

NLWJC- Kagan

Counsel - Box 006 - Folder 003

Edwards Aquafir

CEQ mtg. 8-2-76

Injunction already -  
Can't cut any trees



Men spotted w/

Edwards acquisition.

Enviros pushing sit to map

Lunatic judge - for enviros - ??

& Endangered species.

We're not w/ enviros here.

Can't be accused of trying to shut things down.

Edwards - See handwritten

could be or order stopping pumping -  
of water used by lots of people

Case 3. Plans submitted to judge in next 10 days.

↳ including DOD plans.

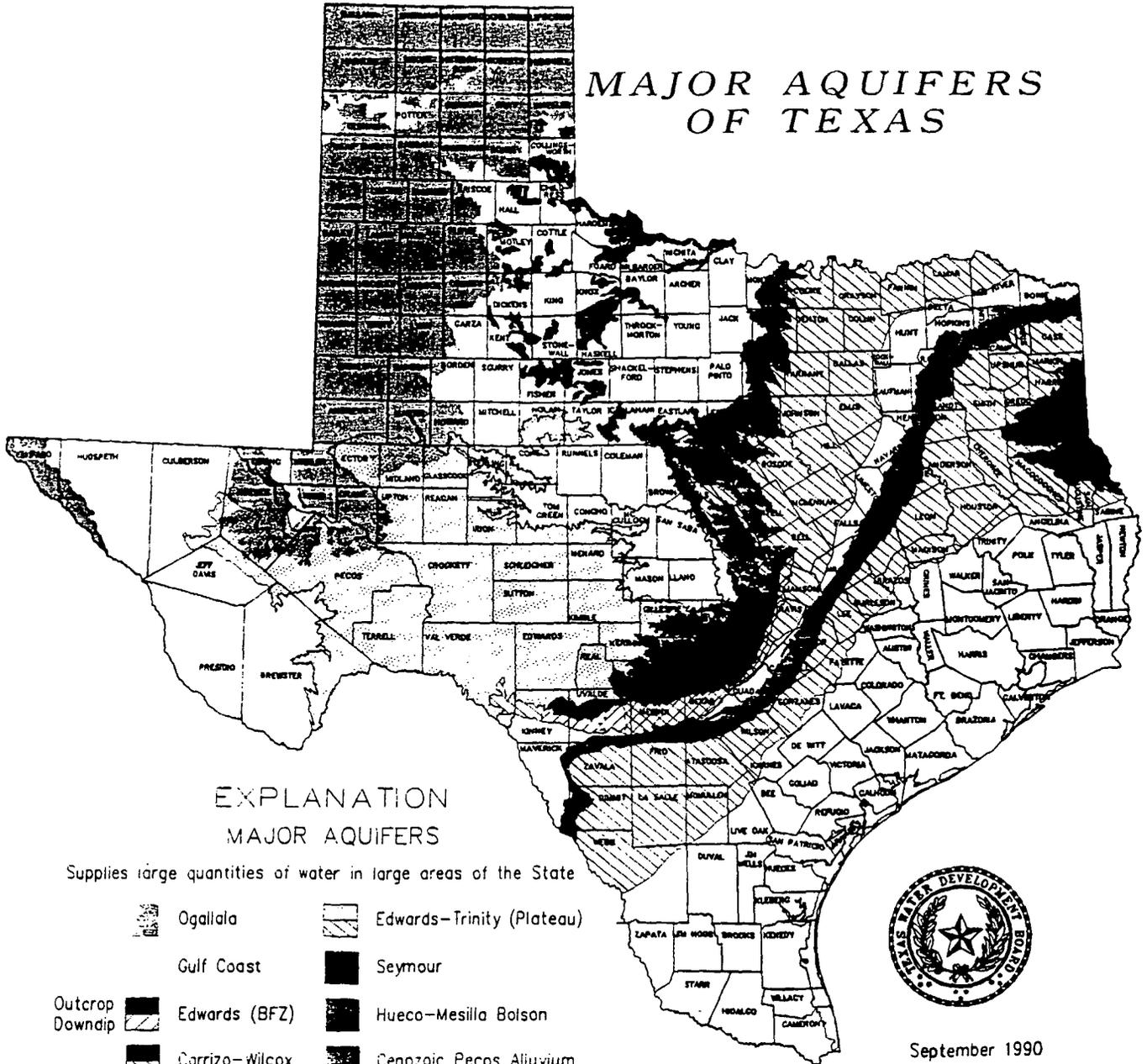
Judge trying to tread cautiously.

My next week in some of  
policy questions - especially  
to Case 2.

Will appeal this judgment?  
USDW/DOT want to.

Kathe wants to be done  
until have mtg w/ policy

# MAJOR AQUIFERS OF TEXAS



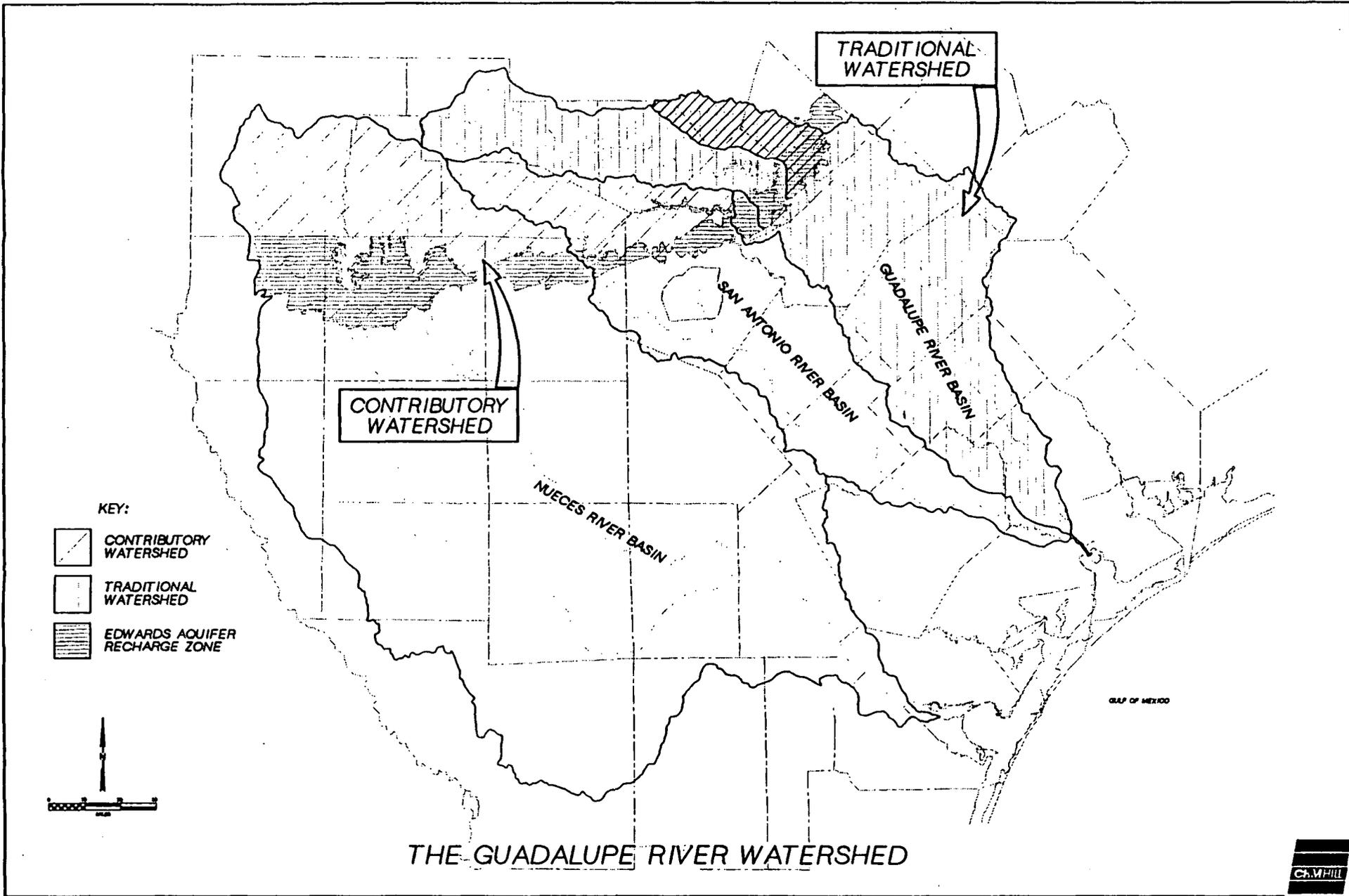
## EXPLANATION MAJOR AQUIFERS

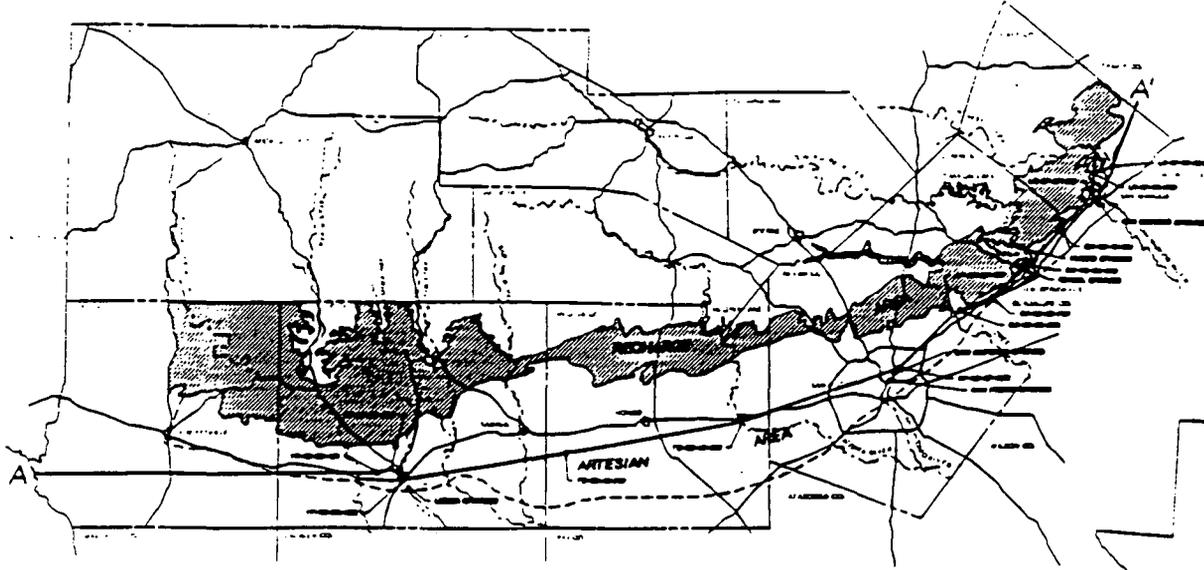
Supplies large quantities of water in large areas of the State

