February 12, 2019

Comments to the House Appropriations Committee regarding HB 1, Article VI proposed budget for the Texas Parks and Wildlife Department (TPWD) for FY 2020-21

General Comment Regarding Proposed Transfer of Texas State Park Properties

We recognize that the Sunset Review of the Texas Historical Commission has concluded with the recommendation that eight state park properties be transferred from the Texas Parks and Wildlife Department to the Texas Historical Commission. The Lone Star Chapter opposes four of the transfers because it would not be in the best interests of the resources or public security. The San Jacinto Battleground, at 1,200 acres, has significant coastal prairie and tidal marsh that requires natural resource expertise in restoration and management. Monument Hill, at 293 acres, contains riparian and pocket prairie habitat requiring appropriate management. Washington-on-the-Brazos contains 80 acres suitable for prairie restoration. The Battleship Texas, which is berthed at the San Jacinto Battleground, has benefited from the strong staff knowledge base in ship maintenance and restoration at the local park and Austin staff of TPWD. Then there is the issue of public security, as it particularly applies to San Jacinto Battleground and Monument Hill. Both parks are patrolled by Texas State Park police and their number increases on major event days at the parks. In particular, about 5,000 people go to San Jacinto Battleground at Easter and thousands more attend the battle re-enactment in April. Park police play a major role in ensuring public order and safety. The Texas Historical Commission is not equipped to do the job.

The Lone Star Chapter of the Sierra Club respectfully requests that the House Appropriations Committee consider the recommendations below for the FY 2020-21 TPWD budget.

I. Request to appropriate TPWD’s base request for $723.2 M and exceptional items of $200.6 M

We appreciate that HB1 recommends fully funding TPWD’s request of $174.3 M for Goal A of “Conserving Natural Resources”. This includes full funding of the request to manage invasive aquatic species.

However, we are concerned about the funding of Goal B, “Access to State and Local Parks”, for which the base request of $225.5 M is satisfied, but none of the exceptional items, totaling $20.3 M, are funded. In particular, the demands of increased park visitation and the advisability to perform minor repairs before they become major items would recommend funding these exceptional items. Also, the long-term benefits of supporting local park grants, which help bring recreational opportunities to municipalities, would be assisted by appropriating the $4.4 M exceptional item for Goal 2.2.1 “Local Park Grants”. During FY 2010-11, the biennial appropriation for Local Park Grants was $31 M. Even if TPWD’s current request were fully funded, it would not equal the appropriation of four sessions ago.
We have even greater concern regarding Goal D.1.1, “Improvements and Major Repairs”. We note that the bill summary states that TPWD has authority to carry forward unexpended balances in Conservation and Capital Account No. 5004 from FY 2019 to FY 2020 for the purposes of deferred maintenance and capital construction. Yet the “Method of Financing” for FY 2020-2021 shows no new funds transferred from the SGST into Account No. 5004. This results in only $18.9 M being appropriated in FY 2020 and $0 (zero) in FY 2021. In comparison, TPWD requested a total of $61M in new appropriations in its LAR for Improvements and Capital. The substantial reduction in House-recommended appropriations for Goal D.1.1 in HB 1, compared to the requested amount in the agency LAR and also SB1, would negatively impact TPWD’s progress in deferred maintenance and other capital projects.

We also support TPWD’s requested base funding and exceptional items for the goals C.1.1 “ Enforcement Programs “and Goal E “Indirect Administration” strategies. None of these is recommended to receive full funding at this time.

II. Request capital funding for major repairs

In particular, we request that the exceptional item request of $100 M to dry-berth the Battleship Texas be approved. The Battleship is a remarkable asset which is now essentially in limbo. It is a unique artifact and an important attraction berthed at the San Jacinto Battleground. At one state park, a visitor can view where the San Jacinto Battle was fought on the coastal prairie habitat restored through years of work by TPWD – and then see a behemoth from another era in need of its own restoration. Piecemeal repairs, although costly, are not adequate and have only been stopgap measures. The only permanent solution to preserve the Battleship Texas for the future is to dry-berth it.

Agreed - $100 M is a breath-taking sum. However, this amount would be spent over approximately seven years. That amount of time would be needed for the permitting, design, and plan execution. The old saying that “A boat is a hole you pour money into”, may be true, but this is a boat that represents a big slice of 20th century history. We urge the Legislature to preserve it.

