

**PRESENTATION TO
HILL COUNTRY ALLIANCE ANNUAL LEADERSHIP SUMMIT
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BY
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We all know that the Hill Country is one of the most beautiful features of Texas. And, we know that its springs and pristine rivers are its jewelry. Protecting those springs and rivers is an ever increasing challenge as the population of this state expands and large numbers of people are attracted to the rolling hills, expansive vistas, and rugged canyons that are hallmarks of the Hill Country. The very beauty of the Hill Country may be its fatal attraction.

I have been associated with the Hill Country for a very long time. First as a young boy in the 1950's hunting at the headwaters of Bullhead Creek in Real County; then, through the 60's, with a high school buddy, sharing the enjoyment of his family's small ranch near Sisterdale in Kendall County; in the 70's working a cow lease with my father-in-law in northern Bexar County; then, owning my own land in north-eastern Kinney County with a major spring and jaw dropping views; and, working for 39 years with the Nueces River Authority, with the last 14 years being sucked along in the wake of your past President, Sky Lewey.

Like many of you, I have seen a lot of change in the Hill Country. Goat ranches that used to sell for \$25-\$50 per acre, if buyers could be found, now command astounding prices. Exotics have taken over in many locations. So have high fenced hunts and rural subdivisions with no water or sewer service, and graded caliche roads going straight up the hillside. A hill without a house perched on top is becoming a rare sight. The charm of many small communities is starting to fade with new development. And, the springs and rivers are under stress from over pumping of aquifers, mechanical manipulations of riverbeds, continued destruction from off-road vehicles, pollution from malfunctioning septic tanks, broken bottles, diapers and trash; siltation from land suffering from improper stewardship, the disappearance of riparian zones, and a variety of other ailments - all being due to humans who are uninformed, ill-informed, or uncaring about the natural system.

These problems cannot be solved, easily or quickly. They can best be solved with a well thought out master plan, developed and supported by the stakeholders, through which priorities are made and work is focused. The Hill Country Alliance is the perfect entity to bring this about.

The Hill Country's springs and rivers define the region. The Country of 1100 springs. Jacobs Well. Comal and San Marcos springs – the largest in the state. Garner State Park on the Frio – one of the most popular state parks in Texas. The Nueces, Frio, Sabinal, Medina, Guadalupe, Blanco, and Pedernales rivers.

Why are the Hill Country rivers unique? The Texas Legislature, last session, gave us some insight to this when it recognized five stream segments as having unique ecological value.

The streams recognized were the upper reaches of the Nueces, Frio and Sabinal rivers in northern Uvalde County and the Comal and San Marcos rivers in Comal and Hays counties.

Regional water planning groups, created by the Texas Water Development Board, may recommend that certain stream segments be designated by the Texas Legislature as having unique ecological values. Technically, that designation only means that a political subdivision may not finance the construction of a reservoir within the designated segment. But, it means far more than that to me.

To me, this is a vehicle that can be used to showcase the uniqueness of streams and instill pride in them such that adjacent landowners, nearby communities, and visitors will be encouraged to, voluntarily, take measures to preserve their integrity. It announces to all that the state feels these streams are unique.

In the state, there have been 19 stream segments designated as having unique ecological value - seven in Far West Texas, seven in East Texas, and, now, five in the Hill Country.

The South Central Texas Regional Water Planning Group (Region L) requested these five designations. Region L is one of sixteen regional water planning groups in the state. It covers 20½ counties, basically including the Edwards Aquifer region, the San Antonio and Guadalupe river basins, and the San Antonio Bay system.

It took seven years and two legislative sessions to secure these ecologically unique stream segment designations. All of the segments are in or adjacent to the Hill Country. All have high water quality and either high or exceptional aquatic life values, as defined in the Texas Surface Water Quality Standards.

The Nueces, Frio, and Sabinal River segments are listed in the Nationwide Rivers Inventory (NRI) prepared by the National Park Service (NPS, 1995). This inventory lists more than 3,400 free-flowing river segments in the United States that are believed to possess one or more, to use their terms, "outstandingly remarkable" natural or cultural values of more than just local or regional significance.

The **Nueces River** segment runs from the northern Uvalde County line, which is the boundary of Region L, downstream to just above the Edwards Aquifer Recharge Zone, a distance of about 19 river miles.

