

By: Perry

S.B. No. 863

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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