

SECTION X – STATE “KILL-SHOT” AUTHORITIES

(Non-Discretionary Texas Triggers That Halt the Water-Energy-AI Corridor)

These authorities override:

- TWDB feasibility status
- TCEQ non-enforcement postures
- RRC pipeline/common-carrier designations
- City/County zoning, TIRZ, and annexations
- Special-purpose districts
- PPP/EDC development contracts
- Appraisal manipulation

Once activated, these state kill-shots render further action ultra vires (outside legal authority) and immediately expose actors to civil injunction, criminal charges, constitutional damages, or official-misconduct prosecution.

X.1 KILLSHOT #1 – Texas Antiquities Code (Tex. Nat. Res. Code §§ 191.051-191.173)

Any Unpermitted Disturbance of Burial Sites or Historic Resources = Mandatory Project Freeze

The Texas Antiquities Code requires state agencies, political subdivisions, river authorities, and state-permitted entities to:

- protect cultural resources
- halt work upon discovery
- conduct formal archaeological survey
- notify THC (Texas Historical Commission)

INTSUM §IX.1-§IX.3 confirms Caddo burials and ceremonial features within the reservoir zone.

Legal Trigger:

Any activity that may disturb archaeological sites or burials requires an **Antiquities Permit**.

None is in place.

Automatic Kill-Shot:

Once burials or archaeological resources are documented, **all work must halt** under Tex. Nat. Res. Code §191.0525.

State Consequence:

- Violations = Class A misdemeanor + civil liability
- THC *must* issue a stop-work order
- TWDB, TCEQ, RRC cannot lawfully proceed
- Cities/counties are **immediately enjoined**

X.2 KILLSHOT #2 – Texas Constitution, Art. I § 17 – “Public Use” Requirement

Private Gain = Unconstitutional Taking

INTSUM §VIII.1-§VIII.3 documents eminent-domain use for:

- pipeline corridors aligned with private reservoir speculation
- depressing land values for future lakefront development
- benefiting private landholding LLCs

Under Art. I §17, a taking is unconstitutional if:

- private parties receive primary benefit
- "public use" is pretextual
- economic development is the true purpose

(*Kelo*-style takings are **illegal in Texas** due to post-2009 constitutional amendments.)

Automatic Kill-Shot:

Any condemnation serving **private beneficiaries** is unconstitutional → **voids the taking** and blocks the project.

State Consequence:

- Landowners may obtain injunctions
- Attorney's fees + damages
- RRC condemnation authorizations become unenforceable
- PPP development agreements collapse

X.3 KILLSHOT #3 – Texas Water Code §16.053 (State Water Plan Integrity)

Feasibility Cannot Be Declared Before Evidence

TWDB's feasibility declaration (INTSUM §VI.1) predates:

- hydrology
- contamination review
- alternatives
- cultural-resource surveys

Texas Water Code §16.053 requires:

- evidence BEFORE designation
- alternatives BEFORE selection
- environmental review BEFORE feasibility

Automatic Kill-Shot:

A feasibility declaration issued out of statutory order is **legally void** and cannot support permitting, financing, or reservoir authorization.

State Consequence:

- TWDB's feasibility status collapses
- Region C plan becomes noncompliant
- State Water Plan cannot integrate the project
- TCEQ and USACE cannot rely on it

X.4 KILLSHOT #4 – Texas Health & Safety Code: Hazard Zones (Tex. HSC §§341 & 382)

Contamination + Drinking-Water Risk = Mandatory Agency Intervention

INTSUM §V.3 shows:

- arsenic, boron, chromium
- coal-ash plumes
- groundwater migration
- downstream contamination pathways

Under Texas Health & Safety Code:

- §341 prohibits creating or worsening "conditions prejudicial to public health"
- §382 prohibits emissions or discharges that endanger human health

A reservoir above active contamination violates both.

Automatic Kill-Shot:

TCEQ must issue a **Notice of Violation** and cannot authorize a water project that exacerbates contamination risk.

State Consequence:

- TCEQ cannot certify water quality
- TWDB cannot issue financing
- Cities cannot justify local water-rights changes
- RRC cannot approve related infrastructure

This blocks the Corridor even without federal CERCLA/RCRA action.

