



TEXAS
PARKS &
WILDLIFE

Devils River Ranch Proposed Land Acquisition



Mission of TPWD

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations

Project Goal

TPWD's goal is to improve public access to the Devils River and surrounding wilderness experiences, while protecting its fragile natural and cultural resources and respecting the rights of other property owners along the river and surrounding properties.



Proposal

- Acquire Devils River Ranch (DRR)
- Exchange TPWD Devils River State Natural Area (SNA)
- Protect natural and cultural resources of both properties
- Increase managed public access
- Increase quality recreational opportunities
- Provide leadership to enhance effective stewardship of river
- Enhance law enforcement along entirety of the river

Summary of Mission Fit

- Consistent with TPWD Land and Water Resources Conservation & Recreation Plan
 - Increase controlled access to unique wilderness opportunity on Devils River
 - Continues protection of the natural and cultural resources on Devils River
 - Expand opportunity to educate, inform, and engage Texans both young and old
 - Employ sound business practices

Increase Controlled Access To Unique Wilderness Opportunity On Devils River

- Increase managed access for public
 - 45 min vs. 2 hrs from Del Rio
 - Condition of SNA roads may lead to stranding of public/staff
- Ability to distribute visitors effectively across the landscape
 - Condition of roads
 - Multiple spur roads at DRR
- Increase appropriate access to River
 - 3 mi walk round trip to river at SNA
 - Reasonable round trip walk at DRR
 - Multiple put in/take out spots at DRR opposed to 1 (put in) at the SNA

Increase Controlled Access cont...

- Increase opportunity for wilderness camping
 - 7 sites at SNA, poorly situated because of bad roads
 - Access to dynamic topography at DRR allows for increased remote wilderness camping
- Creates unique recreational opportunities not afforded by Amistad National Recreation Area
 - Paddling
 - Fly fishing
 - Primitive wilderness camping
 - Remote hiking, biking and equestrian trails



Devils River Ranch

Continues Protection Of The Natural Resources

- Conservation easements remain in place for both properties
 - Prohibits sub-division and significant development
 - Both easements held by The Nature Conservancy
 - Proven track record
 - Close proximity
 - Both TPWD & private landowner have demonstrated conservation ethic and practices
- Comprehensive and inclusive Master Planning and Public Use Planning will inform and direct the agency's operations consistent with Natural Resource Protection

Continues Protection of The Natural Resources cont...

- Increased opportunity for scientific endeavor
 - Extensive natural resource baseline database compiled for SNA
 - Ongoing monitoring protected under easement
 - Landowner commitment to value of ongoing science endeavor on SNA
 - DRR presents opportunity to enhance natural resource baseline along the Devils River
- Habitat restoration of DRR well underway thanks to quality stewardship of current owner
- Transfer potentially reduces current and future pressure on Dolan Springs



Continues Protection Of The Cultural Resources

- Conservation easements remain in place for both properties
 - Prohibits sub-division and significant development
 - Both easements held by The Nature Conservancy
 - Proven track record
 - Close proximity
 - Both TPWD & private landowner have demonstrated conservation ethic and practices
- Comprehensive and inclusive Master Planning and Public Use Planning will inform and direct the agency's operations consistent with Cultural Resource Protection

Continues Protection Of The Cultural Resources cont...

- Both sites include important, buried archeological resources for future scientific investigation
- Both sites include world-class rock art sites which have been extensively documented
- Increased opportunity for scientific endeavor
 - Extensive cultural resource baseline database compiled for SNA
 - Ongoing monitoring protected under easement
 - Landowner commitment to value of ongoing science endeavor on SNA
 - DRR presents opportunity to enhance cultural resource baseline along the Devils River



Expand Opportunity To Educate, Inform, And Engage Texans Both Young And Old

- More Texans will have opportunity to responsibly experience Texas' most pristine river and surrounding lands
- More Texans will have opportunity to enjoy a wilderness-like experience
- Increased opportunity to develop programming targeted to youth in the outdoors
- Existing DRR infrastructure is more conducive to outreach and education efforts



