

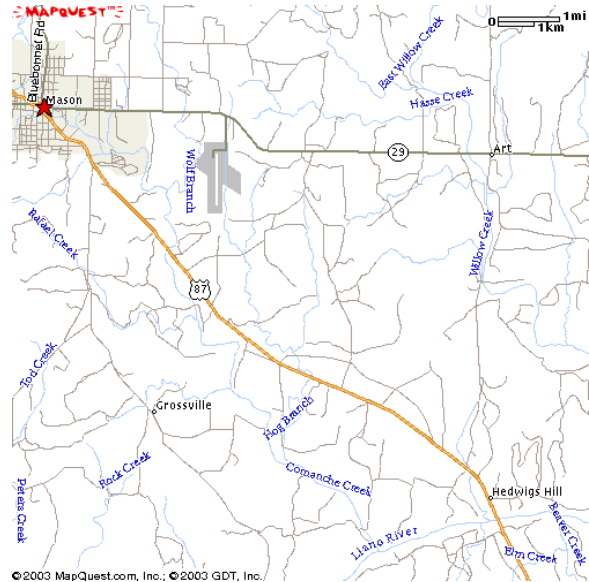
Highway 87 & Llano River (Cattle Pass)

The Problem

On river left of Hwy 87 and the Llano River there is a recently installed cattle pass that does not allow access to the Llano River. This has traditionally been a point of entry to the river and used by others as well to access the river for fishing. It is also in some people's opinion the better location to access the river.

This cattle pass consist of two barbed wire fences parallel with each other by about 25 feet and is perpendicular to Hwy 87 and running directly under the Hwy 87 bridge. On each fence there is a gate directly across from one another and on each gate is a lock that prevents no access to this side of the river now. There is no sign on the gate to indicate who is responsible for the gate or the lock. The pass is open with no fence and allows livestock to migrate freely from one side to the other side of the property.

The access road that leads from Hwy 87 to the first locked gate now creates a congested vehicle situation as it is extremely difficult for a vehicle to turn around and virtually impossible if pulling a trailer. Prior to the installation of this pass vehicles could travel under the bridge with ample room for parking and turning around.



I climbed both gates with great difficulty. Both gates are your typical light weight aluminum construction, rather shaky and do not offer much room to place your feet for securing a foothold, as a side note both fences have a numerous high tensioned barb wires which make it extremely difficult to crawl under. An elderly person or small child, (example: Grandfather with grandchild to go fishing) would have difficulty in crossing this obstruction.

My Conversations:

Initially in my inquiries about this gate, I am being directed by TxDot to contact the landowner to have the gates opened if we wish to enter from this side of the river. In my conversations with Robert Norment of TxDot, I was told that the department did not even need to address the issue of the public accessing the river for his investigation as there was no specific policy in their policy manual. If that is the case conceivably under a worst case scenario we could see the very same thing happen on the other side of the river with a person having to call two private landowners to access fishing from both sides of the river.

Later on as my inquires went further up the chain of command, TxDot realized that they may have erred in allowing a lock gate on this side of the river. TxDot is now having their General Council investigate the issue of how they should proceed.

Texas Parks & Wildlife has stated they have no authority to have the gates unlocked but you would think it would be in their best interest for the public as they do sell a number of Fishing Licenses out there.

Here are a list of people you can address your concerns to:

Texas Department of Transportation
P.O. Box 387
Mason, Texas, 76865
Attn: Larry Cavaness (Hwy Superintendent in Mason County)
915-347-6447

Texas Department of Transportation
P.O. Drawer 15426
Austin, Texas, 78761
Attn: Mr. Robert Norment (Ran site assessment on approving this cattle crossing)
512-832-7067, E-mail: bnorment@dot.state.tx

Texas Department of Transportation
125 E. 11th Street
Austin, Texas, 78701
Attn: Mr. Zane Webb P.E. (Both Larry Cavaness & Robert
Norment report to him)
512-416-3034
E-mail: zwebb@DOT.Stae.Tx.US

Texas Department of Transportation
125 E. 11th Street
Austin, Texas, 78701
Attn: Joanne Wright (General Council or Legal Department)
512-463-8630

Texas Parks & Wildlife
4200 Smith School Road
Austin, Texas, 78744
Attn: Melissa Parker (Taking Complaint on this issue
pertinent to TPWD)
800-792-1112, 512-389-4589
E-mail: Melissa.Parker@TPWD.State.Tx.US

Mr. Crocket Keller
(Land owner to the Cattle Pass)
9760 U.S. 87 South
Mason, Texas, 76865
915-247-0055

Possible Conflicts of Interest

I have indirectly confirmed that the property owner may reside on at a residence at the corner of river left and directly west of Hwy 87. At this location there is a sign advertising for canoe shuttles and rentals. If that is the case we might have a situation where an individual may indirectly benefit from the closing of a preferred traditional access point on the river. I have not confirmed this angle yet but if someone wants to check it out I could use some help.

The Long Term Concern

My long term concern here is how a popular river and access point could be arbitrarily closed in this manner without addressing the needs of people (canoeist and fishermen) who access that side of the river. Presently for permit like this there are no specific guidelines in their policy manual to address the general public such as us. The only thing that really matters to TxDot is a legal agreement with the landowner. As a worst case scenario we could see the very same thing happen on the other side of the river with a person having to call two private landowners to access fishing from both sides of the river.

Need Some Help

Running all this down can be a bit time consuming, but the list of names that I have come up with are essentially most of the key players. As of May 13, I was told by one TxDot person in Austin, that I am the only one that has complained about this cattle pass, even though I find that a bit hard to swallow. Any assistance on raising this as an issue to the above people (e-mail, phone call or letter) would be appreciated.

Gib Hafernick, 219-822-8901 or Gibguy@Compuserve.com

Editorial Note: A landowner can legitimately need a cattle pass, and the law ought to allow for that. But in so doing, the law ought not to disregard the interests of the public in accessing public streams. All cattle passes should be designed to permit human ingress and egress by means of turnstiles, steps over the fence, or other reasonable means satisfactory to the landowner and TxDOT. The reason for TxDOT's existence is to facilitate people getting from one place to another. Navigable streams are among the places people need to get. The cattle pass is an accommodation to the landowner. It ought not to preempt entirely the rights of the public. (Kenneth Bennight)