A presentation to the San Marcos Riparian Landowners
October 7, 2014

SAVING THE SAN MARCOS
Canoeing, kayaking and tubing are legal and proper uses of our rivers.

The rivers of Texas are to be highways of trade & travel...
PREMISE: IT IS LEGAL TO NAVIGATE RIVERS

BUT DOES THE PUBLIC HAVE A RIGHT TO BINGE DRINK ON THOSE RIVERS OR WITHIN THE STATE OWNED STREAMBED?
THE PROBLEM: ALCOHOL

Binge drinking…shotgunning…beer bongs…Jello shots…
People do things when they are drunk that they wouldn’t do otherwise.
INCLUDING LITTERING
Some of the garbage gets hauled off…

The banks of the San Marcos downstream of Don’s.

…and some just hangs around.

One of two boats making one of several runs each day upstream of Don’s.
5000 tubers per weekend day on 2 miles of river:
= ~ 20,000-30,000 cans of beer per day
= ~ 2000-3000 gallons of urine in the water
(Solid waste just collects on shore)

A septic service truck holds 3000 gallons of liquid waste.
How many highway deaths due to drunk tubers?

DEATH

➢ **10 water-related deaths** in Caldwell County in past year.
➢ Twice as many as any neighboring county.
➢ See KVUE report for Aug 12, 2014; alcohol *was* involved.

“I am sick of having to tell parents their kid is dead” – Caldwell County Sheriff Daniel Law
We have known this forever. Yet we allow our kids to get plastered on our rivers, and they are having accidents and dying.
➢ Would this ‘bad behavior’ be allowed on Texas highways?

➢ On the Texas capitol grounds?

➢ Would it be legal for drivers to pull off a highway and shotgun beer?

➢ Would we as a state allow folks to consume Jello shots and beer and throw their empties along the side of the road?

➢ What about allowing folks in a state highway right-of-way to crank up their X-rated music in front of a church?
IT’S TIME TO TAKE BACK TEXAS RIVERS

The San Marcos in 2008
Beer = money, and 20,000 cans of beer a day = lots of money. The beer lobby strongly opposes ANY action to limit alcohol.
THE SOLUTION:

MAKE THE RIVER A STATE PARK!

TEXAS ALREADY OWNS THE STREAMBED!
➢ Other states are already doing it.

➢ This park would include only the state owned streambed to the gradient boundary.

➢ A memorandum of understanding (moa) would have to be written between TPWD, the TCEQ, the GLO and any other agency that might be involved so that no existing water rights or property rights would be affected.

TEXAS ALREADY OWNS THE STREAMBED!
LANDOWNER DEMANDS:

RIGHTS THAT CANNOT BE AFFECTED:

WATER RIGHTS (WRITTEN AND/OR RIPARIAN)

HUNTING RIGHTS

FISHING RIGHTS
Standard State Park rules would apply:

- Enforcement by any peace officer in the state of Texas
- 80 to 85% of all fines goes to TPWD (average fine for public consumption approximately $100)

Parks and wildlife code 59.134 Rules of Conduct: (B) Alcoholic beverages. It is an offense for any person to consume or display an alcoholic beverage in a public place.

End alcohol-related injury & death on the river
➢ TPWD can do this **QUICKLY**.

➢ **NO** LEGISLATION required.

➢ **NO** property acquisition.

➢ **NO** new employees.

➢ **NO** budget.

➢ **NO** facilities – put-ins and take-outs already exist.

➢ If funds are needed, concession fees can be charged for businesses operating within the park.

**THE SAN MARCOS RIVER STATE PARK**

**TAKE BACK TEXAS RIVERS**
Argument against the “no public consumption” rule:

There are already enough laws on the books! Enforce what is currently in place (PI, DWI, BWI, MIP, Litter laws, etc).
But ask yourself, weren’t there these same laws in effect when the TPWD Commission wrote the no public consumption rule?

What about the no public consumption on Galveston Beaches?

Port A?

South Padre Island?

The Parks in the city of San Marcos?
The bottom line?

It’s much easier to prohibit public consumption and write offenders a $100 ticket than it is to arrest a busload of people every now and then and then and haul them off to Lockhart for processing. That is a huge hassle.
I’ve been told:
This is going to cost a lot of money; and TPWD has no money.

But ask the city of New Braunfels if the “can ban” saved the city money or not. They will tell you that they saved a small fortune on police and on clean up.

If you have a law that prohibits the party the cost of law enforcement and clean up goes down dramatically.
SAN MARCOS RIVER STATE PARK
4 miles from Westerfield to Sculls (or all the way to Gonzales)

➢ No property purchase required.
➢ Put-ins and take-outs already exist.
➢ Action by the Texas legislature not required.
History of past river initiatives

Pathways and Paddleways
Upper Guadalupe.
linear park along river and abandoned railroad line proposed: 1970’s defeated by landowner opposition
History of past river initiatives

Texas Rivers Conservation Act

6 river segments throughout Texas

River Protection system for Texas proposed: 1980’s defeated by landowner opposition
History of past river initiatives

Devils River Working Group

An attempt to protect landowner rights while finding places for river users to camp.

lots of landowner opposition
History of past river initiatives

San Marcos River State Park

We finally have a situation where the landowners are asking for the state to create a state park.

What an opportunity!
IT’S TIME TO TAKE BACK TEXAS RIVERS!

Booze (and Death) Fest …. or….a Texas State Park?