

City advances efforts to get TCEQ approval for water purchases

By ROBIN Y. RICHARDSON, News Messenger

Thursday, June 15, 2006

The city of Marshall is moving ahead with efforts to secure future water rights from Lake O' the Pines.

City commissioners recently gave city officials permission to retain the law firm of Lloyd Gossellink Blevins Rochelle and Townsend Attorneys in Austin to represent the city in obtaining permits from the Texas Commission on Environmental Quality to use water in Lake O' the Pines.

"It's something we've been discussing (seriously) for a couple of years," City Manager Frank Johnson said during a telephone interview Tuesday. He said the city needed another avenue to supplement its water source. He said the city's permit establishes how much water the city can take and a maximum rate which the city can take it at any given moment.

"In the dry times of the year it was a concern about water flow in the bayou," Johnson said of downstream flow. "This will help because water (will be) released from Lake O' the Pines and flow by the bayou and get the rate up to take water more easily without having a bad impact on the bayou."

Johnson, along with city commissioners, do not anticipate any issues with the agreement.

"It's not like we're spending money without having permits in place," Mayor Ed Smith said during the city commission meeting last week. "It's all contingent upon proper permits" needed to be acquired.

Commissioner Ed Carlile added: "Those that have been in opposition before should be applauding our effort." And they are.

Rick Lowerre, president of the Caddo Lake Institute, an agency that had been involved in a constant legal battles with the city concerning use of water at Caddo Lake, said during a phone interview Wednesday he is encouraged by the city's agreement to use water from Lake O' the Pines. So is Jack Canson, board member of the Greater Caddo Lake Association, who has supported the Institute during their battles with the city.

"We're encouraged by Marshall seeking additional water from Lake O' Pines because it represents an acknowledgement that there are still many unresolved issues about water Marshall gets from Big Cypress Bayou," Canson said. "We're encouraged it shows foresight of (future resources) that just doesn't depend on diverting resources from Caddo Lake. I think it's a wise move."

Lowerre said it is an opportunity the Institute discussed with the city in the past.

"The whole idea is we don't run the risk of them pulling water from Caddo Lake," he said. Lowerre said furthermore, water from Lake O' Pines will be better for the city because it is easier to treat." It will be a good thing for everybody," he said.

The water was recently purchased from the Northeast Texas Municipal Water District. Johnson said this will be the first time the city has used water from Lake O' the Pines. He said the agreement is a 50-year contract and the annual payment for the use of the water will be \$120,000.

Although the contract is not fully approved yet, Johnson said the city still had to get legal assistance to discuss with TCEQ which permits are needed. Johnson said in a memo to commissioners, the city needs a Bed and Banks Permit to transport water down Cypress Bayou to the city's intake and an Interbasin Transfer Permit to move the Northeast Texas Municipal Water District's water from Lake O' the Pines in the Cypress Basin to the Sabine Basin.

Johnson suggested the approved law firm because it is in Austin, is well-rounded in water issues and has an established relationship with TCEQ.

Contact staff writer Robin Y. Richardson via e-mail at: ryrichardson@coxnews.com; or by phone at (903) 927-5964.