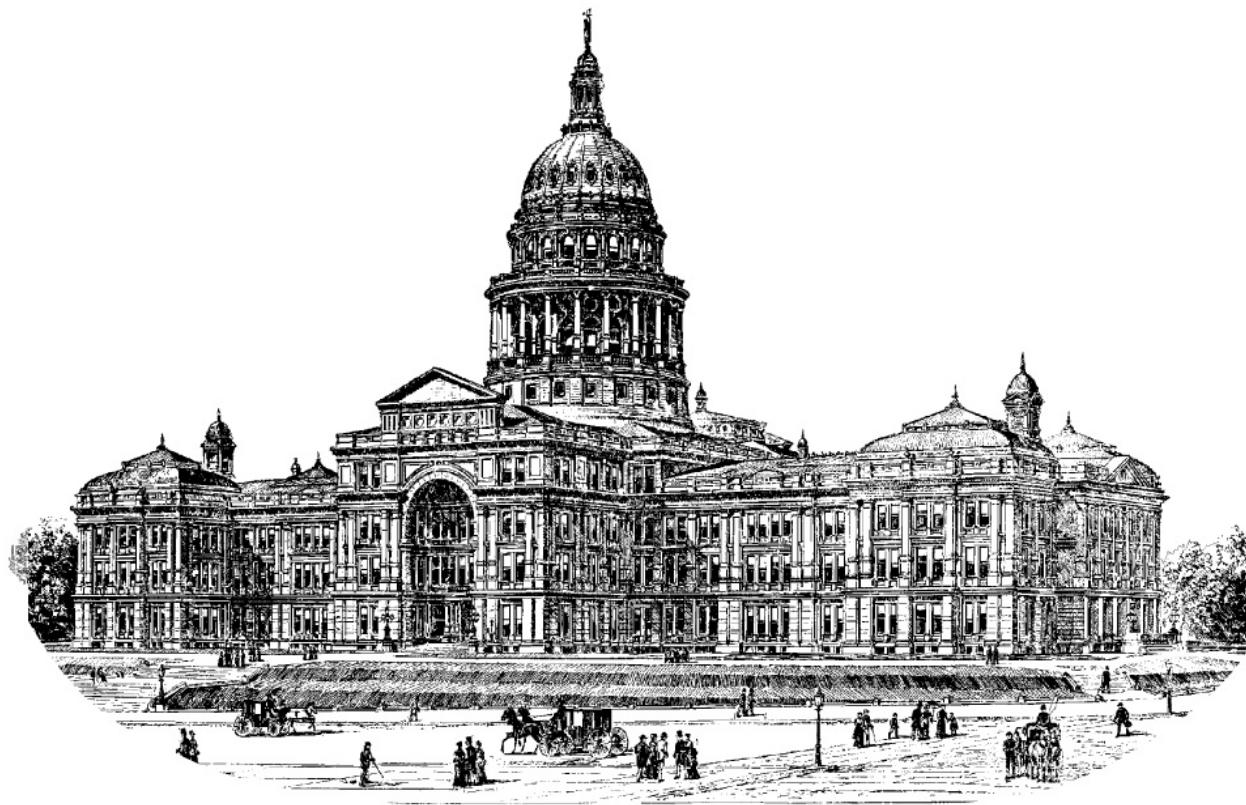




INTERIM REPORT

TO THE 83RD TEXAS LEGISLATURE



HOUSE COMMITTEE ON
CULTURE, RECREATION, & TOURISM

JANUARY 2013

**HOUSE COMMITTEE ON CULTURE, RECREATION, & TOURISM
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2012**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
83RD TEXAS LEGISLATURE**

**RYAN GUILLEN
CHAIRMAN**

**COREY HOWELL
COMMITTEE DIRECTOR**



House Committee On
Culture, Recreation, & Tourism

January 2, 2013

Ryan Guillen
Chairman

P.O. Box 2910
Austin, Texas 78768-2910

The Honorable Joe Straus
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Culture, Recreation, & Tourism of the Eighty-second Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Eighty-third Legislature.

Respectfully submitted,

A handwritten signature of Ryan Guillen in black ink, followed by a horizontal line and his name in a smaller font.

Ryan Guillen

A handwritten signature of Gary Elkins in black ink, followed by a horizontal line.

Gary Elkins

Gary Elkins, Vice Chair

A handwritten signature of Joe Deshotel in black ink, followed by a horizontal line.

Joe Deshotel

A handwritten signature of Dawnna Dukes in black ink, followed by a horizontal line.

Dawnna Dukes

A handwritten signature of Tracy O. King in black ink, followed by a horizontal line.

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A handwritten signature of John Kuempel in black ink, followed by a horizontal line.

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A handwritten signature of Lyle Larson in black ink, followed by a horizontal line.

Lyle Larson

A handwritten signature of Walter "Four" Price in black ink, followed by a horizontal line.

Walter "Four" Price

A handwritten signature of Todd Smith in black ink, followed by a horizontal line.

Todd Smith

Gary Elkins
Vice-Chairman

Members: Joe Deshotel, Dawnna Dukes, Tracy O. King, John Kuempel, Lyle Larson, Walter "Four" Price, Todd Smith

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HOUSE COMMITTEE ON CULTURE, RECREATION, & TOURISM

INTRODUCTION

At the beginning of the 82nd Legislature, the Honorable Joe Straus, Speaker of the Texas House of Representatives, appointed nine members to the House Committee on Culture, Recreation, & Tourism (the "committee"). The committee membership included the following: Representatives Ryan Guillen (Chairman), Gary Elkins (Vice-Chairman), Joe Deshotel, Dawnna Dukes, Tracy O. King, John Kuempel, Lyle Larson, Walter "Four" Price and Todd Smith.

During the interim, the committee was assigned five charges by the Speaker:

1. Evaluate strategies to control known existing invasive aquatic species, including species commonly referred to as giant salvinia (*Salvinia molesta*), water hyacinths (family Pontederiaceae), and zebra mussels (family Dreissenidae).
2. Study and make recommendations for improving deer breeder compliance with existing laws and regulations
3. Recommend approaches to improve long-term funding for state park acquisition, development, and maintenance.
4. Study the effects the drought and wildfires have had on tourism and recreation in Texas. Make recommendations for ways to prevent future losses.
5. Monitor the agencies and programs under the committee's jurisdiction and the implementation of relevant legislation passed by the 82nd Legislature, including the General Land Office's implementation of HB 3726 (82R), regarding the administration of the Alamo.

The committee has completed its hearings and investigations and has issued the following final report and recommendations. All interim charges including the charge monitor the agencies and programs under the committee's jurisdiction were undertaken by the committee as a whole and no subcommittees were appointed.

Finally, the committee wishes to express appreciation to the state agencies, local governments, associations, and individuals who testified at the public hearings for their time and efforts on behalf of the committee.

INTERIM STUDY CHARGES

Committee of the Whole

CHARGE #1: Evaluate strategies to control known existing invasive aquatic species, including species commonly referred to as giant salvinia (*Salvinia molesta*), water hyacinths (family Pontederiaceae), and zebra mussels (family Dreissenidae).

Ryan Guillen
Gary Elkins
Joe Deshotel
Dawnna Dukes
Tracy O. King
John Kuempel
Lyle Larson
Walter "Four" Price
Todd Smith

Committee of the Whole

CHARGE #2: Study and make recommendations for improving deer breeder compliance with existing laws and regulations.

Ryan Guillen
Gary Elkins
Joe Deshotel
Dawnna Dukes
Tracy O. King
John Kuempel
Lyle Larson
Walter "Four" Price
Todd Smith

Committee of the Whole

CHARGE #3: Recommend approaches to improve long-term funding for state park acquisition, development, and maintenance.

Ryan Guillen
Gary Elkins
Joe Deshotel
Dawnna Dukes
Tracy O. King
John Kuempel
Lyle Larson
Walter "Four" Price
Todd Smith

Committee of the Whole

CHARGE #4: Study the effects the drought and wildfires have had on tourism and recreation in Texas. Make recommendations for ways to prevent future losses.

Ryan Guillen
Gary Elkins
Joe Deshotel
Dawnna Dukes
Tracy O. King
John Kuempel
Lyle Larson
Walter "Four" Price
Todd Smith

Committee of the Whole

CHARGE #5: Monitor the agencies and programs under the committee's jurisdiction and the implementation of relevant legislation passed by the 82nd Legislature, including the General Land Office's implementation of HB 3726 (82R), regarding the administration of the Alamo.

Ryan Guillen
Gary Elkins
Joe Deshotel
Dawnna Dukes
Tracy O. King
John Kuempel
Lyle Larson
Walter "Four" Price
Todd Smith

INVASIVE AQUATIC SPECIES

PUBLIC HEARING

The House Committee on Culture, Recreation, & Tourism held a public hearing on its Interim Charge #1 related to evaluating strategies to control known existing invasive aquatic species on October 18, 2012 at 10:00 a.m. in Austin, Texas in the Capitol Extension, Room E1.026. The following individuals testified on the charge:

Dr. Earl W. Chilton II, Texas Parks and Wildlife Department
Jerry L. Cook, Ph.D., Sam Houston State University
Mike Rickman, North Texas Municipal Water District
VA Stephens, Caddo Lake Institute

The following section of this report related to evaluating strategies to control known existing invasive aquatic species is produced in large part from the oral and written testimony of the individuals listed above.

INTRODUCTION

The committee was charged with evaluating strategies to control known existing invasive aquatic species, including species commonly referred to as giant salvinia (*Salvinia molesta*), water hyacinths (family Pontederiaceae), and zebra mussels (family Dreissenidae). The committee heard testimony that focused on the background of several invasive aquatic species, the problems that those species can create and methods being used to control the proliferation of these species.

BACKGROUND

The Texas Parks and Wildlife Department (TPWD) is responsible for the management of fisheries resources in more than one thousand public impoundments and approximately 191,000 miles of rivers and streams, totaling 1.7 million acres of freshwater resources. These resources are used by over two million anglers, whose fishing-related activities contribute \$4.2 billion annually to the State's economy. The health of Texas' fisheries and other freshwater resources is threatened by the negative effects of aquatic invasive species. Aquatic invasive plants such as hydrilla, giant salvinia, and water hyacinth, and animals, such as zebra mussels, have been shown to have significant negative effects on aquatic ecosystems, and contribute to costly maintenance and repairs to public and private infrastructure such as water intakes, water management structures, pipelines, and boating access to fishable waters.¹ Although the total economic impact of aquatic invasive species in Texas has not yet been determined, examples of individual costs incurred by river authorities, other water providers, TPWD, and others are available that demonstrate the need for a more significant investment of resources by the State toward control of aquatic invasive species.² This includes more than \$300 million that is currently being spent by the North Texas Municipal Water District to avoid spreading zebra mussels and violating the Lacey Act relative to inter-state transport of an injurious species. Currently, the TPWD budget for aquatic invasive species (approximately \$600,000) will allow for treatment of approximately 3,500 acres of the estimated 96,000 acres of aquatic invasive plants in the state.³ The TPWD budget includes less than \$26,000 for aquatic invasive animals such as zebra mussels. By comparison, Louisiana and Florida, which have similar problems and acreages, spend approximately \$7 million and \$19 million annually, respectively.⁴

The aquatic invasive species mentioned below, as well as many others that have already invaded Texas, cause significant problems for recreation, commerce, and the environment. These species could easily affect Texas' \$4 billion freshwater fishing industry, and zebra mussels alone could cost the Texas power industry hundreds of millions of dollars annually.⁵

Overview of Texas' Most Problematic Invasive Aquatic Plants and Animal

Native aquatic and shoreline vegetation provides habitat for a wide variety of species, including sport fishes and waterfowl. However, invasive aquatic plants (non-native) can cause significant problems. The four most problematic invasive aquatic plants in Texas at this time are giant salvinia, water hyacinth, hydrilla, and giant reed.

Giant Salvinia

Giant salvinia is a floating fern from South America that typically doubles in about a week.⁶ Since it was first discovered in Texas in 1998 it has been found in 19 public water bodies.⁷ It can grow up to a meter thick on the surface of the water and inhibit oxygen exchange vital for fish survival, boat traffic, fishing, hunting, swimming, and other recreational activities, as well as clogging water intakes. Single mats as large as 2,000 acres have been found in Toledo Bend Reservoir. Texas generally has 6,000 to 13,000 acres in any given year.⁸

Water Hyacinth

Water hyacinth is a floating plant from South America that typically doubles in several weeks. It is found in over 35 public water bodies in Texas. This plant can cause a two to thirteen times increase in water loss due to evaporation through its leaves (evapotranspiration).⁹ It can grow three to four feet high off the water, completely covering the water surface and inhibiting boat traffic, fishing, hunting, swimming, and other recreational activities, as well as clogging water intakes and inhibiting the flow of water downstream. Texas generally has 6,000 to 14,000 acres of water hyacinth.

Hydrilla

Hydrilla is a submerged plant native to Asia and Africa that was brought to the U.S. in the 1950s as an aquarium plant. It has since spread to over 110 public water bodies in Texas and many more private lakes and tanks.¹⁰ Research indicates it can grow one to four inches per day or more forming extremely thick mats that inhibit water movement, clog water intakes, increase flood potential, and inhibit boat traffic, fishing, hunting, swimming, and other recreational activities. In 2002, hydrilla cost the Lower Colorado River Authority \$300,000 in repairs and lost power generation after a high water event sent tons of the plant floating downstream.¹¹ Texas typically has 45,000 to 80,000 acres of hydrilla in the state on any given year.¹² In the early 2000s the combination of hydrilla and water hyacinth actually contributed to Rio Grande water not making it to the Gulf of Mexico.

***Giant Reed*¹³**

Giant reed is a shoreline grass species from the area surrounding the Mediterranean Sea that can grow over 30 feet tall. Research indicates it uses water at a rate three to 12 times greater than native vegetation. There are stands in excess of 15,000 acres along the Rio Grande, and the plant is found in a variety of areas along the Nueces, Sabinal, Llano and other river systems, as well as along railroad tracks, highways, and other areas where native vegetation has been disturbed.

***Zebra Mussels*¹⁴**

In addition to invasive plants, Texas has a growing number of invasive aquatic animal species. In 2009, zebra mussels, originally from the area in and around the Black Sea, were found in Lake Texoma in the Red River Basin. Zebra mussels have since spread to Lake Ray Roberts in the Trinity River Basin. Zebra mussels are highly invasive and have spread from the Great Lakes in the late 1980s as far west as California today. The species is detrimental to native species, and colonize native mussels, crayfish, and even insects. In addition, zebra mussels cost power companies in the Great Lakes region millions of dollars each year in increased repair and maintenance costs as a result of colonizing the inside of pipes and intake screens. Their spread is facilitated by the fact that

they can colonize boat hulls and their larvae can be transported unseen in live wells and cooling systems. The North Texas Municipal Water District is currently spending over \$300 million on a pipeline to avoid spreading zebra mussels and violating the Lacey Act relative to inter-state transport of an injurious species.

Overview of TPWD's Management Strategy

Invasive plants are typically spread as a result of boat traffic, illegal sales, and illegal dumping of aquarium plants. TPWD uses an Integrated Pest Management (IPM) approach to control these plants. This approach utilizes biological control organisms, herbicides, mechanical/physical harvest, and water level manipulations in the most efficacious combination depending on the situation.¹⁵ Public awareness is vital in minimizing the spread of these species and TPWD utilizes public awareness campaigns, such as the *Salvinia* Monster and "Clean, Drain, and Dry" targeting giant salvinia and zebra mussels, respectively, to try to educate people about the best way to avoid spreading these species.

DISCUSSION AND CHALLENGES

The following is a summary based on testimony and submitted resources to the committee.

Management Strategies for Aquatic Invasive Species in Texas

There are serious risks to the waters of Texas from invasive species, which are in great need of more management and refined management strategies. There are different methods of managing invasive species depending upon the level of infestation. When an invasive species first colonizes an area it has low densities, which makes it difficult to detect, but if it is detected there are real possibilities of eradication.¹⁶ Due to the inherent nature of what allows an introduced species to become invasive, it does not remain in the colonization phase for very long.¹⁷ Rather, the species soon enters a dominance phase where it overwhelms populations of other species and has substantial impacts on the habitat.¹⁸ When a species reaches this dominance stage, eradication can rarely be achieved and the control strategy then becomes one of management.¹⁹ Three of the major aquatic invasive species in Texas, giant salvinia, water hyacinth, and zebra mussel, are in the dominance stage in many waters, but are probably in the colonization stage in an even greater number of waters. Without action, Texas waters will soon be unusable for recreation or even as a source of drinking water.²⁰ Thus, for these important species two strategies are needed for control.

Early Detection and Rapid Response Strategy²¹

Early detection and rapid response is the term currently used for the strategy of best dealing with an invasive species in the colonization stage. This method requires surveys of likely areas where new infestations can occur. If infestations are found, there is then a rapid response to attempt to eradicate the nuisance species. For plant species like giant salvinia, spot applications of herbicides followed by monitoring and additional treatments could be successful in local eradication. If this eradication is accomplished, subsequent monitoring activities would need to be continued to ensure that the eradication was complete or that there are not subsequent re-

introductions. The advantage of early detection and rapid response is that it is relatively inexpensive and can lead to complete eradication. The disadvantage is that there must be funding for surveying and rapid response before infestations are apparent. This strategy is more economical than allowing the infestation to reach critical levels, but it is harder to sell the idea to agencies and taxpayers because the effects of a massive infestation that require action are not apparent. If early detection and rapid response is successful, it appears to an outside observer that money was spent and no infestation was ever present.

Management Strategy²²

Many invasive aquatic species in Texas are in the dominance stage. Therefore, the question becomes how to best manage these infestations. While the methods for management of these species are unique to each invader, there are several common aspects of their control. First, it is likely that eradication can never be achieved; making it a management process that must be continual, although with success, efforts can lessen with time. Second, the process will be costly because of the extensive problems that exist. Third, the public must be educated and preventive methods are needed to lessen the spread to unaffected areas or the effects of the invasive species will become more widespread. Fourth, even in the management phase there should be an early detection and rapid response component to limit spread and survey the treatment's success. Finally, the management strategies should be based in science where research can make the process more successful, sustainable, and ultimately less costly.

Management of Giant Salvinia²³

Giant salvinia forms mats that can sometimes be two feet thick and completely cover a water body. Mats can block sunlight and cut off oxygen to aquatic organisms, essentially killing the water body. With its ability to double in size every two to three days, giant salvinia can quickly kill the living organisms in a water body as well as clog water intakes and leave the surface unusable for recreation. Chemical control has been used to try to manage giant salvinia but it has resistance to many herbicides. The one chemical that has been relatively successful is fluridone but it requires long contact and is not effective if diluted by rainwater. This may have been an effective strategy in Texas' 2011 drought, but in most normal years, chemical controls simply are not very effective except in the colonization stage of infestation.

Mechanical control has also been used, but is expensive, requires special harvesting equipment, and it is ultimately not able to remove all of the infestation unless the infestation is not well established. After mechanical removal, the plant must be dried, burnt or disposed of in a manner that ensures the plant and its spores will not reenter a waterway.

The most successful control appears to be biological, where natural enemies are used to maintain the population at low levels. Currently, a tiny weevil from its native Central America is being used and having excellent results in places such as Caddo Lake. The weevil will not attack other plants and appears to be the best method of management. It is important to note that biological control will not eliminate the plant but will maintain it at levels that are not economically important. The problem with this aspect of the strategy is that giant salvinia will still be in the environment and possibly be transferred to a different body of water without its natural enemies, making early detection and rapid response still important for management. A

concentrated effort to release these weevils in other infected bodies may be the best solution but is currently unfunded.

Management of Water Hyacinth²⁴

Water hyacinth is similar to giant salvinia in its effects on bodies of water, and also has a similar distribution. The species grows rapidly and can completely cover ponds and lakes, choking out all other aquatic organisms and making the water surface unusable. Water hyacinth produces giant amounts of biomass, which has led some control efforts to try to find a use for the material as it is dredged from the waterways. One possibility considered was to use the biomass as livestock feed, but unfortunately it was discovered that the plant takes up and sequesters heavy metals, making it potentially toxic as a food source. The biomass was also considered as a source of mulch, but researchers discovered that even under the high heats produced as plants turn to mulch, the seeds remain viable and could wash into waterways and expand the infestation. Since no economical use has been found for the plant, physical removal remains very expensive and still does not get all of the infestation.

There has been good success in controlling small infestations of water hyacinth with chemicals. However, in large infestations, this is a costly project and it is nearly impossible to get complete coverage, which results in the weed quickly growing back. Again, biological control may be the best management strategy. There have been three weevils identified as potential biological control efforts. Unfortunately, these weevils are not as successful as the species used for control of giant salvinia. U.S. Department of Agriculture researchers have recently evaluated a planthopper that appears to only attack water hyacinth and may be a good biological control agent. This planthopper has not yet been released in Texas and its effectiveness is still uncertain. There is no perfect, existing management strategy, but water hyacinth has characteristics that make it a good candidate for successful early detection and rapid response efforts.

Management of Zebra Mussel²⁵

Zebra mussel is an invasive species that causes problems much different than the aquatic plants. This is a relatively new introduction to Texas, but it is rapidly spreading southward throughout the United States and there is no reason to believe it cannot infest all Texas waters. Among many issues directly caused by this species, the main problem caused is that they can clog water intakes for power plants or municipal water facilities. Zebra mussels reproduce at a rapid rate which is part of what contributes to their high management costs. For example, management costs for zebra mussels in the Great Lakes now exceeds \$500 million per year and without this management, power plants cannot operate and cities cannot get municipal water. While control of the aforementioned invasive plants is difficult, it is even more so for zebra mussels. No predator or chemical control has been found to control zebra mussels that do not have greater effects to the environment. Much more research is needed to devise a strategy for managing these populations and currently some of the best strategies are to keep them from moving to new waters. More resources are desperately needed to fight this battle.

Strategies at Caddo Lake and the Surrounding Region

Cypress Valley Navigation District

The Cypress Valley Navigation District (CVND) was formed by the legislature in the mid-1960s to maintain navigation of the area of Big Cypress Bayou from Jefferson Texas downstream to the state line in Caddo Lake in Marion and Harrison counties. Ten board members (five from each county) are appointed to serve two year terms by their respective Commissioner's Courts. The duties of the CVND include dredging, tree removal, marker pole repair, and other channel maintenance required to allow continued navigation of the area. Since 2006 when giant salvinia was first discovered in Caddo Lake, CVND has also included the spraying of invasive aquatic organisms as part of its maintenance program.²⁶

The Texas Legislature has, in the past, funded the CVND's giant salvinia response program, providing funding for control efforts, including herbicide applications. More recently, the state's funding to CVND has come through TPWD. The applications of herbicides have been a vital aspect of control efforts at Caddo Lake. CVND has been able to help with these efforts, as has also the Texas A&M Agri-life program. Given that Caddo Lake is in both Texas and Louisiana, coordination with the Louisiana Department of Wildlife and Fisheries (LDWF) and Caddo Parish has also been important.²⁷

Coordinated Control Efforts

One of the most important strategies at Caddo Lake has been the development of partnerships and coordination on the problems of giant salvinia and water hyacinths, which led to discussions of greater coordination on lakes with common problems.²⁸ The development of these coordinated efforts then lead to a hearing of the Subcommittee on Fisheries, Wildlife, Oceans & Insular Affairs of the U.S. House Committee on Natural Resources in Shreveport, Louisiana on June 27, 2011 to discuss regional solutions.²⁹ This hearing convinced the Caddo Lake Institute (CLI) that it should seek funding for greater coordination and partnerships in the region.³⁰

In February 2012, CLI obtained a grant from the National Fish & Wildlife Foundation for this regional approach, now called the Great Raft Invasives Program (GRIP). GRIP includes a public information and education effort to reach residents and visitors to the six principal lakes in the region; Lake Bistineau, Black Bayou, Cross, and Wallace lakes in Northwest Louisiana, and both Caddo Lake and Lake O' the Pines in Northeast Texas.³¹ Giant salvinia and other invasive aquatic plants and animals travel from lake to lake via boats, trailers, and equipment of anglers and others enjoying outdoor recreation. Therefore, eradicating an invasive species in one lake in the area would not solve the problem for that specific lake. Thus, a regional effort is needed.

