



FRIENDS OF CANYON LAKE

January, 2005

Volume 2, Issue 1

Mission Statement

To protect the fragile recreation and tourism-based economy of central Comal County, and ensure environmental protection of the Guadalupe River and Canyon Lake by all appropriate means, including legal action, if necessary.

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President's Message from Bob Wickman

FOCL's New Focus

"Where do we go from here?" "Is it over?" "Have we lost?" These are a few of the many questions I hear from residents and business owners who learned that Federal Judge Royal Furgeson dismissed our suit to require the Army's Corps of Engineers to study the impact of the massive water diversion from Canyon Lake and the Guadalupe River before allowing GBRA to built its huge pumping station.

To each one, I have answered, emphatically, "No. It's not over and FOCL still has a vital mission. Here's why..."

1. The state of Texas and its agencies, principally TCEQ and GBRA, have decided that the Guadalupe River watershed and Canyon Lake are expendable in order to satisfy a near-term need for water to support unbridled growth in the San Antonio megaplex and the Hill country.
2. Our legislators and elected officials have not assisted in our struggle to protect the river and the lake, at least until we can get some clear, objective impact research performed. In fact, there are indications some may be spearheading the GBRA effort, and even prompting TCEQ managers to override staff recommendations.
3. The Texas Commission on Environmental Quality has enacted lax wastewater treatment standards. Some would say their enforcement of even these lax standards is weak. Wastewater treatment and discharge is a profit-center for GBRA. Declining water quality in the Guadalupe River and

Canyon Lake is emerging as an even greater concern than water level. This is true from above the lake, all the way to San Antonio Bay in the Gulf.

4. The unbridled development along the river is creating huge amounts of impervious cover (streets, parking lots, driveways, foundations, etc.). The Guadalupe is already one of the fastest-filling watersheds in the world during heavy rain events. The ""500 year"" flood events of 1998 and 2002 are precursors to more frequent and severe flooding as development continues.

5. Without help from our elected officials, citizens groups like FOCL represent the only pressure to study these initiatives and perhaps slow the effort to destroy the lake and river for immediate profit.

So, we are all vulnerable to special interests in the state and the legislature. Until there are competing, sympathetic governmental entities, perhaps through new municipal incorporation, we are the last...and only... bastion of protection for the beautiful and irreplaceable Guadalupe River and Canyon Lake.

At this time, we are looking to hold a large, well-publicized Pow-Wow of all the stakeholders along the river to discuss and plan our future strategy.

Bottomline: It's NOT over. Get more involved. This is YOUR organization and we need YOUR help and YOUR continued donations!



Actual size not shown

FOCL Lapel Pins now available for only \$5!

They'll go fast, so order yours now.

Send your check to:

P.O. Box 1392, Canyon Lake, TX 78133



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How To Contact Us:

Mail to:

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Email us at:

General Information
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Political Awareness Committee
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Membership Committee
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Board of Directors
BoardofDirectors@friendsofcanyonlake.com

Legal Defense Committee

On the 20th of September, Judge Royal Furgeson of the U.S. District Court in San Antonio, rendered a decision in favor of the defendants in FOCL's case against the Corps of Engineers and GBRA. We had sought to enjoin GBRA from beginning construction of a pumping station on Canyon Lake which could draw 90,000 or more acre feet of water annually, until the Corps of Engineers, which had granted GBRA an easement in Comal Park for the station, performed an adequate review of the consequences. This review, our attorney argued, should either be in the form of a more comprehensive "environmental assessment" than the Corps had prepared, discussing all of the impacts of the pumping station on the Lake, or an update of an "environmental impact statement" (EIS) originally filed in 1975.

In his decision Judge Furgeson noted that his review, by law, was limited to determining whether the Corps had

acted arbitrarily and capriciously in reaching a finding of "no significant impact" from GBRA's planned activities, and he could not so find in this instance. Judge Furgeson noted that the Corps had in fact made an analysis of the various consequences to the Lake, which were reflected in the record before him. Finally Judge Furgeson noted that the 1975 EIS anticipated many of the problems which could arise from substantial water withdrawals, such as deteriorating water quality and "potential impacts of increased lake draw downs on the recreational and developmental uses" of the Lake. Consequently he concluded that no amendment to that statement was necessary on the basis of "substantially changed circumstances."

If it is any solace to us, Judge Furgeson indicated he might have made a different decision than the Corps if he had had the authority to do so (i.e., if he had been the "fact finder") but again, he made clear he was limited only to determining whether their decision was arbitrary and capricious.

We Need Your Help!

It's important for us to maintain an up-to-date mailing list. If you have moved, have a new email address or

a new phone number, would you please send your new information to: membership@friendsofcanyonlake.com.

Board of Directors Meetings

The FOCL Board of Directors meets on the last Sunday of the month. You are invited to attend. Details of the meeting are posted on our web site. For further information, contact Bob Wickman at 830-899-6373.



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Political Awareness Committee

We believe the following information is self-explanatory. Many of our elected officials offered absolutely no support in our efforts to Save Canyon Lake.

<u>Official's name</u>	<u>Office held</u>	<u>Level</u>	<u>Comments/actions attributed to office holder</u>
Lamar Smith	Congressman	US/Federal	"I may file a 'friend of the court' action in support of FOCL." Action taken- NONE
Danny Scheel	County Judge	County	"...on the Western Canyon Project which I helped instigate as a County Commissioner and still fully support."
Jack Dawson	Commissioner	County	" I support GBRA and the Western Canyon Project."
Jeff Wentworth	Senator	State	(refuses to comment or support FOCL)
Carter Casteel	Representative	State	"I still own property at Canyon Lake and continue to follow the process and express my concerns." Action taken- NONE

New Donation Levels & Designations for "Friends of Canyon Lake" Contributors

WE ARE PROUD TO ANNOUNCE THAT WE HAVE ADDED 300 NEW MEMBERS IN THE LAST FEW MONTHS. JOIN THEM BY RENEWING YOUR MEMBERSHIP. REMEMBER, DONATIONS ARE ALWAYS APPRECIATED.

The following are the donation levels and designations for contributors to Friends of Canyon Lake:

- \$ 15.00 – 24.99 Member, Friends of Canyon Lake
- \$ 25.00 - 49.99 "Canyon Lake Petty Officer"
- \$ 50.00 - 99.99 "Canyon Lake Ensign"
- \$ 100.00 - 499.99 "Canyon Lake Commander"
- \$ 500.00 - 999.99 "Canyon Lake Captain" *
- \$1,000.00 - 4,999.99 "Canyon Lake Commodore" *
- \$5,000.00 and over "Canyon Lake Admiral" *

- * A certificate suitable for framing will be awarded to those contributing at three levels indicated.

Please send your donation to: Friends of Canyon Lake, P.O. Box 1392, Canyon Lake, TX 78133