

AGUA's lawsuit clearly misguided
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The lawsuit filed by Aquifer Guardians in Urban Areas to block construction of a non-toll interchange at Loop 1604 and U.S. 281 is stunningly irresponsible.

While the stimulus funds designated for the badly needed interchange have a fairly long lifespan — they must be spent by Sept. 30, 2015 — the lawsuit still could endanger the project.

At a minimum, the lawsuit could drive up construction costs, which are now estimated at \$130 million.

Meanwhile, beleaguered drivers in the fast-growing area will continue to face clogged traffic at an awkward intersection. More delay merely hurts quality of life and increases air pollution from stalled traffic.

Defendants in the lawsuit are the Federal Highway Administration, U.S. Fish and Wildlife Service, the Texas Department of Transportation and the Alamo Regional Mobility Authority.

AGUA claims the interchange poses a threat to habitat for karst invertebrates and to the Edwards Aquifer.

However, the interchange will be constructed entirely over existing right of way.

U.S. Fish and Wildlife officials determined that the project is not likely to endanger area “critical habitat units” which already are surrounded by development.

“We also concur with the determination that the proposed project will not adversely modify designated critical habitat located near the proposed project area,” a January letter from the federal agency stated.

The nearest known habitat is 600 feet from the right of way.

RMA Chairman Bill Thornton noted that the construction would enhance environmental protection with a design that protects the Edwards Aquifer.

Letters from the Save Our Springs Alliance, a representative for AGUA, and the RMA show the environmental group wanted to exert a significant amount of control on the project. They rejected meetings about the project “in the absence of processes that embrace and support stakeholders developing our own alternative.”

Specifically, the groups wanted the RMA to pay the tab for an environmental engineer of the activists' choosing, as well as “a karst expert of our choosing to be on site throughout the site-clearing and excavation.”

These demands were made after U.S. Fish and Wildlife determined the karst invertebrate habitat was unlikely to be damaged.

Clearly, AGUA leaders want to make all the rules but care little about the damage they do to area residents. Any notion that they are operating in good faith now lacks credibility.

As we noted when the lawsuit was first threatened in May, the case is weak on the merits. We urge the RMA and its co-defendants to aggressively and quickly fight this litigation.