



# Stormwaters Brewing on the Llano River

Article and photo by BILL NEIMAN



**EDITOR'S NOTE:** While the sentiments expressed in this article are shared by many TWA members, an official TWA position on the underlying water/private property issue is still being developed. The author of the article, Bill Neiman, is a long-time member of TWA and a stakeholder in the Llano River issue. The following are his thoughts.

Cool, calm, no wind and a slow lifting fog down by the river this morning. Sitting by the big live oak at the site of the first homestead built in 1877. We've got about a mile of the river here on the place. An old-style aluminum canoe just slipped into view. We never see more than about three boats a year as we're many miles either direction from public access points. In it are two people I've never seen before: a dad, quietly dipping his paddle, skillfully gliding the canoe over the water with distinct awareness of the ecological richness of his surroundings. Sitting in front is his 12-year-old son. The boy is also quiet, casting a rod with a certain confidence under dad's watchful eye. The boy has that sacred elemental connection to the river, the line and the fish. Between the two of them, a lot of hope floats by.

The dogs and I stay motionless and silent. Only watching. The canoe, almost without a ripple, slips smoothly out of sight. They never saw us 32 feet above in our birds-eye perch on the high bank of the Llano.

A big-picture conversation has been

opened up by Lonny Taylor with his October 2014 article, "When Property Rights Clash with the Public Good." He is stepping up to the plate, publishing this message in the Big Bend Sentinel from far West Texas. For us stakeholders here on the Llano River, it seems we are witnessing the end of an era. Almost everyone can plainly see the incompatible land use and absolute disrespect of responsible stewardship that allows a landowner in absentia for 50 years and a \$30 billion Tennessee transnational corporation to build a truck stop in the Llano River floodway. The system is broken when we cannot protect our most basic elemental resource – clean water.

I am a rural Texan family farmer. I am a downstream stakeholder/landowner. I have surface water rights that run with my land. These rights and this river I guard intensely, for they are integral to my livelihood and my children's future. As some say, they are "golden."

Personally, I have inherited no property; instead, I have worked a lifetime to own and operate this land. When I was a youngster,

my dad moved us to El Paso the year after Kennedy was killed. Laid-off from his job building fighter aircraft at Grand Prairie, he took a job at White Sands Missile Range driving 80 miles to work and back just to keep our family living in Texas. I left home in the summer after 11th grade and hitchhiked across America for two years. These must have been my college days, since I never spent much more of my time in an indoor classroom.

At age 19, I borrowed a shovel, a rake and a lawnmower and started working for myself. I set up a homestead and small business in Denton County near the places I had learned to hunt and fish with my dad as a kid. But then, like now, Texas was in full economic bloom. During those days of the 1970s, massive human migrations of downsized middle class Americans were fleeing the Rust Belt...hordes of people descending on the Sun Belt. In the unfolding socio-economic process, I witnessed the total destruction of the farms, ranches, creeks and rivers where my dad had taught me land stewardship and





ethics to hunt and fish.

In my 20s, I had decided my purpose was to “clean up behind the bulldozers.” With persistence, diligence and thrift, I built a tree farm, production greenhouse/nursery and a landscape construction company, eventually managing 45 employees. As time marched on, I learned the foolishness of my chosen life-purpose, cleaning up behind those dozers as if we could doze on forever.

During the dry spell of 1980, 100 days of 100 degrees with no rain, all my work began to fail. Not enough water for all that sprawl. I’d planted and constructed all those exotic alien landscapes complete with automatic sprinkler systems. Asian Jasmine, Chinese Holly, Pakistan Crepe Myrtle, African Bermuda and Caribbean St. Augustine required more water than the land could sustainably provide. It was then I noticed the resiliency and survivability of native plants.

Amidst the droughts, floods and freezes in the 1980s, I married and we had two births in our old wooden home on the prairie near Argyle, Texas. By the late 1980s, I was conducting my first native seed harvests. Native American Seed was hatched. Focus and purpose shifted, prompting me to “get in front of the dozers” to save Texas’ legendary genetics by collecting prairie seeds. I had learned how to help others clean up their land by putting it back like it was. Landscape construction was traded in for Eco-Logical Restoration. Today, we offer this experience on a large landscape scale. Our work translates directly to restoring wildlife habitat.

