



Lawsuit ignores regional planning

Express-News editorial -

<http://www.mysanantonio.com/opinion/editorials/80947112.html>

In a startling case of irresponsibly bad timing, a coalition known as The Aransas Project recently announced its intent to file a federal lawsuit to protect whooping cranes in the coastal bays and marshes fed by the Guadalupe and San Antonio rivers.

The notice of intent to file the lawsuit claims that the Texas Commission on Environmental Quality violated the Endangered Species Act in connection with water permits issued for the two rivers. Springs fed by the Edwards Aquifer account for a significant amount of the Guadalupe River's downstream flows.

The notice of intent alleges that “the water resources of the Guadalupe and San Antonio river basins are at the same time over-allocated and mismanaged.” The notice comes at a time of unprecedented regional cooperation and effort to ensure the environment and water users are taken into account by future water-use plans.

Regional officials are working on plans to ensure adequate environmental flows make their way to the coast. A panel required by state legislation passed in 2007 began meetings last year to address the issue.

Additionally, a recovery implementation plan (RIP) for endangered species in the San Marcos and Comal springs has been under way for more than a year. The plan will seek to ensure adequate water flows through pumping limits during severe drought.

Jim Blackburn, the lawyer for The Aransas Project, told the Express-News that mismanagement will essentially kill off the coastal part of the ecosystem in the river basins. During the recent drought, 23 of 270 whooping cranes that reached the Texas coast last winter died, the newspaper reported, citing U.S. Fish and Wildlife Service records.

Of course, the drought forced pumping restrictions for Edwards Aquifer users and many surface water users. The drought created the most extreme conditions in decades, and water-use planners reacted to those conditions in the manner required by state law to protect endangered species.

Regional officials have responded responsibly to earlier litigation and state legislation designed to address the stresses of providing water for Texans and protecting the environment. Officials should be allowed to continue the RIP and environmental flows policy-making without new involvement of federal courts.

This ill-considered lawsuit has the potential to endanger the welfare and livelihood of Texans from San Antonio all the way to the coast at a time when the region's political leadership has made great strides in sustainable water policy.

If the litigation makes its way into a federal court, we trust that the judge will consider the balanced approach already under way and not give undue deference to a coalition that seeks to impose its will outside of the collaborative regional process.

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