

# The Creek in My Backyard

Understanding Stream Regulations in Texas

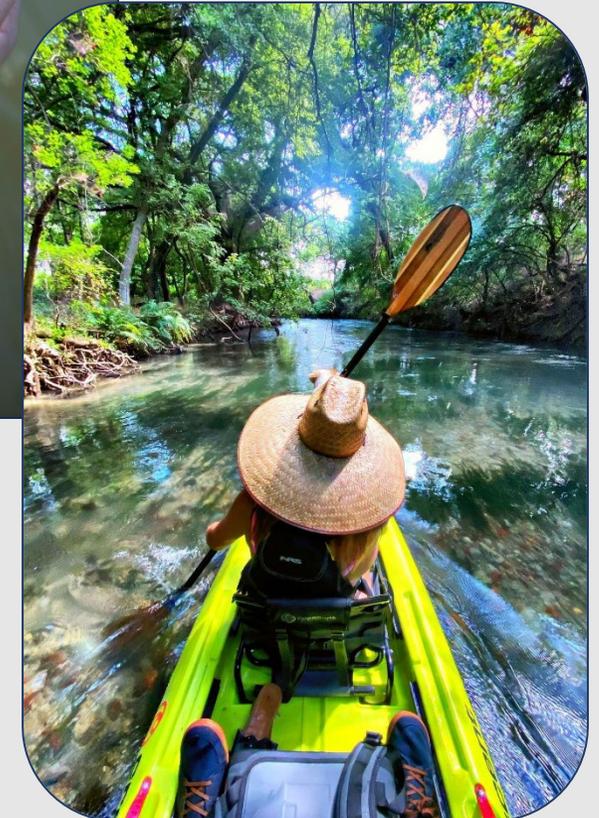
# The Importance of Healthy Texas Rivers

## For Wildlife:

- Wildlife habitat
  - Fish, migratory birds, invertebrates
  - Threatened and Endangered species
- Landscape connection

## For People:

- Connection to nature
- Recreational opportunities
- Water supply
- Flood protection

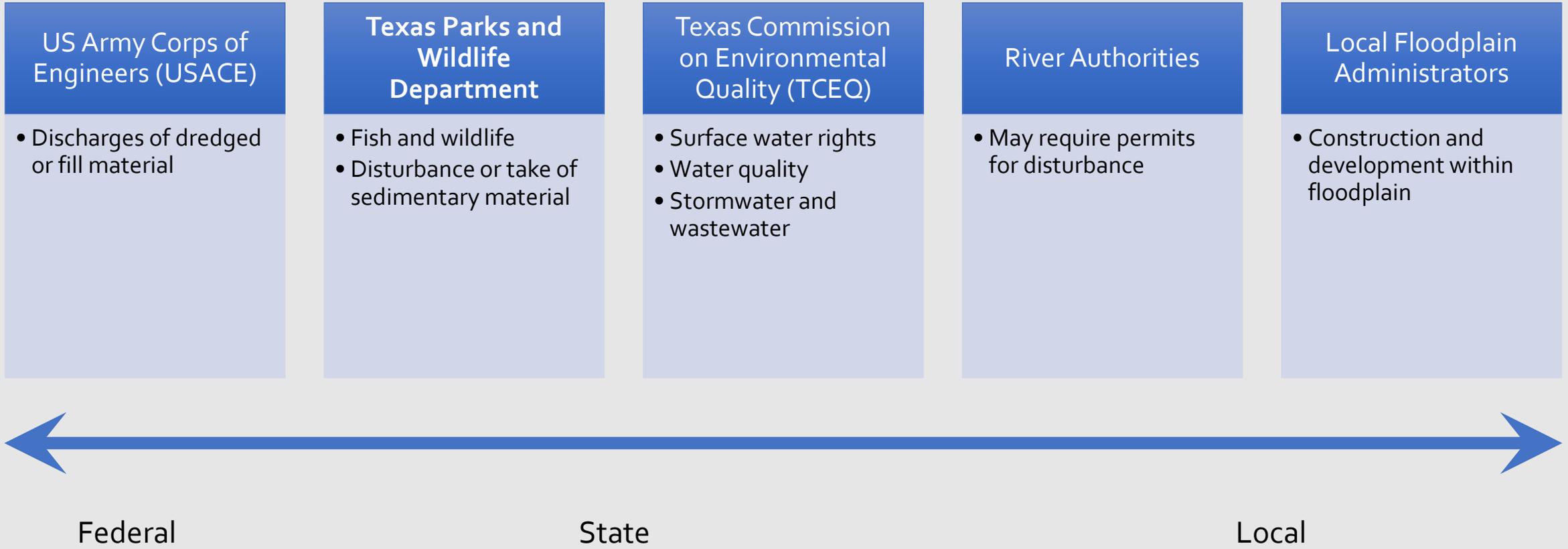


# How Texas Protects Rivers

- US Army Corps of Engineers (USACE)
  - Section 404 – Clean Water Act
  - WOTUS
- Texas Parks and Wildlife Department
  - Aquatic Resource Relocation Plans/  
Introduction Permits
  - Sand & Gravel Program
- Texas Commission on Environmental Quality (TCEQ)
- River Authorities
- Local Floodplain Administrators



