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Press Advisory

June 27, 2008

GEAA Groups File Notice of Intent to Sue INTCO Dominion Partnership for Violation of the Endangered Species Act

A letter was sent today at 4:00 p.m. to INTCO Dominion Partnership on behalf of Aquifer Guardians In Urban Areas, Greater Edwards Aquifer Alliance, Helotes Heritage Association, and Citizens Alliance for Smart Expansion, to provide notice that INTCO Dominion Partnership has violated and continues to violate the Endangered Species Act (ESA) by causing the “take” of the federally-endangered golden-cheeked warbler. The take is the result of land clearing and construction on a tract of land in northwest Bexar County adjacent to Camp Bullis. The notice states that clearing and construction has destroyed, modified, and degraded habitat of the golden-cheeked warbler, including occupied habitat, and thereby harmed the species. The above-named parties intend to sue, pursuant to Section 11(g) of the ESA, to enjoin the ongoing violations.

The parties also give notice of intent to sue for likely unauthorized take of endangered karst invertebrates. Construction over and near caves and karst features inhabited by karst invertebrates harms individuals and disrupts essential cave and karst feeding, breeding, and sheltering habitat by sealing over and filling features.

Because INTCO Dominion has not obtained an incidental take permit from the FWS, the take that is occurring is unlawful under Section 9(a) of the ESA.

The citizen suit provision of the ESA authorizes any person to bring suit on his own behalf “to enjoin any person . . . who is alleged to be in violation of any provision of this Act or regulation issued under the authority thereof.” This 60-day notice letter puts INTCO Dominion Partnership on notice that the parties intend to sue under this provision of the act.

However, it our desire that US Fish and Wildlife Service and INTCO take immediate action to halt any further take of endangered species and take steps to remedy to the destruction of habitat that has already occurred, (including, where appropriate, the imposition of civil and criminal penalties).

XXX

The **Greater Edwards Aquifer Alliance** unites 43 organizations from throughout the Edwards Region behind a comprehensive plan to protect the Edwards and Trinity aquifers, their springs and watersheds, flora and fauna, and the Texas Hill Country. For additional information visit www.aquiferalliance.org.

Aquifer Guardians in Urban Areas (AGUA) is a coalition of concerned individuals and citizen groups working together to preserve the environmentally sensitive Edwards Aquifer in San Antonio and Bexar County. For additional information visit www.aquiferguardians.org

Citizens Alliance for Smart Expansion is citizens’ organization whose mission is to preserve what is unique to the New Braunfels area, protect the quality of life of New Braunfels citizens, and to encourage responsible growth. For additional information visit www.nbcase.org

Helotes Heritage Association- is a non-profit 501(c)(3) organization of citizens dedicated to the preservation of the cultural, environmental and historical heritage of Helotes and Grey Forest and their surroundings. For additional information visit www.helotesheritage.org