichols. "Now that they realize it, they voted unanimously (Oct. 18) to amend it."

LNVA attorneys are working this week on a new draft. "We can't give an exact time line (of when the draft will be completed)," said Dr. Brian Babin, chairman of the basin study committee for LNVA. "What I want the draft to say, in layman's terms, is that we want the participants to get the water they have been paying for."

Kenneth Renneau, general manager of ANRA, said it is possible that the amendment will be written in such a way that all parties will be satisfied. If that is the case, then TCEQ will allow municipalities to withdraw their letters of opposition to TCEQ.

"By applying to amend a 1963 permit, which everyone is happy with, they started an administrative procedure at TCEQ," said Mr. Renneau.

If the revised amendment is not accepted by municipalities in the northern basin, then TCEQ will have to decide whether the three-person commission will hear a contested case.

"The commission meets twice each month, and they would review it to see if it meets the standards," said Terry Clawson, TCEQ media relations manager.

Following the TCEQ board meeting, the contested case would be referred to the State Office of Administrative Hearings (SOAH), a quasi-judicial agency established to handle disputes between state agencies. Once SOAH makes a recommendation, TCEQ can rubber stamp the proposal, accept a portion of it or make a different ruling altogether.

Dr. Babin feels optimistic that the revised amendment will meet the approval of ANRA and participating municipalities in the Lake Columbia project.

Mr. Renneau is also hopeful but guarded. "My question (to LNVA) is simply this: If you realize right now you are causing grief in the mid and north basin, why not withdraw the application?"

LNVA and ANRA also disagree over the issue of water rights vs. contractual rights.

Municipalities which are participating in the Lake Columbia project hold contractual rights expressed

in terms of a percentage of ownership.

"Water rights, on the other hand, means that ANRA's permit from the state would be split, for instance, between ANRA and LNVA," explained Mr. Renneau. "Each would have a percentage of water stated in the permit."

"It's as if you and someone else have joint ownership rights in your home," he said. "Your needs and your vision for your home may be different from the other owner."

ANRA board members feel that contractual rights are as enforceable as water rights, but avoids the difficulties of joint ownership.

When the disagreement between ANRA and LNVA reached its pinnacle earlier this month, LNVA said it submitted the original amendment to TCEQ at the request of Homeland Security, the FBI and the U.S. Coast Guard. However, LNVA declined to elaborate on the connection between Homeland Security and LNVA's need for more water.

ANRA and many municipalities in the Lake Columbia project think that invoking Homeland Security is a smokescreen to control the water and deliver it to a massive petrochemical industrial base in the Beaumont-Port Arthur area.

Before the Neches River meets the Gulf of Mexico, it splinters into a network of 400 miles of canals constructed in the 1940s to irrigate rice farms. As rice farming declines, agricultural land is transformed into industrial uses.

"Trying to get water under the guise of Homeland Security is not the right thing to do or the truthful thing to do," said state Rep. Chuck Hopson, (D-Jacksonville), who also attended the Oct. 22 meeting. "I think it was a really good thing that we got people from LNVA with ANRA and have a dialog going. It was a very positive meeting, and ANRA got to air some things that had been building."

Cherokee County Judge Chris Davis agrees.

"LNVA was trying to pull a sneaky, fast one on us and change those old water rights so that industrial needs would be met before residential needs. If this amendment had passed, it would have given them control of the whole basin."

Judge Davis also agrees with Sen. Nichols that LNVA's board of directors did not understand the scope or impact of the proposed amendment. "I hope we caught this problem in

time."

Dr. Babin told the Cherokeean Herald that LNVA has been "in the water business" since 1913.

"We have provided for agricultural and industrial use with water rights and those who are junior to us," he said. "We have never had a water call, and we have always provided water that we promised to sell."

He suggested that the timing of this issue may have something to do with Dallas and that city's long term water plan. "They have filed a petition to contest our amendment," he said.

Dr. Babin said it would be a "big mistake" for ANRA to sell any water rights to Dallas and allow water to be transferred out of the basin. "The political reality is that East Texas can't stave this off much longer," he said. "The best thing we can do is cut the best deal we can to control our water, our natural resources."

Rusk City Manager Mike Murray, who attended the meeting with Mayor Angela Raiborn, said he was glad the two opposing water districts had an opportunity to speak face to face Oct. 22.