A new website is the centerpiece of the program. The website was developed by the U. S. Geological Survey's National Wetlands Research Center and the software developed for CLI is now available to anyone who would like to set up a similar website.³² The unique feature of the site is a map tracking tool that the public can view to monitor recent chemical and biological treatments and the observations of volunteers.³³ The site allows for the timely posting of the locations and dates of applications of chemical and biological controls as well as reports on conditions across the lakes. The site now has the Caddo Lake pages available and those for Lake Bistineau in Louisiana will be added soon.

Like all the work in the region, GRIP and the work of CVND is dependent upon a strong partnership. Recently, CLI hosted one of the annual meetings of the Interagency Giant Salvinia Control Team, which is an effort to exchange control technology and research done in the U.S. and other countries, with members from federal, state, and private organizations.³⁴ The GRIP program has relied on strategies developed by TPWD, LDWF, and agencies in other states. CLI will soon have a survey of those strategies.

North Texas Municipal Water District and Greater Texoma Utility Authority

The North Texas Municipal Water District (NTMWD) and the Greater Texoma Utility Authority (GTUA) provide drinking water to over 1.6 million people in the North Texas area. Lake Texoma comprises almost 200,000 acre-feet of the NTMWD's total long-term water supplies and is the primary water supply for GTUA. Since 2009, NTMWD has lost 84,000 acre-feet, or 28%, of its Texoma supply that has been in use since the early 1990's.³⁵

Zebra Mussels in Lake Texoma

NTMWD has been unable to use Lake Texoma water supplies for almost three years after voluntarily suspending operation of its Lake Texoma pump station when zebra mussels were discovered in the lake.³⁶ The Lake Texoma pump station transports water to Lake Lavon via a pipeline that discharges into Sister Grove Creek, a tributary of Lake Levon. The pump station, although located entirely on property deed recorded in Grayson County, Texas, when it was constructed in 1989, is now almost entirely located in Oklahoma due to an erroneous change in the boundary of the Texas-Oklahoma border in 2000.³⁷

Potential Drought³⁸

While rains during the spring of 2012 have afforded relief from drought conditions in North Texas, drought conditions are expected in the future. When those drought conditions return, NTMWD will again face severe water shortages since Lake Texoma water supplies constitute 28 percent of NTMWD's supplies and virtually all of GTUA's supplies. NTMWD is in Stage 2 of its Drought Contingency Plan, which allows for outdoor watering only twice a week.

Suggested Remedy³⁹

NTMWD and GTUA must utilize Lake Texoma water to meet their customers' water demands, especially when drought conditions reoccur. But, before doing so, NTMWD and GTUA have to be afforded protection and relief provisions from the Lacey Act. The remedy to allow the use of Lake Texoma water, while preventing the further introduction and propagation of zebra mussels into Texas, is in the construction of a 46-mile pipeline (Texoma Pipeline) from the terminus of the existing pipeline to the NTMWD Water Treatment Plant in Wylie, Texas. The Texoma Pipeline comes at a significant cost to NTMWD, and more specifically to its 1.6 million water customers, at a cost of approximately \$300 million. Other options were examined by NTMWD and GTUA, but the Texoma Pipeline is the only viable option.

On May 3, 2012, NTMWD received a Clean Water Act Section 04 permit from the U.S. Army Corps of Engineers authorizing it to proceed with the construction of the Texoma Pipeline. Since receiving the permit, NTMWD has proceeded with plans to construct the Texoma Pipeline,

including issuing \$295 million in revenue bonds to fund the Texoma Pipeline and the recent expenditure of \$113 million to purchase the pipe required for the Texoma Pipeline. Even though the Texoma Pipeline will prevent the further introduction of zebra mussels into Texas watersheds, use of the Texoma Pipeline will still result in a technical violations of the Lacey Act. Consequently, NTMWD and GTUA must be granted relief from this technical violation when they are complying with the spirit of the Lacey Act by preventing the further introduction and propagation of zebra mussels in Texas.

RECOMMENDATIONS

Economic Impact Study

Conduct a comprehensive economic impact study focusing on the effects of invasive aquatic species in Texas. This study should also be able to highlight the initial cost of running an effective early detection and rapid response program versus the long term costs associated with running a large scale management strategy.

Funding for TPWD's Invasive Aquatic Species Program

Support TPWD's exceptional item request for general revenue funding of \$1.5 million for Invasive Aquatic Species Program. Funds would be used for the purchase of herbicides for the treatment of noxious aquatic vegetation, to contract with licensed herbicide applicators for the spraying of herbicides, and to address other invasive aquatic species such as zebra mussels through control and outreach programs.

Currently, TPWD only has funding to run a management operation on 3,500 acres of the estimated 96,000 acres of invasive aquatic plants in Texas. One of the easiest and least costly of the strategies is to establish an early detection and rapid response program to dramatically reduce the amount of large scale management needed. The legislature should consider providing TPWD with the necessary funding to not only run a management operation that prevents expansion of existing infestations, but to also implement an early detection and rapid response program.

Public Awareness and Education

Public awareness and education should remain a priority. TPWD, local governments and authorities, and other stakeholders should continue to promote public awareness campaigns that seek to establish a well-informed public in order to help limit the spread of invasive aquatic species. Education should also focus on the benefits of early detection and rapid response.

DEER BREEDER COMPLIANCE

PUBLIC HEARING

The House Committee on Culture, Recreation, & Tourism held a public hearing on its Interim Charge #2 related to improving deer breeder compliance with existing laws and regulations on April 24, 2012 at 10:00 a.m. in Austin, Texas in the Capitol Extension, Room E1.026. The following individuals testified on the charge:

Gilbert Adams, Texas Deer Association
J. David Anderson, Texas Wildlife Association
Marty Berry, Self
William Chase Clark, Texas Deer Association
Dee Ellis, Texas Animal Health Commission
David Sinclair, Texas Parks and Wildlife Department
R. Douglas Slack, Texas Chapter of the Wildlife Society
Carter Smith, Texas Parks and Wildlife Department
Clayton Wolf, Texas Parks and Wildlife Department

The following section of this report related to improving deer breeder compliance with existing laws and regulations is produced in large part from the oral and written testimony of the individuals listed above.

INTRODUCTION

The committee was charged with studying and making recommendations for improving deer breeder compliance with existing laws and regulations. The committee heard testimony that focused on rates of compliance, permitting, and reporting methods and requirements involved with deer breeding, and potential solutions that would seek to improve deer breeder compliance with statute and the Texas Parks and Wildlife Department's (TPWD) rules and regulations.

BACKGROUND

TPWD's Deer Breeder Program

The deer breeder program is administered by the Wildlife Division in close coordination with the Law Enforcement Division. The Wildlife Division is responsible for issuing permits, reconciling herd inventories on an annual basis, proposing rule changes in coordination with the Law Enforcement Division, and overseeing disease monitoring in consultation with animal health experts.⁴⁰ The Wildlife Division works with their breeder user group, a group of producers, to develop rules and regulations, as well as the Wildlife Health Working Group, which includes the Texas Animal Health Commission, to mitigate disease risk associated with deer breeding and the deer breeding community.⁴¹

The Law Enforcement Division is responsible for the preliminary inspection of a facility prior to the permit being issued. During this inspection, law enforcement is checking to make sure that the facility has feed, a readily available source of water and shelter, pens that are designed to keep the penned deer in and the wild deer out, and no deer are already in the pens.⁴² Law enforcement is also responsible for conducting routine inspections of facilities, which are both proactive and reactive to notification from the Wildlife Division that a breeder does not have a reconciled herd inventory or is non-compliant with other reporting materials.⁴³ Game wardens also issue citations and warnings as necessary and spend time educating deer breeders on how to properly operate their facility so that they are in compliance. Furthermore, when there is a confirmed deer of an unknown origin, game wardens and the Wildlife Division work closely in implementing the euthanasia protocol to prevent introduction of diseases via illegal deer possession. The game wardens assist with planning and provide security during protocol operations. Finally, game wardens assist the Wildlife Division with the collection of deer tissue samples for testing and evidence as needed.⁴⁴

Importance of Existing Deer Breeder Laws and Regulations

Wildlife in Texas is a public trust resource that is conserved and managed by the TPWD. Deer breeders are permitted to engage in the breeding, buying, selling, and liberation of deer, but unlike livestock, this activity is regulated by TPWD because ultimately, breeder deer are a public trust wildlife resource.⁴⁵

On an annual basis, thousands of breeder deer are released from captivity. These releases are significant and can have both positive and negative impacts to the free-ranging deer populations of Texas. From a disease management standpoint, these releases pose unique disease management risks as compared to livestock.⁴⁶ Disease management and control for traditional

livestock is an easier task because, in large part, the livestock can be monitored more closely due to the level at which they are controlled and contained. The same cannot be said for deer or other wildlife because these animals will become free-ranging and elusive, which poses a more complex task for disease management.

Texas' wildlife resources, specifically deer, also have a significant economic impact by generating approximately \$2.2 billion in economic activity annually.⁴⁷ People travel from within the state, out of state, and from other countries to hunt Texas deer. This economic activity has significant positive economic impacts for farms, ranches and rural economies.

Main Objectives of Deer Breeder Regulations

Through existing regulations, the TPWD attempts to ensure that deer are legitimately acquired and not taken from the public's free-ranging populations. The department also tries to make sure that all breeder deer are healthy and that only healthy deer are moved throughout Texas. The ultimate goal is to protect deer hunting and deer breeding by protecting the resource itself. If one of these components is negatively impacted, the other will be negatively impacted as well because deer breeding and deer hunting are inextricably connected.

Reporting Compliance - Basic Requirements

Every permitted deer breeder must account for all of the deer that are in their possession in an annual report to TPWD. First, these reports must account for transfers in and out of a deer breeder's facilities. Appendix A shows an example of a transfer permit that must be completed and submitted to TPWD within 48 hours of transferring deer. Appendix B shows the average number of transfers that are conducted by deer breeders, which indicates that 47 percent of facilities activate three or fewer of these transfer permits and the vast majority of deer breeders complete six or less. Furthermore, as shown in Appendix C, the vast majority of transfer permits, approximately 59 percent, moved only four or fewer deer.

Second, the deer breeder must report all births and deaths that have occurred since the previous year's report, with the ultimate goal of accounting for all deer that the deer breeder has had in possession. Appendix D shows that deer breeder facilities in Texas averaged 38.5 fawns born in 2010. Appendix E shows an average mortality rate of 8.6 deer for deer in breeder facilities. The statistics and numbers indicated in Appendixes B through E demonstrate that, while TPWD does deal with deer breeders who are handling high volumes of deer in their facilities, the vast majority of deer breeders are managing a small number of transactions.⁴⁸

Reporting Mechanisms

Transfer permits must be activated and completed within 48 hours of any transfer. Transfer permits can be handwritten and faxed to TPWD, or can be activated and completed via the Online Deer breeder System. During the most recent reporting period, approximately two-thirds of all transfer permits were activated and completed online.⁴⁹ The department is trying to encourage deer breeders to use the online reporting mechanism because there are measures built into the system that prevent user mistakes. Unlike transfers, births and deaths do not have to be reported immediately; deer breeders may wait until the end of the reporting year to report births and deaths that have occurred. However, deer breeders may opt to report births and deaths as

they occur either by hand or via the Online Deer breeder System. Once the department receives an accurate birth and death report and the annual renewal application, along with a check for the fee to be a permitted deer breeder, the breeder's permit may be renewed.

Reporting Dates

The reporting period for renewal of deer breeder permits runs from April 1 to March 31. During the first week of April, TPWD sends out a notification to all of the deer breeders in the state that their annual reports are due for permit renewal.⁵⁰ The 2012 notification directed the deer breeder to an online application where they could download and reconcile their inventory by hand, or they could reconcile the herd inventory using the Online Deer breeder System. Those inventories are to be accurate and complete and received by the department by May 15, approximately six weeks after this reminder is provided.⁵¹ For deer breeders who choose to mail their reports, the department considers a postmark date of May 15 to meet the reporting deadline.⁵²

Compliance Procedures and Statistics⁵³

In 2010, there were 402 licensed deer breeders who failed to meet the May 15 deadline to turn in their annual report and permit-renewal application materials, which is about one-third of all deer breeders. However, in 2011 the compliance rate improved with 367 deer breeders failing to submit renewal materials, which is 28 percent of deer breeders. These numbers represent breeders who submitted no materials to TPWD. Out of the deer breeders who did submit their renewal materials on time, more than one-third had errors in their reports. Therefore, at least two-thirds of all deer breeders are not meeting the annual reporting requirements.

On June 25, 2010 and June 14, 2011, TPWD mailed out the first delinquent notice for those years, which notified the breeders that they were not in compliance, their deadline to submit permit renewal materials had been extended and law enforcement had been notified. Delinquent notices are sent via certified mail to ensure that the correct individual has received the notice. In 2011, all but 42 deer breeders complied with the extended deadline. There were 15 permits denied as a result of reporting non-compliance and 15 permits denied because of convictions of egregious violations in 2010. In 2011, there was one permit denied as a result of reporting non-compliance and three permits denied because of convictions of egregious violations.

With the remaining non-compliant deer breeders, Wildlife Division staff must call and ask their intentions and reasons for non-compliance. In some cases, breeders have shut down their operation or claim that they did not receive any notifications. The most common reason for non-compliance, however, is due to the breeders' failure to reconcile their herd inventories and account for all of the deer in their possession. In the last two reporting years, deer breeders were unable to explain the disappearance of 1,932 deer previously reported in 83 separate facilities.

Disease Monitoring Compliance

In order for deer breeders in Texas to be able to transfer deer in and out of their facilities, they must test at least 20 percent of their eligible mortalities. The qualification for an eligible mortality is the mortality of a deer 16 months of age or older. Permit status is not affected for

those with inadequate Chronic Wasting Disease (CWD) surveillance; they simply lose "Movement Qualified" status until adequate CWD surveillance has been conducted. Currently, there are 48 facilities that are not movement qualified. When breeders do not meet that May 15 annual reporting deadline, TPWD automatically flags those facilities as not being movement qualified. This is due to the department's need to be certain that the breeders can reconcile their herd inventory and account for all of the deer in their possession.

Law Enforcement

Deer Breeder Enforcement

Enforcing the laws that govern deer breeding is a small portion of what Texas game wardens spend their time doing in the field. From April 1, 2011 to March 31, 2012, 483 game wardens worked 977,905 hours. Only 6,346.5 hours by 183 game wardens during that same time frame was spent on enforcement of deer breeders. These numbers indicate that less than one percent of game wardens' time is spent enforcing deer breeder laws.

Inspections and Citations

TPWD has a law enforcement citation system, which is a database where all the citations and warnings are entered.⁵⁴ After looking at the violation numbers from that database, the department realized that those numbers did not paint a clear picture of what was actually going on.⁵⁵ Therefore, the law enforcement division in headquarters sent out a questionnaire to the field game wardens, and to prevent getting double figures, sometimes triple figures, headquarters contacted just the lead investigators in the investigation that had taken place since April 1st of 2011 through April 24, 2012, which amounted to 53 lead investigators.⁵⁶ The succeeding paragraph is based on the survey that was conducted rather than on information pulled from the department's law enforcement citation system.

The data from the informal follow-up survey indicated that, during the time frame of April 1, 2011 to April 24, 2012, there were 53 game wardens who conducted 127 inspections of deer breeder facilities, which is almost ten percent of all deer breeders in the state.⁵⁷ There were 59 compliant inspections out of the total 127, which is a compliance rate of 47 percent.⁵⁸ The majority of the citations or warnings noted on the questionnaires, either written or verbal, were due to no or invalid permit, no or invalid transfer permit, annual report/records, disease monitor, deer identification, or other violations. Other violations include liberating deer with antlers attached, exceeding the number of deer allowed by permit, possessing deer in captivity at a place not authorized by a permit, failure to report escaped deer, possessing deer in non-authorized soft release facility, failure to release deer from soft release, possessing deer acquired from out of state, and tampering with evidence.⁵⁹ Appendix F shows the citations and warnings that were issued for various offenses in each law enforcement region from April 1, 2011 to April 24, 2012.

Lacey Act Violations

Since 2002, Texas borders have been closed to the importation of white-tailed deer and mule deer because of the serious concern for the potential introduction of various wildlife diseases (e.g., chronic wasting disease, bovine tuberculosis, etc.) into the state, some of which have implications to the livestock industry as well. To deter the illegal importation of deer,

TPWD Law Enforcement Special Operations Unit works with U.S. Fish and Wildlife Special Agents in a joint effort to apprehend illegal importers by enforcing the federal Lacey Act (16 U.S.C. §§3371-3378). The Lacey Act prohibits trade in wildlife that have been illegally taken, possessed, transported, or sold. Currently, there are 19 active Lacey Act investigations, each on a separate individual, for the illegal importation of deer into Texas.⁶⁰ For some of the cases, there are multiple transport violations, while others only have a single violation.⁶¹

Deer Identification

Each breeder deer in the state of Texas is identified as an individual by a unique four digit alphanumeric identifier. A list of unique numbers is provided to the deer breeder permittee at the time of permit issuance by TPWD. A permittee may request additional unique numbers when all of the unique numbers from the initial issuance list have been used. Current deer breeder regulations utilize two techniques for identifying breeder deer with these unique numbers, tags, and tattoos.⁶²

Statute dictates that a breeder deer held in a permitted deer breeding facility must be identified by placing on each breeder deer possessed by the deer breeder a single, reasonably visible, durable identification tag bearing an alphanumeric number of not more than four characters assigned by the department to the breeding facility in which the breeder deer was born and unique to that breeder deer.⁶³ In addition, deer entering and leaving facilities are required to be permanently and legibly tattooed in one ear with the unique identification number assigned to the breeder in lawful possession of the breeder deer and specific to the breeding facility in which the breeder deer was born or initially introduced if from an out-of-state source.⁶⁴ Deer breeders in the state of Texas must tag each deer in their breeding facility not later than March 31st of the year following birth.⁶⁵ The tattoo is placed in the ear with a crimping devices with the alphanumeric characters pressed into the ear with pointed metal digits.⁶⁶

DISCUSSIONS AND CHALLENGES

The following is a summary based on testimony and submitted resources to the committee.

Inventory

Two important factors that should be considered in Breeder Deer Inventory and Reporting are the size of enclosures and the reclusive nature of deer. Section 43.360 of the Texas Parks and Wildlife Code states that a single enclosure for breeder deer may not contain more than 100 acres. This process is difficult to accomplish in enclosures of much smaller sizes, let alone, 100 acres.⁶⁷

Deer are reclusive animals by nature. Unlike cattle, deer often do not offer long periods of viewing or present themselves at feeding time for inventory. The vast majority of the 100,000+ breeder deer in the state of Texas are not bottle-raised animals. Deer in breeder pens retain the “flight” instinct reaction to any unknown or unfamiliar stimuli.⁶⁸

First-time Permit and Permit Renewal

Some potential permit applicants do not fully understand the expectations that come with the breeder's permit. More effort should be put into the front end education of the applicant and it should be at the applicant's expense. Front end education could include a training video with a short quiz following the viewing, with continuing education requirements. There needs to be, on the front end, a clear understanding with what holding this permit means, the permit holder's obligations under the law, and the ability of the permit holder to do business. In addition to laws and regulations, the training should also include best practices training to minimize mortality, enhance the integrity of the testing protocols, and the understanding of the TPWD's charges and related statutes.⁶⁹

Problems are also created with reporting due to the large time lapse before someone is required to report. For example, one might have shipped deer out and not recognized that an error was made and, therefore, share that problem with the deer breeder that received the deer. A potential solution to mitigate this issue would be mandatory electronic reporting and shorter timeframes for reconciliation to ensure that breeders are properly managing and maintaining their inventories. The online database has a reconciliation component built in to prevent user error.⁷⁰

Non-Compliance

There should be appropriate consequences associated with missing deadlines and other non-compliance matters. This should be clearly spelled out to the applicant before he or she moves forward with the application, as this can affect his or her operations, and ultimately their investment. There should be increasing fines at defined stages of non-compliance.⁷¹

In order to increase compliance with statute and TPWD rules and regulations, a punitive process must be created for late reporting. The process could include stages of fines that follow the May 15 deadline, with the possibility of fines increasing with time. If these deadlines are not met, then the TPWD should revoke or non-renew the breeders' permit. By establishing an agreed upon punitive and revocation process, not only would compliance be expected to increase, but the TPWD resources could be better utilized.

In addition, TPWD could limit the sale and transfer of deer from any facility that is not in full compliance with the requirements of holding a deer breeder permit by not granting permission to move deer from their facility for some specified time period. This would protect unknowing buyers from purchasing deer from a deer breeder that does not fully comply with TPWD rules, as this situation could affect their own facilities and ability to sell and transfer deer.⁷²

Identification

The two principal methods of legal identification for breeder deer in the state of Texas are a great deal less than 100 percent effective. When it comes time for a deer breeder to identify and account for all deer during annual inventory reporting, it can be a frustrating process. The tattoos could be illegible or the deer could have chewed tags.⁷³

Tags

Tags are an imperfect method of identification for many reasons. For example, tags can rip out of the ear of the breeder deer, causing infection or even loss of the ear, or a deer could chew the tags of other deer in the pens. The deer that chew the tags can destroy the tags on an entire group of deer in a matter of months. Tags can become smudged or covered in mud, or get turned upside down in the ear. Lettering on the tags can fade over time and this problem is exacerbated if the correct brand of ink pen is not used for the correct brand of tag.⁷⁴

Tattoos

On average, tattoos have a 30% failure rate. The failure rate is dependent upon several factors. For example, unless sedated, deer are moving targets when being tattooed, which can cause an illegible marking. Also, the ear of a deer is not a flat surface, which can cause the crimping pliers to be uneven when crimped. This could also lead to the crimping pliers being pushed too hard, which could cause the pliers to go through the ear completely. Bleeding from the tattoo crimping process often reduces the amount of ink which stays in the holes created by the digits.⁷⁵

Alternative: Microchip

There are alternate identification techniques, such as microchips, with much lower rates of failure which must be considered to enhance or replace current legal means of deer identification.⁷⁶ Under current rules and regulations, it is easy to become illegal because tags can fall out of a deer's ear or a tattoo can become illegible. With a microchip, a deer could still be identified even if a tag fell out or if a tattoo was illegible.⁷⁷ The alternative technique, the microchip, is also an affordable method for deer breeders to use.⁷⁸

Microchips are an accepted means of identification by veterinarians. Over the past three years, over 900 breeder deer have had to be euthanized by TPWD with a reason often cited as the inability to determine origin of the animal. Microchips could easily provide fast, reliable information, not only for the permit-holder trying to collect herd inventory information for the mandatory annual report, but for law enforcement who, otherwise, might not be able to readily ascertain needed information from the current methods of identification.

Inspections and Citations

When looking at actual deer breeder violations rather than the results of the survey that was completed by lead investigators from the law enforcement division in TPWD, the numbers differ significantly. There are 1,260 permitted deer breeders in the state and approximately 101,000 deer in 199 counties.⁷⁹ Both the number of permitted deer breeders and number of breeder deer vary slightly year to year.⁸⁰ Over the past three years, 2009-2011, 113 permitted deer breeders, or 113 individuals, received 187 citations, which amounts to three percent of permitted deer breeder that received a citation.⁸¹ Of the 113 breeders, charges against nine were dismissed, which amounts to 104 remaining cases over a three year period.⁸² Eight breeders received deferred adjudication, only five breeders received three or more citations, and 49 of the cases have been left pending (one pending from 2009 and two cases pending are pertaining to deceased breeders).⁸³ The breakdown of the citations issued are as follows:

- 33 citations were for alleged violations of records (improper record keeping)
- 59 citations were issued for identification violations
- 54 citations were for not having a transfer permit
- 23 citations were for other violations
- 15 citations were for not having a breeder permit
- 1 citation was for disease monitoring violation
- 1 citation was for allowing the hunt of a captive deer

This data indicates that only three percent of the deer breeding industry have been issued citations.⁸⁴ Furthermore, of the 101,536 deer held by deer breeders, two tenths of one percent were deemed to be illegal deer by TPWD over the three year average.⁸⁵ For additional perspective, it is important to consider citation data from other areas regulated by TPWD.⁸⁶ Over the past three years, 2009-2011, TPWD issued 8,654 citations for some form of illegal activity with respect to white-tail deer hunting.⁸⁷ There were 228 citations issued, which are more than the total of citations issued to deer breeders over the same time period, for hunting without land owner consent.⁸⁸ There were 1,150 tagging violations, meaning that harvested deer were improperly tagged.⁸⁹ Thus, there are other areas where there are more pressing concerns with rates of compliance dealing with the same resource.⁹⁰ In addition, there were also 243 alligator hunting violations during the same time frame and over 23,000 saltwater and freshwater fishing violations in a two-year period.⁹¹ That is, the number of citations written to deer breeders is fractional when compared to other law enforcement time demands.