# How Texas Protects Rivers

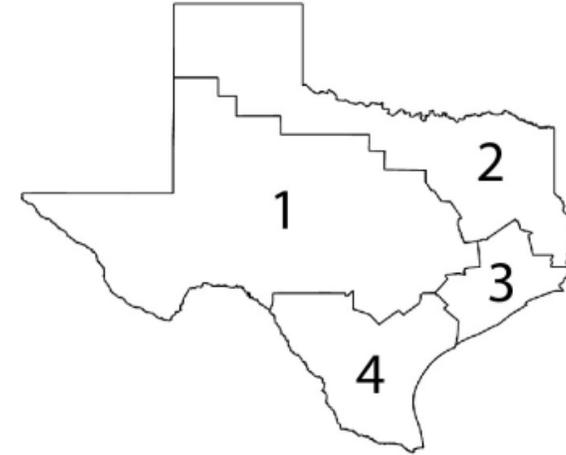


# Impacts to Fish and Wildlife

## Two steps

1. Approved ARRPs
  2. Introduction Permit
- Aquatic Resource Relocation Plans (ARRP)
    - Note: mussel relocation season is April to November
  - Introduction Permits
    - Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters (no fee)
    - Allow at least 30 days for permit issuance after ARRPs approved
    - [ifpermits@tpwd.texas.gov](mailto:ifpermits@tpwd.texas.gov)

## TPWD Kills and Spills Team (KAST)



### Region 1

505 Staples Rd. Bldg. 2  
San Marcos, Texas 78666  
**Travis Tidwell**  
Office: (512) 389-8612  
Mobile: (512) 422-8054  
Email: [travis.tidwell2@tpwd.texas.gov](mailto:travis.tidwell2@tpwd.texas.gov)

### Region 2

11942 FM 848, Bldg. A-500  
Tyler, Texas 75707  
**Bregan Brown**  
Mobile: (903)520-3821  
Email: [kirian.brown@tpwd.texas.gov](mailto:kirian.brown@tpwd.texas.gov)

### Region 3

1502 FM 517 East  
Dickinson, Texas 77539  
**Chris Jensen**  
Office: (281) 534-0107  
Mobile: (281) 299-8210  
Email: [christopher.jensen@tpwd.texas.gov](mailto:christopher.jensen@tpwd.texas.gov)

### Region 4

1409 Waldron Road  
Corpus Christi, Texas 78418  
**Alex Nuñez**  
Mobile: (361) 658-3181  
Email: [alex.nunez@tpwd.texas.gov](mailto:alex.nunez@tpwd.texas.gov)

# TPWD's Sand and Gravel Program

Chapter 86, Parks & Wildlife Code

- **§86.001** “The commission shall manage, control, and protect marl and sand of commercial value and all gravel, shell and mudshell located within the tidewater limits of the state,...and within freshwater areas of the state not embraced by a survey of private land...and on islands within those areas”
- **§86.002 (a)** No person may disturb or take marl, sand, gravel, shell or mudshell...without first having acquired from the commission a permit...”





## Sand and Gravel Jurisdiction

- Navigable streams
- Spanish & Mexican land grants
- Coastal waters

# Navigable Streams

- Navigable in fact or by statute – average 30 feet wide from mouth up
- No comprehensive list

