

# SUNSET ADVISORY COMMISSION

## FINAL REPORT

Texas Parks and Wildlife  
Department

July 2009



# Sunset Advisory Commission



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\* Senator Kim Brimer served on the Commission from December 2005 through December 2008.

\*\* Charles McMahan was appointed to fill the unexpired term of Michael Stevens.

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Director

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*In 1977, the Texas Legislature created the Sunset Advisory Commission to identify and eliminate waste, duplication, and inefficiency in government agencies. The 12-member Commission is a legislative body that reviews the policies and programs of more than 150 government agencies every 12 years. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency's operations and activities. The Commission seeks public input through hearings on every agency under Sunset review and recommends actions on each agency to the full Legislature. In most cases, agencies under Sunset review are automatically abolished unless legislation is enacted to continue them.*

# TEXAS PARKS AND WILDLIFE DEPARTMENT



SUNSET FINAL REPORT  
JULY 2009



This document is intended to compile all recommendations and action taken by the Sunset Advisory Commission and the Legislature for an agency under Sunset review. The following explains how the document is expanded and reissued to include responses from agency staff and members of the public, as well as action taken by the Sunset Commission and the Legislature in each step of the Sunset process.

- ◆ *Sunset Staff Report* – Contains all Sunset staff recommendations on an agency, including both statutory and management changes, developed after extensive evaluation of the agency.
- ◆ *Hearing Material* – Summarizes all responses from agency staff and members of the public to Sunset staff recommendations, as well as new policy issues raised for consideration by the Sunset Commission.
- ◆ *Decision Material* – Includes additional responses, testimony, or new policy issues raised during the public hearing for consideration by the Sunset Commission in its decision meeting on an agency.
- ◆ *Commission Decisions* – Contains the decisions of the Sunset Commission on staff recommendations and new policy issues. Statutory changes adopted by the Commission are presented to the Legislature in the agency’s Sunset bill.
- ◆ *Final Report* – Summarizes action taken by the Legislature on Sunset Commission recommendations and new provisions added by the Legislature to the agency’s Sunset bill.



*Staff Report – November 2008*  
*Commission Decisions – January 2009*  
*Final Report – July 2009*

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# SUMMARY



# Summary

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Texas is blessed with a wide diversity of natural resources. The state has high plains, the Gulf coast, mountains, lakes, and bayous. The Legislature has given the Texas Parks and Wildlife Department (TPWD) significant responsibilities related to lands and waters associated with natural, cultural, historic, wildlife, and recreational resources. TPWD both protects natural resources and provides opportunities to Texans and visitors to recreate amongst this wealth of resources.

Given its broad mission, TPWD touches the lives of many Texans. The state has more than 1.1 million hunters and 2.5 million anglers, all of whom rely on TPWD to sell licenses, create and enforce regulations to protect wildlife, and raise and stock fish. Some 9.3 million people, including hikers, birdwatchers, campers, rock climbers, and more, visit TPWD's 93 state parks each year.

TPWD's broad mission and array of services required a focused review of the agency, discussed below. However, the staff review showed that, overall, TPWD makes a solid effort at being an effective steward of Texas' natural resources, while balancing fiscal resources with public needs.

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*Overall, TPWD makes a solid effort at being an effective steward of Texas' natural resources.*

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The Sunset review of TPWD occurred during a time of challenges and opportunities for the agency. Recognizing the value of the State's infrastructure in state parks and other TPWD facilities, in 2007, the Legislature granted the agency a 54 percent increase in its biennial budget, directed primarily towards repairing and improving state parks. With these budgetary increases, the Legislature also brought the agency under greater scrutiny from internal and external oversight bodies. While TPWD has made many changes to internal operations and has recently begun to spend some of the funds to repair and upgrade parks, the impact and success of these changes cannot yet be evaluated. As such, the review did not focus on TPWD's state park operations. However, staff did assess the current status of oversight mechanisms required by the Legislature. A summary of the status of legislative oversight efforts is presented in Appendix A.

The Sunset review focused on the agency's performance of its resource protection, wildlife, fisheries management, outreach, and law enforcement roles. The review sought to evaluate whether the agency is effective in these operational areas and the sufficiency of the tools with which it performs its functions.

A challenge the agency faces in its role to protect aquatic resources and provide fishing recreation is the rapid growth of invasive aquatic plants in Texas. Many non-native plants can reproduce so rapidly as to out compete native species, reduce oxygen levels in water, and render waterways impassible to boat traffic. The Legislature has granted TPWD authority to prevent the importation of harmful exotic vegetation, but the staff review found that the agency's current efforts are inadequate to prevent future infestations of invasive aquatic plants not currently found in the state.



Staff could not fully assess one key area, the legislative requirement for TPWD to review and comment on proposed projects of other agencies and entities that may have an effect on fish and wildlife resources. While seeking to assess the value and effectiveness of TPWD's resource protection efforts, staff found that TPWD cannot show the effect of its comments on finished projects because nothing requires these entities to respond to TPWD's comments. Without this information, no one knows whether the review and comment function is an effective expenditure of funds.

Looking at TPWD's law enforcement role, Sunset staff noted that with a force of 650 commissioned officers in both the game warden and park police forces, TPWD is the State's second largest statewide law enforcement force. This force is also larger than the primary state law enforcement agency in 25 other states. Like most law enforcement agencies, TPWD maintains an internal affairs office to investigate complaints against officers and other employees. While the office is properly structured to report to civilian overseers, it is not established in statute and lacks a direct connection to the Parks and Wildlife Commission.

Sunset staff also assessed the work of game wardens in enforcing Texas fish and wildlife laws on out-of-state visitors. The review found that these enforcement efforts are burdensome on game wardens as the officers, for all but minor violations, take non-resident offenders to a county magistrate to post bonds. These efforts are necessary because Texas has no agreement with other states for the enforcement of game laws as the state does for traffic laws. The State should join the interstate compact already established for wildlife purposes.

In reviewing TPWD's work in registering and titling Texas boats and boat trailers, staff found that most citizens must go to two different governmental offices for these services. The review found that TPWD has not been effective in assisting county tax assessor-collectors to register boats, as state law requires these offices to do. TPWD should work to make boat and trailer registration and titling as seamless as possible for citizens.

The Texas Parks and Wildlife Department is currently operating outreach programs for youth on a ranch leased from the Texas Youth Commission (TYC), in accordance with a will that left the property to the State. The Sunset review assessed the uses of the Parrie Haynes Ranch and determined that Texas misses an opportunity to most effectively use the Ranch to accomplish Parrie Haynes' wishes in her will, as well as increase youth participation and appreciation of Texas' natural and cultural resources.

The recommendations in this report are designed to address these concerns. A summary follows of all the Sunset staff recommendations on the Texas Parks and Wildlife Department.

## **Issues and Recommendations**

### **Issue 1**

#### ***Texas Parks and Wildlife Cannot Minimize Risk From Harmful Exotic Aquatic Plants Under Its Current Regulatory Approach.***

#### **Key Recommendations**

- ◆ Require the Texas Parks and Wildlife Department to create a list of aquatic plants that may be imported and possessed within Texas without a permit.
- ◆ Direct the Department to provide greater information to the public on the harm caused by releasing exotic species.

## **Issue 2**

### ***TPWD Cannot Fully Assess the Impact of Its Resource Protection Efforts.***

#### **Key Recommendations**

- ◆ Require entities that receive comments on proposed projects or permits from TPWD to respond to TPWD on the disposition of those comments.
- ◆ Direct TPWD to track the disposition of its comments and use that information to improve its review processes.

## **Issue 3**

### ***TPWD's Internal Affairs Function Lacks Statutory Standing and an Adequate Connection to the Parks and Wildlife Commission.***

#### **Key Recommendations**

- ◆ Establish an Internal Affairs Office in statute with original jurisdiction over crimes committed on TPWD property, or related to the duties of TPWD employees.
- ◆ Require the Internal Affairs Office to report information on trends and recently closed cases to the Parks and Wildlife Commission, and grant the Commission authority to initiate cases.

## **Issue 4**

### ***Improve Enforcement of Texas Game Laws by Joining the Interstate Wildlife Violator Compact.***

#### **Key Recommendation**

- ◆ Authorize the Texas Parks and Wildlife Commission to join the Interstate Wildlife Violator Compact on behalf of the State of Texas.

## **Issue 5**

### ***Streamline Boat and Boat Trailer Titling and Registration to Provide Better Services to Citizens.***

#### **Key Recommendation**

- ◆ Direct the Department to make an extensive effort to assist counties to offer boat registration and title services throughout Texas.

## **Issue 6**

### ***The Department is Well Positioned to Use the Parrie Haynes Ranch to Help Texas' Youth.***

#### **Key Recommendations**

- ◆ Instruct TPWD and TYC to jointly seek representation by the Attorney General to pursue a modification of the Trust terms and purpose of the Parrie Haynes Trust that would designate TPWD as the state agency responsible for the Ranch and Trust.

- ◆ Direct TPWD to increase its use of the Parrie Haynes Ranch to be as consistent as possible with the will's intent.

## Issue 7

### ***Texas Has a Continuing Need for the Texas Parks and Wildlife Department.***

#### **Key Recommendations**

- ◆ Continue the Texas Parks and Wildlife Department for 12 years.
- ◆ Direct TPWD to evaluate and align its programs with the conservation and recreation goals outlined in the Land and Water Resources Conservation and Recreation Plan.

## Fiscal Implication Summary

When fully implemented, the recommendations in this report would result in a cost to the State. The specific fiscal impacts of these recommendations are summarized below.

- ◆ **Issue 1** – TPWD will have a one-time cost of an estimated \$50,000 to hire a consultant to help the agency compile a list of aquatic plants that may be imported and possessed in Texas without a permit. The cost is an appropriate expenditure from the Game, Fish and Water Safety Account (Fund 009) as the reduction of harmful aquatic plants will serve to protect fish and wildlife, and improve boating access.
- ◆ **Issue 4** – TPWD will incur costs to participate in the Interstate Wildlife Violator Compact. The Department would incur costs to monitor and upload information into the Compact's database. A half-time clerk would perform these functions. The base salary for this position is \$17,292 and with benefits, equipment, and other costs, the total first-year cost will be about \$30,107 and subsequent years will cost \$23,000.
- ◆ **Issue 5** – TPWD will experience a small loss of revenue from additional counties handling boat registration and titling. Counties retain 10 percent of the fees charged for each transaction as a commission for providing the service. The volume of such transactions cannot be estimated.

<i>Fiscal Year</i>	<i>Cost to the Game, Fish, and Water Safety Fund (Fund 009)</i>	<i>Change in FTEs From FY 2009</i>
2010	\$80,107	+ .5
2011	\$23,000	+ .5
2012	\$23,000	+ .5
2013	\$23,000	+ .5
2014	\$23,000	+ .5

## *Summary of Legislative Action*

### *H.B. 3391 Harper-Brown (Hegar)*

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The Legislature adopted all of the Sunset Commission's recommendations and added four statutory modifications to House Bill 3391. The list below summarizes the major provisions of H.B. 3391, and more detailed discussion is located in each issue.

#### **Sunset Provisions**

1. Require the Texas Parks and Wildlife Department to create a list of aquatic plants that may be imported and possessed within Texas without a permit.
2. Require state agencies with statewide authority that receive TPWD's comments on proposed projects or permits to respond to TPWD on the disposition of those comments.
3. Establish an Internal Affairs Office in statute, require the Office to report to the Parks and Wildlife Commission, and grant the Commission authority to initiate cases.
4. Authorize the Texas Parks and Wildlife Commission to join the Interstate Wildlife Violator Compact on behalf of the State of Texas.
5. Instruct TPWD and the Texas Youth Commission to jointly seek representation by the Attorney General to pursue a modification of the Parrie Haynes Trust to designate TPWD as the state agency responsible for the Parrie Haynes Ranch and Trust.
6. Continue TPWD for 12 years.

#### **Provisions Added by the Legislature**

1. Expand the types of funds that may be deposited into TPWD GR-Dedicated accounts.
2. Allow the sale of products made from certain game animals.
3. Allow the hunting of pigeons in private bird hunting areas.
4. Grant emergency rulemaking authority.

#### **Fiscal Implication Summary**

House Bill 3391 will not have a fiscal impact to the State.



# ISSUES



# Issue 1

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## *Texas Parks and Wildlife Cannot Minimize Risk From Harmful Exotic Aquatic Plants Under Its Current Regulatory Approach.*

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### Summary

#### Key Recommendations

- ◆ Require the Texas Parks and Wildlife Department to create a list of aquatic plants that may be imported and possessed within Texas without a permit.
- ◆ Direct the Department to provide greater information to the public on the harm caused by releasing exotic species.

#### Key Findings

- ◆ The Texas Parks and Wildlife Department regulates the importation, possession, sale, and introduction of harmful exotic aquatic plants into Texas waters.
- ◆ The importation of exotic aquatic plants poses unknown future risks to the Texas environment that cannot be prevented by TPWD's current efforts.
- ◆ Other states and other nations have implemented white list processes to allow only the importation of exotic species that are proven to not harm the environment.

#### Conclusion

The introduction of non-native species by humans has dramatically altered the landscape of Texas. While most of these new species brought positive changes to Texas' economy, some exotic species created extreme negative changes. The ability of some exotic species to rapidly reproduce, especially in aquatic environments, gives rise to the term, invasive species. Because the aquatic environment is easily affected by exotic species and in an effort to prevent infestations, the Legislature has granted the Texas Parks and Wildlife Department (TPWD) regulatory authority over harmful exotic fish, aquatic organisms, and plants. The Sunset review of the Department's efforts to regulate harmful exotic species examined the effectiveness of its current approach in creating a black list of species that cannot be imported or possessed in the state without a permit. Under this approach, the Department currently allows the free importation of all species not currently on the black list.

The Sunset review focused on the Department's efforts to control invasive aquatic plants and found that Texas' semi-tropical, aquatic environment is especially prone to negative effects by invasive plants which can crowd out native species, destroy habitats, deplete oxygen from water, and spread so rapidly as to render waterways unusable to boat traffic. Once established in the state's rivers and lakes, aquatic invasive plants are expensive to eradicate or control. In today's global economy, however, many new plant species can be imported even though no information is available about the potential harm that they could cause. Because new exotic plants can quickly invade rivers and lakes before the Department can research and add the species to the black list, the review concluded that the current black list approach is not adequate to prevent future infestations of previously unknown plants. Examining the experience of other states and nations, staff recommends extending the Department's authority to establish a list of approved plants and to require a permit for the importation of species not on the approved list.

## Support

### The introduction of exotic species has dramatically changed Texas' environment.

- ◆ Texas' environment has been dramatically changed by the introduction of exotic species, both beneficial and harmful. Many plants and animals that are now considered part of Texas' natural and agricultural environments are actually non-native species. For a look at the first introduction of beneficial exotic species to Texas, see the textbox, *The Columbian Exchange*.

#### ***The Columbian Exchange***

The widespread transfer of plants and animals between the Eastern and Western hemispheres following Columbus' discovery of the New World in 1492 is known as the Columbian Exchange. Texas' agricultural landscape was particularly affected by exotic plants and animals brought by European settlers that are now standard features of the state's agriculture. For example, before the Columbian Exchange, there were no cattle, chickens, cotton, horses, onions, oranges, rice, sheep, soybeans, sugarcane, watermelons, or wheat in Texas.

Along with beneficial exotic species, people have also introduced many harmful species. By their nature, exotic species can be dangerous to their new environment because natural controls, such as predators and habitat constraints, are often not present. The capacity of exotic species to rapidly reproduce and supplant native species gives rise to their definition as invasive species. In 1999, the U.S. President thus defined invasive species in Executive Order 13112 as "alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health."<sup>1</sup>

While estimates of the Texas cost of invasive species are difficult to quantify, their overall economic impact in the United States is estimated to be \$35 billion per year including losses and control costs associated with invasives in agriculture and rangeland.<sup>2</sup> The primary ways that invasive species are spread through the natural environment are detailed in the textbox, *Paths of Introduction*.

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*In Texas waters, exotic plants can crowd out native species, kill fish by depleting oxygen, and render waterways impassable to boats.*

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- ◆ Aquatic environments are prone to negative effects by exotic species, especially plant species. Because of its temperate semi-tropical climate, Texas' rivers and lakes are prone to the negative consequences, as harmful, invasive plants can crowd out native species, destroy natural habitats, kill fish and wildlife by removing oxygen from water, and render waterways unusable to boat traffic.<sup>3</sup> In particular, Texas' lakes are at risk from invasive species as most of the state's lakes are man-made and recent evidence shows that man-made reservoirs are more prone to invasives than natural lakes.<sup>4</sup>



### **Paths of Introduction**

Invasive species can be introduced into the natural environment by various pathways including deliberate introduction, accidental release, and small-scale releases.

**Deliberate Introduction** – Many harmful exotics have been deliberately introduced, in some cases, as a means of controlling other invasive species. For example, in the 1930s, federal conservation officials planted water milfoil in Lake Austin and Lake Travis as forage for ducks and to prevent soil erosion.<sup>5</sup> While milfoil did not attract ducks, the fast-growing, stringy plants clogged the lakes, negatively affecting fishing, boating, and swimming. Nutrias, a large hairy rodent, were then imported to eat the milfoil.<sup>6</sup> Although Nutria did not prove to be a good control for milfoil, they also proved to not have any natural predators allowing their population to explode. Nutrias ultimately damaged the aquatic habitat by killing trees on river banks and leaving some areas as denuded mudflats.

**Accidental Release** – Although not an aquatic species, a commonly known example of accidental release is the red imported fire ant (*Solenopsis invicta*). A native of central South America, fire ants first arrived in Mobile, Alabama around 1930 in soil used for Brazilian cargo ship ballast.<sup>7</sup> These aggressive ants spread widely and are now a common pest in Texas. Zebra mussels were similarly introduced into the United States in the ballast water of ocean-going ships traversing the St. Lawrence Seaway and were first detected in the Great Lakes in 1988. Zebra mussels rapidly spread and disrupt ecosystems, kill native species, and damage harbors, boats, power plants, and water treatment plants. The U.S. Coast Guard estimates that economic losses and control efforts cost about \$5 billion per year.<sup>8</sup> Recreational watercraft also play a role in spreading exotics as species can travel from one water body to another by “hitching a ride” on boats that have not been properly cleaned of organic material.<sup>9</sup>

**Small-scale Introductions** – Invasive species are also deliberately released on a small scale, such as the release of bait fish or the dumping of unwanted aquarium plants into a waterway. For example, hydrilla, a plant from Asia now considered to be one of the world’s worst aquatic weeds, was a popular aquarium plant in the 1970s. Unlike most native aquatic plants, hydrilla forms dense mats of vegetation on a lake’s surface. In 1981, hydrilla covered about 40 percent of Lake Conroe, some 8,400 acres. A concerted effort to eliminate the plant by releasing grass carp reduced the infestation to three acres in 2002. However, the grass carp also eliminated native aquatic plants, and hydrilla rebounded to cover about 868 acres by 2005.<sup>10</sup> Hydrilla is also a problem in Lake Austin and other Texas lakes.

As Texas’ ecosystems have developed natural checks and balances, invasive plants can eliminate the diversity that creates healthy habitats.<sup>11</sup> By their nature, aquatic invasive plants can rapidly spread. For example, giant salvinia is capable of doubling its population in as little as two to eight days.<sup>12</sup> The table on the following page, *Common Harmful Aquatic Invasive Plants in Texas*, lists some of the non-indigenous invasive plant species found in Texas waters.

### **The Texas Parks and Wildlife Department regulates the importation, possession, sale, and introduction of harmful exotic aquatic plants into Texas waters.**

- ◆ In 1975, the Legislature first granted TPWD broad regulatory authority over potentially harmful aquatic life, including fish, aquatic organisms, and plants. Under this authority, no person may import, possess, sell, or introduce exotic fish, organisms, or plants into Texas waters without a permit issued by TPWD.<sup>13</sup> The statute requires TPWD to publish a list of species for which a permit is required, referred to as a ‘black list.’ In practice, TPWD allows the importation, possession, sale, and release of everything not on the black list. The Department has used its

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*Aquatic invasive plants can rapidly spread, sometimes doubling in population within a week.*

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rulemaking authority under this statute to limit the issuance of permits only to aquaculturists, wastewater plant operators, researchers, or public aquariums, and TPWD issues about 145 permits per year.


**Common Harmful Aquatic Invasive Plants in Texas**

Species	Description
Water Hyacinth	Water hyacinth is a free floating aquatic plant that invades lakes, ponds, rivers, marshes, and other wetland habitats. It can quickly form dense floating mats of vegetation and can double in size in two weeks. These dense mats reduce light available for submerged plants and fish, and deplete oxygen levels. Water hyacinth is native to South America and was first introduced as an ornamental plant into the United States in 1884.
Hydrilla	Hydrilla is a submerged, rooted aquatic plant that can grow in water up to depths of 20 feet. Hydrilla forms dense mats at the surface of the water that can restrict native vegetation, irrigation practices, recreation, hydroelectric production, and water flow. Hydrilla was first introduced into North America as an aquarium plant in the 1950s.
Giant Salvinia ( <i>Salvinia molesta</i> )	Giant salvinia is a free-floating aquatic fern, native to southeastern Brazil. Giant salvinia grows extremely quickly, and can double in population size every few days, resulting in ponds, reservoirs, and lakes covered by thick, floating mats. The plant’s growth blocks sunlight needed by other aquatic plants and algae to oxygenate the water.

The agency currently charges \$250 to apply for an exotic species permit and \$25 for annual renewals. First time violations of the statute are a Class B misdemeanor, and violators who have committed the offense three or more times may receive a felony punishment. In the past three fiscal years, TPWD game wardens issued seven citations for violations of this statute. To date, five of these cases resulted in convictions and two of the cases are pending.

Because invasive plants spread easily, state law specifically requires boat operators to clean boats and trailers of aquatic plants when leaving public waters.<sup>14</sup> The law also prohibits both deliberate and accidental introduction of any type of exotic aquatic life into Texas’ public waters without a TPWD permit. Violations of this statute are a Class C misdemeanor. In the past three fiscal years, TPWD game wardens have not issued any citations for violations of this statute.

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*The cost to control invasive aquatic plants is remarkably high – TPWD is currently spending \$120,000 per year just to clear boat lanes in Caddo Lake from giant salvinia.*

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- ◆ TPWD also has legislative direction to control noxious aquatic vegetation. The Legislature, in 2007, directed TPWD to spend \$120,000 per year to clear boat lanes in Caddo Lake that have become unnavigatable due to infestations of giant salvinia and other aquatic invasive species. To continue to combat similar infestations on public waters, TPWD has requested \$1.25 million per year in its 2010-2011 Legislative Appropriations Request. The requested funds are for control purposes, such as spraying herbicides and cutting plants in public waters. Political subdivisions and private individuals also spend considerable funds and energy fighting invasive species. The cost to completely eradicate an invasive species can be very high. The State of Indiana has put the cost of eradicating hydrilla at \$2,290 per acre.<sup>15</sup>

The Legislature has also required TPWD to develop and adopt the State Aquatic Vegetation Management Plan (Management Plan).<sup>16</sup> An important element of the Management Plan is the requirement to ensure that the use of aquatic herbicides complies with uses approved by the U.S. Environmental Protection Agency. Because most of Texas' rivers and reservoirs are ultimately used as municipal water supplies, the use of aquatic herbicides to control invasive species pose a potential risk to public health. TPWD's current Management Plan emphasizes integrated pest management techniques using herbicides in conjunction with biological controls (such as the introduction of sterile carp to eat hydrilla) and mechanical strategies (such as the clearing of boat lanes with mechanical harvesters).

### **The importation of exotic aquatic plants poses unknown future risks to the Texas environment that cannot be prevented by TPWD's current efforts.**

- ◆ While TPWD and landowners battle the current set of invasive plants in Texas, TPWD's black list approach allows importers to bring in new species with unknown dangers that may cause additional problems. TPWD biologists speak of the need for further regulation of species importation as based upon an inarguable scientific position: non-native species can be introduced into Texas that can cause great damage. Because the global economy permits their easy distribution, species that are unknown in Texas may be imported before their harm is completely understood. The assessment of the potential harm of exotics comes after the introduction of the species, and it may take several years to fully realize the impact of the species on the environment.<sup>17</sup>
- ◆ Because preventing the introduction and spread of non-native species is cheaper than controlling established invaders, TPWD's current black list approach is not a cost-effective approach to aquatic invasive plants.<sup>18</sup> By the time that an aquatic plant species has been introduced into Texas' environment and been shown to have negative consequences, efforts to control or eradicate that species will be costly.

As new infestations may take place during the time it takes to fully understand the harm caused by a new species, the invasive plants may become so firmly rooted that it is too late to eradicate it. For example, the relatively pristine upper San Marcos River was recently invaded by the previously unknown, invasive water trumpet, cryptocoryne. Within months of its first sighting, the rapid spread of cryptocoryne threatened two endangered species and required TPWD to dredge two miles of river bed, an expensive undertaking.

- ◆ The current black list system also has problems with workability. The list of banned aquatic plant species includes some 20 aquatic plants. The process to add species to the list is cumbersome and time consuming. Adding to the list requires a full Commission rulemaking proceeding and takes a minimum of six months. During this time, the exotic plant

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*By the time an aquatic plant species has been introduced into Texas' environment and been shown to cause harm, efforts to control or eradicate that species will be costly.*

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species can gain a foothold in Texas' environment that makes eradication difficult and costly.

**Other states and other nations have implemented white list processes to allow only the importation of exotic species that are proven to not harm the environment.**

- ◆ As preventing future infestations is a far cheaper solution than fighting invasive species after introduction, other states have created white lists of aquatic species that are permitted to be imported and required permits for the importation of species not on the list. Persons wishing to obtain a permit or add a species to the white list are required to prove that species is not harmful before their large-scale importation.

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*White lists that only allow the importation of non-harmful plants are far more cost-effective than fighting invasive species after introduction.*

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For example, Oregon, in 1996, adopted Wildlife Integrity Rules (WIR) that protect native wildlife from the potential harms of non-native species. The WIR classify exotic species into one of three categories based on their risk to native wildlife: prohibited, controlled, and non-controlled. As of 2002, Oregon's scientific review panel had assessed the risk of more than 16,000 non-native species.<sup>19</sup> Hawaii and Minnesota have also implemented strong white list legislation, while Florida, Georgia, Idaho, and Kentucky have implemented partial white list approaches to invasive species.<sup>20</sup>

- ◆ The nations of Israel, South Africa, Australia, and New Zealand have each established a form of the white list system, banning imports of species that are not on the approved list.<sup>21,22</sup> For example, Australia, in 1997, instituted a white list for both plant and animal imports. The nation found that the change in regulation was successful when prefaced by awareness of the risks of importing new agricultural pests and diseases.<sup>23</sup>

## Recommendations

### Change in Statute

#### 1.1 **Require the Texas Parks and Wildlife Department to create a list of aquatic plants that may be imported and possessed within Texas without a permit.**

This recommendation would establish a process where TPWD would evaluate the potential harm represented by the importation of previously unknown aquatic plants into Texas before those plants can be brought in and potentially cause harm by being released into the environment. Building upon TPWD's current authority over harmful aquatic species, the agency would establish a list of approved plants that are allowed to be imported and propagated in Texas. Exotic plant species not appearing on the white list would require a permit before being imported and TPWD should use its current process in permitting individuals to possess species on the black list for this purpose. This white list for aquatic plants would supplant the current requirement that TPWD publish a black list of aquatic plants, but the statutory requirement to publish a list of aquatic fish and other organisms for which a permit is required would remain. TPWD's current rules provide exceptions to importation and possession of banned species – primarily for public aquariums and zoos, and scientific or medical research. Clear statutory authority for these exceptions would ensure their continuance.

In compiling the list of approved aquatic plants, TPWD should use a risk assessment model to determine the potential harm of the species to the aquatic environment. The process should include peer review, published scientific research, findings from other regulatory agencies, and scientific analysis from third-party labs. Exotic plants that are determined to be already widespread in Texas and not causing economic, environmental, or health problems would be automatically approved on the white list. TPWD should strive to ensure that regulations are as permissive as possible without allowing the importation of plants that pose environmental, economic, or health problems.

TPWD would create a process by which persons may request that previously unknown plants be added to the approved list following the same risk assessment model as used in establishing the original list. While final approval should rest with the Parks and Wildlife Commission, the Commission should delegate authority to the Executive Director to create a fast-track approval process to lessen the burdens upon affected industries. TPWD should strive to speed the processing of requests by maximizing the use of available scientific data so as to reduce the information required from requestors.

## Management Action

### 1.2 Direct the Department to provide greater information to the public on the harm caused by releasing exotic species.

To aid the voluntary compliance of the public with exotic species issues, TPWD should expand its educational efforts to inform the public about the harm that can be caused by accidental and small-scale intentional releases of aquatic species into the environment. Although these releases are prohibited by current law, they are difficult to police as the agency cannot patrol every stretch of water. An educational program that provides information on proper disposal of unwanted aquatic species, distributed through the agency’s normal avenues of information dissemination as well as through pet and aquarium stores, could cost-effectively reduce an important route of introduction.