Employ Sound Business Practices

- Leverage financial resources to maximize conservation and recreation
 - \$8 million cash portion of acquisition is \$2MM state dollars, \$2MM federal dollars, and \$4MM private dollars
- All dollars are restricted for acquisition and development
 - Cannot be used for operations, repairs or maintenance
- Replacement value of DRR infrastructure is significantly higher than appraised
- \$250K annual budget that supports SNA will support DRR until the master planning process is concluded
- Newer facilities at DRR more efficient to maintain

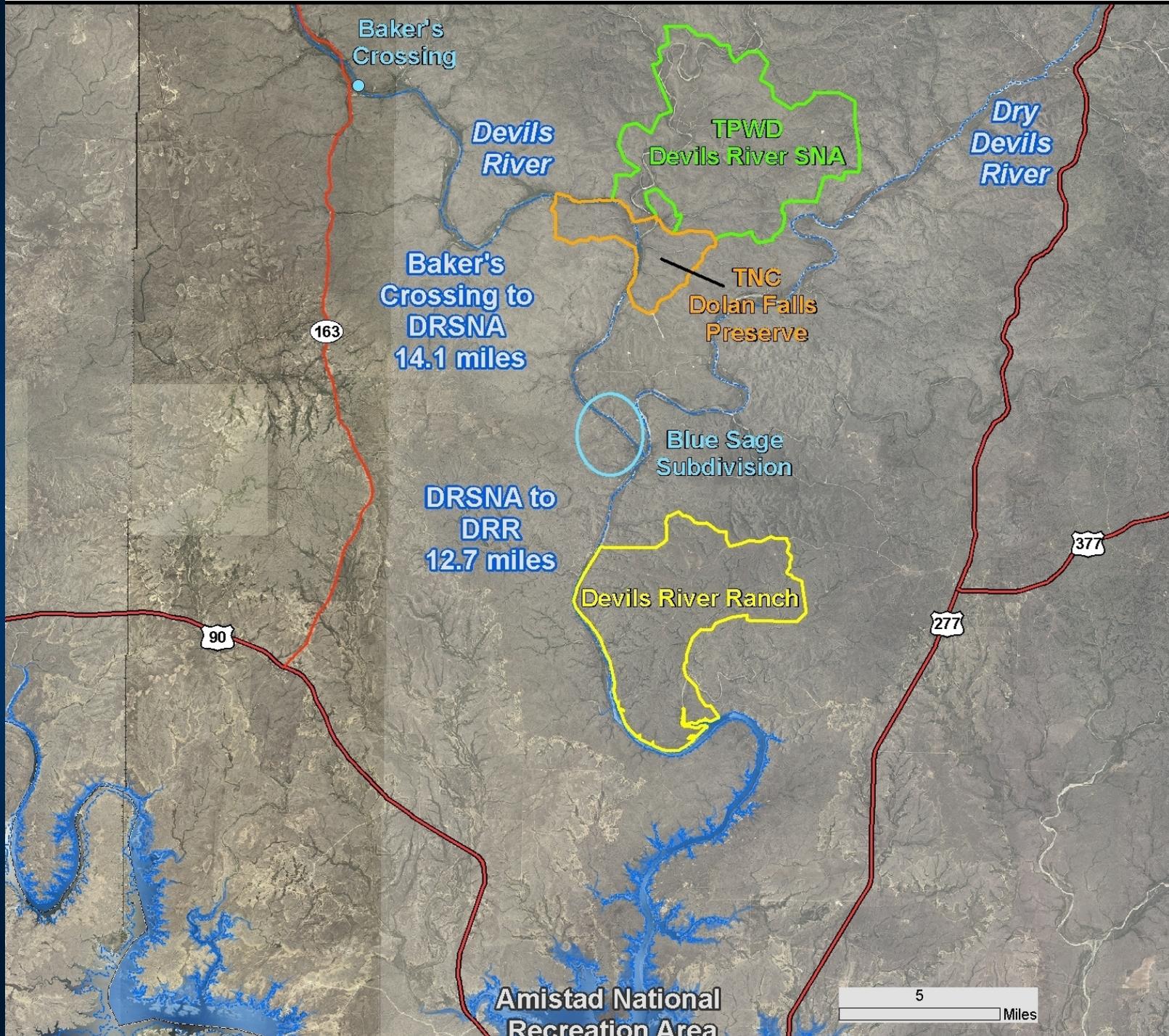
Val Verde County



Devils River Location



- Val Verde County
- Devils River SNA
 - 2 hrs N of Del Rio
- Devils River Ranch
 - 45 min N of Del Rio



