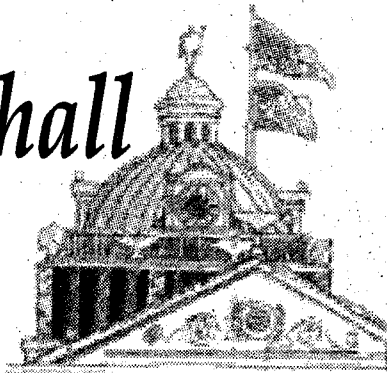


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Caddo hearing set for Austin

By REBECCA HOPKINS
News Messenger

UNCERTAIN — Caddo Lake residents will have a chance to express their concern over a controversial city of Marshall water deal at a public meeting in Austin next month, State Sen. David Bernsen said here Friday.

The Democrat from Beaumont announced the May 16 hearing to be held before the Texas Water Advisory Council to applause from a group of about 25 Caddo Lake supporters gathered at a dock at Caddo Lake.

"I want to encourage those folks that are concerned about this project or even in support of this project that we come have a full hearing in the light of day and we talk about the

environmental impact to this beautiful treasure of the state," Bernsen said.

The city of Marshall signed an agreement last summer to sell up to 5.5 million gallons of water daily to Entergy from the Cypress Creek which flows into Caddo Lake. The company plans to use it to cool a power plant being built south of Marshall.

But Caddo residents and environmental groups are concerned that the city's nearly doubling of water use from the lake will lower lake levels. Some of them have filed suit against the state to prevent the water sale. They've also asked the Texas Natural Resource Conservation Commission to overturn the TNRCC executive director's decision to grant the city to make

the sale.

The city needs two water rights amendments before it can make the sale. And while TNRCC Executive Director Jeffrey Saitas has already approved the amendments, their effective date has been put on hold. A district judge issued a temporary restraining order until May 13 to allow the TNRCC's governing commission a chance to make a final determination on the amendments.

Caddo residents have been calling for the right to an official public hearing with the TNRCC — one that hasn't yet been granted.

Bernsen said he has asked the TNRCC to hold that public hearing. But in the meantime, he requested the

public hearing before the Texas Water Advisory Council, of which he is a member.

On that board, which was created in the last legislative session, are senators, state representatives, the agriculture commissioner, a TNRCC representative, and various other members, Bernsen said. While it doesn't have power to make decisions, it advises the Texas Legislature, he said.

"If this board comes out and says, 'there's a problem here,' I would think that somebody would be listening to it, either the House the Senate or both, maybe the governor," he said.

He said he plans to invite

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Hearing on Caddo water set for May

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Representatives from the TNRCC and Texas Parks and Wildlife and experts and residents to be part of the discussion.

TNRCC officials have said they have to approve the city of Marshall's water permit amendments without looking at the environmental impact unless the Texas Legislature changes the laws. They have said that since the city of Marshall isn't asking for more water, but just a change in purpose for the water to use it for industrial purposes, then the state must let it make that change. The city is also asking for an interbasin transfer so it can use water from the Cypress Creek in both the Cypress and the Sabine basins, upon which the city rests.

And since the city of Marshall was not required to have an environmental assessment when it was first given its water right in 1947, TNRCC officials said the city doesn't have to do one now. In 1985, the state started requiring environmental assessments of entities asking for new permits or requesting more water than old permits allowed.

'It does not make sense to me that the permit for Marshall was given in 1947, they used part of the water and now want to use the remaining portion from the lake,' Bernsen said. 'Since they didn't have to get (an environmental assessment) in '47, they don't need one now? Well that's 50-something years. That to me defies logic. To me, just to be safe, we need to see what the environmental impact is going to be.'

But Bernsen said that this public hearing before the Texas Water Advisory Council may allow the board to see a need for changes in law.

'Right now, maybe legislation needs to be proposed to correct the situation,' he said.

You've got to have a fact-finding first to let people voice their concerns or their support.'

Besides being a state senator now, Bernsen is running on the Democratic ticket for the statewide office of land commissioner. And if elected to that position in November, he said he would work to be a voice for rural Texans on water issues.

'The land commissioner needs not to just be a vote, but a voice and an advocate for places like Caddo lake,' Bernsen said. 'We're going to do whatever is in our power to protect this beauty, to see that all the facts come out in the light of day.'

Bernsen's Republican opponent for land commissioner, Jerry Patterson, has also said that he wants the TNRCC to hold a public hearing and is concerned about Marshall's permit amendments.