Economic Impact

A 2007 Texas A&M University study on the economic impact of the deer industry on the Texas economy estimated the direct impact at that time to be \$318.4 million annually. This includes industry purchases and their effect throughout the economy.⁹² The indirect impact (feed, veterinary supplies, fuel, and other purchases) of the total annual economic impact is \$523 million. Estimating the impact of hunting dollars spent, with hunters as the consumer of deer breeding products, an additional \$129 million is generated by the deer breeding industry. Combining breeding and hunting components, the total impact of the industry is approximately \$652 million annually.⁹³ The industry supports 7,335 jobs in the Texas economy, most of which are in the rural areas. These results highlight the fact that deer breeding is a growing and important segment of the Texas economy, contributing to the vitality of rural areas of the state.⁹⁴ The total impact at the time of this report has been estimated to be much greater, perhaps as much as double the 2007 information.⁹⁵

Diseases

There have been thousands of deer tested for CWD with less than half of 1% positive and no historic impact on any wild herds. Research funding in the millions has generated little practical results and is now drying up, according to USDA. Producers, however, are left to pay for testing for a disease that is of little consequence to either wild or farmed cervids, whereas diseases like Epizootic Hemorrhagic Disease or Blue Tongue have huge economic impacts on wild and farmed whitetails.⁹⁶

Dr. Don Davis, Associate Professor, Veterinary Pathobiology, College of Veterinary Medicine, Texas A&M University, expressed concern that more research is needed on other diseases that are known to exist in Texas, including Blue Tongue, Anthrax and Epizootic Hemorrhagic Disease (EHD), all that have been especially devastating to both wild and farmed deer this past year resulting in the loss of hundreds if not thousands of deer.

RECOMMENDATIONS

Punitive Process for Late Reporting

TPWD and appropriate stakeholders need to establish an agreed upon punitive process for late reporting. This process should contain a fine or staggered fines and a non-renewal or revocation process.

Mandatory Electronic Reporting

In order to reduce the amount of reporting errors by deer breeders, TPWD should require mandatory electronic reporting for annual herd inventories.

Educational Component for Permitting

TPWD should consider implementing an educational component for first-time permits, with the goal of ensuring that all prospective deer breeders are aware of the legal obligations that come with holding a permit. The specifics of the educational component should be developed with input from the Texas Parks and Wildlife Breeder User Group Ad hoc.

Multi-Year Permitting

TPWD should consider issuing multi-year permits for deer breeders who have a consistent track record of being in compliance with reporting. The multi-year permit could be used to reward current deer breeders for their timely and accurate reporting.

Continued Working Relationship

Deer breeders should be encouraged to invite game wardens to their breeding facilities for an increased level of experience in working and handling deer.

TPWD should continue its efforts to work with stakeholders to simplify the rules and regulations governing the deer breeder program.

STATE PARK FUNDING

PUBLIC HEARING

The House Committee on Culture, Recreation, & Tourism held a public hearing on its Interim Charge #3 related to long-term funding for state park acquisition, development, and maintenance on January 24, 2012 at 10:00 a.m. in Austin, Texas in the Capitol Extension, Room E1.026. The following individuals testified on the charge:

Bob Armstrong, Texans For State Parks
George Bristol, Texas Coalition for Conservation
Bruce Esterline, The Meadows Foundation
Michael Massey, Texas Recreation and Parks Society
Jamie McNally, Texans For State Parks
Evelyn Merz, Sierra Club- Lone Star Chapter
Matt Phillips, The Nature Conservancy
Carter Smith, Texas Parks and Wildlife Department
David Weinberg, Texas League of Conservation Voters

The following section of this report related to long-term funding for state park acquisition, development, and maintenance is based in large part on the oral and written testimony of the individuals listed above.

INTRODUCTION

The committee was charged with recommending approaches to improve long-term funding for state park acquisition, development, and maintenance. The committee heard testimony that focused on the history of state park funding, issues surrounding the current funding mechanisms, and potential solutions that would ensure that the Texas Parks and Wildlife Department (TPWD) receive the necessary resources to maintain current parks and acquire and develop new lands to accommodate for the growing population in Texas.

BACKGROUND

State Park Funding Timeline

From 1971 to 1993, state parks were funded by a portion of the collections on the sale of cigarettes, referred to as the Cigarette Tax. On the revenues collected from this tax, one penny per cigarette pack went to state parks and another penny went to local parks. However, the Cigarette Tax proved to be a declining source of revenue and was not compatible with the mission of the TPWD. For these reasons, the legislature switched state park funding from the Cigarette Tax and instead statutorily allocated \$27 million per year of the sales tax revenue generated by sporting goods, referred to as the Sporting Goods Sales Tax (SGST), to fund state park operations, capital, and local park grants for fiscal years 1994-95.⁹⁷ The \$27 million cap was a compromise so that the funding swap would be revenue neutral for that biennium.⁹⁸ However, in 1995 the legislature increased the amount to \$32 million, or \$64 million for the biennium, then capped the amount to be appropriated at \$32 million, even though the SGST was, and continued to produce revenues far in excess of that amount in every year.⁹⁹ For twelve years the cap remained at \$32 million, even though the legislature was not obligated to appropriate all of it to state and local parks and did not do so for a number of years.¹⁰⁰ During those years, Texas parks suffered greatly due to deferred maintenance and lack of repairs.

House Bill 12, 80th Legislature (2007)

Prior to September 1, 2007, the biennial statutory allocation of the SGST receipts to the TPWD was fixed at \$64.0 million per biennium and distributed as shown in Figure 1:¹⁰¹

Figure 1	
Biennial Statutory Allocation of SGST Receipts (Before HB 12)	(\$ in millions)
State Parks Account No. 64	31.0
Texas Recreation and Local Parks Account No. 467	31.0
Parks and Wildlife Conservation and Capital Account No. 5004	2.0
TOTAL	64.0

Source: Legislative Budget Board

In 2007, the 80th Texas Legislature passed H.B. 12, which provided for statutory allocation of all the SGST, 94 percent to the TPWD and 6 percent to the Texas Historical

Commission.¹⁰² This seemingly removed the cap and dedicated all of the SGST to state parks and historical sites managed by the Texas Historical Commission. In practice, funds are contingent upon appropriation.¹⁰³ The 82nd Texas Legislature (2011) brought the SGST state park funding levels to their lowest since passage of H.B. 12 and below the previous cap of \$32 million per year. All the while, the funding source has generated more than ever, even in times of declining sales tax receipts. Collections from the SGST in relation to the amount of SGST revenue appropriated to the TPWD can be seen in Figure 2:

Figure 2		
Fiscal Year	SGST Collections (in \$)	Appropriations to TPWD (in \$)*
1993	58,251,000	26,012,000
1994	61,113,000	27,000,000
1995	64,166,000	27,000,000
1996	67,297,000	32,000,000
1997	70,520,000	32,000,000
1998	73,179,000	32,000,000
1999	76,075,000	32,000,000
2000	80,008,000	32,000,000
2001	84,230,000	32,000,000
2002	87,009,000	32,000,000
2003	90,905,000	32,000,000
2004	93,821,000	23,654,226
2005	97,125,000	23,654,226
2006	104,831,000	20,545,580
2007	108,396,000	20,508,448
2008	112,512,000	33,290,000
2009	116,652,000	33,590,000
2010	110,827,000	62,278,614
2011	118,344,000	53,956,913
2012	121,900,000	25,560,763
**2013	126,200,000	27,954,122
Total	1,923,361,000	661,004,892

*The appropriations to Texas Parks and Wildlife Department are for state and local parks and do not include dollars dedicated for pass through to the General Land Office.

**Collections for FY2013 reflect projections.

Source: Comptroller of Public Accounts; Texas Parks and Wildlife Department

Since H.B. 12 went into effect, each biennium had a significant portion of the appropriated dollars from the SGST to the TPWD dedicated for pass-through to the General Land Office to fund coastal management projects, including beach erosion projects. The above totals indicate that, during the twenty one years since the legislature began using the collections from the SGST to fund state parks, only 34.37 percent of the collections have actually been appropriated to the TPWD. These figures also highlight the fact that, since H.B. 12 went into

effect, rather than receiving the statutory allocation of 94 percent, the TPWD has only received 33.5 percent of the collections on the SGST.

Sporting Goods Sales Tax

There is no special state sales tax on sporting goods. Rather, the SGST is an estimated portion of the general sales tax. Sporting goods are defined in statute as items of tangible personal property designed and sold for use in a sport or sporting activity, excluding apparel and footwear except that which is suitable only for use in a sport or sporting activity, and excluding board games, electronic games and similar devices, aircraft and powered vehicles, and replacement parts and accessories for any excluded item.¹⁰⁴

Estimates and Affiliation

The SGST is attributed to the sale of sporting goods, based upon certain classes of goods.¹⁰⁵ To estimate the amount of sales tax revenue generated by the sale of sporting goods, the Texas Tax Code instructs the Comptroller of Public Accounts to use statistical data regarding the estimated or actual total receipts from the taxable sales of sporting goods. As a basis for their estimate, the Comptroller's office uses a national survey of household purchases of sporting goods items. This annual survey, which is conducted by the National Sporting Goods Association, generates national sales statistics for 26 categories of apparel and footwear and 29 categories of sporting goods equipment. The Comptroller's estimates for these receipts for 2012-2013 are shown in Figure 3:

Figure 3

Estimated State Sales Tax Revenue From the Sale of Sporting Goods, 2012-2013

Category of Sporting Good	Revenue (in thousands)	Percentage of Total	Cumulative Percentage
Bicycles and Supplies	\$48,817	19.4 percent	19.4 percent
Hunting and Firearms Equipment	\$45,961	18.3 percent	37.7 percent
Exercise Equipment	\$44,658	17.8 percent	55.5 percent
Fishing Tackle	\$24,273	9.7 percent	65.1 percent
Golf Equipment	\$23,997	9.5 percent	74.7 percent
Camping	\$9,896	3.9 percent	78.6 percent
Snow Skiing Equipment	\$6,545	2.6 percent	81.2 percent
Billiards/Indoor Games	\$4,012	1.6 percent	82.8 percent
Tennis	\$3,960	1.6 percent	84.4 percent
Archery	\$3,708	1.5 percent	85.9 percent
Skin Diving and Scuba Gear	\$3,390	1.3 percent	87.2 percent
Canoes and Kayaks	\$3,219	1.3 percent	88.5 percent
Baseball/Softball	\$3,138	1.2 percent	89.8 percent
Wheel Sports	\$2,815	1.1 percent	90.9 percent
Hunting Apparel	\$2,584	1.0 percent	91.9 percent
Basketball	\$2,293	0.9 percent	92.8 percent
Golf Shoes	\$2,281	0.9 percent	93.7 percent

Baseball/Softball Shoes	\$2,269	0.9 percent	94.6 percent
Optics	\$1,765	0.7 percent	95.3 percent
Helmets	\$1,524	0.6 percent	95.9 percent
Bowling	\$1,502	0.6 percent	96.5 percent
Football Shoes	\$1,138	0.5 percent	97.0 percent
Football Equipment	\$1,029	0.4 percent	97.4 percent
Hiking Boots	\$993	0.4 percent	97.8 percent
Soccer Shoes	\$874	0.3 percent	98.1 percent
Soccer	\$649	0.3 percent	98.4 percent
Cycling Shoes	\$610	0.2 percent	98.6 percent
Bowling Shoes	\$537	0.2 percent	98.8 percent
Track Shoes	\$490	0.2 percent	99.0 percent
Hunting Boots	\$464	0.2 percent	99.2 percent
Hockey Equipment and Ice Skates	\$457	0.2 percent	99.4 percent
Ski Apparel	\$344	0.1 percent	99.5 percent
Lacrosse	\$302	0.1 percent	99.7 percent
Volleyball and Badminton	\$301	0.1 percent	99.8 percent
Water Skis	\$295	0.1 percent	99.9 percent
Racquetball Equipment	\$242	0.1 percent	100.0 percent
TOTAL	\$251,332		

Source: Legislative Budget Board; Comptroller of Public Accounts

Although the types of sporting goods items listed in Figure 3 may not always be used in state and local parks, surveys have shown a relationship between the purchase of sports equipment and state park visitation.¹⁰⁶ While the SGST is not directly related to park use, in many instances, no other tax method provides a greater connection to park use and visitor participation.¹⁰⁷ This is validated by all recent polls, which shows the Texas public understands the SGST concept and approves of it by huge margins.

Local Parks Funding Timeline¹⁰⁸

In 1993, with the passage of H.B. 706, funding for state and local park expansion was switched to the new SGST allocation. Under H.B. 706, the Texas Recreation and Parks Account (TRPA) replaced the Local Park Fund. The next major alteration of local park funding streams occurred in 2007 when H.B. 12 created a new urban program called the Large County and Municipality Recreation and Parks Account. Since it was established that urban communities comprised 40 percent of the population, it was determined that those communities should receive a proportionately equal amount of the funding for park development and maintenance. This change reallocated 40 percent of the TRPA funding to urban areas in order to accommodate a rural to urban shift in population. Under the Large County and Municipality Recreation and Parks Account, the Urban Indoor Recreation and Urban Outdoor Recreation grant programs were created to address increasing demand for recreation opportunities in large urban areas across the state.

The annual appropriation for the TRPA prior to the 78th Legislature (2003) was \$15.5 million. During the 78th Legislature the TRPA was reduced to \$8.1 million annually and then to \$5.2 million by the 79th Legislature (2005). The 80th Legislature (2007) brought back the full \$15.5 million annual appropriation, but the 81st Legislature (2009) represented another departure from the \$15.5 million. The average annual allocation for the biennium was \$15.6 million, however, the amount allocated for 2010 was \$18 million, while the amount allocated for 2011 was \$12 million. Furthermore, a large portion of the appropriations to the TRPA were reserved as riders to the TPWD budget. The 82nd Legislature brought about a 95 percent budgetary cut for the TRPA. For the 2012-2013 biennium, the appropriation covers only the operating budget for the Recreation Grants Branch of the TPWD, thus the TRPA state funding for grant programs has been suspended.

History of Studies

The needs of the Texas state park system have been documented in many different studies conducted by a wide array of entities. There are several common themes, but all identify the benefits parks provide to the state, the need for additional park funding, and that a growing population demands acquisition of additional property for parks.¹⁰⁹

Texas Outdoors - A Vision for the Future Compiled by Texas A&M University¹¹⁰

The Texas A&M University study was conducted in 1998. Following are some of the key recommendations and findings that the report made:

1. Additional dedicated funding should be made available to cover the "public trust" responsibility of recreation providers and resource managers. The most significant resources are so important that low visitation or an inability to support themselves should not be an issue.
2. There must be a commitment to financing regular maintenance and routine renovation and repairs, independent of normal operating funds.
3. Review park system and divest sites that are not of statewide significance or more appropriately managed by others.

Taking Care of Texas - A Report from the Governor's Task Force on Conservation¹¹¹

The Governor's conservation task force study was conducted in 2000. Following are some of the key recommendations made:

1. Fund the repair, development, and maintenance of existing public property.
2. Acquire assets that meet criteria of statewide significance and needs.
3. Divest inventory that does not meet those criteria.

Texas Parks and Wildlife for the 21st Century Compiled by Texas Tech University¹¹²

The Texas Tech University study was conducted in 2001. The following are some of the key recommendations and findings that the report made:

1. Texas Parks and Wildlife Department should establish a goal of fifty five acres of state park land per 1,000 citizens.
2. With a population of more than twenty five million, and less than 640,000 acres in the park system, the current ratio is about twenty five acres per 1,000 citizens.

State Parks Advisory Committee Report to the Texas Parks & Wildlife Commission

In 2006 a blue ribbon panel, the State Parks Advisory Committee, recommended a number of curative measures for Texas' state and local parks, including full utilization of the SGST, which was generating between \$105 million and \$110 million annually. The committee also concluded that the SGST was the most reliable source of funding for parks, although not the only source. It was pointed out that less than one-fifth of that amount went to fund parks on average every year since 1995 and often the biennial appropriation was below the \$32 million annual cap. The committee determined that by fully utilizing the revenues from the SGST, the TPWD could begin to address long neglected needs including land acquisition, park development, support personnel, and major and minor repairs. The committee's recommendations also called for a ten year partnership between the people of Texas, its institutions, and elected officials.

Rider 31 State Park System Study

Rider 31 in the 2008-09 General Appropriations Act required the TPWD to conduct a study to identify the strategies and tactics necessary to return Texas' state parks to a high-quality park system. The study, which was conducted by Fisher- Heck and Pros Consulting and completed in October 2008, involved extensive research and analysis into evolving public needs, community expectations regarding state parks, existing conditions of park facilities and infrastructure, and nation-wide industry best practices. Overall, the study found that the majority of state parks currently do not meet the standards of a high-quality park, but could if sufficient funding were provided to make recommended improvements, and that this investment would also yield additional revenues for the state park system. The study also recommended that the department should:

1. Place priority on addressing and improving the condition of existing state park facilities and infrastructure, and should alter the existing modus operandi for requesting funding for facility needs by focusing on an annual reinvestment of approximately 4 to 6 percent of the total value of state park assets (excluding land) into repair and replacement projects.
2. Discontinue managing from a defensive position.
3. Improve communications and messaging.
4. Pursue new development opportunities that generate revenues and meet public demands. TPWD efforts to address these issues include establishing a presence for both the agency and individual parks in social media sites such as Facebook, developing and launching a new state parks website, and continuing to make needed improvements to park facilities with funding provided by the legislature for repairs and maintenance.

Current Funding Issues

The 2012-2013 General Appropriations Act reduced state park funding by \$23.3 million over the biennium, impacting state park operations, minor repairs, and support. Reductions were directed at several areas of park operations, with the most significant calling for the transfer of seven state park sites, closure of two regional offices of the State Parks Division, and an associated reduction of 76.3 FTEs per year. Rider 27 was adopted by the 82nd Legislature to help alleviate the impact of reductions and appropriate any additional revenues in excess of the Comptroller's Biennial Revenue Estimate to the TPWD, which are not to exceed \$3 million per year and are contingent upon Comptroller certification. The expectation was that this contingent amount would be generated through implementation of state park entrance, additional visitation, and facility fee increases. Rider 25 was authorized as a means of replacing the SGST funding reductions totaling \$1.6 million each year with voluntary donations made by individuals at the time of vehicle registration renewal. In the event that donation collections fall short of estimates, the TPWD would anticipate further negative impacts to state park operations and funding.¹¹³

In an attempt to bridge some of these current funding gaps, the TPWD has taken several actions, including closure of two regional state park offices, reductions in force, rotation of existing staff to areas of greatest needs, maximizing volunteer efforts, and revamping the online boater registration renewal system to allow for donations to state parks when paying the registration fee.¹¹⁴

Texas Parks and Wildlife Department's Public Awareness Campaign

In fiscal year 2012, the Texas Parks and Wildlife Department developed and implemented a marketing campaign emphasizing ways citizens could help state parks. While the Department continues to accept donations from various sources to benefit state parks, the public awareness campaign was active and on-going for a limited period during the year, starting in December 2011 and concluding in the spring of 2012. One method to help state parks is by donating \$5 or more when renewing vehicle and/or boat registrations. Vehicle registration renewal donations received as of November 23, 2012 are at \$583,637. Of this total, \$468,864 was collected in FY12, and the remaining \$114,773 has been collected in FY13. Another method was to donate directly to TPWD. As of November 23, 2012 the TPWD has received \$1,186,325 in mail-in and in-park donations.

DISCUSSION AND CHALLENGES

The following is a summary based on testimony and submitted resources to the committee.

Park Acquisition

There are several arguments that explain why the state park system needs further park acquisition. With an estimated 12 million more residents coming to Texas in the next 20 years, the strain on state parks will be staggering.¹¹⁵ Currently, Texas' 93 state parks comprising 635,089 acres, ranks last nationwide in the amount of land dedicated for state parks and in the amount of funding for state parks.¹¹⁶ Furthermore, Texas' state park system should expand because Texas has a growing population and as it grows, so does the need to grow the state park

system, a majority of the state parks are not easily accessible to the public, and park acquisition is favored by the public.¹¹⁷

In order to meet recommended levels, a 2001 Texas Tech study found that the park system needed to add an additional 1.4 million acres of land by 2030. As a goal, the study recommended that the state park system provide 55 acres of parkland for every 1,000 residents. This would place Texas in the 75th percentile in national ranking for state parks, but achieving this goal would require acquisition of an additional 1.4 million acres of land by 2030. Currently, there is only about 25 acres of state park land per 1,000 Texas residents, less than half of the amount recommended by the study.¹¹⁸ Additionally, the public seems to be in favor of park acquisition. The same study found that 77 percent of the population supported funding to buy additional land for conservation of natural resources and outdoor recreation.¹¹⁹

Finally, state parks are located significantly further from most of the population's residency. Three-fourths of the Texas population lives within 60 miles of the I-35/I-45/I-10 corridor, but only 27 percent of the available acres of park sites are located within these areas. Therefore, people must currently make an effort to access the state's park system.¹²⁰

Development and Maintenance

With new parks, there has to be funding available to build roads, campgrounds, trails, and visitor centers. Once built, they must be maintained and renewed to meet changing needs and demands.¹²¹ There is also a critical backlog of maintenance projects associated with existing park holdings that are necessary to make existing facilities functional and safe. The backlog maintenance amount was estimated by the TPWD in 2008 to be approximately \$225 million.¹²²

The Rider 31 State Park Systems Study found that there is substantial deferred maintenance of infrastructure that has deteriorated to a degree that negatively impacts park operations and visitor experience. Further, there are inadequate labor and budget resources currently within state parks to support the existing facility and operational needs of the state park system. One of the key "Maintenance Best Practices" that the study identified was that the park system should, at a minimum, annually spend 4 percent of the value of the total system assets less land value maintaining what they already own to ensure safety and the enjoyment of visitors.¹²³

There should be more funding for state park development and maintenance in order to keep parks safe and visually appealing. The state's population is in favor of developing and maintaining state parks. Eighty-three percent of respondents to a statewide survey agreed with the statement, "Unless we protect Texas' natural areas, we will lose the very things that make Texas a special place in which to live."¹²⁴

Tourism and Competition

There are several surrounding states that compete with Texas' park system. Without proper development and maintenance of the state park system, Texas could lose tourism revenue to surrounding states that have more appealing parks.

Parks are some of Texas' most advertised attractions and consistently are listed as the primary reason tourists choose to visit Texas. In a 2003 Texas Department of Commerce survey,

almost half of the 28 reasons why visitors elected Texas as their vacation destination was because of state park attractions, but the retention of those visitors depends upon the state's parks being attractive. To attract visitors, there must be attractive venues and attractiveness depends almost entirely on adequate and sustainable funding.¹²⁵

A study commissioned by Texas Coalition for Conservation found that economic activity associated with state parks in Texas generated an estimated \$793 million in sales, \$456 million impact on residents' income, and accounted for an estimated 11,928 jobs.¹²⁶ The total economic activity was calculated by aggregating both in-county and out-of-county expenditures of all visitors to the eighty state parks, excluding expenditures by visitors residing within the host county and non-local visitors who were attracted to the host community for other reasons (for example, to visit friends or relatives).¹²⁷ Furthermore, studies by the Texas State Comptroller's Office in 2008 found that visitors to state parks from outside Texas add \$15.7 million to the gross state product.¹²⁸ This revenue could potentially increase or decrease, depending on the development and maintenance of the state parks.

