

Photo credit: Dave Wilson

PEDERNALES NEWS

PERMIAN HIGHWAY PIPELINE TO CUT THROUGH RIVER BASIN

In September, Kinder Morgan Texas Pipeline LLC and partners announced a new pipeline project that will connect the natural gas production of the Permian Basin to the Gulf Coast. The \$2 billion project will create a 42-inch pipeline that travels 430 miles across the state, including through the Pedernales River Basin.

Ttill Country

The Permian Highway Pipeline would include the purchase from landowners of a 50-foot easement, plus an additional 25-50 feet of work easements, that would preclude certain activities (e.g. building and planting long -rooted trees). Projected to start construction in Fall 2019, Kinder Morgan has already started to contact landowners. The proposed route would cross multiple Hill Country counties, including Kimble, Gillespie, Blanco, and Hays Counties.

Since the announcement, landowners have started to gather across the Hill Country to express their concerns about the project, including potential adverse impacts to surface and groundwater quality, decreased real estate and agricultural values, spread of oak wilt, and public safety risks.

Landowners that are being contacted by Kinder Morgan should know their rights, understand the condemnation process, and have access to resources to inform their decision-making. Knowing the cultural and natural resources that may be impacted by the proposed pipeline route can help landowners in their easement negotiations.

Lawyers experienced with the eminent domain process encourage impacted landowners to talk with their neighbors, share information, and negotiate together, rather than be isolated through this process.

Agencies that will review the proposed pipeline project include state entities (e.g. Texas Railroad Commission, Texas Commission on Environmental Quality, Texas General Land Office, Texas Historical Commission) and federal entities (e.g. U.S. Fish and Wildlife Service and Army Corps of Engineers). *Continued on page 2*.

PERMIAN PIPELINE (continued from front cover)

Although not exhaustive, we have included some key resources in the following section; these are not intended to replace the role of legal counsel.

Informational Resources Available for Landowners

- Texas A&M AgriLife Extension's **Texas Pipeline Easement Negotiation Checklist**
- Braun & Gresham's Interactive Map of the Proposed Pipeline. If you have received a letter from Kinder Morgan, please reach out to Braun & Gresham to help inform and update this resource.
- Attorney General of Texas <u>Landowner Bill of Rights</u>

Organizations Addressing this Pipeline Project

Multiple organizations are mobilizing to educate, oppose, and/or mitigate the impacts of the pipeline project. In Gillespie County, for example, a grassroots effort of concerned landowners, *Save our Hill Country Heritage* 1846, has organized to preserve the historical, cultural, and ecological heritage of the region as well as support private property rights. To learn more about this effort, e-mail <u>saveourhillcountryheritage1846@gmail.com</u>.

Organizations that have been at the forefront of providing informational resources to landowners in the basin include the following: <u>Texans for Property Rights</u>, <u>Texas AgriLife Extension</u>, <u>Texas Farm Bureau</u>, <u>Texas and Southwestern Cattle Raisers</u>, <u>TREAD COALITION</u>, <u>Braun and Gresham</u>, <u>James D Bradbury</u>, <u>PLLC</u>, <u>Barron, Adler, Clough, & Oddo LLP</u>, and <u>HCA</u>.

FALL FLOODING OF THE PEDERNALES RIVER

While the headlines rightfully focused on the Llano River and Highland Lakes, in October landowners and communities in the Pedernales River Basin also experienced sizeable flooding.

County roads and the Fredericksburg Independent School District were closed during the peak flood. When the river and its tributaries like Barons Creek receded, they revealed some noticeable changes, including deposition of sand, picnic tables, and debris from upstream.

Amazingly—although not surprisingly—small bald cypress seedlings at Frantzen Park that had been planted last year withstood over 7 feet of flood waters. Riparian plants that grow along creeks are adapted to these types of disturbances and help slow down water, reduce erosion, trap sediment, protect banks, and build up the flood plain. The result? Improved water quality and quantity, sustained flow of creeks and the Pedernales River, increased forage for livestock, and better habitat for fish and wildlife.



Above: flooding across Jung Lane in Blumenthal.

To learn more about post-flood recovery of riparian areas, check out this great resource written by Steve Nelle, USDA Natural Resources Conservation Service (retired), and published in TWA's magazine. Simply cut and paste the following link: http://www.hillcountryalliance.org/wp-content/uploads/2016/01/TWAArticle-NelleJan16.pdf

Or check out a video series here: http://www.hillcountryalliance.org/letting-the-river-heal-itself/



Wayne Kleck, who hosted the Spring 2018 **Pedernales Landowners Potluck**, took this photo at his place in Stonewall while cleaning up after the fall flood. If you are a landowner in the Pedernales River Basin and would like to be added to the email list for future Pedernales Potlucks, please contact Daniel at either 210-287-0478 or daniel@hillcountryalliance.org.

FRESHWATER MUSSELS OF THE PEDERNALES

Contributed by the US Fish & Wildlife Service

Freshwater mussels are often overlooked organisms with fanciful names such as fatmucket, fawnsfoot, and pimpleback. Although they can be hard to find, freshwater mussels play important roles in stream ecosystems. Mussels contribute to riverbed habitat structure and function by acting like the "living roots" of the river - turning sediment and providing substrate and physical space for other organisms. Mussels are usually found in congregations called mussel beds - in areas protected from high flows that can wash away during floods. Mussels are eaten by fish, wading birds, turtles, raccoons, and other animals. Mussels in turn feed on bacteria and other suspended organic materials filtered from the water column, improving water quality in the process. Because mussels really can't move very far, as juveniles they hitch a ride on host fish to spread them around and colonize new mussel beds.

