

By: Lucio III

H.B. No. 1862

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the designation of certain river or stream segments as  
3 being of unique ecological value.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The legislature, as authorized by Section  
6 16.051(f), Water Code, designates as being of unique ecological  
7 value the following river or stream segments:

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

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

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

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

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

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

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

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

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

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