May 17, 2017

House Natural Resources Committee  
Chair: Rep. Lyle Larson  
Vice Chair: Rep. Dade Phelan  
  Rep. Trent Ashby  
  Rep. DeWayne Burns  
  Rep. James Frank  
  Rep. Kyle J. Kacal  
  Rep. Tracy O. King  
  Rep. Eddie Lucio III  
  Rep. Poncho Nevárez  
  Rep. Four Price  
  Rep. Paul Workman

cc: Shannon Houston via e-mail

Dear Chairman Larson and Members of the House Natural Resources Committee,

On behalf of the fifty-two member organizations of the Greater Edwards Aquifer Alliance (GEAA) I am registering opposition to S.B. 862, relating to the award of attorney’s fees and other costs in certain proceedings involving a groundwater conservation district.

Having participated in stakeholder groups for the creation of two groundwater conservation districts (GCD’s), and as one who regularly works with GCD’s in rural areas, foremost on the minds of those governed by these bodies is that the GCD budgets be as lean as possible. This does not include the prospect of exorbitant legal fees that might be accrued as a result of decisions by the trustees that are subject to challenge.

For the most part, GCD’s are well governed and represent the best of participatory democracy here in Texas. S.B. 862 would unnecessarily tilt the balance away from this democratic process in favor of water marketers and other deep pockets who have the resources to challenge decisions. We know from experience that challenges are often based on allocations by the GCD that interfere with their plans for profit.

Additionally, GCDs need to use their limited financial resources for aquifer science; additional money needed for fighting lawsuits will have to come from increased fees or taxes if expenditures for aquifer science are to be maintained at current levels. I guarantee you that no one in any district wants their fees or taxes to go up.

We believe, and hope you agree, that S.B. 862 would compromise good governance of groundwater resources and is not worthy of your approval.

Sincerely,

Annalisa Peace, Executive Director