



**San Marcos River Task Force Meeting**  
**Texas Parks and Wildlife Department**  
**Commission Hearing Room**  
**March 7, 2016**

**Task Force Charge**

*To bring together a broad spectrum of stakeholders to provide perspective to the Texas Parks and Wildlife Department and Commission regarding the issues associated with recreational river use on the San Marcos River from the bridge at County Road 101 to Scull Crossing. This 3.6 mile river segment flows through Hays, Caldwell, and Guadalupe Counties. Specifically, the task force is charged with studying and making recommendations concerning how to control illegal behavior, improve public safety, safeguard private property rights, and conserve environmental quality and the natural state in this segment of the San Marcos River.*

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| <b>2:00 p.m.</b> | Welcome and Introductions   | Bill Jones, Chairman<br>San Marcos River Task Force |
| <b>2:15 p.m.</b> | Lay out Issues and Key Focal Points   | Bill Jones, Chairman<br>San Marcos River Task Force |
|                  | 1) Local Enforcement of Drinking and Other Laws                                   |   |
|                  | a. FTE's to enforce laws  |   |
|                  | b. Private land is being used for put in and take outs                            |   |
|                  | i. Challenge for law enforcement (access, enforcement)                            |   |
|                  | ii. Lack of education (perception by recreationists that riverbanks are public)   |   |
|                  | iii. Lack of respect for private lands by river users (trash, trespassing, noise) |   |
|                  | iv. Perception of impunity by users   |   |
|                  | 2) Unlimited Access to the River  |   |
|                  | 3) Jurisdiction Issues  |   |
|                  | a. Riverbeds are not owned/regulated by any one agency                            |   |
|                  | b. Legislature is the only body that can pass laws/regulations                    |   |
|                  | c. Self regulation issues   |   |
|                  | 4) Stakeholder Issues   |   |
| <b>3:30 p.m.</b> | Wrap Up<br>Assignments/Action Items for Next Meeting                              | Bill Jones, Chairman<br>San Marcos River Task Force |

**Meeting Summary**  
**San Marcos River Task Force**  
**March 7, 2016**

Bill Jones, Texas Parks & Wildlife Commissioner and Chairman of the San Marcos River Task Force, called the meeting to order at 2:00 p.m. After welcoming the group, introductions of Task Force Members were conducted (list of members in attendance is included at the end of this meeting summary).

Chairman Jones then outlined related issues and key focal points, which were:

**1) Local Enforcement of Drinking and Other Laws**

**a. FTE's to enforce laws**

- After pointing out that it has been brought to the Texas Parks and Wildlife Department's (TPWD) attention that more local law enforcement officers are needed, Caldwell County and Guadalupe County law enforcement/officials concurred, but explained it is a manpower/budget issue.
- It is an extra challenge to law enforcement resources that it takes up to four hours to process an arrest, and in this time the officer will be away from the river.
- Guadalupe County explained their biggest need for additional law enforcement is during Float Fest, which requires a state permit, and does not allow for additional local requirements, so they have no choice but to grant the permit.
- Three pressure point weekends were identified: Memorial Day Weekend, 4<sup>th</sup> of July, Labor Day Weekend. Float Fest this year will be in mid-July (presumably creating a fourth busy weekend).
- Caldwell County Sheriff's Office (CCSO) explained that their calls dropped by 500 calls when they had up to 6 deputies on the river, but that was a strain on the Sheriff's Department as they normally only have 2 officers available to work the river. They said they would need 6-8 deputies to be effective. CCSO explained that on a Monday-Thursday they would need 4 additional personnel, and on a Friday- Sunday, they would need at least 8-10 personnel working the river. Caldwell County also said they lacked equipment to get into the river (in addition to lacking sufficient personnel).
- When Chairman Jones asked if 12 additional officers from 10:00-8:00 pm (which was identified as the peak tubing timeframe, equated by one task force member as a "flash mob") would help- task force members expressed that it could be helpful as long as the officers have access to the places where most infractions are occurring. For example, another enforcement problem is where to station law enforcement officers in order to get to the tubers effectively as there are stretches along the 3.5 mile segment where the banks are too steep and/or the water is too deep for officers to station themselves. Craig Coleman (owner, Don's Fish Camp) explained that there are only a handful of locations in which tubers access private lands and

concurrently in which law enforcement can safely station themselves to conduct enforcement activities along the river.

