



TOGETHER, WE CAN BAN Litter in Texas Rivers

THE PROBLEM: BINGE DRINKING AND LITTER ON TEXAS RIVERS

The San Marcos River (as well as a few other rivers in Texas) has a can problem. There are way too many aluminum cans (and glass and plastic bottles) along her banks and on the bottom of her streambed. The source of these cans are the thousands of drunken tubers that float the river every day during the heat of the summer. They have proven that they are incapable of keeping track of their empty beverage containers. The motto, Drink It and Sink It, seems to apply to a large majority of these floaters.

The counties that border the San Marcos, in the most affected stretch of river: Hays, Caldwell and Guadalupe, have tried valiantly to keep the river clean, but the problem is more than they can handle. The litter, especially the aluminum cans on the bottom of the river, keep accumulating at a faster rate than volunteers can remove it. You can read more about the problem in the lead off article in our 2015 newsletter: <http://www.txrivers.org/archive/trpa2015-02.pdf>

And, if you want to watch a video on youtube that really highlights the drinking problem and some of the crowded conditions on the river, go to: <https://youtu.be/7IRyE9PsP00?list=FL1L5lqPhstEUPL1YFhkWi6g>

Here is a link to a youtube video called The Environmental Rape of the San Marcos River. It shows a lot of good underwater shots of trash: <https://youtu.be/7mlR7Jh1s84>

Since this area is not in the incorporated area of a home rule city (that is, a city large enough to enact some strong ordinances) the locals are powerless to enact rules to solve the problem. The first step toward solving the problem then, is either for the area to be annexed by the City of San Marcos, or for the legislature to create a special district, giving the locals an opportunity to create ordinances themselves.

WHAT HAS BEEN DONE IN THE PAST

Other Texas communities have dealt with this same problem and have attempted different solutions. On the Guadalupe River in Comal County (not including the river within the city limits of New Braunfels) the state of Texas established the first Water Oriented Recreation District back in the 1980's. This district has attempted to control the litter problem, first by banning glass and styrofoam containers and small plastic "jello shot" containers. This outright ban of these containers has proven very effective.

But, since aluminum cans are the container of choice for beer drinking tubers (who make up a vast majority of the tube traffic) the Comal County WORD has chosen not to ban aluminum cans (we wouldn't want to slow down anybody's business, would we?). Instead, the WORD collects approximately \$1 from every river user in order to have money for clean ups and for the additional law enforcement that a river full of drunken tubers requires. But the littering and the party goes on - and this section of the Guadalupe is not the kind of place where you would like to take your family on a weekend during the summer. The Comal County WORD can only police the party as best it can and then try to clean up afterward.

The City of New Braunfels has its own problems with litter, especially on the Comal River. And, since it is a Home Rule City, and can write some fairly powerful ordinances, they have attempted to solve their litter problem in several ways. First of all, like the WORD, they collect a fee from every tuber that rents a tube and uses the city owned access points. Currently the fee is \$1.50 per person. They are considering raising that amount. The fees are intended to pay for the cost of clean up and law enforcement. But the city has found, over the years, that the amount of money they collect does not come close to paying for these services.

So, the city has tried a few other solutions. About ten years ago, they attempted to ban alcohol entirely from the river. But the state of Texas told the city that it owned the river and the city could not establish such an ordinance.

FINALLY, A SOLUTION THAT WORKS!

So, back in 2011, the city passed an ordinance banning the possession of disposable containers on its rivers. They included all types of "single use" beverage containers as well as things like ziplock bags. The effect on the river (and the behavior of river users) was dramatic. Clean up costs dropped to almost zero. And, the need for law enforcement was greatly reduced. Families returned to the river (they had previously been forced to float the river very early in the day, if at all, because of the offensive behavior of the drunken crowd). Restaurants noticed that their sales improved (it turns out that families tend to eat after a day on the river whereas drunks simply pass out and/or attempt to drive home). Motels noticed an increase in business. The "can ban" worked; the city had its river back.

THE SOLUTION IS ELIMINATED (AT LEAST TEMPORARILY).

But then the tubing businesses filed a lawsuit. They claimed that the ordinance was unconstitutional, they claimed that the city did not have the power to write such a law. And, a retiring judge from East Texas agreed. So, now we are in the middle of the appeal of that judge's decision. The can ban is no longer in effect; the trash and bad behavior is back.

IS ANY WORD BETTER THAN NO WORD?

Many people believe that a WORD is the answer for the problems on the San Marcos River. But, if one looks at the Guadalupe river, especially the section below Canyon Dam and upstream of the city of New Braunfels (i.e., the section of Guadalupe River within the Comal County WORD) one will find a river with most of the same problems that are being experienced on the San Marcos River. Tons of cans on the bottom and a whole lot of drunks on tubes misbehaving.