"It was a really good meeting, and I appreciate the hard work of Sen. Nichols and Rep. Hopson to try and reach a compromise."

He said the disagreement of contractual rights vs. water rights may prove to be a point that neither side is willing to negotiate.

"As I understand it, ANRA has offered almost 40 percent of contractual rights to LNVA," he said. "However, they did not use the term 'contractual rights' in the meeting. They seem focused on obtaining water rights with inherent right to water."

The original LNVA amendment didn't pass the smell test, said Mr. Murray, and that is why the city of Rusk submitted a letter of protest to TCEQ.

Approximately 20 attended the meeting in Jacksonville at the Norman Activity Center, and included city officials from Whitehouse, Troup, Jacksonville and Rusk.

Dr. Babin said he joked with Kathleen Jackson, LNVA vice-president, in the car on the 165-mile drive from Beaumont to Jacksonville. "I told her, 'We may need some body guards when we go in.'"

"I think they left the meeting knowing they had stirred up some issues," said Mr. Renneau. "We will review (the revised amendment) with an open mind."

Local issues will be on Nov. 6 ballot

Alto, Jacksonville will decide school bond issues; Rusk will consider change in sales tax

Early voting concludes Friday for the Tuesday constitutional amendment election.

At press deadline Tuesday, approximately 646 persons had cast ballots. Turnout is expected to be low because it is not a presidential election year.

Persons wishing to vote early may do so from 8 a.m.-5 p.m. at the Cherokee County Clerk's office in the

courthouse in Rusk; A. Frank Smith United Methodist Church in Alto; and the Senior Citizens Center across from Discount Center in Jacksonville. Those wishing to vote are asked to bring their voter registration or a driver's license for identification.

Voters will be asked to consider 16 Texas Constitutional amendments. The amendments range from issuance of

bonds for various projects to clarification of home equity loans proceeds and denial of jail bond.

Also voters will be asked to approve a Rusk sales tax economic development corporation change and bond issues for Alto ISD and Jacksonville ISD.

Persons living in the city limits of Rusk will be asked to approve a switch from a 4A Economic Development Corporation to a 4B Economic Development Corporation. If the ballot proposition is not approved to switch, the 4A corporation will remain in effect.

The election is being called because a 4B corporation can spend the half-cent sales tax for a larger variety of economic development projects.

With voter approval the half-cent sales tax can be used for retail business incentives, sports and athletic facilities, entertainment, tourist and convention facilities, public parks and related

open space improvement, affordable housing, water supply and conservation programs.

Projects for 4A corporation expenditures that can be used for 4B projects include manufacturing and industrial facilities, research and development facilities, recycling facilities, distribution centers, small warehouse facilities and distribution centers, military facilities, primary job training facilities, corporate headquarter facilities, job training classes, career centers, telephone call centers and business infrastructure.

The Alto ISD election seeks approval of the issuance of \$6.3 million school building bonds for construction, acquisition and equipment of an elementary school building in AISD.

The Jacksonville ISD election seeks approval of issuance of school bonds for the construction of a \$19 million elementary school.

El Camino Real

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the woods kicking off the first day of the regular deer season. It sounds like a good place for the ladies to go while the men are hunting. I know the ladies from the Methodist Church will be down there selling cookbooks and crystal bracelets.

I don't even want to think about a pecan. I've been picking out pecans all week. My hands are sore and nobody will help me. My mother-in-law always says she is going to help, but she never does. She helps eat them and that's about it for her part. I wonder if the law found her in my deep freeze would they believe she just fell in trying to steal pecans? The wife hardly adds pecans in the stuff she bakes because the boys don't like them. I wonder when anybody around here is going to start worrying about what I like. I might just take my pecans and

sell them at the Pecan Festival.

Alto High School Senior Matthew Barnes and Ag Teacher John Griffith spent the week in Indianapolis, Ind. at the National FFA Convention. Matthew is the Texas Area 9 FFA President and represents 125 schools. We are very proud of Matthew's accomplishments in FFA and we are lucky to have him representing Alto as our Area 9 FFA president. I watched some of the National FFA Convention on the RFD Channel and I was very impressed with the caliber of young people and the great speakers they had on the program. A big thanks to John Griffith for going the extra mile each year teaching and working with our kids.

