

Eco-activists seek LCRA water models

Suit aims to protect freshwater flow into the Gulf of Mexico.

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A Houston nonprofit sued the Lower Colorado River Authority on Wednesday to get copies of computer-based water models the utility uses.

The suit, filed by the Matagorda Bay Foundation in state district court in Austin, is the latest effort by coastal interests to protect the flow of freshwater into the Gulf of Mexico.

The foundation, headed by a prominent Texas environmental attorney, claims that the LCRA has withheld public information — specifically hydrologic models. Representing environmental and fishing interests, the foundation says in its suit that it wants to ensure that Colorado River water makes its way down to the Gulf.

In the court filing, the foundation says the LCRA used the computer models as support for a Wharton County reservoir now under construction at a cost of more than \$200 million.

“LCRA’s mission often seems as if it is to use as much water as possible at all times for human use and to disregard the role water plays in the river itself or in the estuary,” the suit says. “Matagorda Bay Foundation’s mission on the other hand is to ensure that adequate environmental and instream flows are protected forever so that Matagorda Bay does not become a dead zone.”

The foundation initially sought the water models a year ago; the river authority said the water models were protected from release because they were relevant to ongoing litigation, among other reasons, and the state attorney general’s office ruled in the LCRA’s favor.

The foundation refiled the open records request this year — the foundation claims that contentious water management issues that might have held up the disclosure of the records in the past had been resolved — but the river authority again cited a raft of exemptions, prompting the foundation’s suit.

“We have received MBF’s lawsuit and are reviewing it,” said LCRA spokesman Bill Lauderback.

Jim Blackburn, an environmental attorney who is a board member of the foundation, has been at the heart of a string of battles to ensure water remains in rivers.

Last week, the foundation, formed in 1995, filed suit in federal court in Houston to press federal agencies to protect fish habitat in the Gulf. In the past, the foundation has contested permits for water supply projects that it says would reduce freshwater inflow into Matagorda Bay

Blackburn had previously said he would build a federal case that water cutoffs in the Colorado River basin could harm an endangered sea turtle.

If successful, that strategy threatened to tie federal habitat protection to water releases, complicating the way the Lower Colorado River Authority doles out water from Austin to Bay City.

He was also involved in an effort, ultimately unsuccessful, to tie the deaths of whooping cranes to water use decisions by the Texas Commission on Environmental Quality, which authorizes the use of river water around the state, and the Guadalupe-Blanco River Authority.

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