## Fiscal Implication

While these recommendations would ultimately serve to reduce the future cost of eradicating and controlling harmful invasive plants, in the short term they would result in a fiscal impact to the State. TPWD will have a one-time cost of an estimated \$50,000 to hire a consultant to help compile the list of approved aquatic plants. The Legislature could consider funding this cost from the Game, Fish and Water Safety Account (Fund 009) as it will benefit Texas’ anglers and boaters. Alternatively, the Legislature could consider using the General Revenue Fund for all or some costs, since this recommendation also generally protects natural resources. The Department’s costs to manage and enforce the aquatic plant white list in future years, and approve permits to import or possess plants not on the list, should not be an additional cost over current expenditures for managing and enforcing its black list for aquatic plants.

<i>Fiscal Year</i>	<i>Cost to the Game, Fish, and Water Safety Fund (Fund 009)</i>	<i>Change in FTEs From FY 2009</i>
2010	\$50,000	0
2011	\$0	0
2012	\$0	0
2013	\$0	0
2014	\$0	0

- .....
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  - 2 The Nature Conservancy, *The Nature Conservancy, Suffolk County Parks Partner to Remove "Invasive" Plants From Natural Areas*, <http://www.nature.org/wherewework/northamerica/states/newyork/press/press3701.html>. Accessed: September 23, 2008.
  - 3 Texas Parks and Wildlife, "Nuisance Aquatic Vegetation," [http://www.tpwd.state.tx.us/landwater/water/enviroconcerns/nuisance\\_plants/](http://www.tpwd.state.tx.us/landwater/water/enviroconcerns/nuisance_plants/). Accessed: October 31, 2008.
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  - 5 John Williams, Lower Colorado River Authority, "First Lake Austin Lowering Celebrates Anniversary," <http://www.lcra.org/featurestory/2005/lakeaustinlowering.html>. Accessed: October 31, 2008.
  - 6 C.F. Eckhardt, "Aliens Amongst Us," *TexasEscapes.com*, <http://www.texasescapes.com/CFEckhardt/Aliens-Amongst-Us.htm>. Accessed: October 31, 2008.
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  - 9 Texas Parks and Wildlife, "Protect Our Waters, Stop Aquatic Hitchhikers," [http://www.tpwd.state.tx.us/fishboat/boat/protect\\_water/](http://www.tpwd.state.tx.us/fishboat/boat/protect_water/). Accessed: October 31, 2008.
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  - 11 Christy Goodman, "Nature's Invaders on Display," *Washington Post*, September 14, 2008.
  - 12 Union of Concerned Scientists, "Invasive Species of Texas," 1999, <http://www.brit.org/research/native-and-non-native-species-new-for-texas-conservation-concerns/non-native-species-in-texas/>. Accessed: September 25, 2008.
  - 13 Texas Parks and Wildlife Code, sec. 66.007.
  - 14 Texas Parks and Wildlife Code, sec. 66.0071.
  - 15 Doug Keller, Aquatic Invasive Species Coordinator, Indiana Department of Natural Resources, "An Ounce of Prevention . . . Indiana's Aquatic Invasive Species Strategy," <http://www.glc.org/ans/documents/DKellerPresentation-IndianaAISStrategy.pdf>. Accessed: October 31, 2008.
  - 16 Texas Parks and Wildlife Code, sec. 11.082.
  - 17 U.S. Department of the Interior, U.S. Fish and Wildlife Service, "Injurious Wildlife Species; Black Carp (*Mylopharyngodon piceus*)" *Federal Register*: October 18, 2007 (Volume 72, Number 201), Rules and Regulations, Page 59020.
  - 18 *Ibid.*
  - 19 Larry Cooper, Nonnative Species Program Coordinator, Oregon Department of Fish and Wildlife, "Oregon's Invasive Species Screening Programs," *Proceedings of the Invasive Species Screening Workshop*, January 8-9, 2002, Las Vegas Nevada, <http://www.fws.gov/answest/screening.pdf>. Accessed: October 31, 2008.
  - 20 Robert N. Fabian, and Marc L. Miller, *Harmful Invasive Species: Legal Responses*, (Washington, D.C.: Environmental Law Institute, 2004), pp. 154-155.
  - 21 Dr. Simon C. Nemtzov, Israel Nature and Parks Authority, "Managing the import of vertebrates to Israel to Prevent invasive species," <http://www.issg.org/Animal%20Imports%20Webpage/Presentations/Reference/NemtzovIsraelpaper.pdf>. Accessed: October 31, 2008.
  - 22 J. L. Hudson, "Help Stop the White List" <http://www.jlhudsonseeds.net/WhiteList.htm>. Accessed: October 31, 2008.
  - 23 Craig Walton, Pest Management Strategy Group, Department of Natural Resources and Mines, Queensland Australia, "Australia's Invasive Species Screening Programs," *Proceedings of the Invasive Species Screening Workshop*, January 8-9, 2002, Las Vegas Nevada, <http://www.fws.gov/answest/screening.pdf>. Accessed: October 31, 2008.

## *Responses to Issue 1*

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### **Recommendation 1.1**

***Require the Texas Parks and Wildlife Department to create a list of aquatic plants that may be imported and possessed within Texas without a permit.***

### **Agency Response to 1.1**

The Department concurs with this recommendation and believes that a white list would enable TPWD to more effectively prevent the introduction of invasive, non-native species before they get established. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

### **For 1.1**

Myron J. Hess, Manager of Texas Water Programs/Counsel – National Wildlife Federation, Austin

Andy Jones, Director – The Conservation Fund, Austin

Evelyn Merz, Conservation Chair – Lone Star Chapter of the Sierra Club, Houston

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

### **Against 1.1**

None received.

### **Recommendation 1.2**

***Direct the Department to provide greater information to the public on the harm caused by releasing exotic species.***

### **Agency Response to 1.2**

The Department concurs with this recommendation. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

### **For 1.2**

Myron J. Hess, Manager of Texas Water Programs/Counsel – National Wildlife Federation, Austin

Andy Jones, Director – The Conservation Fund, Austin

Evelyn Merz, Conservation Chair – Lone Star Chapter of the Sierra Club, Houston

**For 1.2** (continued)

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

**Against 1.2**

None received.

**Modifications**

1. Give TPWD regulatory authority over invasive terrestrial species. (Tim Cook, State Conservation Director – Texas Bass Federation Nation, McQueeny)
2. Fund TPWD to control invasive terrestrial plants in state parks. (Evelyn Merz, Conservation Chair – Lone Star Chapter of the Sierra Club, Houston)

*Commission Decision*

Adopted Recommendations 1.1 and 1.2.

*Legislative Action*

House Bill 3391 requires Texas Parks and Wildlife Department (TPWD) to evaluate the potential harm represented by the importation of previously unknown aquatic plants into Texas, and to establish a list of approved plants allowed to be imported and propagated. Exotic plant species not appearing on the approved list will require a permit before being imported. The bill requires TPWD to use a risk-assessment model in determining the potential harm of an exotic species to the aquatic environment. The process must include peer review, published scientific research, findings from other regulatory agencies, or scientific analysis from third-party labs. (Recommendation 1.1)



# Issue 2

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## *TPWD Cannot Fully Assess the Impact of Its Resource Protection Efforts.*

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### Summary

#### Key Recommendations

- ◆ Require entities that receive comments on proposed projects or permits from TPWD to respond to TPWD on the disposition of those comments.
- ◆ Direct TPWD to track the disposition of its comments and use that information to improve its review processes.

#### Key Findings

- ◆ To protect the State's natural resources, TPWD reviews proposed projects and permits to determine the impact on fish and wildlife.
- ◆ The Department cannot fully assess the value or effectiveness of its resource protection function because entities are not required to respond to TPWD comments.
- ◆ Other decision-making processes provided for in law include requirements to respond to comments.

#### Conclusion

To protect the State's natural resources, the Texas Parks and Wildlife Department (TPWD) reviews proposed projects and regulatory permits, and provides comments and recommendations to the appropriate agency on the potential impact on fish and wildlife. The Sunset review assessed the effectiveness of this resource protection function and concluded that because entities are not required to respond to TPWD comments, neither the Department nor the Legislature can fully determine the success, value, or effectiveness of this function. Requiring entities that receive TPWD comments to respond to the Department and directing the Department to use that information to improve its review process would improve protection of the State's fish and wildlife.

## Support

**To protect the State's natural resources, TPWD reviews proposed projects and permits to determine the impact on fish and wildlife.**

- ◆ The Texas Parks and Wildlife Department is the state agency with primary responsibility for protecting the State's fish and wildlife.<sup>1</sup> Generally, statute charges TPWD with providing recommendations that will protect fish and wildlife resources to local, state, and federal agencies that approve, permit, license, or construct developmental projects. TPWD also provides information on fish and wildlife resources to any local, state, and federal agencies or private organizations that make decisions affecting those resources; and provides recommendations on instream or freshwater flows to the Texas Commission on Environmental Quality.

The National Environmental Policy Act also requires an environmental review for all projects receiving federal funding, and TPWD provides the analysis of potential impacts on fish and wildlife. As part of these type of reviews, TPWD analyzes the project for compliance with all state and federal laws, which can include the Endangered Species Act, Clean Water Act, or Fish and Wildlife Coordination Act.

- ◆ TPWD performs scientific reviews of permits, standards, and development projects to determine potential impacts on fish or wildlife, and provides comments and recommendations to protect those resources. The majority of the comments are directed to agencies with regulatory authority, but TPWD also provides comments to non-governmental entities such as companies or consulting firms working on environmental impact statements for submission to a regulatory agency.

The Department's comments typically focus on proposed mitigation measures to minimize the impact on fish and wildlife, such as changing the timing of water impoundment or diversion that affect flows, or suggesting re-vegetation of a construction site to help control erosion and provide habitat for wildlife. The textbox, *TPWD Resource Protection Reviews*, gives information on the types of reviews that TPWD completes.

- ◆ In fiscal year 2008, TPWD completed 235 water-related reviews and 1,190 habitat assessments of development and construction projects. The biologists in TPWD's Water Resources and Habitat Assessment programs have primary responsibility for reviewing proposed projects and permits, although these programs also have non-review related functions. Staff from other agency programs also help with resource protection reviews, making it difficult to determine precisely how much staff time and money are dedicated to the function. However, together, in fiscal year 2008, the programs had 18 full-time equivalent positions and spent about \$1.2 million.

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*TPWD's  
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and wildlife.*

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*TPWD completed  
more than 1,400  
project and  
permit reviews in  
fiscal year 2008.*

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### **TPWD Resource Protection Reviews**

Examples of projects that TPWD reviews for their effect on Texas' fish and wildlife include:

#### **Water Quantity**

The Texas Commission on Environmental Quality (TCEQ) permits the storing, taking, or diverting of water in Texas. Because these permit decisions can affect both fish and wildlife, TPWD reviews permit applications and provides recommendations to TCEQ on ways to protect those resources. Recommendations can include proposed permit conditions, mitigation, and schedules of flows or releases. State law requires TCEQ to consider TPWD information when approving the final permit.<sup>2</sup>

#### **Water Quality**

TCEQ is also the agency that formulates and adopts environmental flow standards for river basins and bay systems that support a sound ecological environment.<sup>3</sup> TPWD reviews proposed standards and provides comments to TCEQ on considerations for flows that would support fish and wildlife.

#### **Development and Construction Projects**

TPWD performs evaluations of development and construction projects to ensure that wildlife impacts are understood and addressed in decisions to move forward with projects. Examples of projects that TPWD would submit comments on are certificates of convenience and necessity on transmission line projects approved by the Public Utility Commission, highway projects approved by the Texas Department of Transportation, and drainage improvement projects approved by the Texas Water Development Board.

### **The Department cannot fully assess the value or effectiveness of its resource protection function because entities are not required to respond to TPWD comments.**

- ◆ As state and federal law indicate, protecting the State's natural resources is important to Texas, and TPWD, as the expert, plays a valuable role in ensuring that regulatory or development decisions take into account effects on fish and wildlife. However, once TPWD submits a comment to an agency or other entity, no guarantee exists that TPWD will receive a response to the comment.

Although some entities may respond to submitted comments on an ad hoc basis, TPWD does not consistently receive responses to their comments and recommendations. Without this information, TPWD is hard pressed to determine what the final decisions on projects and permits were and how those decisions relate to TPWD comments. In addition, without the help of the entity that made the final decision, this process can be inefficient, time-consuming, and a waste of limited state resources.

For example, TPWD could have to pull permits or other types of project documentation and compare them to the original comments without the aid of the decision maker. As such, the Department does not routinely track the disposition of any of its comments, recommendations, or information that they submit to other entities, and cannot provide information on whether its reviews were successful.

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*TPWD is hard  
pressed to  
determine if its  
resource reviews  
are successful.*

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*Neither  
TPWD nor the  
Legislature  
can judge the  
effectiveness of  
TPWD's resource  
protection  
activities.*

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- ◆ TPWD cannot accurately judge its effectiveness in protecting natural resources through its regulatory comments. The lack of consistent responses to TPWD comments makes it impossible for TPWD, and the Legislature, to know if the agency is successful at protecting the State's natural resources through its resource protection review processes.

Without this information, TPWD misses an opportunity to improve upon its performance. If the agency were aware of whether and why its comments were taken, it could use that information to help guide future reviews.

- ◆ Without knowing the disposition of TPWD comments, the State cannot know if state time and resources are being well-spent. Because the Department dedicates significant funding and staff to reviewing proposed projects and permits and preparing scientific recommendations, knowing that the State is getting value out of the function is important. The Department can only evaluate the value of the function by understanding the weight that entities give to resource protection considerations in their final decisions.

**Other decision-making processes provided for in law include requirements to respond to comments.**

- ◆ The Administrative Procedures Act guides all state agency rulemaking and requires agencies to provide for public comment as well as a justification on the agency's adopted rule. In adopting final rules, agencies must report a summary of comments received, a summary of the factual basis for the rule as adopted, and the reasons why the agency disagrees with party submissions and proposals.<sup>4</sup>
- ◆ The Texas Department of Transportation's (TxDOT) environmental review process provides for an opportunity for public comments on proposed projects, and requires the agency to respond to comments and justify its decision for projects having a significant environmental impact. Both federal and state law require TxDOT to provide for various levels of public comment opportunities depending on the project size and significance, and to provide a written report explaining the decision on the projects and specifying any mitigation measures TxDOT must take.<sup>5</sup> TxDOT's public meeting rules provide that after a public meeting on a project, TxDOT must prepare a written summary of the comments received, responses to the comments, and any modifications to the project resulting from the comments.<sup>6</sup>

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*In adopting rules,  
state law requires  
agencies to seek  
and respond to  
public comment.*

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## Recommendations

### Change in Statute

#### **2.1 Require entities that receive comments on proposed projects or permits from TPWD to respond to TPWD on the disposition of those comments.**

This recommendation would require entities that receive comments from TPWD through TPWD's statutory comment requirements on the impact of proposed projects or permits on fish and wildlife, to respond in writing to those comments. Responses would include information about the disposition of TPWD comments, any modifications to the proposed project or permit resulting from the comments, and any reasons why the entity disagreed with, or did not incorporate, the comments. The recommendation does not intend to make TPWD comments binding on the receiving entity, but instead simply requires the entities to notify TPWD of the disposition of its comments. Responses would be considered to be public information under the State's Public Information Act.

The recommendation would allow TPWD to better understand the success, value, and effectiveness of its resource review function. In addition, by knowing if a proposed permit or project did or did not incorporate the recommendations, TPWD would be aware of the actual impacts that result from the project, helping it to be more proactive in its fish and wildlife protection activities in the field.

### Management Action

#### **2.2 Direct TPWD to track the disposition of its comments and use that information to improve its review processes.**

As TPWD begins to receive responses to all of its resource review comments, this recommendation would direct the Department to track comments submitted and responses received for each project it reviews. Further, TPWD should use this information to improve its resource review and comment process by analyzing which types of comments are successful and helpful to regulatory agencies and other entities, and which recommendations consistently prove to be too burdensome or cost-prohibitive to adopt. While the review process should always depend on sound science and not expected outcome, this information could help the agency in deciding where to focus its efforts most effectively.

### Fiscal Implication

These recommendations would not have a fiscal impact on the State. Requiring entities to respond to TPWD comments may slightly increase their time spent on the review process, but that increase would be insignificant within the context of the work already required for the review process.

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- <sup>1</sup> Texas Parks and Wildlife Code, sec. 12.0011.
  - <sup>2</sup> Texas Water Code, secs. 12.024 and 11.147(f).
  - <sup>3</sup> Texas Water Code, sec. 11.1471(a)(1).
  - <sup>4</sup> Texas Government Code, sec. 2001.033.
  - <sup>5</sup> Texas Transportation Code, sec. 201.604.
  - <sup>6</sup> Texas Administrative Code, Title 43, part 1, chapter 2, subchapter A, rule 2.7.



## *Responses to Issue 2*

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### **Recommendation 2.1**

**Require entities that receive comments on proposed projects or permits from TPWD to respond to TPWD on the disposition of those comments.**

#### **Agency Response to 2.1**

The Department concurs with this recommendation and believes that an improved review process would result in the enhanced protection of fish and wildlife. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

#### **For 2.1**

Myron J. Hess, Manager of Texas Water Programs/Counsel – National Wildlife Federation, Austin

Andy Jones, Director – The Conservation Fund, Austin

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

#### **Against 2.1**

None received.

### **Recommendation 2.2**

**Direct TPWD to track the disposition of its comments and use that information to improve its review processes.**

#### **Agency Response to 2.2**

The Department concurs with this recommendation and believes that TPWD could benefit from a more formalized and consistent internal tracking system. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

#### **For 2.2**

Myron J. Hess, Manager of Texas Water Programs/Counsel – National Wildlife Federation, Austin

Andy Jones, Director – The Conservation Fund, Austin

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

## **Against 2.2**

None received.

## *Commission Decision*

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Adopted Recommendations 2.1 and 2.2.

## *Legislative Action*

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House Bill 3391 adds a requirement to an existing statutory process whereby TPWD comments on the impact of proposed projects or permits on fish and wildlife resources. The Legislature modified the Sunset recommendation to apply only to state agencies with statewide authority. The bill requires these agencies to respond in writing to TPWD regarding the comments. Responses must include information about the disposition of TPWD comments, any modifications to the proposed project or permit resulting from the comments, and any reasons why the entity disagreed with, or did not incorporate, the comments. (Recommendation 2.1)



# Issue 3

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## *TPWD's Internal Affairs Function Lacks Statutory Standing and an Adequate Connection to the Parks and Wildlife Commission.*

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### Summary

#### Key Recommendations

- ◆ Establish an Internal Affairs Office in statute with original jurisdiction over crimes committed on TPWD property, or related to the duties of TPWD employees.
- ◆ Require the Internal Affairs Office to report information on trends and recently closed cases to the Parks and Wildlife Commission, and grant the Commission authority to initiate cases.

#### Key Findings

- ◆ Although TPWD has a well-structured internal affairs process, it is not established in law or Commission rule and could be abolished or weakened by future directors.
- ◆ The Parks and Wildlife Commission does not have a direct connection to Internal Affairs, limiting its awareness of problems within the agency.
- ◆ Other state agencies have internal affairs functions that are established in statute.
- ◆ Other states and the federal government have established internal affairs functions for their natural resources and law enforcement agencies.

#### Conclusion

Internal affairs offices serve to protect the public and the reputation of state agencies by investigating possible wrongdoings by personnel. The ability to conduct internal affairs investigations that are independent of the agency's supervisory chain of command is necessary to fully address potential malfeasance within an agency. Equally important is the ability of an agency's policymaking body to be aware of investigations and to take action to ensure that problem areas receive adequate attention.

In its review of the Texas Parks and Wildlife Department's (TPWD) internal affairs function, Sunset staff sought to assess the ability of the Commission to identify and correct potential misconduct by agency employees. The review found that the Department's internal affairs exists only in the agency's internal policies. While the function is independent of agency programs, it is not insulated from agency management. The review also found that the Parks and Wildlife Commission does not have adequate interaction with the internal affairs office. Staff concluded that codifying TPWD's internal affairs function and strengthening its tie to the Commission would ensure its continued independence in future years.

## Support

**An independent internal affairs office to investigate and review complaints against employees is a standard structure of law enforcement agencies, which the Texas Parks and Wildlife Department has adopted.**

- ◆ Internal affairs offices are common in police agencies as a means to oversee conduct of officers and civilian employees.<sup>1</sup> Properly structured internal affairs divisions are capable of conducting investigations to ensure that agency policies and procedures are followed, and that complaints are handled effectively.<sup>2</sup> Internal affairs investigations also serve as an early warning system to enhance accountability and communications by informing the agency's administration of potential problems.<sup>3</sup>

To ensure fair handling of personnel investigations, most law enforcement agencies have a single, independent office that handles all internal affairs cases. Most major police agencies require all complaints against officers to go directly to their internal affairs department, which reviews the complaint and decides to investigate it themselves or return it to the chain of command for investigation.<sup>4</sup>

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*TPWD employees hold offices of public trust in which they may handle cash, personal information, and public documents – all of which are subject to diversion.*

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- ◆ Due to its high level of interaction with the public and its law enforcement role, the Texas Parks and Wildlife Department has established an internal affairs function to investigate possible wrongdoing by its personnel. While the vast majority of personnel employed by state agencies are dedicated, law abiding citizens, the potential for malfeasance is always possible. TPWD employees frequently interact with the public and hold offices of public trust in which they may handle cash, personal information, and public documents – all of which are subject to diversion.

Recent investigations of TPWD employees have identified a small number of cases in which employee misconducts have occurred. One recent case involved the theft of more than \$45,000 by a state park employee over several years. The risk that other such diversions could occur is highlighted by the fact that TPWD's State Parks Division alone took in more than \$9.2 million in entrance fees in fiscal year 2007, the majority of which are paid in cash.

- ◆ Although known primarily for its roles in providing recreational opportunities in state parks and regulating hunting and fishing, TPWD has an important law enforcement function that necessitates a strong internal affairs office. With an authorized strength of 500 game wardens to enforce game, fish, water safety, and other laws, TPWD is the State's second largest statewide law enforcement force. All game wardens are peace officers certified by the Texas Commission on Law Enforcement Officer Standards and Education. As peace officers, TPWD's game wardens deal directly with the public on issues of life and liberty, as well as handling sensitive law enforcement evidence. The agency also has about

150 state park law enforcement officers who enforce laws and keep the peace in state parks, as a separate force from the game wardens. Effective internal affairs investigations have the dual benefit of protecting the reputation of a police agency from the misconduct of a few employees, and protecting police agency employees from false accusations.<sup>5</sup>

- ◆ TPWD's Internal Affairs Office (IA) reports to the Director and has no direct connection to the Law Enforcement Division, allowing IA independence from Law Enforcement and other divisions. The primary responsibilities of IA are complaint investigations, agency threat/risk assessments, and policy/training recommendations. Internal Affairs investigates all criminal cases occurring on Departmental property and formal complaints against all TPWD employees, not just law enforcement. To facilitate reporting, TPWD maintains a complaint form on its website for the public to fill out and return by mail.

TPWD policy calls for the Executive Director to approve all investigations before they can commence. In practice, the TPWD Deputy Director for Administration gives approvals and criminal investigations are retained in IA. Internal Affairs operates with a major, two captains, and an administrative assistant. Most cases involve personnel from either the State Parks or Law Enforcement divisions, with a smaller group from the Communications and Wildlife divisions. Internal Affairs has investigated a declining number of cases in recent years, going from 142 investigations in fiscal year 2005, to 116 in 2007, and 76 in 2008.

**Although TPWD has a well-structured internal affairs process, it is not established in law or Commission rule and could be abolished or weakened by future directors.**

- ◆ Without clear statutory or Commission direction, no assurance exists that future agency directors will continue the current structure of Internal Affairs. Because the presence of a strong chain of command structure can impede independent investigations, independent internal affairs offices are a standard component of police agencies. Although TPWD's Internal Affairs takes the standard approach of reporting to civilian overseers, the office is established in agency policy, not statute or Commission rule.
- ◆ The danger that Internal Affairs' current role in investigating all serious employee misconduct cases could be changed by future agency directors is highlighted by turnover in TPWD's executive management. For example, TPWD has had three executive directors in the past seven years. The Commission appointed current Executive Director, Carter Smith, in December 2007. The previous director served five and a half years, and the director before that served 11 years.

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*Without statutory direction, no assurance exists that future agency directors will continue the current structure of Internal Affairs.*

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**The Parks and Wildlife Commission does not have a direct connection to Internal Affairs, limiting its awareness of problems within the agency.**

- ◆ Although the Parks and Wildlife Commission has ultimate responsibility to ensure the public is treated fairly by agency personnel, the Internal Affairs Office has no formal connection to the Commission. Because Internal Affairs does not report to the Commission, the policymakers may not be aware of trends that could be useful in managing the Department and improving policy. While the Executive Office does receive this information, the lack of knowledge or analysis of internal affairs investigations could affect the Commission's ability to effectively oversee the agency and identify potential problems with agency policy, training, or supervision.
- ◆ Without a formal tie between Internal Affairs and the Parks and Wildlife Commission, an executive director could potentially quash an investigation. Because the IA reports to the Executive Office and must have investigations approved by the executive director, in theory the executive director could sideline or cover up investigations that might prove embarrassing. Because agency policy provides that only the executive director may initiate investigations, the Parks and Wildlife Commission does not have the authority to order an investigation, including one of the executive director.

**Other state agencies have internal affairs functions that are established in statute.**

- ◆ The statutes of Texas' other major agencies with statewide law enforcement jurisdiction – the Department of Public Safety (DPS) and the Texas Alcoholic Beverage Commission (TABC) – both require the establishment of internal affairs functions. The statutes also establish that the internal affairs offices have original jurisdiction over complaints involving employees and require the internal affairs offices to report information to their respective commissions. DPS' statute provides that the Director or Public Safety Commission may initiate investigations. The TABC statute provides that the Office of Internal Affairs may self-initiate investigations of complaints, but only TABC executive management may initiate investigations of personnel in cases where a complaint has not been filed.
- ◆ The Texas Legislature has also required three state agencies – Texas Health and Human Services Commission, Texas Youth Commission, and Texas Department of Criminal Justice – to employ an inspector general who has functions very similar to internal affairs offices. The Governor appoints the Inspector General of the Texas Health and Human Services Commission, who is tasked by statute with investigating fraud and abuse in the programs overseen by the Commission. State law requires the Inspector General of the Texas Youth Commission (TYC) to report

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*The statutes of Texas' other major law enforcement agencies require establishment of internal affairs functions.*

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to the Executive Commissioner, TYC's Advisory Board, the Governor, and the leadership of the Legislature. For cases dealing with criminal offenses, statute requires the Inspector General of the Texas Department of Criminal Justice to report quarterly to an outside group, the Board of Directors of the Special Prosecution Unit.

**Other states and the federal government have established internal affairs functions for their natural resources and law enforcement agencies.**


- ◆ Other states that combine a law enforcement function in their natural resources agency, as Texas places game wardens in TPWD, also require personnel complaints to be investigated by centralized internal affairs or inspector general offices. For example, the Florida Fish and Wildlife Conservation Commission requires all internal investigations to be managed by the Fish and Wildlife Conservation Commission's Office of Inspector General.<sup>6</sup> The Florida Inspector General Act of 1994 established an office of inspector general in each state agency.

Pennsylvania state law also requires the Pennsylvania Game Commission to maintain a system to respond to citizen complaints against wildlife conservation officers.<sup>7</sup> Through this statute, the Game Commission established a Professional Responsibility and Internal Affairs Coordinator and charged that office with investigating citizen complaints against all Game Commission employees.<sup>8</sup>

With a combined strength of 650 law enforcement officers, TPWD constitutes a major force, one that is larger than the primary state law enforcement agency of 25 other states.<sup>9</sup> Most state police agencies require all complaints against officers to go directly to an internal affairs office. Specific examples of large state police forces that use a single office to investigate serious complaints include Washington, Florida, and New Jersey. The Washington State Patrol's (WSP) Office of Internal Affairs is housed within its Office of Professional Standards. While Internal Affairs handles all the major investigations for the State Patrol and field commanders investigate minor complaints, all complaints go first to the Office of Professional Standards for assignment. The Florida Highway Patrol uses a single office, the Bureau of Investigations, to conduct professional compliance investigations that target troopers or agency civilians alleged to have engaged in behavior that violates Florida law or agency policy.<sup>10</sup>

- ◆ Federal agencies with functions similar to TPWD also maintain centralized internal affairs functions. For example, the U.S. Fish and Wildlife Service Professional Responsibility Unit receives reports of alleged misconduct, fraud, waste, abuse, or mismanagement in the Fish and Wildlife programs or operations.<sup>11</sup> Internal affairs cases for the National Parks Service are handled by both internal affairs office within its Parks Police function and the Inspector General for the Department of Interior.<sup>12</sup>

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*With a combined strength of 650 officers, TPWD's law enforcement effort is larger than the primary state law enforcement agency of 25 states.*

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## Recommendations

### Change in Statute

- 3.1 Establish an Internal Affairs Office in statute with original jurisdiction over crimes committed on TPWD property, or related to the duties of TPWD employees.**

This recommendation would ensure the continued effectiveness of TPWD's internal affairs process by establishing the Office in statute. The statute would expressly establish the Office's jurisdiction over all cases involving allegations of criminal conduct on TPWD property, by on-duty employees, or by its commissioned officers when performing off-duty work related to official duties. The Internal Affairs Office would have the authority to oversee and review these investigations, but would not be required to conduct each one.