## State-Owned Streambeds

- Navigable streams with publicly-owned beds

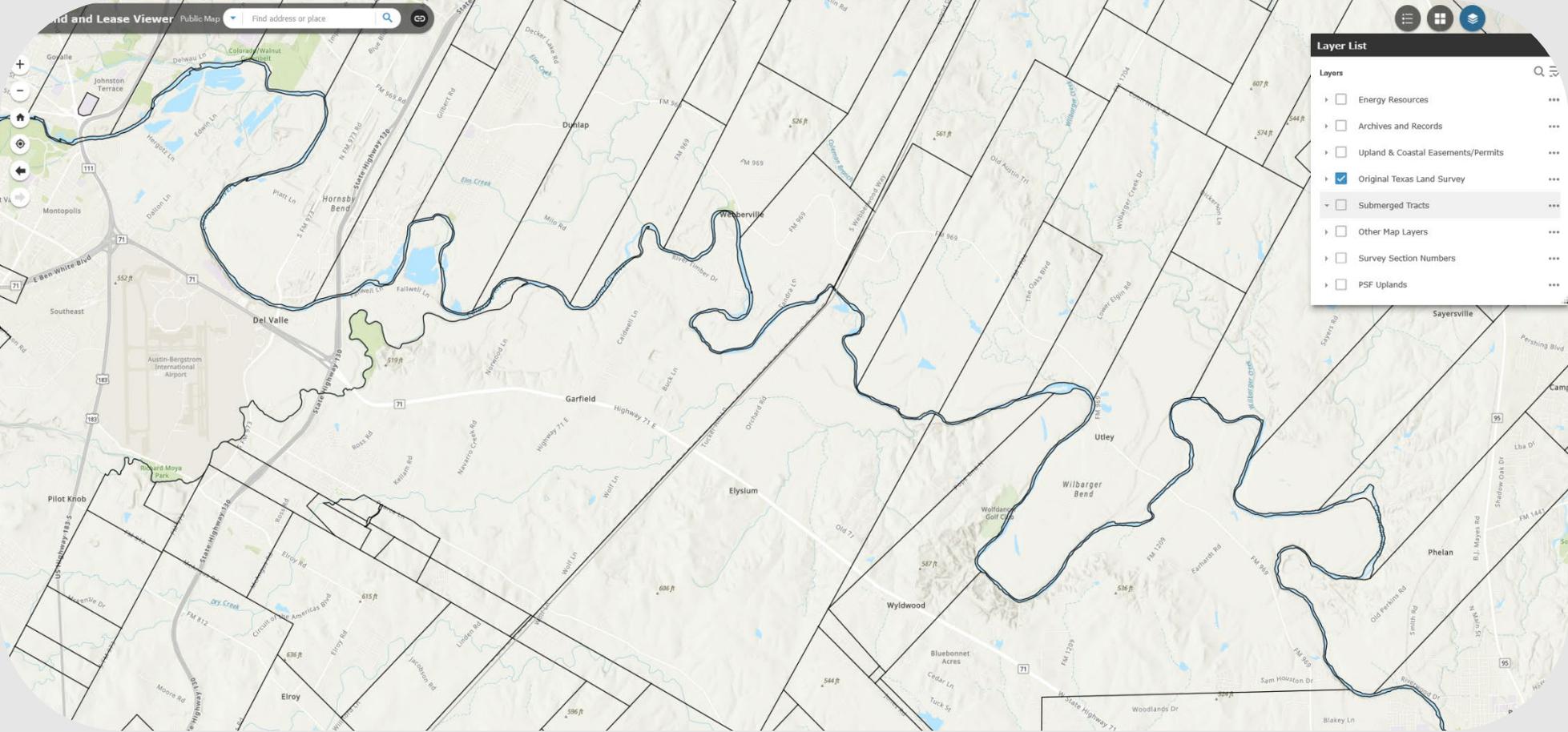
## “Small Bill” Streams

- Navigable streams with privately-owned beds



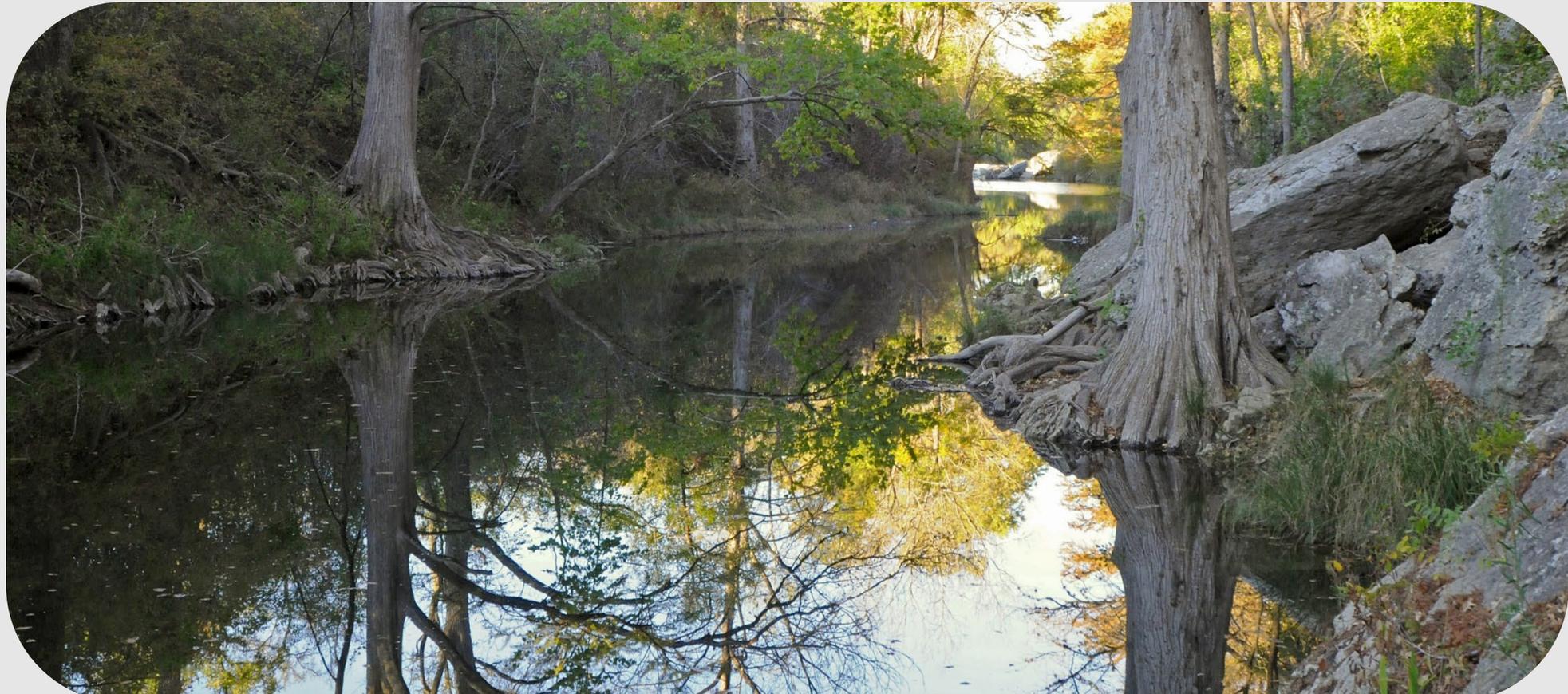
# State-Owned Streambeds

- GLO Original Texas Land Surveys
- <https://gisweb.glo.texas.gov/glomapjs/index.html>



# Spanish & Mexican Land Grants

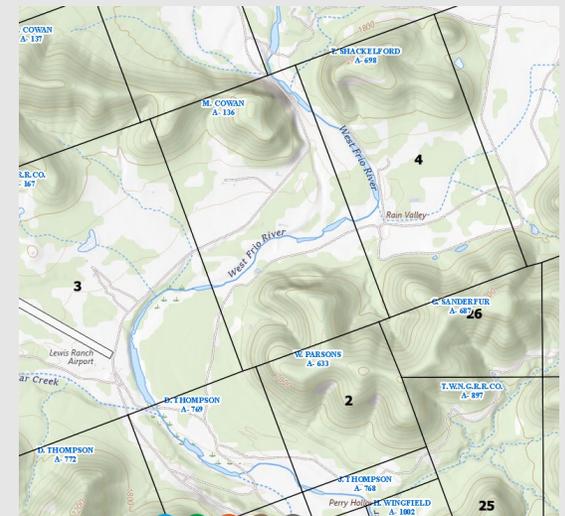
- Perennial streams where the sovereign never relinquished title





