

"We hear a lot in San Antonio that we can just build a water treatment plant and treat the water that we drink out of the Edwards," says Peace. "That to me is heartbreaking because this is a shared resource. Hundreds of people have their own wells, not to mention all the small municipalities that would not be able to afford to build treatment plants."

Protection efforts

Much of the responsibility for protecting water quality falls to the city's water department, the San Antonio Water System. It relies on two major tools: controlling activities in the recharge zone and acquiring environmentally sensitive land to set aside for protection.

The 68 staffers in the water system's resource protection and compliance department evaluate land-use plans and plats, review zoning cases in the recharge zone, and approve stormwater pollution prevention plans. They also inspect more than 350 water-quality basins as well as underground storage tanks in the recharge and transition zones.

"The stormwater pollution prevention program received an excellence award from the EPA," says Scott Halty, a planner who is director of the resource protection and compliance department. "We also have one of the most aggressive programs in the state for inspecting abandoned wells." Scott says the department has promoted legislation to provide funds for people who can't afford to plug their wells.

Recognizing its dependence on the Edwards Aquifer, San Antonio passed a water quality ordinance in 1995. The ordinance limits impervious cover on development in the aquifer recharge zone to as little as 15 percent outside the city limits. It also protects recharge features such as caves and sinkholes.

But according to a recent investigation by the *San Antonio Express-News*, the effort to limit development to protect water quality has been undermined by exemptions granted under the state's 1987 grandfathering rules, also known as vested rights. In a review of projects for which exemptions were granted over the past 10 years, the newspaper found that the city's water department agreed to grandfather almost 1,100 out of nearly 1,300 requests.

The exemptions have undermined the city's water-protection efforts in other ways as well: Grandfathered projects attract additional development, thereby increasing the price of land. As a result, grandfathering has more quickly drained the city's funds for acquiring sensitive lands for watershed protection. The *Express-News* estimates that the city paid an extra \$2 million for grandfathered properties between 1995 and 2005.

"It priced us out of that market," says Peace. "Just the fact that [the PGA resort] was coming there skyrocketed the land prices."

Halty, who approved many of the exemptions, says he is caught between city and state mandates. "Every single request that we get for someone who's looking to get grandfathered has to go through a legal review against state statutes," he says. "And unfortunately, a lot of San Antonio back in the '80s and early '90s was planned out in permits and forgotten, which gives it grandfathering, or vesting."

"Texas is a property rights protection state," continues Halty. "I thought over time that the legislature would become a little stricter in removing grandfathering. The exact opposite has happened. During this last legislature, we were five minutes away from cities having all their water-quality powers rights stripped."

In other ways, too, the city's hands are tied. Only a small part of the recharge zone is within city limits, meaning that the city has limited ability to enforce its zoning and impervious cover restrictions on development over the aquifer. For this reason, concerned groups have

asked the state legislature to give an agency such as the Edwards Aquifer Authority enforcement authority to approve water pollution abatement plans for developments in the recharge zone.

Buying preserve lands

Despite these setbacks, the city has successfully pursued a program of land acquisition to protect its watershed. In 2000, San Antonio citizens voted for a .125-cent sales tax to raise \$45 million for conservation lands. In 2005, when that tax expired, they voted for another .125-cent sales tax to raise another \$90 million. The city has used those funds to buy 15 properties totaling 6,484 acres, most of them in the Edwards Aquifer recharge zone.

The San Antonio Water System has acquired an additional 14,607 acres through fee-simple purchases or conservation easements. Some of that land is in sensitive areas in Medina and Uvalde Counties. That's important because until recently the city was restricted to fee-simple purchases within Bexar County.

One conservation purchase, Government Canyon State Natural Area, is considered a model protection effort. In the 1970s, the sprawling property was slated to become a subdivision known as San Antonio Ranch, but when the Texas real estate bubble burst in the 1980s, the developer went bankrupt.

In 1993, a coalition of groups—among them the Texas Parks and Wildlife Department, the Edwards Aquifer Authority, the San Antonio Water System, and the Trust for Public Land—pooled its resources to buy the property from the federal Resolution Trust Corporation for \$2 million. Since then, additional purchases have increased the preserve from 4,714 acres to 8,600 acres.

Government Canyon State Natural Area was opened to the public last October. Now city residents can hike and relax in this quiet refuge less than 20 miles from downtown. The property protects the many springs and sinkholes that overlie the aquifer preserve's prime nesting habitat for the endangered golden-cheeked warbler.

Calvin Finch, water resources director for the city's water department, thinks the preserve has educational value, too. "The increased knowledge will contribute to better decisions about our use of the Edwards Aquifer and land over the recharge zone," he says. In 50 years, when water is an even more precious commodity than it is now, the purchase will seem like a bargain.

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