- 3.2 Require the Internal Affairs Office to report information on trends and recently closed cases to the Parks and Wildlife Commission, and grant the Commission authority to initiate cases.**

These recommendations would strengthen and clarify the connection between the Internal Affairs Office and the Commission by requiring the Internal Affairs Office to report information on trends and completed investigations. Receiving reports of completed investigations and trend information would improve the ability of the Commission to oversee the Department. On a regular basis, or at the request of the Commission Chair, the Internal Affairs Office should report to the Commission a summary of information relating to investigations, including analysis of the number, type, and outcome of investigations, trend information, and recommendations to avoid future complaints. As current practice, the Executive Director would continue to authorize investigations on a routine basis, but the Commission would also have authority to initiate investigations independent of the Executive Director. This authority would ensure the ability of the Commission to investigate the agency's executive management if necessary.

### Fiscal Implication

Statutorily establishing TPWD's Internal Affairs Office and strengthening its tie to the Parks and Wildlife Commission would not have a fiscal impact to the State.

- .....
- <sup>1</sup> Daniel L. Schofield, S.J.D., "Ensuring Officer Integrity and Accountability," *FBI Law Enforcement Bulletin*, August 1998, p. 28. Jon Arnold, "Internal Affairs Investigation, the Supervisor's Role," *FBI Law Enforcement Bulletin*, January 1998, p. 11.
  - <sup>2</sup> Chief Beau Thurnauer, International Association of Chiefs of Police, *Best Practices Guide – Internal Affairs: A Strategy for Smaller Departments*, p. 1.
  - <sup>3</sup> Susan Braunstein, "The Future of Law Enforcement Communications," in *Policing 2020: Exploring the Future of Crime, Communities, and Policing*, edited by Joseph A. Schafer, Federal Bureau of Investigation, p.150.
  - <sup>4</sup> Telephone interview with Michael Berkow, Chief of Police Savannah-Chatham Metropolitan Police Department, (April 11, 2008). Chief Michael Berkow is the former commander of the Los Angeles Police Department Professional Standards Bureau and a recognized expert on internal affairs procedures.
  - <sup>5</sup> Austin Police Department, *Internal Affairs Division*, [www.ci.austin.tx.us/police/ia.htm](http://www.ci.austin.tx.us/police/ia.htm). Accessed: April 2, 2008.
  - <sup>6</sup> Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement General Orders, General Order 27.
  - <sup>7</sup> 34 Pennsylvania Code sec. 328 (d).
  - <sup>8</sup> Pennsylvania Game Commission, *2007 Legislative Annual Report*, <http://www.pgc.state.pa.us/pgc/cwp/view.asp?A=523&Q=173855>. Accessed: October 31, 2008.
  - <sup>9</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "Census of State and Local Law Enforcement Agencies, 2004," *Bureau of Justice Statistics Bulletin*, June 2007, p. 6.
  - <sup>10</sup> Florida Highway Patrol, *FHP Bureau of Investigations*, <http://www.flhsmv.gov/fhp/BuOfIn>. Accessed: April 2, 2008.
  - <sup>11</sup> U.S. Fish and Wildlife Service, *Office of Law Enforcement*, <http://www.fws.gov/le/PRU/hotline.htm>. Accessed: October 7, 2008.
  - <sup>12</sup> NPS-155 Justification of Program and Performance Activity: United States Parks Police, [http://home.nps.gov/applications/budgetweb/fy2002/USPP\\_JustPP.pdf](http://home.nps.gov/applications/budgetweb/fy2002/USPP_JustPP.pdf). Accessed: October 7, 2008.





## *Responses to Issue 3*

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### **Recommendation 3.1**

***Establish an Internal Affairs Office in statute with original jurisdiction over crimes committed on TPWD property, or related to the duties of TPWD employees.***

#### **Agency Response to 3.1**

The Department concurs with this recommendation. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

#### **For 3.1**

Andy Jones, Director – The Conservation Fund, Austin

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

#### **Against 3.1**

None received.

### **Recommendation 3.2**

***Require the Internal Affairs Office to report information on trends and recently closed cases to the Parks and Wildlife Commission, and grant the Commission authority to initiate cases.***

#### **Agency Response to 3.2**

The Department concurs with this recommendation. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

#### **For 3.2**

Andy Jones, Director – The Conservation Fund, Austin

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

#### **Against 3.2**

None received.

## *Commission Decision*

Adopted Recommendations 3.1 and 3.2.

## *Legislative Action*

House Bill 3391 ensures the continued effectiveness of TPWD's internal affairs process by establishing the Internal Affairs Office in statute. The bill grants the Office jurisdiction over all cases involving allegations of criminal conduct on TPWD property, by on-duty employees, or by commissioned officers when performing off-duty work related to official duties. (Recommendation 3.1)

House Bill 3391 also strengthens and clarifies the connection between the Internal Affairs Office and the Parks and Wildlife Commission by requiring the Office to report information on trends and completed investigations. The Executive Director will continue to authorize investigations on a routine basis, but the Commission will also have authority to initiate investigations independent of the Executive Director. (Recommendation 3.2)

# Issue 4

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## *Improve Enforcement of Texas Game Laws by Joining the Interstate Wildlife Violator Compact.*

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### **Summary**

#### **Key Recommendation**

- ◆ Authorize the Texas Parks and Wildlife Commission to join the Interstate Wildlife Violator Compact on behalf of the State of Texas.

#### **Key Findings**

- ◆ Texas Parks and Wildlife game wardens enforce Texas' hunting and fishing laws on sportsmen from both Texas and other states.
- ◆ Enforcing wildlife laws against out-of-state violators is burdensome on game wardens.
- ◆ Texas hunters and anglers similarly face arrest for wildlife violations committed in other states.
- ◆ Other states have joined the Interstate Wildlife Violator Compact as a means of enforcing hunting and fishing laws on non-residents.
- ◆ Joining the Interstate Wildlife Violator Compact would be advantageous for Texas.

#### **Conclusion**

Texas is a popular destination for sportsmen from other states, but enforcing Texas hunting and fishing laws on these visitors requires extra time by game wardens. The extra effort is needed because, in many cases, game wardens arrest non-residents and transport them to appear before a magistrate for offenses that only require issuing a citation to a Texas resident. The Sunset review of the law enforcement operations of the Texas Parks and Wildlife Department (TPWD) assessed the efficiency and fairness of treating non-residents differently from Texas sportsmen. The review noted the existence of a multi-state approach for handling wildlife violations and examined the ability of Texas to join with other states for this purpose. Finding that the Interstate Wildlife Violator Compact would enable Texas game wardens to spend more time in the field looking for violations, enable Texas sportsmen to receive citations instead of being arrested while in other states, and enhance the effectiveness of Texas wildlife laws by preventing violators from escaping consequences simply by crossing a state line, staff concluded that Texas should join the Compact.

## Support

### Texas Parks and Wildlife game wardens enforce Texas' hunting and fishing laws on sportsmen from both Texas and other states.

- ◆ While all Texas peace officers can enforce all state laws, TPWD's 500 game wardens are the primary law enforcement officers enforcing Texas' game laws. Game wardens receive specialized training in hunting and fishing laws. Enforcing those laws and the water safety code are their primary focus. In fiscal year 2007, game wardens made 1.7 million contacts with hunters and anglers.<sup>1</sup> From these contacts, game wardens issued 21,900 citations and 9,700 warnings for wildlife and fishing violations. Through these citations, courts assessed \$1,660,000 in fines.<sup>2</sup>
- ◆ While state law provides that indigenous wildlife inside Texas' borders are the property of Texas citizens, non-residents may hunt in Texas if they purchase a non-resident hunting license and obey the state's hunting regulations. Similarly, anglers from other states may fish public waters in Texas provided they purchase a non-resident fishing license. Non-residents must pay higher fees for hunting and fishing licenses than do Texans. A resident hunting license costs \$23 per year, while a general non-resident license costs \$300. A resident freshwater fishing package costs \$28 and a non-resident license costs \$55.
- ◆ Texas is a popular destination for hunters and anglers from other states. For example, non-resident leisure travelers made 133 million overnight stays in Texas in 2007.<sup>3</sup> Fully 1 percent of these out-of-state travelers engaged in hunting or fishing while visiting Texas.<sup>4</sup> Out-of-state visitors also make up a significant part of the total number of hunters and anglers in Texas. Of the 1.1 million hunters in Texas in 2006, the most recent year for which comparable nationwide statistics are available, 123,000, or 11 percent, were non-residents.<sup>5</sup> Of the 2.5 million anglers in Texas in 2006, 218,000, or 8.7 percent, were non-residents.<sup>6</sup>

### Enforcing wildlife laws against out-of-state violators is burdensome on game wardens.

- ◆ For all but minor violations, game wardens issue a citation and arrest non-residents who violate Texas game laws and take them to the courthouse or Justice-of-the-Peace court in the county where the violation occurred. In contrast, for similar violations of game laws, game wardens may issue a citation without arrest to Texas hunters and anglers. These arrests are required because of the difficulty in collecting a judgment from offenders who have left the state when the fine would not justify the costs of extradition. In fiscal year 2007, TPWD states that Texas game wardens processed 1,803 alleged violations by non-residents – 8.2 percent of the total number of citations issued.

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*In fiscal year 2007, Texas' game wardens made 1.7 million contacts with sportsmen and issued 21,900 citations that resulted in \$1.7 million in fines.*

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*While game wardens may issue a citation to Texas residents for violations of game laws, non-residents may be arrested and brought before a magistrate for similar offenses.*

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- ◆ Requiring game wardens to take non-resident offenders before a judge consumes valuable law enforcement time.<sup>7</sup> Because most violations occur in rural areas, a game warden may have to spend several hours just to transport a non-resident violator to a county facility. By contrast, issuing a written citation to an offender only consumes a few minutes of the game warden's time.

### **Texas hunters and anglers similarly face arrest for wildlife violations committed in other states.**

- ◆ A significant number of Texans travel to other states for hunting and fishing activities. In 2006, 70,200 Texans hunted in other states, and 232,000 Texans fished in other states.<sup>8,9</sup>
- ◆ In the same way that Texas game wardens arrest, not ticket, non-resident sportsmen in Texas for many wildlife violations, these Texans face possible arrest when accused of fish and game violations in other states. The arrest is usually unpleasant and time-consuming for Texas sportsmen who may have committed a minor game offense while visiting another state.

### **Other states have joined the Interstate Wildlife Violator Compact as a means of enforcing hunting and fishing laws on non-residents.**

- ◆ Interstate compacts are agreements between two or more states designed to coordinate enforcement of state laws independent of federal jurisdiction. Two well-known compacts are the Interstate Driver License Compact and Non-Resident Violator Compact, which are agreements between the jurisdictions to promote highway safety by sharing and transmitting driver and conviction information.<sup>10</sup> Under these compacts, a driver's home state treats a moving violation committed in another state as if the offense had been committed in the home state. Using the compacts, highway patrol officers are permitted to issue citations to motor vehicle law offenders instead of having to make arrests. Texas and 44 other states are members of the Driver License Compact.<sup>11</sup>
- ◆ Similar to the Driver License Compact, the Interstate Wildlife Violator Compact (IWVC) provides a means for handling wildlife law violations by non-residents from member states. These out-of-state sportsmen are treated, under IWVC, as if they were residents of the state where the violation occurred. In practice, for most violations this means the non-resident hunter or angler who committed a minor violation is given a citation and released on personal recognizance instead of being arrested.<sup>12</sup> Upon returning to the home state, the violator must either contest or pay the citation. Violators who fail to either contest or pay are then subject to having their hunting or fishing licenses suspended in all compact states.

Terms of the Compact specify that each state may elect to only recognize crimes that are illegal in that state. This point is important, as Texas wildlife laws have significant differences from other states. For example,

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*The 302,000  
Texans hunting  
or fishing in other  
states each year  
face possible  
arrest for game  
violations.*

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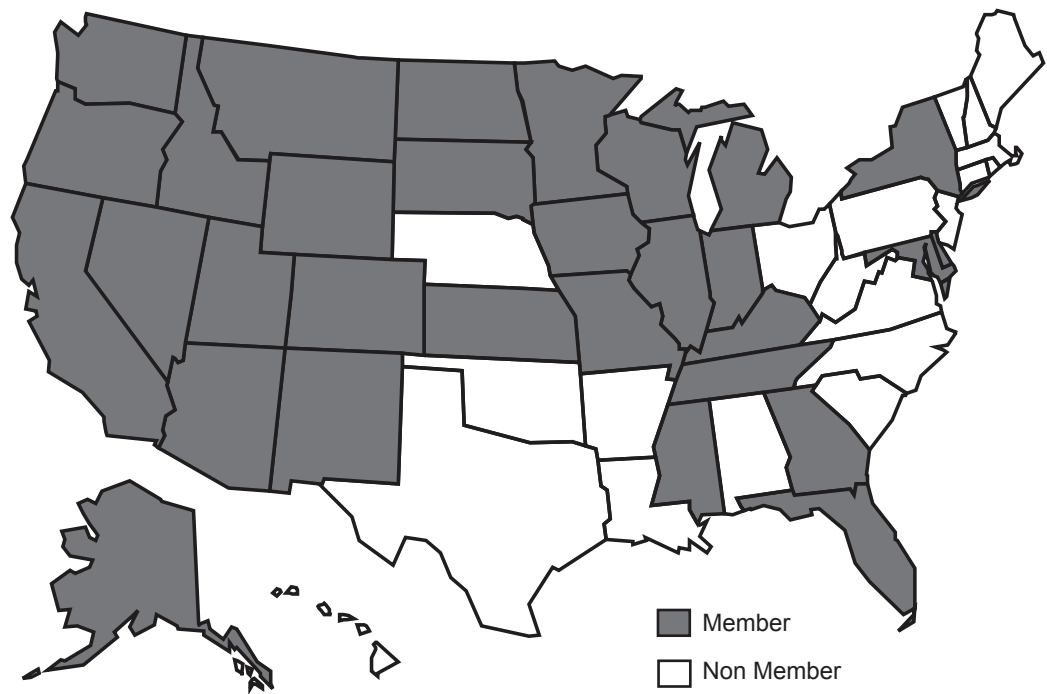
*Under terms of  
the Interstate  
Wildlife Violator  
Compact, game  
wardens may  
treat out-of-state  
sportsmen as  
if they were in-  
state residents.*

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hunting deer over bait is legal in Texas but not in many other states. If Texas were a member of IWVC, under terms of the Compact, if a Texas hunter is cited for hunting deer over bait in a Compact member state, Texas would not be required to take action against the hunter's license.

- ◆ Currently 30 states are members to the Compact including Alaska, California, Florida, New York, and most Western states as shown on the map, *Interstate Wildlife Violator Compact Member States*.<sup>13</sup> Three states, Alabama, North Carolina, and Virginia, are currently considering legislation to join the Compact.

### ***Interstate Wildlife Violator Compact Member States***



### **Joining the Interstate Wildlife Violator Compact would be advantageous for Texas.**

- ◆ The IWVC offers the significant benefit of saving game warden time. Under IWVC, when confronting a violator from another state, game wardens would have more discretion in issuing a citation rather than making an arrest and taking the offender to a magistrate. In geographically large counties, such an arrest may take a game warden out of the field for several hours rather than staying in the field enforcing fish and game laws.
- ◆ IWVC also offers greater convenience for sportsmen from member states who are accused of a minor game violation in another member state. These travelers are treated in the same manner as in-state residents and may receive a citation in lieu of arrest. In many cases, the citation may be paid by mail.

The IWVC compact also provides more accountability for violators and a greater deterrence to poaching. Sportsmen who commit a crime resulting in revocation of a hunting or fishing license in one state, also lose their hunting or fishing privileges in all other member states. The Compact also ensures that violators cannot flee justice merely by leaving the state. Through IWVC’s database, TPWD will have access to information about wildlife violators who have lost privileges in Compact states and can deny Texas licenses to those persons.

## Recommendation

### Change in Statute

#### 4.1 Authorize the Texas Parks and Wildlife Commission to join the Interstate Wildlife Violator Compact on behalf of the State of Texas.

This recommendation would authorize TPWD to join the IWVC and gain the benefits of a multi-state approach to handling violations of fish and game laws. During the application process, TPWD would need to compare Texas wildlife laws to those of IWVC member states to determine which provisions Texas would ratify as being comparable. Texas would not need to change its wildlife laws to match those of IWVC states, but through rulemaking the Commission would have the flexibility to indicate which laws of other states would be recognized as violations for Texas licensees. This process would ensure that Texas sportsmen are not penalized in Texas for violations committed in other states that do not violate Texas game laws. All terms of Texas wildlife laws would still apply to non-resident hunters in Texas. Should terms of the Compact ever change in a way that would not be beneficial to Texas, the authority granted to TPWD to join the Compact would also allow for the agency to withdraw after giving 90 days notice.

### Fiscal Implication

This recommendation to authorize TPWD to join the Interstate Wildlife Violator Compact would have a fiscal impact to the State of about \$53,000 beginning in fiscal year 2010. The Department would need a half-time clerk to monitor and upload information into the Compact’s database. The base salary for this position is \$17,292 and with benefits, equipment, and other costs, the first-year cost will be \$30,107 and subsequent years will cost \$23,000. The Department may incur minor costs to modify its information technology systems to report and query the Compact’s database. TPWD could incorporate these changes into its routine maintenance schedule.

The recommendation would also result in a slightly diminished workload for TPWD’s game wardens as out-of-state violators would not have to be taken to county courthouses for minor offenses, but this savings is not quantifiable. The Board of Wildlife Violator Compact Administrators does not charge a fee to states to join Interstate Wildlife Violator Compact, does not make an annual assessment, and member states are not charged to access or upload information into the IWVC database.

<i>Fiscal Year</i>	<i>Cost to the Game, Fish, and Water Safety Fund (Fund 009)</i>	<i>Change in FTEs From FY 2009</i>
2010	\$30,107	+ .5
2011	\$23,000	+ .5
2012	\$23,000	+ .5
2013	\$23,000	+ .5
2014	\$23,000	+ .5

- .....
- <sup>1</sup> Texas Parks and Wildlife Department, *Self Evaluation Report Update*, June 2008, p. 184.
  - <sup>2</sup> Analysis of data from Texas Parks and Wildlife Department, Law Enforcement Citation Activity Report.
  - <sup>3</sup> D.K. Shifflet & Associates, Ltd., *Texas 2007 Non-Resident Overnight Leisure Visitor Profile*, August 2008, <http://www.travel.state.tx.us/DocumentStore/2007%20Texas%20Visitor%20Profile%20Report-%20Final%20090908%20%5BCompatibility%20Mode%5D.pdf>. Accessed: October 18, 2008.
  - <sup>4</sup> Ibid.
  - <sup>5</sup> U.S. Fish & Wildlife Service, *2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, Texas*, p. 2. <http://www.census.gov/prod/2008pubs/fhw06-tx.pdf>. Accessed: October 18 2008.
  - <sup>6</sup> Ibid.
  - <sup>7</sup> Texas Parks and Wildlife Department, *Self Evaluation Report Update*, June 2008, p. 190.
  - <sup>8</sup> National Shooting Sports Foundation, "A Profile of Today's Hunter", *Industry Intelligence Reports*, Vol. 2, No. 9, 2008, p. 8.
  - <sup>9</sup> U.S. Fish & Wildlife Service, *2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*, Texas, p. 8.
  - <sup>10</sup> American Association of Motor Vehicle Administrators, *Driver License Compacts: Jurisdictional Agreements*, <http://www.aamva.org/KnowledgeCenter/Driver/Compacts/>. Accessed: October 18, 2008.
  - <sup>11</sup> American Association of Motor Vehicle Administrators, DLC/NRVC Member Status, <http://www.aamva.org/aamva/DocumentDisplay.aspx?id={A0B6D32F-1B87-4430-9639-DAFC6A67AA54}>. Accessed: October 18, 2008.
  - <sup>12</sup> Texas Parks and Wildlife Department, *Self Evaluation Report Update*, June 2008, p. 190.
  - <sup>13</sup> "Alaska Joins the Interstate Wildlife Violator Compact," Representative Craig Johnson, September 23, 2008 (press release).



## *Responses to Issue 4*

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### **Recommendation 4.1**

**Authorize the Texas Parks and Wildlife Commission to join the Interstate Wildlife Violator Compact on behalf of the State of Texas.**

### **Agency Response to 4.1**

The Department concurs with this recommendation and believes that joining the Interstate Wildlife Violator Compact would strengthen the Department's ability to enforce conservation laws. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

### **For 4.1**

Andy Jones, Director – The Conservation Fund, Austin

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

### **Against 4.1**

None received.

## *Commission Decision*

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Adopted Recommendation 4.1.

## *Legislative Action*

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House Bill 3391 authorizes TPWD to join the Interstate Wildlife Violator Compact (IWVC) to gain the benefits of a multi-state approach to handling violations of fish and game laws. Texas will not need to change its wildlife laws or regulations to match those of IWVC states, but through rulemaking the Commission will have the flexibility to indicate which laws of other states would be recognized as violations for Texas licensees. Should terms of the Compact ever change in a way that is not beneficial to Texas, the agency may withdraw after giving 90 days notice. (Recommendation 4.1)



# Issue 5

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## *Streamline Boat and Boat Trailer Titling and Registration to Provide Better Services to Citizens.*

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### **Summary**

#### **Key Recommendation**

- ◆ Direct the Department to make an extensive effort to assist counties to offer boat registration and title services throughout Texas.

#### **Key Findings**

- ◆ Tax Assessor-Collectors in 182 counties do not issue boat registrations as required by law, while TPWD does little to encourage participation.
- ◆ In many areas of the state, boat owners must go to two separate offices for registration and titling, one for boats, and another for boat trailers.


#### **Conclusion**

Citizens are often disquieted by inefficient and unnecessary bureaucracy in obtaining government services. The current approach in many Texas counties is for boat owners to title and register their boat at a Texas Parks and Wildlife (TPWD) office and then travel to another government office to title and register their boat trailer at a county tax assessor-collector office. While state law already requires counties to register boats, only 72 counties do so. TPWD has a responsibility to work with counties to bring them online with the boat registration and titling system, which is already available to counties through the Texas Department of Transportation's vehicle registration system. Clearly, TPWD's efforts to bring counties online have not been sufficient. The agency must step up these efforts so citizens receive the most seamless services possible.

## Support

### State statute requires the titling and registration of boats and boat trailers.

- ◆ Texas Parks and Wildlife’s Water Safety Code requires that boats be titled and registered, and the Texas Transportation Code requires that boat trailers be titled and registered.<sup>1</sup> Texas has about 1.5 million titled boats, and of these, boat owners have registered about 600,000. Currently, boat owners must title their boat if used in Texas waters. A boat’s title is proof of ownership. Boat owners must obtain a TPWD registration and renew the boat’s registration every two years.<sup>2</sup> Eighty-five percent of the boat’s registration fees are deposited into the Game, Fish and Water Safety Fund (Fund 009) and 15 percent are deposited into the State Parks Fund (Fund 064). Boat owners can title and register their boats at 29 Texas Parks and Wildlife Department offices across the state or in


  
*Only 72 counties provide boat titling and registration services.*

#### **Boat Title and Registration Transactions – FY 2008**

New Registrations .....	74,909
Renewal Registrations .....	245,846
<b>Total Registrations Issued (valid for 2 years).....</b>	<b>320,755</b>
<b>Total Titles Issued .....</b>	<b>178,628</b>

72 counties’ Tax Assessor-Collector (TAC) offices. TPWD provides boat registration renewals by mail and expects to provide online registration renewals by the end of 2008. The textbox, *Boat Title and Registration Transactions*, provides a breakdown of these services.

Statute allows counties to retain 10 percent of fees collected for boat title and registration services.<sup>3</sup> Seventy-two TAC offices choose to title and register boats with the use of TPWD’s Boat Registration Information and Titling System (BRITS). Through an interagency cooperation contract, the Texas Department of Transportation (TxDOT) provides county offices access to BRITS on their Registration and Titling System.<sup>4</sup> TxDOT uses this system to title, register, and track motor vehicles in Texas. State law requires that TxDOT provide this registration system to every county for TAC offices to offer vehicle titling and registration services to their county’s residents.<sup>5</sup>

  
*TxDOT offers all counties access to TPWD’s boat registration system.*

- ◆ In statute, boat trailers fall into a general category of vehicle trailers. Statute requires trailers that weigh more than 4,000 pounds to be titled. State law requires all trailers, regardless of weight, to be registered.<sup>6</sup> Trailer owners must renew the trailer’s registration annually.<sup>7</sup> Every year, TxDOT mails registration renewal notices to owners, who may renew by mail, in person at a county TAC office, or in 155 counties, online.

### Tax Assessor-Collectors in 182 counties do not issue boat registrations as required by law, while TPWD does little to encourage participation.

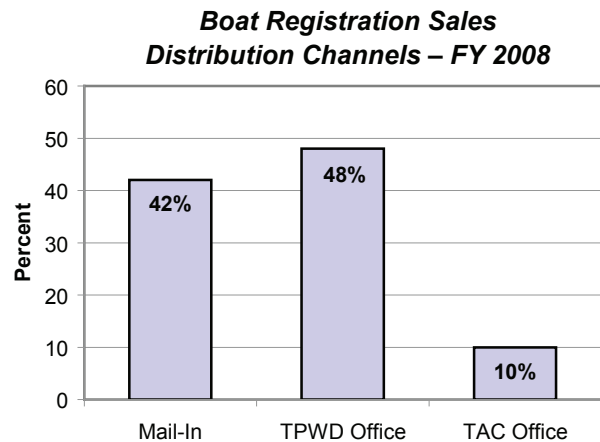
- ◆ State law gives joint responsibility for boat registration to both TPWD and TACs. Parks and Wildlife’s Water Safety Code statute requires county

TAC offices to provide boat registration services, as is expressed in the textbox, *Texas Parks and Wildlife Code*. To assist in this area, TPWD implemented BRITS in January 2006 and replaced the mailing and data entry of each transaction required by an older process. Every time a transaction is completed, BRITS automatically updates the boat title and registration database, making it a valuable record keeping tool.

**Texas Parks and Wildlife Code**

*Section 31.0341(a):* "Each county tax assessor-collector shall award certificates of number (registration) under this chapter in the manner prescribed by this chapter and the regulations of the department." Section 31.046 authorizes county tax assessor-collectors to also issue titles.

- ◆ Interviews revealed that the first version of TPWD’s boat titling and registration system encountered several technical problems that frustrated many TAC personnel, and some counties decided to stop offering boat title and registration services. In late 2006, TPWD upgraded BRITS and has since had no major problems reported. However, as shown in the graph, *Boat Registration Sales Distribution Channels*, TPWD handled 90 percent of the 320,755 boat registrations, while counties processed 32,076 or 10 percent of the registrations.



The decision by 182 counties not to provide boat registration services has a negative impact on TPWD. A service which by law is also the responsibility of counties falls largely onto TPWD staff. Despite this situation, TPWD has not made extensive efforts to market BRITS to county tax assessor-collectors to help counties meet their statutory obligation. A review of TPWD records shows that TPWD made no formal efforts to sign up counties to use BRITS other than TPWD offering a BRITS presentation twice a year at tax assessor-collector association conferences. Only one county started using BRITS in fiscal year 2007 and none in fiscal year 2008.

**In many areas of the state, boat owners must go to two separate offices for registration and titling, one for boats, and another for boat trailers.**

- ◆ A boat owner living in any county that does not provide boat title and registration services must go to a TPWD office to receive boat title and registration services, then travel to the county TAC office to title and register the boat trailer. For example, a boat owner residing in Swisher County must go to Swisher County’s TAC office to obtain the boat trailer’s title and registration, and then travel to a TPWD office to title and register the boat. For Swisher County residents, the nearest TPWD office is in Potter County, which is two counties away.

*Swisher County residents must title and register their boats two counties away.*

This two-pronged system of boat and boat trailer titling and registration does not meet the needs of boat-owning Texans. Having consumers go to two separate offices for paperwork for their boats and trailers is inefficient and inordinately time consuming.

## Recommendation

### Management Action

#### 5.1 Direct the Department to make an extensive effort to assist counties to offer boat registration and title services throughout Texas.

TPWD should significantly increase its efforts to bring counties online with their boat registration and titling system. TPWD should contact each county and commence a process whereby counties will begin employing BRITS. As it stands now, 182 counties do not offer residents boat titling and registration services. However, all counties currently have the capability to do so in the Registration and Titling System supplied by TxDOT. TPWD should market the BRITS system to counties and provide training to TAC personnel. As more counties offer boat titling and registration services, residents will be able to register both their boats and trailers in one location, creating a seamless interaction with government.

### Fiscal Implication

This recommendation will have a fiscal impact to the State. The Department is currently funded to provide BRITS to county TAC offices. However, the State will experience a loss of revenue, depending on how many counties choose to participate and how many boat and trailer owners opt to do both transactions at the county level. Counties retain 10 percent of the fees charged for each transaction and 5 percent of sales tax collected. As counties increase the volume of boat titles and registrations processed, they will earn these revenues instead of TPWD. The volume of transactions and the resulting revenue loss could not be estimated for this report. In addition, TPWD could experience some reduction of workload at its field offices, which would free staff to perform other agency activities.

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<sup>1</sup> Texas Parks and Wildlife Code, secs. 31.045, 31.021, and 31.024, and Texas Transportation Code, secs. 501.022 and 502.002.

<sup>2</sup> Texas Parks and Wildlife Code, sec. 31.026.