# Poll Question

- TPWD has jurisdiction over perennial streams regardless of width if it is on a Spanish/Mexican land grant.
  - True
  - False



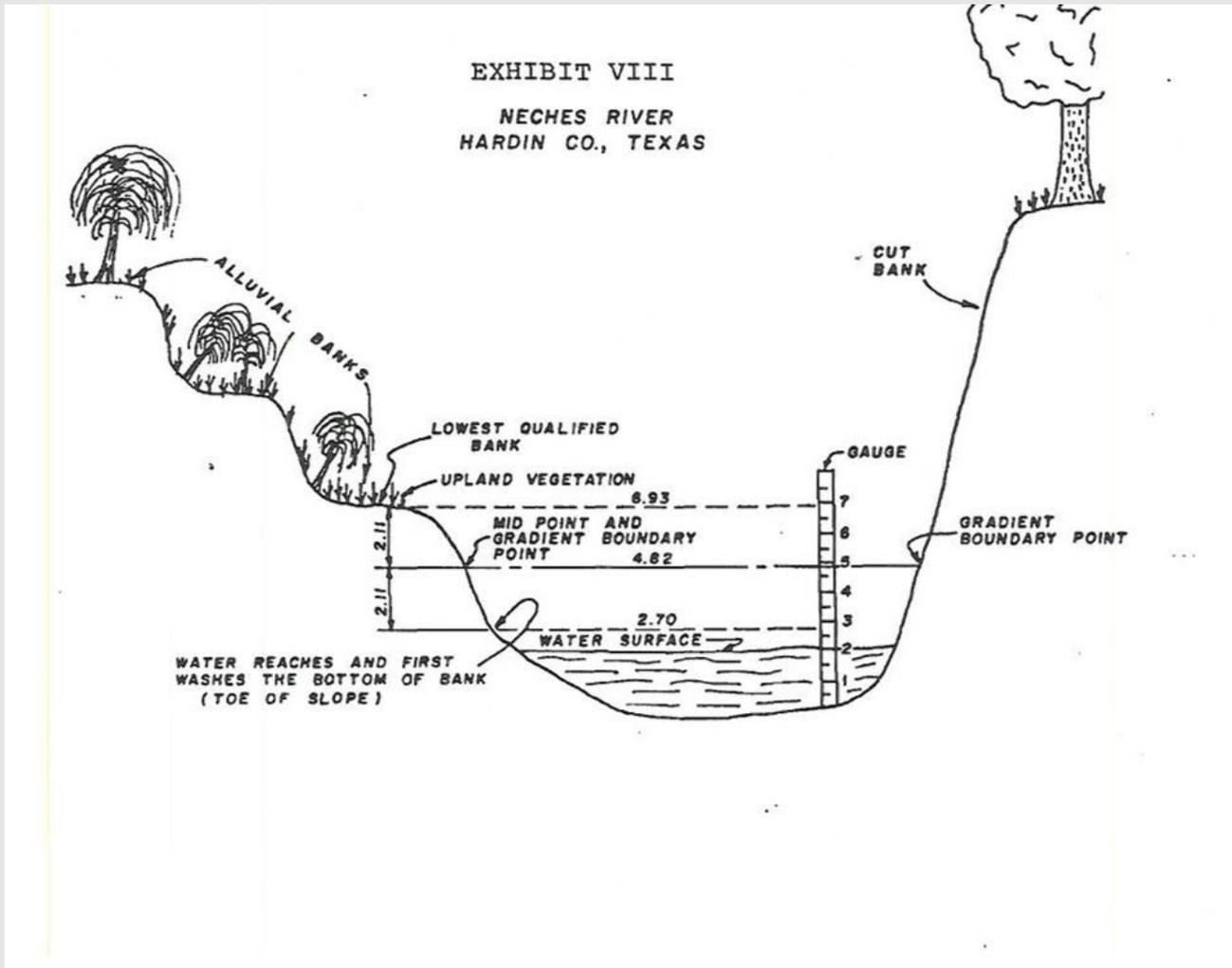


## Coastal Waters

Up to mean high tide

Offshore to 10.35 miles (3 marine leagues)

# The Gradient Boundary



- The elevation point between private uplands and public riverbed
- Halfway up the lowest qualifying earthen bank
- Licensed State Land Surveyor (LSLS) or Registered Professional Land Surveyor (RPLS) with gradient boundary experience
- [Helpful Tool](#) – Line of persistent upland vegetation



gradient boundary elevation

stream bottom

Mesquite



Ashe Juniper



Escarpment Live Oak



gradient boundary elevation



Bald Cypress



Eastern Gamagrass



Bushy Bluestem



Buttonbush



# South Llano River



# San Saba River



# Brushy Creek



# Dry Frio River



# Salado Creek – Drought



# Sand and Gravel Jurisdictional Activities – Examples





## Example 1 - Excavation

Clearing behind:

- Water crossings
- Dams
- Fossil collection

## Example 2 – Retaining Walls



## Example 3 – Low Water Crossings



## Example 4 – Recreational/Aesthetic

- Swimming holes
- Access Points
- Boat Docks/Slips/Ramps
- Impoundments



## Example 5 - Restoration

- Beaver Dam Analog



# Protecting Texas Streams and Rivers



- TPWD Considers:
  - Impacts to fish & wildlife habitats
  - Erosion
  - Sediment budget
  - Riverine structure
  - Water quality
  - Hydraulics and hydrology
  - Bank stability
  - Effects on recreation and navigation

