



SIERRA CLUB

LONE STAR CHAPTER

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Sierra Club Lone Star Chapter's Comments on the Draft Recreational Use Categories for Black Cypress Creek (0410A) in the Cypress River Basin, Lower Keechi Creek (0804K) in the Trinity River Basin, Upper Atascosa (2118) in the Nueces River Basin, Lower Atascosa (2107) in the Nueces River Basin, Atascosa River (2118C) in the Nueces River Basin, Black Fork Creek (0606D) in the Neches River Basin, and the Unnamed Tributary of Buffalo Creek (0214F) in the Red River Basin

The Sierra Club Lone Star Chapter, representing more than 23,000 members in Texas, submits the following comments to the Texas Commission on Environmental Quality (TCEQ) in regard to its request for public comment on the revision of the recreational use categories for seven creek and river segments, including the Black Cypress Creek (0410A), Lower Keechi Creek (0804K), Upper Atascosa (2118), Lower Atascosa (2107), Atascosa River (2118C), Black Fork Creek (0606D), and the unnamed tributary of Buffalo Creek (0214F).

As the nation's oldest and largest conservation organization, the Sierra Club has been committed to environmental stewardship for many years. Since its establishment in 1965, the Sierra Club Lone Star Chapter has been actively involved in addressing water quality

issues in Texas. We appreciate the opportunity to contribute our input to the revision of recreational categories for the creek and river segments listed above.

First, we fully support the recommendation to maintain the current recreational use categories for four water bodies under evaluation: Upper Atascosa River (2118), Lower Atascosa River (2107), Atascosa River (2118C), and Black Fork Creek (0606D).

However, we strongly disagree with the findings for the three water bodies proposed to be downgraded from Primary Contact Recreation 1 (PCR1) to Secondary Contact Recreation 1 (SCR1): Black Cypress Creek (0410A), Lower Keechi Creek (0804K), and the unnamed tributary of Buffalo Creek (0214F).

The Sierra Club's Lone Star Chapter has repeatedly raised concerns about TCEQ's decision to downgrade many rivers and streams using the Secondary Contact Recreation category. By classifying water bodies under this standard, TCEQ is effectively assuming that no one is swimming or wading there. However, this assumption is misguided, as it ignores the potential for public exposure to harmful levels of pathogens. For any water bodies that fall under Secondary Contact Recreation, higher fecal coliform concentrations—630 colonies per 100 milliliters instead of the safer limit of 126—are allowed, which increases the risks to public health from bacterial contamination. This approach raises serious concerns about TCEQ prioritizing lower regulatory standards over Texans' health.

The Sierra Club opposes the proposed downgrading of Black Cypress Creek segment 0410A in the Cypress River Basin. Black Cypress Creek is an unclassified stream with intermittent flow and perennial pools. It originates in Morris County and flows southeast through Cass County for approximately 9 miles. The Black Cypress Creek has been listed as impaired on the Texas Integrated Report 303(d) List for elevated bacteria levels since 2018. Based on the Recreational Use Attainability Analysis (RUAA), the current classification of Black Cypress Creek is recommended to be downgraded from PCR1 to SCR1 due to limited public access, shallow water depths, and lack of substantial pools.

According to the RUAA, the surveys were conducted during periods of drought, which could have lowered water levels in the creek and reduced the presence of pools suitable for PCR. Given that water levels fluctuate with seasonal rainfall, the creek's classification should not be based on conditions during a drought, as these do not reflect the typical state of the water body.

Additionally, TCEQ has only conducted three stakeholder interviews, which is not adequate to make broad conclusions about recreational use and cannot justify the proposed reclassification.

We oppose TCEQ's recommendation to downgrade Black Cypress Creek to SCR1 based on lack of account for seasonal variations in water levels and insufficient data.

The Sierra Club opposes the proposed downgrading of Lower Keechi Creek segment 0804K in the Trinity River Basin. Lower Keechi Creek is an unclassified perennial water body that stretches about 44 miles in length. Since 2018, this stream has been listed as impaired on the Texas Integrated Report 303(d) List for elevated bacteria concentrations. Based on the RUAA, the current classification of Lower Keechi Creek is recommended to be downgraded from PCR1 to SCR1 due to limited public access, shallow water depths, and lack of substantial pools.

The stakeholder interviews revealed that adult wading had been observed in the creek. Wading is a form of PCR that should not be ignored and must be taken into account when considering the creek's potential for PCR activities.

The assessment of Lower Keechi Creek's suitability for PCR fails to account for the seasonal variability in water levels and the potential for recreational use during wetter periods. The field surveys were conducted during periods of moderate to severe drought, as indicated in the RUAA. The dry conditions likely reduced water levels, making PCR less feasible during the surveys. Therefore, the occurrence of swimming or wading during other times of the year cannot be conclusively ruled out.

The claim that public access is limited to road crossings and that private property restricts recreational use does not justify downgrading the creek. Even with restricted access, there are areas where public use can occur, especially where access is rated as moderately easy. The fact that most of the creek is on private property does not eliminate recreational activities such as swimming and wading (e.g., many landowners allow public access for outdoor recreation). Additionally, the presence of road crossings means that the creek remains accessible to the public, which further implies that PCR may occur in this creek.

Finally, TCEQ should also assess the existing discharge permits that may affect bacteria levels in the creek to determine whether stricter water quality standards could enable Lower Keechi Creek to meet PCR 1 criteria.

We oppose TCEQ's recommendation to downgrade Lower Keechi Creek to SCR1. The data collected during the RUAA do not sufficiently demonstrate that the creek's current classification as PCR1 should be revised.

The Sierra Club opposes the proposed downgrading of the unnamed tributary of Buffalo Creek segment 0214F in the Red River Basin. The unnamed tributary of Buffalo Creek is an unclassified water body, extending roughly 3.2 miles. It has been identified as impaired on the Texas Integrated Report 303(d) list due to elevated bacteria levels since 2016. TCEQ is now proposing to reclassify this waterbody from PCR1 to SCR1, citing limited public access, insufficient flow in the creek, and the absence of significant pools suitable for PCR.

As the RUAA notes, only three stakeholder interviews were conducted to determine if PCR occurs in the creek. The absence of reported recreational use in just three interviews should not be used as conclusive evidence that PCR is not possible. In addition, observations of the creek were limited to certain times and conditions that may not fully capture the creek's potential during different seasons and weather patterns.

The claim that limited public access justifies downgrading the creek overlooks the fact that public access is still available at road crossings. The fact that one site had easy public access and was wadeable demonstrates the creek's potential to support PCR. Moderately difficult access at two other sites should not disqualify the creek from being classified as PCR1, as there are still opportunities for PCR in these areas. Additionally, it is important to consider public interest in the creek, particularly because nearby areas like Iowa Park may lead to increased demand for water-based recreation.

TCEQ should also assess the potential impacts of the existing wastewater discharge facility and capitalize on improved water quality monitoring rather than pushing for a blanket downgrade. We strongly believe that the Unnamed Tributary of Buffalo Creek warrants a more thorough review and continued designation as PCR1.

Thank you for the opportunity to provide these comments.

Respectfully,

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