A WORD, WITHOUT A CAN BAN, DOESN'T SOLVE THE PROBLEM

If a WORD (by itself) is such a great solution to litter and behavior problems, why doesn't the "WORD like" ordinances that the City of New Braunfels uses solve their problems. In other words, why did the city go further than the WORD goes and pass a can ban? Why is the city trying so hard to get the can ban reinstated?

We have seen that a can ban is the answer. A WORD, without a can ban only provides some money for bouncers (for the party) and maids (for clean ups). The best approach is to keep the litter out of the river in the first place; it is crazy to allow the kids to throw their trash in the river and then try to get it out.

MORE PROOF THAT A CAN BAN IS THE SOLUTION

And, there is another issue that shows that neither the Comal Word nor the current laws in New Braunfels aren't the ultimate solution to the tuber problem. There is a Christian group that is currently organizing a "1000 Man Float" for the Guadalupe River near New Braunfels, to "take back the river" for families.

Excerpts from an article in the New Braunfels Herald-Zeitung:

One of the organizers, Jay Hix Jones, said he grew up in Baytown and as a kid camped and tubed the Guadalupe and the Comal rivers with his parents. "It's always been a special place to me," Jones said in a telephone interview. "But over the last several decades, I've noticed a crazy change in the rivers."

He said the frat-party atmosphere, with its drinking and lewd behavior, that has emerged makes it difficult for families to enjoy the rivers nowadays.

"It saddens me. I call it a soul danger zone. My goal is to get rid of the party," said Jones.

The producer said he understands that the organizers evangelistic efforts will not "change the river in a weekend." That's why the plan is to keep coming back on future holidays and in coming years, even if it takes a decade.

"The more we do, the more you'll see the party diminish," Jones said. Party-minded tubers will not want to come back to carouse on the rivers "after they've been saved and led to Christ," he said.

"If we're successful, the river will be transformed and you'll see families start to come back," Jones said, adding that his intention isn't to hurt the city's economically important tourism industry, but to change it for the better.

For more info on the 1000 Man Float go to:
<http://www.hungryfishmedia.org/#float/c12a3>

WE NEED A WORD WITH A CAN BAN

We do, in fact, need a WORD on the San Marcos River. We need a recreation district because, otherwise, the unincorporated areas in the affected counties have no ability to write ordinances. The WORD will give this area the ability to write some rules that will solve the problems. And, even better, the legislature can actually write those rules and solve the problems from the outset of this new recreation district.

We need a can ban. It should be written in such a way to ban the possession of glass, styrofoam, jello shot and single use beverage containers. The definition of a single use container is, a metal or plastic container with a pop top lid or a screw top lid with a breakable seal.

We also need a rule limiting the noise level of floating boom boxes. And we need a rule that prohibits floaters from stopping at and taking over beaches that are used by landowners to access the river. Many landowners and businesses along the river are not even able to get into the river adjacent to their property because the tubers tend to stop and party at every gravel bar, regardless of the signage present. We need a law that reinforces the prohibition against blocking a passageway.

HOW YOU CAN HELP

Currently, there is a bill (SB 234, HB 2635) that will create a Water Oriented Recreation District (WORD) on the San Marcos River intended to address many of the problems that tubers cause.

First and foremost, we need you to click on the link below (Texas Legislature Online) and confirm who your State Rep. and State Senator are. There is a section on the right side of the home page that says "who represents me". Fill in your address and voila all the info you need, including addresses and phone numbers. You can even click on the name and the e-mail link and then send them an e-mail (although some believe an old fashioned letter and/or a phone call are more effective).

Send them a letter (or give them a call) asking them to please include a can ban in the legislation. Remember to include the bill number: Senate Bill 234 or House Bill 2635 - depending on who you're addressing.

Next go back to the link below and put in the bill number to see which committee it has been referred to (it is in Intergovernmental Relations in the Senate and Special Purpose Districts in the house). Click on the links for those committees and see if any of the members represent you. If so, it is very important that you let them know that you are in their district and you really want a can ban included in the WORD. Share your personal experience with the river.

Next, make plans, if at all possible, to attend the hearings for these bills. We will not have a lot of notice (sometimes three days or less) when they decide to hear the bill. We will try to let you know. But, if you are following the bill (using the all purpose link below) you will know when the hearings are set.

Finally, please consider putting a bumper sticker on your car and a yard sign in your yard supporting the can ban. You can read all about how to order yours on our website: www.txrivers.org

Here is the link for Texas Legislature Online:

<http://www.legis.state.tx.us>

Your help is greatly appreciated! Together we can take back Texas Rivers.

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