# Examples



# Dam construction



Fill:  
USACE



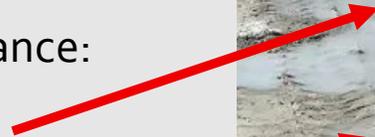
Impounding Water:  
TCEQ



Dam Safety:  
TCEQ



Disturbance:  
TPWD



Driving in the river:  
TPWD



Development:  
Floodplain  
Administrator



# Playas



# Dry washes



# Excavation behind an existing dam



## Poll question

- Which agencies may have jurisdiction over construction of a dam in a navigable stream?
  - A. TCEQ
  - B. TPWD
  - C. USACE
  - D. All of the above

# Constructing a rock dam



depositphotos

Image ID: 391066594 | www.depositphotos.com

# Collecting fossils or rocks



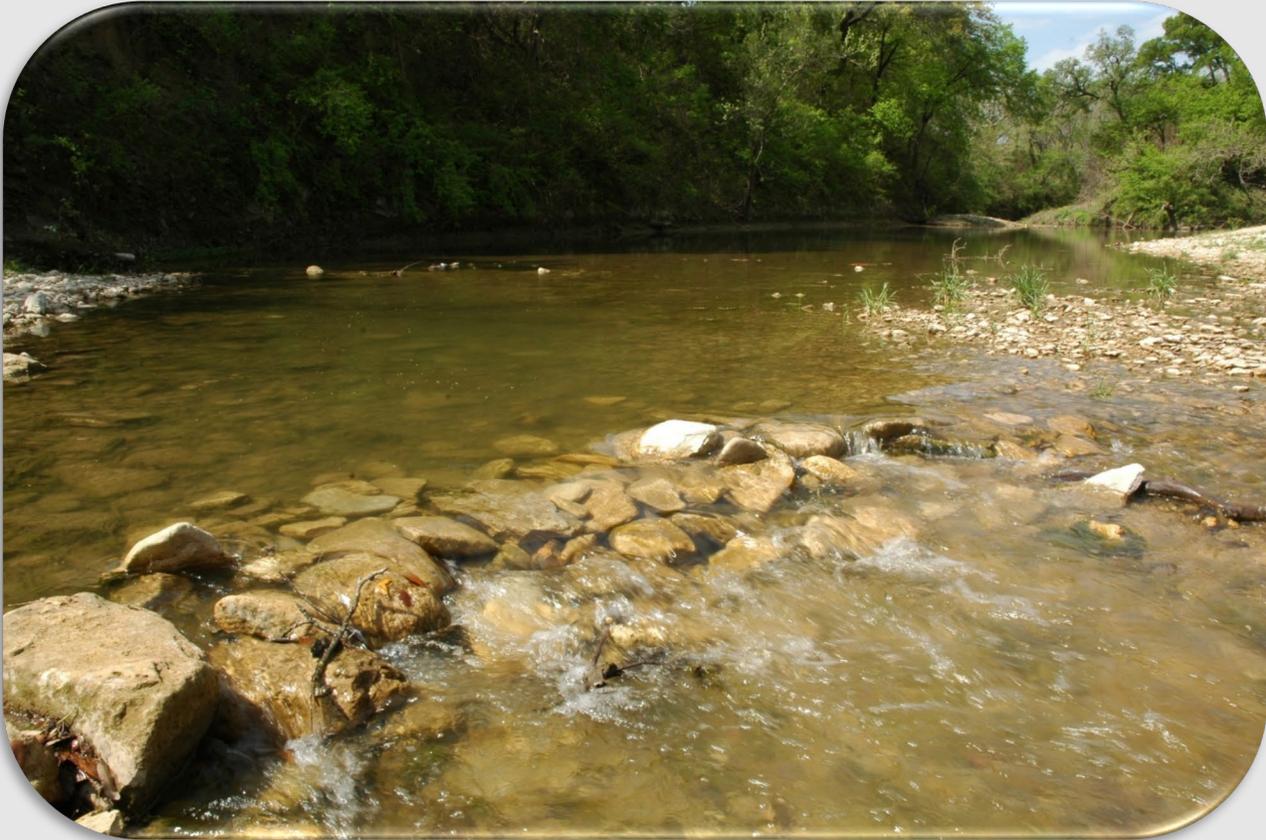
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# Bridges and low water crossings



# Placing boulders in water



# Swimming holes

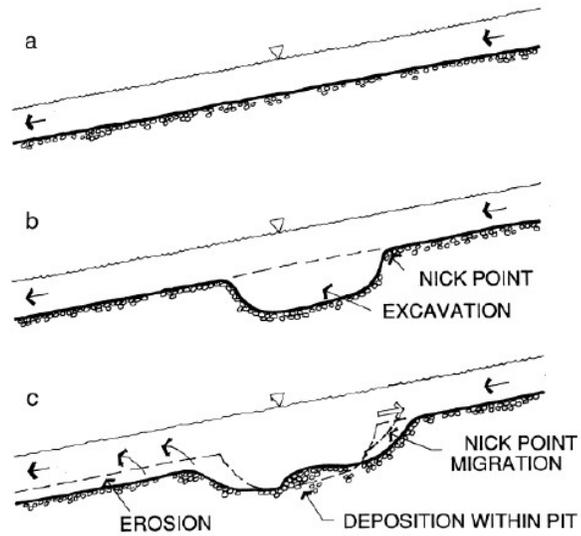


FIGURE 37.—Impact of an in-channel pit on channel stability. A stable channel (a) is lowered in a localized area by excavation of material (b). Over time (c), the channel is lowered by means of a nick point migration (upstream) and erosion (downstream; Kondolf 1997).