Background

- Conflict between landowners & paddling community results from
 - Limited reasonable and controlled access
 - Perception that landowners want to restrict access to public waters
 - Perception that paddlers are not good stewards of the ecosystem
 - Trespassing
 - Littering and property damage
- Consensus that fragile and unique natural and cultural resources warrant protection
 - Most pristine river in Texas
 - Dolan Springs represent a unique and irreplaceable hydrological feature
 - Known threatened and endangered species on SNA
 - Numerous world-class rock art sites
 - Uncontrolled public access threatens the resource

Background continued...

- Most Texans are unable to access and experience the Devils River ecosystem
- Devils River ecosystem represents an opportunity to study the hydrology, flora and fauna of a unique ecosystem
- State Natural Area designation places a greater emphasis on protection of unique cultural and natural resources than a State Park designation
- Of the 10 miles of the DRR river frontage, the National Park Service owns ~ 5 miles with virtually no practical access for the public

Timeline

- 2009 Opportunity identified by staff
- Fall 2009 Assessed mission-fit
- Winter 2009 Began discussions with landowner to determine project feasibility
- Jan 27, 2010 Briefed high-concept to Commission
- February Received appraisals on both properties
- July 20 Briefed Commission
- Aug 25 Briefed Commission
- Aug 26 Signed Option contract

Timeline continued...

- Sep 2010 Briefed Legislative staff
- Oct 4 Briefed conservation partners
- Oct 12 Mailed ~250 letters to users of DRSNA
- Oct 13 Notified paddling community
- Oct 13 Posted public notifications in newspapers
- Oct 16 Briefed Devils River Association
- Oct 20 Briefed Val Verde County leadership
- Oct 20 Held Public Meeting – Del Rio
- Oct 26 Held Public Meeting – San Antonio
- Nov 3 Briefing to Commission



Devils River Association

- Briefed – October 16
 - Landowners along River
 - Devils River Outfitter
 - Other interested parties

City and County Leadership

- Briefed - October 20
 - Del Rio Mayor
 - Del Rio City Manager
 - Del Rio Chief Appraiser





Public Meetings

- Del Rio Oct 20
 - 51+ attendees
- San Antonio Oct 26
 - 78+ attendees

Notification Process

- Statutory/Rule
 - Legislative
- Agency Policy
 - TPWD



Public Notices – Statutory

- Open Meetings Act Meeting Notice
 - Posted with Secretary of State seven days prior to Commission meeting



Public Notice - Statutory

- Requires notice of the public hearing that
 - clearly states the proposed program or project and the date and place of the hearing; and,
 - is published in a local paper once a week for three consecutive weeks prior to the hearing with the last notice being published not less than one week or more than two weeks prior the hearing.

Devil's River Transaction Notice

- Published in the *Del Rio News-Herald*
 - October 12, 2010
 - October 19, 2010
 - October 26, 2010

Legal Notice

On November 4, 2010, the Texas Parks and Wildlife Commission will consider and may take action regarding an exchange of properties in Val Verde County. Specifically, the Commission will consider the acquisition of approximately 17,638 acres in Val Verde County. The Commission will also consider transferring Texas Parks and Wildlife Department (TPWD) property consisting of the approximately 19,989-acre Devils River State Natural Area, also in Val Verde County, as partial payment for the acquisition. The meeting is at 9:00 a.m. at TPWD Headquarters, 4200 Smith School Road, Austin, Texas 78744. Public comment may be submitted to Ted Hollingsworth, Texas Park and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, by e-mail at ted.hollingsworth@tpwd.state.tx.us, via the TPWD web site at tpwd.state.tx.us, or in person at the meeting.