There is plenty of competition in surrounding states that could result in a permanent loss in tourism revenue. Arkansas, under the leadership of then Governor Mike Huckabee, initiated a major parks and wildlife restoration and renewal plan in the late 1990's. It was accomplished with a one-eighth of a cent increase in the sales tax. The enabling constitutional amendment was passed overwhelmingly by the citizens of Arkansas. That commitment has led the Arkansas state park system to be hailed as one of the finest in the country with state-of-the-art nature centers and visitor facilities. A number of Arkansas' parks have in-park or near-park lodges which are some of the best in the nation's state park systems.¹²⁹

In Texas, there is a need for more comfortable and full-service lodging at more of the state parks. The problem is that private entities will not consider major investments without some sort of guarantee of adequate and sustainable funding from the state to maintain those essential attracting qualities and services.¹³⁰ With tourism as the third largest industry in the state, improved parks, environmental resources, and increased wildlife will serve as an increased source of revenue for Texas communities.¹³¹

Public-Private Collaboration

A public-private collaboration could exist in order to maintain and improve the state's park system. However, the private sector alone cannot uphold the demands of the state park system and therefore must be able to rely on the state for steady funding. The state park system's popularity among the private sector can be seen in the amounts of donations given. Donations by the private sector include financial, land, or both. These include gifts to Government Canyon, Fort Boggy, Devils River, Bastrop, Palo Duro, and Palmetto.¹³²

Over the last ten years, the Meadows Foundation has awarded approximately \$7.4 million for parkland, habitat conservation, land conservation, and advocacy-related projects. These include \$1.9 million for the purchase and development of parkland for public access, \$156,000 for public awareness campaigns on the economic value of public parkland, \$725,000 toward the World Birding Center & South Padre Island Birding Center, \$2.3 million for habitat conservation affecting the Black-capped Vireo and Golden-cheeked Warbler and other migratory birds, and \$2.4 million toward land conservation efforts.¹³³ In 2012, the Meadows Foundation has a grants budget of \$20 million. However, Texas' annual operating budget for the park system is \$700

million.¹³⁴ The private sector alone, including organizations such as the Meadows Foundation, cannot afford to uphold the Texas state park system financially.

Additionally, there is a growing hesitancy among the private sector to participate in improving the state park system. One recent example occurred where an individual who was willing to give land to the TPWD for a park site chose not to do so for fear that funding would not be provided by the state to develop and maintain the site in the future. This could become a trend where the private sector, once willing to participate in improving the system, chooses not to do so due to the inability of the state to provide a development and maintenance budget.¹³⁵ There is a willing private sector, but it is becoming less apt to participate as the state decreases park funding.¹³⁶ The state could continue to work with the private sector to aid in improving the state park system.

Proposed Potential Funding Solutions

There are several potential solutions that address the state's funding for the park system, including the re-appropriation of the Sporting Goods Sales Tax, an opt-out/ mandatory program, and the appropriation of the Texas Parks and Wildlife revenue.

SGST Appropriations

The Sporting Goods Sales Tax is the primary reliable funding source to state parks. The legislature could increase reliance on the SGST for the state park system and conceivably appropriate the full amount of the SGST to the state park system.

A 2009 state-wide poll commissioned by the Texas Coalition for Conservation and conducted by Hill Research Consultants found that 74 percent of voters supported using the SGST revenue to acquire, maintain, and operate state and local parks. Furthermore, the survey highlighted a significant parallel sentiment that 73 percent disapproved of using revenue from the SGST for programs with little or no connection to parks and wildlife programs.¹³⁷ In addition, a recent poll estimated that 65 percent of Texans supported lifting caps on the distribution of sporting goods sales tax revenue which would increase park funding.¹³⁸

Legislation could be passed to remove language from H.B. 12 of the 80th Legislature, which requires state and local park funding from the sales tax revenue on certain sporting goods, be subject to future appropriation.¹³⁹ This would leave the law with a removal of the artificial cap, a formula for distribution by the Comptroller, and the ability of the TPWD to plan and execute an acquisition program, a maintenance schedule, which could have a long term positive fiscal impact, and a development plan to best serve Texans and visitors.¹⁴⁰ Predictably, the state could see increased visitation and revenues.

Opt-Out and Mandatory Program

Currently, when a driver in Texas registers their vehicle, they have the option to make a \$5.00 or more donation that will be dedicated to the state park system. The current model in Texas is an opt-in model that requires the driver to volunteer or choose to donate.

The State of Washington implemented a voluntary or “opt-in” program, consisting of a \$5.00 donation during vehicle registration. The participation rate was less than 1 percent and in 2008 Washington state parks collected approximately \$900,000 from the program. The Washington state legislature then switched to an “opt-out” \$5.00 fee in 2009. The receipts for

vehicle renewals and new registrations had a \$5.00 donation to state parks automatically included. Thus, the new default option was a \$5.00 donation instead of not donating. If the applicant did not wish to make a donation, then he/she could subtract \$5.00 from the total on the vehicle registration bill.¹⁴¹ The money was collected by the Washington state's Department of Licensing, and it was transferred directly to Washington State Parks for basic operations.¹⁴² The results have been impressive. For Washington State's fiscal year 2010 (July 2009-June 2010), revenue from the program totaled \$10.8 million. During fiscal year 2011 (July 2010-June 2011), the program yielded \$10.3 million.¹⁴³

Another option would be for the fee to be made mandatory instead of an "opt-out" fee. The fee could be significantly less, just \$1.00 or \$2.00 per registration, since there would be 100 percent participation.¹⁴⁴ The public could vote on the amount of the mandatory fee and on where the revenue of the fee would be appropriated.

TPWD Revenue & Specialty Plates

If the legislature continues to approve Entrepreneurial Rider (formerly Rider 27), it would allow the TPWD to retain self-generated revenue including revenue that is above the amount that the Comptroller estimated. Otherwise, the additional revenue the TPWD generated through its own initiative would go to the general revenue fund and be unavailable for use by the department.¹⁴⁵

Originally the Legislative Budget Board's (LBB) proposed 2012-13 budget recommended that only 50 percent of the funds from the sale of bluebonnet specialty plates be appropriated. All of the revenue generated by the bluebonnet, horned lizard, deer, and bass specialty license plates could fully be appropriated to state parks. The plates are purchased by state park supporters with the expectation that 100 percent of the proceeds be used towards state parks.¹⁴⁶

Local Parks & Grant Programs

Local communities depend on the grant programs administered by the TPWD for acquisition and development of parkland to meet the growing population in Texas.¹⁴⁷ Local parks have many benefits attributed to them including financial benefits as well as social benefits. Some estimates show that local parks also lead to the creation of 45,623 jobs through their maintenance and operation activities, capital investments, and direct tourism, as well \$6.44 billion in visitor spending.¹⁴⁸ However, the different grant programs that play a vital role in funding activities associated with local parks are underfunded. A recent summit meeting of the leaders of Texas' largest municipal parks systems, Texas Urban Parks and Recreation Directors Summit, revealed dramatic shortfalls in available funding to meet current recreation infrastructure maintenance and development needs. Local parks also contribute to residential and commercial real estate values. An analysis of approximately 30 studies found a positive impact of 20 percent on property values abutting or fronting a passive park area.¹⁴⁹

Obesity rates in Texas have risen sharply in the last 20 years with over 30 percent of adults considered obese and over 66 percent considered obese or overweight. A recent study found that parks can decrease the state's obesity rates. Children with access to a park playground

within approximately one-half mile from home were five times more likely to be a healthy weight than overweight compared to youth without a nearby playground.¹⁵⁰

Local parks are beneficial to the state's economy and society. They are a notable source of retail sales of sporting goods and generate even more in other revenues to the state; allocating a sizable block of tax proceeds to local parks represents a logical and beneficial course of action. Additionally, studies show that fortune 500 companies invest where the quality of life is good.¹⁵¹

RECOMMENDATIONS

There is a serious need to increase the amount of parkland that the state owns in order to accommodate Texas' growing population. Before acquisition of new land can be discussed, the maintenance and development of current parks must be addressed. The following recommendations attempt to not only solve the maintenance and development issues of Texas' current parklands, but also allow for acquisition of new lands for park use to occur.

State and Local Park Funding

Support legislation that would dedicate 94 percent and 6 percent of the tax revenue received from the sale of sporting goods to the Texas Parks and Wildlife Department and the Texas Historical Commission, respectively, by striking section Sec 151.801 (c-1), Tax Code. That provision limits the amounts that may be credited to the department and the commission to the amounts appropriated. Money allocated to the Texas Parks and Wildlife Department under that section is used by the department for park purposes, including the maintenance, acquisition, and development of parks, as provided by the Parks and Wildlife Code.

Provide additional funding for the grant programs administered by the Texas Parks and Wildlife Department for local park projects and acquisition.

Capitalize on Existing Revenue Streams

Restructure the current system that governs the sale of specialty license plates. Establish a system that makes Texas Parks and Wildlife Department specialty license plates more accessible by allowing for a more convenient method of selling the specialty license plates at auto dealerships. \$22 of the \$30 cost of Texas Parks and Wildlife Department specialty plates go directly to the Department to help fund state parks.

DROUGHT AND WILDFIRES

PUBLIC HEARING

The House Committee on Culture, Recreation, & Tourism held public hearings on its Interim Charge #4 related to the effects the drought and wildfires have had on tourism and recreation in Texas on January 24, 2012 and on October 18, 2012 at 10:00 a.m. in Austin, Texas in the Capitol Extension, Room E1. 026. The following individuals testified on the charge:

George Bristol, Texas Coalition for Conservation
Rooter Brite, Texas Wildlife Association
Karen Huber, Travis County
Jo Karr, Central Texas Water Coalition
Brent Leisure, Texas Parks and Wildlife Department
David Lindsay, Central Texas Water Coalition
Luke Metzger, Environment Texas
Matt Phillips, The Nature Conservancy
Carter Smith, Texas Parks and Wildlife Department
David Teel, Texas Travel Industry Association

The following section of this report related to the effects the drought and wildfires have had on tourism and recreation in Texas is based in large part on the oral and written testimony of the individuals listed above.

INTRODUCTION

The committee was charged with studying the effects that the recent drought and wildfires have had on tourism and recreation and recommending ways to prevent future losses. The committee heard testimony that focused on the economic impact of the drought and wildfires to the different sectors of the tourism industry, effects to the state's wildlife resources and other natural resources, and methods that attempt to safeguard these natural and wildlife resources.

BACKGROUND

The recent drought and wildfires have had a significant impact on the state's nature based tourism and recreation. These are the valuable natural and wildlife resources that attract park visitors, hunters, fishers, and tourists from within the state and out of state. A significant portion of the state's economy is dependent upon these attractions.

The 2010-2011 Drought¹⁵²

The 2011 drought in Texas has been unprecedented in its intensity. The year 2010 had been relatively wet across most of the state, except for extreme eastern Texas. Beginning in October 2010, most of Texas experienced a relatively dry fall and winter, but the record dry March 2011 brought widespread extreme drought conditions to the state. A record dry March through May was followed by a record dry June through August, and the twelve-month rainfall total for October 2010 through September 2011 was far below the previous record set in 1956. Average temperatures for June through August were over two degrees Fahrenheit above the previous Texas record and were close to the warmest statewide summer temperatures ever recorded in the United States.

As the drought intensified, the previous year's relatively lush growth dried out, setting the stage for spring wildfires. Conditions were so dry during the spring planting season across much of the state that many crops never emerged from the ground. Continued dry weather throughout the summer led to increasing hardship for ranchers, who generally saw very little warm-season grass growth while stock tanks dried up. The record warm weather during the summer in Texas was primarily a consequence of the lack of rainfall, but the heat and resulting evaporation further depleted stream flow and reservoir levels. By early fall, trees in central and eastern Texas were showing widespread mortality, and dry and windy conditions allowed forest fires to burn intensely and spread rapidly in Bastrop and elsewhere.

Twelve-month rainfall was the driest on record across much of western, central, and southern Texas, and many stations received less than 25 percent of their normal twelve-month precipitation. The area near, north, and east of Dallas was comparatively well-off compared to the rest of the state, but still endured serious drought conditions and record heat.

The recent drought has been the most intense one-year drought in Texas since at least 1895 when statewide weather records begin, and though it is difficult to compare droughts of different durations, this drought probably already ranks among the five worst droughts overall. The statewide drought index value has surpassed all previous values, and it has been at least

forty years since anything close to the severity of the present drought has been experienced across Texas.

Because of the return of La Niña conditions in the tropical Pacific, a second year of drought in Texas is likely, which will result in continued drawdown of water supplies. Whether the drought will end after two years or last three years or beyond is impossible to predict with any certainty, but what is known is that Texas is in a period of enhanced drought susceptibility due to global ocean temperature patterns and has been since at least the year 2000. The good news is that these global patterns tend to reverse themselves over time, probably leading to an extended period of wetter weather for Texas, though this may not happen for another three to fifteen years. Looking into the distant future, the safest bet is that global temperatures will continue to increase, causing Texas droughts to be warmer and more strongly affected by evaporation.

Impacts to Inland and Coastal Fisheries

Inland Fisheries

As of September of 2011, the drought had caused lake levels across the state to go down to critically low levels that have not been matched since 1990. The declining water levels have had an adverse impact on the ability of boaters and anglers to access these waters due to public boat ramp closures. The total storage in 109 of the state's major reservoirs was at 18.8 million acre-feet, or 60 percent of the total conservation storage capacity. This was 1.16 million acre-feet less than the previous month's levels. Ten reservoirs were at or below ten percent full: E.V. Spence, O.C. Fisher, Hords Creek Lake, Electra, and Meredith were effectively empty, Twin Buttes was at one percent full, J.B. Thomas was at two percent full, Red Bluff was at three percent full, Palo Duro was at eight percent full, and Mackenzie was at ten percent full.¹⁵³

The combination of boat ramp closures and low water levels in public reservoirs has led to a decrease in sales of freshwater fishing licenses with some categories, such as the resident annual freshwater license, down 30 percent from the previous year's sales.¹⁵⁴ Declining reservoir levels or stream flows are impacting freshwater hatcheries' water usage either directly by impacting pump intakes or by triggering mandated decreased water usage by all water users in that particular system. Continuation of this trend will negatively impact the Texas Parks and Wildlife Department's (TPWD) popular trout stocking program, resulting in decreased fish production in 2012, and could result in reduced reproduction in some fish populations.¹⁵⁵ Some localized declines in fish populations in rivers are anticipated as low stream flows result in some smaller streams and some stretches of larger rivers either lacking water or having water confined to narrow pools.

Coastal Fisheries

Since the summer of 2011, beneficial rains and river runoff have lowered Galveston bay salinities to near-normal levels from double historical levels, around 30 to 40 parts per thousand, to single digits in the upper bay and 30's near the Gulf passes. Oyster production should slowly rebound, as oysters need 18 months to grow from larvae to marketable sizes. Middle coast salinities have also been reduced from the record highs of summer 2011, around the upper 30

and low 40 parts per thousand, to above average levels, around the mid to upper 20 parts per thousand. These are optimum salinities for many estuarine species.

Oysters can tolerate high salinity, but their diseases and predators are favored during droughts. Dermo, a protozoan oyster parasite, proliferates at high salinity and causes a reduction in growth rates, a reduced reproductive capacity, and death.¹⁵⁶ Oysters infected with Dermo are safe to eat, but Dermo-infected oysters rarely live long enough to reach a harvestable size. Oyster drills, an oyster predator, also thrive in high salinity. There are other species affected by high salinity levels. Blue crab growth is salinity-dependent, which has resulted in a lack of larger crabs during this drought.¹⁵⁷ Trout, redfish and drum can tolerate high salinity and have not been impacted by the drought. High salinity levels, which occur during droughts, have led to red tides on Texas' coast.

Impacts to Wildlife Resources

White-tailed Deer¹⁵⁸

The 2011 statewide white-tailed deer population estimate was above 3.3 million. This estimate is lower than the 2008 through 2010 estimates, but greater than the 2006 and 2007 estimates. The fawn survival rates are at 29 percent, which is much lower than estimates for the last six years, which ranged from 35 percent to 54 percent. The highest estimate fawn crop is in the Cross Timbers region at 41 percent and the lowest estimate is in South Texas, Pineywoods, and the Southern High Plains regions at 20 percent. Despite the drought conditions, a number of ranches and properties scattered across the state are seeing healthy deer in good body condition with decent quality antlers. Many of these properties are under a wildlife management plan and have done an exceptional job of not only managing the deer population on the ranch through harvest but have tried to maintain quality native habitat. By doing so, these properties were less impacted by the dry conditions.

Overall, while regulator surveys indicated that deer populations are down this year, the drought does not appear to have significantly impacted the deer population or age structure. The TPWD staff recommended that hunters fill their tags for the 2011 to 2012 season to help reduce the deer population, especially in regions where deer populations may be exceeding what the native habitat can support, such as a portion of the Texas Hill Country and the High Plains.

Mule Deer

Based on the TPWD's surveys conducted in January through February of 2011, the Panhandle population of mule deer is stable to increasing. The Trans-Pecos mule deer population is more tied to rainfall and tends to mirror precipitation amounts.¹⁵⁹ Because of the drought, the state's fawn crops are expected to be low when surveys are conducted. However, initial reports from the field have indicated some high fawn crops on ranches where supplemental feed is provided.¹⁶⁰

There have been some reports concerning mule deer mortality in younger aged animals in small numbers throughout the Trans-Pecos. In general, mule deer antler production will be poor, but overall population does not appear to be significantly impacted from the drought.

Pronghorn Antelope¹⁶¹

The Panhandle population of pronghorn antelope is stable to increasing and was estimated at about 11,000 in 2011. This year, Panhandle staff issued a record high of over 1,000 buck permits. Pronghorn fawn production was decent in the Panhandle (20 percent) given the range conditions. However, the Trans-Pecos population continues to decline and the TPWD estimates the population at 3,500 to 4,000 animals, which is lower than previous years. The overall fawn crop estimated by surveys was ten percent. Approximately 170 permits were issued for the Trans-Pecos region, which is an all-time low since 1953.

From the TPWD's disease research, preliminary findings show that *Haemonchus* loads, a parasitic stomach worm, appear to have increased in the Trans-Pecos from last year. Data suggests that worm loads are even increasing in herds that were lightly infested the last two field seasons. *Haemonchus* levels have seemed to increase during times of nutritional stress (i.e., drought). About 20 percent of the collared pronghorn that were trapped in the Panhandle and moved to the Marfa Plateau in February of 2011 are surviving, and mortality losses have significantly declined since August of 2011.

Desert Bighorn Sheep

August 2011 helicopter surveys resulted in a total of 1,026 bighorns observed on eight individual mountain ranges.¹⁶² Results for 2011 are down from 2010 and have been slightly decreasing for the past three years (2008=1,193; 2009=1,144; 2010=1,115).¹⁶³ Texas population is currently estimated at 1,300 to 1,400 bighorns in the eight mountain ranges. Prolonged drought conditions undoubtedly have stressed the population. Below average precipitation affected both ewes and rams. Ewes produced a below average reproduction rate in 2011 with a 24 percent survival rate for lambs, down from 32 percent in 2010 and from the five year average of 37 percent.¹⁶⁴

There were higher mortality rates witnessed in rams due to rut strains, high temperatures and extremely dry conditions. Approximately twenty ram carcasses were observed in the Beach, Baylor, and Sierra Diablo Mountains.¹⁶⁵ Another five carcasses were observed at Black Gap Wildlife Management Area and adjoining mountain ranges.¹⁶⁶ Wildlife biologists presume that there were other mortalities throughout the Trans-Pecos attributed to the prolonged drought that were undetected.

Quail

All regions except the Gulf Coastal Prairies are well below their respective long term means. Texas is at the western edge of the distribution of bobwhite. The “boom and bust” nature of populations is more pronounced than in the center of the range. Long-term drought in a region where the species is already operating at the limit of its ecological tolerance can make recovery difficult.¹⁶⁷

Dry conditions make reproduction extremely difficult and populations tend to shrink into pockets of remaining suitable habitat. When conditions improve, quail will begin to expand out of these areas. It will likely take two to three favorable years of weather to see rebounds in quail

numbers.¹⁶⁸ Populations were just beginning to build back during the fall of 2010 after a two-year drought in the core quail areas of the state.

Texas Parks and Wildlife Department's Small Game Harvest Survey tracks hunter and harvest data. Quail hunters and harvest numbers reflect each other fairly well. Data shows that hunter numbers and harvest have declined along with quail populations. The 24 year average number of quail hunters is 130,225, while the 10 year average is 77,308 and from 2010-2011, that number was just 47,694.

Turkey

Rio Grande Turkeys had a high survival rate in the 2011 nesting season because few attempted to nest. However, this led to almost no reproduction except in few areas that received late spring showers.¹⁶⁹ Populations in the Coastal Sand Plains of South Texas had fair production. Numbers are down statewide due to a lack of production during three out of the past five years. Fortunately, there was a good hatch in 2010 and hunters should see a large number of two-year-old toms in the statewide population.

Waterfowl

Surveys conducted as part of a joint effort by the United States Fish and Wildlife Service and the Canadian government indicate that breeding habitat conditions in areas of importance to Texas waterfowl hunters were average to above average across the entire breeding area for ducks.¹⁷⁰ Out of the ten duck species surveyed, all but two were above 2010 estimates and most were also above the long-term average. Conditions in Texas are not as promising. The drought has left most areas of the state with little wintering habitat. Duck hunters in Texas will experience a slow hunting season despite the fact that near record numbers will be headed south. However, there have been reports of above average success in East Texas, which can most likely be attributed to significant rainfall towards the beginning of 2012.

Threatened and Endangered Species

There are almost 200 federally or state-listed threatened or endangered species in Texas including mammals, birds, reptiles, amphibians, fish, invertebrates and plants. During time of drought, many of these wildlife species may be forced to cover greater distances to locate food, water and shelter. This can deplete body condition going into winter or spring migration when food sources are typically fewer, making them more vulnerable to weak condition or vehicle collision. There is also an increased chance of interaction with humans in the desperate search for food or water (e.g., black bears scavenging in garbage or deer corn feeders), which can make wildlife vulnerable to illegal killing and euthanasia if they cannot be deterred.

Drought also exacerbates stress in highly isolated habitats and fragmented lands, diminishing the ability for species, such as the Texas kangaroo rat, lesser prairie chicken, dune sagebrush lizard, Cagle's map turtle, certain species of salamander, certain freshwater mussels species, and numerous threatened and endangered fishes, to persist if they cannot move to better conditions. Migratory birds are more capable of moving to areas with better habitat conditions, but may be in a weakened condition to do so.

A reduction in the available food sources for wildlife and their young decreases their fitness to reproduce and impacts habitats which may be important to some element of their life cycle. Whooping cranes depend on sufficient freshwater inflows for a reliable food source (primarily blue crabs). Higher salinity levels, which result from diminished inflows caused by drought, can have a negative impact on the blue crab population and therefore, the whooping crane. Although whooping cranes are able to adjust their diet to feed more on wolfberries (*Lycium carolinianum*), a native plant, during times of drought, higher salinities may also mean fewer wolfberries. In addition, a lack of fresh water can force whooping cranes to fly upland to drink, using more energy and exposing the birds to more threats from predators and other mortality factors.

There are 32 freshwater fish, 16 aquatic reptiles and amphibians, 19 aquatic invertebrates, and one aquatic plant that are listed as threatened or endangered. These aquatic species are especially vulnerable to prolonged drought conditions. When rivers, creeks, marshes and wetlands have less water, water temperatures will increase and oxygen levels will decrease, which affects some species that are dependent on high water quality. Some localized declines in fish populations have been documented in rivers due to lack of water or water confined to increasingly narrow pools.

The highly endangered Houston toad has been negatively impacted from the drought and the devastating wildfire in Bastrop County. Bastrop State Park and surrounding private lands are the core areas supporting toad habitat. The lack of breeding ponds coupled with the elimination of native vegetation will severely restrict the ability of the species to survive and reproduce. Captive propagation for eventual release of toads into suitable habitat may be the best hope to prevent extinction.

The drought may also have some positive impacts on endangered wildlife in Texas. There is the possibility that the drought may curb the spread of some invasive plants and woody species in prairie grasslands and create more open areas for small ground-running animals (e.g., quail, kangaroo rats, and lizards) to move. Tree die-off may open up former grasslands creating a mosaic of habitat and therefore, benefitting species such as quail, turkey and deer. The bare ground, which is more easily colonized by big red ants, will provide a more readily available food source for horned lizards.

Impacts to Park Visitation and Revenue

Declining water levels in reservoirs have negatively impacted the ability of anglers and boaters to access these waters. Numerous reservoirs, including popular reservoirs such as Lakes Travis and Buchanan, currently do not have any boat ramps open to the public. Low water levels in rivers and lakes, such as the Guadalupe River State Park and Lake Somerville State Park, have reduced or eliminated other water-based recreational activities.