<sup>3</sup> Texas Parks and Wildlife Code, secs. 31.0341(b) and 31.048(b).

<sup>4</sup> Texas Parks and Wildlife Department, *Interagency Cooperation Contract between Texas Parks and Wildlife Department and Texas Department of Transportation, CS-06-TPWD-082*.

<sup>5</sup> Texas Transportation Code, sec. 502.0021(b)(2).

<sup>6</sup> Texas Transportation Code, sec. 501.022.

<sup>7</sup> Texas Transportation Code, sec. 502.002(a)(1).

## *Responses to Issue 5*

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### **Recommendation 5.1**

**Direct the Department to make an extensive effort to assist counties to offer boat registration and title services throughout Texas.**

### **Agency Response to 5.1**

The Department concurs with this recommendation and is committed to encouraging all Texas counties to offer standardized boat registration services. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

### **For 5.1**

Andy Jones, Director – The Conservation Fund, Austin

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

### **Against 5.1**

None received.

### **Modification**

1. Combine boat registration and title services into the new motor vehicle agency. (Charles McMahan, Member – Sunset Advisory Commission)

## *Commission Decision*

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Adopted Recommendation 5.1 as modified to direct the Texas Parks and Wildlife Department and the proposed Texas Department of Motor Vehicles to make an extensive effort to assist counties to offer boat registration and title services throughout Texas.

## *Legislative Action*

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No action needed.





# Issue 6

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## *The Department is Well Positioned to Use the Parrie Haynes Ranch to Help Texas' Youth.*

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### Summary

#### Key Recommendations

- ◆ Instruct TPWD and TYC to jointly seek representation by the Attorney General to pursue a modification of the Trust terms and purpose of the Parrie Haynes Trust that would designate TPWD as the state agency responsible for the Ranch and Trust.
- ◆ Direct TPWD to increase its use of the Parrie Haynes Ranch to be as consistent as possible with the will's intent.

#### Key Findings

- ◆ The Department leases the Parrie Haynes Ranch from the Texas Youth Commission for youth outreach and education.
- ◆ TPWD is well positioned to operate the Ranch in accordance with Parrie Haynes' wishes.
- ◆ By keeping the Parrie Haynes Ranch at TYC, Texas misses an opportunity to provide improved outdoor access to the state's youth.
- ◆ The Attorney General has the authority to protect the public interest in charitable gifts, including those given to the State.

#### Conclusion

In 1957, Parrie Haynes left her ranch in Bell County and assets to support the Ranch in trust to the State Orphan Home to benefit orphans. Currently, the Texas Youth Commission (TYC) holds the Parrie Haynes Ranch, and has leased it to the Texas Parks and Wildlife Department (TPWD) since 1993. TPWD and its partners have developed the property to provide outdoor access and education primarily to Texas' youth. Because TPWD only leases the Ranch, and does not hold the property, the Department is hesitant to continue putting resources into the property. The Sunset review assessed the Ranch's uses and determined that Texas misses an opportunity to most effectively use the Ranch to accomplish Parrie Haynes' wishes in her will, as well as increase youth participation and appreciation of Texas' natural and cultural resources.

Because the Ranch is held in trust, the Legislature cannot simply transfer the property to TPWD. The recommendations in this issue would direct TPWD and TYC to work with the Office of the Attorney General to pursue a judicial judgment to modify the terms of the trust and designate TPWD as the state agency responsible for the Ranch. In doing so, TPWD would have to show that it is able to fulfill the intent of the will more closely than TYC or another state agency. While TPWD's activities on the Ranch are already more closely aligned with the intent of the will than other uses, the recommendations would also direct TPWD to expand its operations of the Ranch to provide services to Texas orphans in addition to the youth programs already in existence at the Ranch, to ensure that Ranch operations are aligned as closely as possible to the Haynes will in the future.

## Support

### **The Department leases the Parrie Haynes Ranch from the Texas Youth Commission for youth outreach and education.**

- ◆ Upon her death in 1957, Parrie Haynes left the Parrie Haynes Ranch (Ranch) in Killeen, Texas to “the State Orphan Home of Texas to help orphan children.”<sup>1</sup> That same year, the Legislature had changed the name of the State Orphan Home of Texas to the Corsicana State Home, and later delegated the management of the home to what is now the Texas Youth Commission. As such, TYC holds the property, and, based on documents and personnel available for review and interviews, TYC also serves as the trustee for the Parrie Haynes Trust. Because of recent structural changes at TYC – including the placement of TYC in and out of conservatorship, dissolution of the Board, and creation of the executive commissioner position – some confusion exists about who is currently responsible for the Trust.
- ◆ In 1993, the Texas Parks and Wildlife Department began leasing the property from TYC and the Department’s current lease with TYC terminates on March 31, 2018. TPWD uses the property to provide youth hunting, fishing, and outdoor recreation opportunities, and to conserve and manage the natural and cultural resources on the land. The Department pays TYC \$48,000 a year for the lease.

In addition to the lease, the Department has entered into an Operation Agreement, approved by TYC, with the Camp Coca-Cola Foundation, now the C5 Youth Foundation. Under this agreement, the C5 Youth Foundation uses the property each year from May to August for a camp for 8th through 12th graders from disadvantaged communities who would not otherwise have an opportunity for outdoor recreation and leadership experiences.<sup>2</sup>

- ◆ In fiscal year 2008, TPWD had four employees at the Ranch, and expended \$362,836 on Ranch operations. TPWD pays for the operations of the Ranch through revenue acquired from facility rental fees to outside groups, revenue from TPWD’s base budget for salaries, and intra-agency transfers for other divisions’ use of the Ranch. To ensure that the Department is able to provide as many opportunities to youth as possible, it offers youth groups discounted rental rates, and augments that revenue by renting the facilities to private groups at a higher rate.

### **TPWD is well positioned to operate the Ranch in accordance with Parrie Haynes’ wishes.**

- ◆ The Department’s mission is to manage and conserve the state’s natural and cultural resources and to provide recreational opportunities to Texans. As part of this mission, the agency provides outreach programs to promote conservation and recreation in Texas, particularly focused on

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*TPWD has leased  
the Parrie Haynes  
Ranch from TYC  
since 1993.*

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*The Department  
provides  
conservation  
and recreation  
outreach to Texas’  
urban and youth  
population.*

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the urban and youth population to increase the opportunities to enjoy the outdoors. The Department currently uses the Ranch to fulfill these goals.

Both TPWD's and the C5 Youth Foundation's activities on the Ranch for the last 15 years strive to be consistent with the wishes set out in Parrie Haynes' will to help orphan children. As a result, TPWD provides opportunities to youth for outdoor recreation and education, particularly for disadvantaged youth. TPWD has targeted services on the Ranch to help disadvantaged youth in an attempt to conform as closely as possible with the intent of the Haynes will to help orphan children. Because of this interpretation of the will's intent, the lease between TYC and TPWD requires that TPWD "insures that disadvantaged youth of all races participate" in the Department's programs on the Ranch.<sup>3</sup>

- ◆ In fiscal year 2008, the Ranch served 2,741 participants, 47 percent of whom were youth, including Camp Coca-Cola attendees. The Department also hosted 1,137 private, non-youth participants, and 318 internal TPWD personnel for training programs. The table, *Parrie Haynes Ranch Participants*, shows the breakdown of Ranch visitors for the last three fiscal years.

***Parrie Haynes Ranch Participants***

<b>Fiscal Year</b>	<b>Youth</b>	<b>Non-Youth</b>	<b>Internal</b>	<b>Total</b>
2006	637	760	389	<b>1,786</b>
2007	688	966	281	<b>1,935</b>
2008	1,286	1,137	318	<b>2,741</b>

Besides Camp Coca-Cola, youth groups that have used the Ranch in the past include schools, church groups, boy and girl scout groups, youth hunting and camping programs, and autism groups. Externally, TPWD has hosted groups such as family reunions, state agency training groups, corporate retreats, and adventure groups. The Department also uses the property for internal retreats and training, such as state park interpreter, park operations, cultural resource, and angler education training.

**By keeping the Parrie Haynes Ranch at TYC, Texas misses an opportunity to provide improved outdoor access to the state's youth.**

- ◆ The Department, partnering with the C5 Youth Foundation, has made significant improvements to the Ranch under the terms of the most recent 15-year lease. The lease agreement between TPWD and TYC, signed in 2003, provided that TPWD and the C5 Youth Foundation would make infrastructure improvements to the property, equaling about \$2.1 million. These improvements have been completed, and the property now includes a dining hall and headquarter facilities; camper cabins; sewer, water, and electric utilities; and improved road and parking facilities.

The infrastructure improvements to the Ranch have increased the State's ability to use the property in a manner consistent with both the Haynes will and TPWD's goal to increase outdoor access to Texas' youth. However, TPWD does not hold the property, and has no assurance of its use beyond the term of the current lease, which expires in 2018. As

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◆

*TPWD and the C5 Youth Foundation have made \$2.1 million worth of improvements to the Ranch.*

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such, the Department is hesitant to make additional improvements to the property. Department staff have indicated a willingness to continue to develop and operate the Ranch, primarily for youth use, if it were to hold the property. As long as the property continues to be held by TYC, and just leased to TPWD, the State misses an opportunity to use the Ranch to better fulfill the intent of the Haynes will.

- ◆ The Legislature made significant changes to the operations of TYC in the last legislative session and continues to examine the structure and programs of that agency. If, during the upcoming session, the Legislature were to realign the structure of TYC, then TYC may have to divest itself of the Ranch. In that case, TPWD is the appropriate and logical recipient of the Ranch, and has demonstrated its ability to operate the property consistent with the terms of the will.

### **The Attorney General has the authority to protect the public interest in charitable gifts, including those given to the State.**

- ◆ Because Parrie Haynes left her Ranch to Texas through her will, the State has a responsibility to ensure that the property is used as closely as possible to the intent of the will. In this case, the Haynes will left the property to the State Orphan Home of Texas, which no longer exists, to help orphan children. Although TYC continues to hold the property, TPWD has operated the Ranch since 1993.
- ◆ State law provides that a court may order that terms of charitable trusts be modified for a number of reasons, including if the purposes of the trust have been fulfilled or have become impossible to fulfill; if the order will further the purposes of the trust; or to prevent waste or avoid impairment of the trust's administration. Statute also requires the court to exercise its discretion to order a modification to a trust that conforms as nearly as possible to the intention of the settlor of the trust.<sup>4</sup>
- ◆ To modify the terms and purposed of a charitable gift left to the State, a state agency must file a proceeding with the court. The Attorney General has the primary duty of representing state agencies in civil cases. State law also authorizes the Attorney General to intervene in a proceeding involving a charitable trust, on the behalf of the interest of the general public of the State.<sup>5</sup> As part of these responsibilities, the Charitable Trust Section of the Office of the Attorney General must be given notice of trust modification proceedings to determine the appropriateness of the relief being requested.

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*Courts may modify trusts to ensure that they conform as closely as possible to the original intent.*

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## Recommendations

### Change in Statute

#### **6.1 Instruct TPWD and TYC to jointly seek representation by the Attorney General to pursue a modification of the Trust terms and purpose of the Parrie Haynes Trust that would designate TPWD as the state agency responsible for the Ranch and Trust.**

This recommendation would express the Legislature's intent to delegate the responsibility of the Trust to TPWD. If a court determines that TPWD is the appropriate entity to hold the Trust, then the agency's use of the property would increase outdoor access to Texas' youth, consistent with the will and with TPWD's broader goals.

Under this recommendation, TYC and TPWD should jointly seek representation by the Attorney General to bring a trust modification proceeding to properly transfer the control of the Parrie Haynes Trust to TPWD, modify the terms of the trust, and expand the current purposes of the Trust to include benefiting disadvantaged youth and youth in general. The recommendation would take the form of a time-limited, instructional provision in statute. Since the Ranch is held in trust, the Legislature cannot transfer the property outright; the State would need to get judicial approval of the transfer and a modification authorizing TPWD to use the Trust for purposes approved by the Court.

Such a transfer would include all properties, investments, and rights associated with the Haynes Trust, as determined by the court. In doing so, it would be incumbent upon TPWD to show the Court that its use of the property is more closely aligned with the intended use of the property as outlined in the Haynes will than other potential uses of the property by the State. Although a court may modify the terms of the trust in the future, while still coming as close as possible to fulfilling the wishes of the Haynes will, this recommendation is based on the findings that TPWD's current activities on the Ranch are already more closely aligned with the intent of the will than other uses.

### Management Action

#### **6.2 Direct TPWD to increase its use of the Parrie Haynes Ranch to be as consistent as possible with the will's intent.**

If a court were to modify the terms of the will and designate the responsibility of the Ranch to TPWD, this recommendation would direct TPWD to increase its efforts to develop and operate the Ranch for uses as closely aligned as possible with the direction of the Haynes will: to help orphans. While the Department's current use of the Ranch, and its partnership with the C5 Youth Foundation, is more consistent with the terms of the will than other uses of the property, TPWD has an opportunity to increase access to the Ranch to identified groups and individuals.

To do this, TPWD should explore continued and new partnerships with private and non-profit organizations that help orphaned or disadvantaged children. In addition, TPWD should work with the Department of Family and Protective Services to identify other opportunities to serve orphans of the State. Through the implementation of this recommendation, TPWD should aim to increase access to the Ranch and Department programs to these types of groups, and continue to offer its use at minimal expense to those groups. However, without specific appropriations for the operation of the Ranch, the Department may still have to rent the facilities to private groups to cover the costs of operations. If this is the case, and if a court determines that this type of use is consistent with the Haynes will, TPWD

should strive to limit rental use of the Ranch to the extent necessary to continue the operations of the Ranch, and provide as many opportunities as possible to targeted youth groups.

### **Fiscal Implication**

These recommendations would not result in a fiscal impact to the State. Since the recommendations direct the agencies to pursue a judicial judgment on the disposition of the Ranch, they are not binding on the agencies. However, if the court decides to transfer the property to TPWD, then TYC would lose \$48,000 a year in lease payments from TPWD. However, TPWD would not have to expend that money every year, resulting in a revenue neutral fiscal impact to the State. The OAG would seek reasonable and necessary attorneys' fees and costs for the Parrie Haynes Trust as allowed by statute.<sup>6</sup>

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<sup>1</sup> Will of Parrie Haynes, signed June 23, 1956 in Bell County, Texas.

<sup>2</sup> Operation Agreement regarding the Parrie Haynes Ranch and Youth Camp Operations, between the Texas Parks and Wildlife Department and the Camp Coca-Cola Foundation, and consented to by the Texas Youth Commission, 2003.

<sup>3</sup> Lease Agreement regarding the Parrie Haynes Ranch and Youth Camp Operations between the Texas Youth Commission and the Texas Parks and Wildlife Department, 2003.

<sup>4</sup> Texas Property Code, sec. 112.054.

<sup>5</sup> Texas Property Code, sec. 123.002.

<sup>6</sup> Texas Property Code, sec. 114.064.

## *Responses to Issue 6*

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### **Recommendation 6.1**

***Instruct TPWD and TYC to jointly seek representation by the Attorney General to pursue a modification of the Trust terms and purpose of the Parrie Haynes Trust that would designate TPWD as the state agency responsible for the Ranch and Trust.***

### **Agency Response to 6.1**

The Department concurs with this recommendation and believes it would be better equipped to make infrastructure investments at the Ranch if it were to own the property. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

### **Affected Agency Response to 6.1**

The Texas Youth Commission (TYC) disagrees with this recommendation and believes that TYC should continue to hold the Parrie Haynes Ranch property and lease it to TPWD. TYC uses lease proceeds for the benefit of orphan children within the care of the agency, most often to support their pursuit of vocational and academic degrees. (Cheryl K. Townsend, Executive Commissioner – Texas Youth Commission)

### **For 6.1**

Chris Belliveau, Chairperson – Maxdale Community Association, Killeen

Myron J. Hess, Manager of Texas Water Programs/Counsel – National Wildlife Federation, Austin

Dennis Hill, P.E. – Hill Engineering P.L.L.C., Georgetown

Andy Jones, Director – The Conservation Fund, Austin

Fred Morse, Secretary – Friends of Parrie Haynes Ranch, Killeen

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

Bradley B. Ware, President – Friends of Parrie Haynes Ranch, Killeen

### **Against 6.1**

Jim Haire, Tyler

Ron Jackson, Austin

## **Recommendation 6.2**

**Direct TPWD to increase its use of the Parrie Haynes Ranch to be as consistent as possible with the will's intent.**

### **Agency Response to 6.2**

The Department concurs with this recommendation. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

### **Affected Agency Response to 6.2**

The Texas Youth Commission agrees with this recommendation and notes that it can be implemented without any change to the Parrie Haynes Trust. (Cheryl K. Townsend, Executive Commissioner – Texas Youth Commission)

### **For 6.2**

Chris Belliveau, Chairperson – Maxdale Community Association, Killeen

Myron J. Hess, Manager of Texas Water Programs/Counsel – National Wildlife Federation, Austin

Andy Jones, Director – The Conservation Fund, Austin

Fred Morse, Secretary – Friends of Parrie Haynes Ranch, Killeen

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

Bradley B. Ware, President – Friends of Parrie Haynes Ranch, Killeen

### **Against 6.2**

Jim Haire, Tyler

### **Modifications**

1. If a board is created to oversee the Trust, include representation of the Maxdale community. (Bradley B. Ware, President – Parrie Haynes Ranch Friends Group, Killeen)
2. Stakeholders in the state's orphan/foster children population should be made the "deciders" to assure the ranch is operated for the benefit of actual orphans/foster children of Texas. (Jim Haire, Tyler)
3. TPWD should include community representation on any advisory committee related to operation of the Parrie Haynes Ranch. (Carl Isett, Chair – Sunset Advisory Commission)



## *Commission Decision*

Adopted Recommendations 6.1, 6.2 and Modification 3.

## *Legislative Action*

House Bill 3391 expresses the Legislature's intent to delegate the responsibility of the Parrie Haynes Trust to TPWD and designate TPWD as the state agency responsible for the Parrie Haynes Ranch. Under the terms of the legislation, the Texas Youth Commission and TPWD will jointly seek representation by the Attorney General to bring a trust modification proceeding to properly transfer the control of the Parrie Haynes Trust to TPWD, modify the terms of the trust, and expand the current purposes of the Trust to include benefiting disadvantaged youth and youth in general. Such a transfer will include all properties, investments, and rights associated with the Trust, as determined by the court. (Recommendation 6.1)



# Issue 7

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## *Texas Has a Continuing Need for the Texas Parks and Wildlife Department.*

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### Summary

#### Key Recommendations

- ◆ Continue the Texas Parks and Wildlife Department for 12 years.
- ◆ Direct TPWD to evaluate and align its programs with the conservation and recreation goals outlined in the Land and Water Resources Conservation and Recreation Plan.

#### Key Findings

- ◆ The Texas Parks and Wildlife Department seeks to protect Texas' fish and wildlife resources and provide outdoor recreational opportunities.
- ◆ The Department's efforts in protecting natural resources and providing recreation continue to be needed.
- ◆ No substantial benefit or savings would result from transferring the Department's functions to other agencies, or dividing TPWD into separate agencies.
- ◆ While TPWD has been successful in identifying natural resource conservation and recreation goals for the State, it could benefit from more clearly linking these overall goals with its specific programs.

#### Conclusion

The Texas Parks and Wildlife Department's (TPWD) mission is to manage and conserve the natural and cultural resources of Texas, and to provide hunting, fishing, and other outdoor recreation opportunities for the use and enjoyment of present and future generations. During the Sunset review, staff evaluated the need for the State to provide these functions and concluded that the Department's mission is important to Texans and has economic benefits to the State. Sunset staff also examined whether other agencies could potentially perform TPWD's duties, and concluded that no significant benefit would derive from transferring TPWD's operations and that TPWD should be continued for 12 years.

As part of its review, Sunset staff examined how well TPWD meets its overall goals. The Department operates under a Land and Water Resources Conservation and Recreation Plan mandated by the Legislature during the Department's previous Sunset review. Staff evaluated the Department's performance in relation to the Plan and found that while the Department has been successful in identifying necessary conservation and recreation goals, the agency could benefit from assessing how these broad goals should guide the operations of its many diverse programs.

## Support

### **The Texas Parks and Wildlife Department seeks to protect Texas' fish and wildlife resources and provide outdoor recreational opportunities.**

- ◆ To provide better management of the state's natural resources, the Legislature created the Texas Parks and Wildlife Department by merging the State Parks Board with the Texas Game and Fish Commission in 1963. The mission of TPWD is to manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and other outdoor recreation opportunities for the use and enjoyment of present and future generations.
- ◆ In fiscal year 2007, TPWD spent \$261.3 million, primarily derived from fees collected from users such as hunters, anglers, boaters, and state park visitors. Of the agency's 3,100 employees, TPWD stations 76 percent in the field at state parks, wildlife management areas, and law enforcement district offices.

### **The Department's efforts in protecting natural resources and providing recreation continue to be needed.**

- ◆ Under state law, all wildlife resources in Texas belong to the State. Without regulation of the harvest of fish and wildlife, these resources would be threatened. Before Texas instituted hunting and fishing regulations, many species were over-harvested. For example, in the late 1800s, the number of white-tailed deer in Texas had dwindled to about 10,000.<sup>1</sup> In contrast, through TPWD's oversight of hunting and technical assistance to landowners on whose property the wildlife live, Texas hunters were able to harvest 455,000 deer in fiscal year 2007.<sup>2</sup>

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*Hunting and fishing are important economic forces and Texas ranks first among the states in the number of sportsmen and their economic impact.*

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TPWD makes a large-scale effort to protect wildlife resources. For example, the agency licensed 1,027,000 hunters in fiscal year 2007. To develop wildlife habitat programs and conduct public hunts, TPWD operates 51 wildlife management areas, totaling more than 800,000 acres. To help private landowners manage wildlife on their property, the Department provides technical assistance and now has 5,600 wildlife assistance plans in place covering 15.6 percent of all private land in Texas.


- ◆ TPWD makes a similarly large effort to manage fisheries, licensing 1,557,000 anglers in fiscal year 2007. The agency also assesses the health of fisheries on the state's 191,000 miles of inland streams, 800 public lakes, and 4 million acres of bays, estuaries, and Gulf of Mexico waters. To directly replenish aquatic resources, TPWD operates eight fish hatcheries and stocked 44 million fingerlings in public waters in fiscal year 2007.<sup>3</sup>
- ◆ Hunting and fishing are important economic forces in Texas. Local economies, rural areas in particular, often depend upon the economic impact of hunting and fishing related activities such as lodging, dining out,

and purchases of equipment. In fact, a recent nationwide survey found that Texas ranks first among the states in the total number of hunters and anglers (2.6 million), money spent (\$6.6 billion), jobs supported (106,000), and tax revenue generated (\$1.3 billion).<sup>4</sup>

- ◆ TPWD also has an important law enforcement role in protecting fish and wildlife resources, enforcing water safety laws, and providing emergency management assistance. To provide these services in fiscal year 2007, Texas' 500 game wardens patrolled 11.1 million miles in vehicles and 120,000 hours in boats, and made 2.5 million hunting, fishing, and water safety contacts.<sup>5</sup> The game wardens are called upon during disasters to provide search and rescue operations and had a major operation during Hurricane Ike.
- ◆ The importance of the recreational opportunities provided by the 603,000 acres in TPWD's state parks is illustrated by the 9.3 million visits made by Texans and out-of-state visitors in fiscal year 2007.<sup>6</sup> State parks are also an important economic force in Texas. A recent study by the State Comptroller found that out-of-state visitors to Texas' state parks added \$15.7 million to the gross state product, \$7.9 million in total personal income, and 288 jobs.<sup>7</sup> The same study estimated that each state park in rural counties generated almost \$3 million in retail sales and \$1.5 million in resident income.<sup>8</sup> Although the State makes a large investment in acquiring, developing, and operating state parks, TPWD recovers about 66 percent of the costs of operations from fees paid by users.<sup>9</sup>

TPWD also assists local governments in providing recreation by overseeing a grant program designed to create local parks, public boat ramps, trails, and activities for their citizens. In fiscal year 2007, TPWD spent \$9 million to complete 136 of these local park grant assistance projects.

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*Park users made 9.3 million visits to state parks in fiscal year 2007 and each rural county with a state park gained some \$3 million in retail sales.*

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**No substantial benefit or savings would result from transferring the Department's functions to other agencies, or dividing TPWD into separate agencies.**

- ◆ Other state agencies have different missions that prevent them from taking over the functions of the Department. For example, the Texas Commission on Environmental Quality (TCEQ) could perform some of TPWD's wildlife regulation. However, TCEQ's primary function, the issuance of emission and waste permits, can be at odds with TPWD's mission to conserve and maintain fish and wildlife resources and habitat in their natural state. Also, TCEQ does not have any functions similar to the Department's role in providing recreational facilities.
- ◆ The Texas Historical Commission (THC) has a similar role to TPWD in its operation of historic sites. In fact, the 80th Legislature transferred 18 state historic sites from TPWD to THC along with 6 percent of the proceeds from the sporting goods sales tax for site operation. The 18 sites joined two historic sites already under THC operation. While TPWD

still operates some historic sites, these parks have major recreational components. THC does not have expertise providing the type of recreational opportunities included on most of TPWD's parks, or in regulating wildlife and aquatic resources.

- ◆ The State's political subdivisions are also unable to take over the functions of TPWD. River authorities and counties provide some recreational facilities, but the focus of their operations is limited to specific regions; they do not have statewide authority. In addition, Texas counties used to regulate wildlife, but, to provide consistent statewide regulation, the Legislature transferred this authority to the Department in 1983.
- ◆ Dividing TPWD's parks and wildlife functions into two separate agencies is another concept that has been discussed. A commonly discussed structure would place the Wildlife, Inland Fisheries, Coastal Fisheries, and Law Enforcement divisions in one agency, while the State Parks and Infrastructure division would constitute the other agency. Remaining support divisions including Communications, Information Technology, Human Resources, Administrative Resources, and Legal would be split between the two agencies. While this structure is feasible, substantial savings would not result. In fact, due to the need to re-create support and oversight functions, the division of the agency would likely result in higher operating costs. Because federal law prohibits the diversion of funds from hunting and fishing licenses from their intended purpose, dividing the agency would not result in additional funds being available for either parks or wildlife.

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*Dividing the agency would likely result in higher operating costs.*

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The Legislature combined parks and wildlife functions into a single agency in 1963 to achieve the synergy between the functions that TPWD exhibits today. As a land manager, TPWD achieves economies of scale by managing the 586,000 acres of state parks and the 800,000 acres of wildlife management areas that it holds in similar ways. TPWD's oversight of hunting and fishing benefits from its association with state parks as most state parks offer public hunts and provide free fishing opportunities. The agency has also repurposed some of its surplus land, turning one former fish hatchery into a state park and turning at least one former state park into a wildlife management area.

**While TPWD has been successful in identifying natural resource conservation and recreation goals for the State, it could benefit from more clearly linking these overall goals with its specific programs.**

- ◆ State law requires TPWD to develop a statewide Land and Water Resources Conservation and Recreation Plan (Plan).<sup>10</sup> To form the Plan, statute requires TPWD to inventory all public land and water, historical, natural, recreational, and wildlife resources in the state; analyze existing and future conservation and recreation needs; identify threatened land

and water resources; and establish the relative importance of inventoried resources. Statute also requires the resulting Plan to include criteria to determine how to meet the State's conservation needs.

- ◆ The Parks and Wildlife Commission revised and approved the latest version of the Plan in 2005. The Plan identifies eight major goals to guide the agency's conservation and recreation activities for both land and water in Texas, as shown in the textbox, *Plan Goals*. In addition, each goal has five to 10 objectives.

#### **Plan Goals**

The Land and Water Resources Conservation and Recreation Plan identifies eight goals to guide TPWD's efforts:

- ◆ improve access to the outdoors;
- ◆ conserve, manage, operate, and promote agency sites for recreational opportunities, biodiversity, and cultural heritage in Texas;
- ◆ assist landowners in managing their lands for sustainable wildlife habitat consistent with their goals;
- ◆ increase participation in hunting, fishing, boating, and outdoor recreation;
- ◆ enhance the quality of hunting, fishing, boating, and outdoor recreation;
- ◆ improve science, data collection, and information dissemination to make informed management decisions;
- ◆ maintain or improve water quality and quantity to support the needs of fish, wildlife, and recreation; and
- ◆ continuously improve TPWD business management systems, business practices, and work culture.

- ◆ While the Department has successfully identified the State's conservation and recreation goals, it could benefit from evaluating how these broad goals translate into the operations of its many diverse programs, and from structuring agency programs to advance as many of TPWD's strategic goals as possible. The links between the Plan and TPWD's operations are not clear for many programs. The agency has broad jurisdiction over many different areas, and each of these areas have numerous individual programs that broadly link back to TPWD's mission to manage and conserve Texas' natural and cultural resources. The breadth and diversity of all of these programs can present a challenge to TPWD to ensure that programs are not working in silos, and are instead working in concert together to advance the agency's biggest goals. Now that TPWD has developed the Plan, it has an opportunity to use it not only to guide agency programs, but to use the programs to advance as many of the agency's goals as possible.