# Fences across channels



# Dredging or mining sand to sell



## Poll question

- Projects that help the river or that involve restoration work do not require permits.
  - A. True
  - B. False

# Your backyard



# Water Regulations in the Media

**kxan** IN-DEPTH INVESTIGATIVE.

**DRIED UP**

## Illegal dam on James River torn down, while another dam pops up in Mason County

by: [Eric Henrikson](#)  
Posted: Apr 30, 2024 / 05:00 AM CDT  
Updated: Apr 30, 2024 / 06:21 PM CDT

<https://www.kxan.com/texas-water/illegal-dam-on-james-river-torn-down-while-another-dam-pops-up-in-mason-county/>

**DRIED UP**

## Illegal dams see new pushback from Texas lawmaker

by: [Eric Henrikson](#)  
Posted: Jan 22, 2025 / 01:20 PM CST  
Updated: Jan 23, 2025 / 06:04 AM CST

<https://www.kxan.com/texas-water/illegal-dams-see-new-pushback-from-texas-lawmaker/>

**KLTV** YOUR EAST TEXAS NEWS LEADER

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## 'We saved our lakes': Rep. Jay Dean announces Lake o' The Pines water rights will not be sold



<https://www.kltv.com/2025/04/11/we-saved-our-lakes-rep-jay-dean-announces-lake-o-pines-water-rights-will-not-be-sold/>

Gregg County Commissioners Court votes to oppose Lake O' The Pines water sale  
By KLTV Digital Media Staff  
Published: Apr. 11, 2025 at 6:22 PM CDT | Updated: Apr. 11, 2025 at 6:25 PM CDT

**Bloomberg Law**

## EPA to Redefine Protected Wetlands, Reversing Biden Rule (2)

March 12, 2025, 9:21 AM CDT; Updated: March 12, 2025, 11:28 AM CDT

<https://news.bloomberglaw.com/environment-and-energy/epa-to-redefine-federally-protected-wetlands-reversing-biden>

Bobby Magill Reporter



The Delaware River near Fort Jarvis, N.Y.  
Photographer: Bobby Magill/Bloomberg Law

- Agency to reverse Biden administration waters, wetlands rule
- Reversal to adhere closely to Supreme Court's Sackett ruling

**DAILYTRIB** HOME OF HIGHLAND LAKES NEWS

## TPWD orders removal of illegal dam on Llano River tributary

© 10/23/23 | [Rakata Morinajay](#)



<https://www.dailytrib.com/2023/10/23/tpwd-orders-removal-of-illegal-dam-on-llano-river-tributary/>

# Getting involved: public notices

The screenshot shows the website's navigation bar with links for About, Business With Us, Missions, Locations, Careers, Media, Library, and Contact. A search bar is also present. Below the navigation, the page title is "Public Notices by Year" and a pagination bar shows page 1 of 71. A sidebar on the left lists years from 2012 to 2025 with the number of notices for each year. The main content area displays three public notices:

- 3** (OCT 2025) **408-SWF-2024-0052, Zayo NTIA fiber optic line**  
Expiration date: 11/3/2025  
Public Notice Request for a Section 408 permission to alter the Fort Worth Floodway.
- 23** (SEP 2025) **Regulatory - SWF-2023-00476, 408-SWF-2024-0015 Proposed Two Rivers Mitigation Bank**  
Expiration date: 10/24/2025  
View Public Notice The Sponsor is proposing the restoration, enhancement, and permanent protection of
- 17** (SEP 2025) **Regulatory - SWF-2017-00035 : Dallas Fort Worth International Airport**  
Expiration date: 10/17/2025

[Communications](#)  
[TAC §255.4](#)  
[Quality](#)

[Certificate of Adjudication Application No. 12-4318F](#)  
[Number 21](#)  
[nt of Administrative Penalties and Requiring Certain Actions of D & D Dawson Enterprises L.L.C. SOAH Docket No. 582-26-01425 TCEQ Docket](#)

- [Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Elvira Zavala-Patton SOAH Docket No. 582-26-01424 TCEQ Docket No. 2022-0333-MSW-E](#)
- [Notice of Water Quality Application](#)
- [General Land Office](#)
- [Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program](#)
- [Texas Health and Human Services Commission](#)
- [Notice of Public Hearing on Proposed Updates to Non-Medicaid & Medicaid Payment Rates](#)
- [Notice of Public Hearing on the Rural Health Transformation Program](#)
- [Texas Department of Insurance](#)
- [Notice of Public Hearings](#)
- [Texas Department of Licensing and Regulation](#)
- [Scratch Ticket Game Number 2695 "MILLIONAIRE"](#)
- [North Central Texas Council of Governments](#)
- [Notice of Contract Award for Predictive Crash Analysis Software](#)
- [Texas Parks and Wildlife Department](#)
- [Notice of a Public Comment Hearing on an Application for a Sand and Gravel Permit](#)
- [Supreme Court of Texas](#)
- [Order Amending Article XI of the State Bar Rules](#)
- [Preliminary Approval of Amendments to Rule 1 of the Rules Governing Admission to the Bar of Texas](#)
- [Texas Department of Transportation](#)
- [Notice of Call for Projects - Off-System Rail Grade Separation State Fund Program](#)