- |   |                |   |                           |
|---|----------------|---|---------------------------|
|  | Ogallala       |  | Edwards-Trinity (Plateau) |
|  | Gulf Coast     |  | Seymour                   |
|  | Edwards (BFZ)  |  | Huaco-Mesilla Bolson      |
|  | Carrizo-Wilcox |  | Cenozoic Pecos Alluvium   |
|  | Trinity        |   |                           |



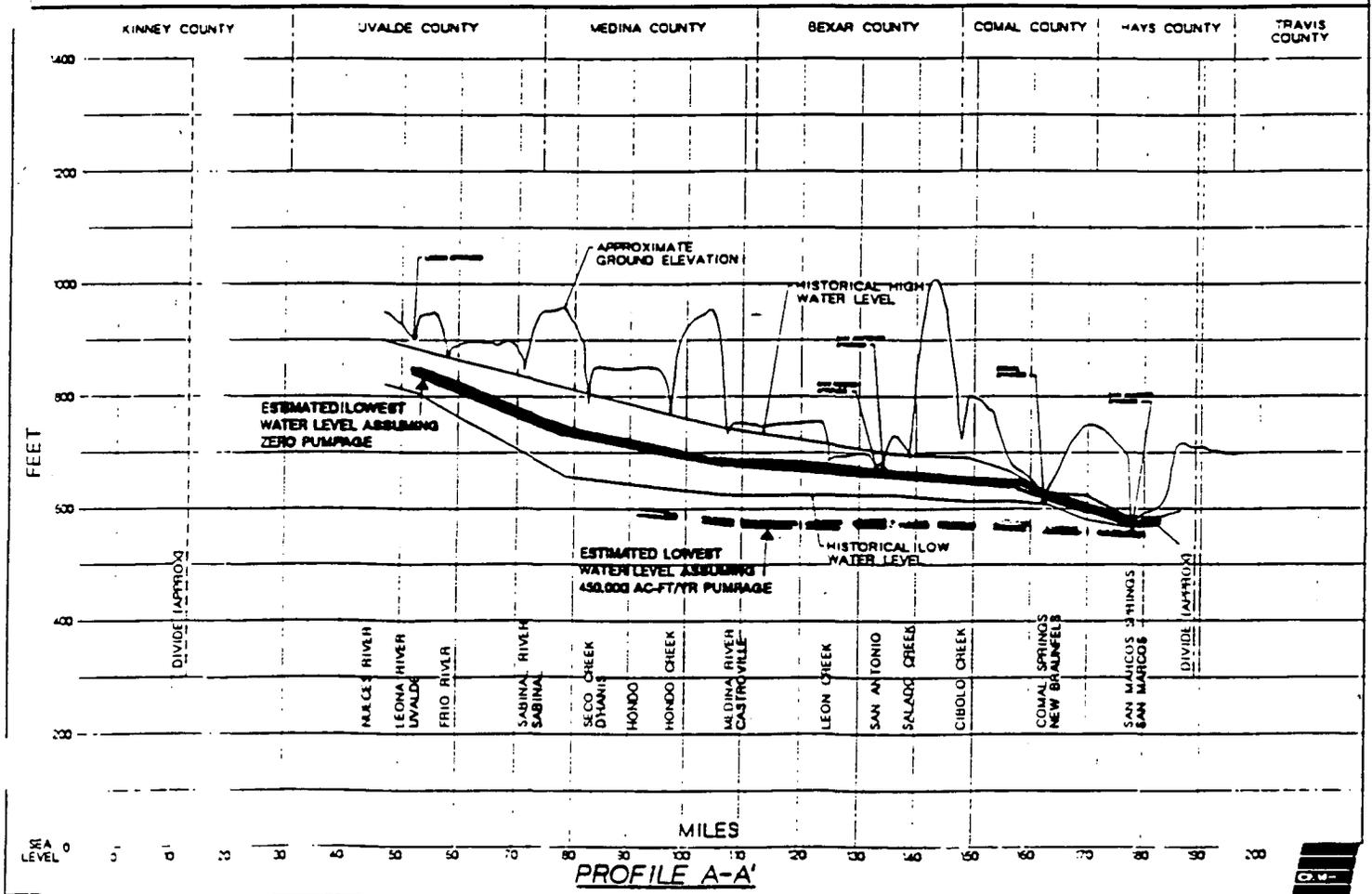
September 1990





**EDWARDS (BALCONES FAULT ZONE) AQUIFER, SAN ANTONIO REGION**

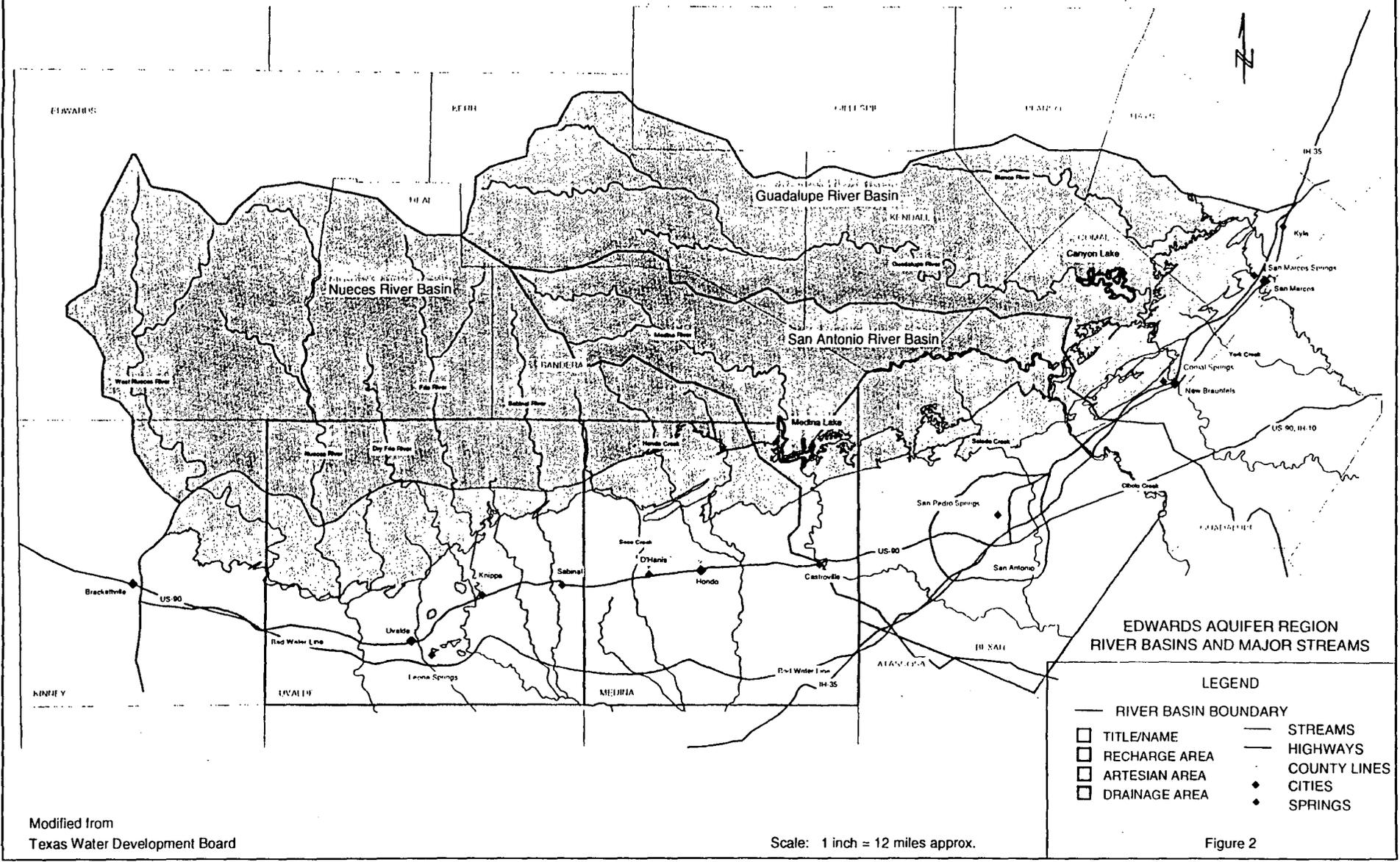
**LOCATION MAP**





BIOLOGICAL EVALUATION  
 FARMER ASSISTANCE AND RURAL DEVELOPMENT PROGRAMS

U. S. DEPARTMENT OF AGRICULTURE  
 NATURAL RESOURCES CONSERVATION SERVICE  
 Temple, Texas 1995



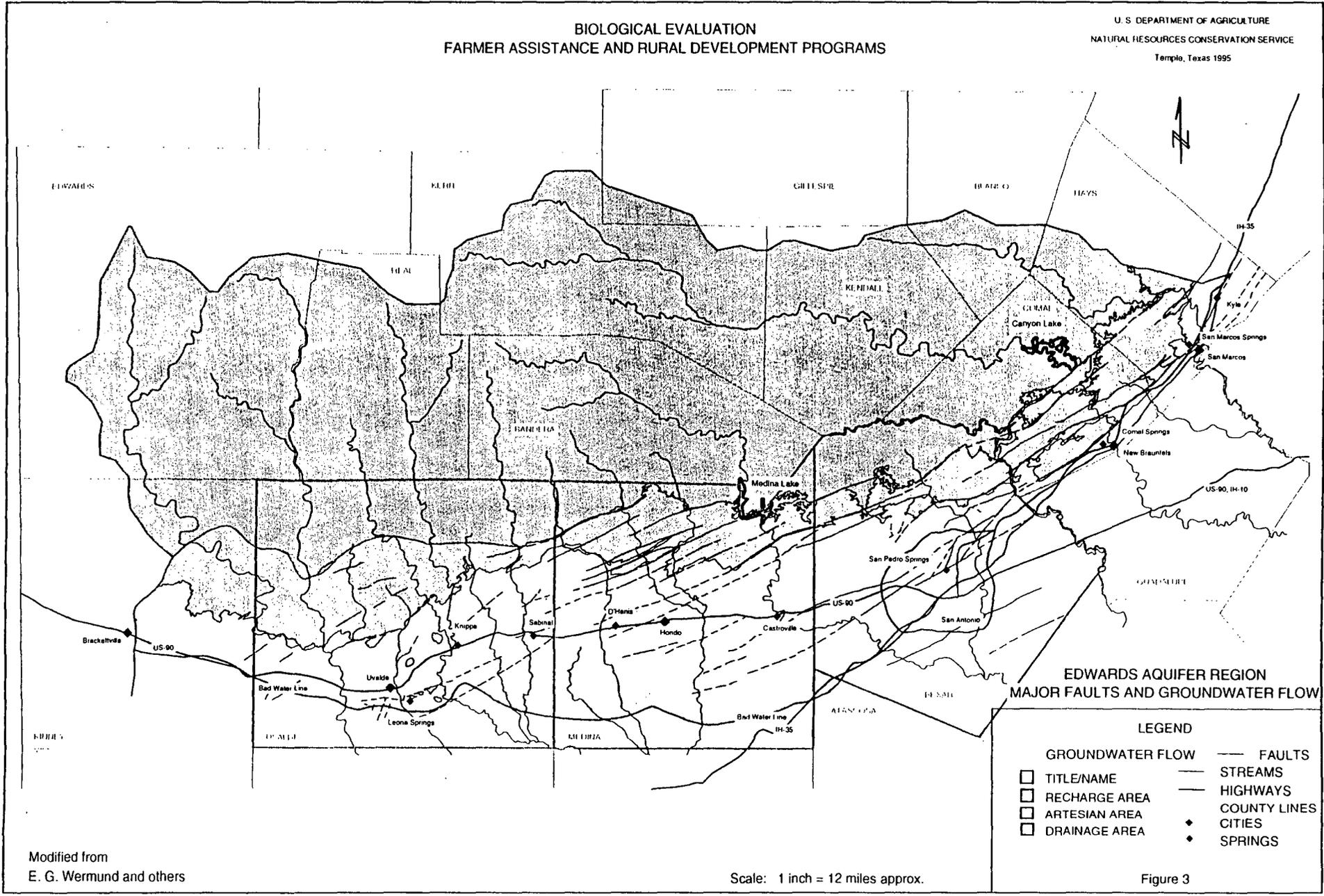
Modified from  
 Texas Water Development Board

Scale: 1 inch = 12 miles approx.

