

April 7, 2011

contact: Annalisa Peace (210)275-9336
Greater Edwards Aquifer Alliance
James Cannizzo (210)295-9830 or (210) 295-7802
Administrative and Civil Law Advisor, US Army

Request for Coverage

Texas Senate to Vote on Bill to Let Developers Clearcut Trees

Despite the fact that Mayor Castro and Mayor Hardberger, San Antonio City staff, Councilman Reed Williams, County Judge Nelson Wolff, and the US Army testified against it, a bill that would allow clear cutting trees in San Antonio's Extraterritorial Jurisdiction (ETJ), has been approved by committees in both the House and Senate and could be voted on by the full Senate as early as next week¹. Senate Bill 732 and its companion House Bill 1388 would prohibit Texas cities from enforcing tree ordinances in the ETJ. Since much of the new development in Texas occurs outside of city limits, this bill could, in effect, leave Texas cities denuded of much of their tree canopy.

HB 1388, filed by Rep. Chuck Hopson, Dist. 11, reported favorably with no amendments out of Urban Affairs Committee on April 6th. SB 732, filed by Sen. Robert Nichols, Dist. 3, reported favorably with no amendments from Senate Intergovernmental Relations on April 4th and was placed on the intent calendar on April 6th. Both Hopson and Nichols hail from East Texas.

Having unsuccessfully sued to challenge the legality of enforcing the City of San Antonio's tree ordinance, local developers appealed the matter all the way to the State Supreme Court. San Antonio's ordinance, which includes enforcement in its ETJ, was upheld in each court. Former Mayor Hardberger testified, *"This [bill] is not just intruding on the law of the State of Texas, it is flipping it. ... This bill, with all due respect, would destroy our south Texas heritage. ... If we are going to support our troops, we don't do it with a bill like this. ... This bill may not have meant to be, but it is an affront to all the citizens of San Antonio."*²

In a letter to the Senate Committee, County Judge Nelson Wolff said that, *"tree canopy in the ETJ provides \$1,649,506,467 of stormwater management infrastructure. This stormwater management service is especially crucial to the welfare of our city, which is one of the most flood-prone in the nation."* He also pointed to the \$84,420,579 in air pollution that trees remove each year and noted that Toyota based its decision to move here partly on San Antonio's compliance with the Clean Air Act. The widespread loss of trees, as has happened in San Antonio, costs all tax payers money to pay for new drainage projects and electrical capacity. Most alarming, though is the potential cost to our City in loss of new jobs. San Antonio's status as one of the few Texas cities currently in compliance with the Clean Air Act has been a plus for San Antonio in luring jobs to the area.

At the House Committee on Urban Affairs hearing on March 9th, James Cannizzo, representing the U.S. Army testified³, *"trees help buffer light from development around our installation, buffering helps protect our night training mission and our use of Night Vision Goggles (NVGs). Trees can also help buffer noise coming from our installation, reducing noise complaints arising from our firing ranges and aviation activities."* Given the amount of new development slated for unincorporated Bexar County, the impact of this bill would according to Cannizzo, *"raise compatibility concerns with military missions"* at Camp Bullis. Mayor Castro expounded on this theme at the Senate Committee hearing, testifying, *"Preserving trees has a tremendous benefit for the environment, for keeping the integrity of our water quality, and for helping San Antonio remain in clean air attainment status ... and for*

¹ <http://www.legis.state.tx.us/BillLookup/history.aspx?LegSess=82R&Bill=SB732>

² 2:02:00. <http://www.senate.state.tx.us/avarchive/?yr=2011&lim=50>

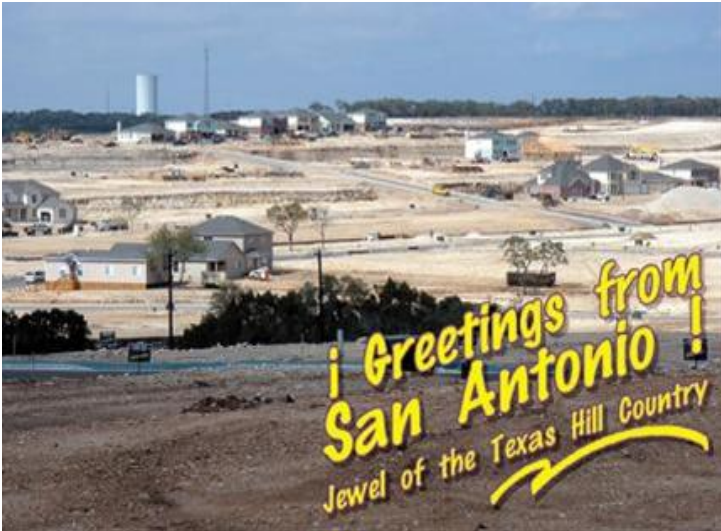
³ See attachment, Statement for March 9, 2011 statement

economic development ... in protecting Camp Bullis ... for military medic training ... and the military's \$2+ billion investment ... in San Antonio

Steve Houser, founding member of Dallas Historic Tree Coalition (which has taken an official position opposing this legislation), says that "Trees and air quality are also a big subject and the DFW area". A statewide coalition, including San Antonio's Citizen's Tree Coalition (cTc) is forming to mobilize opposition to the bills.

Richard Alles of the cTc, who is working hard to kill this and other bills that would compromise San Antonio's ability to enforce our tree ordinance, sent out a message to cTc members requesting that they thank Senator Wentworth, who cast the lone vote against SB 732 in committee. The Greater Edwards Aquifer Alliance and the Alamo Group of the Sierra Club have joined cTc in sending messages to their membership urging them to "contact their State senators as soon as possible to let them know that you oppose this legislation." Adds Annalisa Peace of the Greater Edwards Aquifer Alliance, "San Antonio's tree ordinance doesn't apply to homeowners, only to developers, many of whom are from out-of-state. Why should Texas let out-of-state developers get a free pass on development and stick the locals with the runoff, air pollution and impact on military bases and jobs?"

XXX



more pictures available upon request.