The lack of rainfall and low water levels have had a direct impact on certain revenue streams that the TPWD is dependent upon. Hunting and fishing license sales are down by five percent compared to 2010 sales.¹⁷¹ Most notably, freshwater fishing license sales are down by 29.4 percent. As of January 2012, 111 counties are under burn bans. These restrictions mean that campers may not have campfires or cook on open grills, activities that many visitors view as

essential for camping. In August 2011, declines in revenue were dramatic at many state park sites.

- Overall monthly system revenue was down more than 24 percent from August fiscal year 2010 versus August fiscal year 2011
- 47 sites had monthly revenue declines of more than 20 percent from August fiscal year 2010 versus August fiscal year 2011
 - Guadalupe River State Parks - down 58 percent
 - Dinosaur Valley State Park - down over 50 percent
 - Pedernales Falls State Park - down 39 percent
 - Garner State Park - down nearly 39 percent.

These downward revenue trends have continued into the 2012 fiscal year as burn bans and low water levels in lakes and rivers have discouraged many park users from visiting. First quarter revenue:

- Fiscal year 2012 September through December versus fiscal year 2011 September through December: overall revenue decline of \$928,345 (8.4 percent)
 - Palo Duro Canyon down \$97,047 (22.3 percent)
 - Pedernales Falls down \$42,536 (19.4 percent)
 - Lake Brownwood down \$41,957 (29.5 percent)

These losses have been balanced with smaller declines at Cedar Hill and Lake Ray Roberts where lake levels have been more constant, further illustrating the linkage between water and park revenue.¹⁷²

2011 Texas Wildfire Season

In 2010, late season rains across much of Texas resulted in above average vegetation growth. As the state moved into the winter months, precipitation stopped and drought conditions began to appear, setting the stage for a severe wildfire season across Texas. The drought conditions, coupled with available wildland fuels and significant weather events, produced one of the most active wildfire seasons in Texas history, as well as some of the most dramatic high-impact fire days. The fire season began on November 15, 2010 and lasted through October of 2011. During this time, 30,547 fires burned approximately 3,993,716 acres of land, private and public, with 3,017 homes lost. The Texas Forest Service (TFS) and their coordinated resources responded to 3,436 fires for 2,904,003 acres, which is twice the state-response acres burned in 2006, the previous highest at 1.46 million acres. Response to this level of activity, particularly during peak burning days, was only possible with the large-scale use and support of interagency resources from local jurisdictions as well as state and federal resources from around the country. These resource mobilizations from all 50 States and Puerto Rico included 16,410 personnel, 107 crews, 239 dozers, 954 engines, and 246 aircraft with 16,912 hours flown and 34.1 million gallons of water dropped. Utilizing this broad spectrum of resources saved lives and homes across the state.

The TFS, in cooperation with the Texas Division of Emergency Management (TDEM), has developed the State of Texas Type 3 All Hazard Incident Management Team (AHIMT) program as an added component to wildfire and all-hazard response. These teams are formed by

personnel from local jurisdictions who are trained and qualified in Command and General Staff positions and are mobilized by the TFS to provide incident management support statewide. The AHIMT program was initiated in 2006 and is delivered by the TFS with program funding by TDEM. These teams work under the direction of the TFS Lone Star State Incident Management Team (LSSIMT) to provide the full array of incident management support including supporting impacted communities in managing security and continuity of government issues, assessment of critical infrastructure, and restoration of essential services following a catastrophic incident. There are currently over 600 AHIMT members statewide, representing all of the first responder disciplines.

The Texas Intrastate Fire Mutual Aid System (TIFMAS) is maintained by the TFS. The program includes training and qualification and mobilization systems to make statewide use of local resources. The program was first used during Hurricane Ike, and has since been used in response to the Presidio flooding, the April 9, 2009 wildfire outbreak in North Texas, and Hurricane Alex. The system was used extensively during the 2011 wildfire season through its 13 mobilizations, 207 fire departments, 329 engines, and 1,274 firefighters.

Throughout the 2011 fire season, TFS Prevention & Mitigation staff maintained active public education and awareness programs to reduce human-caused fires, assisted communities at risk, and helped citizens and local decision makers prepare for large wildfires. Program activities included active public service and educational initiatives, which included three different public service announcements, 54 workshops implementing the "Ready, Set, Go" Program (homeowner mitigation and preparedness), and post-fire assessments on major fires such as PK Complex, Bastrop Complex, Riley Road Fire and others to identify causality factors related to home losses.

Impacts to State Parks

Wildfires in the Davis Mountains, Possum Kingdom and in Bastrop directly impacted three state parks, consuming close to 8,300 acres of state park land. These fires also impacted various wildlife management areas across the state, most significantly at the Matador Wildlife Management Area, where more than 12,000 acres burned. The overall revenue collection in fiscal year 2011 from the state parks system was down by \$1.2 million or 3.2 percent from fiscal year 2010.¹⁷³ These trends have continued into fiscal year 2012 as sites that were impacted by fires continue to show reduced visitation and revenue for the September through December period compared to the previous year.¹⁷⁴

- Davis Mountains State Park and Indian Lodge - down \$81,693 (15 percent)
- Possum Kingdom State Park - down \$31,499 (38 percent)
- Bastrop State Park - down \$171,743 (75 percent)

Davis Mountains State Park (Rockhouse Fire)

On April 9, 2011 a wildfire began just west of the town of Marfa and moved quickly northward through Davis Mountains State Park. The fire burned approximately 313,000 acres, 700 of which included the park land.¹⁷⁵ The fire resulted in the loss of a radio communications building and damaged one historic structure. Replacement costs for these structures are estimated to be approximately \$500,000.¹⁷⁶ Davis Mountains State Park served as the "Incident Command

Post" for the entire Rockhouse fire operation, which resulted in the interruption of public use of the campgrounds and Indian Lodge with an approximate loss in revenue of \$192,000.¹⁷⁷

Possum Kingdom State Park¹⁷⁸

On the week of April 10, 2011, there were several fires that started near Possum Kingdom State Park. One of the fires consumed approximately 1,350 acres of the total 1,528 acre park. The park suffered damage to two buildings, its water utility infrastructure, and much of the park's boundary fence was destroyed. Repair cost for these damages are estimated to total approximately \$600,000 and the estimated loss in revenue due to park closure and fire impacts is \$95,000.

Bastrop State Park¹⁷⁹

On September 4, 2011, the Bastrop Complex fire consumed 6,240 of the 6,500 acre Bastrop State Park. The fire burned two historic Civilian Conservation Corps (CCC) structures and caused damage to park roads, utility systems, signage, and exhibits. Additionally, the State Parks Regional Office located within the park was severely damaged. Equipment lost included seven vehicles, a dump truck, all-terrain vehicles, a generator, and other items. The Texas Outdoor Family program lost much of the program's equipment including canoes, tents, trailers, and other outdoor recreational equipment. There will be long-term and dramatic impacts to the unique resources of the Lost Pines which will require significant recovery efforts. Although the park has reopened, revenue losses from the park's closure from September through November are estimated at \$175,000. Restoring the revenue generating capabilities of the park is a high priority for the TPWD.

Preventative Measures

Texas Wildfire Risk Assessment Portal¹⁸⁰

In April of 2012, the TFS unveiled new web applications that will help homeowners and communities determine wildfire risk and take measures to mitigate potential hazards. Texas Wildfire Risk Assessment Portal (TxWRAP) allows users to identify wildfire threats for a particular area based on landscape characteristics, historical fire occurrence, weather conditions, terrain, and potential fire behavior. The program also routes users to resources that can help them implement wildfire prevention practices. Developed by TFS geographic information systems (GIS) specialists, TxWRAP is the first web portal of its kind in the nation granting public access to risk assessment data that previously has not been readily available, particularly in a user-friendly format.

The TxWRAP applications will allow professional users such as civic planners, wildland fire managers, and elected officials to generate a report packaging all the wildfire risk data for their community. Such a tool can be useful in defining mitigation options, allocating resources and prioritizing programs that will better protect communities.

Prescribed Burning

Prescribed burning is the controlled application of fire to wildland fuels under specified environmental conditions. This allows the fire to be confined to a predetermined area and

produce the fire behavior and fire characteristics required to attain resource management objectives. Prescribed burning differs significantly from controlled burning of debris such as piles, garbage, and land clearing.¹⁸¹

Generations of Texans have tried to suppress naturally occurring fires, or wildfires, to protect homes and livelihoods, developing misconceptions about the benefits and safety of prescribed burning. Almost all wildfires annually are caused by a host of factors or accidents such as lightning strikes, trash burning, brush pile burning, unintended campfires, cigarettes, welding, shorted power lines, rail car sparks, or arson. The record indicates that wildfires are rarely connected to prescribed burns conducted by knowledgeable individuals.¹⁸²

Texas Wildfire Prevention Task Force

Texas Agriculture Commissioner Todd Staples established the Texas Wildfire Prevention Task Force to improve coordination of public and private resources under one strategic approach for fire mitigation. The taskforce, chaired by Commissioner Todd Staples and co-chaired by Chief Nim Kidd, Texas Department of Public Safety; and Director Tom Boggus, Texas Forest Service, is comprised of federal and state agency officials, local officials, and various associations and organizations. Goals of the taskforce include identifying areas at the highest risk of wildfire and coordinating with local citizens and officials to develop strategies and identify resources to effectively mitigate wildfire risk. Priority areas will be identified using TxWRAP.

DISCUSSIONS AND CHALLENGES

The following is a summary based on testimony and submitted resources to the committee.

Prescribed Burning

Prescribed burning is considered an essential tool for rangeland, forest, wildlife habitat, and agricultural management.¹⁸³ Prescribed burning also contains a public safety aspect by preventing future wildfires. Fire is a natural ecological process that has unique effects on natural habitats that cannot be replicated by other means, such as mowing or herbicide treatment. In these times of high fuel and operating costs, prescribed fire is an increasingly effective, economical, and efficient tool for agricultural production and forest and wildlife management and enhancement. Prior to any prescribed burn, both resources and time have been invested, as much as a year or more out, in deferred grazing, creating fireguards, training and planning, securing suppression equipment, and involving qualified personnel to secure the safety of adjoining neighbors and their property.¹⁸⁴

Prescribed burning contributes to the public well-being and safety by reducing hazardous accumulations of wildland fuels. Rural communities and areas within the wildland-urban interface should be educated and trained in the use of this important tool.¹⁸⁵

Habitat Protection

There are many ecological systems that are fire-dependent. For example, Longleaf pine germination benefits from fire. Fire reduces competition from hardwoods and encourages growth in pines of all species. Additionally, on many prescribed burn sites there has been the appearance of plant species (some rare or endangered) that were absent or in reduced numbers because of the lack of fire. Texas trailing phlox, chapmans orchid, pitcher plants, and the Kentucky lady slipper orchid are all plants that have either increased or reappeared in response to prescribed fires.¹⁸⁶

Prescribed burning also provides benefits to wildlife. For example, some wildlife, like the red cockaded woodpecker, will abandon a nest tree if the understory becomes too thick due to lack of fire. Prescribed fire can maintain habitat for birds like the black capped vireo.¹⁸⁷

Wildfire Prevention

Prescribed burning can help reduce fire intensity or even prevent wildfires; this method can also result in the reduction of fuel loads, which translates to reduced fire intensity if a wildfire occurs in the same area.¹⁸⁸ Prescribed fires in timber can also reduce ladder fuels (brush, weedy understory trees, etc.) that can carry fire from the surface fuels up into the crowns of the trees.¹⁸⁹

Hundreds of individual property owners and thousands of structures make it difficult, if not impossible, to conduct meaningful prescribed burns to protect the whole community. In order to make prescribed fire a more useful tool for land stewardship and to reduce the severity of future wildfires, the state could work cooperatively with private landowners.¹⁹⁰

Park Visitation, Tourism and Economy

The 2011 wildfires across Texas had, and continues to have, an effect on the state's tourism industry. Additionally, the current drought in the state has led to loss in park visitation and tourism revenue, which has affected local economies. Droughts lead to burn bans which can be an extremely costly ordeal for the travel and tourism industries. For example, firework displays are customers' expectations for many businesses, especially theme parks on weekends and during other holiday periods including 4th of July. Fireworks can bring in thousands more visitors which means more in tourism revenue for the state. If burn bans won't allow firework displays, it can be very costly.¹⁹¹

Public Perception

After the wildfires across the state, there was a perception among consumers and travelers that the entirety of the state of Texas had burned. Small businesses and the small and rural communities across Texas do not have the resources to change public perception.¹⁹² Support could be provided to protect the state funding for the tourism marketing program in the Governor's Division of Economic Development and Tourism, as well as funding for communications efforts in the TPWD and the Texas Historical Commission. These are the state agencies that can help these communities and businesses get the word out that Texas is open for business and ready for visitors.¹⁹³

Water Conservation

Climatologists are predicting that the Texas drought could last another five to ten years.¹⁹⁴ The drought has led to water restrictions across the state and the growing population is going to further stress the existing water supplies, so additional solutions will need to be found.¹⁹⁵

Complying with water restrictions can raise customer safety concerns. An outdoor theme park cannot simply turn off water misters or air conditioners on a hot August afternoon. Those features have to keep running not only to keep customers comfortable, but to guard against heat related health issues such as heatstroke.¹⁹⁶ Some businesses have to worry about the wellbeing of animals; they cannot just stop giving animals water because water use restrictions are in effect. In some cases, federal rules dictate how a business must house and care for animals. Some animals require climate controlled environments at all times.¹⁹⁷

Landscaping, foliage, and vegetation can be an essential business feature and an expensive business asset in the travel and tourism industry. During periods of water use restrictions, hand watering is required because automatic sprinklers cannot be used. This requires more labor, which increases operational expenses. Additionally, hand watering means the loss of foliage, vegetation, and even mature trees.¹⁹⁸

The tourism economy in some communities is largely dependent upon water recreation, such as rivers and lakes, and when water levels drop, so does business. For example, when the Guadalupe River level dropped significantly in New Braunfels last year, some segments of their tourism economy suffered as much as a 25 percent loss in revenues, when they were expecting a 13 percent increase.¹⁹⁹

In their state water plan, the Texas Water Development Board has identified a number of water conservation strategies that can help keep water in the state's rivers and lakes for recreational and wildlife needs.²⁰⁰ The legislature could fund these strategies and consider options to provide businesses with incentives to adopt practices that would increase water reclamation, recapture and recycle in order to decrease the need for fresh, potable water.²⁰¹

Economic Impact Studies

Lake Travis Economic Impact Report

Travis County and the Lake Travis Economic Stakeholders Committee commissioned a report to complete an economic and fiscal impact analysis of Lake Travis and the surrounding tourism and service-based businesses. The Texas drought has affected Lake Travis' water levels and has led to a decrease in revenue generated by tourism, which has led to negative impacts on the local economy. As of January 2012, the lake's water levels were at 626 feet. At lake levels below 650 feet, visitation sharply declines, driven by the closure of most of the lake's boat ramps. As this occurs, visitor spending decreases and creates a significant negative impact on the local economy, as revenues at local hotels, restaurants, and other tourism-serving businesses fall. Lake level fluctuations result in decreased demand for services provided by lake-related businesses and are the primary concern of Lake Travis business owners. The business operations of marinas, boat charter companies, scuba operators, and other water recreation companies are all directly affected by lake levels.²⁰²

The Lake Travis report used historical data and econometric models to make projections on the financial impact low lake levels or poor water quality have on the region. The historical data included Lake Travis property tax values from 2005 to 2010. These projections determined that when lake levels are below 660 feet for 60 consecutive summer days, fiscal revenues, exclusive of property taxes, drop between \$1.4 million and \$1.9 million. Lake Travis has been below 660 feet since April of 2011. When low lake levels persist, they may not be viewed as temporary, but rather, the new normal. Low lake levels can lead to property tax revenues dropping by \$15 million to \$20 million. Persistently lower lake levels decrease lake-related spending by 14 percent to 20 percent, or by \$23.6 million to \$33.8 million. This results in losses of up to 241 jobs, \$6.1 million in wages, and \$12.6 million in value on an annual basis. During extremely low lake level years, such as 2009, approximately \$16.0 million to \$20.0 million in sales receipts could be lost, which translates into a loss in sales tax revenues of \$1.3 million to \$1.7 million, and also results in store closures and permanent job losses. Extreme lake level decreases could result in a decrease of \$344,500 in hotel taxable receipts, which translates into a loss of \$20,700 in hotel occupancy tax revenues to the State of Texas.²⁰³

If Lake Travis lake levels maintain a state of drought or flood for longer periods of time, visitor levels can be expected to drop more than the historical record of 20 percent. If visitor levels drop by half, the resulting economic impact could result in losses of up to 583 jobs and a total impact of \$33.5 million on an annual basis. An equal drop in boating expenditures could result in an estimated loss of 14 jobs and \$96,000 in total value added.²⁰⁴ Extreme drops in Lake Travis water levels force marina owners to move docks to deeper waters, or even close docks altogether. Anecdotal evidence suggests that, during the extreme lake level drop caused by the drought of 2009, marinas spent \$10,000 to \$50,000 to move the marina and extend infrastructure to the dock. Some shallow-water marinas spent over \$300,000 for more complicated moves.²⁰⁵

Climate Change

Arguments exist that explain how drought and wildfires could be attributed to climate change. The recent drought and wildfires were exacerbated by climate change, which accounted for approximately one degree Fahrenheit of excess heat. Warmer temperatures lead to greater water demand, faster evaporation, and greater drying-out of potential fuels for fire.²⁰⁶ One degree of extra heat could potentially cause a 350 percent increase in acres burned during a wildfire. This could have a severe impact on the state's nature-based tourism and recreation, as well as the public safety of its citizens. Proposed methods to mitigate this issue include pollution reduction from power plants, industry, cars and trucks, as well as cleaner alternatives such as wind, solar, advanced bio-fuels, fuel efficient and electric vehicles and public transportation.²⁰⁷

RECOMMENDATIONS

The committee recognizes that while the weather or the severity of drought conditions cannot be controlled, Texans can take an active role in preventing wildfire. Texas will always be at risk of wildfire, but every tool available should be utilized in order to reduce vulnerability. Texas should strive to be a national model and leader for wildfire prevention and mitigation.

Prescribed Burning

Continue to conduct educational and public awareness campaigns on the benefits of prescribed burning to better utilize proven wildfire mitigation strategies in an attempt to better safeguard the state's natural resources from future wildfires through public participation.

Continue to work to identify and implement tools to limit the spread of wildfires, including any necessary enhancements to the state's certification program for trained and insured prescribed burn managers, which resides at the Texas Department of Agriculture.

Promote TxWRAP

The Texas Forest Service should continue efforts to educate county and local officials, charged with establishing wildfire prevention plans, on the available applications within TxWRAP to allow for increased wildfire readiness. In addition, the Texas Forest Service should continue its outreach to educate the public on the benefits of TxWRAP in assessing wildfire risks and taking necessary steps that will help safeguard private property.

Water Conservation

Consider funding the water conservation strategies offered by the Texas Water Development Board that attempt to keep water in the state's lakes and rivers for recreational and wildlife needs.

Consider options to provide businesses with incentives to adopt practices that would increase water reclamation, recapture, and recycle in order to decrease the need for fresh, potable water.

Drought and Wildfire Impacts

Continue to monitor the impacts of the drought and wildfires as additional data is acquired. The Texas Wildfire Prevention Task Force should continue to meet as needed in order to retain an ongoing dialogue that seeks to identify areas in the state most at risk for wildfire, identify the best tools available to mitigate wildfire risk, and provide direct and effective outreach to implement mitigation tools.

AGENCY OVERSIGHT

PUBLIC HEARING

The House Committee on Culture, Recreation, & Tourism held public hearings on its Interim Charge #5 related to monitoring the agencies and programs under the committee's jurisdiction on April 24, 2012 and October 18, 2012 at 10:00 a.m. in Austin, Texas in the Capitol Extension, Room E1.026. The following individuals testified on the charge:

Robert Bohannon, Entertainment Software Association
Scott Boruff, Texas Parks and Wildlife Department
Harry Bradley, Texas State Cemetery Committee
Jodee Bruce, Office of the Comptroller of Public Accounts
Aaron Demerson, Economic Development and Tourism Division, Office of the Governor
Evan Fitzmaurice, Texas Film Commission, Office of the Governor
Robert Floyd, Texas Music Educators Association
Susan Fowler, Texas Motion Picture Alliance
Gary Gibbs, Texas Commission on the Arts
Eric Jarvis, Texas Chapter of The Recording Academy
Phillip Jones, Dallas Convention and Visitors Bureau
Scott Joslove, Texas Hotel and Lodging Association
Larry Laine, General Land Office
Brent Leisure, Texas Parks and Wildlife Department
Casey Monahan, Texas Music Office, Office of the Governor
Jim Ray, Preservation Texas
Peggy Rudd, Texas State Library and Archives Commission
Catherine Sak, Texas Downtown Association
Scott Sayers, Texas State Cemetery Committee
John Snead, State Preservation Board
David Teel, Texas Travel Industry Association
Kaye Tucker, General Land Office
Jason Walker, Texas State Cemetery Committee
Michael Waters, Texas State Library and Archives Commission
Mark Wolfe, Texas Historical Commission

The following section of this report related to monitoring the agencies and programs under the committee's jurisdiction and the implementation of relevant legislation passed by the 82nd Legislature is produced in large part from the oral and written testimony of the individuals listed above.

TEXAS PARKS AND WILDLIFE DEPARTMENT

Overview²⁰⁸

The Texas Parks and Wildlife Department (TPWD) is charged with stewarding the fish and wildlife resources of Texas and providing recreational opportunities such as hunting, fishing, wildlife viewing, hiking, biking, canoeing and kayaking, and many other forms of enjoying the great outdoors.

The Texas population has grown 20.6% over the last ten years, more than twice the national average of 9.7%. With this growth comes heightened demand for affordable and accessible outdoor recreational opportunities, as well as increasing pressure on existing land and water resources. A recent inventory of outdoor recreation lands (2012 Texas Outdoor recreation Plan) reported that in Texas, ten counties with populations greater than 500,000 account for 58% of the state's population, but only offer 8.4% of recreation and conservation lands available for public use. As farm, ranch and timber land is becoming more fragmented due to urbanization, there are also resulting long-term impacts to ecosystems and native habitats. The department also continues to see increased demand from landowners for technical assistance and guidance in how best to manage and conserve existing open lands for the benefit of wildlife.

In the last biennium, nearly \$15 million dollars in contingent revenue was included in TPWD's budget. While the agency embarked on measures to drive increased revenues, the resulting shortfall had dramatic impacts on agency operations, particularly State Parks. Historic droughts and wildfire exacerbated the impact as visitation dropped in State Parks and anglers and recreational boaters could no longer access reservoirs. In 2012, increased rainfall has resulted in better habitat conditions in general, and lakes and rivers, along with many State Parks, are seeing increased visitation.

The legislatively directed strategic operating plan for TPWD, known as the Land and Water Resources Conservation and Recreation Plan (Land and Water Plan) continues to guide the Department's efforts in conserving the natural and cultural resources of the state. The plan envisions 4 strategic goals:

1. The agency will practice, encourage, and enable science-based stewardship of natural and cultural resources.
2. The agency will increase access to, and participation in, the outdoors.
3. The agency will educate, inform, and engage Texas citizens in support of conservation and recreation.
4. The agency will employ efficient, sustainable, and sound business practices.

Some examples of agency programs and activities that comport with these goals:

(1) Practice, encourage, and enable science-based stewardship of natural and cultural resources.

- East Texas Fish Hatchery: The new John D. Parker East Texas State Fish Hatchery, which replaces the 80 year old Jasper Fish Hatchery, celebrated its grand opening in

April 2012. The hatchery includes 64 production ponds covering 67 acres, a 34,000-square foot production building, storage, and a new office facility to house personnel.

- Lesser Prairie Chicken Efforts: In the last few years, TPWD has worked successfully with private landowners to voluntarily enroll over 300,000 acres of private lands in the Lesser Prairie Chicken Candidate Conservation Agreement with Assurances (LPC-CCAA). This voluntary agreement is a proactive approach to conserving and recovering candidate species before they become listed as endangered, and is consistent with the agency's goal of working with landowners and industry to prevent the listing of species when possible.

(2) Increase access to, and participation in, the outdoors.

