

Texas Rivers Protection Association
Newsletter Fall, 2015

There is a lot of stuff going on, and we have an election coming up in March, so I thought it would be appropriate to send out an electronic newsletter. At the very end of this message there is some info we have regarding your last donation (or dues). I will also post the notes we have regarding your past donations. If you see a problem or something that needs correcting, please let me know. As always, thanks for your continued support!

Tom Goynes,
president

Would you like to serve as a board member?

Now is the time to be thinking about it if you have a desire to serve as an officer or on the board of this organization. We have our elections every two years (in March, at the annual meeting the day after the San Marcos River Clean Up - the clean up will be on Saturday, March 5, 2016 and the annual meeting will be on Sunday March 6). Just send me an e-mail or call me if you are interested.

Interim legislative committees:

The Lt. Governor and Speaker have announced the interim charges for the Senate and House. The committees will study these charges and make recommendations based on the information and testimony received during hearings on these topics. There are two interim charges that deal with San Marcos River issues.

In the Senate, the Agriculture, Water & Rural Affairs Committee received the following charge:

Study and make recommendations on the effects of windblown and waterborne litter. The study should include an analysis of the economic effects of litter, any necessary methods to prevent and remediate litter, and an assessment of state and local programs to reduce litter. Obviously litter is a significant issue on the San Marcos (just go back through the posts on this blog if you need convincing). Fortunately, there is some great leadership on this committee - State Sen. Judith Zaffirini, who serves as its Vice-Chair. Sen. Zaffirini and her staff have done a lot of good work to help clean up the San Marcos River, including introducing Senate Bill 234 and getting it passed in the Senate.

In the House, the Committee on Culture, Recreation & Tourism received the following charge:

Study and make recommendations regarding decreasing illegal behavior, improving public safety, protecting private property rights, and protecting environmental quality on the San Marcos River. It seems a little odd that the bill went to the Recreation & Tourism committee, since the legislation to handle clean up of the San Marcos River has been previously handled in the Special Districts Committee and is about protecting our natural resources. And the House side is where real help is needed to get our local representatives involved on this issue, because the House is where all of the legislation to protect the river has died. The river representatives in the House are John Kuempel and John Cyrier:

Please contact them and let them know we need better leadership to ensure that we get legislation that will preserve the San Marcos River, because our success will be impacted by the recommendations made by the committee.

You can also contact the members of the committee:

Rep. Ryan Guillen

Rep. Dawwna Dukes

Rep. John Frullo

Rep. Lyle Larson

Rep. Marisa Márquez

Rep. Andrew S. Murr

Rep. Wayne Smith

During the past two sessions, the tubing outfitters have testified that they will make the river clean and safe. They haven't done it. But you can be certain the outfitters will be back in front of these committees during the interim hearing to tell them about their plans. And if river citizens do not call their legislators and attend the hearings, the outfitters testimony may be the only thing they hear on the House side.

Most of these committee members will not be familiar with the history of this issue and the current problems. It is important they are informed so they can make recommendations that will protect and preserve the river.

The Texas Parks and Wildlife Department will also be holding a hearing on these issues, and more information about that hearing will be provided as it becomes available.

Nuisance Lawsuit against the tubing companies on the San Marcos River.

As you are probably aware, there are a couple of really bad tubing businesses on the San Marcos River, Don's Fish Camp and Texas State Tubes. Their businesses are all about putting lots of folks on the river with lots of alcohol. And, to say the least, they haven't been very helpful in keeping their clients aware of the other interests along the river and/or educating their clients to respect the river.

Paula and I have this Texas Water Safari racing lawyer friend who thinks there is a way to win a nuisance case and dramatically improve conditions on the river, without costing a bunch of money. I have known Norm Thomas for years (he first raced the Safari in 1978). He is an Army Ranger, a prison chaplain, a Christian song writer, and a lawyer who spends most of his time nowadays representing kids in various child protective services cases (or other pro bono or low paid cases). He has, in the past, also won some very high profile cases, but nowadays he prefers to take on cases in which he feels a special personal interest.

He is very concerned about the conditions on the San Marcos River. And, he believes that Paula and I have a special grievance - that is, we can no longer operate a youth oriented campground on this river during the summer months. He is convinced that we can greatly control the costs of this case if Paula and I are the only plaintiffs (that will limit the number of depositions and the amount of discovery). Also, we will be asking the judge for injunctive relief - not for monetary damages. We want the judge to impose some conditions that will improve conditions on the river.

Norm is willing to take on this case for a fairly nominal fee. He would like to have at least \$10,000 if possible. Of course, he would like to have more if we can raise the funds, but he will try the case as

best he can even if we can't raise a lot of money.

Norm has already done a significant amount of research on this case and he has almost completed the initial brief. We are currently working on the language regarding the conditions that we will ask the judge to mandate. Here are some of the ideas we are considering:

A ban on disposable containers

A limit on the number of tubes allowed on the river

A decibel limit for boom boxes

Mandatory briefing of their clients that there are people living along the river as well as youth camps

This list is not exhaustive. Please feel free to send me suggestions or comments.

The TRPA board has allocated up to \$5,000 in matching funds to help pay for legal fees. That means every dollar you donate to this cause will be doubled. Please consider mailing in a donation (it's tax deductible) or go to our website www.txrivers.org and donate online. Just be sure to make a note that the donation is to earmarked for the San Marcos Nuisance Lawsuit.

Thanks again for everything you do to protect Texas Rivers and our right to use them!

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Send donations to:
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