Twenty years ago, we bought a parcel of fragmented farm and ranchland on the main stem of the pristine Llano River. A few work years passed, and we bought two more parcels, re-assembling all the original 1877 patented pieces back into one whole. Our Native American Seed Farm operation employs about 20 people full-time. Both kids grew up here in the Junction schools. They both went to real colleges and got real degrees, never hitchhiked. After trying their hands at big city living, both our daughter and son, on their own schedules, came back to work here on the farm.

We’ve weathered plenty of ups and downs here. I reckon we’ll never forget the drought of 2011. But, the summer of 2014 is also deeply imprinted. This is the summer we lost the river to Pilot Flying J, a truck stop/travel center. A large extended community of several hundred citizens came together forming the “Land of Living Waters.org.” The group formed a Facebook page to

communicate and document the process.

As the public discourse began to unfold, three men staunchly advocated support for the truck stop by defending the absentee landowner’s property rights to do business as she pleased. One of the men bought the back page of our local newspaper and called the citizen’s group a socialist cancer that should be stamped out. One of the men owns a local land clearing and the only paving company in town. The third man, a lawyer and Junction councilman, demanded that the city attorney issue a ‘cease and desist’ order to the Land of Living Waters.org, with the claim that the city owns the slogan and in defense of its “intellectual property rights.” Our citizen group respected the city claim and changed the Facebook name to Llano River Watch.

As we fought to locally protect the river, my wife and grown kids witnessed the wholesale disregard of Texas’ last clean river. We are heartbroken. Our extended family and neighbors are left stomach sickeningly disappointed in our dysfunctional local, state and federal laws, or lack of law. No agency was willing or able to apply one iota of regulatory oversight to adequately protect the floodway, prevent construction in the floodway or stop discharge of polluted storm waters directly into the river. Pilot Flying J submitted a Spill Prevention Plan to Texas Commission on Environmental Quality (TCEQ) that outlines what will be done in response to a scalable spill...concern remains regarding accumulative long-term effects of hydrocarbons flushing to the river during each rain event.

The truck stop features 14 lanes of fueling stations with 74 overnight berths for 18-wheelers, all situated in the floodplain and floodway. The eight-acre site was cleared of encumbrances, including the 400-year live oak where the first Kimble County Court was held. A pall of smoke hung over the city for days while it burned, along with hundreds of old-growth bottomland pecan and mesquite trees. Now in their place is a 40-year lease to Pilot Flying J with eight acres of asphalt designed to eventually flow water into a 1968 vintage TXDOT concrete drainage ditch (with only recent repairs to the concrete side walls), then directly into the Llano. The company projects annual sales of ten million gallons of diesel beginning this Christmas when the facility opens.

The local community has demonstrated a perfect “poster child” case. Texas’ state laws are non-existent when it comes to protecting water quality from storm runoff. Neither

the federal Clean Water Act, Section 404, United States Army Corps of Engineers (USACE), Environmental Protection Agency (EPA), Federal Emergency management Agency (FEMA), nor state TCEQ provide any clear distinctive provision (to apply in our four-month effort) to protect water quality in the Llano River. This is a case where well-designed regulation coupled with stiff penalties should apply when our commonly held elemental resources are violated.

It is time for grown men and women leaders such as ourselves to zoom out for a holistic look at who is at the controls of this monster, for it is us. We still have our democratic legislative process. We need to join the many forces together and confront this gaping hole in the stewardship of Texas’ most priceless natural resource, clean water. I acknowledge this is a delicate issue, one of ditches to streams to rivers to lakes to bays. I understand there are many vested stakeholders to educate and align along the way.

This IS a property rights issue.

Downstream Llano River landowners have had their property rights violated by this incompatible land-use, especially those exercising adjudicated water rights for agricultural irrigation. This is not a local Junction municipal or a Kimble County issue. The Llano flows in five counties and four municipalities before emptying into the Highland Lakes. The river base flow is 85 percent of Austin’s drinking water. The issue of storm water quality in the Hill Country is a state issue deserving legislative attention.

Perhaps there are other waters in the state that have been degraded to a degree of disregard; but, in the Hill Country region, our springs and rivers are legendary for their quality. The clear, pristine quality can be attributed entirely to the historic stewardship of local ranchers and landowners fortified by rock-solid commitments to hand their land over to the next generation. But, those days are quickly coming to a close. With accelerating Texas population, land fragmentation, loss of vibrant agricultural communities, flight of youth to cities and blight in the future of rural landscapes, where will that 12-year-old boy in the canoe take his son fishing 20 years from now?

It is our responsibility as Texas land stewards to answer this question. This is not just about little boys fishing in the future. It’s about all of us now and what we say about ourselves today. 🌱