The Pedernales River is home to several species of freshwater mussels that are relatively common and occur in a variety of habitats. Some of them are <u>threeridge</u>, <u>Tampico pearlymussel</u>, <u>fragile papershell</u>, <u>southern</u> <u>mapleleaf</u>, <u>and pistolgrip</u>. Texas fatmucket is a once common habitat specialist that is found only in the Colorado River basin; it currently occurs in sections of Elm Creek, San Saba River, Cherokee Creek, Llano River, James River, Threadgill Creek, Pedernales River, and Onion Creek. (*Continued on page 5*)

BACCHARIS NEGLECTA: MANY NAMES, OPINIONS

You may know it as *Baccharis*, or perhaps, false willow, poverty weed, Roosevelt weed, or even words not appropriate to print here. Indeed, when this native, perennial shrub grows in the uplands—and can do so aggressively—it can cause a variety of concerns such as the displacement of grasses for livestock or increased fuel loads near one's home or other infrastructure.

Depending on the landowner's land management goals and site considerations, it may make sense to control this native shrub in the uplands. Texas AgriLife Extension offers good information for



Baccharis neglecto. From wildflower.org

how to do this. See, for example, this report: http://stephenville.tamu.edu/files/2011/02/Baccharis-IPT_Final.pdf

However, when growing by a creek or river, this plant can provide a pivotal role for the recovery of these waterways. It's often one of the first plants that can establish in bare, exposed, cobble bars. Once established, the plant will lay down when inundated by floodwaters. This does a few things. First, its brushy top slows the water down. When this happens, small particles of sediment are deposited from the water and trapped by the leafy shrub. Through such a process, *Baccharis* and other colonizer species trap enough sediment and organic matter so that other plants can start to establish on the gravel bar. This recovery process does not happen overnight, but it's amazing to watch over the years.

There's one other great thing that happens when floodwaters lay down the wispy branches of the *Baccharis*. Like a blanket, the plant covers and protects downstream vegetation during the flood. And then, along with the native Swithgrass and Eastern Gamma Grass it shakes off the water, and rights itself back up to continue stabilizing the Pedernales River and its tributary creeks.

LOOKING AHEAD

Mark your calendars:

January 22:	<u>Seasons at Selah: Legacy of the Bamberger</u> <u>Ranch in Fredericksburg</u>
January 23:	<u>Rights-of-Way & Pollinator Habitat Leadership</u> <u>Round Table in Austin</u>
January 27:	Savor the Hill Country II in Johnson City
January 31:	<u>Central Texas Water Conservation Symposium</u> <u>in Austin</u>
February 12:	<u>Preparing the Spring Vegetable Garden in John</u> <u>son City</u>
February 16:	<u>Science Mill's Aquaponics Greenhouse Grand</u> <u>Opening in Johnson City</u>



February 15: Saving Family Lands: Landowner Workshop in Spring Branch

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FRESHWATER MUSSELS (CONTNUED FROM PAGE 3)

Texas fatmucket can be found in flowing streams of the Edwards Plateau with stable (not muddy or mucky) gravel bottoms, and in bedrock fissures or other crevices, and tend to seek out spring outfalls and other perennial waters for habitat. Texas fatmuckets need flowing water, free from contaminants and other water quality degradations; stable streambeds without excessive sedimentation; habitats that provide shelter from floods (like boulders, sunken logs, and other physical features that protect from scour); access to fish hosts; and hydrologic connectivity among mussel beds that can be separated by more than one mile.

The Texas fatmucket (*Lampsilis bracteata*) is one of six species of freshwater mussels occurring in Central Texas and being considered by the U.S. Fish and Wildlife Service (Service) for listing as threatened or endangered under the Endangered Species Act of 1973 (Act). The Texas fatmucket was petitioned for listing

under the Act in 2007 and has been a candidate for listing since 2011.

Since 2011, the Service has worked with our partners including Texas Parks and Wildlife Department, Texas Comptroller's Office, multiple River Authorities, local universities, and others to gather more information about the Central Texas mussels. Having recently completed a species status assessment, the Service anticipates publishing a proposal to list, or not to list, one or more species of Central Texas mussels, including the Texas fatmucket, in 2019.



Above: Male (left) and female (right) Texas fatmucket. Photo from USFWS.

The other species included in the considerations for listing are the false spike (*Fusconaia mitchelli*), Texas pimpleback (*Cyclonaias petrina*), Guadalupe orb (*Cyclonaias necki*), Guadalupe fatmucket (*Lampsilis sp. cf. bracteata*) and Texas fawnsfoot (*Truncilla macrodon*). These freshwater mussel species are native to parts of the Trinity, Brazos, Colorado, and Guadalupe river basins.

The Service welcomes the participation of private landowners, conservation groups, state and local government, and others in developing voluntary conservation projects to restore mussels and their habitats.

Some voluntary projects that could be undertaken to benefit the mussels and their stream habitats include riparian habitat restoration, enhancement of adjacent upland habitats, modification of low head dams that act as barriers to fish passage, implementation of soil and water conservation practices, protection from disturbances, and measures to improve water quality and maintain flowing waters in streams and rivers where the mussels occur.

To learn more, contact Chris Harper or Garry Pandolfi at the US Fish and Wildlife Service, 512-490-0057.

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