

**Testimony of Don's Fish Camp and Texas State Tubes
In Opposition to HB 2563 and Proposed CSHB 2563 (Kuempel)
May 6, 2015**

Don's Fish Camp and Texas State Tubes are opposed to HB 2563 by Chairman Kuempel, which proposes to create a new "parks and recreation" district in area along a three-mile segment of the San Marcos River, bordered by Caldwell and Guadalupe Counties.

Our companies are the two main tubing outfitters in the area, and we understand the significant law enforcement, public safety, and litter problems that our businesses have helped create. We want to stress that our opposition to the bill is not intended to convey a disregard of these problems or concerns, or to convey an unwillingness to take responsibility for being part of the solution to them.

We take seriously the concerns of the bill authors and the proponents of the legislation. We know we need to be better neighbors and better stewards of the river by making changes in our individual business operations, and by working collectively to address in earnest the security and safety concerns of the area residents and landowners, and by undertaking more effective approaches to maintaining the natural beauty and ecological sustainability of the San Marcos River.

However, we continue to have serious concerns about the ability of the proposed parks and recreation district to sustain itself financially, and to be effective remedy. We have provided you a worksheet that shows that it will be almost impossible for the district to be financially or economically viable as it is too small, exempts campgrounds and RV parks, and has a limited single revenue source.

The proposed legislation would, according to advocates for the bill, allow the district to create a linear river state park that could theoretically institute a can ban or prohibit the use of alcohol on the river. Often referred to as a WORD, or Water Oriented Recreational District, the proposed district is granted broad ordinance and rulemaking authority, and it can collect fees and fines, issue multiple types of bonds, annex new areas outside the two original counties, and enforce new criminal offenses created in the bill.

Because of our concerns regarding the viability of the proposed district to effectively address the need for additional resources for law enforcement, our two companies entered into a negotiated contractual agreement or joint venture in early February, referred to as the Memorandum of Understanding (MOU). Through the MOU, we agreed to jointly fund significant additional law enforcement on the river, to hire the same river cleanup company used by the Comal County district and others in the region, and to undertake other landowner outreach and awareness efforts for recreational users.

We are committing today to double the amount of financial support we are willing to commit to \$3 per customer, in order to increase funding to provide much higher staffing levels raised in the Senate hearing by the Sheriff in Caldwell County, and in response to other conversations and outreach meetings with stakeholders. Through the MOU, both of our companies originally pledged to commit \$1.50 per customer to a joint bank account that we have already opened and begun to fund.

This additional money collected through the MOU from our two companies will provide \$210,000 a year to go directly to additional security and for litter abatement and cleanup efforts that are needed to address the concerns of landowners and residents in the area. We will be putting the resources directly with the County to ensure County officials who are charged with enforcing the laws on the books today have the funds they need.

We have continued to improve the MOU and make additional assurances and commitments that have been laid out through Addendums and various contractual agreements or approaches – and are committed to making additional assurances to members of the Legislature, and to the County Commissioner's Courts who are legally authorized to enter into contractual agreements on behalf of the taxpayers in the area.

We will be attempting to do this through negotiated terms with the County Commissioner's Courts, in order to arrange for the funds we are voluntarily committing through the MOU and the Law Enforcement Addendum to be dispersed through the County to implement and maintain a more appropriate and effective law enforcement presence in the area.

We have provided you with the following documents:

- ADDENDUM TO MEMORANDUM OF UNDERSTANDING (MOU), 4/30/2015
- Summary of MOU Addendum for Law Enforcement
- Independent Contractor Agreement Between Off-Duty Law Enforcement and Texas State Tubes, LLC and RKY, LTD.
- Signed Contract with Pristine Texas Rivers, Inc., 4/26/2015
- Info on Landowner/Stakeholder Meeting Held in San Marcos on May 3, 2015
 - Letter Invitation sent to over 100 identified potential stakeholders;
 - Sign in sheets; and
 - Statement provided at meeting by proponent of the bill.
- Memorandum of Understanding (MOU) Between Texas State Tubes & RKY
- Fiscal Implications of San Marcos River WORD

In closing, we want to thank Chairman Kuempel and Chairman Miller and the members of the committee for working with us and listening to our concerns, We will be finalizing an second official Addendum to the MOU later this week outlining some of these

additional commitments and approaches, and we will be following up to provide you that information. That document will reflect specific provisions that include:

- Adjusting the waiver to have customer initial rules of river like "no trespassing, no littering and no underage drinking
- Providing bags to every cooler tube and provide extra bags to customers who bring coolers
- Adding an extra string on trash bags like the lions club does.
- Amending the River Bank clean ups to show the scope of work provided by outfitters
- Providing "how am I driving" signs on buses with the TRA hotline number

We understand and accept the criticism that a more timely response to coordinating, but note that this effort needed to be undertaken collectively between our two companies in order to fund the necessary activities and services, and to effectively address the problems in the area in a more coordinated manner. Through the MOU, both Don's Fish Camp and Texas State Tubes have put our commitment in writing in a self-renewing and ongoing contract – and we are committed to addressing the security, litter, and water quality issues on the river in the area we operate in. We are willing to make additional assurances that increase accountability or clarify the commitments made through the MOU.

Our goal through this voluntary commitment of private funds is to provide a safer and cleaner river experience and to provide enhanced security and oversight for residents and users by providing private funding for additional law enforcement and security on the river, and by hiring and funding the same river cleanup company used by the Comal County district and others in the region.