Public Meeting Notices - Policy

- TPWD Policy
 - At least two commission meetings, one of which is prior to the action meeting and may be in executive session
 - Presented Jan, July, Aug & Nov 2010
 - 30 days of public notification prior to the action
 - Briefed key conservation partners Oct 04

Public Meeting Notices

- Del Rio News-Herald: Oct 13th-15th, 17th
- Austin American Statesman: Oct 13th-15th, 17th
- Houston Chronicle: Oct 13th-15th, 17th
- San Angelo Standard-Times: Oct 14th-17th
- San Antonio Express News: Oct 13th-15th, 17th

Public Meeting Language

- **Land Acquisition and Exchange – Val Verde County Devils River State Natural Area**

- Texas Parks and Wildlife Department is considering a land acquisition in Val Verde County along the Devils River for development of a state park. The land transaction would involve the exchange of the agency's existing ~19,989-acre Devils River SNA as partial payment for the acquisition. Texas Parks and Wildlife invites all interested parties to attend one of two public input meetings that will include a brief overview of the proposal, a question and answer period, and an opportunity for public input. Meetings will take place at 6 p.m. Wednesday, Oct. 20 at Del Rio Civic Center, Mesquite Room, 1915 Veteran's Blvd., Del Rio, TX (830-774-8641); and 6 p.m. Tuesday, Oct. 26 at the Central Public Library, 600 Soledad, San Antonio, TX (210) 207-2500. Public comment may be submitted to Ted Hollingsworth, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, by email at ted.hollingsworth@tpwd.state.tx.us, or in person at time of the meeting.

Next Steps

- Land Transaction
 - Complete due diligence for land acquisition
 - Phase 1 environmental assessment
 - Complete surveys of both properties
 - Complete mineral and water rights assessments
 - Confirm road ownership issues
 - Close land transaction
- Operational considerations
 - Transfer existing staff and budget from SNA to DRR
 - Convene inclusive River Task Force to address conservation, recreation and private rights issues



Next Steps cont...

- Law Enforcement Strategy
 - Increase Law Enforcement presence
 - Resource protection (internal and external)
 - Leverage technology
 - Outreach and Education

Next Steps continued...

- Master Plan
 - Designation of naming convention (State Park vs. State Natural Area)
 - Baseline inventory
 - Natural & Cultural Resource assessment
 - Public Use Plan
 - Controlled access
 - Strict resource protection measures
 - Compatible public access vs. resource protection
 - Collaborative development process
 - Development Plan
 - Road and utilities
 - Facilities, trails, campsites, etc...
 - Staffing
 - Interpretive Plan

Examples of Concerns

- Not enough time or information for full evaluation
- Loss of public land near Dolan Falls will effectively terminate public access to the “upper” river
- Additional access will negatively impact river
- Additional access will result in more violation of property rights
- Devils River needs multiple public access put-in/put-out locations
- Devils River should be protected by a river-wide system
- \$ 8 million could be better spent elsewhere
- Proposal will result in increased costs to TPWD

Major Concerns

An aerial photograph of a river winding through a lush, green forest. The river is filled with numerous large, light-colored rocks and boulders, creating a complex network of channels and pools. The water appears slightly turbid. In the foreground, large, grey, jagged rock formations are visible, suggesting a high vantage point from which the photo was taken. The overall scene is a natural, somewhat rugged landscape.

- **Process**
- **Ownership**
- **Visitation**
- **Science**
- **Public Access**
- **Financial**
- **Stewardship**

Process Concerns

- This land acquisition process is not consistent with TPWD policy
- Not enough time for the public to review and respond to the request for feedback



Process Considerations

- The agency acknowledges a compressed timeframe for this project
- The agency complied with all state laws and regulations related to public notification
- The agency has postponed this item for future consideration by the Commission



Ownership Concerns

- State Natural Areas (SNAs) are important cultural and natural resources that are intended to protect resources including endangered species habitat, and important springs
- Continued ownership of SNAs by the State is the best way to ensure continued protection rather than rely on a conservation easement and the actions of future private owners

Ownership Considerations

- Both properties have strict, long-standing conservation easements
- The conservation easement eliminates the potential for future subdivision and limits development
- Conservation easements have a proven track record as effective tools
- TNC holds the conservation easements on both properties (DRSNA and DRR)
- The holder of these easements, The Nature Conservancy (TNC), has as its mission, the protection of high conservation value lands
- TNC in close proximity and stewards Dolan Falls
- TPWD believes that private landowners can and have done a good job of conserving the natural and cultural resources of Texas and are incentivized by the conservation easement to continue to do so
- Landowner is willing to offer TPWD the Right of First Refusal at appraised value on the SNA



