

By: Hilderbran

H.B. No. 4126

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a pilot program to provide additional protection to the
3 headwaters of the Upper Guadalupe River to be implemented by the
4 Upper Guadalupe River Authority.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. (a) The legislature recognizes that the beds,
7 bottoms, banks, and watersheds of navigable rivers and streams are
8 precious and irreplaceable economic and recreational state
9 resources that deserve protection.

10 (b) The legislature recognizes that the quantity and
11 quality of the water flowing in the navigable rivers and streams are
12 precious and irreplaceable economic and recreational state
13 resources that deserve protection.

14 (c) The legislature finds that the watershed of the Upper
15 Guadalupe River contains unusually scenic waterways, pristine
16 pools and falls, and geologically unique formations and is an area
17 especially deserving of conservation and protection.

18 (d) The legislature recognizes that the Upper Guadalupe
19 River Authority is created to preserve and conserve all the natural
20 resources in its jurisdiction.

21 SECTION 2. Chapter 5, page 1062, Special Laws, Acts of the
22 46th Legislature, Regular Session, 1939, is amended by adding
23 Section 16A to read as follows:

24 Sec. 16A. (a) The district shall plan and implement a pilot

1 program to provide an additional level of conservation and
2 protection to a segment of the Upper Guadalupe River and adjacent
3 land that is selected by the district as most deserving of that care
4 because of the area's qualities, including:

5 (1) its scenic beauty;

6 (2) its water quality;

7 (3) its flora, fauna, or geological characteristics;

8 (4) its recreational potential;

9 (5) its vulnerability to deterioration or damage by
10 certain actions or omissions; and

11 (6) any other factors the district considers
12 essential.

13 (b) The district may designate an area of land extending a
14 reasonable distance from each bank of the selected segment of the
15 river as a buffer zone that is included in the area to be conserved
16 and protected.

17 (c) The district in conjunction with the Texas Commission on
18 Environmental Quality and the Parks and Wildlife Department shall
19 develop and adopt a plan to conserve and protect the natural
20 features that led to the selection of the area. Before adopting the
21 plan, the district shall hold public meetings for suggestions and
22 input on how best to achieve the purposes of this section.

23 (d) The plan must include a description of actions the
24 district may take to:

25 (1) protect the purity of the water in the Upper
26 Guadalupe River and its tributaries;

27 (2) protect animal species native to the river or

1 surrounding land and their habitat;

2 (3) protect native trees, wildflowers, and other
3 plants that require protection, provide habitat, or are otherwise
4 important to the scenic beauty of the area;

5 (4) protect natural geological formations of the area;

6 (5) preserve public access to the area in a manner that
7 does not violate the protections adopted under Subdivisions (1)-(4)
8 of this subsection; and

9 (6) respect the rights of private property owners.

10 (e) The plan adopted under Subsection (c) of this section
11 may include a recommendation that all or part of the selected area,
12 if appropriate, be designated as:

13 (1) a wild, scenic, or recreational river under the
14 federal Wild and Scenic Rivers Act (16 U.S.C. Section 1271 et seq.);

15 (2) a state park under the authority of the Parks and
16 Wildlife Department; or

17 (3) a local park under the authority of the district.

18 (f) The district shall provide a copy of the plan adopted
19 under this section to the committees of the legislature with
20 primary jurisdiction over river authorities or the conservation of
21 natural or recreational resources not later than December 1, 2008,
22 and shall report on the status of the pilot program adopted under
23 this section to those committees not later than December 1 of each
24 even-numbered year after that date for the duration of the pilot
25 program.

26 (g) The report of the district due not later than December
27 1, 2024, under Subsection (f) of this section must also provide:

1 (1) a summary of the results achieved under the pilot
2 program;

3 (2) a summary of the capital improvements, if any,
4 made under the program and the costs of those improvements;

5 (3) a summary of increased tourism generated by the
6 program and other economic benefits or costs resulting from
7 implementation of the pilot program;

8 (4) a summary of comments received related to the
9 program; and

10 (5) recommendations concerning continuation of the
11 pilot program or other related legislation.

12 (h) The district may pay for the cost of the pilot program
13 with money:

14 (1) received as revenue of the district, excluding
15 money collected as ad valorem taxes on property in the district;

16 (2) received as a donation to the district; or

17 (3) obtained as a grant provided by a private, state,
18 or federal program.

19 (i) This section and the pilot program adopted under this
20 section expire September 30, 2025.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.