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*TPWD is  
challenged to  
ensure that  
its programs  
work together  
to advance  
the agency's  
overall goals.*

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**While organizational structures vary widely, all 50 states use statewide agencies to protect natural resources and provide recreation.**

- ◆ All states have chosen to regulate hunting and fishing on a statewide basis through a state agency. A bureau attached to a larger natural resource agency regulates hunting and fishing in 22 states, while 28 states regulate hunting and fishing through an independent agency, as Texas does.
- ◆ Each state has also chosen to provide a state park system managed by a state agency. In 14 states, management of the state park system is accomplished through an agency that is part of a larger natural resource agency. In 36 states, an independent agency, with other related duties such as wildlife management or tourism promotion, manages state parks in a structure similar to Texas.

## **Recommendations**

### **Change in Statute**

#### **7.1 Continue the Texas Parks and Wildlife Department for 12 years.**

This recommendation would continue the Department as an independent agency for 12 years.

### **Management Action**

#### **7.2 Direct TPWD to evaluate and align its programs with the conservation and recreation goals outlined in the Land and Water Resources Conservation and Recreation Plan.**

This recommendation would instruct TPWD to use the Plan to evaluate agency programs and initiatives against the Plan and align them with the Plan's broader goals and objectives. In doing so, the agency should consider how each program advances the goals and objectives set out in the Plan; how successful the program is in advancing those goals; and how the program could better advance the agency's overall goals as contained in the Plan. The recommendation aims to ensure that since TPWD has identified and developed overall strategies to advance conservation and recreation in Texas in the Plan, that it uses that work to ensure that particular programs are structured to accomplish the agency's global goals.

### **Fiscal Implication**

If the Legislature continues the Texas Parks and Wildlife Department using the existing organizational structure, the need for the agency's annual appropriation of \$261.3 million for operations would continue.



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- 1 Daniel Clifton, "The Greatest Comeback", *The River Cities Tribune*, November 8, 1999.
- 2 Texas Parks and Wildlife Department, *Annual Report*, Fiscal Year 2007, p. 26.
- 3 Ibid.
- 4 Petersen's Hunting, *Texas Tops Nation in Ranking of State Hunting and Fishing Economic Impact*, [http://www.huntingmag.com/texasim\\_122007/](http://www.huntingmag.com/texasim_122007/). Accessed: October 14, 2008.
- 5 Texas Parks and Wildlife Department, *Self Evaluation Report Update*, June 2008, p. 184.
- 6 Texas Parks and Wildlife Department, *Annual Report*, Fiscal Year 2007, p. 26.
- 7 Texas Comptroller of Public Accounts, *Texas State Parks: Natural Economic Assets*, September 2008.
- 8 Ibid.
- 9 Pros Consulting, *Texas Parks and Wildlife Department Business Plan Update: Assessment of Capital Projects – Rider 30 (A)*, March 2008, p. 3.
- 10 Texas Parks and Wildlife Code, chapter 11, subchapter H.



## *Responses to Issue 7*

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### **Recommendation 7.1**

***Continue the Texas Parks and Wildlife Department for 12 years.***

#### **Agency Response to 7.1**

The Department concurs with this recommendation. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

#### **For 7.1**

Myron J. Hess, Manager of Texas Water Programs/Counsel – National Wildlife Federation, Austin

Andy Jones, Director – The Conservation Fund, Austin

Evelyn Merz, Conservation Chair – Lone Star Chapter of the Sierra Club, Houston

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

#### **Against 7.1**

None received.

### **Recommendation 7.2**

***Direct TPWD to evaluate and align its programs with the conservation and recreation goals outlined in the Land and Water Resources Conservation and Recreation Plan.***

#### **Agency Response to 7.2**

The Department concurs with this recommendation and is forming a Texas Conservation and Recreation Forum to assist with the update and prioritization of the Land and Water Resources Conservation and Recreation Plan. (Peter Holt, Chairman – Texas Parks and Wildlife Commission and Carter Smith, Executive Director – Texas Parks and Wildlife Department)

#### **For 7.2**

Myron J. Hess, Manager of Texas Water Programs/Counsel – National Wildlife Federation, Austin

Andy Jones, Director – The Conservation Fund, Austin

Captain Thomas B. Rodino, USCG (Retired), Bayview

Brian Steward – Lone Star Bowhunters Association, Austin

**Against 7.2**

None received.

*Commission Decision*

Adopted Recommendations 7.1 and 7.2.

*Legislative Action*

House Bill 3391 continues the Department as an independent agency for 12 years. (Recommendation 7.1)

# ACROSS-THE-BOARD RECOMMENDATIONS



## Texas Parks and Wildlife Department

Recommendations	Across-the-Board Provisions
Modify	1. Require public membership on the agency's policymaking body.
Already in Statute	2. Require provisions relating to conflicts of interest.
Already in Statute	3. Require unbiased appointments to the agency's policymaking body.
Already in Statute	4. Provide that the Governor designate the presiding officer of the policymaking body.
Already in Statute	5. Specify grounds for removal of a member of the policymaking body.
Already in Statute	6. Require training for members of the policymaking body.
Already in Statute	7. Require separation of policymaking and agency staff functions.
Already in Statute	8. Provide for public testimony at meetings of the policymaking body.
Update	9. Require information to be maintained on complaints.
Apply	10. Require the agency to use technology to increase public access.
Apply	11. Develop and use appropriate alternative rulemaking and dispute resolution procedures.

### Commission Decision

Adopted staff recommendations.

### Legislative Action

Adopted Commission decision.



# AGENCY INFORMATION

(NOVEMBER 2008)





# Agency Information


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## Agency at a Glance

The Texas Parks and Wildlife Department (TPWD) is the state's lead agency in protecting Texas' fish and wildlife resources and in providing outdoor recreation. The agency has identified eight goals to achieve its overall mission:

- ◆ improve access to the outdoors;
- ◆ preserve, conserve, manage, operate, and promote agency sites for recreational opportunities, biodiversity, and cultural heritage;
- ◆ assist landowners in managing their lands for sustainable wildlife habitat;
- ◆ increase participation in hunting, fishing, boating, and outdoor recreation;
- ◆ enhance the quality of hunting, fishing, boating, and outdoor recreation;
- ◆ improve science, data collection, and information dissemination to make informed management decisions;
- ◆ maintain or improve water quality and quantity to support the needs of fish, wildlife, and recreation; and
- ◆ continuously improve TPWD business management systems, business practices, and work culture.

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*For the 2008-2009  
biennium, the Legislature  
appropriated \$664.8  
million to TPWD – an  
increase of \$232 million  
over the past biennium.*

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## Key Facts

- ◆ **Funding.** For the 2008-2009 biennium, the Legislature appropriated \$664.8 million to Texas Parks and Wildlife Department. This amount reflects an increase of \$232.3 million over the past biennium. About half of the funds are dedicated General Revenue, the majority of which are derived from fees collected from hunters, anglers, boaters, and visitors to state parks.
- ◆ **State Parks.** TPWD operates a system of 93 state parks, natural areas, and historic sites with more than 586,000 acres, and an estimated 9.3 million visitors each year. TPWD recovers about 66 percent of state park operating costs from users.
- ◆ **Local Park Grants.** The Department provides matching grants to political subdivisions for acquisition and development of local parks, public boat ramps, trails, and recreation programs. In fiscal year 2007, TPWD completed 136 of these grant assistance projects.
- ◆ **Licensing.** In fiscal year 2007, the Department sold 2.1 million non-commercial, hunting and fishing licenses generating \$90 million in revenue.

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*In fiscal year 2007, Texas' 500 game wardens made 2.5 million contacts with hunters, anglers, and boaters to enforce fish, wildlife, and water safety laws.*

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- ◆ **Wildlife.** TPWD oversees the harvest of publicly owned wildlife by setting hunting regulations based on scientific research. The agency operates 51 wildlife management areas totaling more than 800,000 acres to develop wildlife habitat programs, and conduct public hunts. To improve wildlife habitat on private land, the agency provided technical assistance to landowners and had 5,600 assistance plans in place in fiscal year 2007, covering 15.6 percent of all private land in Texas.
- ◆ **Fisheries Management.** The state's 191,000 miles of inland streams, 800 public lakes, and 4 million acres of bays, estuaries, and Gulf of Mexico waters provide fishing opportunities for anglers. TPWD operated eight fish hatcheries that produced 43.5 million fingerlings for stocking public waters in fiscal year 2007.
- ◆ **Infrastructure.** TPWD operates a centralized program to manage all major capital repair and construction projects greater than \$25,000 in cost. Major projects currently in planning or construction include the permanent dry docking and repair of the Battleship TEXAS, construction of a new freshwater fish hatchery in Jasper, and 93 capital repairs or construction projects in state parks.
- ◆ **Communications.** A centralized communications function operates the hunter and boater education programs, publishes the *Texas Parks and Wildlife Magazine*, produces a PBS television series, and provides other related services.
- ◆ **Law Enforcement.** Texas' 500 game wardens enforce fish, wildlife, and water safety laws. In fiscal year 2007, game wardens made 1.7 million contacts with hunters and anglers, and 776,000 water safety contacts; and completed 47 criminal environmental investigations.

## Major Events in Agency History

- 1861 The Legislature passes the first game law in Texas to regulate the hunting of bobwhite quail on Galveston Island.
- 1895 The Legislature creates the office of the Fish and Oyster Commissioner to regulate fishing. In turn, the Commissioner hires Texas' first game wardens.
- 1907 The Legislature expands the powers of the Commissioner to oversee hunting and renames the office as the Game, Fish and Oyster Commissioner.
- 1923 At the urging of Governor Pat M. Neff, the Legislature creates the State Parks Board.
- 1933 The Legislature funds the State Parks Board to acquire new parks and it begins development of 31 parks with the assistance of the federal depression-era agencies: Civilian Conservation Corps, National Youth Administration, and Works Progress Administration.

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*Texas' game laws date back to 1861 and state parks were first formed in 1923.*

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- 1963 Merging the park and wildlife agencies, the Legislature creates the Texas Parks and Wildlife Department, overseen by a three-member Commission.
- 1967 The Legislature authorizes \$75 million in revenue bonds for acquisition and development of state parks.
- 1971 The Legislature dedicates a one-cent cigarette tax to state parks.
- 1979 The Legislature dedicates a second one-cent cigarette tax to development of local parks through grants overseen by TPWD.
- 1983 The Legislature transfers remaining authority to regulate fish and wildlife from counties to TPWD.
- 1988 TPWD purchases 215,000 acres for the Big Bend Ranch State Park, doubling the size of the state park system.
- 2001 The Legislature passes Sunset legislation that requires TPWD to create the Land and Water Resources Conservation and Recreation Plan.
- 2007 The Legislature substantially increases state and local park funding, and transfers 18 historic sites from TPWD to the Texas Historical Commission.

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*The 1988 purchase of 215,000 acres for Big Bend Ranch State Park doubled the size of the state park system.*

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## Organization

### Policy Body

The nine-member Texas Parks and Wildlife Commission oversees the Department. The Governor appoints members to serve six-year terms and selects the presiding officer. State law instructs the Governor, in making appointments to the Commission, to attempt to include persons with expertise in historic preservation, conservation, and outdoor recreation. The Governor must also select three persons who meet the statutory qualifications to be public members. By tradition, the Commission selects one former member who serves as a non-voting, Chairman Emeritus. The table, *Texas Parks and Wildlife Commission*, provides information about each member.

The Commission hires the Executive Director, approves budgets, and sets policies for the Department. Key decisions made by the Commission

***Texas Parks and Wildlife Commission***

Member	City	Term Expires
Peter M. Holt, Chairman	San Antonio	2011
T. Dan Friedkin, Vice Chairman	Houston	2011
Mark E. Bivins	Amarillo	2011
J. Robert Brown	El Paso	2009
Ralph H. Duggins	Fort Worth	2013
Antonio Falcon, M.D.	Rio Grande City	2013
Karen J. Hixon	San Antonio	2013
Margaret Martin	Boerne	2009
John D. Parker	Lufkin	2009
Lee Marshall Bass, Chairman Emeritus	Fort Worth	N/A

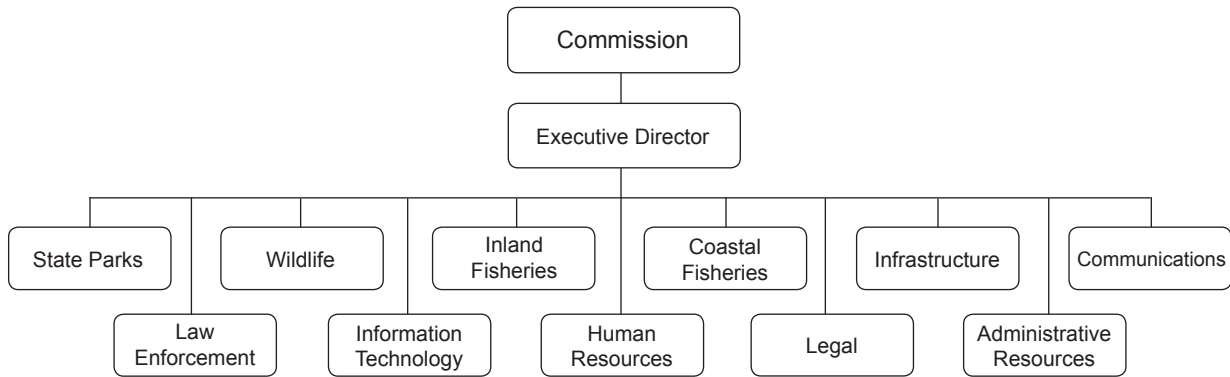
include adoption of Texas' hunting and fishing regulations, approval of grants to local governments, and approval of acquisition of properties for parks or wildlife conservation.

—◆—  
*About 76 percent of the agency's employees are stationed in field offices.*  
 —◆—

**Staff**

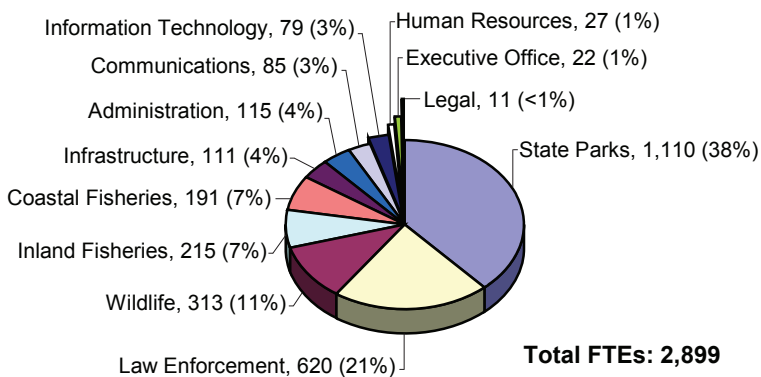
TPWD's Executive Director oversees agency operations. The Department is functionally organized into 11 divisions. Except for administrative divisions, all divisions of the agency have staff located in Austin and in regional and field site offices. About 76 percent of the Department's employees are stationed away from the headquarters office in Austin. The *Texas Parks and Wildlife Department Organizational Chart* depicts the structure of the agency's 3,100 full-time equivalent positions (FTE).

**Texas Parks and Wildlife Department Organizational Chart**

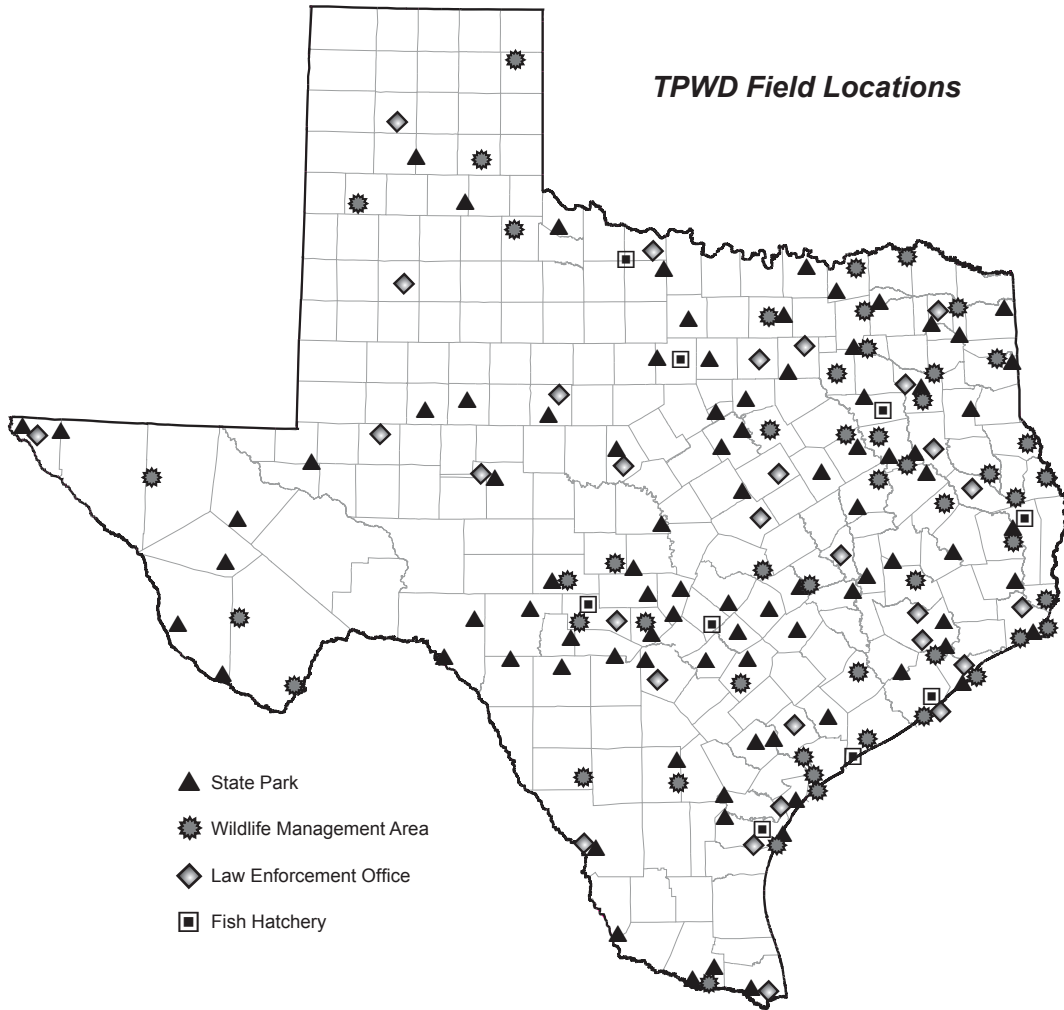


The assignment of these employees throughout the agency is shown in the pie chart, *TPWD Full-Time Equivalent Employees by Division*. Note that due to seasonal hiring by the agency, the total number of employees shown on the pie chart is less than the agency's authorized strength. The location of TPWD's state parks, wildlife management areas, fish hatcheries, and law enforcement field offices are shown on the map, *TPWD Field Locations*.

**TPWD Full-Time Equivalent Employees by Division FY 2007**



Appendix B compares the agency's workforce composition to the minority civilian labor force. The agency has not been able to achieve parity with the minority civilian labor force, particularly for the administration and service/maintenance categories.

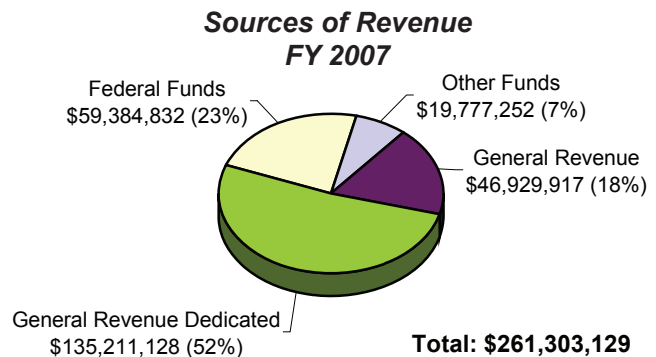


## Funding

### Revenues

The majority of Texas Parks and Wildlife Department's \$261.3 million in fiscal year 2007 revenues were from General Revenue Dedicated sources. In turn, most of the General Revenue Dedicated funds were derived from fees collected from users such as hunters, anglers, boaters, and state park visitors. The pie chart, *Sources of Revenue*, shows total revenue by funding source during fiscal year 2007.

The Department collects more than 195 different license, permit, and other fees that generated about \$142 million in fiscal year 2007. Fee revenue is typically deposited in the Game, Fish, and Water Safety Account (Fund 009); the State Parks Account (Fund 064); or in the General Revenue Fund. The table on the following page, *Selected TPWD Fees*, provides detail on the 27 fees that each had more than 50,000 payers or generated more than \$1 million.



**Selected TPWD Fees – FY 2007**

<b>Description</b>	<b>Amount</b>	<b>Number of Payers</b>	<b>Amount Collected</b>	<b>Revenue Deposited To</b>
Super Combo Hunting and Fishing License	\$64	381,317	\$23,446,239	Fund 009
Senior Super Combo Hunting and Fishing License	\$30	36,540	\$1,054,206	Fund 009
Upland Game Bird Stamp	\$7	82,428	\$555,511	Fund 009
Migratory Game Bird Stamp	\$7	142,221	\$957,845	Fund 009
Resident Hunting License	\$23	266,453	\$5,894,860	Fund 009
Special Resident Hunting License	\$6	167,258	\$964,189	Fund 009
Non-Resident Hunting License	\$300	28,443	\$8,230,318	Fund 009
Non-Resident 5-Day Hunting License	\$45	38,708	\$1,685,618	Fund 009
Public Hunting Permit	\$48	29,353	\$1,364,415	Fund 009
Freshwater Fishing Package License	\$28	374,471	\$10,093,709	Fund 009
Saltwater Fishing Package License	\$33	79,335	\$2,513,636	Fund 009
All-Water Fishing Package License	\$38	118,951	\$4,345,688	Fund 009
Year From Purchase All-Water Fishing Package License	\$45	151,659	\$6,549,682	Fund 009
Freshwater Day Plus Fishing Package License	\$11	58,422	\$701,949	Fund 009
Non-Resident Freshwater Fishing Package License	\$55	22,151	\$1,172,679	Fund 009
Combination Hunting and Freshwater Fishing License	\$47	71,716	\$3,245,542	Fund 009
Lifetime Combination Hunting and Fishing License	\$1,000	1,126	\$1,126,000	Fund 0544
Motorboat Class A Registration	\$30	107,579	\$3,198,960	Funds 009/064
Motorboat Class 1 Registration	\$50	185,265	\$9,195,850	Funds 009/064
Motorboat Transfer of Ownership	\$10	64,360	\$630,399	Funds 009/064
Motorboat/Outboard Motor Title	\$25	169,202	\$4,158,269	Funds 009/064
Boat Sales Tax (5% of total retained by TPWD)	6.25% of Sales Price	N/A	\$2,858,785	Fund 009
<i>Texas Parks and Wildlife Magazine</i> Subscription Fee	\$15.95	126,403	\$926,209	Funds 009/064
State Park Entrance Fee	Varies by Park	4,854,944	\$9,289,150	Fund 064
State Park Facility Use Fee	Varies by Park	N/A	\$15,056,131	Fund 064
Park Activities or Concessions Fee	Varies by Park	N/A	\$5,956,227	Fund 064
Park Passes	Varies	653,261	\$4,923,156	Fund 064

TPWD also is a major recipient of federal grants. These grant funds totaled more than \$42 million in fiscal year 2007. The table, *Selected Federal Grants*, provides detail on nine grants that the agency receives.

The 2007 Legislature increased TPWD's appropriations by \$232.3 million. Included in this amount were increases of \$37.4 million for park operating costs and salaries for an additional 229.3 full-time equivalent positions;

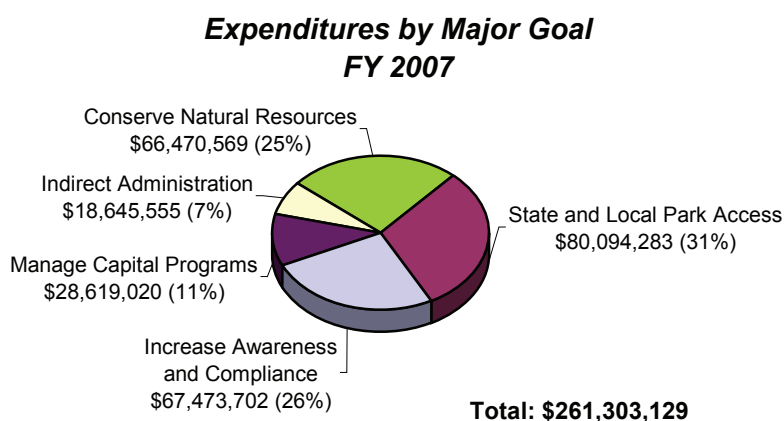
### Selected Federal Grants – FY 2007

Federal Agency	Grant Fund	State/Federal Match Ratio	Federal Share
National Oceanic and Atmospheric Administration	Oceanic and Atmospheric Research	25/75	\$903,947
U.S. Fish and Wildlife	Sport Fish Restoration	25/75	\$16,293,920
U.S. Fish and Wildlife	Wildlife Restoration	25/75	\$13,547,402
U.S. Fish and Wildlife	Coastal Wetlands Planning, Protection, and Restoration	50/50	\$1,284,922
U.S. Fish and Wildlife	Cooperative Endangered Species Conservation Fund	25/75	\$1,939,044
U.S. Fish and Wildlife	State Wildlife Grants	50/50	\$3,334,308
U.S. Fish and Wildlife	Landowner Incentive Grants	25/75	\$180,000
National Park Service	Outdoor Recreation	50/50	\$1,691,446
U.S. Department of Transportation	Recreational Trails	20/80	\$3,473,635

\$36.3 million for additional local park grants; \$13.9 million for park land acquisition and development; \$14 million for transportation items, equipment, and computers; and \$8 million for minor repairs. However, some of this appropriations authority is contingent on additional collections from park entrance fees and proceeds from the sale of properties.

## Expenditures

The agency spent a total of \$261.3 million in fiscal year 2007. The pie chart, *Expenditures by Major Goal*, shows how these funds were split among TPWD’s five major appropriations goals. The agency’s largest spending area is direct spending on state parks and pass-through grants to local parks at 31 percent. The agency’s second largest area of spending, at 25 percent of the budget, is its goal to increase awareness and compliance. This goal encompasses TPWD’s efforts at enforcing wildlife and water safety laws, and educating Texans on conservation. The table on the following page, *TPWD Expenditures by Strategy*, gives greater detail on the agency’s spending patterns.



Appendix C describes TPWD’s use of Historically Underutilized Businesses (HUBs) in purchasing goods and services for fiscal years 2004 to 2007. The agency has generally fallen short of the goals for building construction, special trade, and other services. The agency’s largest category of purchasing is the commodities category. In two of the last four years, the agency exceeded the goal in this the commodities category, and has come close to meeting the goal in the other two years.

**TPWD Expenditures by Strategy – FY 2007**

Goal	Strategy	Amount
Conserve Natural Resources	Wildlife Conservation	\$27,482,689
	Technical Guidance	\$640,868
	Hunting and Wildlife	\$1,228,337
	Inland Fisheries	\$11,186,758
	Inland Hatcheries	\$4,363,059
	Coastal Fisheries	\$14,835,066
	Coastal Hatcheries	\$2,438,222
	Artificial Reefs	\$4,295,570
	<b>Subtotal</b>	<b>\$66,470,569</b>
State and Local Park Access	State Park Operations	\$52,180,353
	Parks Minor Repairs	\$1,604,730
	Parks Support	\$6,251,357
	Local Park Grants	\$8,984,351
	Boating Access	\$11,073,492
	<b>Subtotal</b>	<b>\$80,094,283</b>
Increase Awareness and Compliance	Enforcement Programs	\$44,623,362
	Game Warden Training	\$1,456,783
	Law Enforcement Support	\$1,727,341
	Hunter and Boater Education	\$2,543,909
	<i>Texas Parks and Wildlife Magazine</i>	\$2,761,148
	Communication Products	\$3,524,823
	Urban Outreach	\$1,066,214
	License Issuance	\$8,024,800
	Boat Registration	\$1,745,322
	<b>Subtotal</b>	<b>\$67,473,702</b>
Manage Capital Programs	Improvements and Major Repairs	\$18,031,420
	Land Acquisition	\$303,742
	Infrastructure Administration	\$4,002,201
	Debt Service	\$6,281,657
	<b>Subtotal</b>	<b>\$28,619,020</b>
Indirect Administration	Central Administration	\$7,571,547
	Information Resources	\$8,136,516
	Other Support Services	\$2,937,492
	<b>Subtotal</b>	<b>\$18,645,555</b>
<b>Grand Total</b>		<b>\$261,303,129</b>

## Agency Operations

TPWD provides numerous recreational and natural resources programs to Texans. The Department provides some services directly to the public, such as state parks or public hunting opportunities, while other services are provided through licenses that permit the taking of publicly owned fish or wildlife. An examination of TPWD's functions is provided in the context of the agency's divisions.

### State Parks

The State Parks Division oversees 586,000 acres of public land divided among 93 state parks, natural areas, and historic sites, and makes grants to local governments for their parks and recreation programs. More than 9.3 million visits are made to Texas state parks each year. The State Parks Division is located at the Austin headquarters, and operates with a budget of \$88.3 million and 1,109 FTEs in fiscal year 2007. Because the Division uses many part-time and seasonal employees, its actual workforce numbered some 1,500 people. The way the Division structures its workforce is shown in the chart, *State Parks Division Organizational Chart*. Key state park program areas are described below. A list of Texas's state parks is available as Appendix D.

