



IMPACTS OF OFF ROAD VEHICLES ON STATE-OWNED RIVERBEDS AND BANKS

Issue Paper

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The Issue:

The ecological impacts of off road vehicle (ORV) traffic on state-owned riverbeds is an issue of great concern for landowners and citizens who rely on rivers for recreational activities such as bird watching, boating, fishing, swimming, and tubing. Most of the concern is focused on the Nueces and Frio Rivers but ORV traffic is occurring on rivers throughout the state, and will likely increase over time. It has been documented that during organized events forty to a hundred ORVs, consisting of mainly trucks and jeeps, will operate on a given riverbed.



photo courtesy Stewards of the Nueces

Preliminary research by the Texas Parks & Wildlife Department indicates that wildlife habitat has been extensively damaged by ORV activity within the Nueces river drainage. According to Texas Parks & Wildlife, "ORV recreation has compounded any predictable degradation to the point that only a fraction of the riverbank and bed are un-impacted." This research also indicates that heavy ORV traffic has prohibited the growth of riparian vegetation along the Nueces River thus destabilizing riverbanks and subjecting

them to erosion. The lack of riparian vegetation has increased water temperatures above natural limits, decreasing habitat for fish and other aquatic organisms.

In addition, the loss of riparian vegetation has resulted in a loss of habitat for birds and mammals. According to the Texas Parks & Wildlife research, ORVs have disrupted stream flow to the point that much of the flow in shallow areas is now diverted and runs in ruts created by the ORVs. This diversion of water combined with the large volume of unstable gravel could interrupt the entire surface flow of the Nueces River.

Further analysis by Texas Parks & Wildlife indicates that environmentally sensitive fish such as the Nueces roundnose minnow, flathead catfish, largemouth bass, Guadalupe bass, and greenthroat darter were either rare or missing entirely in sections of the Nueces River impacted by ORVs.

As ORV recreation continues to increase in popularity, the ecological impacts on state-owned rivers from this activity will also increase substantially. ORV traffic on state-owned riverbeds has also been associated with disturbance of the peace, long associated with Nueces and Frio Rivers.

Though Texas Parks & Wildlife, General Land Office, and TNRCC all have some authority to regulate streambed activities that impact wildlife or water quality, none of the agencies feel that they have clear legislative authority to prohibit or regulate the use of off-road vehicles on state-owned riverbeds.

Solution

An appropriate solution to this problem would prohibit outright the recreational operation of ORVs on state-owned riverbeds while at the same time ensuring that the public can access and use state-owned riverbeds for legitimate forms of recreation such as bird watching, boating, fishing, swimming, and tubing. It is imperative that any solution acknowledge and maintain the public's right to access state-owned riverbeds. The Dune Protection provisions of the Natural Resources Code provide a potential model for a solution to this problem. Section 63.093 of those provisions prohibits the operation of a recreational vehicle on sand dunes but does not in any way prohibit public access to state beaches. However, in order to avoid ambiguity while also ensuring that landowners can cross state-owned streams when necessary to access their property, a provision addressing state-owned streams should prohibit the operation of any motorized vehicle, other than a boat, with the exception of vehicles being used solely to legally access adjacent property.

Another solution would be for the legislature to provide Texas Parks & Wildlife with the explicit authority and direction to limit the operation of motorized vehicles on state-owned riverbeds. Under this option, Texas Parks & Wildlife would be given explicit direction to prohibit the operation of motorized vehicles on state-owned streambeds, with appropriate exceptions to accommodate access needs of adjacent landowners.

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