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The water fight rages on

Caddo Lake: Landowners association hears both sides of issue between Marshall and coalition

By **SANDRA CASON**
News Messenger

A portion of a landowner's meeting Saturday morning turned to finger

pointing, further polarizing factions in the Caddo Lake controversy.

The Landowner's Association of Harrison, Gregg and Panola counties

held a four-hour session at East Texas Baptist University for the purpose of discussing "Surface and Groundwater Issues Relating to Property Ownership."

Among those invited to speak were Henry Bradbury, a Marshall native and Caddo Lake resident, who

operates an environmental consultation business, and Dwight K. Shellman Jr., chairman of the U.S. National Ramsar Committee and president and general counsel since 1993 to the Caddo Lake Institute.

Following was retired Maj. Gen.

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Vernon B. Lewis, also a Caddo Lake-area resident and former chief executive officer of Cypress International and MPRI.

The three were among a slate of seven speaking to water issues and their impact on timber growers and property owners in the region.

Other than Caddo Lake, the seminar addressed opposition to the proposed Marvin Nichols Reservoir for Northeast Texas, groundwater leasing and marketing, and management practices for foresters.

The three who spoke regarding Caddo Lake honed in on the conflict arising between city of Marshall and Caddo Lake groups.

Bradbury said it is time "to change the dance. There are multiple ways to accommodate" the use of Caddo Lake as a recreational facility and as a municipal water supply, he said, adding "controversy is not productive."

Marshall's intake structure is on Big Cypress Bayou, upstream from Caddo Lake, Bradbury said, and the city has the "right to capture up to 16,000 acre feet of water per year" as it comes through that tributary.

That translates, he added, into 14.29 million gallons a day, while Marshall is daily using 5.5 million gallons. Of that total, 1.25 million gallons are consumed each day by industrial user American Norit, and all other customers use 2.21 million gallons daily.

The difference — about 2.04 million gallons or 37 percent of total daily consumption — is lost through the city's antiquated distribution system.

Marshall is addressing its older systems and working toward reducing lost water to the 10 percent goal suggested

by the state, Bradbury added.

He said the state estimates Marshall will need 6,372 acre feet annually by the year 2050. "They're only a third of the way through their water rights," he added.

The conflict arose, Bradbury said, when the municipality decided to add an industrial use permit to sell untreated water. Marshall's action was the result of an inquiry by Entergy into the possibility of locating a power plant in the vicinity.

Power plants and large industries need untreated water for cooling purposes, he said, and can either use raw water or that returned and processed through sewage systems.

Since 1952, Bradbury said, the city of Longview has needed only one permit for raw water and Texarkana had only one request in recent history — in the 1970s — from International Paper Company.

With Entergy's decision to locate near Longview and utilize treated sewer water from the Sabine River Authority, Marshall's need to acquire and sell untreated water has become a moot point, Bradbury said.

"The controversy came because Marshall was seeking to add an industrial use permit to sell untreated water," he said.

"The documents filed by the Caddo Lake Coalition are not asking to cancel one drop of Marshall's water rights. The permit amendment (is the aspect that) has been challenged."

Most of the issues between CLC and Marshall were resolved in a compromise settlement in November 2003, Bradbury said, "but we still want to go to the Texas Supreme Court" to contest the ability to amend a permit

without holding a public hearing.

In his presentation to the group, Maj. Gen. Vernon B. Lewis, accused the Caddo Lake Institute of being a self-serving body that had resulted in great financial loss for Marshall's taxpayers.

Lewis said he had been asked by Mayor Edward Smith III — who was out of town — to address the group.

"The citizens (of Marshall) have suffered significant apprehension and expense because of the actions of the Caddo Lake Institute," Lewis said.

Noting that he, too, is a lake side property owner, Lewis told the group that Caddo water does not belong to him and to others who live there.

All bodies of water belong to the states within which they lie. Those with the ultimate responsibility of deciding how that water is used are the "governors and representatives elected by the people and not the environmentalists," Lewis said.

"What I glean is that CLI was formed in the mid-1990s by Dallas rock entertainer Don Henley and (Dallas lawyer) Dwight Shellman.

He said a local Entergy facility "would have been a windfall" for Marshall. The city lost the generating plant because of threats to involve the courts, Lewis said, adding this was "a significant financial loss."

Lewis said Marshall's water use had never damaged Caddo Lake. Rather, environmental problems have arisen due to "aquatic vegetation."

"In 25 to 50 years," he added, Caddo Lake will be "just a swamp" with "all the fish either sick or dead on the Louisiana side" and navigable only by air boats. Feeding the aquatic vegetation is the

"thousands of gallons" of sewage pumped into the lake.

Lewis said CLI used Entergy's proposal to further its "hidden agenda," which he believes to be an attempt "to change the law on how the state uses water." The group wishes, he said, the have this right placed in the hands of "environmental zealots.

"Caddo Lake was a catalyst in the state fight for control of water," Lewis said.

In his address, Shellman reiterated Bradbury's remarks that the lake controversy grew out of Marshall's desire to obtain and sell untreated water.

He said the role of CLI is to "protect land owners' rights to use good science in agency water hearings. That's what we've been trying to do all along."

Designation of the Ramsar Treaty Wetlands in and around Caddo Lake 11 years ago was the result of "a faith-based, scientific program that had its origins in" conservation programs at Wiley College and ETBU, Shellman said.

While environmental guidelines come with a Ramsar designation, they do not necessarily have to be followed, he said. To be named as such "is an honor," he added.

The Ramsar nomination has led to the on-going restoration of buildings and property at the former Longhorn Army Ammunition Plant site as a Science and Visitors Center, with the potential to produce \$1 million per year in tourism income, Shellman said.

"This is not about a United Nations takeover. This is not about grants and it's not about my personal income," Shellman added. "Nor is it about any other inflammatory

statements that are being made — and there are a lot of them out there. It is about a collaborative scientific adaptive management approach" to coming up with answers for Caddo's innate environmental problems.

"I hope we can bring light to the issues instead of just heat," he concluded.

Comments from attendees were primarily in the form of

criticism for Bradbury and Shellman. One member of the audience asked Bradbury how his "propaganda" could be perceived as having value for foresters and property owners.

Another said that determining Shellman's affiliation with the Sierra Club would explain his interest in Caddo Lake.

Contact staff writer Sandra Cason via e-mail at: scason@coxnews.com