- TPWD has been involved in programmatic efforts to involve youth, families, and broad diversity in outdoor activities. More and more research is documenting the positive effect of getting people into the outdoors.

(3) Educate, inform, and engage Texas citizens in support of conservation and recreation.

- Children in Nature: In 2010, TPWD, along with several state agency partners and other stakeholders, completed the strategic plan for Texas Children in Nature to address issues associated with getting Texas families into the outdoors and fostering natural resource literacy among Texas children. Regional collaborative groups were formed in seven areas of the state to ensure implementation of the plan on a statewide basis. TPWD, as well as the Texas Education Agency, in conjunction with experts in formal and informal education, is currently working on development of a Natural Resources and Environmental Literacy Plan.
- Hispanic Outreach: TPWD understands the need to engage all Texans, including Hispanics, in order to be successful in conserving our state's natural and cultural resources. The department is employing a number of strategies to achieve this goal, including producing more bilingual publications, increasing the Spanish language content on the TPWD website, providing on the ground exhibits and interpretive signage in Spanish, and developing media partnerships with Spanish language TV stations in Houston, Austin, and the Rio Grande Valley.

(4) Employ efficient, sustainable, and sound business practices.

- New License Sales System: In June 2011, TPWD was notified that its longtime license sales system vendor would no longer operate the Texas electronic system to sell hunting and fishing licenses across the state. The department immediately began exploring options for a replacement system and selected a new provider, Gordon-Darby, in March 2012. The company has been a leading provider of government services for nearly thirty years, with experience operating the Texas Information Management System for the Texas Commission on Environmental Quality (TCEQ) since 2007. The first transactional sales under the new system are expected in late summer or fall of 2013.

- TxParks: TxParks is a customized software package for state park reservations and point of sale transactions. The software package has a five-year contract life that will expire in December 2013. TPWD is currently in the process of re-negotiating the contract.

Challenges and Opportunities²⁰⁹

Drought and Wildfires

Prolonged drought and heat conditions, as well as major wildfire events, that have had both immediate and potential long-term impacts to fish and wildlife populations, recreational access, agency operations and revenues, have created a challenging time for the agency.

Three major fire events from April to September 2011 resulted in loss of significant habitat, useable space, equipment, and critical infrastructure at Davis Mountains State Park, Possum Kingdom State Park, and Bastrop State Park. The most recent estimate for recovery from the Bastrop State Park fire, including erosion control, reforestation, and infrastructure/equipment replacement, totals close to \$6.55 million in unfunded needs. Wildlife Management Areas across the state were also impacted, most notably Matador WMA, where more than 12,000 acres burned. Visitation and revenue collections at the affected park sites were suspended in the immediate aftermath of the fires, resulting in revenue declines at those locations.

The extended drought and heat also caused impacts in other areas. In March 2012, hatchery operations at the Dundee Fish Hatchery, near Wichita Falls, were suspended for the 2012 production year due to lack of sufficient water in Lake Kemp. This hatchery is one of the state's primary producers of striped and hybrid bass fingerlings for stocking into Texas public waters. Declining lake levels and stream flows also had ramifications for boating, angling, and other recreational access as lake levels fell below the point where boat ramps could be used, and reduced inflows and high temperatures made water contact unsafe in some areas.

Chronic Wasting Disease

Another significant occurrence has been the discovery of chronic wasting disease in Texas mule deer. TPWD has had an active Chronic Wasting Disease (CWD) surveillance program for over a decade. In early summer, samples from two mule deer in far West Texas were confirmed positive for CWD. TPWD and the Texas Animal Health Commission (TAHC), along with input from the CWD Task Force, have developed a management plan that includes practices aimed at containing the disease. In addition, the TPW Commission is currently considering rules that would restrict deer movement in affected areas and plans to increase testing of hunter harvested mule deer.

Battleship Texas Repairs

Battleship Texas is a 100-year old dreadnought style battleship which was gifted to the state in 1948 and berthed at San Jacinto Battleground State Historic Site. In 2007, the legislature appropriated \$25 million to repair the ship, which has been augmented by donations totaling \$3 million from the Battleship Texas Foundation. TPWD determined that a dry berth is the best long-term solution to preserve ship. In 2009, the Legislative Budget Board directed TPWD to dry berth the ship at its current location.

TPWD and its design consultants thoroughly explored all reasonable options for a dry berth and found that the estimated cost to build a dry berth and to make necessary ship repairs far exceeds the money available. As a result, we have now turned to using the available funding to conduct those critical repairs that reestablish the ship's internal structural integrity and some watertight integrity to keep the ship afloat until we have the funding for a dry berth.

Due to the significant deterioration of portions of the internal structure and the hull plating of the ship, the US Navy considers the ship to be unable to be towed in the ship's current condition. The poor condition of the ship's hull was vividly illustrated this past summer when the ship experienced a number of leaks, whose repairs ultimately cost just over \$2 million, which came out of the overall project budget.

During this process, TPWD has worked openly and closely with a varied group of stakeholders, including the US Navy, US Advisory Council on Historic Preservation, and the Texas Historic Commission, in complying with all state and federal requirements for environmental and historic clearances.

Exotic/Invasive Species

In July 2012, TPWD confirmed the presence of zebra mussels, a destructive invasive species, in Lake Ray Roberts north of Denton. This was the first reservoir in the Trinity River basin to have a confirmed population of zebra mussels. For the past several years, TPWD has had ongoing public awareness campaigns to encourage lake users to clean, drain, and dry boats, trailers, and gear before moving to another lake. In March 2012, the TPW Commission adopted regulatory changes aimed at preventing further spread of zebra mussels by requiring that boats operated on Lake Texoma and Lake Lavon be drained before they leave those water bodies. In response to the more recent discovery in late July, TPWD issued an emergency order adding Lake Ray Roberts and Lake Lewisville to the list of water bodies under these special regulations.

TEXAS COMMISSION ON THE ARTS

Sunset Commission Review

The Texas Commission on the Arts (TCA) is currently under Sunset Review. The Sunset Advisory Commission's staff report was issued in July 2012. The report noted that the agency has made significant improvements since the last Sunset review in 2006.

Agency's Fiscal Status

The 82nd Legislature reduced TCA's appropriations by 56% and lowered the number of FTEs from 18 to 12. The legislature eliminated all funds, staff, and performance measures associated with cultural tourism. However, the agency is still included in the Memorandum of Understanding (MOU) of Cultural Tourism along with the Office of the Governor – Economic Development and Tourism, the Texas Department of Transportation, the Texas Parks and Wildlife Department, and the Texas Historical Commission. TCA has continued to fulfill its responsibilities to the Cultural Tourism MOU, but in a significantly reduced manner.

Two other sources of revenue to the agency have been impacted during this biennium. A loss of all marketing funds in the budget cuts and stiff competition from MyPlates have resulted in lower “State of the Art” specialty license sales that benefit the agency’s grants budget. Fundraising from philanthropic sources continues on a limited basis, but is not a significant factor in TCA’s budget.

Grants and Professional Services to the Field

Even with the reduction of TCA’s budget by 56%, the agency continued to provide grants to support the creative industries throughout Texas. In FY 2012, 1100 grants were awarded to arts organizations, libraries, schools, and community organizations throughout the state. These grants addressed the priorities of state government as determined by the Governor and focused on these categories:

- Arts Create – operating support for arts organizations
- Arts Respond – project grants aligned with state priorities:
 - Education
 - Health and Human Services
 - Criminal Justice and Public Safety
 - Economic Development
 - Agriculture and Natural Resources

In addition, the Commission continued its Rural Initiative by providing grants for arts programming in many rural communities that previously have not been impacted by TCA’s programs.

In partnership with the Texas Cultural Trust, TCA awarded grants to 15 Young Masters. These high school winners from throughout the state were awarded funds to support private instruction, summer programs, and mentor relationships in their various artistic disciplines. TCA has also partnered with VSA Texas to survey its grant recipients regarding their programming for veterans with disabilities. The survey will inform TCA regarding future initiatives to support veterans and their families.

TCA continues to be a valuable resource to the arts and culture field by providing information, webinars, and grants workshops that enhance professional development for arts and culture leaders. TCA will host its biennial “State of Arts” conference in January 2013 attracting arts professionals from around the state.

Cultural Districts

Currently, there is a national emphasis on creative placemaking. TCA continues its designation of Cultural Districts throughout the state. To date, TCA has designated 19 communities as official Cultural Districts. The communities include urban areas, mid-sized cities, and rural communities. TCA views this program as having great potential for utilizing the arts as economic development tools while contributing to a better quality of life for the citizens.

State Artists

Currently, TCA is accepting applications for the State Artists designation. The 83rd Legislature will recognize the official state artists for 2013 and 2014 in the following areas:

- State Artist – 2 Dimension (painting)
- State Artist – 3 Dimension (sculpture)
- State Musician
- State Poet Laureate

TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

Agency's Fiscal Status²¹⁰

The 82nd Texas Legislature reduced General Revenue (GR) funding for the Texas State Library and Archives Commission (TSLAC) by more than 65%, the largest percentage reduction of any state agency. GR funding for library programs was reduced by 88%. Currently, the largest source of funds for the agency is federal funding from the Library Services and Technology Act, which may be cut dramatically by 2015 because GR cuts prevent the TSLAC from meeting its Maintenance of Effort (MOE) obligations for these federal funds. Based on the report the TSLAC will file with the federal Institute of Museum and Library Services (IMLS) this December, the agency will fall short of meeting the MOE target by 66%. This will reduce TSLAC's federal funds from about \$10 million this year to just under \$2 million in FY 2015. TSLAC can apply to IMLS in May 2013 for a waiver; however, IMLS will need to see that the Texas Legislature is committed to restoring General Revenue to the agency.

In response to the reduction in appropriations, TSLAC has taken the following actions:

- Eliminated 37 FTEs; 20 laid off; 19% reduction in agency staff
- Eliminated Loan Star Libraries (grants to public libraries)
- Merged two divisions to create the new Library Development and Networking Division with half the staff and nearly the same responsibilities
- Eliminated funding for the 10 regional library systems
- Eliminated technology assistance grant program
- Eliminated TexShare databases for K-12 public schools
- Increased TexShare member cost sharing by an average of 35%
- Transferred several resource sharing programs to Archives and Information Services Division, giving that division additional responsibilities without additional staff
- Activated an increased Records Center Services storage fee for state agencies
- Outsourced administration of shared library catalog systems
- Outsourced consulting and technology support services for libraries

Legislative Appropriations Request²¹¹

The agency's Legislative Appropriations Request for 2014-2015 includes six Exceptional Item Requests, which follow in priority order voted on by the commissioners.

Shared Digital Content

The agency is requesting \$9.25 million over the biennium to be used to prevent loss of current content in the TexShare databases (\$1.4 million); to support additional resources including eBooks, iBooks, online homework help, and job search resources (\$3 million); to license research databases for all K-12 public schools (\$4 million); to hire two FTEs to administer the program (\$350,000); and support for an educational partner that will integrate digital content with other learning resources and target student research requirements which begin in kindergarten (\$500,000).

This initiative includes an increase of \$100,000 in TexShare member cost share fees in FY 2014 and an increase of \$1.2 million in cost share fees in FY 2015 to include fees paid by school districts.

Electronic Records Archive

Currently, the TSLAC has no capacity to accept non-current, infrequently used electronic records from state agencies for temporary storage in much the same way as TSLAC is able to accept paper records and store them at the State Records Center. In addition, TSLAC is unable to support the long-term storage of electronic records of enduring archival value. Over the past two years, the Records Management Interagency Coordinating Council (RMICC) established several workgroups to examine various aspects of managing digital information, including e-records, e-mail, and social media. In the June 2012 report of the Best Practices for Managing Digital Information Committee, in an examination of challenges, solutions, and recommendations, committee members stated: "*The State of Texas needs to establish a plan for electronic records management for state agencies with accepted standards for file formats and storage options...*"

In addition, the report calls for an increase in authorized FTEs and budget for TSLAC so that the agency has the capacity to provide training and sample materials to use in agency electronic records management programs. This Exceptional Item Request is \$450,000 over the biennium to hire two Electronic Records Specialists that would plan, develop, and implement an electronic records management program for the state, including preservation of those electronic records deemed to have permanent archival value. These FTE positions would work with partners such as the Department of Information Resources and Data Center Services, RMICC, state agencies, and state leadership to ensure proper care of born-digital and stored-digital records.

Innovative Partnership Grants

The agency is requesting \$3.4 million in General Revenue for incentive grants for academic, public, and school libraries to support adult and early childhood literacy programs, digital literacy training, workforce development programs, and educational programs. Libraries will be required to partner with the Texas Workforce Commission and its Solutions offices, nonprofit literacy coalitions, Head Starts and preschools, civic associations, churches, and other allied groups and organizations in order to maximize investment in these programs and ensure a

collaborative approach to dealing with critical issues. The request includes funding for two FTE positions to administer the grant program. While some grants would be awarded in FY 2014, the bulk of the grants would be awarded in FY 2015 once the program is firmly established.

Archival Backlog Processing to Support Public Access And Research

TSLAC faces a large and growing backlog of 22,000 cubic feet of permanently valuable archives that need to be processed. With only five archivists on staff, processing this backlog is an impossible task. The backlog includes such state records as Comptroller of Public Accounts records, Supreme Court case files, appellate court case files, Attorney General litigation files, long-term records of a few counties, and legislative records. TSLAC is requesting \$800,000 over the biennium to support four FTE positions that would ensure that the history of Texas is accessible and readable for generations to come.

Security and Safety at The Sam Houston Regional Library and Research Center in Liberty

Built in 1977 three miles north of Liberty, the Sam Houston Regional Library and Research Center holds local government archival records for a ten-county area in Southeast Texas, including Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Polk, San Jacinto, and Tyler Counties. While the center has benefited from some deferred maintenance and additional shelving installed in 2010, which has relieved storage problems, there are a number of safety and security matters that TSLAC believes must be addressed at the facility. TSLAC has requested \$1 million over the biennium to address a host of problems identified during onsite visits by the Texas Historical Commission, the State Office of Risk Management, and an independent construction consultant. Critical needs identified are:

- Replacement of aging fire detection systems
- Replacement of non-functioning fire suppression system
- Installation of exterior safety lighting
- Asbestos abatement and replacement of damaged floor tiles
- Correction of severe drainage problems
- Installation of a security system
- Replacement of aging air conditioners and cooling towers
- Removal of dead and diseased trees
- Construction of a handicapped accessible parking area and entrance to the Price and Jean Daniel Home and Archive co-located on center property

Recovering Texas' Historical Records

TSLAC has requested \$200,000 over the biennium to support one archivist position that would work with document appraisers, auction houses, the Attorney General's Office, and others to identify and recover important historical records stolen in years past from the Texas State Archives. The agency has identified more than 800 of the state's historical documents that should be in the possession of the Texas State Archives. The agency needs an added FTE position dedicated to repatriating these permanently valuable materials. In recent years, TSLAC has recovered the Texas Legation Records, diplomatic records lost for over 160 years, broadsides, Texas Supreme Court case files, and original reports from the colonial period.

The 82nd Texas Legislature passed H.B. 1844, which allowed the Texas State Library and Archives Commission to store local government records at the State Records Center. TSLAC has promoted this service to local governments in the Austin area. H.B. 1559 passed by the 82nd Legislature directs the Texas State Library and Archives Commission to adopt rules “*for the retention, storage, and destruction of a court document filed with, otherwise presented to, or produced by a court in this state before January 1, 1951.*” TSLAC appointed a Local Government Records Storage Task Force, broadly representative of county and district clerks, legal counsel, and experts in records management and archives, to assist the agency in developing minimum and enhanced storage standards for pre-1951 court records and permanent records held by local governments. These standards have been posted in the *Texas Register* and will be considered for final approval by the commission in February 2013. H.B. 1781 required agencies to assess required reports by August 1, 2012. TSLAC worked with the Legislative Budget Board and Sunset Advisory Commission staff to standardize responses and to assist agencies in this task. H.B. 2139 authorized TSLAC to encourage donations to public libraries in Texas via the Adopt-a-Library program.

Awards²¹²

Over the past year, TSLAC has received two honors: the Broadband Hero Award from Connected Texas for our efforts to improve broadband access, adoption, and usage in Texas, working through public libraries as anchor institutions, and the Library of the Year Award for our Talking Book Program from the Library of Congress.

STATE PRESERVATION BOARD

Agency Overview

In 1983 the legislature created the State Preservation Board (SPB), which was originally charged with restoring, preserving, and maintaining the Capitol and the 1857 General Land Office Building. While the restoration was completed nearly 20 years ago, the agency is still very much focused on preserving, protecting, and maintaining the Capitol.

Over the years the legislature has charged the agency with additional responsibilities, including the construction and management of the Bob Bullock Texas State History Museum and the restoration, preservation, and maintenance of the Governor’s Mansion. Furthermore, the agency has also assumed responsibilities for grounds keeping, housekeeping, and facilities management of the Capitol and Extension, and management of the Capitol Tour Guide office. The State Preservation Board is responsible for the following:

- Providing maintenance, housekeeping, and grounds keeping services at the Capitol, Capitol Extension, Capitol Visitors Center, Capitol Visitors Parking Garage, and the Bob Bullock Texas State History Museum
- Operating the Bob Bullock Texas State History Museum
- Preserving and maintaining the Governor’s Mansion and grounds

- Approving all changes involving construction, restoration and repairs in the Capitol, Capitol Extension, General Land Office building, and on their grounds
- Providing educational and curatorial services for the Capitol
- Care for the Capitol Historic Artifact Collection, which includes Capitol furniture, art and other decorative works
- Operating an education and tourism center at the Capitol Visitors Center
- Providing interpretation and guided tours of the Capitol and Capitol Visitors Center
- Scheduling and managing public events and exhibits at the Capitol
- Operating the Capitol Gift Shops
- Managing the Capitol Extension Cafeteria
- Operating the Capitol Visitors Parking Garage and maintaining the Capitol Complex Parking Meters

Sunset Review

The SPB is currently under Sunset Review. The Sunset Advisory Commission's staff report was issued in May 2012. The report noted that the agency's important and unique mission is being effectively fulfilled and that the agency should be continued for another twelve years.

Governor's Mansion

The SPB had been heavily focused on the project of completing the restoration of the Governor's Mansion. In late July, Governor and Mrs. Perry moved back into the Mansion. It was just a few months short of five years since they moved out of the house so that the extensive preventative maintenance project could begin. After the fire on June 8, 2008, the deferred maintenance project turned into a stabilization project that then concluded with a restoration project.

Texas State History Museum

In FY 2012, the Museum adopted a 5-year strategic plan that will enhance its position as the leading history museum in the state and one of the best in the country. The plan will expand the Museum's educational reach and impact through engaging programs and exhibitions that explore the development, traditions and cultures of Texas, as well as Texas' larger impact on the story of America. A center piece of the strategic plan is the installation of the recently restored 17th century shipwreck, *LaBelle*. The ship will be displayed in a completely redesigned first floor exhibit gallery along with thousands of artifacts that were found on board. The *LaBelle* represents one of the most important archeological discoveries in North America and promises to become a major draw for the Museum. In order to fund this multi-million dollar initiative, the Texas State History Museum Foundation Board has committed to raising the necessary funds from private sources.

Because the Museum largely depends on earned income to fund its annual operating expenses, there is a continued focus on growing revenues while strategically managing expenses. During the past four years the Museum has made considerable changes on both of these fronts. The Museum has initiated docent-led tours of the galleries for school groups in an effort to attract more student visitors; the Museum's web site is being redesigned to become more

dynamic and visitor friendly; a parking program is being marketed to students, faculty, and employees of the University of Texas to better utilize available parking spaces in the Museum garage and substantially increase parking revenue; expanded programming for students and adults is attracting more visitors; and, more aggressive marketing of venue rental opportunities is also increasing revenue. Cost savings measures at the Museum include reducing the number of artifacts that are rotated through the permanent galleries; having staff transport artifacts to and from lenders; cross-training front line staff to provide flexibility in meeting customer demands; having Museum housekeeping staff absorb responsibilities previously handled by our outside vendor; and, negotiating with vendors to reduce cost of supplies and services.

TEXAS FILM COMMISSION, OFFICE OF THE GOVERNOR

Background and Duties

The Texas Film Commission (TFC), a division of the Office of the Governor, promotes Texas as a center for the production of film, television, commercial, animation, and video game projects. On-location filming and game development, whether from Hollywood-based production companies or from Texas' dynamic community of independent filmmakers and game developers, creates employment, training opportunities, tourism, and spending with a wide variety of Texas businesses.

Since its formation in 1971, the TFC has provided free assistance to moving image projects of all sizes and all budgets. The TFC's services include:

- Location recommendations, including in-person location scouting and access to a vast photo library of statewide sites
- Referrals to qualified crew, talent, and equipment
- An online, searchable database of film professionals throughout Texas
- Liaison services with state agencies, law enforcement, and other public and private entities
- Access to archives on Texas' film industry and its economic impact
- The Texas Moving Image Industry Incentive Program (TMIIIP), the means by which Texas competes to draw production from elsewhere to the State of Texas, as well as to keep native production in the State of Texas, which might move elsewhere in the absence of the program

Texas Moving Image Industry Incentive Program

Implemented into law over the 79th, 80th and 81st legislative sessions, with appropriations commencing in 2007 and continuing in 2011, the TMIIIP has gained notoriety from across the state and nation and become an effective economic development and jobs program utilized by feature film and independent film productions, episodic television series, commercial producers, and animation and video game production and design companies.

Based on applications to the program, which reflect anticipated spending levels and hiring by productions utilizing Texas, its people, and locations since the program was first funded in 2007 through March 2012, it is estimated that over 67,000 production job opportunities

were scheduled based on anticipated spending of over \$630 million.²¹³ This equates to approximately 8,760 FTEs. In the period of time since the passage of the \$60 million appropriations in April 2009 through August 2011, over \$457 million in anticipated spending was scheduled by applicants to the program, with 39,205 production jobs estimated and 5,822 FTEs.²¹⁴ Since mid-2009, the program has become very popular and successful, and that timeframe accounts for the majority of the spending and job data.

In the second quarter of the 2012 fiscal year, Texas had two very large episodic television shows (*Dallas* and *The Lying Game*) shooting in the state, one in Austin and one in Dallas. Shooting between ten and 20 episodes each, hiring between 150 and 250 Texas crew members and over 3,000 cast members each, these shows each spent between \$15 million and \$20 million in the state, for which the state will spend, only when all expenditures are verified, a very small fraction of that money in return.

Video Games

A growing and powerful component of the TFC's program are the video game producers and animators in the State of Texas who utilize some of the most skilled Texans, paying them very well, and sometimes spending over \$25 million in local spending per game, almost all of that on wages paid to Texans. Due to the strength of this industry sector, Texas is now second only to California in this crucial business space, which has a powerful economic impact compared to the size of the cash grants they can potentially receive from the State of Texas.

Rule Changes

In connection with the start of the 2012 fiscal year, the administrative rules governing the Texas Moving Image Industry Incentive Program were amended as of August 28, 2011 to, among other revisions, raise the percentage incentive grant available to a video game project applicant from five percent to a sliding scale equivalent to the total spend option available to film and television project applicants. The scale, which rises in connection with project spending levels in Texas, provides a five percent grant for projects with less than \$1 million in Texas spending, a ten percent grant for projects with over \$1 million in Texas spending but under \$5 million in Texas spending and 15 percent for projects with over \$5 million in Texas spending. An increase of two and a half percent is available at each level if at least 25 percent of the project is developed in a historically underutilized or economically distressed area.²¹⁵

On January 1, 2012, the administrative rules governing the Texas Moving Image Industry Incentive Program were amended further to subject the review, and potential acceptance or denial, of applications to the program, given the more constrained program budgetary environment, to an assessment based not only upon existing minimum program requirements and the appropriateness of content, but also upon a focused set of six criteria assessing the potential magnitude of the economic impact in the State of Texas. Those criteria are:

1. The financial viability of the Applicant and the likelihood of successful project execution and planned spending in the State of Texas.
2. Proposed spending on existing state production infrastructure (such as soundstages and industry vendors).
3. The number of Texas jobs estimated to be created by the project.

4. The ability to promote Texas as a tourist destination through the conduct of the project and planned expenditure of funds.
5. The magnitude of estimated expenditures in Texas.
6. Whether the project will be directed or produced by an individual who is a Texas Resident, where the term "produced by" is intended to encompass a non-honorary producer with direct involvement in the day to day production of the project, but above the level of line producer.