According to an early report, the upper section of the Nueces River is considered to be one of the more aesthetically pleasing stream segments in the state (Belisle, 1974). In 1995, it was

described by the National Park Service as the "purest, cleanest stretch of stream this size in Texas" (NPS, 1995).

The **Frio River** segment extends from the northern Uvalde County line downstream about 15 miles to the community of Concan, just above the Edwards Aquifer Recharge Zone.

This segment is included in the Nationwide Rivers Inventory for, among other things, its outstanding scenery and recreation values (NPS, 1995). It, also, is listed by the Texas Commission on Environmental Quality as having exceptional aquatic life (TCEQ, 2000). This segment includes Garner State Park.

The **Sabinal River** segment begins at the northern Uvalde County line and extends downstream to about three miles above the City of Sabinal, a distance of about 12 miles.

The Sabinal River was included in the Nationwide Rivers Inventory for its outstanding recreation, geology, and wildlife values (NPS, 1995). It, also, is recognized by the Texas Commission on Environmental Quality for having exceptional aquatic life.

The **San Marcos River** segment includes that portion of the river extending from IH 35 upstream to a point near Loop 82 in San Marcos, a distance of approximately two miles.

The San Marcos River is the second largest spring system in Texas and has, historically, exhibited the greatest stability of any spring system in the southwestern United States (Brune, 1981) (USFWS, 1996). In 1995, the San Marcos River was rated by the National Park Service as the number one recreational river in the state, and the number two scenic river.

The upper San Marcos River has one of the greatest known diversities of aquatic organisms in the southwestern United States (USFWS, 1996). It is home to four federally listed endangered species (fountain darter, Texas wild rice, Texas blind salamander, and San Marcos gambusia) and one threatened species (San Marcos salamander).

The **Comal River** segment extends from its confluence with the Guadalupe River up to Klingemann Street in New Braunfels, a distance of approximately three miles.

The Comal River is formed by the largest spring system in Texas. Spring waters that flow from the Edwards Aquifer create a thermally constant environment that supports one of the greatest known diversities of organisms of any aquatic ecosystem in the southwestern United States (USFWS, 1996). The river, also, provides critical habitat for four federally listed endangered species (fountain darter, Comal Springs riffle beetle, Comal Springs dryopid beetle, and Peck's Cave amphipod).

These five, ecologically significant, stream segments are examples of what makes Hill Country streams unique. There are many others that share these characteristics. In fact, Texas Parks and Wildlife Department shows seven other stream segments on its list of Ecologically

Significant River and Stream Segments within the Hill Country portion of Region L. They are the West Nueces River, West Verde Creek, Upper Guadalupe River, Honey Creek, Blanco River, Carpers Creek, and Cypress Creek.

But, as I have noted, Hill Country streams, today, are threatened. I want to describe one instance in which a major threat to our rivers was taken on and, largely but not completely, neutralized. I offer this story as encouragement to those members and supporters of the Hill Country Alliance who have embraced the formidable task of protecting a treasure and to those of you who did not witness the event.

Fifteen years ago, there were increasing complaints from citizens, principally in Uvalde County, of trash, trespassing, vandalism, riparian and aquatic habitat destruction, and generally offensive, insensitive, and irresponsible public conduct occurring within the riverbeds. The complaints, largely, were based on increasing recreational use of the riverbeds by off-road vehicles. They were arriving on weekends and holidays in large numbers; many from organized clubs in Austin, San Antonio and Houston. In one July 1998 event, 108 vehicles entered the Nueces and Frio rivers at five locations.

This activity not only was damaging the rivers, but also, was a threat to public safety and infringed on the rights of others wanting to enjoy more traditional river activities such as swimming, paddling, tubing and fishing.

In response, the Nueces River Authority organized and hosted a forum to examine ways to continue the public's enjoyment of the rivers while protecting the waters, the fish and wildlife, and the adjacent property owners. On the panel were representatives of the Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, General Land Office, Department of Agriculture, and Texas Department of Transportation. At the end of the forum, it was evident that much of the river abuse problem could be attributed to the fact that there was no single regulatory agency in charge of protecting the state-owned riverbeds, and those agencies having fragments of responsibility had inadequate resources,

Over the course of two legislative sessions, we spearheaded efforts to create a law to protect the rivers from this abuse. There was a gloves-off reaction from some elements of the off-road vehicle community. But, along the way, many supporters came forward, ranging from concerned citizens, to environmental and natural resource oriented groups, to heads of state agencies, notably then Agriculture Commissioner, Susan Combs, to prominent legislators, namely Senator Judith Zaffirini and Representative Robert Puente.