Figure 2

BIOLOGICAL EVALUATION  
 FARMER ASSISTANCE AND RURAL DEVELOPMENT PROGRAMS

U. S. DEPARTMENT OF AGRICULTURE  
 NATURAL RESOURCES CONSERVATION SERVICE  
 Temple, Texas 1995



EDWARDS AQUIFER REGION  
 MAJOR FAULTS AND GROUNDWATER FLOW

LEGEND

<ul style="list-style-type: none"> <li>□ TITLE/NAME</li> <li>□ RECHARGE AREA</li> <li>□ ARTESIAN AREA</li> <li>□ DRAINAGE AREA</li> </ul>	<ul style="list-style-type: none"> <li>— FAULTS</li> <li>— STREAMS</li> <li>— HIGHWAYS</li> <li>— COUNTY LINES</li> <li>◆ CITIES</li> <li>◆ SPRINGS</li> </ul>
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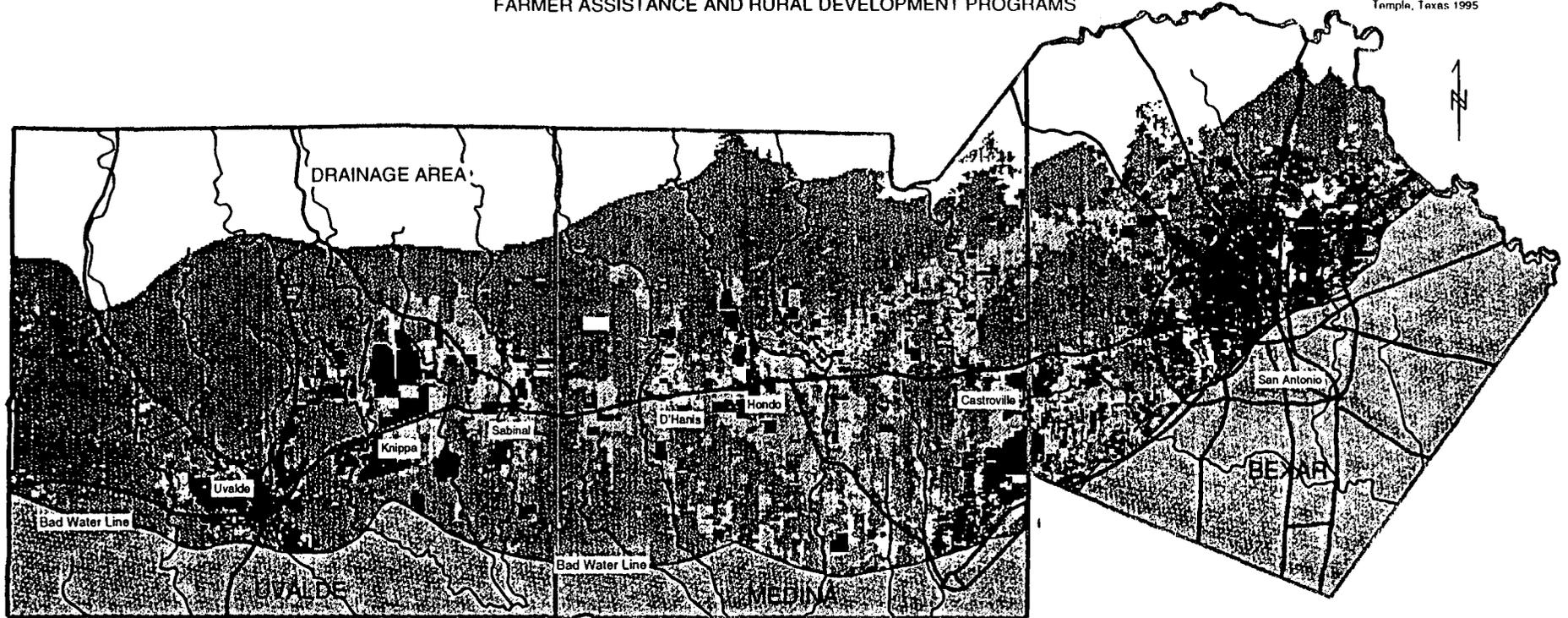
Modified from  
 E. G. Wermund and others

Scale: 1 inch = 12 miles approx.

Figure 3

BIOLOGICAL EVALUATION  
 FARMER ASSISTANCE AND RURAL DEVELOPMENT PROGRAMS

U. S. DEPARTMENT OF AGRICULTURE  
 NATURAL RESOURCES CONSERVATION SERVICE  
 Temple, Texas 1995



LEGEND

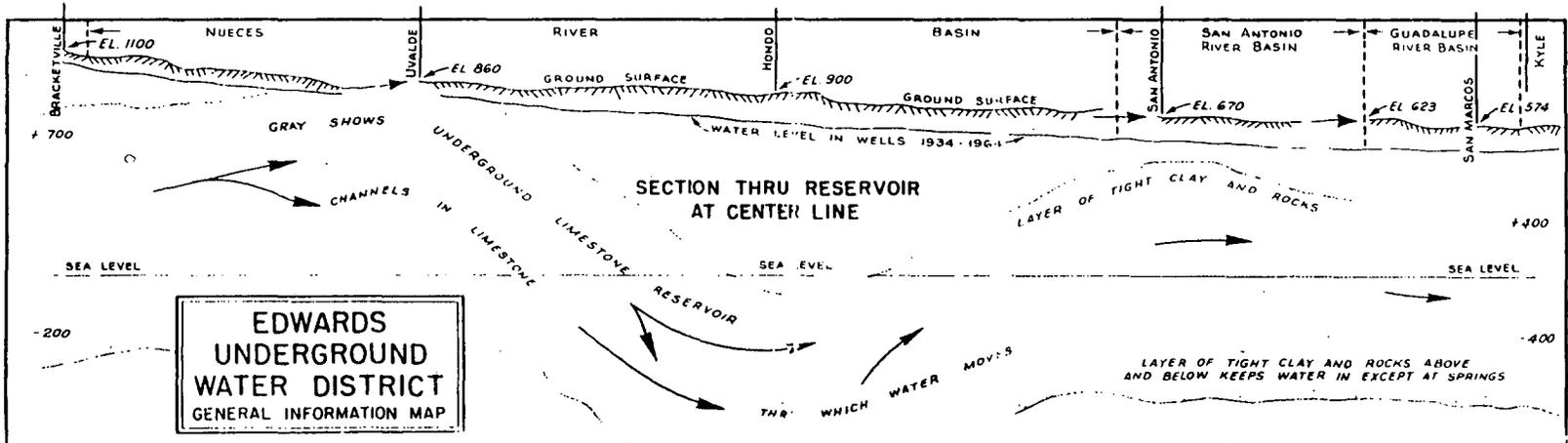
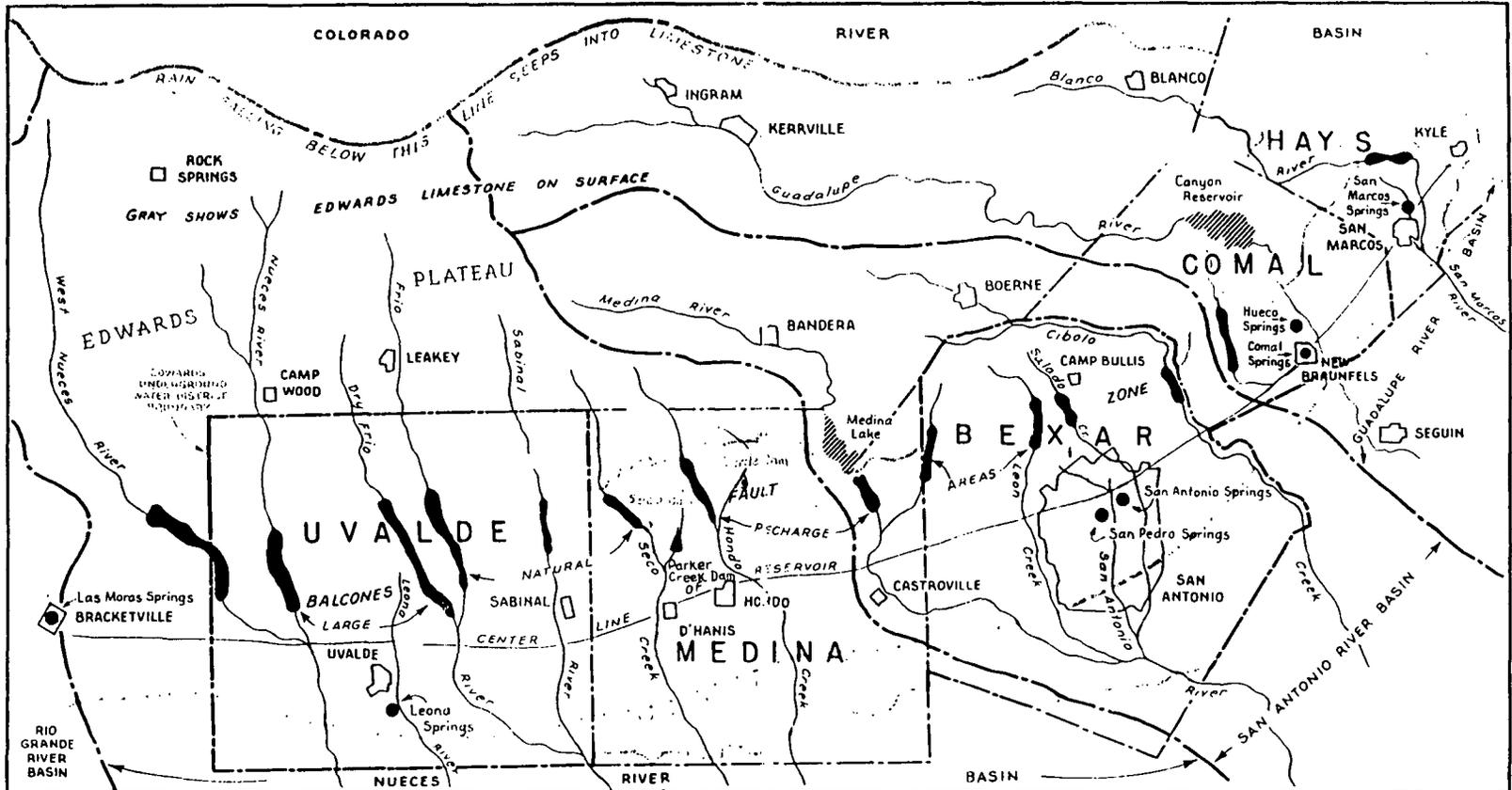
- |               |                    |                       |                |
|---------------|--------------------|-----------------------|----------------|
| Drainage Area | Cropland           | Pastureland           | Bad Water Line |
| Rangeland     | Irrigated Cropland | Irrigated Pastureland | County Lines   |
| Urban Land    | Other Land         | Below Bad Water Line  | Roads          |
|               |                    |                       | Streams        |

LAND USE  
 OVER EDWARDS AQUIFER  
 Bexar, Uvalde, and Medina Counties

Figure 4

Scale: 1 inch = 8 miles approx.

