



## ENVIRONMENTAL COMMISSION MOTION FORM 20160706 007a

**Date:** July 6, 2016

**Subject:** Discuss and consider a recommendation to the City Council regarding the proposed SH45 Southwest tollway

**Motion by:** Commissioner Mary Ann Neely      **Seconded by:** Commissioner Pam Thompson

### **RATIONALE:**

**Whereas**, on June 3, 2015, the Environmental Board passed a resolution, resolving that the Environmental Board does not support the building of SH45 SW as proposed, because of the numerous environmental concerns that are listed and described in that resolution and incorporated by reference herein; and

**Whereas**, among the concerns listed by the Environmental Board in its resolution was concern that the EIS relied on an inadequate study of the protected Golden Cheeked Warbler to determine whether the SH45 SW right-of-way would have no direct or indirect impacts due to the absence of the species near the SH 45 SW right-of-way; and

**Whereas**, since the 2015 resolution was passed, City of Austin staff have observed sightings of the Golden Cheeked Warbler adjacent to and in the area of the proposed SH 45 SW right-of-way; and

**Whereas**, there has been no indication that CTRMA intends to pursue a separate 10A permit from the US Fish and Wildlife Service; and

**Whereas**, among the concerns listed by the Environmental Board in its resolution was concern with the possible surface and subsurface connection between the proposed SH45 SW and Flint Ridge Cave, a sensitive environmental feature that is vulnerable to chemical contaminants and sediment pollution present in runoff and spills associated with a roadway, the water quality implications for Barton Springs, and the possible impact on the federally protected Austin Blind Salamander and Barton Springs Salamander, which rely exclusively on the Springs for habitat; and

**Whereas**, since the Environmental Board's 2015 resolution was passed, staff have discovered another nearby cave that may be connected to Flint Ridge Cave, making it one of the biggest caves in Travis County; and

**Whereas**, the construction design standards that have been proposed for the SH45 SW project are inadequate for protection of the sensitive environmental features that may be impacted by the proposed SH45 SW highway project; and

**Whereas**, the proposed SH45 SW highway may be used as a hazmat route; and

**Whereas**, the Environmental Commission continues to support the staff's opinion that the proposed location of the SH45 SW highway is not appropriate because of the numerous sensitive environmental features that exist; and

**Whereas**, any potential benefit regarding relief of traffic congestion that may be achieved by this SH45 SW project are speculative and do not outweigh the risks that the project poses to the sensitive natural environment at its proposed location; and

**Whereas**, since the Environmental Board's 2015 resolution was passed, neither TxDOT nor CTRMA has adequately addressed the comments and concerns that were raised by the City of Austin staff; and

**Whereas**, litigation is currently pending, challenging the EIS and Record of Decision that was issued by TxDOT regarding the proposed SH45 SW project;

**Therefore**, Environmental Commission urges the City of Austin, after consultation with its Legal Department, to consider joining in the pending litigation, or to initiate its own litigation, to ensure protection of the sensitive environmental features that will be placed at risk by the SH45 SW project, as proposed.

**VOTE 6-3-1-1**

For: Neely, Thompson, Maceo, Gooch, Perales, Guerrero

Against: H. Smith, Creel, Moya

Abstain: B. Smith

Recuse: Grayum

Absent: None

Approved By:

A handwritten signature in black ink, appearing to read "Marisa Perales", is written over a light gray rectangular background.

Marisa Perales, Environmental Commission Chair