Visitation Concerns

- The test of the value of a state natural area should not be based on the number of visitors to the area. Using the criterion of low visitation as a primary reason for potential sale or transfer of a natural area would set an unfortunate precedent for the state's natural areas program

Visitation Considerations

- The number of visitors is not the primary reason for this proposed transfer
- The SNA is accessible only to a very narrow spectrum of the public
- The proposal grew out of the agency's mission to increase managed access to one of the most pristine natural and cultural resources in Texas and continue to protect those resources
- Other SNAs in the system experience significantly higher visitation without undue negative impact
- Ultimate number of visitors contingent on Master Plan



Devils River Ranch

Science Concerns

- A complete scientific, natural resource and cultural resource comparison of the two properties proposed for the exchange has not been made, and thus the public does not have comparable measure by which to evaluate the two properties
- The resources on the DRR are not in immediate peril if indeed the conservation easement on the DRR is protective
- Additional scientific studies may be made on that property subject to agreement by the owner, while it remains in private hands. Thus, we see no urgent reason from a land conservation perspective to acquire that property at this time

Science Considerations

- SNA has benefited from long term robust scientific study; applying the same rigorous methodology at the DRR will increase our understanding of this ecosystem
- Neither the resources on the SNA or the DRR are in immediate peril because of the provisions in the conservation easement
- Landowner is willing to provide ongoing access to the SNA for new and continued scientific studies



Public Access Concerns

- The issues of public access to and use of the upper stretches of the Devils River need to be addressed upfront
- The loss of the SNA is likely to complicate, not facilitate efforts to reach resolution on those issues

Public Access Considerations

- Public access to the River is currently a significant and growing issue
- Master planning and public use planning will inform the “solution-making” process
- Master planning occurs after acquisition and not before due to its resource-intensive nature
- TPWD is committed to leading an inclusive process with landowners and users to resolve the River’s access issues
- Landowner is willing to grant a one-year lease of the SNA to TPWD to allow continued river-front camping, with an option to extend for one-year



Financial Concerns

- The use of \$8 million in extremely limited state funds, or funds being pursued by the state, plus the future expenditure of funds that would need to be committed to the private property remains problematic
- It would potentially impact other elements of the state parks system at a time when TPWD and other agencies are facing serious constraints on their funding due to the state's stressed financial situation
- The \$8 million expenditure would actually result in the loss of over 2000 acres from the state parks inventory because of the difference in size of the two properties

Financial Considerations

- The \$8MM represents 3:1 leverage of limited state acquisition dollars
- The \$8MM cannot be used for operations or repair and maintenance
- The existing operating budget and personnel from the SNA will operate the DRR while planning is underway
- Historical track record supports significant land acquisitions even in hard budget times
- Future operational costs identified and prioritized in the Master Plan will be analyzed in the context of the entire State Park/SNA system
- TPWD's mission is not to amass raw acreage but rather to preserve the state's natural and cultural resource and provide access



Stewardship Concerns

- Increased visitation will increase impacts to the landscape including violation of private property rights, trespassing, property damage, disruption of wildlife, littering, viewshed degradation, reduction in wilderness experience, and reduction in water quality
- Increased visitation could increase the risks to cultural resources on neighboring properties

Stewardship Considerations

- Master Planning will determine visitor carrying capacity and address stewardship concerns to determine appropriate solutions
- TPWD has a proven track record of designing and developing low impact infrastructure and programming that is compatible with the landscape
- Managed visitation will allow enhanced outreach, education and demonstration to the public about importance of stewarding the land
- Master planning and baseline modeling coupled with limited, controlled access, vigilant law enforcement and outreach/education will minimize risks to cultural resources

Summary

- Consistent with Mission and Land & Water Resources Conservation and Recreation Plan
- Consistent with the agency process for all land transactions
- Both properties will be protected in perpetuity
- Increased controlled access will be determined by a comprehensive, inclusive master planning process
- Landowner and user conflicts will be addressed through the creation of a Devils River Task Force led by TPWD
- Increased Law Enforcement presence will help enforce appropriate access issues and protect natural and cultural resources all along the river