Data source is from CBMS, MIAD data.  
 Data is compiled from Published Soil  
 Survey map sheets. Grid cell area is  
 approximately 160 acres.  
 Source date: Bexar 1981  
 Uvalde 1979  
 Medina 1980



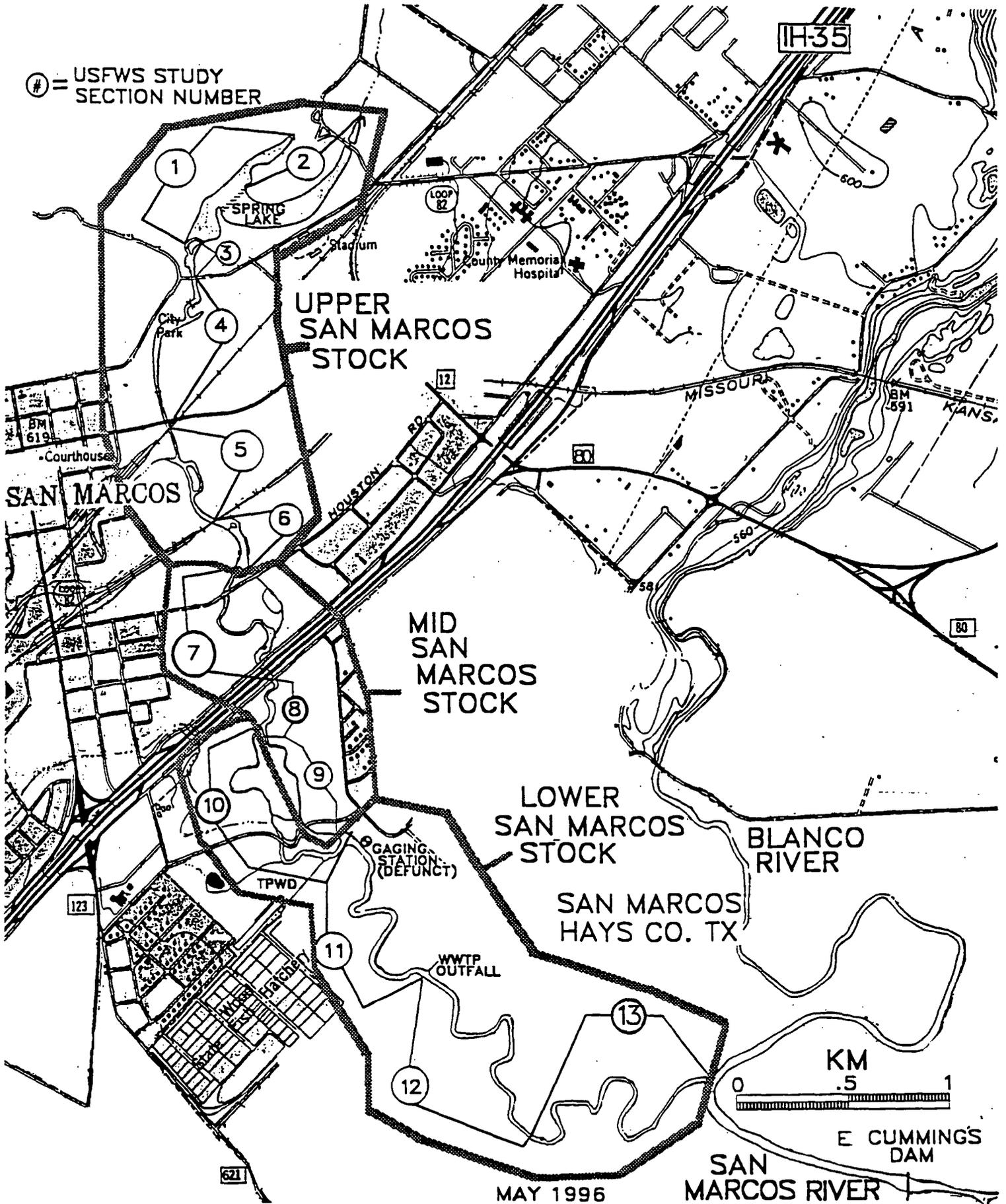
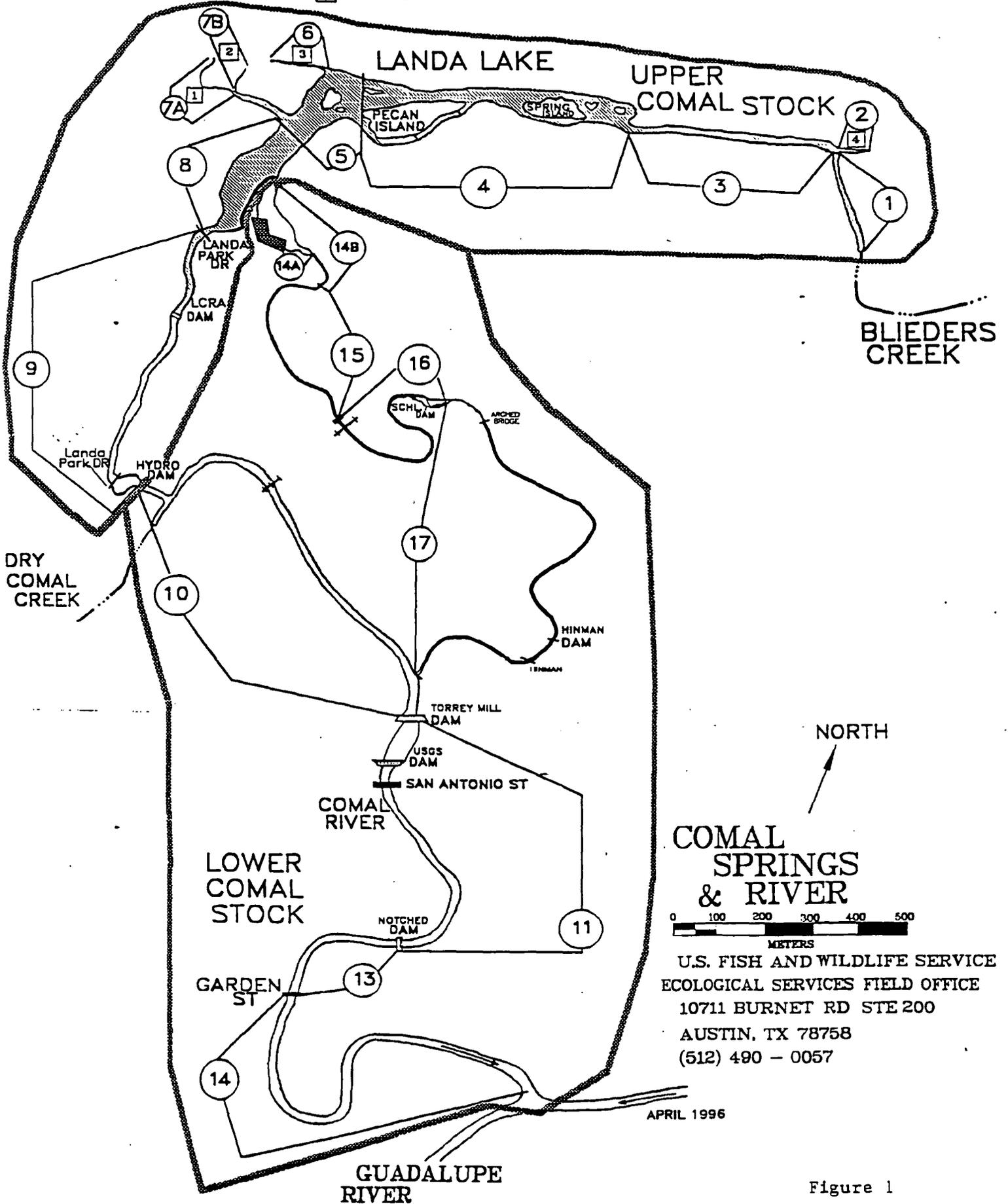


Figure 2

NEW BRAUNFELS  
COMAL CO. TEXAS

⊕ = U.S. Fish & Wildlife Service Study Section

⊠ = Spring Run number



NORTH

**COMAL SPRINGS & RIVER**

0 100 200 300 400 500  
METERS

U.S. FISH AND WILDLIFE SERVICE  
ECOLOGICAL SERVICES FIELD OFFICE  
10711 BURNET RD STE 200  
AUSTIN, TX 78758  
(512) 490 - 0057

