

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
SEEKING FAIR AND JUST SETTLEMENT OF ALL MATTERS REGARDING THE
STACY RESERVOIR.

WHEREAS, after nearly eight years, untold manhours, and hundreds of thousands of dollars, the Colorado River Municipal Water District ("CRMWD") finally succeeded in obtaining a permit from the Texas Water Commission for construction of the Stacy Reservoir to be located on the Colorado River in Runnels, Concho, and Coleman Counties of the State of Texas; and

WHEREAS, water is the lifeblood of West Texas, a land rich in natural and human resources but which, without sufficient water resources for its industry and people, cannot sustain its present prosperity or even moderate economic growth and productivity; and

WHEREAS, the cities comprising CRMWD, the Cities of Abilene, Midland, and San Angelo, and their respective citizens, which shall all be participants in construction of the Stacy Dam and purchasers and users of the water which would one day be impounded in the Stacy Reservoir, are unanimous in their belief that additional sources of water for municipal, domestic, mining, industrial, and agricultural purposes are critical to the continued habitability and economic viability of West Texas in general, and of these cities in particular; and

WHEREAS, engineering studies prepared on behalf of CRMWD, the City of Abilene, and others have confirmed the fact that there is no other additional source of water available to them sufficient in quantity or quality to meet the needs of their people and to sustain them through the year 2040; and

WHEREAS, it is the overwhelming opinion of all those concerned that construction of the Stacy Reservoir is an urgent necessity, of the highest possible priority, and that cancellation of this project, or postponement thereof for any substantial period of time, would result in dire consequences for West Texas and for each and all of the cities involved; and

WHEREAS, while we acknowledge and strongly support our nation's and our state's commitment to preserving our environment and the need to wisely and conservatively use and preserve our natural resources, including those species of plants and animals whose very existence has been or may be threatened by man's development and use of their natural habitats, nevertheless, in the absence of indisputable, documented evidence that the Stacy Reservoir would have a substantial adverse effect upon the Concho water snake (*Nerodia harteri paucimaculata*), and in view of the recent biological studies, investigation and reports prepared, compiled, and submitted on behalf of CRMWD which demonstrate (i) that the Concho water snake is not a threatened species, and (ii) even if it should be declared to be a threatened species, that the species to which the Concho water snake belongs has flourished notwithstanding construction of dams and reservoirs along the rivers which comprise its natural habitat and environment, we do not believe that the available evidence supports the proposal by the United States Fish and Wildlife Service to declare the Concho water snake as a threatened species and to designate a critical habitat for the same under the Endangered Species Act, particularly a critical habitat which would prevent or substantially impair or delay construction of the Stacy Reservoir; and

WHEREAS, CRMWD has already expended substantial time and money investigating and studying the social, economic, and environmental impact which construction of the Stacy Reservoir would have upon the area or basin within which the Reservoir would be constructed, as well as the much greater area whose very existence may be determined by whether or not the Stacy Reservoir is completed (and completed on a timely basis); now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Part 1: That the City Council of the City of Abilene, Texas, unanimsously supports the construction of the Stacy Reservoir in accordance with the permit issued by the Texas Water Commission, believing that construction of the Stacy Reservoir is critical to the human and economic existence of the West Texas region whose citizens, industry, and agriculture, both now and in the future, must rely for their water upon impoundment projects such as Stacy Reservoir, whose current water resources are rapidly being depleted and whose resources, in any event, are wholly inadequate to meet the needs, and projected needs, of the region in the years to come.

Part 2: That the City Council of the City of Abilene, Texas, in view of the strong biological data provided to the U.S. Department of the Interior by CRMWD (and in the absence of any empirically-verifiable data to the contrary) showing that construction of the Stacy Reservoir and the uses made of the same will not have any significant impact upon the Concho water snake or its environment, the U.S. Department of the Interior should permit construction of the Stacy Reservoir to proceed as planned.

Part 3: That the City Council supports in every way the efforts of CRMWD to seek a fair, just, and reasonable settlement of all matters at issue involving construction of the Stacy Reservoir and protection of any and all species of plant or animal whose habitat or existence may be threatened, in any significant way, by construction of the Stacy Reservoir or any use of the waters which may one day be contained therein.

Part 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED THIS 27 day of March, 1986.

ATTEST:

Patricia Patten
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Harvey Cargill, Jr.
CITY ATTORNEY