III. Request funding for development of unopened state parks

Currently, there are five state parks that are not open to the public: Davis Hill State Park, Chinati Mountains S.P., Don Hughes Unit of Devils River State Natural Area, Kronkosky State Natural Area, and Palo Pinto State Park. TPWD requests $3.0 M in the base budget for planning and design for the Kronkosky SNA and $12.5 M to complete development of the Palo Pinto State Park. We support both of these items. However, we note that the Davis Hill State Park, a park of about 1,700 acres, was acquired in 1983 and has never opened to the public in over 35 years. In February 2013, an article in the “Houston Chronicle” about unopened Texas State Parks noted that Davis Hill S.P. “has sat idle without the state making a single plan for development since the land was acquired in 1983.” Six years later, that statement is still true. We urge that the state legislature approve funding to approve planning and development of Davis Hill and the other state parks not open to the public.

IV. Request funding for land acquisition
Goal D.1.2 “Land Acquisition had been funded for the full amount of $6.4 M requested by TPWD. However, we understand that none of the funds is intended to acquire property that would expand state parks. After the 85th Legislative Session, TPWD assumed responsibility for the Texas Farm and Ranchland Conservation Program, which involves the purchase of conservation easements of farm and ranch lands. Such funding is now included in Goal D.1.2. The Lone Star Chapter urges that $1.5 million per year be added to the budget specifically to purchase property that could expand the boundaries of existing state parks. The state loses opportunities to expand parks in the most cost-efficient manner if there are no ready funds to purchase adjacent properties that may unexpectedly become available. It is cost-efficient because the basic park infrastructure and personnel are already in place.

V. Request confirmation regarding appropriation of special license plate funds, plus interest and balances

In its Legislative Appropriations Request (LAR) to the LBB, TPWD requested in Rider 10 that the existing balances at the close of FY 2018-19, the interest, and any new revenue through the purchase of its special license plates in the new biennium be appropriated. Currently, the HB1 strikes through the entire rider. Meanwhile, Rider 8.13 in Article IX, specifies that all agencies with license plates receipts have the authority to spend those funds as of September 1, 2019. However, there is uncertainty whether that would allow TPWD to receive interest and balances as of August 31, 2019. We request that the committee ensure that all the revenue, balances and interest resulting from TPWD license plate receipts are appropriated to the agency.

VI. Request that 100% of Sporting Goods Sales Tax allocation be appropriated and Unexpended Balances authority

We request that 100% of the SGST allocation be appropriated, with 94% of the funds assigned to TPWD. We also support TPWD’s request to carry forward any unexpended balances in General Revenue or General Revenue-Dedicated accounts.

VII. Request to fund current disaster-related repairs and provide for Disaster Contingency Funding

TPWD has noted that Hurricane Harvey-related impacts total $27.5 M, of which $10.1 M is expected to be reimbursed by FEMA. We support the exceptional item request of $9.0 M for Harvey-related damages. However, the larger need to plan for resilience in state park facilities and for Disaster Contingency Funding needs to be addressed by the Texas legislature and TPWD. Every year, the park system faces the consequences of flood or wind damage or fire. The system currently plays a game of catch-up to fund repairs of specified natural disasters. Rather than shifting funds intended for normal repairs to handle emergency situations, there would be a benefit to establishing a Disaster Contingency Fund, which could handle at least some of the emergency repairs. With respect to resilience, the National Oceanic and Atmospheric Administration (NOAA) has issued its Atlas 14, Volume 11 Precipitation-Frequency Atlas of the United States, Texas. The new data in this Atlas has changed the definition of the 100-year, 500-year rainfall event, etc. Consequently, the floodplain maps will change. It would be useful for TPWD to review the impact that the revisions will have on the vulnerability of their infrastructure in order to reduce future damages.
Park roads were also impacted by Hurricane Harvey, to the extent that the current $20.0 M biennial appropriation to TxDOT to assist with Texas state park road maintenance is not adequate. We request that a sufficient additional amount be appropriated to TxDOT to handle the increased need for park road repairs due to Hurricane Harvey damage.

The Lone Star Chapter of the Sierra Club appreciates this opportunity to comment.

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