Little by little, there developed a groundswell of support and traction was gained. A joint letter supporting passage of SB 155, sponsored by Senator Zaffirini to ban motorized vehicles from state-owned riverbeds, was signed by 14 strange bedfellows, including Audubon Texas, Hill Country Conservancy, Lone Star Chapter Sierra Club, National Wildlife Federation, Texas Farm Bureau, Texas Sheep and Goat Raisers Association, Texas and Southwestern Cattle Raisers Association, and Texas Wildlife Association.

The most intense and protracted environmental protection campaign with which I have ever been involved, finally, came to a conclusion with passage, in 2003, of Senate Bill 155. The legislation went well beyond what I had expected, in that it expressed the Legislature's position that the "beds, bottoms, and banks of navigable rivers...are precious and irreplaceable state resources that deserve protection" and "the protection of public access to the beds, bottoms and banks of navigable rivers...should not come at the cost of uncontrolled damage to the (rivers)... or at the cost of infringing on private property rights". The state-owned rivers were declared "protected freshwater areas" and, with limited exceptions, operation of motorized vehicles was prohibited.

My take home message from this experience was, if your objective is correct and you are persistent, you will attract support and, eventually, that support will reach critical mass and you can prevail. This is not news to many of you, but I reiterate it for encouragement.

So, now, when we look at the Hill Country streams, we can see them as the State does - as precious and irreplaceable state resources and protected freshwater areas - with five segments, so far, having special recognition for their ecological uniqueness.

What are the most important actions we should be taking to protect the Hill Country and its rivers? To me, five actions seem obvious, but I am certain there are more.

1. Rally around and support a guardian that has a strong foundation and respectability. The Hill Country Alliance stands out as a leader. The Alliance can nurture a strong political base in Austin to help deal with legislation. The Alliance can maintain a presence before the state resource agencies to position itself to deal with proposed permits, rules, and regulations affecting the Hill Country. There is strength in numbers. The Alliance can demonstrate widespread support by maintaining and growing a diverse and active membership. Influential people make things happen. The Alliance can recruit demonstrated leaders.
2. Educate the public. Support or establish public education programs tailored for Hill Country citizens to educate them on the natural system. Sponsor seminars, workshops and demonstrations. Provide information packages to real estate professionals and title companies. Show the public how to protect the Hill Country. Rural property owners can lead by example by being good land stewards.
3. Monitor those entities that can affect the Hill Country's water resources.

As I noted, earlier, sixteen Regional Water Planning Groups have been created by the Texas Water Development Board to develop plans to meet water demands within their regions. Every five years, their plans are incorporated into the State Water Plan. In their meetings, which are usually held quarterly, one can see what projects water suppliers are asking to have included in the regional plans. Regions J, K, and L cover the Hill Country. Get on their mailing lists to receive meeting notices and agendas.

More importantly, I believe, monitor the groundwater conservation districts within the Hill Country. The Texas Legislature has stated that the preferred way to manage the state's groundwater is through groundwater conservation districts. There are 13 districts in the Hill Country region. They are responsible for deciding what the groundwater conditions will be like in the future and for taking measures to meet those conditions. They, also, decide which groundwater projects will be permitted. And, they are the entity, other than the Texas Legislature, in the best position to protect spring flows.

4. Report violations. Texas Parks and Wildlife Department requires permits to disturb sand, gravel, or marl within the state owned riverbeds. U.S. Army Corps of Engineers requires permits for dredging within navigable waters. Texas Parks and Wildlife Department Game Wardens are the most likely law enforcement group to respond to motorized vehicles operating within the riverbeds. Spills and river pollution can be reported to the Texas Commission on Environmental Quality. Perhaps the Alliance could maintain the necessary contacts with all of these agencies so that all citizens need to do is report possible violations to the Alliance and the Alliance can forward the reports to the enforcement section of the appropriate regulatory agency.

5. Have a plan. Development and implementation of a master plan for protecting the Hill Country allows for organization, coordination, focus, efficiency, stakeholder buy-in, and a clear path forward.

These five actions can go a long way toward protecting the Hill Country and its rivers.

In closing, the Hill Country has changed dramatically since the Indians called it home and it will continue to change. The best we can do is control and minimize the damage. The best we can do is reduce the fatalities caused by its attraction.