APRIL 1996

Figure 1

## EDWARDS AQUIFER

YEAR	TOTAL ANNUAL RECHARGE (ACRE- FEET PER YEAR)	TOTAL ANNUAL PUMPAGE (ACRE- FEET PER YEAR)	COMAL SPRINGS		SAN MARCOS SPRINGS	
			TOTAL ANNUAL FLOWS (ACRE- FEET PER YEAR)	MINIMUM DAILY FLOW (CUBIC- FEET PER SECOND)	TOTAL ANNUAL FLOWS (ACRE- FEET PER YEAR)	MINIMUM DAILY FLOW (CUBIC- FEET PER SECOND)
1934	179,600	101,900	228,080	NA	83,874	NA
1935	1,258,200	103,700	236,280	NA	92,429	NA
1936	909,600	112,700	260,070	NA	92,867	NA
1937	400,700	120,200	251,460	NA	87,439	NA
1938	432,700	120,100	248,360	NA	91,613	NA
1939	399,000	118,900	217,870	NA	69,674	NA
1940	308,800	120,100	201,830	NA	76,989	NA
1941	850,700	136,800	248,560	NA	132,778	NA
1942	557,800	144,600	252,960	NA	111,904	NA
1943	273,100	149,100	246,800	NA	96,332	NA
1944	560,900	147,300	250,830	NA	134,096	NA
1945	527,800	153,300	260,751	328	138,044	NA
1946	556,100	155,000	260,061	301	130,511	NA
1947	422,600	167,000	254,824	305	125,416	NA
1948	178,300	168,700	201,068	248	76,250	NA
1949	508,100	179,400	207,302	238	87,061	NA
1950	200,200	193,800	189,039	233	76,692	NA
1951	139,900	209,700	148,316	163	68,602	NA
1952	275,500	215,400	132,448	118	75,052	NA
1953	167,600	229,800	138,902	120	97,863	NA
1954	162,100	246,200	98,342	72	75,449	NA
1955	192,000	261,000	66,119	41	61,151	NA
1956	43,700	321,100	22,339	*0	47,564	**46
1957	1,142,600	237,300	103,384	34	110,300	65
1958	1,711,200	219,300	226,449	250	153,400	154
1959	690,400	234,500	226,988	274	116,000	127
1960	824,800	227,100	230,475	270	141,400	142
1961	717,100	228,200	241,712	294	138,260	142
1962	239,400	267,900	192,063	194	95,850	104
1963	170,700	276,400	150,288	125	78,710	76
1964	413,200	260,200	137,135	115	70,170	81

1965	623,500	256,100	188,582	194	123,000	95
1966	615,200	255,900	192,966	197	111,400	109
1967	466,500	341,300	131,042	42	77,650	78
1968	884,700	251,700	231,384	254	143,100	137
1969	610,500	307,500	210,543	201	117,800	122
1970	661,600	329,400	221,173	250	144,600	152
1971	925,300	406,800	158,975	92	91,830	94
1972	756,400	371,300	225,124	242	116,700	128
1973	1,486,500	310,400	279,239	312	158,200	159
1974	658,500	377,400	275,377	294	133,800	140
1975	973,000	327,800	286,183	350	170,100	174
1976	894,100	349,500	268,905	308	153,200	121
1977	952,000	380,600	282,831	326	161,600	126
1978	502,500	431,800	233,488	226	87,420	100
1979	1,117,800	391,500	287,724	338	144,900	135
1980	406,400	491,100	206,350	184	95,960	111
1981	1,448,400	387,100	228,686	270	131,000	117
1982	422,400	453,100	188,127	201	93,470	112
1983	420,100	418,500	171,102	171	106,300	108
1984	197,900	529,800	91,087	26	72,340	64
1985	1,003,300	522,500	184,463	184	132,000	120
1986	1,153,700	429,300	209,808	226	145,500	156
1987	2,003,600	364,100	264,506	317	183,500	182
1988	355,500	540,000	200,598	209	102,000	113
1989	214,400	542,400	117,433	62	72,530	80
1990	1,123,200	489,400	129,536	46	82,570	81

SOURCES: TOTAL ANNUAL RECHARGE - BULLETIN 50, EUWD, PREPARED BY USGS (ALL YEARS)

TOTAL ANNUAL PUMPAGE - BULLETIN 50, EUWD, PREPARED BY USGS (ALL YEARS)

COMAL SPRINGS TOTAL ANNUAL FLOWS - YEARS 1934-44 - URS/FORREST AND COTTON (1975)

COMAL SPRINGS TOTAL ANNUAL FLOWS - YEARS 1945-90 - H. D. STEPHENS, SUPERVISORY HYDROGEOLOGIST,  
WATER RESOURCES BRANCH, USGS, SAN ANTONIO, TEXAS

COMAL SPRINGS TOTAL ANNUAL FLOWS - YEAR 1990 - EUWD BULLETIN 50 AND USGS PROVISIONAL DATA

COMAL SPRINGS MINIMUM DAILY FLOW - 1945-89 - STEPHENS, USGS (SEE ABOVE)

COMAL SPRINGS MINIMUM DAILY FLOW - YEAR 1990 - EUWD BULLETIN 50 AND USGS PROVISIONAL DATA

SAN MARCOS SPRINGS TOTAL ANNUAL FLOWS - YEARS 1934-56 - URS/FORREST AND COTTON (1975)

SAN MARCOS SPRINGS TOTAL ANNUAL FLOWS - YEARS 1957-89 - USGS WATER DATA REPORTS

SAN MARCOS SPRINGS TOTAL ANNUAL FLOWS - YEAR 1990 - USGS WATER DATA REPORT AND USGS PROVISIONAL DATA

SAN MARCOS SPRINGS MINIMUM DAILY FLOW - YEARS 1956-89 - USGS WATER DATA REPORTS

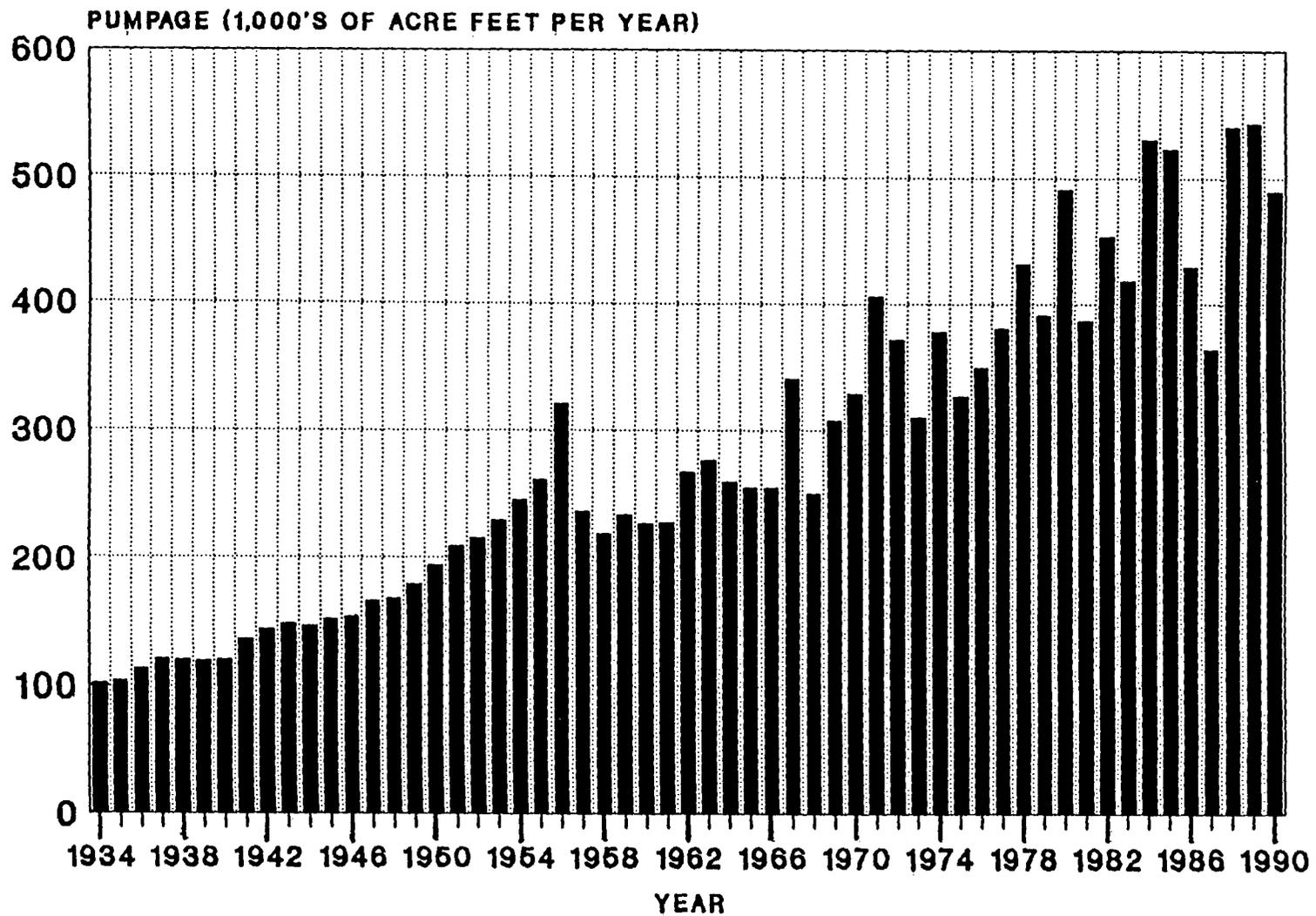
SAN MARCOS SPRINGS MINIMUM DAILY FLOW - YEAR 1990 - USGS WATER DATA REPORT AND USGS PROVISIONAL DATA

