



Hays County, Texas

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Commissioners Court Takes Next Steps to Fight Kinder Morgan Pipeline Route

Hays County Courthouse, San Marcos, TX (July 17, 2019) – The Hays County Commissioners Court Tuesday voted to join an appeal of the lawsuit against Kinder Morgan’s proposed Permian Highway Pipeline and the Texas Railroad Commission over its lack of oversight for pipeline construction. A Travis County District Judge dismissed the lawsuit on July 5. The Court joins the other original plaintiffs in the appeal.

The Court also authorized engaging the Law Firm of David P. Smith to issue a Notice of Intent to Sue Kinder Morgan, the U.S. Army Corps of Engineers, and the U.S. Fish & Wildlife Service should Kinder Morgan move forward with its attempt to “agency shop” between the U.S. Corps of Engineers and U.S. Fish & Wildlife to avoid completing full environmental impact studies.

“We’re asking that an environmental review process be followed, so that the acreage involved directly or indirectly in the pipeline’s proposed route be vetted for endangered species and protected as needed,” Precinct 3 Commissioner Lon Shell said. “What Kinder Morgan proposes is to vet only the pipeline crossing areas, which is adequate only for projects that involve half an acre or less. Hays County has spent years and tax dollars to implement a Regional Habitat Conservation Plan to ensure habitat protection and thoughtful development for our citizens, and Kinder Morgan’s plan ignores that entirely.”

Precinct 4 Commissioner Walt Smith said, “We are required to do an Environmental Assessment or an Environmental Impact Study for roads that have much less impact on endangered species habitat than any pipeline potentially could. Those impact statements are critical to ensure the quality of habitat, water, and life. We’re opposed to giving a private company carte blanche to violate the mitigation and conservation steps that any government agency, such as Hays County, would need to take on behalf of its citizens to build even a small road.”

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