



Update on Proposed O.P. Leonard Channel Dam on Colorado River

In October 2011, pecan farmers O.P. Leonard, Jr. and Nancy Leonard filed an application with the Texas Commission on Environmental Quality (TCEQ) to amend their water right to build a dam and reservoir on the Colorado River – about 9.5 miles southwest of the City of Goldthwaite -- upstream of the Highland Lakes. The proposed channel dam would impound 1,000 acre-feet of water (an acre-foot is approximately 325,851 gallons) and would back up the river for almost 9 miles. The application, which was declared “administratively complete” in September 2013, has already drawn a great deal of opposition, and hundreds of written comments, public meeting requests, and requests for a contested case hearing have been filed with the TCEQ since the TCEQ issued notice of the application in early January 2015. Opponents have identified a number of issues, including the threat that this project will capture river flows that should pass through to downstream water users and enter Lake Buchanan. The TCEQ is expected to schedule a public meeting on this application so that citizens can learn more about the project, ask questions of the applicant and the TCEQ staff, and provide additional comments to the agency.

A contested case hearing may also be granted by the TCEQ. A contested case hearing is like a trial and is conducted by Administrative Law Judges at the State Office of Administrative Hearings. In a contested case hearing, the applicant must prove that its application satisfies the requirements imposed in Texas water laws. The Lower Colorado River Authority and the Texas Parks and Wildlife Department, among many others, have filed requests for a contested case hearing.

Another issue has centered on whether the water retained by the dam will be used by the Leonards or by the City of Goldthwaite. While the City of Goldthwaite is not the applicant, it would benefit from the water retained by the channel dam and has described itself as a “partner” with the Leonards in the TCEQ application process.

In addition to the water right application pending at the TCEQ, the proposed channel dam has been a topic of extensive discussion within the Region K Regional Water Planning Group, which is in the process of deciding whether to include the channel dam project in the Lower Colorado Regional Water Plan. The Regional Water Plan, once approved, becomes part of the State Water Plan. In order for the project to be granted the requested TCEQ permit, the project must be found to be “consistent with” the Regional and State Water Plans. Additionally, projects that are included in the Regional Water Plan (and thus the State Water Plan) may be eligible for state funding.

Opponents of the proposed channel dam presented numerous oral and written comments to the Region K Regional Water Planning Group at its meetings on June 25 and July 8 and urged the Region K members not to include the proposed channel dam in the Regional Water Plan. Also at the July 8 meeting, an attorney representing the City of Goldthwaite made a presentation regarding the proposed channel dam and the matter was discussed extensively by the Regional Planning Group members. Concluding that there were too many issues and unanswered questions about the project to make a decision on July 8, the Regional Planning Group decided to send the proposed project to its Water Management Strategies Committee for additional review. The Committee was asked to report on the results of its review at the next Region K meeting (probably in October 2015).

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