KEY: NA - NOT AVAILABLE

\*ZERO FLOW FROM JUNE 13 - NOVEMBER 3

\*\*PARTIAL RECORD FOR 1956 MAY THROUGH  
DECEMBER DATA USED

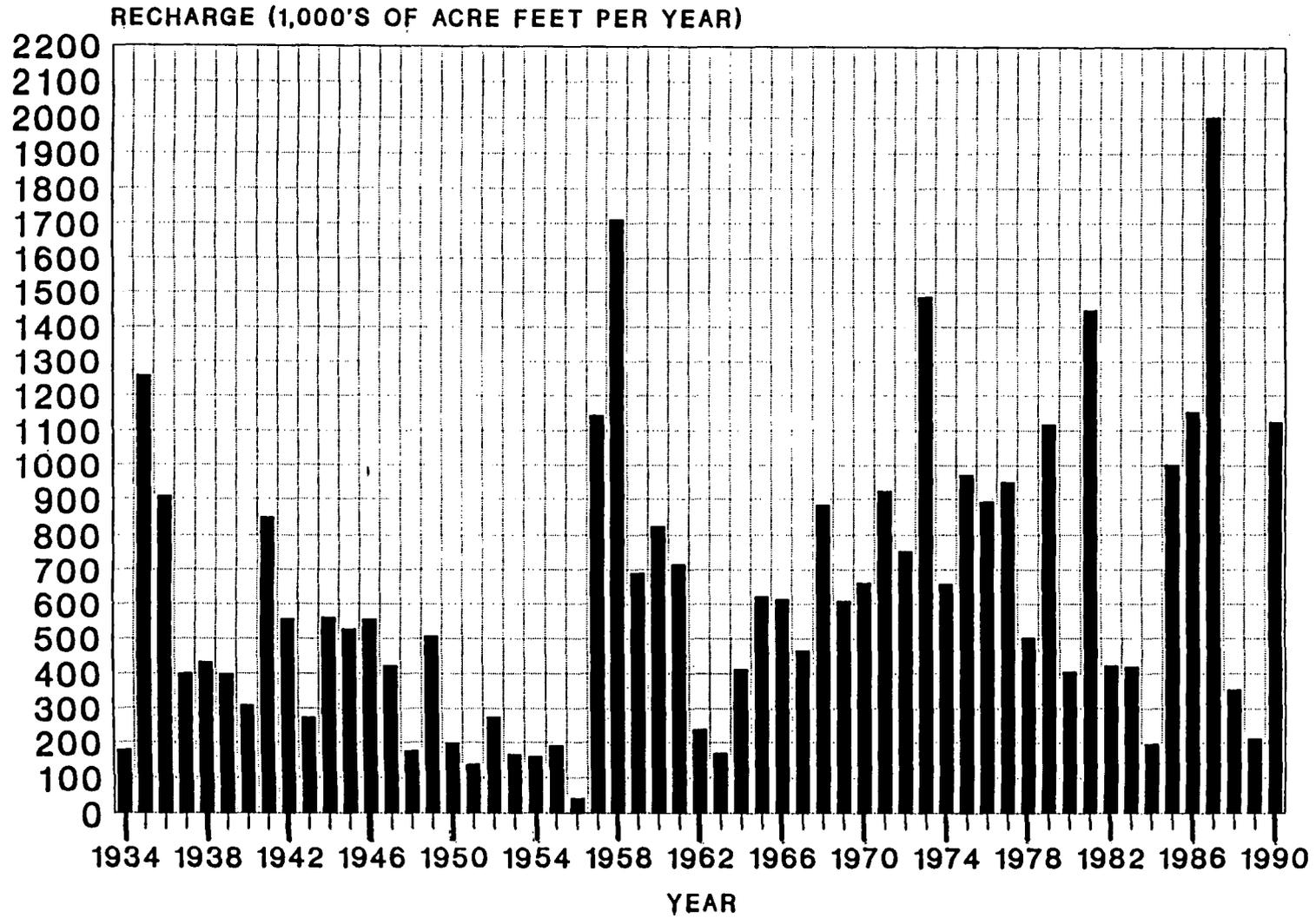
# EDWARDS AQUIFER PUMPAGE 1934-1990



SOURCE: BULLETIN 60, EUWD.

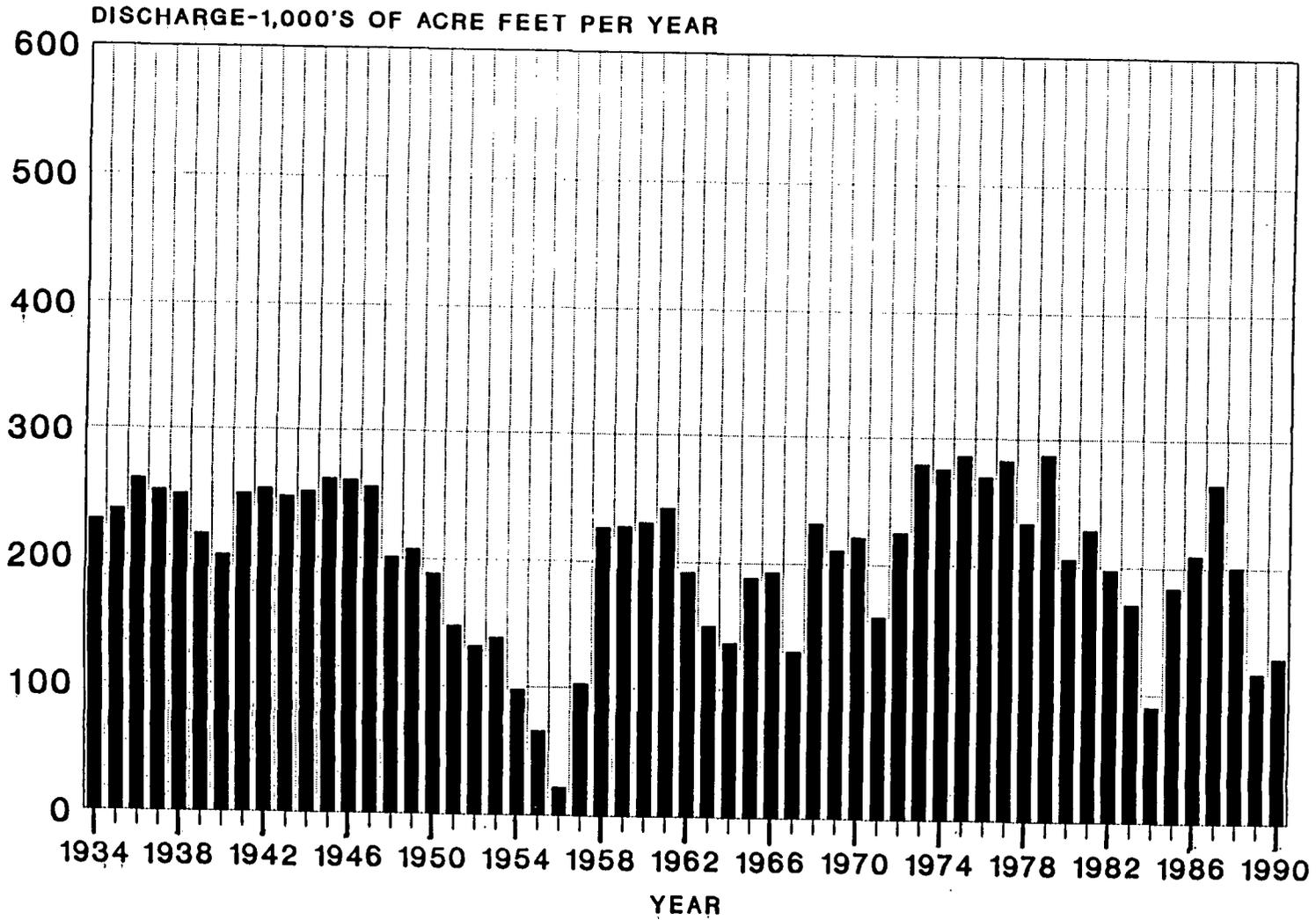
# EDWARDS AQUIFER RECHARGE

## 1934-1990



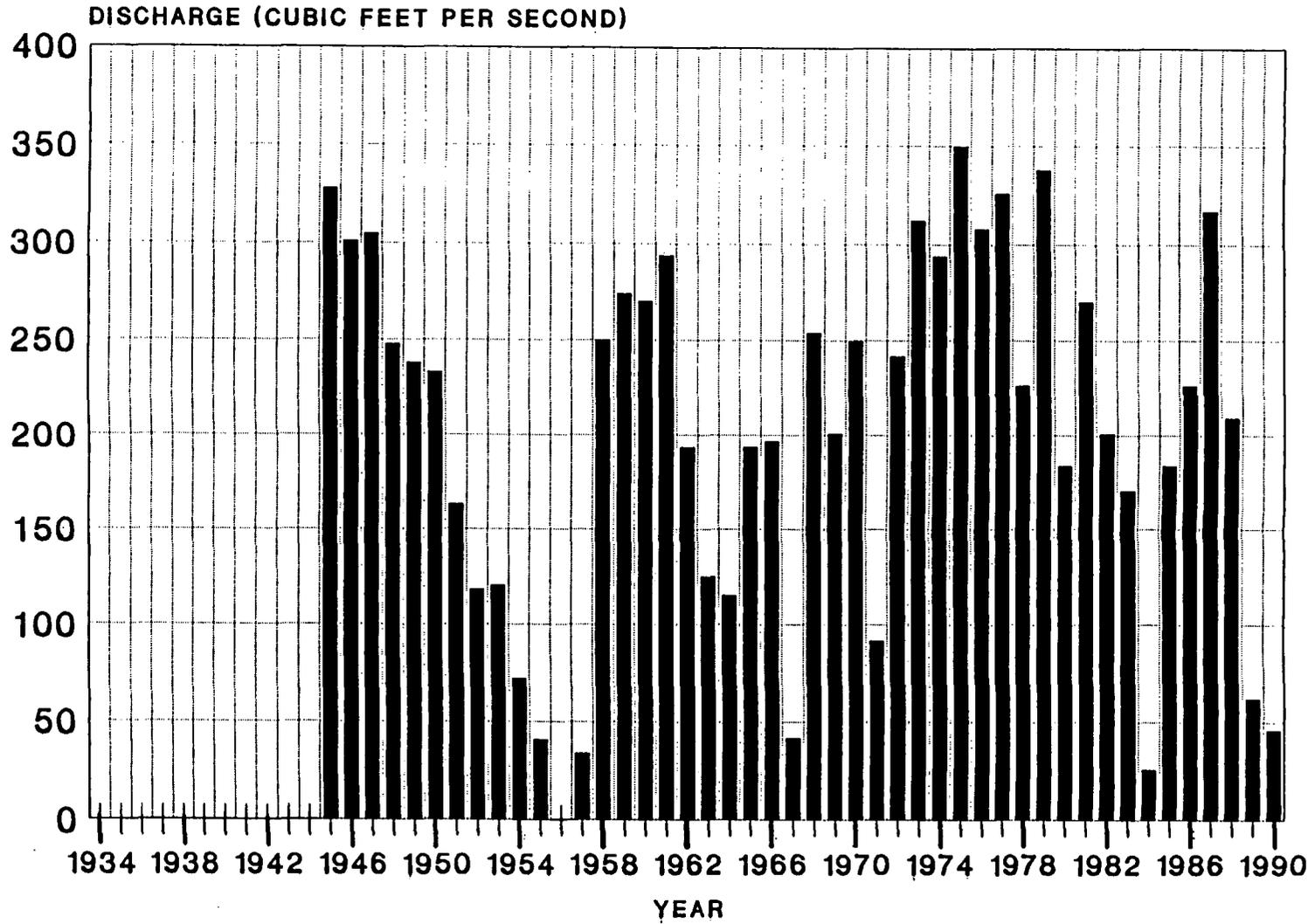
SOURCE: BULLETIN 50, EUWD.