### Natural Resources

TPWD tries to protect and restore habitats, natural communities, and landscapes in state parks. Staff members inventory and monitor resources, develop long-term strategies and resource management plans for each site, use sites as outdoor laboratories for research, ensure regulatory compliance with state and federal laws, and protect resources from overuse by visitors and against third parties, such as oil and gas producers.

### Cultural Resources

Texas is one of the few states that has an antiquities code; TPWD has responsibility under that code to identify, preserve, and maintain the cultural resources of state parks.



The agency assigns a staff of eight regional coordinators, one historic preservation specialist, an archeology survey team, a program director, and an archeology laboratory with two employees to this effort. The staff reviews all activities on parks and historical sites for potential impacts to cultural resources; conducts surveys, excavations, and exploratory research; reviews proposed construction projects; and develops resource management plans.

### **Historic Sites**

Although the Legislature transferred 18 historic sites from TPWD to the Texas Historical Commission in 2007, the Department still maintains 12 individual historic sites and 400 historic structures in state parks. For example, 30 state parks were constructed by the Civilian Conservation Corps during the Great Depression. TPWD's historic preservation efforts are overseen by two historians and one historic architect. These staff members provide research and documentation for historic interpretation, project management for historic planning and development projects, and ensure regulatory compliance with federal and state preservation regulations.

### **Interpretation and Exhibits**

Staff members of TPWD's interpretation and exhibits program develop interpretive master plans for parks and historic sites; and design and produce exhibits, orientation kiosks, and interpretive literature. About half of all interpretive exhibits in state parks are produced in-house. The staff also coordinates the training of field staff in how to interpret the natural, cultural, and historical resources found in state parks.

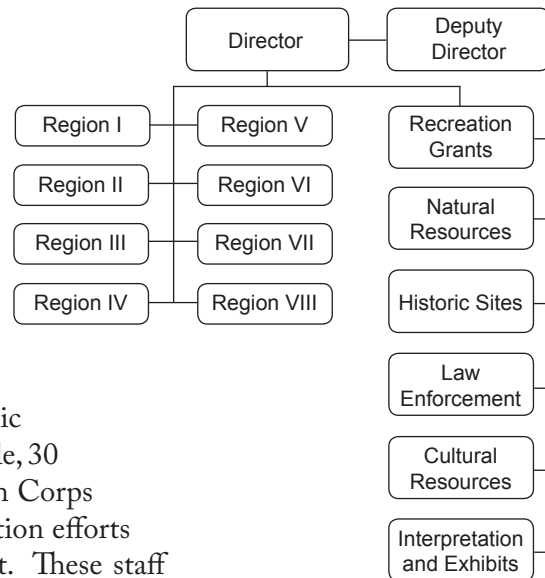
### **Law Enforcement**

TPWD has about 150 state park law enforcement officers who enforce laws and keep peace in state parks, as a separate force from the game wardens. Larger parks have commissioned officers who live onsite and have been trained in an academy certified by the Texas Commission on Law Enforcement Officer Standards and Education. TPWD supplements the training with a five-week training camp in Bastrop. Park police officers must have a four-year college degree or 20 years of police experience.

### **Regional Management**

The administration of Texas' state parks is heavily field based, with 90 percent of the State Parks Division staff housed in eight regional offices and 93 state parks. Regional staffs are responsible for all functions of the parks including law enforcement and safety, visitor services, and education and interpretation. Personnel also work with friends groups, coordinate volunteer programs, oversee inmate labor pools, coordinate maintenance programs, and manage park concessions.

### **State Parks Division Organizational Chart**



## **Recreation Grants**

TPWD has assigned a staff of 17 to administer a grant solicitation and review process for eight different grant programs for the acquisition and development of local parks, funding recreational programs, or development of trails. These grant programs develop partnerships between TPWD, local governments, and nonprofit entities to benefit a system of local parks and recreation. Funding for the program is provided through the dedicated General Revenue Fund accounts: Texas Recreation and Park Account (TRPA) and Urban Parks Account (UPA). Additional funding is derived through federal programs administered by the U.S. Department of Transportation, National Parks Service (NPS), and the U.S. Fish and Wildlife Service. A list of the 136 grants made in fiscal year 2007 is available in Appendix E. Detail on TPWD's grant programs is in the chart, *TPWD Local Park Grants*.

### **TPWD Local Park Grants**

<b>Grant</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>Maximum Award</b>	<b>Local Match</b>	<b>FY 2008 Funding</b>
Outdoor Recreation Grants	Land acquisition and/or development for sport fields, boating, fishing, hunting, picnicking, swimming, playgrounds, and conservation of properties with important natural resources	Texas Recreation and Parks Account (TRPA) and NPS	\$500,000	50%	\$6.2 million
		Urban Parks Account (UPA)	\$1 million		\$4 million
Indoor Recreation Grants	Athletic and sports facilities, nature centers, or senior centers	TRPA	\$750,000	50%	\$2.07 million
		UPA	\$1 million		\$1 million
Small Community Grants	Parks and recreational acquisition and facility development in communities with fewer than 20,000 population	TRPA and NPS	\$75,000	50%	\$0.8 million
Community Outdoor Outreach Grants	Programming for underserved populations in outdoor recreation and environmental education	TRPA and UPA	\$50,000	No match required	\$1.25 million
Recreational Trails Grants	Construction of hiking, bicycling, nature or off-road vehicle trails	U.S. Department of Transportation	\$200,000	20%	\$3.5 million
Boat Access Grants	Boat ramps, marinas, sewage pump outs	U.S. Fish and Wildlife	\$500,000	25%	\$3 million

## **Wildlife**

TPWD manages and conserves Texas' wildlife population, including big and small game, nongame species, and threatened or endangered species through scientific research; the development of hunting regulations; permit issuance; and habitat assessment, management, and restoration. The textbox, *Wildlife Classifications*, describes the different types of wildlife over which TPWD has jurisdiction. The Department also seeks to encourage conservation and recreational opportunities statewide by working with private landowners to manage their land to the benefit of wildlife habitat, providing public opportunities to hunt on both public and private land, and offering wildlife

## **Wildlife Classifications**

**Game** – State law classifies game species, distinguishing between game animals and game birds as follows.

- ◆ Game animals are mule deer, white-tailed deer, pronghorn antelope, desert bighorn sheep, gray or cat squirrels, fox or red squirrels, and collared peccary or javelina. Operationally, TPWD further distinguishes between big and small game.
- ◆ Game birds include wild turkey, duck, geese, brandt, coot, rail, gallinule, woodcock, grouse, prairie chicken, pheasants, partridge, bobwhite quail, scaled quail, Mearn’s quail, Gambel’s quail, red-billed pigeons, mourning doves, white-winged doves, white-fronted doves, snipe, shore birds, chachalacas, plover, and sandhill cranes. State law further defines some of these species as migratory game birds, which means hunting seasons must comply with federal standards and, in some cases, international treaties.

**Nongame** – State law provides some protections or regulations for specific animals such as bats, wolves, armadillos, fur-bearing animals, alligators, shrimp, oysters, and game fish. All other species indigenous to Texas that are not classified as game animals or game birds are considered nongame. TPWD protects nongame species by regulation as needed.

**Threatened Species** – TPWD determines and protects species that are likely to become endangered in Texas in the future. In addition, TPWD protects all species that are listed as threatened under federal regulations. Some species, while not classified as threatened under federal regulations, may be threatened in Texas.

**Endangered Species** – Like threatened species, TPWD protects species determined to be endangered under federal regulations as well as species that the Department determines to be endangered in Texas. TPWD prohibits the taking, possession, transportation, or sale of any threatened or endangered species without a permit.

management education. Much of the Division’s work occurs on the ground in its four regions, with about 80 percent of division employees in the field. The way TPWD structures the workforce of this Division is shown in the chart, *Wildlife Division Organizational Chart*.

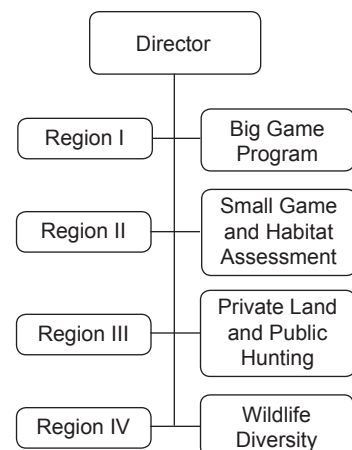
### **Big Game**

Big game animals consist of white-tailed deer, mule deer, pronghorn antelope, desert bighorn sheep, and javelina. TPWD manages the big game animal population in Texas by performing research, population surveys, and data analysis on Texas’ big game animals, and using that information to formulate regulations for hunting seasons, restrictions, and limits for big game. To consider changes to big game hunting regulations, TPWD staff evaluates all regulations annually, which includes taking public comment and working with advisory committees, makes recommendations to the Texas Parks and Wildlife Commission, and publishes the proposed changes in the Texas Register for final approval by the Commission. TPWD also issues 22 types of permits to possess, perform research on, rehabilitate, or breed game. In fiscal year 2007, TPWD issued 8,672 of these permits, with deer transfer permits and deer breeder permits being the most common types of permits issued.

### **Small Game and Habitat Assessment**

TPWD manages Texas’ small game population, which includes resident and migratory game birds, rabbits, and squirrels, by monitoring populations, developing hunting regulations, and assessing and restoring small game

**Wildlife Division  
Organizational Chart**



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*Texas has about  
25 percent of  
the bird hunters  
in the United  
States, harvesting  
9 million birds  
per year.*

---

habitat. TPWD develops state hunting regulations for game birds, and coordinates with the U.S. Fish and Wildlife Service on federal regulations for migratory birds in the Central Flyway, under the Migratory Bird Treaty Act of 1918. The process to change state small game regulations is similar to that of amending big game regulations, as described above. Texas has about 25 percent of the nation's bird hunting population, harvesting almost 9 million doves, ducks, geese, turkeys, and quail every year.

TPWD also reviews projects, such as proposed transmission lines or highway projects, to determine compliance with state and federal laws, such as the Endangered Species Act, as they relate to habitat protection. TPWD evaluates these projects and provides comments to the regulatory agency issuing any required permits. In fiscal year 2007, TPWD completed 1,000 reviews. Finally, the agency's Joint Ventures program partners with other agencies and groups to restore and improve wetland and upland bird habitat in each of Texas' 10 ecoregions.

### **Wildlife Diversity**

Texas has more than 1,100 vertebrate nongame wildlife species, which includes 100 threatened or endangered mammals, birds, reptiles and amphibians, and 30 threatened or endangered plants. TPWD manages nongame wildlife and threatened and endangered species in Texas through scientific research and management, and assistance to private landowners and outside groups. TPWD monitors the population status of these species, makes recommendations about whether a species should be listed as threatened or endangered, works with members of the public to manage endangered species, and regulates the commercial use of nongame wildlife by issuing permits. The Department also funds, using state and federal dollars, more than 100 research projects a year. Among TPWD's wildlife diversity outreach programs are the Master Naturalist program, which trains and recognizes conservation volunteers, and the urban wildlife program in seven metropolitan areas that develop conservation awareness.

### **Private Lands and Public Hunting**

In fiscal year 2007, TPWD staff provided information and guidance to 15,600 private landowners for land improvements that support wildlife populations and diversity. That same year, TPWD assisted landowners in developing 5,600 wildlife management plans that lay out overall management goals for about 20.5 million acres of private land. TPWD also provides information and assistance to landowners concerning Open Space Tax Valuations for wildlife management, participating in the U.S. Department of Agriculture's Farm Bill programs, organizing wildlife management associations, and providing information about other conservation opportunities. The Landowner Incentive Program is a federal match grant program in which landowners receive funds for projects to enhance habitat on their land. In fiscal year 2007, TPWD initiated nine projects worth \$235,711. Finally, each year, TPWD recognizes 11 exemplary Texas landowners committed to conservation and wildlife management through the Lone Star Land Steward award program.

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*In FY 2007,  
TPWD assisted  
landowners  
in developing  
5,600 wildlife  
management  
plans for about  
20.5 million acres  
of private land.*

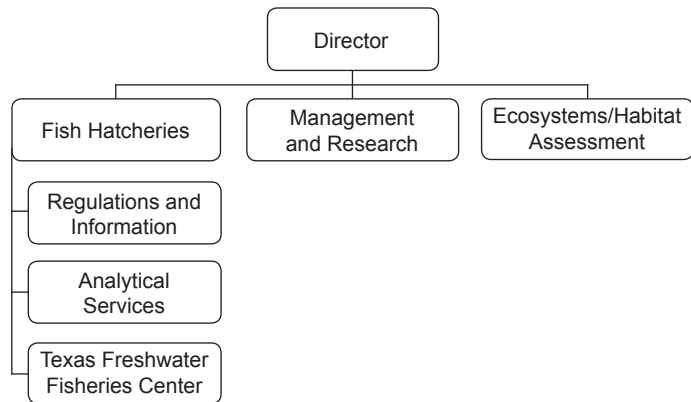
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TPWD manages 51 wildlife management areas (WMAs) across the state, which total more than 800,000 acres. The full list of WMAs is available as Appendix D. TPWD uses these areas for wildlife research and management demonstrations and seasonally opens them to the public for hunting, fishing, and other wildlife recreation. The Department provides public hunting opportunities through drawn hunts and an annual public hunting permit that enables the holder to hunt on wildlife management areas, state parks, or private land under contract with TPWD. Finally, TPWD has partnered with the Texas Wildlife Association to encourage Texas' youths to hunt by providing hunting opportunities and training.

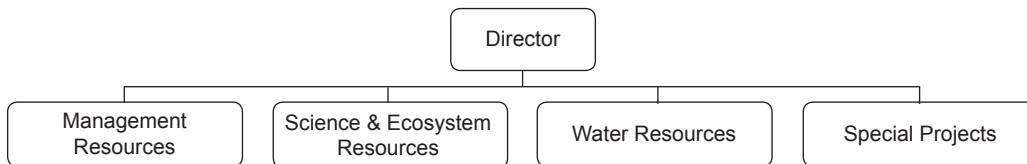
### Fisheries Management

TPWD manages, researches, and monitors the state's aquatic resources and fish habitats through two divisions: the Inland Fisheries Division and the Coastal Fisheries Division. The total amount of area covered includes 1.7 million acres of freshwater, including more than 800 public lakes and 191,000 miles of rivers and streams; and 4 million acres of saltwater, out to nine nautical miles from shore into the Gulf of Mexico. The majority of the 407 budgeted FTEs are located in regional offices. The structure of the two divisions are shown in the charts, *Inland Fisheries Division Organizational Chart* and *Coastal Fisheries Division Organizational Chart*.

***Inland Fisheries Division  
Organizational Chart***



***Coastal Fisheries Division  
Organizational Chart***



### ***Resource Management and Hatcheries***

TPWD monitors both freshwater and saltwater fish resources to determine what species are available to catch now and in the future, develop fishing regulations, plan fish stockings, and educate the public about fishing. Staff conduct most of the research from field offices and at the Heart of the Hills research facility located near Ingram. The Department operates five freshwater fish hatcheries: A.E. Wood Fish Hatchery (San Marcos), the Jasper Fish Hatchery (Jasper), the Dundee Fish Hatchery (Electra), the Possum Kingdom Fish Hatchery (Graford), and the Texas Freshwater Fisheries Center (Athens). TPWD is currently phasing out the Jasper Fish

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*More than  
110,000 people  
visit TPWD's  
fish hatcheries  
every year.*

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Hatchery and is building a new facility as a replacement. Combined, these freshwater fish hatcheries stock between 15 to 17 million fish annually. The Department stocks saltwater fish through the operation of three saltwater fish hatcheries: Sea Center Texas Fish Hatchery (Lake Jackson); Perry R. Bass Fish Hatchery (Palacios); and Marine Development Center Fish Hatchery (Corpus Christi). These saltwater fish hatcheries are able to produce up to 34 million fingerlings, but actually produced 27.8 million fish in 2007.

Two of TPWD fish hatcheries also provide visitor centers and outdoor education programs in addition to fish hatchery facilities. Facilities also provide the opportunity to fish on site; and offer fishing instructions, fish bait, and fishing rods. The Texas Freshwater Fisheries Center is located in Athens and receives between 50,000 and 75,000 visitors per year. Sea Center Texas is a saltwater center located in Lake Jackson and receives more than 60,000 visitations per year.

### **Science and Ecosystem Resources**

TPWD obtains and conserves healthy fish habitats by crafting fishing regulations, conducting research of fish populations, and by managing public and private reef programs in the Gulf of Mexico. Since 1996, TPWD has been paying commercial fisherman to retire their shrimp, crab, and finfish licenses as a means of reducing the commercial harvest of these species. The Department administers water-related permits such as exotic species permits, aquatic vegetation removal permits, and permits to stock triploid grass carp, to avoid harm to Texas' aquatic environment. TPWD also reviews a variety of permits and studies from other agencies such as Army Corp of Engineers water-related permits, Texas Water Development Board water-related permits, and Federal Emergency Management Agency Disaster Mitigation Grants to seek ways that the permit holder may reduce the harm to the environment.

In conjunction with other environmental agencies, the Department assesses the damage caused in specific incidents like oil spills, environmental restoration projects, and statewide water coordination projects with other state agencies. Further, TPWD oversees the Kills and Spills program in which staff investigates large-scale fish kills and contaminations. The Department does this in coordination with the Texas Commission on Environmental Quality and the Law Enforcement Division's Environmental Crimes Unit. TPWD operates a laboratory located in the A. E. Wood Fish Hatchery facility to research fish genetics, fish disease detection and prevention, and water quality. The lab can also analyze evidence for environmental crime cases.

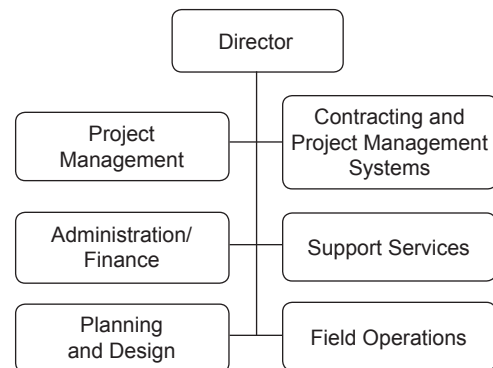
### **Water Resources**

TPWD protects the state's fish and wildlife resources through the review and assessment of water resource management issues. These activities include forming recommendations to minimize or avoid impact to fish and wildlife resources from water projects, and participating in water permitting and planning activities. TPWD also works with regional water planning stakeholders and regulatory agencies to assure adequate instream flows for rivers and freshwater inflows for bays and estuaries.

## Infrastructure

TPWD's Infrastructure Division develops, oversees, and manages the Department's capital repair and construction program. Through this Division, TPWD also manages its radio and vehicle fleets, headquarters facility, headquarters complex security, and coordinates the Department's energy conservation and safety programs. The Division has 111 staff positions and expended \$6.7 million in fiscal year 2007. The way the Division structures its workforce is shown in the chart, *Infrastructure Division Organizational Chart*. Currently, this centralized staff is managing 287 capital repair and construction projects. Repair projects costing less than \$25,000 are managed by the affected TPWD division.

**Infrastructure Division  
Organizational Chart**



### **Contracting and Project Management Services**

TPWD solicits, procures, administers, and manages all design and construction service contracts for the Department's Capital Program. The Department keeps an ongoing inventory, needs assessment, maintenance and repair reporting system called the Facility Management Information System (FMIS). The Department prioritizes all construction needs and proposes projects through FMIS.

The Infrastructure Division offers technical and professional consultation for architectural and engineering services to the Department's other divisions for minor repair programs. This Division also provides master planning, which includes planning support for new development and existing facilities, analysis of potential land acquisitions, and Geographic Information System (GIS) mapping coordination. TPWD has entered into a Memorandum of Understanding (MOU) with Texas Department of Transportation (TxDOT) in which TxDOT is responsible for maintenance and construction of TPWD roads and parking areas. The Legislature appropriates TxDOT an annual budget of \$5 million for this MOU. TPWD also has a historic architect devoted to identifying and managing historic site issues and projects. The historic architect provides design services for repair and restoration projects.

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*TxDOT spends  
\$5 million per  
year to build  
and maintain  
roads on TPWD  
properties.*

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## Communications

The Department aims to increase Texans' awareness of conserving the state's natural and cultural resources, increase participation in outdoor recreation, and encourage safe and ethical behavior for resource-users. To accomplish this, TPWD provides hunter and boater education; produces a monthly magazine, daily radio show, and weekly television series; markets and advertises TPWD programs and services; and provides training and outdoor recreation opportunities through its outreach programs.

TPWD relies on partnerships with local communities and volunteers, and financial sponsorships with private businesses and conservation groups for many of its communication functions. The agency's communication and

**Communications Division  
Organizational Chart**



outreach efforts are also supported by an in-house creative services branch that produces the agency’s publication, design, print, copy, and photography services. The overall structure of this Division’s workforce is shown in the *Communications Division Organizational Chart*.

**Hunter and Boater Education**

State law requires any hunter born after September 1, 1971 to complete a course in safe and responsible hunting. Statute also requires Texans between the ages of 13 and 17 to complete boater-safety education before piloting a boat in public waters. To fulfill these requirements, TPWD trains and certifies instructors to provide hunter and boater education. TPWD-trained instructors, or TPWD employees, provide classes statewide.

In fiscal year 2007, TPWD certified 255 hunter education instructors and 33,589 Texans who completed the hunter education course. That same year, TPWD certified 74 boater education instructors and 8,228 students who completed boater education. The Department also provides hunter and boater education outreach through programs such as its Archery in Schools Program and Nobody’s Waterproof Campaign.

**Texas Parks and Wildlife Magazine**

Since 1942, TPWD has published the *Texas Parks and Wildlife Magazine* to encourage, educate, and motivate Texans to use and enjoy the outdoors. The Department publishes the magazine monthly and in fiscal year 2007 had an average monthly circulation of 156,000. The magazine brings in more than 60 percent of its budget through advertising and subscription fee revenue.

**News and Information**

The Department produces many different public information and communication products, including news releases and a radio series to keep Texans informed of TPWD activities and encourage use of the outdoors. The daily radio series, *Passport to Texas*, airs on more than 100 stations across the state and is heard by an average audience of 750,000.

**Media Productions**

To educate and encourage Texans to use the outdoors and TPWD facilities, the Department produces a weekly television series, video news reports, and special video projects and documentaries. The weekly television series, *Texas Parks and Wildlife*, are half-hour programs that air on 13 Public Broadcasting System (PBS) stations and an additional 36 cable stations across Texas, with an average of 200,000 viewers a week. In addition to this regular series, TPWD produces an hour-long documentary for PBS on water issues every other year. Finally, each month, TPWD produces four video news reports, consisting of a current conservation message, a month that air on 23 stations across the state, reaching about 700,000 people per week.

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*TPWD has published the Texas Parks and Wildlife Magazine since 1942 – now with a monthly circulation of 156,000.*

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## Marketing and Web Services

The Department promotes awareness for all TPWD programs and services through advertising and media campaigns, promotions, guides, and publications. The textbox, *Nature Tourism*, gives an example of TPWD's marketing efforts to promote statewide nature tourism.

### **Nature Tourism**

TPWD initiatives to promote nature tourism in Texas include the following.

**Hunt Texas Online Connection** – Matches hunters with private landowners willing to lease their property.

**Life's Better Outside Online Directory** – A searchable database of outdoor recreation statewide, including bird watching, camping, fishing, biking, horseback riding, hiking, and wildlife viewing.

**Texas Paddling Trails Program** – Partners with communities to increase public water access through 14 paddling trails.

**Great Texas Wildlife Trails** – Promotes wildlife viewing sites on private and public land through eight trails.

**Great Texas Birding Classic** – Raises funds for habitat conservation and restoration through an annual bird watching tournament.

To assist in developing marketing and advertising strategies, TPWD performs consumer research through constituent surveys and focus groups, and analyzes this information to target marketing efforts. TPWD also maintains nine websites, listed in the textbox, *TPWD Websites*. The Department's main agency website averages more than 1 million visits each month.

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*TPWD's website averages more than 1 million visitors each month.*

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### **TPWD Websites**

- ◆ [www.tpwd.state.tx.us](http://www.tpwd.state.tx.us)
- ◆ [www.wildnet.tpwd.state.tx.us](http://www.wildnet.tpwd.state.tx.us)
- ◆ [www.tpwmagazine.com](http://www.tpwmagazine.com)
- ◆ [www.passporttotexas.org](http://www.passporttotexas.org)
- ◆ [www.conservationplate.org](http://www.conservationplate.org)
- ◆ [www.lifesbetteroutside.org](http://www.lifesbetteroutside.org)
- ◆ [www.worldbirdingcenter.org](http://www.worldbirdingcenter.org)
- ◆ [www.ticktexas.org](http://www.ticktexas.org)
- ◆ [www.texasthestateofwater.org](http://www.texasthestateofwater.org)
- ◆ [www.lonestarlegacy.org](http://www.lonestarlegacy.org)

### **Urban Outdoor Program**

The Communications Division implements many of TPWD's more than 40 outreach programs to educate, encourage, and promote conservation and recreation. Many of these outreach programs focus on exposing Texas' increasingly urban population to the skills and opportunities to enjoy the outdoors, as shown in the table on the following page, *Urban Outdoor Programs*.

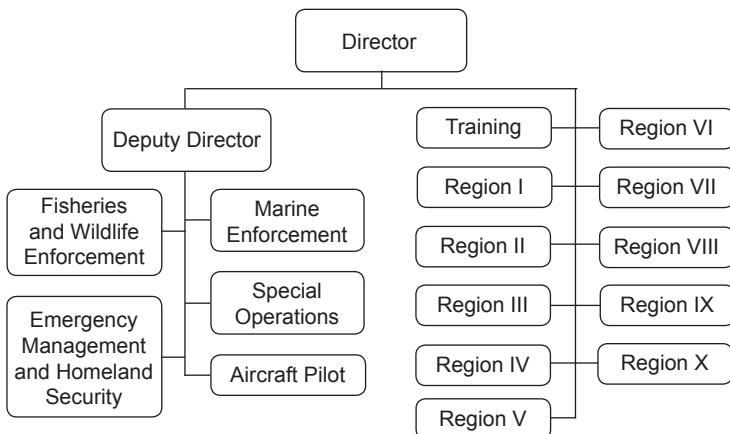
### Urban Outdoor Programs

Name	Purpose	Participants FY 2007
Texas Parks and Wildlife EXPO	Held annually at TPWD headquarters in Austin, EXPO aims to create awareness of the contributions of hunting, fishing, and outdoor recreation on the management and conservation of Texas' natural resources. The free, interactive event provides opportunities to shoot, fish, kayak, rock climb, mountain bike, and learn about wildlife.	35,641
Outdoor Learning Programs	Develops curricula aligned with Texas Education Agency standards focused on environmental and conservation education. For example, through the Project WILD program, TPWD works with and trains educators through workshops, and provides learning materials.	6,079
Aquatic Education	Agency staff and TPWD-trained volunteers provide training on fishing and water use and encourage responsibility and stewardship for youth.	26,892
Major Metro Outreach Programs	Recreational specialists in Austin, Houston, and Dallas work with community-based partners to provide programs to urban youth and families on outdoor recreation, including training courses, awareness events, and outdoor trips and activities.	7,810
Parrie Haynes Ranch	Located near Killeen, the Ranch acts as an outdoor learning and conference facility, primarily focused on urban youths. The Ranch is also used by the C5 Youth Foundation to provide leadership camp for Texas youths every summer.	1,935
Becoming an Outdoor Woman	Introduces women to various outdoor skills, including camping, shooting, archery, and kayaking, through a weekend workshop.	297
Texas Outdoor Family	Teaches families how to overnight camp, from setting up a tent to outdoor cooking.	The first workshop was held in fiscal year 2008.

### Law Enforcement

Texas' 500 game wardens enforce game, fish, and water safety laws with the same law enforcement authority of any state peace officer. As shown in the chart, *Law Enforcement Division Organizational Chart*, the game wardens are primarily located in 10 regions throughout the state with program support under the Deputy Director.

**Law Enforcement Division  
Organizational Chart**



Law enforcement offices also act as the Department's store fronts and can sell hunting and fishing licenses and accept fees for boat titles and registration. In fiscal year 2007, law enforcement offices collected \$60 million in revenue for the Department. The pie chart, *Law Enforcement Division Citations*, shows the Division's major emphasis on fishing, hunting, and water safety violations.

## Coordination of Fisheries and Wildlife Enforcement

To ensure consistent statewide enforcement of fish and wildlife laws, a game warden Major reviews the Department's publication of fishing and hunting regulations, assists in the development and revision of current regulations, and coordinates enforcement of the regulations by game wardens.

### Marine Enforcement

As the lead agency in enforcing water safety laws on state waterways, TPWD seeks to reduce boating fatalities and injuries, and achieve consistent enforcement of boating regulations across the state. In fiscal year 2007, game wardens spent more than 120,000 hours patrolling waterways in boats looking for water safety and fishing violations.

### Special Operations

A game warden major oversees a force of two captains, 13 investigators, and a forensic scientist to provide specialized investigative support and expertise in difficult investigations and environmental crimes. This force is supplemented by a forensic lab located at the A. E. Wood Fish Hatchery in San Marcos that can genetically identify species and match DNA. From fiscal year 2000 to 2007, Special Operations officers assisted in obtaining 129 convictions and \$40.9 million in fines and restitution payments.