TEXAS HISTORICAL COMMISSION

Background and Duties

The Texas Historical Commission (THC) has a long history of its own of success in bringing alive the real places that tell the real stories of Texas history. This agency started in 1953 as the Texas State Historical Survey Committee, was renamed in 1973, and took on the additional duties of the Texas Antiquities Committee in 1995. Under one roof this agency now provides historic preservation services through a series of programs including Main Street, Texas Historic Courthouse Preservation Grants Program, Archeological Stewards, Texas Historic Cemetery Program, Texas Trails Heritage Tourism Program, Texas State Archeological Landmark Program, Certified Local Government Program, Texas Historical Marker Program, Texas Military History Program, Marine Archeology Program, Texas Treasures Business Awards Program, First Lady's Texas Treasure Community Award Program, and the County Historical Commission Program. The THC also administers several programs under federal law including Review and Compliance work under the National Historic Preservation Act, the National Register of Historic Places, and the federal Investment Tax Credit Program. Moreover, the THC manages 20 State Historic Sites from Sabine Pass on the Louisiana border to the Magoffin Home in El Paso.

Budget Reduction

The THC continues to administer all of the above listed programs and more with a budget that is almost exactly half of what it was in the previous 2010-2011 biennium, and with approximately 25 percent fewer staff. Appendix G shows a comparison of the FY2010 and 2011 budget with the FY2012 and 2013 budget. The THC went from a total base of almost \$105 million to \$52.6 million, a reduction of 50 percent. That reduction included taking the THC from 221.5 FTE down to 176.2 FTE, and 1.5 of those are staff to the Holocaust and Genocide Commission, so THC itself is down to 174.7 FTE.²¹⁶

Impact of Budget Reduction

The THC decided to maintain every program at some minimum level, rather than eliminating programs entirely and then attempting to bring them back at a later time. Figure 4 lists the programs either reduced or entirely eliminated as a result of these cuts.

Figure 4	
THC Programs Reduced or Eliminated for Fiscal Years 2012-2013	
Program	Status
Visionaries in Preservation	Eliminated
Texas Historic Preservation Trust Fund Grants	Eliminated
Texas History Museum Support Grants	Eliminated
Texas Archeology Month Coordination	Eliminated
Economic Development Advice to Main Street Communities	Eliminated
Human Resources Director Position	Eliminated
Annual Historic Preservation Conference	Eliminated
Award/Recognition Programs	Eliminated
Field Archeology Projects	Eliminated
Maintenance Funds for THC Buildings	Eliminated
Emergency Response Capacity	Severely reduced
Main Street Design Support	Reduced
Medallion Publication	Reduced in size and less frequent
Museum Support Program	Reduced from 2 to 1 FTE (600+ museums)
Certified Local Government Program	Reduced from 2 FTE to 1 FTE (65 CLGs)
County Historical Commission Program	Reduced from 2 FTE to 1 FTE (254 CHCs)
Cemetery Program	Reduced from 2.5 FTE to 1.5 FTE (5,000+ cemeteries)
All State Historic Sites	Staff reduced by at least one position
Travel Budget	Reduced
In-House Capacity to Produce Print Material	Severely reduced
Performance Reward Capacity	Nonexistent (over 80% of FTE paid less than midrange)

Source: Texas Historical Commission

The Visionaries in Preservation, a program that dedicated two staff members to work closely with three communities each year to help them develop local preservation programs through a community planning process, was eliminated. The Texas Preservation Trust Fund, a grant program that distributed up to \$500,000 each year for local preservation projects, was eliminated, as was the already small grant program to assist local history museums. The THC stopped providing economic development guidance to Main Street communities and eliminated the annual historic preservation conference that provided training to local communities from across the state. The THC also stopped giving out most of their recognition awards and stopped providing coordination for Archeology Month events. Furthermore, the THC lost its Human Resources Director position.

The Museum Assistance program was reduced in staff from two FTEs to one, working with over 600 local history museums. The Certified Local Government program also went from two staff positions to one, working with 65 local governments. The County Historical Commission program went from two positions to one, working with 254 County Historical Commissions. The Historic Cemetery program was reduced, along with the Historical Marker program, and the THC publication, *The Medallion*, which was reduced in size and will be published less frequently.

The Archeology Division no longer has the ability to initiate or respond to discoveries. The THC has little, if any, ability to respond to emergencies. During Hurricane Ike, the THC had at least three people in the field every weekday, working side by side with FEMA staff, helping to speed up the environmental review process. Due to a curtailed travel budget, THC staff would be forced to do the job from Austin. The THC has had to reduce services to Main Street communities, as well as limit the number of new communities being brought into the program. All of the state historic sites have had staff reductions. In addition, there is no way to reward performance of staff, which has lowered morale. THC staff are moving to the private sector where they generally see higher pay and greater stability. Over 80% of the THC staff are paid less than the midrange for their job classification. Comparable positions in other state agencies are paid much higher salaries. Appendix H shows the economic impact of some of these programs since their inception and also on an annual basis.

Increase in Responsibilities

The THC has also had a recent increase in responsibilities. The Holocaust and Genocide Commission grew by 1 FTE last year and had its budget increased. They are administratively assigned to the THC, so while they grew, the ability of the THC to provide basic support to them was decreased. The new Historic Highway program was created by legislation passed in 2009. The THC obtained a federal grant in excess of \$1.3 million to launch the program, but was unsuccessful in obtaining the 20 percent match needed to capture the grant.²¹⁷ The THC has since negotiated a way of using staff time as the match which has allowed for that project to begin. Due to the federal stimulus funds flowing to Texas, the agency's workload on federal project reviews under the National Historic Preservation Act increased from about 14,000 reviews to about 18,000 reviews per year. Nonetheless, the THC maintained the ability to conduct these reviews within the mandatory 30 day period through creative partnerships with other state agencies, as well as the private sector, who hired their own reviewers and placed them in THC offices.

TEXAS MUSIC OFFICE, OFFICE OF THE GOVERNOR

Background and Duties

Twenty-two years ago, in January 1990, the Texas Music Office (TMO) opened. Four years before that, the Texas Legislature made Texas the first state in the country to pass legislation to promote and publicize commercial music through the TMO's predecessor, the Texas Music Commission. Their mission, as is the TMO's, was to "promote the development of the music industry in the state by informing members of that industry and the public about the resources available in the state for music production". Music is Texas' dominant cultural export, its largest source of creative employment, and due to its low cost of participation, it is an art form that extends across all socioeconomic backgrounds.

Today the Texas music industry accounts for 146,679 jobs at more than 8,500 businesses. It includes 7,445 musical acts, 699 annual music events, 946 radio stations, and 144 collegiate music programs. The TMO fulfills its legislative mandate by collecting, arranging, and disseminating information about them through their Business Referral Network. As its Actual Performance for Output/Efficiency Measure filed with the Legislative Budget Board indicates, in

2011 the TMO assisted 8,132 individual clients with a staff of three paid employees and four college student interns with an annual budget, including salaries, of \$244,655.²¹⁸

Annual Survey

The TMO annually surveys each of the members of their Business Referral Network by asking two questions. The first question asked for ideas that would foster the growth of Texas music business opportunity, and the second question asked for concerns about doing music business in Texas, especially as it relates to government policy. All Texas members of the TMO's Business Referral Network received this query. The last survey, conducted in July 2011, garnered 330 responses. There were five major groupings that resulted from the survey, which were musician concerns, music venue concerns, concerns about doing business in Texas, ideas for and comments about the Texas Music Office, and ideas for supporting and promoting Texas music.²¹⁹

Musician Concerns

Many musicians stated that it is difficult to make a living off of their craft. Pay for musical performance is comparable to what was earned 30 years ago. In addition, musicians are losing revenue from unpaid royalties and illegal downloading. Another big concern is the lack of affordable health insurance. Artists suggest tax breaks or other government support in order to make their cost of living lower.

Music Venue Concerns

Venue owners are very concerned about the cost of paying music licensing organizations, or Performance Rights Organizations, including Broadcast Music Incorporated (BMI), American Society of Composers, Authors and Publishers (ASCAP), and the Society of European Stage Authors and Composers (SESAC), their music licensing fees, and the Texas Alcoholic Beverage Commission (TABC) their taxes.²²⁰ Both venue owners and music patrons consider sound ordinances to be unreasonable. Enforcement of these laws can reduce the profitability of a music venue. The survey also showed that they believe that some laws, such as smoking bans, decrease live music event attendance. Many surveyed also think that there is a lack of small and medium-sized venues and suggested forming a Central Music District in all major Texas cities.

Concerns About Doing Business in Texas

There are thousands of musical acts and businesses throughout the state, but several professionals said the Texas music industry is not working as one cohesive unit. Their comments pointed to the fact that there is poor communication within the industry itself and a lack of professional business assistance available for musical acts. However, many noted that there are opportunities to collaborate with the film industry.

Ideas for and Comments About the TMO

The TMO received many compliments through the survey along with great suggestions and ideas on how to expand the TMO's services. Most suggestions were focused on increasing the awareness of services provided. Some also suggested creating regional TMOs, making the

Austin office headquarters, in each of the state's largest cities so local issues can be better addressed.

Ideas for Supporting and Promoting Texas Music

Many think the best way to promote Texas music is to have a large music festival and conference that showcases only Texas music artists and businesses. This would allow an opportunity for homegrown talent to be showcased, including those from all genres of Texas music ranging from Gospel to Tejano to Polka to Hip-Hop. Two additional ways to support and promote Texas music that were suggested are through music education and increased commercial radio air play.

The survey yielded numerous ideas of possible incentives, including providing municipalities with the option to provide property tax exemptions to music businesses, providing a dedicated lottery ticket to fund music development and/or music education assistance, providing a reduction of the TABC's 18 percent tax for venues that present live music four or more times each week for at least 90 minutes a day, providing a sales tax holiday for musical instruments and other music-related products and services, or dedicating a portion of TABC taxes on music venues to fund music promotion efforts.²²¹ Other ideas include creating a tax exemption for music products, either by dedicating a portion of those taxes to music business development, or expanding the currently available sales tax exemption offered to record producers to the music industry as a whole. Additionally, individuals in the music industry have proposed to increase the marketing efforts to recruit national booking agencies, artist management firms and related musical professional services to move to Texas.

TEXAS STATE CEMETERY COMMITTEE

Background and Duties

The Texas State Cemetery was established in 1851 by the Texas Legislature. General Edward Burleson, noted commander of the First Regiment at San Jacinto and legislator, died on December 26, 1851. Days later, the legislature created a state burying ground to honor Burleson and other Texas heroes. Since its inception in 1851, the Texas State Cemetery has functioned as the State of Texas' primary burial ground for its most prominent citizens.

The primary mission of the Texas State Cemetery Committee (TSCC) is to operate as the State's preeminent cemetery and to honor and commemorate distinguished and notable Texans who have contributed significantly to the history and development of the State. In this regard, the TSCC provides a burial space for those eligible Texans and their spouses, preserves and protects the Cemetery's cultural significance through interpretive programs, exhibitions, and historical research, and maintains the grounds as a place of reverence and respect for those buried at the Cemetery.

Budget and Staff

The TSCC's budget for the past six fiscal years can be seen in Figure 5.

Figure 5	
TSCC Budget FY 2008-2013	
FY 2008	\$512,000
FY 2009	\$512,000
FY 2010	\$572,000 (reduced 5 percent to \$544,000)
FY 2011	\$544,000 (reduced 2.5 percent to \$531,000)
FY 2012	\$602,125 (additional \$60,000 - security project)
FY 2013	\$542,125

Source: Texas State Cemetery Committee

Prior to fiscal year 2012, the Cemetery operated at ten FTEs. During the 82nd Legislative Session, FTEs were reduced to eight. Current Cemetery staff includes a Superintendent, an Office Manager, a Director of Research, a Senior Historian, and four members of the Grounds Crew. The staff positions are divided into three different departments; Administration, Research, and Grounds.²²²

The Grounds crew maintains the Cemetery's landscape. They ensure that the Cemetery's 18-acres are very well manicured and of the highest quality. The Administrative staff is responsible for the day-to-day business of the Cemetery, including management of the budget, directing the business functions of the Cemetery, and scheduling tours. The Research staff is responsible for maintaining the history of the Cemetery through records, research, and contact with plot holders and their descendants. The Research staff also directs tours, which included approximately 15,000 school children and adults in 2011. In addition, they plan and schedule the logistics of funerals, ceremonies, and other special events.

Current Projects

Due to vandalism incidents prior to the 82nd Legislature, \$60,000 was appropriated to begin the process of installing additional lighting and a security system on the grounds. The security project is expected to be completed within the year.²²³

In 1903, the Caretaker's Cottage was built. Throughout the years, a TSCC employee has lived on the grounds. The benefit of an employee living on site gives the Cemetery a 24 hour presence to monitor the grounds for security purposes. The Caretaker's Cottage recently underwent a renovation and an employee is expected to be living in the cottage within the year. Headstone maintenance is an ongoing project at the cemetery due to it being an essential element of maintaining the professional and first-class look of the grounds.

Finally, the TSCC recently redesigned their website, which is currently operational. The new design is more user-friendly and more aesthetically pleasing with more images.²²⁴ The new website features a blog/news section where staff can make announcements and write items with interesting facts about the people buried at the cemetery or about the cemetery in general.²²⁵

TEXAS TOURISM PROGRAM, OFFICE OF THE GOVERNOR

Background and Duties

The Texas Tourism program's mission is to promote the state as a premier travel and business destination to enhance and extend local economic development efforts. The Texas Tourism program promotes and advertises the state to non-Texans, domestically and internationally. The program conducts a public relations campaign to create a responsible and accurate national and international image of the state. The program's funding comes from approximately 1/12th of the revenues generated by the six percent state hotel occupancy tax. The appropriated budget for the 2012 fiscal year is approximately \$30 million.

State of the Industry

Preliminary estimates show that visitation in 2011 increased over 2010 with an estimated 208.3 million domestic travelers visiting Texas destinations. An early look at the numbers for 2011 show that last year was one of the best ever for tourism in Texas. These same preliminary estimates show that travelers in Texas spent roughly \$63.4 billion in 2011, a ten percent increase over 2010 estimates and the highest level of tourism spending ever recorded.²²⁶ That's more than \$170 million each day at destinations across the state.

Approximately half of the travel spending at Texas destinations can be attributed to visitors from outside the state, including both domestic and international, who stay longer and spend more than in-state travelers.²²⁷ Non-Texan domestic overnight leisure travelers visiting Texas spend more than \$1,000 per travel party, nearly twice as much as in-state travelers. Overseas travelers visiting Texas are even more valuable with total trip expenditures of more than \$4,000 per traveler. In 2010, international travelers from overseas, Mexico, and Canada spent \$4.3 billion visiting Texas destinations.²²⁸ Growth is expected from international markets in 2011 as overall visitation to the U.S. is forecasted to have increased by 6 percent. According to the current forecast, visitation from international markets is expected to increase by 5 percent annually through 2016.

In 2011, Texas hotels collected an estimated \$4.7 billion in revenues, with more than 85 million room-nights sold and occupancy approaching the long-term industry average of 60 percent. Revenues and room-nights sold were both up 13 percent and 9 percent respectively for the year. State led activities have a significant impact on the tourism industry with the most recent estimates available showing that tourism advertising and promotion influenced 2.5 million non-Texan leisure trips, \$3.4 billion in direct travel spending, and \$178 million in-state taxes for a \$7.13 return on investment (ROI).²²⁹

As part of the overall ROI, Texas Tourism program staff estimates that advertising and promotion influenced more than seven million hotel room-nights, \$663 million in revenue, and nearly \$40 million in state hotel occupancy taxes. Tourism, as an industry, consistently ranks among the highest export-oriented industries in Texas with only oil and gas having a significantly greater impact on GDP. Traveler spending supported more than 530,000 jobs across all 254 counties in Texas in 2011.

Current Activities

In addition to the ongoing travel research published by the Texas Tourism program, the staff is currently working on a jobs study to better understand the impact of employment and proprietor income from the travel industry on the Texas economy. The program achieves these impressive visitation and ROI numbers through an integrated activity-based marketing strategy

that focuses on the “experiential value” of a Texas vacation.²³⁰ Marketing efforts focus on popular tourist activities such as nature, outdoor adventure, shopping, theme parks, beaches, golf, heritage and cultural travel and more. The major vehicle used to market the state is the award-winning consumer advertising campaign, “Texas. It’s Like a Whole Other Country.®”. The state is advertised in a wide array of media, including consumer magazines, cable television, radio, newspapers, public service announcements, and on the Internet.²³¹

During its run, this campaign has received an unprecedented amount of positive feedback from consumers, and achieved a record-breaking number of general inquiries for Texas travel information, generating nearly 4 million inquiries in fiscal year 2011. The travel guide orders generated by the campaign represent more than 75 percent of all travel guides printed. Approximately 721,000 of those campaign driven inquiries came from the Texas Tourism program's international micro sites and International Tour Guide downloads on TravelTex.com. The main vehicle to provide travel information is through TravelTex.com and one of the newer features on the website are the webisodes or HD-video travelogues available for streaming from TravelTex.com and YouTube. They give potential travelers a guided tour of the Lone Star State right from their computer. There are currently 20 webisodes on TravelTex.com covering cities from Amarillo to Laredo.

The Texas Tourism program has also launched a new mobile website so travelers can easily access Texas travel information from any smart phone. The mobile TravelTex provides access to the same database of thousands of events and attractions that are available on TravelTex.com. The mobile site enhances this information with GPS mapping so travelers can map out their itinerary or search for any nearby attraction from their smart phone.

Complementing other activities, Texas on Tour, a high-tech experiential marketing exhibit, debuted in May 2008. Texas on Tour is designed to give the visitor a one-of-a-kind experience that is highly entertaining, educational, and personalized, while providing Texas Tourism staff with valuable information on consumer preferences that allows for continued customized marketing efforts beyond the exhibit. From 2008-2011, Texas on Tour traveled to 47 events with cumulative attendance of roughly 19 million and generated more than 1.2 million impressions for an estimated impact of \$68.7 million in visitor spending.²³²

The Texas Tourism program is always looking for new opportunities to promote Texas worldwide. Recently, after pitcher Yu Darvish was signed by the Texas Rangers, interest in Texas increased in the Japanese market which the program has capitalized on by working in conjunction with local entities to coordinate familiarization tours and encourage tour operator packaging to the Dallas-Ft. Worth region. To date, these efforts have already resulted in more than \$9 million in media value in the Japanese market.

On January 12, 2012, following a two-month review, the Texas Tourism program awarded tourism marketing and advertising services to Dallas-based Slingshot, LLC. Slingshot will be responsible for promoting domestic and international travel to the State of Texas through an integrated campaign including broadcast, print, digital, social media and experiential events.

Memorandum of Understanding

In addition to activities targeting out-of-state travelers, the Texas Tourism program creates and implements a Strategic Tourism Plan annually under a Memorandum of

Understanding with the Texas Department of Transportation, Texas Historical Commission, Texas Commission on the Arts and Texas Parks and Wildlife Department to coordinate and, when necessary, redirect tourism activities, minimize duplication, and further develop attractions across the state. These agencies are currently operating under a Strategic Tourism Plan updated for the 2012 fiscal year.

IMPLEMENTATION OF HB 3736

Background

When The Alamo was placed under the General Land Office (GLO) succeeding the 82nd Legislative session, the agency formed a team from several divisions of the agency, including Executive, Financial Management, Audit, Legal, and Communications. This team has worked closely with the Daughters of the Republic of Texas (DRT) on all agreements and policy issues.²³³

The GLO has audited many of The Alamo operations alongside various divisions at the GLO such as: Legal, communications, construction services, asset management, executive, financial management, audit, human resources, and information resources.²³⁴ All parties have benefited from this relationship, learning about operating the facility, the needs of the Complex, and how to best direct current and future funding for needed maintenance, preservation, and updating the operations side of the organization.²³⁵

Management of The Alamo²³⁶

One of the first steps taken by the GLO was to complete two agreements with the DRT last December, the Interim Transition Expense Agreement and the Interim Management and Operating Agreement. We are now laying the groundwork for a contract to supercede both interim agreements. In addition, the GLO and DRT adopted a Business Management Plan (BMP) in April 2012, which outlines changes the GLO anticipates through August 31, 2013. The BMP specifically addresses the activities to be conducted at The Alamo, appointment of an Alamo Executive Administrator, employee responsibilities, operating hours, rental policies and practices, the planned use of space within the Alamo Complex, insurance coverage, deductibles and policy terms, and scheduled maintenance and repair of The Alamo, a historic preservation plan, and a written budget. The BMP will be updated annually to coincide with the state's fiscal year.

The GLO Alamo Executive Director position was created within the GLO and will have the responsibility of keeping the Chief Clerk and the Alamo Working Group informed and up to date on all Alamo activities. DRT Alamo Executive Administrator was approved and hired after the DRT Annual Conference in May 2012. The Administrator is responsible for the day-to-day operations of the complex.

Revenue at The Alamo

The GLO is reviewing areas of current revenue sources from photography, tours, gift shop, concessions, and reviewing options for fundraising coupled with smaller events. A contract was finalized at the end of August 2012, with a start date of October 1, 2012, with Event Network to perform the gift shop operations. Event Network will remodel the interior of the historic building in January 2013, with retail operations being temporarily moved to Alamo Hall. The remodeling, which will not edit or harm the historic interior of the building, will be completely funded by Event Network and will include new store fixtures and lighting.

The GLO is also in the process of registering THE ALAMO trademark and The Alamo logo for all items offered at The Alamo. Additional work is being performed by the GLO to ensure products at The Alamo are protected from outside sources and that future projects are accomplished with attention and respect.

Foundation formation progress is underway. The GLO has been given the “Friends of The Alamo” foundation by former DRT members that will help the agency jump start the process. The GLO is now seeking information from other State and non-state organizations to assist the GLO in moving forward with the Friends of The Alamo endowment.

Preservation and Maintenance at The Alamo

The Alamo Working Group has been increasing the scrutiny of maintenance and preservation needs as they continue to be a top priority of both organizations. Included in the Annual Management Plan are projects for general construction based on priority – beginning with health and safety issues – and preservation projects for the historical Shrine and Long Barracks. Currently, there are two contracts let for preservation and two that will be completed by the end of October 2012. These projects are being funded by a grant from the Ewing Halsell Foundation.²³⁷

The GLO and DRT have been working to ensure that the inventory and accountability of artifacts is being addressed. There are three different entities with assets located with the Complex: The Alamo (State), DRT Alamo Mission Chapter (AMC) and DRT Library.²³⁸ A GLO employee, with the assistance of Alamo personnel, has been verifying and entering outstanding items to the Comptroller’s State Inventory system over the past six to eight months. This will be an on-going project to ensure all items are located and accounted for annually. The GLO Internal Audit division recently completed a review of the items currently on the AMC inventory list and will be issuing a final report by December 2012 that will include their findings and recommendations for all located and missing items.²³⁹ The GLO is in the process of procuring the services of a consultant to perform a like review of the inventory items in the DRT Library. This project will take some time with the extensive number of items currently shown on their list. Review is projected to commence early November 2012 and continue through the summer of next 2013.

Ensuring proper management, fundraising, preservation and maintenance are all important to the ongoing effort of improving the visitor experience at The Alamo. The GLO will continue to work with the DRT to ensure continued improvement in both the short and long term.