- It was brought up by task force members that if the tube liveries hire law enforcement personnel, there may be a perception that they will be more lenient than law enforcement who work directly for the government.
- Mr. Coleman then stated that when the tubing companies hire additional law enforcement, those officers have the right to cross jurisdictional lines and can enforce any existing laws. He believes having the additional officers and stationing them at key locations has helped control the crowds.
- Suggestions from a few task force members to help control the crowds were to have scheduled release times for tubers, and placement of clear markers along the river for law enforcement to utilize in responding to problems.
- Ms. Condie asked whether inner tubes were considered "vessels", to which question Jeff Gillenwaters answered "no". (Accordingly, while "public intoxication" may be enforceable against tubers, the objective standard (.08 BAC) of "boating while intoxicated" is not. The standard for the offense of public intoxication is the more subjective "endanger[ing] the person or another.")
- The map in the powerpoint will be changed to reflect the correct location of the county lines- the river is the correct boundary.

**b. Private land is being used for put in and take outs**

- i. Challenge for law enforcement (access, enforcement)
  - This topic was pretty well covered in the above, as it presents access issues for law enforcement to control large crowds of people who are accessing a public resource from private, unregulated locations. In addition, because recreationists can put in from any private land along the 3.5 mile stretch, it makes messaging and education difficult. Entering onto private property without landowner permission for purposes other than fish and game regulation enforcement is outside of TPWDs realm and relates back to jurisdictional issues.
  - Safety of recreationists, law enforcement officials, and landowners is of concern with so many individuals confined to a tight space.
- ii. Lack of education (perception by recreationists that riverbanks are public)
  - Suggestions by Dianne Wassenich and others were to create social media campaigns such as "Top 10 Tips for Tubers"- explaining things such as how to tie off the trash bags, how much water one should bring to stay hydrated, respect for private lands, that the banks are privately owned, etc. This messaging could be placed on twitter, facebook, and shown as tubers are standing in line to rent tubes. Mr. Lucero from Texas Travel Industry Association mentioned that type of looping messaging while vacationers were in line for rides was common and quite effective at amusement parks.
- iii. Lack of respect for private lands by river users (trash, trespassing, noise)
  - Landowners and the river resource are subjected to trash, trespassing, and noise from the large volumes of tubers. Alcohol use is a factor in the trash and conflict issues.

- Education was again mentioned as a key component for dealing with this issue- see above regarding the looping video.
  - Mike Dussere from WORD offered to share their instructional video.
  - Tom Goynes mentioned that a river is much like a public road, and on a public road, one can't block a passageway. He stated that his passageway (sandbar colloquially called "Shotgun Beach") is blocked by tubers in the summer, leaving him without access to the river for himself or his campground constituents.
  - Over-abundance of alcohol leads to many poor choices by recreationists and magnifies conflict potential amongst one another, adjacent landowners, and law enforcement.
- iv. Perception of impunity by users- pointed back to lack of education.

## 2) Unlimited Access to the River

- a. Virginia Condie (riverside landowner) mentioned that the commerce (business) side is what is inhibiting others from enjoying the public river. She and Dianne Wassenich pointed out the businesses are not providing bathrooms, control, etc. The idea of timed, staged tubing releases to prevent stackups was again brought up by a few task force members.

## 3) Jurisdiction Issues- most of these were covered in the above sections. There was discussion that TPWD lacks statutory authority to create a "linear public park" on the river, and also a discussion of the location of the "gradient boundary" separating private uplands from the public riverbed.

- a. Riverbeds are not owned/regulated by any one agency
- b. Legislature is the only body that can pass laws/regulations
- c. Self regulation issues

## 4) Stakeholder Issues

- Bill West (General Manager, Guadalupe Blanco River Authority) mentioned that how to pay for whatever recommendation the Task Force comes up with is problematic—the "elephant in the room". He also stated that the impacts to the natural resource should be considered.
- Tom Goynes mentioned that a mass gathering permit is needed- Caldwell Co. could require one each time there is a mass gathering of more than 500 people. Jack Shanafelt (Guadalupe County Commissioner) said that a legislative fix is needed for this- the permit requirements are very vague.
- Randy Bunker, Mayor of Martindale, mentioned that while Martindale is not getting monies from the tubing activity, they need income to fix the roads, which are being utilized heavily by the shuttles, creating costly damages.
- Homero Lucero stated that whatever fix the task force comes up with should be inclusive of a variety of options & organizations, not limited just to taxes.
- Diane W said SMRF can't get liability insurance to cover hiring law enforcement.
- Virginia Condie said problems existed outside the river segment we are examining but Commissioner Jones said the Task Force's job is limited to that segment.

At 3:45 p.m., Chairman Jones wrapped up the meeting by explaining that the problems being faced have been clearly outlined, and that at our next meeting, we will drill down to solutions. He explained that there will be a real challenge to producing solutions as some of the issues may be able to be worked out, but others may need to go to another level. He thanked everyone for attending, for their time, and excellent comments- which are all very much appreciated. The meeting was adjourned at 4:00 p.m.

**Next San Marcos River Task Force Meeting: Please mark your calendars for Monday, May 2, 2016 from 2:00-4:00 p.m.** We will send out a letter/email reminding you of the meeting, but wanted to get you the date as quickly as possible.