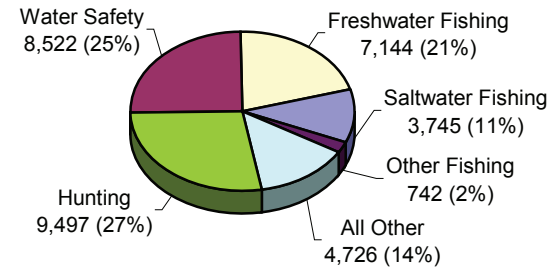
### Emergency Management and Homeland Security

Emergency management and homeland security is an area of increasing emphasis for Texas' game wardens. As Texas' only statewide law enforcement force equipped with boats, game wardens provide search and rescues during emergencies, and can patrol areas that other law enforcement forces cannot reach during border operations. The table, *Recent Game Warden Emergency Management and Homeland Security Operations*, details some of the actions of game wardens to protect citizens in Texas and Louisiana, and guard Texas' international border.

#### Recent Game Warden Emergency Management and Homeland Security Operations

Operation	Game Warden Involvement
Hurricane Katrina	In August 2005, 111 game wardens assisted more than 11,000 persons in Louisiana of whom 5,981 persons were rescued.
Hurricane Rita	In September 2005, 150 game wardens assisted more than 35,000 persons in a one-month operation.
Rio Grande Border Operations	From June to September 2005, game wardens participated in 11 operations logging more than 3,000 boat hours.
Operation Wrangler	From January to April 2007, game wardens participated in 16 operations along the Texas border with Mexico.
Operation Border Star	From September to November 2007, game wardens participated in 14 operations logging more than 2,100 boat hours along Texas' international border.

### Law Enforcement Division Citations FY 2007



Total Citations: 34,376

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*Each year, Texas game wardens spend more than 120,000 hours in boats patrolling waterways to enforce water safety and fishing laws.*

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## Information Technology

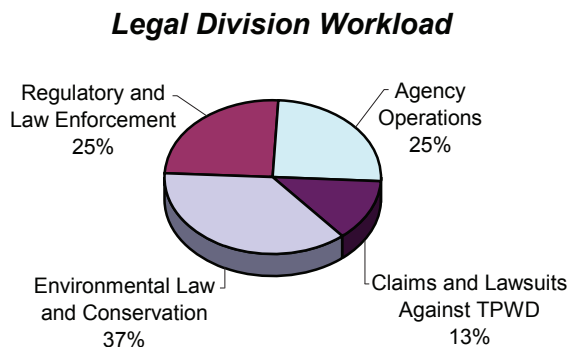
The Information Technology (IT) Division coordinates all technical information services for the Department. TPWD installs, manages, and maintains its own voice, data, and wireless network infrastructure. The Department analyzes, designs, develops, and maintains computer software, programs, and applications, for example: Boat Registration and Titling System, Law Enforcement Citation System, and the Coastal Fisheries System. The IT Division also provides an IT help-desk and offers training support for the Department's information, telecommunications resources, and GIS. The Department had 79 FTEs and \$8.3 million in fiscal year 2007 for centralized IT functions. TPWD also participates in the statewide data center consolidation project for server storage and disaster recovery services.

## Human Resources

The Department's centralized Human Resources Division coordinates HR policies, workforce planning, personnel processing, classification and salary administration, and employee relations. TPWD maintains a full-time recruiter to assist with high turnover and hard-to-fill positions and ensure that applicant pools are diverse. The agency processes about 18,000 applications per year, including about 500 applications for each game warden class of 40 to 50 recruits. The agency performs criminal history checks on all new applicants.

## Legal

The Department's Legal Division provides legal representation and advice to the agency. The pie chart, *Legal Division Workload*, shows a breakdown of services that the Division provides the agency. In addition to traditional legal duties, the division also manages sand and gravel permits, in coordination



with the Inland Fisheries Division. The permits allow holders to disturb or take marl, sand, gravel, shell, or mudshell from navigable waters. Game wardens inspect permit holders quarterly or upon request. In fiscal year 2007, TPWD issued 19 sand and gravel permits, which produced royalty income of \$175,000.

## Administrative Resources

TPWD's Chief Financial Officer oversees its Administrative Resources Division. With total of 115 FTEs, this Division provides budgeting, accounting, purchasing, and contracting services, and manages the issuance of hunting and fishing licenses, and boat registration and titling. The agency's major sellers of hunting and fishing license are Wal-Mart and Academy stores.

# APPENDICES



# Appendix A

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## TPWD State Parks and Capital Improvement Projects

The Sunset review of the Texas Parks and Wildlife Department (TPWD) occurred at a time when the state park system was experiencing a significant amount of change as a result of new appropriations and requirements placed on it in the 2007 legislative session. Because these significant changes are still in progress, Sunset staff could not yet assess the effectiveness of the changes in the parks system. This Appendix summarizes the new requirements placed on TPWD by the Legislature, as well as the current implementation status of those requirements.

According to an analysis by the Legislative Budget Board (LBB), the Legislature appropriated about \$302 million in park-related spending to TPWD in the 2008-2009 biennium, representing a 56 percent increase in park spending from the previous biennium.<sup>1</sup> At the same time, through riders in the General Appropriations Act, the 80th Legislature placed several reporting and planning requirements on TPWD to ensure that the appropriations were well spent.<sup>2</sup> Many of these requirements stemmed from problems found at TPWD by the State Auditor's Office (SAO) in its March 2007 report on the Department.<sup>3</sup> The material below summarizes the SAO report, the appropriation rider requirements, and TPWD's implementation of requirements placed on it relating to state parks and capital projects.

### SAO Audit Report

In its report, the SAO concluded that TPWD should improve its overall management and operation of the state park system. The textbox, *Areas Needing Improvement*, provides four main areas of TPWD that the State Auditor found needed improvement. The report suggested that TPWD and the Parks and Wildlife Commission should:

- ◆ implement a standard process to inventory current resources for opportunities and capabilities to generate revenue and enhance services in state parks;
- ◆ develop a survey to collect specific information such as the demographics of visitors, public needs, and interests in state parks;
- ◆ include in its strategic plan an annual marketing strategy that specifies its goals for revenues and visitation at each state park, as well as detailed marketing plans for these parks;
- ◆ develop a review process to determine whether a repair or new construction is justified, based on the need for the park, assessment of demand for services, the cost-benefit of operating the park, and expected sources of revenue; and
- ◆ seek input from legislative oversight committees and local communities to maintain a state park system that serves TPWD's goals and mission.

#### **Areas Needing Improvement**

A March 2007 SAO report on the financial processes at TPWD found several overarching areas that require attention, including:

- ◆ the accuracy of park visitation reporting and maximizing state park revenue;
- ◆ the effectiveness of management and operation of state parks;
- ◆ the consistency of cost estimating processes and ensuring proper prioritization of capital improvement and repair needs; and
- ◆ significant financial control weaknesses in state park operations.

# Appendix A

## Texas House Bill 1 Riders

To address many of the concerns highlighted in the SAO audit report, the Legislature added several new riders to TPWD's appropriations bill pattern. The material below provides a summary of the requirements contained in the major riders that affect state parks.

### ***Rider 29 – Implementation of State Auditor's Recommendations***

In this rider, the Legislature expressed its intent to have TPWD implement the State Auditor's recommendations contained in the audit report summarized above. A similar stipulation was included in House Bill 12, which required TPWD to implement the recommendations found in the same SAO Audit Report. The rider required TPWD to:

- ◆ prepare an implementation plan to carry out the SAO recommendations, submitted to the LBB by August 31, 2007, which includes timelines for visitation and revenue reporting, cost estimate processes, and financial controls;
- ◆ submit quarterly reports and a biennial report, due on November 30, 2008, to the LBB, Governor, and SAO that outline the implementation status, significant cost information, and factors preventing implementation of the recommendations;
- ◆ annually report to the SAO on the status of the implementation of the recommendations;
- ◆ notify the Governor, LBB, and SAO at least six months before closing or transferring any state park;
- ◆ hire 16 new internal auditors to implement the SAO recommendations; and
- ◆ gain prior approval from LBB and the Governor, based on adherence to the implementation plan, for the release of \$17,103,744 over the biennium.

### ***Rider 30 – Business Plan for Construction or Repair of Facilities***

Through Rider 30, the Legislature required TPWD to submit a plan for construction or repairs of TPWD facilities by September 30, 2007. The rider also required that LBB approve the plan before the Department could proceed with construction or repair of facilities with funds appropriated by the General Appropriations Act. The plan needed to contain the following elements:

- ◆ results of a study, performed by a contracted private vendor, which determine whether repairs or new construction will increase park attendance and generate additional revenue to cover costs;
- ◆ status of controls to ensure park visitation data is accurate and to enhance collections from park visitors;
- ◆ clearly defined criteria and methodologies to identify health and safety repair needs and a list of identified projects meeting the criteria;

## Appendix A

- ◆ cost estimate for each facility;
- ◆ estimated construction timeline for each facility;
- ◆ the potential savings from using more economical materials for historic structural repairs; and
- ◆ an analysis of capital repairs or new construction, which considers, among other factors, the following: whether a public need exists for that project, whether the project enhances or maintains the recreational benefits or preserves the historical significance of the site, and whether an adjacent state park or historic site serves the demand for recreational opportunities.

In addition, the rider required TPWD to provide a monthly report to the LBB and the Governor identifying all facility repair and construction projects for which actual costs have varied from original cost estimates by 10 percent or more.

### ***Rider 31 – State Park System Study***

With Rider 31, the Legislature directed TPWD to conduct a study on the state park system and submit a final report to the LBB and the Governor by October 1, 2008. The study was required to:

- ◆ determine the resources and steps necessary to meet a definition of a high quality state park system, using the following criteria: condition of facility infrastructure, frequency of maintenance schedule, amenities available, facilities with high demand/utilization, facilities with a high return on investment, facilities where a higher fee may be charged without impacting utilization, and any other criteria that the TPWD determines is appropriate;
- ◆ identify the parks that meet the high quality state park definition, those parks that could meet that criteria with upgrades, the cost of those upgrades and additional revenue generated as a result of upgrades, and parks that should be transferred to a non-state entity or closed; and
- ◆ determine the savings associated with transferring or closing the identified parks, and how the savings could be used to improve the remaining state parks.

### **Implementation of Legislative Requirements**

The table on the following page, *Implementation Status of Legislative Requirements*, describes the implementation status of the Legislature's requirements relating to state parks and capital projects. Sunset staff did not examine TPWD's ultimate compliance with SAO suggestions, but rather focused on TPWD's compliance with the rider requirements summarized above.



# Appendix A

## *Implementation Status of Legislative Requirements*

Requirement	Implementation Status
<p><b><i>Rider 29</i></b> Implementation of State Auditor's Recommendations</p> <p>Generally, this rider required TPWD to prepare an implementation plan to carry out SAO recommendations, and report on its progress to the LBB, the Governor, and the SAO.</p>	<p>TPWD began to submit implementation plans and quarterly reports to the Governor, the LBB, and the SAO on a monthly basis, beginning on July 1, 2007.<sup>4</sup> This report details the progress being made with respect to each SAO recommendation. The State Auditor has determined that TPWD is making satisfactory progress towards implementing the SAO recommendations.<sup>5</sup> The Parks and Wildlife Commission has adopted a TPWD policy that requires the Department to notify the Governor, the LBB and the SAO at least six months before closing or transferring any state park.<sup>6</sup> TPWD has hired 16 new internal auditors, who, at the time of the publication of this report, have audited 80 of the 91 state parks.<sup>7</sup> As a result of these audits, most state parks have now implemented new fiscal controls. TPWD has also gained approval from the LBB and the Governor, based on adherence to the implementation plan, to receive the \$17,103,744 in funding over the 2008-09 biennium.</p>
<p><b><i>Rider 30</i></b> Business Plan for Construction or Repair of Facilities</p> <p>This rider required TPWD to develop a business plan outlining how the Department will make decisions on capital improvement projects.</p>	<p>TPWD submitted the Business Plan for Construction or Repairs of Facilities to LBB on September 30, 2007, and then submitted an update on March 31, 2008.<sup>8</sup> The Plan found that if the capital projects currently in the books do not move forward, then the State stands to lose the value of many of its parks, and that the costs to restart these projects in the future will be much higher.<sup>9</sup> According to the LBB staff, TPWD has also been submitting the Monthly 10 Percent Project Variance Cost Report to the LBB and to the Governor, as required by the rider.</p>
<p><b><i>Rider 31</i></b> State Park System Study</p> <p>This rider required TPWD to submit a study on the state parks system to the LBB and the Governor.</p>	<p>TPWD contracted with a third-party vendor to conduct a study on the state park system. The final study was submitted to the LBB and the Governor on October 1, 2008. The study set out to find out what has to be done to return Texas State Parks to a high quality park system.<sup>10</sup> The study highlighted six key issues needed in obtaining a high quality state park system: define a high quality park and park system, improve existing facilities first, discontinue managing from a defensive position, improve communications and messaging, identify new developments to generate revenue and meet public needs, and initiate phased implementation of the study's recommendations.<sup>11</sup></p>

# Appendix A

- .....
- <sup>1</sup> Park-related funding includes funding for state and local park strategies, capital programs, indirect administration, and communication costs related to parks.
  - <sup>2</sup> Texas House Bill 1, General Appropriations Act, 80th Legislature (2007), p. VI-32.
  - <sup>3</sup> State Auditor's Office, *An Audit Report on Financial Processes at the Parks and Wildlife Department*, report no. 07-021 (Austin, Texas, March 2007).
  - <sup>4</sup> Texas Parks and Wildlife Department (TPWD), *Implementation – Progress Report*, (Austin, Texas, July 1, 2007).
  - <sup>5</sup> Letter from the State Auditor to the Governor's Director of Budget, Planning, and Policy and to the Legislative Budget Board Director, February 21, 2008.
  - <sup>6</sup> Texas Parks and Wildlife Department, Policy Number: LF-03-01, Land Transaction, Conservation and Facility Closure and Transfer Policy.
  - <sup>7</sup> According to TPWD, 11 parks were not audited for several reasons including: parks being closed, parks not collecting revenue, or insufficient park revenue to justify the expense of an audit.
  - <sup>8</sup> Texas Parks and Wildlife Department, *Business Plan for Construction or Repair of Facilities* (Austin, Texas, September 30, 2007), p. 1 and Pros Consulting, *Business Plan Update, Assessment of Capital Projects – Rider 30(A)*, March 2008.
  - <sup>9</sup> Pros Consulting, *Business Plan Update, Assessment of Capital Projects – Rider 30(A)*, p. 2.
  - <sup>10</sup> Texas Parks and Wildlife Department, *Park System Study, Texas State Park System Development Plan*, (Austin, Texas, October 1, 2008), p. 3.
  - <sup>11</sup> *Ibid.*, pp. 3-7.

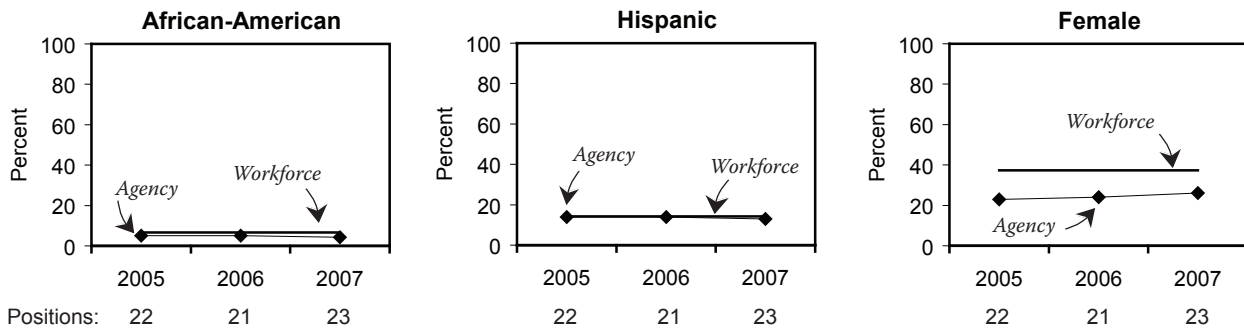


# Appendix B

## Equal Employment Opportunity Statistics 2005 to 2007

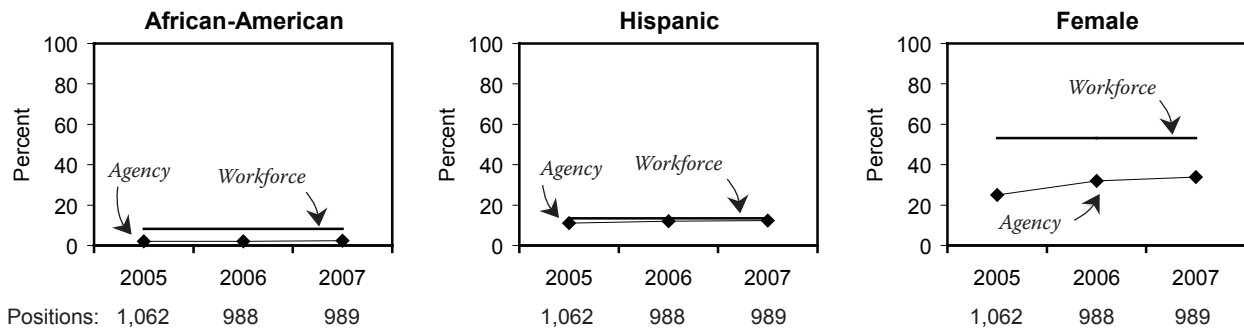
In accordance with the requirements of the Sunset Act, the following material shows trend information for the employment of minorities and females in all applicable categories by the Texas Parks and Wildlife Department.<sup>1</sup> The agency maintains and reports this information under guidelines established by the Texas Workforce Commission.<sup>2</sup> In the charts, the flat lines represent the percentages of the statewide civilian workforce for African-Americans, Hispanics, and females in each job category. These percentages provide a yardstick for measuring agencies' performance in employing persons in each of these groups. The diamond lines represent the agency's actual employment percentages in each job category from 2005 to 2007. The agency has generally not met the statewide civilian workforce standard for most categories.

### Administration



TPWD has met or has nearly met the civilian workforce percentages for African-Americans and Hispanics, but not for female workers in the administration category.

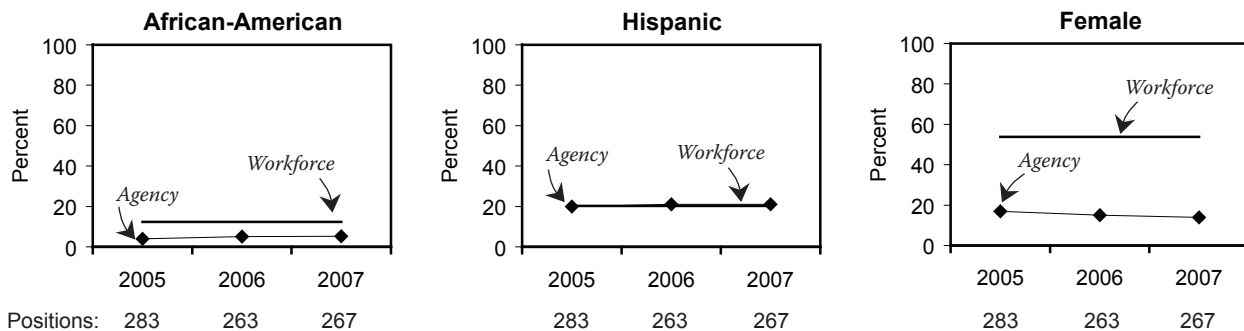
### Professional



For professional workers, the Department has nearly met the comparison standard for Hispanics, but has fallen short in employing African-Americans and females.

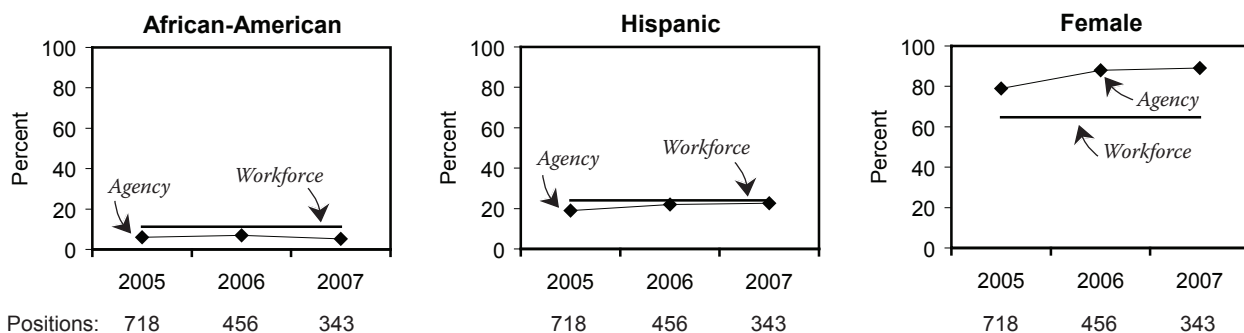
## Appendix B

### Technical



TPWD has met the civilian workforce percentages for Hispanic technical workers, but not for African-Americans and females.

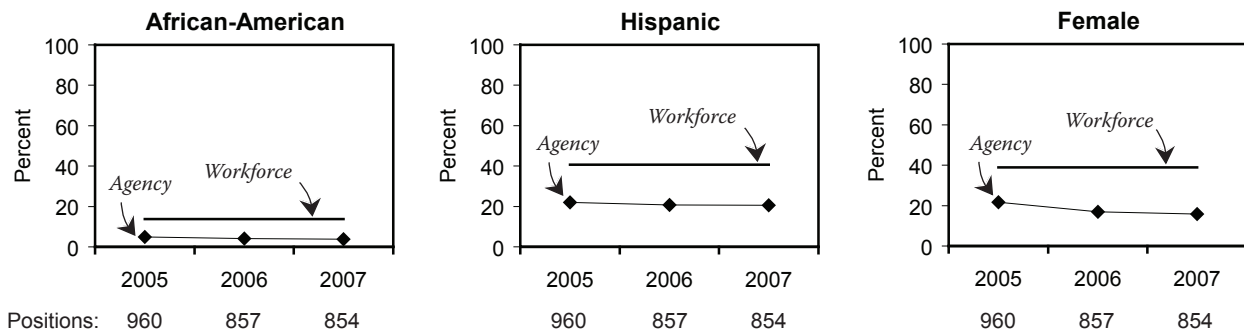
### Administrative Support



In this category the Department has fallen short of the civilian standard for African-Americans, has met the standard for Hispanics, and has exceeded the standard for females.

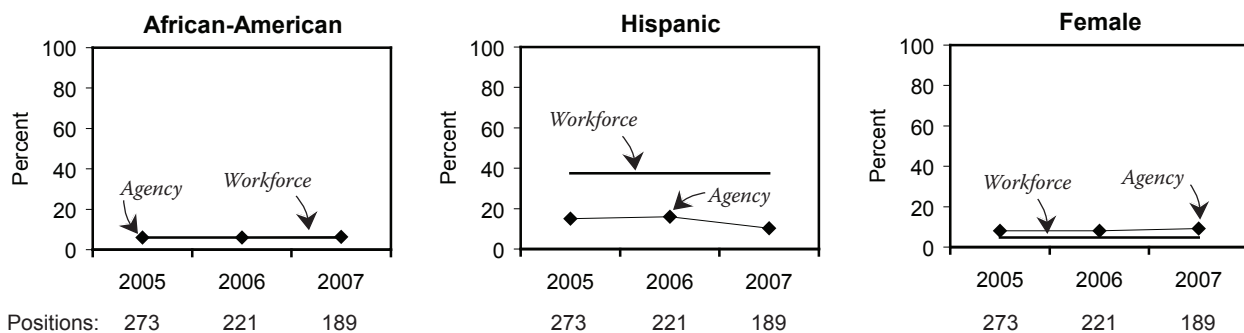
## Appendix B

### Service/Maintenance<sup>3</sup>



TPWD's employment of service/maintenance workers has fallen short of civilian workforce comparisons in all three categories each year.

### Skilled Craft



The Department's employment of skilled craft African-American and female workers has met the civilian comparison, but has fallen short for Hispanics.

<sup>1</sup> Texas Government Code, sec. 325.011(9)(A).

<sup>2</sup> Texas Labor Code, sec. 21.501.

<sup>3</sup> The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals used to be reported as separate groups.



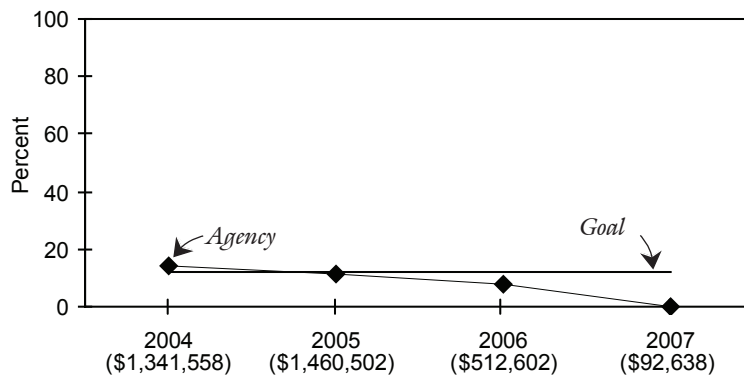
# Appendix C

## Historically Underutilized Businesses Statistics 2004 to 2007

The Legislature has encouraged state agencies to increase their use of Historically Underutilized Businesses (HUBs) to promote full and equal opportunities for all businesses in state procurement. The Legislature also requires the Sunset Commission to consider agencies' compliance with laws and rules regarding HUB use in its reviews.<sup>1</sup>

The following material shows trend information for the Texas Parks and Wildlife Department's use of HUBs in purchasing goods and services. The agency maintains and reports this information under guidelines in statute.<sup>2</sup> In the charts, the flat lines represent the goal for HUB purchasing in each category, as established by the Comptroller's Office. The diamond lines represent the percentage of agency spending with HUBs in each purchasing category from 2004 to 2007. Finally, the number in parentheses under each year shows the total amount the agency spent in each purchasing category. In only a single category of spending, commodities, has the Department consistently met or exceeded the goals for HUB spending.

### Heavy Construction

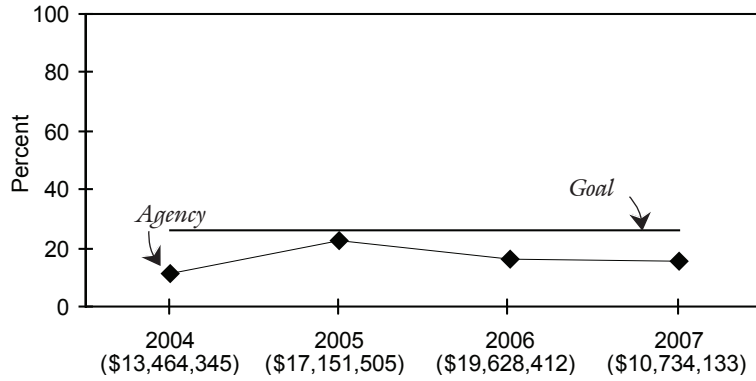


The Department met or exceeded HUB spending goals in 2004 and 2005, although its overall heavy construction spending and HUB expenditures have declined sharply since then.



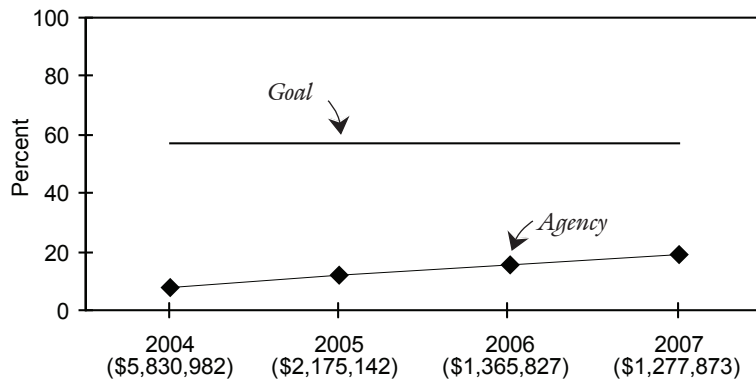
# Appendix C

## Building Construction



The agency has not met its HUB spending goals in the building construction category in any of the last four years.

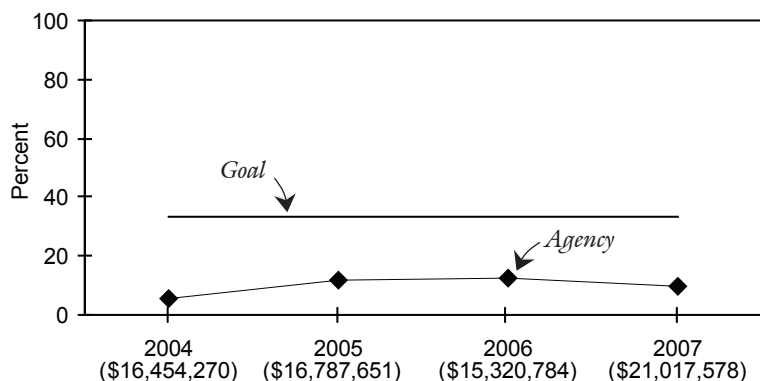
## Special Trade



Although the Department's HUB spending in the special trade category has increased in recent years, it has fallen short of the spending goals.