# COMAL SPRINGS ANNUAL DISCHARGE 1934-1990



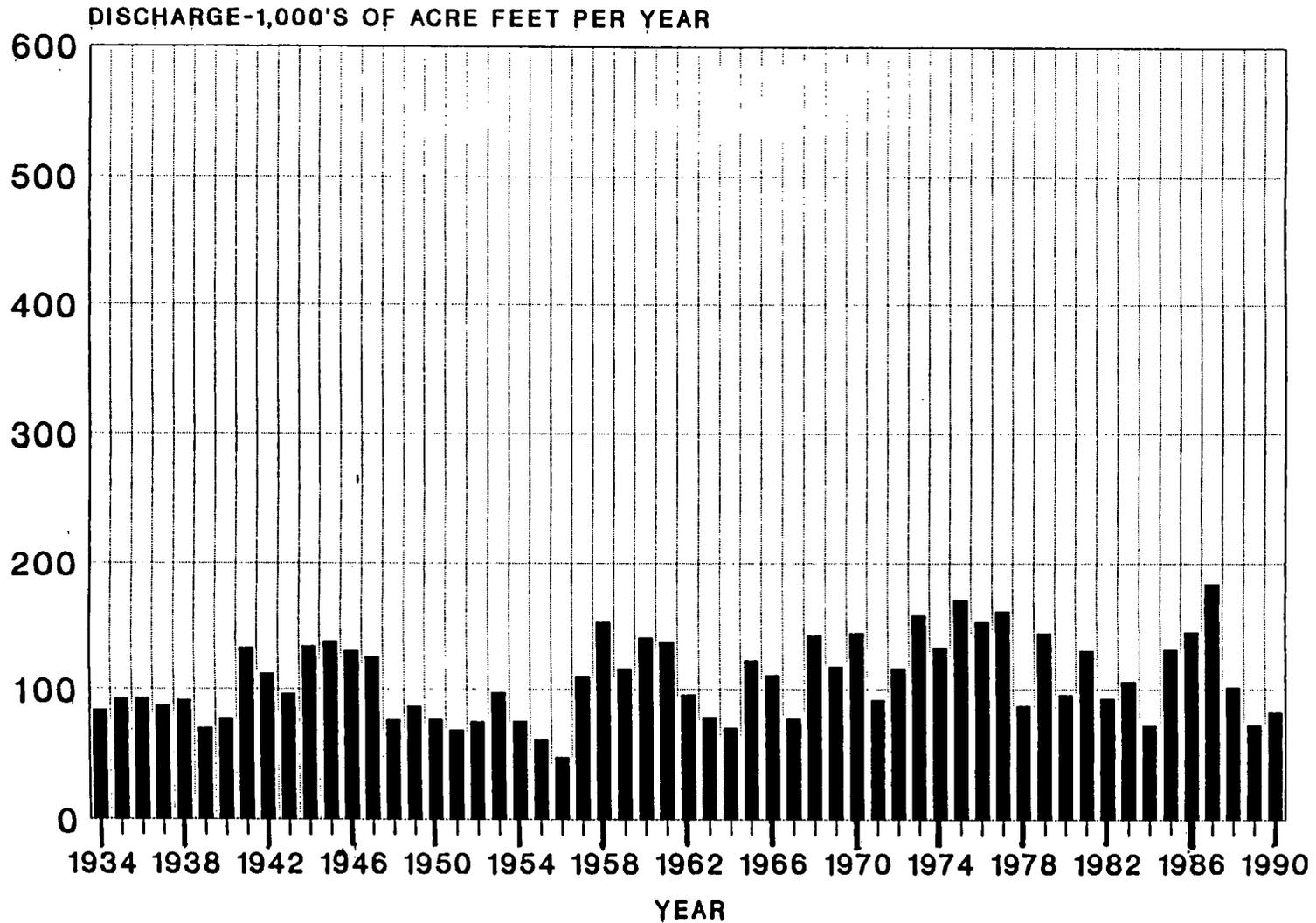
SOURCE: URS (1934-44); USGS (1945-90)

# COMAL SPRINGS MINIMUM DAILY DISCHARGE 1945-1990



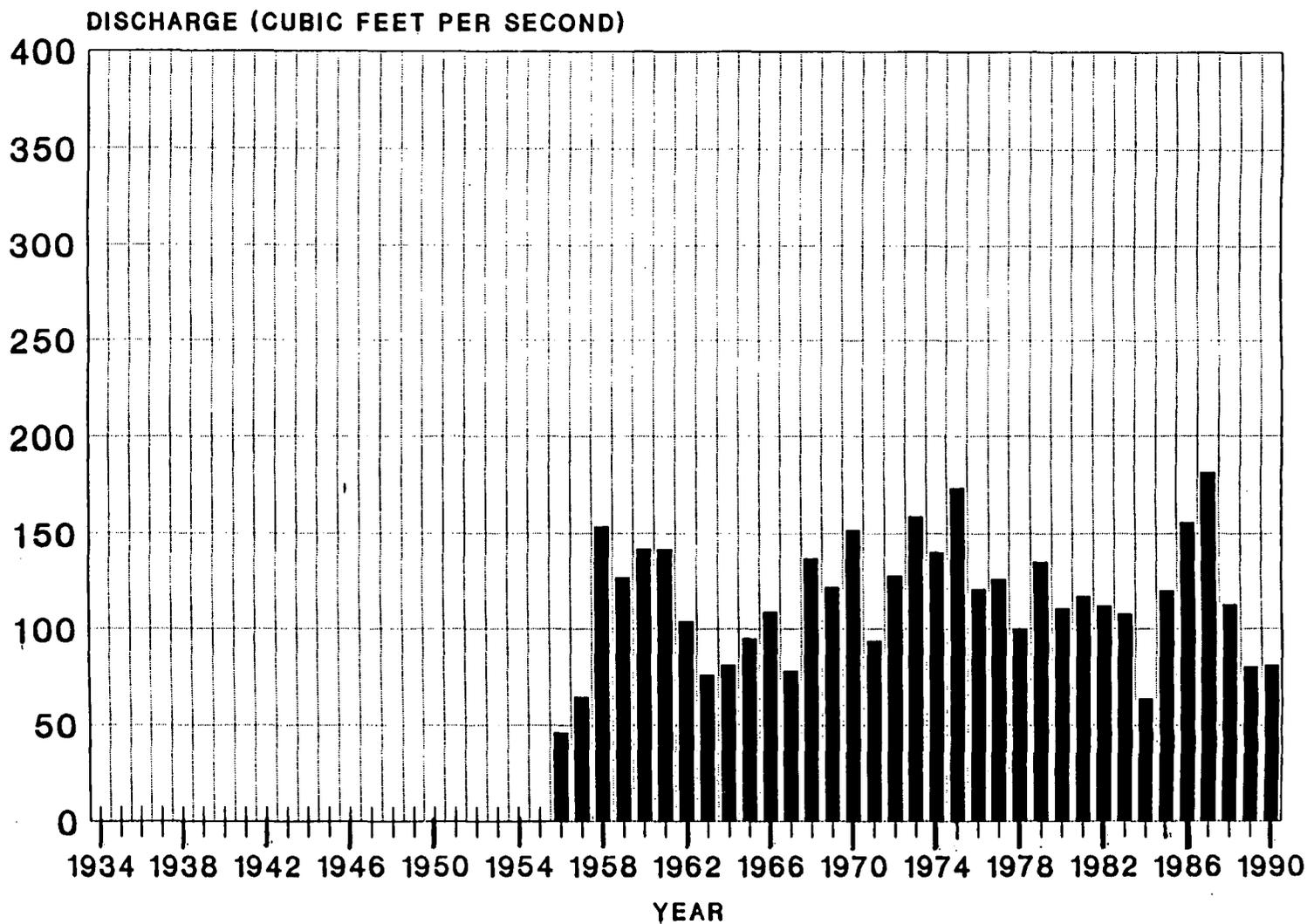
SOURCE: USGS.

# SAN MARCOS SPRINGS ANNUAL DISCHARGE 1934-1990



SOURCE: URS (1934-56); USGS (1957-90)

# SAN MARCOS MINIMUM DAILY DISCHARGE 1956-1990



SOURCE: USGS.

08/02/98 FRI 09:25 FAX 512 490 0974 USFWS AUSTIN E S F O CHARLEY SHOCKEY 002

# San Antonio Express-News

Serving South Texas since 1865

FRIDAY, August 2, 1996

State Edition 50¢

## Bunton favors a voluntary plan for water

### Expert expects his proposal to hit San Antonio hard

By ROY BRAGG

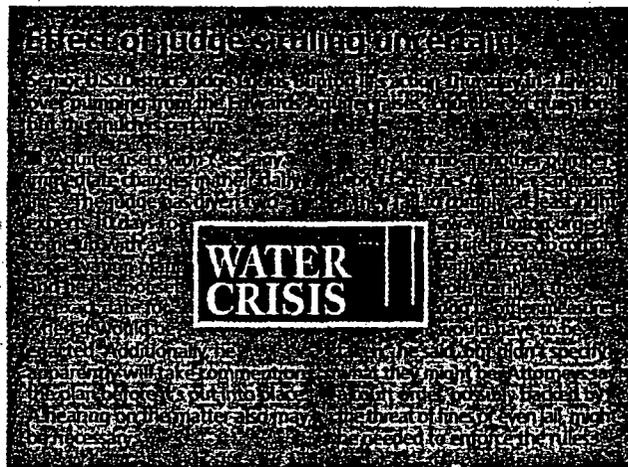
EXPRESS-NEWS STAFF WRITER

Joe G. Moore, the water expert charged by Senior U.S. District Judge Lucius D. Bunton III to once again forge an Edwards Aquifer pumping plan, says San Antonio won't like what he comes up with.

Irrigators west of the Alamo City have finished their watering for the year, he explained. New Braunfels, piping in Canyon Lake water, has all but weaned itself from the aquifer. And San Marcos claims its water use meets the judge's limits.

"San Antonio, unfortunately, is going to bear the brunt of (the cutbacks)," Moore said Thursday. "Because when you're down to cutting discretionary water use and irrigation season is largely over, they're

■ See EXPERT/8A



### Judge rejects motion for pumping limits on aquifer

By JERRY NEEDHAM  
EXPRESS-NEWS STAFF WRITER

AUSTIN — A federal judge declined Thursday to grant a Sierra Club motion for immediate court-ordered pumping limits on Edwards Aquifer pumpers, instead giving two court-appointed experts 10 days to come back with a plan he hopes will be voluntarily adopted in the region.

"I am convinced there is an emergency," Senior U.S. District Judge Lucius D. Bunton III said after hearing from witnesses and more than two dozen lawyers present during the six-hour hearing.

Bunton said he hoped declines in aquifer levels and springflows continue to level off, as a hydrologist testified Thursday, "but I don't think we can just sit here and wiggle

Despite prayer, Blanco got little rain from above, so it looked below hired a dowser — and hit a gusher. / 8A

our thumbs and not do anything." He appointed Joe Moore Jr., his aquifer monitor in a previous Sierra Club lawsuit, and Moore's assistant, Todd Votteler, "to work with the court to come up with a plan" that, if voluntarily followed by pumpers, would reduce demand on the aquifer and maintain flow from aquifer-fed springs that sustain endangered species.

There was testimony Thursday from a federal biologist who said that many specimens of the endangered fountain darter — a tiny fish — are looking thin and sickly in their

■ See FEDERAL/8A

# Federal judge seeks voluntary water plan

Continued from 1A

habitat at Comal Springs, which is flowing at one-third its normal July rate.

But the judge said his plan would take into account the effects on humans.

"Human beings always take priority, and their health, welfare and safety is of paramount concern to the court," he said.

Bunton's refusal to order the immediate pumping limits sought by the Sierra Club was welcomed by Mayor Bill Thornton.

"He continues to give us the opportunity at the local level to resolve the issue and develop a drought management plan," Thornton said.

"I am convinced that the Edwards Aquifer Authority, which consists of locally appointed citizens and neighbors, is a far better way to address the issue than through a federal judge in Midland or a nameless, faceless bureaucrat in Washington, D.C.," he said.

