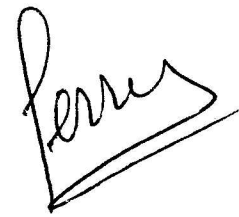


Houston Canoe Club
c/o Mr. Leonard Hulsebosch, Governor
1122 Verret
Houston, Texas 77090



Dear Leonard:

I am submitting this letter to you to request the assistance of the Houston Canoe Club to avert a situation which threatens the continued navigability of the San Marcos River and the use and enjoyment of the river not only by the members of your club but also by the public in general.

You will recall that in October, 1984, just prior to the Junior Texas Water Safari, two San Marcos businessmen and a former San Marcos attorney commenced operation of a hydroelectric facility at Martindale Dam about 3/4 mile above our canoe livery. The intention of the owners was to utilize existing turbines at the dam which had ceased operating in the 1940s.

Unfortunately, the owners discovered that the only way to achieve adequate pressure for the turbines was to place boards across the top of the dam and raise the water level approximately two feet. The result was the inundation of existing docks and land of upstream landowners. Obviously this increase in the level of the lake threatens the life of many trees and plants that live along the banks. Furthermore, during testing of the generators, flow below the dam became quite erratic, ie. the river below the dam was higher than normal while generation was in progress and flow would cease entirely while the lake was recharging and no generation was occurring. This "on and off" type of generation is a form of "peaking" and is sometimes called surge generation. It is currently employed, during periods of low water, at the Gonzales Dam on the Guadalupe River.

It was immediately obvious that this "surge" generation, if allowed, would not only continue to adversely affect upstream landowners but would make downstream navigation by canoe or kayak impossible at low water levels. This situation posed not only a direct threat to our business, but to river recreation on the San Marcos River generally, it being noted that the river is one of the most popular in Texas.

An additional problem posed by the the dam is that a rapid buildup of water hyacinths occurs whenever all of the flow of the river passes through the turbine with none going over the top of the spillway. In other words, the floating water plants are skimmed off the surface of the lake at the dam, and the water flows beneath the plants and through the dam. Last summer, at Staples Dam, which is also owned by the same group and which was leaking the entire flow of the river through the dam with none going over the spillway, the hyacinths backed up over 1/4 mile upstream of the

dam, making navigation to Staples completely impossible, and causing us to cease to recommend downstream trips.

I launched an investigation and discovered the incredible fact that not only was the Martindale project commenced in violation of state regulations, but the owners had also failed to secure a permit from the Federal Energy Regulatory Commission, which has jurisdiction over all such hydroelectric projects. Consequently, the owners were ordered to cease generating by federal authorities.

A hearing was held in Austin before an examiner with the Texas Water Rights Commission. I attended, along with some interested upstream landowners and our attorney. After hearing evidence, the examiner submitted his findings to the Commission and another hearing was held before the Commission. The Commission then determined that "more evidence was needed" and another hearing would be necessary. However, it was plain that the Commissioners favored the granting of a permit for the hydroelectric project and one Commissioner even so stated. It was apparent that the Commissioners could not conceive that literally thousands of people enjoy the affected stretch of river annually, or if they did, they didn't care.

Another problem we have confronted is that the Federal Energy Regulatory Commission, which has jurisdiction over hydroelectric projects, has not been willing to enter the fray, as they have questioned whether the river is navigable.

Thus far, the opposition has been comprised of myself and several upstream landowners who had their property inundated. My business is directly threatened, but more important, the San Marcos River as a recreational resource is threatened. Obviously, the few of us do not have unlimited resources and cannot wage the battle alone. The Texas Department of Water Resources and the Federal Energy Regulatory Commission must be made aware of the genuine public interest at stake in this matter.

Consequently, I am asking for the assistance of the Houston Canoe Club in whatever way possible, as I know how much the San Marcos River has meant to the Club over the years as evidenced by the members we see every weekend and the enthusiastic participation of the Club in river clean ups and other activities.

I believe that all of the problems regarding this dam could be addressed by two requirements in the water rights permit now being considered by the Texas Department of Water Resources:

First, the height of the spillway must be limited to the top of the existing dam.

Secondly, to guarantee that the normal flow of the river is maintained and that the hyacinths can flow over the dam and therefore not obstruct the river, a minimum flow of 10 cubic feet per second must be maintained over the spillway at all times.

I would appreciate it if this letter could be read at your next meeting and a committee could perhaps be formed to coordinate a plan of action between everyone concerned.

Sincerely yours,

Tom Goynes
Tom Goynes

5/21/85

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