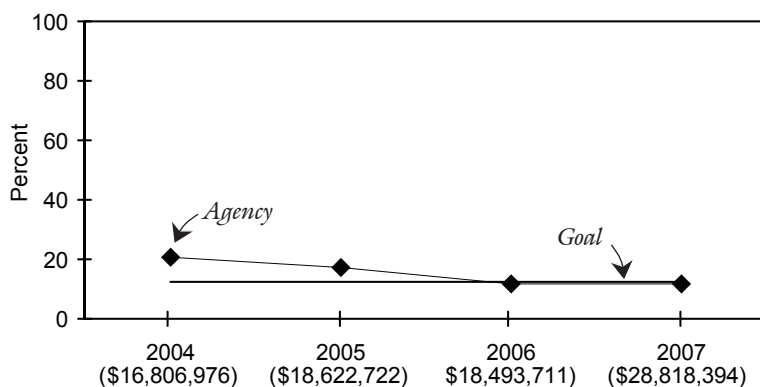
## Appendix C

### Other Services



The Department has consistently failed to meet its HUB spending goals in the other services category.

### Commodities



TPWD's purchases of commodities has met or exceeded the HUB goals in each of the last four fiscal years.

<sup>1</sup> Texas Government Code, sec. 325.011(9)(B).

<sup>2</sup> Texas Government Code, ch. 2161.



# Appendix D

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## Texas State Parks and Wildlife Management Areas

### State Parks

Abilene	Fort Boggy	Martin Dies, Jr.
Atlanta	Fort Parker	McKinney Falls
Balmorhea	Franklin Mountains	Meridian
Bastrop	Galveston Island	Mission Tejas
Big Bend Ranch	Garner	Monahans Sandhills
Big Spring	Goose Island	Mother Neff
Blanco	Guadalupe River	Mustang Island
Bonham	Huntsville	Palmetto
Brazos Bend	Inks Lake	Palo Duro Canyon
Buescher	Kickapoo Cavern	Pedernales Falls
Caddo Lake	Lake Arrowhead	Possum Kingdom
Caprock Canyons & Trailways	Lake Bob Sandlin	Purtis Creek
Cedar Hill	Lake Brownwood	Ray Roberts Lake
Choke Canyon	Lake Casa Blanca	San Angelo
Cleburne	Lake Colorado City	Sea Rim
Colorado Bend	Lake Corpus Christi	Sheldon Lake
Cooper Lake	Lake Livingston	South Llano River
Copper Breaks	Lake Mineral Wells & Trailway	Stephen F. Austin
Daingerfield	Lake Somerville	Tyler
Davis Hill *	Lake Tawakoni	Village Creek
Davis Mountains	Lake Texana	Bentsen-Rio Grande (World Birding Center)
Dinosaur Valley	Lake Whitney	Estero Llano Grande (World Birding Center)
Eisenhower	Lockhart	Resaca de la Palma (World Birding Center)*
Fairfield Lake	Longhorn Caverns	
Falcon	Martin Creek Lake	

### State Parks and Historic Sites

Fort Richardson	Hueco Tanks	Seminole Canyon
Goliad	Lyndon B. Johnson	

### State Historic Sites

Fanthorp Inn	Monument Hill/Kreische Brewery	Sebastopol House
Fort Leaton	Port Isabel Lighthouse	Washington-on-the-Brazos
Lipantitlan	San Jacinto Monument, Battleground, and Battleship TEXAS	

### State Natural Areas

Chinati Mountains *	Enchanted Rock	Lost Maples
Devil's River	Government Canyon	
Devil's Sinkhole	Hill Country	

\* Not open to the public

# Appendix D

## Texas State Parks and Wildlife Management Areas

### Wildlife Management Areas

Alabama Creek	Gus Engeling	Neasloney
Alazan Bayou	J.D. Murphree	North Toledo Bend
Angelina-Neches	James Daughtrey	Old Sabine Bottom
Atkinson Island	Justin Hurst	Old Tunnel
Bannister	Keechi Creek	Pat Mayse
Big Lake Bottom	Kerr	Playa Lakes
Black Gap	Lake Somerville	Ray Roberts Lake
Caddo Grasslands	Lake Tawakoni	Redhead Pond
Caddo Lake	Las Palomos	Richland Creek
Candy Abshier	Lower Neches	Sam Houston National Forest
Cedar Creek Island	Mad Island	Sierra Diablo
Chaparral	Mason Mountain	The Nature Center
Cooper Lake	Matador	Tony Houseman
Elephant Mountain	Matagorda Island	Walter Buck
Gene Howe	Moore Plantation	Welder Flats
Granger	Muse	White Oak Creek
Guadalupe Delta	Nannie M. Stringfellow	Wintermann

# Appendix E

## Local Park Grants

Outdoor Recreation Grants				
Project Number		Sponsor Authority	Project Name	Grant Amount
48	001073	Hays County	San Marcos Springs Conservation Park	\$400,000
48	001074	Brady	Richards Park Aquatic Complex	\$400,000
48	001075	Houston	Robert C. Stuart Park (Sims Woods Park)	\$400,000
48	001076	Fate	Sports Complex	\$400,000
48	001077	Kennedale	City Park II	\$400,000
48	001078	Taylor	East Williamson County Park II	\$400,000
50	000371	Clyde	City Park	\$275,000
50	000372	Crawford	Tonkawa Falls City Park	\$300,000
50	000373	Canton	Old City Lake Park (Cherry Creek Park)	\$400,000
50	000374	Lampasas	Sports Park	\$400,000
50	000375	Boyd	James Snodgrass Memorial Park	\$237,492
50	000376	Loving County	Community Park	\$132,500
50	000378	Anthony	Community Park II	\$390,000
50	000379	Creedmoor	Community Park	\$400,000
<b>Total</b>				<b>\$4,934,992</b>
Small Community Grants				
Project Number		Sponsor Authority	Project Name	Grant Amount
54	000083	Byers	City Lake Park	\$50,000
54	000084	Bremond	City Park	\$50,000
54	000085	Nocona	Enid Justin City Park	\$50,000
54	000086	Sulphur Springs	Buford Park	\$50,000
54	000087	West Tawakoni	City Park	\$50,000
54	000088	White Oak	Penick Park II	\$50,000
54	000089	Mission Bend Municipal Utility District 1	Ambrose Park	\$50,000
54	000090	Boerne	City Lake Park Improvements	\$50,000
54	000091	Belton	South Belton Park	\$50,000
54	000092	Luling	Zedler Mill Community Park	\$50,000
54	000093	Taylor	Murphy Park III	\$50,000
54	000094	Whitewright	City Park	\$50,000
54	000095	Windcrest	Parks & Trail	\$50,000

# Appendix E

## Local Park Grants

Small Community Grants (continued)				
Project Number		Sponsor Authority	Project Name	Grant Amount
54	000096	Spur	Swenson Park II	\$50,000
54	000097	Bellaire	Town Square Park	\$50,000
<b>Total</b>				<b>\$750,000</b>
Community Outdoor Outreach Grants				
Project Number		Sponsor Authority	Project Name	Grant Amount
52	000406	Boys & Girls Club of Brazoria County	Ultimate Journey 2007	\$29,600
52	000407	Buffalo Bayou Partnership	Buffalo Bayou Adopt-A-Spot Program	\$27,810
52	000408	Centro De Salud Familiar La Fe	Serna Ranch Youth Leadership Program	\$29,000
52	000409	Dallas Bass Hookers Club	Youth Fishing Education Program/Derby and Senior Citizen	\$10,650
52	000410	Education in Action	Lone Star Leadership Academy	\$30,000
52	000411	Freshwater Angler Association	Junior Angler Adventure and Summer Camp	\$23,310
52	000412	La Grange	Quest for the Great Outdoors	\$13,160
52	000413	Museum of the Gulf Coast	Envirokids	\$12,225
52	000414	National Audubon Society	Nature of Learning	\$27,487
52	000415	San Antonio Youth Centers, Inc.	Youth Getaways	\$29,900
52	000416	San Marcos Lions Club	Smart Kids Environmental Education Program	\$28,750
52	000417	Texas Wildlife Association Foundation, Inc.	Texas Youth Hunting Program "H2 Armony"	\$30,000
52	000418	Victoria Boulevard Lions Club Charity Fund, Inc.	Fishing Jamboree & Project Safety	\$5,000
52	000419	Westcave Preserve Corporation	El Ranchito: A Natural Place for Kids	\$23,755
52	000420	Williamson County	True North Project: The Go! Program	\$25,235
52	000421	Youth Educational Support Services, Inc.	Baysmart	\$30,000
52	000422	Youth Odyssey	Adventure Challenge Program	\$28,150
5D	000423	Education Service Center Region XIV	McKinney Falls Summer Institute	\$954
5D	000424	Christian Outdoor Coalition	Fifth Ward Outdoors Program	\$2,000
5D	000425	P.O.I.N.T.	Caddo Camp Challenge	\$4,880
5D	000426	Aldine I.S.D.	Science Camp	\$4,500
5D	000427	University of the Incarnate Word	Care	\$3,840

# Appendix E

## Local Park Grants

Community Outdoor Outreach Grants (continued)				
Project Number		Sponsor Authority	Project Name	Grant Amount
5D	000428	Kidfish Foundation	Kidfish	\$3,750
5D	000429	Oaks Fellowship A/G	Royal Rangers Outpost 333 – Khaki Campers	\$4,000
5D	000430	Boys and Girls Clubs of San Antonio	Ultimate Journey	\$4,000
5D	000431	Fairfield Young Farmers	Kid's Fishing Derby	\$4,975
5D	000432	Aransas Pass for Youth, Inc.	Aransas Pass Summer Programs	\$675
5D	000433	The Healing Place	Expedition Ranger	\$3,000
5D	000434	Brenham I.S.D.	Outdoor Classroom	\$4,075
5D	000435	Dallas Arms Collector's Association, Inc.	Outdoor Trails Program	\$4,500
5D	000436	Texas Conference of Seventh Day Adventist Church	College Station Pathfinders	\$2,096
5D	000437	Cochran County	Texas Last Frontier Programs	\$2,880
5D	000438	Texas Master Naturalist – Elm Fork Chapter	Ray Roberts Lake Outdoor Classroom	\$3,000
5D	000439	Buffalo Soldier's LH & H	Buffalo Soldier	\$2,500
5D	000440	Spring Branch I.S.D.	Purple Martins at M.W.E.	\$3,026
5D	000441	Lower Rio Grande Valley Nature Center	Building Bridges to the Outdoors	\$4,000
5D	000442	Macedonia Outreach Center	Outreach to Hurricane Survivors	\$3,317
<b>Total</b>				<b>\$470,000</b>
Recreational Trails Grants				
Project Number		Sponsor Authority	Project Name	Grant Amount
RT	000512	Freeport	Bryan Beach Trail Improvements	\$98,200
RT	000516	Hermann Park Conservancy	Enhancements to Bayou Parkland	\$39,840
RT	000525	San Juan	Explorers Trail (Dominique Park)	\$52,556
RT	000601	Arlington	Audubon Trail	\$90,734
RT	000602	Bay Area Rehabilitation Center	Patsy's Destiny ADA Nature Trail	\$10,606
RT	000603	Bay City	Bay City High School Trail	\$41,000
RT	000604	Baytown	Baytown Nature Center Recreational Trail	\$61,879
RT	000605	Bexar County	Lakewood Acres Park Trail Project	\$65,000
RT	000606	Bonham Economic Development Corporation	Powder Creek Park Recreational Trail	\$98,000



## Appendix E

### Local Park Grants

Recreational Trails Grants (continued)				
Project Number		Sponsor Authority	Project Name	Grant Amount
RT	000608	Brazos River Authority	Possum Kingdom Reservoir Recreational Trail	\$76,800
RT	000609	Childress	Motorized Trail Recreation Area	\$420,875
RT	000610	Dalworthington Gardens	The Gardens Park Trail	\$93,900
RT	000611	Friends of Laguna Atascosa National Wildlife Reserve	Lakeside Trail at Laguna Atascosa National Wildlife Reserve	\$100,000
RT	000612	Friends of the Wildlife Corridor DBA/Friends of Santa Ana National Wildlife Reserve	Santa Ana National Wildlife Refuge Trail	\$99,750
RT	000614	Groundwork Dallas	Great Trinity Forest Trail	\$88,600
RT	000615	Houston	Lake Houston State Park Recreational Trail	\$100,000
RT	000618	Keystone Heritage Park, Inc.	Chihuahuan Desert Experience Trail	\$97,060
RT	000619	Lubbock County Water Control District 1	Buffalo Springs Lake Motorized Trail Area	\$80,000
RT	000620	Memorial for all Veterans of the Brazos Valley, Inc.	Brazos Valley Veterans Memorial History Trail	\$95,000
RT	000621	Memorial Park Conservancy, Inc.	Memorial Park Recreational Trail	\$100,000
RT	000622	Mineola	Nature Preserve Recreational Trail	\$100,000
RT	000623	Mission Bend Greenbelt Association	Recreational Trail	\$100,000
RT	000625	Port Aransas	Nature Preserve Recreational Trail	\$97,400
RT	000627	U.S.D.A. Forest Service	Sam Houston National Forest Recreational Trail	\$200,000
RT	000628	San Diego	San Diego Creek Park Trail	\$32,710
RT	000630	Southlake Mounted Patrol	Trail at Walnut Grove Park	\$50,000
RT	000631	Southwest Key Program, Inc.	East Austin Community Development Recreational Trail	\$46,023
RT	000632	Texarkana	Spring Lake Park Recreational Trail	\$100,000
RT	000633	Texas Equestrian Trail Riders Association	Willis Creek Park on Granger Lake Recreational Trail	\$8,035
RT	000634	The Woodlands Association, Inc.	Creekside Park Recreational Trail	\$100,000
RT	000635	Toms Dirtwerks, L.L.C.	Buffalo MX Motorized Trail Improvements	\$22,800
RT	000636	Travis County	Reimer Ranch Recreational Trail	\$100,000
RT	000637	Trophy Club	Marshall Creek ORV Park Trail	\$168,000
RT	000638	Weslaco	City Park Recreational Trail	\$41,000

# Appendix E

## Local Park Grants

Recreational Trails Grants (continued)				
Project Number		Sponsor Authority	Project Name	Grant Amount
RT	000639	Woodsboro I.S.D.	Woodsboro Healthy Community Trail	\$98,985
RT	000700	Texas Agricultural Experiment Station	Texas Motorized Trail Plan	\$30,803
<b>Total</b>				<b>\$3,205,556</b>
Boat Access Grants				
Project Number		Sponsor Authority	Project Name	Grant Amount
FD	155B-2	Corpus Christi	Packery Channel Boat Ramp Parking	\$500,000
FD	161B	Aransas County	Saint Charles Bay Boat Ramp	\$393,000
FD	170B	Grapevine	Katie's Woods Boat Ramp	\$379,905
FD	174B	Boerne	City Lake Boating Access Improvements	\$166,390
FD	175B	Willacy County Navigation District	Port Mansfield Channel Dredging	\$225,000
FD	176B	Cameron County	Isla Blanca Park Boat Ramp at Laguna Madre	\$667,011
FD	177B	San Antonio River Authority	Braunig Lake Boat Ramp Renovation	\$347,625
FD	181B	Kleberg County	Kaufer Hurbert Park Boat Ramp Renovation	\$133,518
FD	184B	Brazos River Authority	Rough Creek Park Boat Ramp	\$45,000
FD	185B	Titus County F.W.S.D. 1	Lake Bob Sandlin Boat Ramp	\$292,500
FD	186B	Surfside Beach	Freeport River Ship Channel Boat Ramp	\$593,880
FD	187B	Aransas County Navigation District 1	Copano Bay Boat Ramp	\$732,051
FD	188B	Matagorda County	Saint Mary's Bayou Boat Ramp	\$97,925
FD	194B	West Central Texas M.W.D	Hubbard Creek Reservoir Boat Ramp	\$405,000
FD	200B	Chambers County	Double Bayou Ramp (Job Beason Park)	\$487,500
CV	V-10-A	Twin Coves Marina	Marina Portable Pump-out System	\$7,002
CV	V-10-C	Lynn Creek Marina, Ltd.	Joe Pool Lake Pump-out System Replacement	\$11,831
CV	V-10-D	Pier 144 Marina DBA Bluff Creek Marina, Inc.	Boat Sewage Pump-out System on Lake Granbury	\$5,869
CV	V-10-G	Lake Waco Marina Group	Lake Waco Marina	\$17,183
CV	V-11-A	Lake Waco Marina Group	Lake Waco Marina	\$15,235
CV	V-11-C	Rough Hollow Marina	Boat Pump-out System	\$50,000
CV	V-5-N	Walden Marina	Pump-out System Replacement and Portable Pump	\$14,888
CV	V-5-Q	San Jacinto Boat Storage	Boat Storage Pump-out System	\$5,466
CV	V-7-D	Corpus Christi	Marina Boat Pump-out System for Dock E	\$69,000
CV	V-8-B	Waterford Harbor Marina	Boat Sewage Pump-out System	\$12,422
CV	V-8-C	Pier 121 Marina	Boater Public Restroom and Sewer Tie-in	\$109,980
CV	V-9-A	Aransas County Navigation District 1	Copano Bay Boat Ramp Restroom Facility (Boating Access)	\$226,800

# Appendix E

## Local Park Grants

<b>Boat Access Grants (continued)</b>				
<b>Project Number</b>		<b>Sponsor Authority</b>	<b>Project Name</b>	<b>Grant Amount</b>
CV	V-9-B	Aransas County Navigation District 1	Cove Harbor South Boat Ramp Restroom Facility (Boating Access)	\$75,000
CV	V-9-C	Corpus Christi	Pump-out Facilities for Docks G and H	\$63,300
CV	V-9-D	Texas A&M University	Clean Texas Marina Environmental Education	\$39,388
BG	Y-10-D	Pier 121 Marina	Recreational Vessel Transient Docks	\$100,000
BG	Y-11-D	Aransas County Navigation District 1	Transient Recreational Boat Docks at Fulton Harbor	\$422,688
BG	Y-8-D	Port Lavaca	Transient Boat Dock at Lighthouse Beach	\$100,000
BG	Y-9-D	Port Lavaca	Transient Boater Slips	\$176,452
<b>Total</b>				<b>\$6,988,809</b>

# Appendix F

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## Staff Review Activities

During the review of the Texas Parks and Wildlife Department, Sunset staff engaged in the following activities that are standard to all Sunset reviews. Sunset staff worked extensively with agency personnel; attended Parks and Wildlife Commission meetings; met with staff from key legislative offices; conducted interviews and solicited written comments from interest groups and the public; reviewed agency documents and reports, internal audits, state statutes, legislative reports, previous legislation, and literature; researched the organization and functions of similar state agencies in other states; and performed background and comparative research using the Internet.

In addition, Sunset staff also performed the following activities unique to this agency.

- ◆ Visited and met with field staff at the Chaparral Wildlife Management Area in Artesia Wells, Enchanted Rock State Natural Area in Fredericksburg, Falcon State Park in Falcon Heights, Government Canyon State Natural Area in San Antonio, Kerr Wildlife Management Area in Hunt, Lyndon B. Johnson State Park and Historic Site in Stonewall, and Parrie Haynes Ranch in Killeen.
- ◆ Toured the Coastal Fisheries Field Office in Port O’Conner and participated in scientific sampling of saltwater fish on a research vessel.
- ◆ Toured the saltwater fish hatchery, research facility, and aquarium at Sea Center Texas in Lake Jackson.
- ◆ Met with Dickinson Field Office staff, attended a demonstration of TPWD sonar mapping of oyster reefs, and observed the North Deer Island restoration project.
- ◆ Toured the freshwater fish hatchery and forensic laboratory at the A.E. Wood Fish Hatchery in San Marcos.
- ◆ Toured the Houston Ship Channel and surrounding ports with TPWD law enforcement staff.
- ◆ Toured the Law Enforcement Office in La Marque and met with staff.
- ◆ Toured the Joint Operations Intelligence Center in Laredo, and a point-of-entry, a customs station, and land crossings in Zapata.
- ◆ Participated in game warden boat patrols on Lake Falcon in Zapata.
- ◆ Attended the Parks and Wildlife Commission annual public hearing in Houston and met with the Chairman and several Commission members.
- ◆ Attended meetings of the White-Tailed Deer Advisory Committee and the Exotic Species Task Force.
- ◆ Attended the Texas Parks and Wildlife Expo.
- ◆ Interviewed staff from the Office of the Attorney General, Legislative Budget Board, State Auditor’s Office, Texas Department of Transportation, Texas Youth Commission, and county Tax Assessor-Collectors.



# NEW ISSUES



# *New Issues*

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The following issues were raised in addition to the issues in the staff report. These issues are numbered sequentially to follow the staff's recommendations.

8. Create separate agencies for the parks and wildlife functions of the Texas Parks and Wildlife Department. (Chuck Ribelin, Dallas)
9. The Texas Parks and Wildlife Department should use the corporate name, Anheuser-Busch, instead of the product name in any sponsorship recognition. (Jim Haire, Tyler)
10. Require competitive bids on sponsorship of Texas Parks and Wildlife Department programs. (Jim Haire, Tyler)
11. Forbid any involvement in state boating safety business by alcohol-related businesses. (Jim Haire, Tyler)
12. Require the Texas Parks and Wildlife Department to issue news releases on all serious boating injuries and deaths to serve as public warnings of the actual dangers on various waterways, including name of lake and alcohol involvement. (Jim Haire, Tyler)
13. The Texas Parks and Wildlife Department should cease the promotion of the "designated driver" message for boaters. (Jim Haire, Tyler)
14. Constitutionally dedicate revenues from the Sporting Goods Sales Tax to TPWD. (Andy Jones, Director – The Conservation Fund, Austin)
15. Expand the purpose for which boat ramp funds may be used to accommodate canoe and kayak access along rivers. (Andy Jones, Director – The Conservation Fund, Austin)
16. Direct the Texas Parks and Wildlife Department to spend Sports Fish Restoration Act funds on the Artificial Reef Program. (George Clark, 2nd Vice President – Texas Gulf Council of Dive Clubs, Houston)
17. Require the Texas Parks and Wildlife Department to restore the 2000 Sunset Commission directives to its website. (George Clark, 2nd Vice President – Texas Gulf Council of Dive Clubs, Houston)
18. Put the Texas Parks and Wildlife Department on Sunset probation. (George Clark, 2nd Vice President – Texas Gulf Council of Dive Clubs, Houston)
19. Put the Coastal Fisheries Division, or possibly the entire Texas Parks and Wildlife Department, on probation. (Dana Larson, Vice President – Rigs to Reefs Co., The Woodlands)
20. Release all funds from the Sporting Goods Sales Tax to the Texas Parks and Wildlife Department. (Robert Linder – Texas Outdoors Partners, Marble Falls; George Bristol – Texas Coalition for Conservation, Austin; Brian Steward – Lone Star Bowhunters Association, Austin; Tim Cook, State Conservation Director – Texas Bass Federation Nation, McQueeney; and Evelyn Merz, Conservation Chair – Lone Star Chapter of the Sierra Club, Houston)

21. Require the Sunset Commission to perform a top-to-bottom review of how TPWD manages the San Jacinto Battleground which would include a review of the relationship with the San Jacinto Museum of History, focusing on the Museum's financial and operational obligations and its obligations to the state; and a review of how TPWD treats the nonprofit group; and to primarily focus on how to ensure the historical integrity of the battlefield. (Jan DeVault, President – Friends of San Jacinto Battleground, Houston, and Jeff Dunn, Vice President – Friends of San Jacinto Battleground, Dallas)
  22. Enact stronger laws to protect the historical integrity of the San Jacinto Battleground and other historic sites when TPWD is pursuing construction projects. (Jan DeVault, President – Friends of San Jacinto Battleground, Houston, and Jeff Dunn, Vice President – Friends of San Jacinto Battleground, Dallas)
  23. Require the San Jacinto Museum of History Association to give greater clarity, transparency, and accountability to the public on how it spends revenues derived from its use of the San Jacinto Monument, and how it manages the historical collections. (Jan DeVault, President – Friends of San Jacinto Battleground, Houston, and Jeff Dunn, Vice President – Friends of San Jacinto Battleground, Dallas)
  24. Statutorily require all non-profit TPWD partners to adhere to the best practices adopted by the Parks and Wildlife Commission concerning transparency, accountability, public access, and fundraising. (Jan DeVault, President – Friends of San Jacinto Battleground, Houston, and Jeff Dunn, Vice President – Friends of San Jacinto Battleground, Dallas)
  25. Ensure that the function and makeup of the statutory San Jacinto Historical Advisory Board is representative of all stakeholders, and that it allows for participation from the Texas Historical Commission, conducts itself in an open and transparent manner, permits all members the opportunity to be heard, and has the tools needed to advocate for the protection and interpretation of the San Jacinto Battlefield. (Jan DeVault, President – Friends of San Jacinto Battleground, Houston, and Jeff Dunn, Vice President – Friends of San Jacinto Battleground, Dallas)
- Staff Comment:** The San Jacinto Historical Advisory Board is currently composed of the President of the San Jacinto Museum of History Association, and three members of the public appointed by the Governor to six-year terms.
26. Require TPWD to evaluate the possible relocation of the Battleship TEXAS prior to releasing the Battleship bonds. (Jan DeVault, President – Friends of San Jacinto Battleground, Houston, and Jeff Dunn, Vice President – Friends of San Jacinto Battleground, Dallas)
  27. Recommend to the Legislature that the appropriate standing committees should further examine and resolve issues concerning the integrity of the San Jacinto Battleground and other historic sites, management of funds by the San Jacinto Museum of History Association, function and makeup of the statutory San Jacinto Historical Advisory Board, and possible relocation of the Battleship TEXAS. (Jan DeVault, President – Friends of San Jacinto Battleground, Houston, and Jeff Dunn, Vice President – Friends of San Jacinto Battleground, Dallas)
  28. Require TPWD to have staff in state parks to monitor and manage natural resources. (Evelyn Merz, Conservation Chair – Lone Star Chapter of the Sierra Club, Houston)



29. Fund TPWD for the ongoing acquisition of new state parks. (Evelyn Merz, Conservation Chair – Lone Star Chapter of the Sierra Club, Houston)
30. Diversify funding of TPWD to allow for funding of non-game wildlife programs using money from Texas foundations. (Evelyn Merz, Conservation Chair – Lone Star Chapter of the Sierra Club, Houston)
31. Fund fish and wildlife resources with a portion of the Sporting Goods Sales Tax. (Robert Linder – Texas Outdoors Partners, Marble Falls)
32. Require the Sunset Advisory Commission to conduct an audit of the expenditures and accomplishments of TPWD's use of funds from the National Sports Fish Restoration Act and the Texas Fishing Enhancement Act for at least the last three years. (Dana Larson, Vice President – Rigs to Reefs Co., The Woodlands)
33. Discount camping fees for senior citizens from all states for the months of November through February. (Charlene Dillinger)

### *Commission Decision*

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- ◆ Adopted New Issue 34 by Mr. Sugg directing the Texas Parks and Wildlife Department to cooperate with the Texas Department of Agriculture (TDA) to establish a pilot project to provide venison to the state's food bank system and explore a pilot project to provide venison to schools through TDA's child nutrition programs, and to cooperate with TDA and the Texas Department of Criminal Justice to explore a pilot project to provide venison to the food services operations in prisons across the state.
- ◆ Adopted New Issue 35 by Mr. Sugg directing the Texas Parks and Wildlife Department, with assistance from the Texas Department of Agriculture, to study the existing statutory and regulatory impediments preventing greater utilization of venison from Texas' white-tailed deer populations. This assessment should address the utilization of venison harvested under the various permits issued by TPWD, suggest changes to facilitate greater utilization of venison in Texas, and evaluate the potential costs and benefits of allowing venison to be sold in the private sector. TPWD should report the preliminary results of the study to the Sunset Advisory Commission and the appropriate standing committees of the Legislature no later than April 1, 2009. TPWD should issue its final report no later than January 1, 2010.

### *Legislative Action*

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No action needed.



# PROVISIONS ADDED BY LEGISLATURE



# *Provisions Added by Legislature*

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**1. Expand the types of funds that may be deposited into TPWD GR-Dedicated accounts.**

House Bill 3391 expands the sources of revenue that may be deposited into TPWD's General Revenue Dedicated accounts to include federal funds and other sources. The bill also expands the uses of those funds to include planning, acquisition, operation and development, and administrative expenses related to management of federal programs.

**2. Allow the sale of products made from certain game animals.**

House Bill 3391 permits the sale of feathers, bones, or feet of game birds other than migratory game birds and the sale of feathers of migratory game birds as permitted by federal law. The bill also allows the sale of the hair, hide, antlers, bones, hooves, horns, skulls, or sinew of pronghorn antelopes, deer, desert bighorn sheep, javelina, and red and grey squirrels. The bill also allows the sale of products that are made from these animal parts.

**3. Allow the hunting of pigeons in private bird hunting areas.**

House Bill 3391 adds pigeons to the list of pen-raised birds that may be hunted in private bird hunting areas. The bill also clarifies that European starlings, English sparrows and feral rock doves may be killed at any time and in any manner, and that such conduct does not constitute an offense under Penal Code Chapter 42 (animal cruelty laws).

**4. Grant emergency rulemaking authority.**

House Bill 3391 adds emergency rulemaking authority for the TPWD Executive Director in cases of Governor-declared disasters.



# SUNSET STAFF REVIEW OF THE TEXAS PARKS AND WILDLIFE DEPARTMENT



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