Bunton indicated the plan might draw on elements from existing plans — the Sierra Club's proposal, one put together for the judge last year by a panel of lawyers from regional water agencies and another submitted to the Edwards Aquifer Authority last week by the Guadalupe-Blanco River Authority.

The Sierra Club proposal calls for limiting pumpers to 1.2 times average winter usage.

The GBRA plan recommends stiff surcharges for monthly usage over 8,000 gallons for three-member households.

The lawyers' plan is the one San Antonio generally is now following, which calls for limiting discretionary usage and aims for a total pumping goal of 1.2 times winter average.

Bunton had encouraging words for current conservation efforts, but followed it with an unspecified threat.

"I commend Bexar Met (Bexar Metropolitan Water District) and the city of San Antonio and others who are taking some measures to conserve the Edwards Aquifer," Bunton said. "I believe we need a plan, however, and I would hope all agencies would voluntarily consent to follow it. If not, then other measures would have to be taken."

Ken Kramer, state director of the Sierra Club, said he was gratified that the judge agreed that action is necessary to preserve springflows, which have been dropping in response to a 10-month drought and heavy pumping in the parched eight-county region.

"I think he's taken a reasonable approach to develop a plan quickly that will probably get voluntary compliance," Kramer said. "I'm still disappointed the Edwards Aquifer Authority didn't take action so this would be a regional plan developed by regional representatives. But that board still can act."

Bunton also said he was disappointed that no action was taken by the fledgling Edwards Aquifer Authority, whose board voted 7-6 along regional lines Wednesday night not to declare an aquifer emergency and impose emergency regulations on the region.

"As all of you, I think, know, the court was reluctant to issue any kind of order restricting the use of water from the Edwards Aquifer," Bunton said. "I encouraged and still do encourage a state resolution to this particular matter."

"I recognize that's a political situation. We're not going to change the geography on that one bit. Four votes to the east and four to the west and never the twain shall meet, with the balance, probably rightfully so, in San Antonio. But San Antonio has never been 100 percent for anything."

Bunton said there's still time for the authority to act.

"I don't want to be treading on their toes and treading in their business, but it looks like somehow or other the buck is going to be passed and it's coming to me," he said. "I don't want anybody to get the impression that the federal court is taking over the aquifer."

... That's not my intent, and I won't do so. ... We've reached the point now where we have to bite the bullet. We have to make some additional plans so that if this drought continues, both the endangered species and the people are adequately protected."

Joe Aceves, president of the San Antonio Water System, said the outcome was not as good as would have been the denial of the Sierra Club's request, "but it's a lot better than approving a restraining order."

"It was encouraging that he was sensitive to the impact on human beings," Aceves said. "The economy, health and safety of the public were all mentioned. I think those were things we were surprised to hear since some of those, frankly, are not covered in the Endangered Species Act."

"He also said we would have an opportunity to review the plan that's to be developed in the next 10 days and that he would listen to our comments, and I think that's positive."

Aceves testified about conservation efforts the city has taken, including the recent imposition of a surcharge that doubles the rates for excessive water use.

SAWS attorney Russell Johnson also was pleased by Bunton's recognition of the possible impact of further restrictions:

"This is giving the region another opportunity to avoid a confrontation with the Endangered Species Act by giving us a chance to look at a plan that he says will not implement if it will cause harm to human beings or loss of jobs," Johnson said.

It was unclear whether agricultural irrigation might be covered under the new plan. Bunton mentioned that farmers are getting ready for second crops and that something needed to be done.

Moore wouldn't say either, but said no water usage reduction plan is going to please everyone.

"What you're confronted with is you're in a crisis situation already, so it's not likely anybody will be happy with what you come up with," said Moore, who testified earlier in the day that he thinks there should not be restrictions on essential water uses that produce employment.

"I really don't have any reaction," said Luana Buckner, general manager of the Medina County Groundwater Conservation District, which represents farming interests west of San Antonio. "The Edwards Aquifer Authority might be ready to go soon with a plan."

San Antonio Express-News

# Expert expects proposal to hit San Antonio hard

Continued from 1A

going to catch the worst of it."

Moore once again is wading back into the raging currents and treacherous undertows of South Texas water politics, but he is an experience navigator.

He was appointed to the Edwards case in 1994, interviewing principals, studying data and producing an emergency withdrawal plan at Bunton's direction. That plan, however, was never implemented.

He was removed from the case last year, but continued to talk to the principals, monitor court proceedings, and keep up with news reports about the case.

Bunton's Thursday ruling once again brought Moore back into the case.

His charge was to revise his emergency pumping plan and merge it with two others that have been developed in connection with this case — a 1995 plan written by a five-attorney panel at Bunton's direction and a Guadalupe-Blanco River Authority plan released two days ago and presented to the new Edwards Aquifer Authority.

"The problem is that you have a crisis situation and all you can do is take crisis measures," Moore said. "The bottom line is (that Bunton wants) an attempt to keep the springflow from dropping any farther than it already has. It would probably be somewhat stricter than anything that's being imposed right now; certainly, it'll further restrict lawn watering in San Antonio."

The Sierra Club, an environmental group whose lawsuit over aquifer pumping led to Moore's new appointment, wants to keep aquifer springs flowing in New Braunfels



Joe G. Moore was ordered to revise his emergency aquifer pumping plan.

and San Marcos. The springs are home to several federally protected species.

A Dallas-based environmental consultant, Moore first became involved in water in 1965 when then-Gov. John Connally appointed him head of the Water Development Board.

Under his direction, the board collected the master plans of every regional water board and boiled them down into one document, "Water for Texas," the first comprehensive, statewide plan for water use and needs.

After that, he worked for the Environmental Protection Agency's water pollution program, and headed the University of Texas-Dallas' environmental sciences graduate program.

Moore isn't new to court battles. He's served as a court master in two previous high-profile environmental cases.

In 1979, a Detroit federal judge essentially gave Moore the keys to that city's wastewater system with orders to fix it.

Four years later, a Dallas federal judge named Moore to oversee the clean-up of contaminated soil from a neighborhood that had been polluted by a lead smelter. Over three years, the offending soil was replaced.

## Bunton familiar face in aquifer debate

Senior U.S. District Judge Lucius D. Bunton III has been a key player in management of the Edwards Aquifer since 1991.

■ **May 17, 1991:** The Sierra Club is joined by Guadalupe-Blanco River Authority as it files its first Endangered Species Act lawsuit in Bunton's court, seeking limits on pumping to preserve aquifer-fed springs where species live.

■ **Jan. 30, 1993:** Bunton rules in favor of the Sierra Club, ordering federal wildlife officials to set standards for the minimum acceptable flows at springs. He orders Texas to come up with a plan for regulating aquifer pumping.

■ **Feb. 25, 1994:** Bunton appoints former Texas Water Development Board executive director Joe G. Moore Jr. to monitor aquifer conditions.

■ **Aug. 1, 1994:** Moore submits an emergency plan that would cut San Antonio pumping by 40 percent in a drought. It never put into effect, but a later plan drawn up at Bunton's request is influential.

■ **July 11, 1996:** The Sierra Club asks for a temporary restraining order and permanent injunction against all major aquifer pumpers to limit pumping. Bunton decides to wait to see what the new Edwards Aquifer Authority does.

■ **Wednesday:** The aquifer authority decides against implementing an emergency plan.

■ **Thursday:** Bunton again appoints Moore to come up with a voluntary plan to cut pumping.

EXPRESS-NEWS GRAPH

TEXAS ESA LITIGATION

A. BALCONES CANYONLAND HCP

Texas v. Babbitt

Area affected - Austin, Travis County, surrounding counties  
Species - golden-cheeked warbler, black-capped vireo, cave invertebrates

Plaintiffs - State of Texas (Attorney General), Farm Bureau  
Issue - whether FWS "bird letters" -- advising landowners of possible "take" by clearing land -- exceed "harm" definition as applied under Sweet Home

Status - motions to amend complaint pending; little action; plaintiffs want to expand to include Edwards Aquifer

B. EDWARDS AQUIFER

The Edwards Aquifer and recharge zone underlies parts of 15 counties in south-central Texas. The aquifer is the EPA-designated sole-source drinking supply for San Antonio, the ninth largest city in the nation. Water use from the aquifer has increased in recent decades, and battles over water rights have existed since the 1950s. Texas has not regulated groundwater pumping. The ESA has become the focal point for efforts to restrict pumping by all users. ]

Area affected - San Antonio and 8 surrounding counties; Comal Springs; San Marcos Springs; farmland; downstream

Species - fountain darter; Texas blind salamander; San Marcos salamander; Texas wild rice; invertebrates

Plaintiffs - Sierra Club, supported by cities, water districts, and downstream users who depend on springflow

Defendants - FWS, Defense (Air Force Army), USDA; San Antonio; State of Texas; Farm Bureau; pumpers (commercial/industrial/residential)

Issue - whether ESA requires limits on pumping to preserve springflow needed for aquatic species ]

Status - see below for particular cases

1. Sierra Club v. Babbitt

Complaint filed in May, 1991, alleging failure by FWS to implement recovery plan and prevent take of species by excessive pumping

Court entered judgment for plaintiffs in February, 1993  
Secretary Babbitt settled with plaintiffs, dismissing appeal  
Court entertained post-judgment requests for additional relief for three years, considering -- but not adopting -- plans to limit pumping

FWS adopted new recovery plan in February, 1996

Case dismissed in May, 1996, as directed by court of appeals

2. Sierra Club v. Glickman

Complaint filed in May, 1995, alleging failure by USDA to use programs to conserve irrigation water and protect species and failure to consult with FWS on ESA effects  
Court entered partial summary judgment for plaintiffs on July 2, 1996, ordering USDA to develop and implement new plans by November 1, 1996. Court held trial on July 23 on ESA section 7 consultation issue and could direct USDA to consult with FWS and suspend payments to farmers pending completion of consultation

3. Sierra Club v. City of San Antonio

Complaint filed in June, 1996, alleging that excessive pumping by all classes of pumpers caused "take" of ESA-listed species. Five Air Force and Army bases could be affected, as all pump from the aquifer  
Court denied TRO on July 17 and held preliminary injunction hearing on August 1. Court is reluctant to impose severe pumping restrictions, but invited plans relying initially on voluntary cutbacks. Current drought could force more drastic court order.

New state agency - Edwards Aquifer Authority - could adopt pumping plan to avoid need for judicial control

4. Sierra Club v. Babbitt

Complaint filed in February, 1996, alleging that closure of federal fish hatchery and ESA "refugium" would jeopardize species

Court entered preliminary injunction requiring National Biological Service to continue hatchery operations and preserve species captured from wild during drought

5. Save Our Springs v. Babbitt

Complaint filed in November, 1995, alleging unlawful delay in listing Barton Springs salamander in Austin.  
Court ordered FWS to take final action, despite moratorium. FWS announced that it will reach a decision by August 31, presumably to list the species as endangered. Listing likely will restrict development in the Austin area.