Legislative Appropriations Request

The GLO has submitted an exceptional item request for The Alamo with its Legislative Appropriations Request for the next biennium. For the current biennium, the GLO received \$352,000 and is requesting an increase to \$1 million.²⁴⁰ There are numerous maintenance and preservation projects that need immediate attention and there is currently limited funding available to address this extensive list. There are many projects that could not be properly addressed due to unavailable funds. Therefore, a temporary fix may have been adopted in the past as the best option. The GLO does not anticipate that this will be an ongoing request, but rather a way to get on top of all the work that needs immediate attention.²⁴¹

APPENDIX A



Deer Breeder Program Transfer Permit

Page 1 of _____

Sections 1, 2 & 3 must be completed and L.E. Communications notified prior to transfer of deer.
Law Enforcement Communications – Voice: (512) 389-4600, Fax: (512) 389-8080

1. Applicant/Permit Information	Confirmation # (required for telephone activation): <u>44338</u>
A Serial Number, issued by TPWD, is required for all applicants. If you do not have a Serial Number, you must submit a "Request for Non-Breeder Serial Number" and obtain a number prior to submission of this form.	
Serial #: <u>TX0000</u>	Name (print): <u>Testing, ODBS</u> Phone #: <u>512-389-4585</u>
Activated via: <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Fax <input type="checkbox"/> Online	Signature: <u>NRBS Testing</u>
Permit is valid for transporting deer within 48-hour period starting on:	Effective Date: <u>9/2/11</u> Time: <u>12:00</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
2. Source of Deer	Name of Source: <u>TPWD Special II</u>
Serial #: <u>TX0000</u> (Required if TX breeder facility)	Facility ID: <u>3531</u> County: <u>Travis</u>
Facility Type (check one): <input checked="" type="checkbox"/> TX Breeder Facility <input type="checkbox"/> Nursing <input type="checkbox"/> Medical <input type="checkbox"/> DMP (site under a Deer Management Program)	
3. Destination of Deer	Name of Receiver: <u>TPWD Special I</u>
If a destination has not been assigned a Facility ID issued by TPWD, you must submit a "Request for Registration of Site or Facility" and obtain a Facility ID prior to or at the time of submission of this form.	
Serial #: <u>TX0000</u> (Required if TX breeder facility)	Facility ID: <u>2811</u> County: <u>Travis</u>
Facility Type (check one): <input checked="" type="checkbox"/> TX Breeder Facility <input type="checkbox"/> Out-of-State Breeder <input type="checkbox"/> DMP (site under a Deer Management Program)	
<input type="checkbox"/> Nursing <input type="checkbox"/> Medical <input type="checkbox"/> Release Site	

- 4. Deer Information** This section must be completed before deer are transported and the permit carried in the vehicle during transport. Section 4 and section 5 must be completed and received (via fax) by L.E. Communications no later than 48 hours following the completion of all activities under the Transfer Permit. If no deer were transferred, please indicate by writing "No deer transferred." Use continuation page(s) if necessary.

#	Species	Texas Unique Number	Sex	Age	Old Tag ID	New Tag ID
1	<input type="checkbox"/> MD <input checked="" type="checkbox"/> WTD	S 0 1 1	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	<input checked="" type="checkbox"/> A <input type="checkbox"/> F	200	
2	<input type="checkbox"/> MD <input checked="" type="checkbox"/> WTD	G C V J	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	<input checked="" type="checkbox"/> A <input type="checkbox"/> F	Blue 39	
3	<input type="checkbox"/> MD <input checked="" type="checkbox"/> WTD	G R L K	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	<input checked="" type="checkbox"/> A <input type="checkbox"/> F	12	
4	<input type="checkbox"/> MD <input checked="" type="checkbox"/> WTD	G R L L	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	<input checked="" type="checkbox"/> A <input type="checkbox"/> F	Y25	
5	<input type="checkbox"/> MD <input checked="" type="checkbox"/> WTD	G R L M	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	<input checked="" type="checkbox"/> A <input type="checkbox"/> F	White 10	
6	<input type="checkbox"/> MD <input checked="" type="checkbox"/> WTD	G R L R	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	<input checked="" type="checkbox"/> A <input type="checkbox"/> F	Blue 26	
7	<input type="checkbox"/> MD <input checked="" type="checkbox"/> WTD	G R L V	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	<input checked="" type="checkbox"/> A <input type="checkbox"/> F	1	
8	<input type="checkbox"/> MD <input checked="" type="checkbox"/> WTD	G R L W	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	<input checked="" type="checkbox"/> A <input type="checkbox"/> F	Blue 26	
9	<input type="checkbox"/> MD <input checked="" type="checkbox"/> WTD	S 6 9 7	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	<input checked="" type="checkbox"/> A <input type="checkbox"/> F	tpt test	
10	<input type="checkbox"/> MD <input type="checkbox"/> WTD		<input type="checkbox"/> M <input checked="" type="checkbox"/> F	<input checked="" type="checkbox"/> A <input type="checkbox"/> F		

5. Certification (required) The Certification Statement applies to both the source and destination.

I certify by my signature that the above information is true and correct to the best of my knowledge. I further certify that all deer, prior to transfer to the named destination, will be properly marked in accordance with state laws and regulations. I understand that each deer must be properly and legibly tattooed in the ear with an assigned unique number prior to being removed from the source facility.

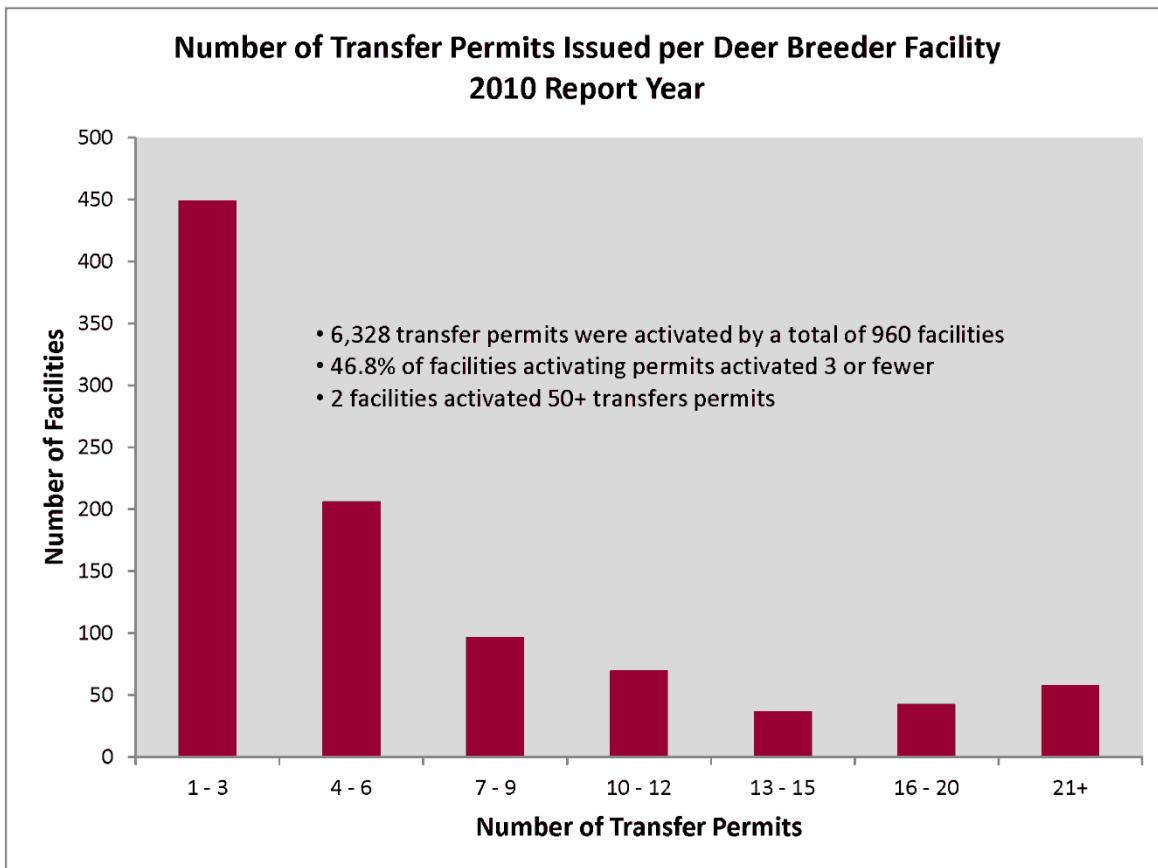
Source:	Signature: _____	Date: _____
	Name (print): _____	
Destination:	Signature: _____	Date: _____
	Name (print): _____	

Texas Parks and Wildlife Department maintains the information collected through this form. With few exceptions, you are entitled to be informed about the information we collect. Under Sections 552.021 and 552.023 of the Texas Government Code, you are also entitled to receive and review the information. Under Section 559.004, you are also entitled to have this information corrected.

PWD 0357F – W7000 (10/08)

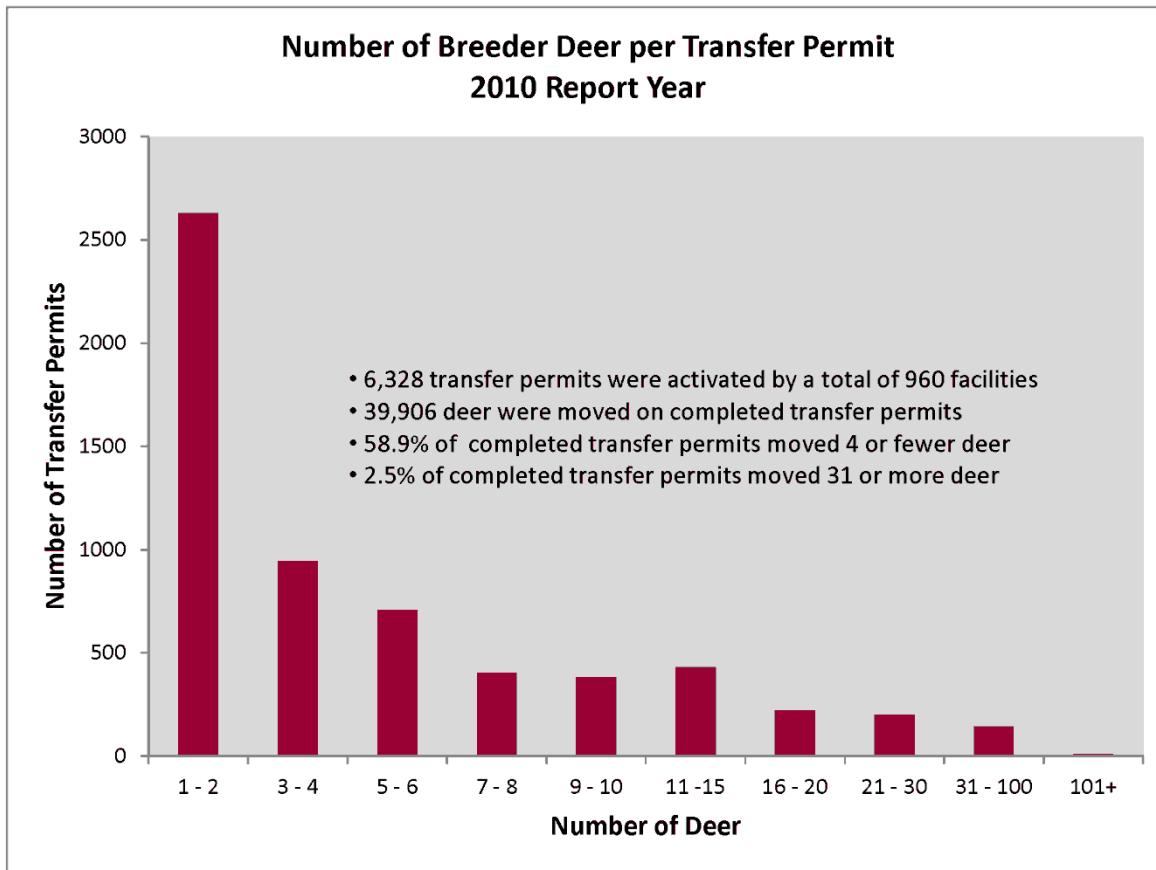
Source: Texas Parks and Wildlife Department, Wildlife Division

APPENDIX B



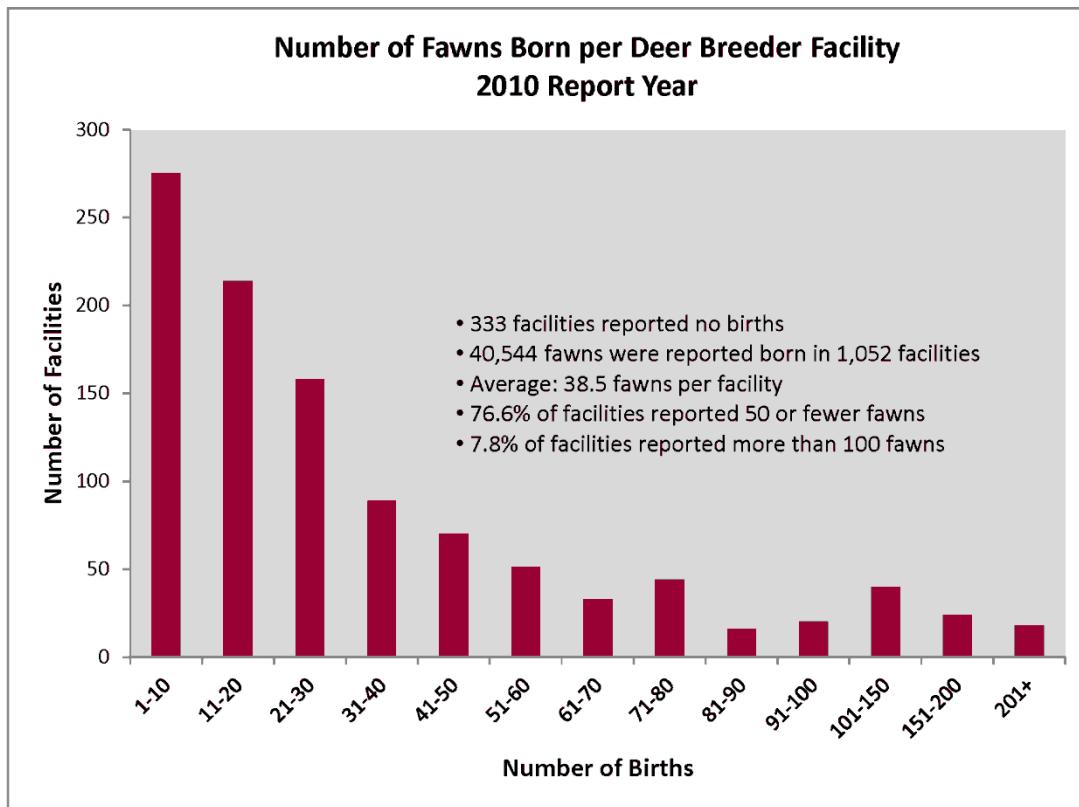
Source: Texas Parks and Wildlife Department, Wildlife Division

APPENDIX C



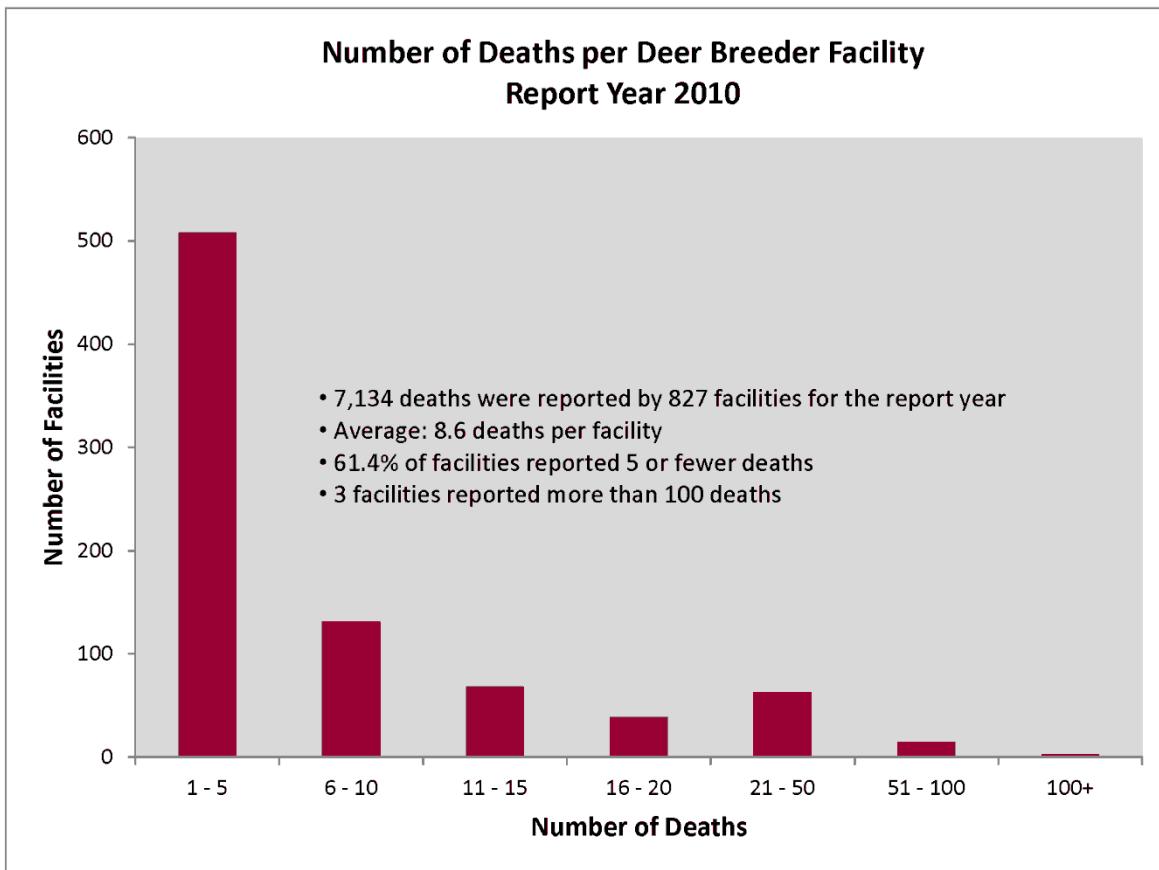
Source: Texas Parks and Wildlife Department, Wildlife Division

APPENDIX D



Source: Texas Parks and Wildlife Department, Wildlife Division

APPENDIX E



Source: Texas Parks and Wildlife Department, Wildlife Division

APPENDIX F

Texas Parks and Wildlife Department Law Enforcement Division — Deer Breeder Inspections — April 1, 2011 thru Present										
	Total ↓	LE Region 1	LE Region 2	LE Region 4	LE Region 5	LE Region 6	LE Region 7	LE Region 9	LE Region 10	
Inspections	127	3	4	4	57	27	8	20	4	
Compliant Inspections	59	1	3	0	17	18	2	18	0	
Compliant Inspections %	47%									
<u>Offense</u> C: Citation W: Warning	<u>C</u> <u>W</u>									
No or Invalid Permit	4	1		25	9 178		1		7 6	
No or Invalid Transfer Permit	0			6	18 408	2			35 1 16	
Annual Report/ Records	1	1	12 15	6 61	6 10		1		1	
Disease Monitor					129					
Deer ID			23 31	71 85	77 2	2 33		8	16	
Hunt in Facility										
Any Other Violation	4			25	38 84	3	5 21		6	
Citations	276	0	1	35	142	88	8	0	2	
No Citation	1218	9	1	102	945	12	55	50	44	
Subtotals	1494	0 9	1 1	35 102	142 945	88 12	8 55	0 50	2 44	
Grand Total	1494									

Source: Texas Parks and Wildlife Department, Law Enforcement Division

APPENDIX G
Texas Historical Commission
Summary of 2012/2013 Budget by Strategy per General Appropriations Act
12-Apr-12

Strategy #	Strategy Name	Base Budget		General Appropriations Act		Difference from base	
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2012	FY 2013
01-01-01	Architectural Assistance	1,342,647.00	845,042.00	710,531.00	710,531.00	(632,116.00)	(134,511.00)
01-01-02	Preservation Trust Fund	200,000.00	200,000.00	-	-	(200,000.00)	(200,000.00)
01-01-03	Archeological Heritage Protection	2,320,856.00	1,629,956.00	1,106,519.00	1,014,177.00	(1,214,337.00)	(615,779.00)
01-01-04	Evaluate/Interpret Resources	3,226,069.00	2,060,009.00	2,727,086.00	1,584,661.00	(498,983.00)	(475,348.00)
01-01-05	Courthouse Preservation	24,384,742.00	3,041,437.00	22,581,247.00	415,151.00	(1,803,495.00)	(2,626,286.00)
01-01-06	Historic Sites	18,480,756.00	34,549,992.00	28,516,255.00	7,246,054.00	10,035,499.00	(27,303,938.00)
01-02-01	Development Assistance	4,810,107.00	4,247,577.00	3,220,163.00	3,080,992.00	(1,589,944.00)	(1,166,585.00)
02-01-01	Indirect Administration	1,807,045.00	1,757,044.00	1,221,878.00	1,221,878.00	(585,167.00)	(535,166.00)
Grand Total, Agency Request		56,572,222.00	48,331,057.00	60,083,679.00	15,273,444.00	3,511,457.00	(33,057,613.00)

		Base Budget		General Appropriations Act		Difference from base	
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2012	FY 2013
Revenue							
1	General Revenue	11,433,633.00	8,556,533.00	5,197,882.00	3,938,446.00	(6,235,751.00)	(4,618,087.00)
8118	Sporting Goods Tax	6,840,818.00	6,834,896.00	5,089,121.00	4,908,283.00	(1,751,697.00)	(1,926,613.00)
8119	Fees from Historic Sites	994,500.00	1,015,000.00	686,261.00	686,261.00	(308,239.00)	(328,739.00)
555	Federal Funds	1,845,451.00	1,138,851.00	865,351.00	865,351.00	(980,100.00)	(273,500.00)
	Federal Funds Transfer to other strategies	-	-	-	-	-	-
664	Preservation Trust Fund	200,000.00	200,000.00	2,552,832.00	2,552,832.00	2,352,832.00	2,352,832.00
	PTF Transfer from other strategies	-	-	-	-	-	-
666	Appropriated Receipts	420,161.00	467,197.00	969,770.00	469,770.00	549,609.00	2,573.00
777	Interagency	2,617,180.00	2,618,580.00	1,852,500.00	1,852,500.00	(764,680.00)	(766,080.00)
888	General Obligation Bonds	32,220,479.00	27,500,000.00	42,869,962.00	-	10,649,483.00	(27,500,000.00)
Total Revenues		56,572,222.00	48,331,057.00	60,083,679.00	15,273,443.00	3,511,457.00	(33,057,614.00)

Total Full
Time
Equivalents

221.5 221.5 176.2 173.7 -45.3 -47.8

APPENDIX H
Texas Historical Commission
Economic Impact of Agency Programs
Summary of Economic Activity

Average Annual Economic Activity:	\$163,265,878
Average Annual Jobs Supported:	\$2,809
Average Annual Income Generated:	\$52,378,212
Average Annual State Taxes Generated:	\$4,286,068
Average Annual Local Taxes Generated:	\$4,184,847
Texas Main Street Program ROI:	16 to 1
Texas Heritage Trails Program ROI:	3.86 to 1

Agency Programs

Texas Historic Courthouse Preservation Program		Since 1999	Annual
State Investment:	247,000,000		20,583,333
County Match:	150,073,954		12,506,163
Jobs Supported:	9,133		761
Income Generated:	253,740,581		21,145,048
State Taxes Generated:	20,763,394		1,730,283
Local Taxes Generated:	20,273,008		1,689,417
Federal Investment Tax Credit Program		Since 1976	Annual
Rehabilitation Costs:	1,314,000,416		37,542,869
Jobs Supported:	30,222		863
Income Generated:	839,680,430		23,990,869
State Taxes Generated:	68,710,396		1,963,154
Local Taxes Generated:	67,087,605		1,916,789
Historic Sites Bond Program		Since 2008	Annual
Historic Sites Bond Amount	34,000,000		11,333,333
Jobs Supported:	782		261
Income Generated:	21,726,884		7,242,295
State Taxes Generated:	1,777,894		592,631
Local Taxes Generated:	1,735,904		578,635
Texas Main Street Program		Since 1981	Annual
Reinvestment in Downtowns and Neighborhood Districts:	2,439,005,377		81,300,179
Net Jobs Created:	27,710		924
Net New Businesses	7,183		239
ROI of Reinvestment to City \$ Invested:			16 to 1

The Texas Preservation Trust Fund, which is now inactive, indicated significant economic activity.

Texas Preservation Trust Fund Program		Since 1998
Rehabilitation Costs:	4,584,028	
Jobs Supported:	105	
Income Generated:	2,929,313	
State Taxes Generated:	239,703	
Local Taxes Generated:	234,042	

In addition to the programs listed above the Texas Heritage Trail Program also indicates significant economic activity.

Texas Heritage Trail Program		2010
Total Direct Travel Spending:	57,500,000,000	
Heritage Traveler Spending (10%):	5,750,000,000	
Jobs Created:	52,600	
ROI of Taxes Generated to Advertising \$ Invested:	3.86 to 1	

Source: Texas Historical Commission

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