

**Congressman Sam Johnson**

Statement for the Record

House Judiciary Subcommittee on Regulatory Reform

Hearing on H.R. 4423

Mr. Chairman, thank you for considering my bill, H.R. 4423, the *North Texas Water Supply Security Act*.

H.R. 4423 is commonsense legislation that aims to prevent any needless delay – through lawsuits – of the construction of the critical Lower Bois d’Arc Creek Reservoir (LBCR) project. The North Texas Municipal Water District (NTMWD) has worked for approximately 15 years to secure the Federal Section 404 permit needed to construct LBCR. Fortunately, despite years of federal permitting delays, NTMWD secured the federal permit for LBCR in February 2018 and began construction earlier this month.

But here’s the problem: the delays in the federal permitting process over the last 15 years have pushed the timeline for this reservoir so far out that even the slightest delay from a legal challenge could lead to a water shortage in my district. Even worse, a legal injunction against this reservoir would put my district in dire straits. I’m not talking about rationing water for lawns either. I’m talking about a water shortage so severe that water from the tap would be in question.

Fortunately, NTMWD is moving to build the reservoir as quickly as it can to prevent such a water crisis. Construction of the dam is expected to be ongoing for the next three years, and it will take another two years to actually fill the reservoir. That means the reservoir won’t be online until 2021-2022 – the exact same time that demand for water in our service area is set to outstrip supply.

With this in mind, my bill seeks to ensure that the water supply for North Texas is protected by doing the following things:

**First**, my bill would limit who may file a legal challenge against the federal permit for LBCR. Under my bill, only those who filed comments on the revised draft environmental impact statement for LBCR could file a legal challenge.

**Second**, my bill would limit the time period during which legal challenges can be filed to 60 days after the final decision. Currently, a legal action could be brought

against this reservoir project for up to six years from the date the permit was issued. That's just wrong!

**Third**, my bill would limit where legal actions can be brought against LBCR. Specifically, legal actions could only be brought to the U.S. District Court for the Eastern District of Texas. My bill would also require the court to resolve any action as soon as possible.

**Lastly**, my bill would ensure that the court consider the public need for this critical reservoir; the effects on public health, safety, and the environment if LBCR does not come online in a timely fashion; and the impacts on our local economy if construction were prevented or delayed. My bill also says that the court shall not waive or limit the requirement for security under Federal Rule of Civil Procedure 65(c) for a temporary restraining order or injunction.

Simply put, my bill is focused on preventing any further unnecessary delays of this critical water supply project. Mr. Chairman, this is the right thing to do. North Texans want, need, and deserve a secure and reliable supply of water today **and** for generations to come.

I ask my colleagues for their support of the *North Texas Water Supply Security Act*.

Thank you again, Mr. Chairman. I yield back the balance of my time.

SAM JOHNSON  
Member of Congress  
Third Congressional District of Texas