# Getting Involved



- Neighborhood or regional groups
- Advocacy or nonprofit organizations
- Public comment opportunities
  - Policy issues, e.g. jurisdiction
  - Permits
- Your representatives
- If you have immediate concerns, contact a TPWD game warden or report activity to an agency

# Your backyard: Best Management Practices





## Fostering Healthy Riparian Zones

- Avoid mowing to edge
- Plant native!
- Resist “cleaning out” the river
- Leave woody debris in place if possible
- Redirect livestock

# Plant native



# WOODY DEBRIS MANAGEMENT

## A Balanced and Selective Approach

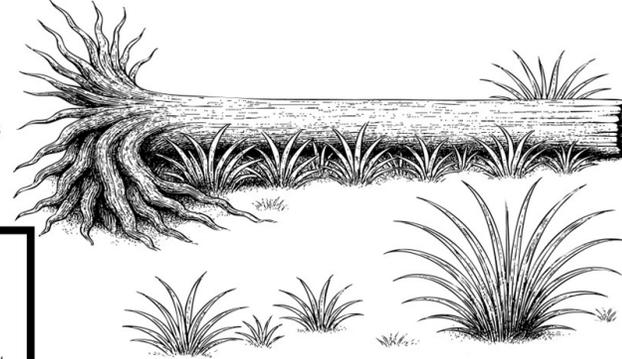


As our community addresses the immediate needs of those affected by this disaster, there is also a widespread recognition of the significant value the River and the Land hold for our quality of life, health, and overall well-being. A coordinated effort among local, regional, and state organizations is underway to develop a comprehensive long-term plan addressing flood remediation, replanting, soil management, habitat restoration, and land conservation. It is important that landowners are provided with the autonomy to determine best management practices suitable to their individual circumstances. The following information is provided to support informed personal decision-making.

### HELP RESTORE THE LAND

#### IN GENERAL AND WHERE POSSIBLE:

- Leave most (50% or more) of the longer, larger downed trees/logs with rootwad and at least some side branches attached
- Remove most (but not all) of the small and mid sized logs, limbs and woody debris
- After cleanup, woody debris should end up occupying at least 1/3 of the banks and adjacent floodplain
- Leave detritus in stable areas to allow propagation of redistributed seed bank



### THINKING LIKE THE RIVER

<b>IS THE DEBRIS NATURALLY ANCHORED?</b>	Is log partially buried, wedged between rocks, or entangled with roots?	<b>Leave in place</b>	Anchored debris helps stabilize banks and improves habitat.
<b>DOES IT STILL HAVE LIVING TISSUE?</b>	Is the tree/log alive or sprouting leaves?	<b>Leave in place</b>	Living material stabilizes soil and promotes regrowth.
<b>IS IT LOCATED NEAR A BEND OR AN ERODED BANK?</b>	Will it help slow flow or trap sediment?	<b>Leave in place</b>	Strategic placement protects sensitive areas from erosion.
<b>IS IT FORMING A NATURAL PILE IN A LOW OR SECONDARY CHANNEL?</b>	Could it trap sediment and create wetland micro-habitats	<b>Leave in place</b>	Encourages wetland formation and nutrient cycling.
<b>DOES THE TREE/LOG HAVE A ROOTWAD?</b>	Is it a larger/longer tree with at least some side branches attached?	<b>Leave in place</b>	Crucial for stabilizing stream banks and floodplains. Encourages vegetative growth.
<b>IS IT AT LEAST 20" IN DIAMETER AND OVER 10' LONG?</b>	Large, slow-decaying wood adds long-term benefits.	<b>Leave in place</b>	Provides structural habitat and long-term soil benefits.
<b>IS IT BELOW THE ORDINARY HIGH WATER LINE?</b>	Debris removal within the channels of the River may require a permit	<b>Leave in place</b>	Consult with County officials for updates on regulatory guidance
<b>IS IT BLOCKING INFRASTRUCTURE OR ACCESS?</b>	Is it obstructing driveways, culverts, water crossings, or trails?	<b>Remove carefully</b>	May pose safety or drainage issues.
<b>IS IT MIXED WITH TRASH OR INVASIVE PLANTS?</b>	Does it contain plastics, wire, or harmful plants?	<b>Remove carefully</b>	Contaminated piles don't benefit the ecosystem.
<b>COULD IT EASILY WASH AWAY IN THE NEXT FLOOD?</b>	Is the debris in an active flow path, unanchored, or loose?	<b>Remove carefully or relocate</b>	Prevent downstream hazards or blockages. Relocate to cover exposed soil or scoured areas.

### DEAD WOOD IS GOOD

#### DEAD WOOD:

- Is just as important to river function as living trees
- Acts as critical structural reinforcement of the channel, bank and floodplain
- Often forms new banks and becomes assimilated as sediment is trapped behind the logs
- Provides many protected niches for the subsequent establishment of new cypress, sycamore, walnut, buttonbush, sedges and grasses
- Slows and spreads surface flow on the banks and promotes groundwater infiltration

**Take it Slow, Be Selective:**  
**"Leave What Lives."**  
**"Keep What Covers."**  
**"Remove What Harms."**







# Community Resources

- Post-Flood Assistance
- Landowner Resources
  - Outreach Events
  - Watershed Conservation Team
- Local Game Wardens
  - <https://tpwd.texas.gov/warden/game-warden-list.phtml>
- Sand and Gravel FAQ



# Poll question

- What should you do to help protect the area along a stream?
  - A. Avoid mowing to the edge of the stream
  - B. Plant native species
  - C. Leave woody debris in place if possible
  - D. Redirect livestock away from the stream
  - E. All of the above



## Contact us!

Program:

- [sand.gravel@tpwd.texas.gov](mailto:sand.gravel@tpwd.texas.gov)

