

26<sup>th</sup> Feb 1970

A temporary stay issued by the appellate court in New Orleans against the FHA (see the February issue of the Lone Star Sierran) was dissolved on January 18. Meanwhile, Attorney Ned Fritz filed a new motion with Judge Roberts in the Federal District Court requesting for a second time an injunction against the FHA, pending our appeal. This second motion was based upon the National Environmental Policy Act of 1969, which was signed into law by President Nixon on January 1, 1970. Judge Roberts, after careful consideration of the Congressional debate on the Act, ruled that its provisions apply to all federal agencies' actions no matter how far advanced and that it is mandatory that all federal agencies consider the environmental impact of all their actions or proposed actions. Consequently, the FHA is enjoined from closing the loan and paying \$100,000 to the IRA until the appellate court has made a final ruling in our case.

It appears safe to say that there will be no golf course in Meridian State Park during the spring of 1970. We shall have to wait for a few more rounds with lawyers and judges before we'll know the final outcome.

--Dick Shannon

Newsletter financing: second appeal. The January issue of The Austin Sierran contained our annual appeal to readers, both members and non-members, asking each to contribute at least \$1.50 per year to support the newsletter. Please make your contribution soon; send check or money order to the treasurer, Mrs. H. W. Stern, 705 Bouldin Ave., Austin, Texas 78704. A subscription form is included (see last page). If you have recently contributed to the newsletter, please disregard this notice.

Please also note that it is now time to renew your subscription to our chapter newsletter, The Lone Star Sierran (see the February issue). Send a minimum contribution of \$1.00 to the chapter treasurer, Jack Roof, 3522 Grennoch Lane, Houston, Texas 77025.

National News Report. The Sierra Club now publishes a weekly summary of news concerning the environment. Although the "National News Report," as the publication is called, is intended primarily as a service to the Club's officers, individuals may subscribe at the rate of \$12.00 per year. The "Report" is one of the most up-to-date accounts of environmental happenings currently available. Subscriptions should be sent to the Sierra Club, 1050 Mills Tower, San Francisco, California 94104.

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A CONSERVATION PROGRAM FOR BARTON SPRINGS AND BARTON CREEK

by Phil Sterzing - 453-6072

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The following is a list of specific actions which should be taken as soon as possible to preserve both Barton Springs and Barton Creek. [The fate of Barton Springs and Barton Creek cannot be separated from one another. If the present trends of development are allowed to continue

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26<sup>th</sup> Feb 19 70

? < unchanged upstream from Barton Springs, the creek will become so polluted, along with the Spring water (which comes from further up the creek where creek water seeps into the rock formations), that Barton Springs as a swimming area cannot survive in its present form. Saving it later might be impossible or, at least, will cost the taxpayers large sums of money which could be spent constructively at present to save and preserve the upstream areas of the creek and thus insure the continuation of Barton Springs in its present condition. > ?

(1) The City of Austin, together with Travis County, should purchase fee-simple title to all land in the creek and on both sides to a distance of at least 1,000 feet of the Creek from Zilker Park to Bee Caves, where the creek forks after passing under Highway 71.

(2) As much as possible, this land should be left in its natural condition. Hike and bike trails, camping sites, and other recreational facilities should be provided. Automobile access should be provided only every two or three miles where parking could be provided some distance from the creek itself. All automobile and motorcycle access, such as is presently allowed by the city, should be halted by road blocks and park rangers.

(3) The city sewer line, which at present runs down the creek for several miles, should not be extended any further up the creek than it is at present.

(4) The City of Austin should annex immediately all land within its legal annual annexation limits which adjoins the development in the Barton Creek watershed. All of this newly annexed area should be provided with the new low-density zoning, called SR or suburban residential, which requires a minimum lot size of 18,000 square feet. In addition, the city should amend the present zoning ordinance to include even more rural type zoning categories calling for minimum lot sizes of one, two, three, and four acres. Much of the Barton Creek watershed then should be re-zoned to these more rural densities when and if these become part of the city code. (There is no county zoning at present in the state of Texas. Until the state legislature changes the law, Travis County cannot zone, even if it were willing to do so.) This is the reason city annexation is necessary at the present time. These low density residential areas should be required to install septic tanks rather than have the city provide them with sanitary sewer service, which would require the extension of the sewer line up the main creek bed. We would not be opposed to a sewer line that was run some distance from the main creek bed with adequate precautions taken to prevent the type of destruction that took place during the construction of the existing line.

(5) A special City-County pollution control officer should be established. (The City and the County presently cooperate in the operation of a health clinic; this cooperation could be extended in the pollution control field). This officer would be in charge of enforcing existing laws against air and water pollution and new laws as they are needed.

(6) The City should immediately prepare an application (in cooperation with the County and with the soil conservation districts in the Barton Creek watershed) to the U. S. Dept. of Agriculture, Soil Conservation Service, for a "Watershed Protection Project" to be initiated for Barton Creek. The first stage of such a project involves a feasibility study by the Soil Conservation Service (which is conducted at U.S. government expense), which would provide valuable information on the creek. If the project proved to be economically feasible, it would mean an end to the periodic damaging floods which make Barton Springs unusable during periods of heavy rainfall. In addition, it would be possible for the County to develop new recreational areas upstream around the small reservoirs built to prevent flooding. These would not be built on the main channel of the creek but rather on smaller tributaries and perhaps on the main creek in its headwaters. These small dams would have the additional advantage of reducing the intermittent flow that is now characteristic of Barton Creek and would also insure good re-charge water for the springs in Zilker Park. The continuous flow would also help maintain water quality in the face of increased pollution from the development in the watershed. We have talked to the local representatives of the Soil Conservation Service, and they believe that a project should prove feasible largely because of the current clean-up expenses to the City (and losses in swimming pool revenues) due to the periodic flooding of the pool area. (The Soil Conservation Service has already completed a feasibility study for the Dry Comal River or Creek in Comal County. This Creek periodically floods the Landa Park swimming pool in New Braunfels and is a situation very analogous to the Barton Creek problem.)

(7) Specially trained park rangers should be added to the Parks and Recreation Department to patrol the Barton Creek Park and other such extensive areas. They would serve the same function as National Park rangers.

(8) In the event that a well organized and effective Capitol Area Council of Governments should be organized in the Austin area, the responsibility for this Barton Creek recreational area should probably be turned over to the Council.

(9) This pattern of park development should serve as a model for the development of similar trail parks along Onion Creek, Brushy Creek, and other similar creeks in Central Texas. However, without the rapid organization of a Capitol Area Council of Governments, little can be done to implement similar parks on creeks such as Onion Creek which cut across many political jurisdictions. We must demand re-organization of the presently inactive Austin-Travis County Regional Planning Commission so that it will include the 8 counties proposed by the Governor's Planning Division to be included in a Capitol Area Council of Governments. These Counties are all adjacent to Travis County and include the following: Bastrop, Blanco, Caldwell, Hays, Lee, Llano, and Williamson. The Austin area is one of the very few urban areas in the State which has not formed a Council of Governments with meaningful boundaries (those recommended by the Governor's Office) for region-wide planning for recreation, conservation, transportation, etc. In addition, tens of thousands of dollars of planning funds, allocated by the Governor's Office, have been lost because of this failure to implement a large Council of Government.

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