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Homeowners And Conservationists File Notice Of Intent To Sue City, SAWS, Developer

By [EILEEN PACE \(/PEOPLE/EILEEN-PACE\)](/PEOPLE/EILEEN-PACE) • NOV 9, 2012

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(http://mediad.publicbroadcasting.net/p/kstx/files/styles/x_large/public/201211/rockwell-annalisa-peace-tom-tobin-endangered-121109.jpg)

From left to right: Attorney Brad Rockwell, Annalisa Peace of the Greater Edwards Aquifer Alliance and Tom Tobin representing homeowners, give their 60-day notice of intent.

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A Golden-cheeked Warbler and caves over the Edwards Aquifer recharge zone are the subjects of a lawsuit pending against the City of San Antonio, SAWS, and a local developer.

Members of The Cibolo Creek Conservation Society say they've been trying to get the attention of the City of San Antonio, SAWS, or the developer of the new Century Oaks subdivision off Evans Road, but so far haven't had any luck. They're concerned about the density of the housing area nestled along Cibolo Creek, the removal of trees, and the endangered species that call the area home.

Annalisa Peace of the Greater Edwards Aquifer Alliance said the Notice Of Intent to file a lawsuit was sent to the developers, the City and the San Antonio Water System in an effort to bring them to the table.

"We'd like to see a good end to this. And we'd also like to see the City and San Antonio Water System being more serious about enforcing the water-quality ordinances that we have. San Antonio does not have the strictest water-quality ordinances, but when we see an instance like this where even our weak ordinances are not being enforced, we're very concerned."

Peace questioned the ability of SAWS to enforce the ordinances that protect the recharge zone. She said the developer's original proposal called for a 10 percent impervious cover, but says the level has since increased to 47 percent.

Attorney Brad Rockwell said San Antonio has established a 15 percent level for the ETJ where the Century Oaks development is located. He said his clients also are concerned for the habitat, and that the developer has not obtained endangered species certifications from U.S. Fish and Wildlife.

"These certifications were essential to getting plat and subdivision permits, to getting their master development plan approved, to getting their tree removal permits, so we're very anxious to get this addressed so that there's a limit on how many trees can be removed, so there are protections of the caves and the water," said Rockwell.

Peace said there are numerous caves on the 547-acre tract that collect run-off and recharge the aquifer, and said those caves need to be protected in order to guarantee water safety for all of San Antonio.

The City of San Antonio, SAWS, and the developers have 60 days under the Endangered Species Act to respond before a lawsuit can be filed.

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