The Alto Schools celebrated Red Ribbon Week last week with many activities focusing on keeping kids off drugs.

Where do I vote in Cherokee County?

7 a.m. - 7 p.m. on Nov. 6

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| Voters may cast ballots at: | •Box 32 Mount Selman Baptist Church, CR 3941 off U.S. Highway 69 |
| •Box 10: Northeast Rusk, Civic Center, Euclid Street | •Box 33: Reese Community Center, Highway 175 |
| •Box 11: East Rusk, Blounts Chapel Church, U.S. Highway 84 | •Box 34: Mixon First Baptist Church, Corner FM 177 and FM 3012 |
| •Box 12: North Rusk, Gallatin Community Center, FM 768 | •Box 35: Cove Springs Community Church, Highway 175 |
| •Box 13: North Maydelle, Fire Station, Highway 84 | •Box 36: SW Jacksonville, New Hope Baptist Church, FM 747 S. |
| •Box 14: Southeast Jacksonville, Corinth Baptist Church, Turney | •Box 37: Mount Haven CME Church, Highway 747 N. |
| •Box 15: Ward 3, Jacksonville, Tyler Street Baptist Church, 910 Tyler St. | •Box 38: Ward 2 Jacksonville Activity Center, Peoples Street |
| •Box 16: Dialville, Dialville Methodist Church, CR 1611 off FM 347 | •Box 42: Ward 1 Jacksonville, Old Elberta School, MLK Drive |
| •Box 23: South Rusk, Salem Baptist Church, FM 241, Rusk | •Box 43: Ward 4 Jacksonville Public Library, 502 S. Jackson |
| •Box 24: Rusk, Cherokee Civic Theatre Annex (Shrine Building) Sixth Street | •Box 44: Northeast Jacksonville, Tecula Baptist Church, CR 4113 |
| •Box 25: Wells Fire Station, U.S. Highway 69 S. | •Box 45: New Summerfield, city hall, Highway 110 |
| •Box 26: East Alto, County Barn, FM 851 | •Box 46: Pleasant Hill, Blackjack Baptist Church, Highway 110 |
| •Box 27: West Alto, Fire Station, Highway 21 | •Box 47: Ponta First Baptist Church, Highway 110 |
| •Box 28: South Maydelle, Assembly of God Church, U.S. Highway 84 | •Box 48: Concord Presbyterian Church, CR 4705 off FM 856. |
| •Box 29: Forest Baptist Church, FM 1911 and CR 2754 | For more information, call the county clerk at (903) 683-2350. |

Prop. 4

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\$2.1 million has been spent on roofing," said Kevin Gentry, director of plant operations at RSH. "In the almost 23 years that I have been here, the roofs are in the best condition I have seen."

Other capital improvements since 2004 include a new fire alarm system featuring a state-of-the-art addressable system with fire protection sprinklers in two patient buildings.

"Five of our eight primary patient use buildings are now equipped with Approved Automatic Sprinkler Systems throughout."

The hospital is currently upgrading equipment like water heaters and installing computer-based energy management systems to control A/C and heating in all buildings.

State Rep. Chuck Hopson (D-Jacksonville) said he took advantage of the opportunity to vote early last week and cast a ballot in support of Prop. 4.

"A lot of things got thrown in together (in that proposition)," he said, referring to HR 36, which outlined the components of Prop. 4. Eleven different state agencies will receive a portion of the bond project, from the Texas Parks & Wildlife Dept. to the Texas

Youth Commission and Department of State Health Services.

Lewie Byers, president of Texas National Bank of Rusk and Rusk Economic Development Board member, feels that Proposition 4 is not an issue that voters should have to vote for.

"If the departments named in the proposition need the money, the legislature should have the will to pass a bill to fund these expenditures," said Mr. Byers.

Since interest on the bonds will have to be paid, the cost of paying for those items will cost more than paying for the improvements from the state's cash reserves. More than \$8 billion dollars went unspent from the treasury at the end of the legislative session this year. Near Alto at Caddoan Mounds State Historic Site, money from Prop. 4 would be used to replace fences, renovate buildings, replace the primary electrical distribution system and replace the emergency generator for client residences on the property.

On or about Jan. 1, 2008, Caddoan Mounds will be transferred from TPWD to the Texas Historical Commission. For more information on Prop. 4, go to www.proposition4.org.