

## **BILL ANALYSIS**

C.S.H.B. 1862  
By: Lucio III  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that state and regional water plans provide for the identification of river and stream segments as being of unique ecological value that should be protected. C.S.H.B. 1862 seeks to designate certain river or stream segments that were recommended by recent plans as being of such value for their protection.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1862 designates as being of unique ecological value certain specified segments of Alamito Creek, Black Cypress Bayou, Black Cypress Creek, and Terlingua Creek and provides for the effect of such a designation.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1862 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. The legislature, as authorized by Section 16.051(f), Water Code, designates as being of unique ecological value the following river or stream segments:

(1) Alamito Creek in Presidio County solely within the boundary of the Trans Pecos Water Trust;

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. The legislature, as authorized by Section 16.051(f), Water Code, designates as being of unique ecological value the following river or stream segments:

(1) Alamito Creek in Presidio County solely within the boundary of the Trans Pecos Water Trust;

(2) Black Cypress Bayou from its confluence with Big Cypress Bayou in south central Marion County upstream to its confluence with Black Cypress Creek east of Avinger in southern Cass County;

(3) Black Cypress Creek from its confluence with Black Cypress Bayou east of Avinger in southern Cass County upstream to its headwaters located four miles northeast of Daingerfield in eastern Morris County;

(4) Pecan Bayou from two miles south of Woodland in northwestern Red River County to the Red River in eastern Bowie County; and

(5) Terlingua Creek in Brewster County solely within the boundary of Big Bend National Park.

SECTION 2. The designation of a river or stream segment as being of unique ecological value under Section 1 of this Act:

(1) means only that a state agency or political subdivision of the state may not finance the actual construction of a reservoir in the designated segment;

(2) does not affect the ability of a state agency or political subdivision of the state to construct, operate, maintain, or replace a weir, a water diversion, flood control, drainage, or water supply system, a low water crossing, or a recreational facility in the designated segment;

(3) does not prohibit the permitting, financing, construction, operation, maintenance, or replacement of any water management strategy to meet projected water supply needs recommended in, or designated as an alternative in, a 2016 regional water plan; and

(4) does not alter any existing property right of an affected landowner.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

(2) Black Cypress Bayou from its confluence with Big Cypress Bayou in south central Marion County upstream to its confluence with Black Cypress Creek east of Avinger in southern Cass County;

(3) Black Cypress Creek from its confluence with Black Cypress Bayou east of Avinger in southern Cass County upstream to its headwaters located four miles northeast of Daingerfield in eastern Morris County; and

(4) Terlingua Creek in Brewster County solely within the boundary of Big Bend National Park.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.