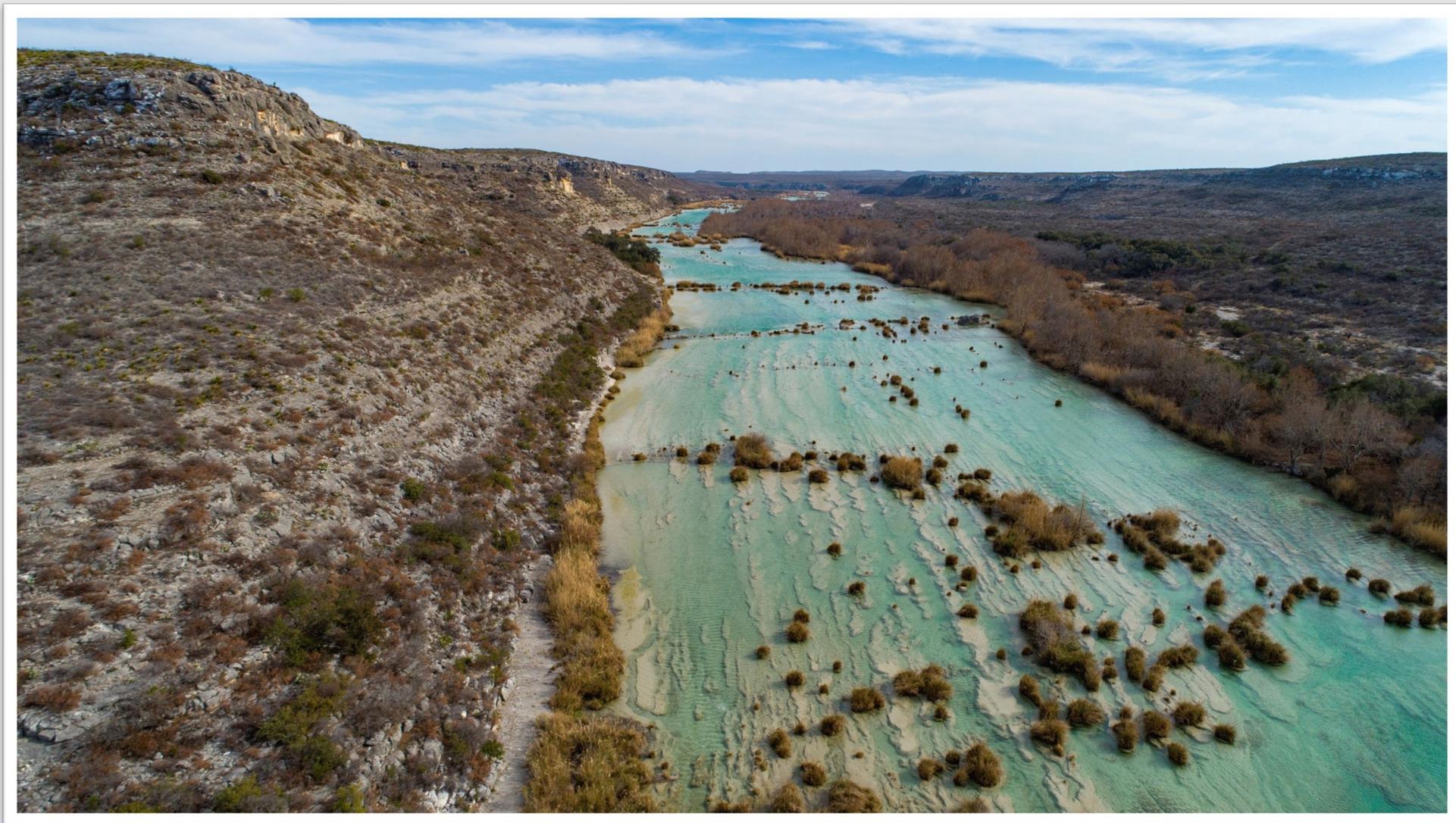
Beth  
Bendik:

- [beth.bendik@tpwd.texas.gov](mailto:beth.bendik@tpwd.texas.gov)

Sue Reilly:

- [sue.reilly@tpwd.texas.gov](mailto:sue.reilly@tpwd.texas.gov)

# Questions?



# Links and Resources

- Hill Country Alliance – Private Dams Webinar
  - <https://www.youtube.com/watch?v=gMoUb3aLMGo>
- Kills and Spills Info:
  - [https://tpwd.texas.gov/landwater/water/envirionconcerns/kills\\_and\\_spills/regions/](https://tpwd.texas.gov/landwater/water/envirionconcerns/kills_and_spills/regions/)
- TPWD Sand and Gravel FAQ
  - <https://tpwd.texas.gov/sandshellgravel>
- USACE Fort Worth District (Includes DFW, Austin, San Antonio)
  - <https://www.swf.usace.army.mil/Missions/Regulatory/> Regulator of the Day: (817) 886-1731
- USACE Galveston District (Counties within 120 miles of the coast)
  - <https://www.swg.usace.army.mil/Missions/Regulatory/> Regulatory Hotline: (409) 766-3869
- USACE Albuquerque District (Pecos River counties west to El Paso)
  - <https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/> SW TX: (505) 967-0416
- USACE Tulsa District (Panhandle and Red River watershed)
  - <https://www.swt.usace.army.mil/Missions/Regulatory/> Contact: (918) 669-7400
- TCEQ Water Rights
  - [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/wr\\_amiregulated.html](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr_amiregulated.html)
- Texas Floodplain Administrators
  - <https://texasflood.org/flood-basics/fpa.html>