



**Barton Springs  
Edwards Aquifer**  
CONSERVATION DISTRICT

**For Immediate Release: Friday, January 17, 2020**

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**BSEACD Board of Directors passes vote to join as a plaintiff in a lawsuit against U.S. Fish and Wildlife Service, U.S. Army Corp of Engineers and Kinder Morgan for violation of the Endangered Species Act**

Kinder Morgan's proposed natural gas pipeline—the Permian Highway Pipeline—would cross through sensitive areas within the Barton Springs/Edwards Aquifer Conservation District in Hays County.

On Thursday, January 16, the District's Board of Directors voted to join as a plaintiff in a lawsuit against U.S. Fish and Wildlife Service, U.S. Army Corp of Engineers and Kinder Morgan for violation of the Endangered Species Act stating that because there is not a reasonable assurance that the aquifers will be protected during the construction and operation of the pipeline, the Permian Highway Pipeline should not be located within the District or any other hydrologically-sensitive area. "Ensuring the endangered aquatic species of the aquifer continue to thrive ensures the water resource will remain viable for the people that depend on it," said Board Vice President Craig Smith.

In late 2018, Central Texans learned that Kinder Morgan's (#KMI) plans to build a 42-inch, high-pressured natural gas pipeline from West Texas to the Houston area would include transporting the toxic and flammable substance through some of the most ecologically sensitive features in Central Texas and the Hill Country.

The proposed route does not require approval from any state agency even though it crosses the Edwards and Trinity Aquifers, which supply drinking water for over two million people. The pipeline will also cut directly through the habitat of endangered species such as the Barton Springs Salamander and the Austin Blind Salamander, among others. All ESA-listed species are granted certain protections from such development under the ESA.

Kinder Morgan is attempting to avoid the proper steps needed to fully mitigate the impact of pipeline construction and operation to the aquifers and endangered species in the area. These steps include obtaining a biological opinion from USFWS as well as the preparation of an incidental take permit and the creation of a habitat conservation plan, both of which are called for when any action – direct or indirect – presents a significant threat to a species or its habitat in wetlands under the USACE's jurisdiction as well as in uplands on private lands.

"The BSEACD is committed to protection of the aquifer, the endangered species that dwell within, and the water resource that provides drinking water for tens of thousands of people within our District. Kinder Morgan has avoided review of the pipeline by

appropriate environmental agencies and vetting by the public. Without these processes, we cannot ensure construction and operation of the pipeline will be reasonably protective of our water resource. If the water that supplies the IH35 corridor in Hays County is negatively impacted by the pipeline, the economic and environmental impacts would be disastrous,” stated Blayne Stansberry, President of the District’s Board of Directors.

**Useful links:**

- Permian Highway Pipeline Project page: <https://bseacd.org/2019/03/proposed-kinder-morganpipeline>
- Press Release archive: <http://bseacd.org/publications/press-releases/>

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*BSEACD is a groundwater conservation district charged by the Texas Legislature to preserve, conserve, and protect the aquifers and groundwater resources within its jurisdiction, which includes parts of three Central Texas counties. It is governed by a Board of five elected directors and staffed with hydrogeologists, groundwater regulatory compliance specialists, environmental educators, geospatial systems specialists, and administrative support personnel.*