X.5 KILLSHOT #5 – Texas Penal Code §39.02 (Abuse of Official Capacity)

Knowingly Approving Illegal Actions = Criminal Offense

INTSUM documents:

- suppression of contamination data (V.3)
- manipulation of water-demand projections (V.1)
- misuse of condemnation authority (VIII.1)
- exclusion of Tribal/burial information (IX.1-IX.3)

Texas Penal Code §39.02 criminalizes:

- misuse of government resources
- unlawful approvals
- misapplication of governmental functions
- causing financial harm to the public

Automatic Kill-Shot:

Once abuse-of-office exposure is evident, any further approvals constitute additional criminal acts.

State Consequence:

- Officials face prosecution
- Approvals become void due to criminal taint
- Courts issue injunctive relief immediately

X.6 KILLSHOT #6 – Texas Penal Code §37.10 (Tampering with Government Records)

Manipulated Demand, Omitted Hydrology, Omitted Burials = Felony Tampering

INTSUM §V.1–§V.3 shows:

- inflated demand projections
- omitted contamination data
- omitted burial/cultural resources
- incomplete feasibility records

Tampering = felony when it affects public agency decisions.

Automatic Kill-Shot:

Any TWDB, TCEQ, RRC, or local approval based on falsified/omitted records is **void** and cannot be lawfully used to support subsequent actions.

State Consequence:

- Criminal jeopardy for officials or contractors
- Immediate injunctive relief
- Nullification of feasibility or permit decisions

X.7 KILLSHOT #7 – Texas Open Meetings Act (Tex. Gov't Code Ch. 551)

NDA-Based Planning Automatically Invalidates Decisions

INTSUM §VIII.4 documents:

- NDA-protected negotiations
- private MOUs
- scripted transparency
- concealed economic-incentive discussions

Texas Open Meetings Act requires:

- full public notice
- open deliberation
- disclosure of decision-making

Any decision made under NDA or concealed negotiation is automatically void.

Automatic Kill-Shot:

Violations → nullification of zoning, TIRZ, annexation, incentive, permit, or contract approvals.

State Consequence:

- Civil penalties
- Criminal penalties (Class B misdemeanor)
- Injunctions invalidate all actions taken
- Exposes officials to removal from office

X.8 KILLSHOT #8 – Texas Local Government Code §252 (Procurement Violations)

Improper PPP/EDC/Developer Contracts Void All Agreements

INTSUM §VIII.4 identifies:

- closed-door negotiation
- exclusive developer access
- appraisal manipulation
- tax-agreement concealment

Texas Local Government Code §252 requires competitive bidding for:

- construction
- public works
- land acquisition/disposition
- major contracts

Violations = contracts **void ab initio** (from inception).

Automatic Kill-Shot:

If procurement rules were bypassed, all PPP/EDC/utility contracts collapse.

State Consequence:

- No reservoir
- No Al-related utilities
- No pipeline/treatment upgrades
- No valid zoning/TIRZ agreements

X.9 KILLSHOT #9 – Texas Constitution, Art. XI § 5 (Home-Rule Limits)

Cities Cannot Override State or Federal Law to Advance Private Projects

Home-rule authority ends where:

- state statutes
- federal statutes
- constitutional protections
- Tribal protections

are implicated.

Because the Corridor violates:

- Antiquities Code
- State Water Code
- Penal Code
- Health & Safety Code
- Federal NEPA, CWA, NHPA, NAGPRA, ARPA

cities **have no lawful authority** to approve or advance the project.

Automatic Kill-Shot:

Municipal approvals become legally void and cannot be relied upon by TWDB, USACE, or developers.

X.10 KILLSHOT #10 – Texas Government Code §572 (Conflicts of Interest)

Consultant Capture = Statutory Conflict of Interest = Project Collapse

INTSUM §III.3 and §IV.2 document a single consultant entity controlling:

- projections
- alternatives
- engineering
- environmental narrative
- public comment
- validation

Under §572, any consultant or official with a financial interest in an outcome cannot participate in its approval.

Automatic Kill-Shot:

A conflict of interest in alternatives or feasibility review invalidates:

- TWDB feasibility
- Regional Water Plan inclusion
- State Water Plan adoption
- downstream permitting

STATE KILLSHOT SUMMARY

Any one of the following halts the project:

- Antiquities Code → work stops immediately
- Texas Constitution Art. I §17 → takings invalid
- Water Code §16.053 → feasibility invalid
- Health & Safety Code → water project banned
- Penal Code §§39.02 & 37.10 → approvals void + criminal
- Open Meetings Act → city/county approvals void
- Procurement Code → PPP/EDC contracts void
- Home-Rule limits → cities have no authority

- Conflict-of-interest statutes → validation collapsed

Multiple kill-shots are already triggered by facts in the INTSUM.