

**CALLED MEETING OF THE
BREWSTER COUNTY COMMISSIONERS COURT
THURSDAY, OCTOBER 3, 2013, AT 4:00 P.M.**

Judge Beard called this meeting to order. Officers present are listed as follows:

**VAL CLARK BEARD
KATHY KILLINGSWORTH
RUBEN ORTEGA
MIKE PALLANEZ
JERRY SOTELLO**

**COUNTY JUDGE
COMMISSIONER PCT. 2
COMMISSIONER PCT. 3
COMMISSIONER PCT. 4
J.P. PRECINCT 1**

- 1. Issues related to possible pending closure of Big Bend National Park (BBNP), including public safety, road closure which impacts public safety and commerce and impact on visitation / Consideration of possible litigation concerning closure /Discussion and appropriate action***

Judge Beard said the purpose of the meeting is to discuss and consider issues related to the closure of BBNP.

She said there are multiple issues which impact the County due to the closure, way past the fact that the Park encapsulates nearly a ¼ of our County.

Judge Beard said she wants to be careful to distinguish local Park employees from the National Park Service and the Department of the Interior. She said local employees truly want to be good neighbors; however, the NPS and Department of the Interior are fully a part of the “political theatre” which is ongoing.

Judge Beard reviewed some of the history of the establishment of BBNP. In the deed, it is stated repeatedly that the Park is to be used for recreational activities. The conveyance is different than that of most national parks. In this case, the Park was privately-owned land. It was ranched and farmed, to some degree. There were public roads in the area. It was eventually acquired by the State of Texas, and subsequently deeded to the Federal government.

There is a clause in the deed which recognizes public roads in the Park. The conveyance is subject to these.

Judge Beard said that some of those who work in the hospitality industry are present, as are some of the members of our Tourism Council. Right now, reservations are being cancelled at an alarming rate, even outside of the Park.

This Commissioners Court has a strong commitment to keeping public roads open. Judge Beard described the public roads which traverse into the Park, including Hwy. 385, the "Main Park Road" out to Hwy. 118, and the extension of the Terlingua Ranch Road, which traverses BBNP.

There are also issues related to closing the Rio Grande, an international waterway.

Seventeen years ago, we did have a hard closure, said Judge Beard. The roads were closed to deliveries and commerce and local traffic. It was costly and time-consuming. A temporary restraining order was obtained by a group of outfitters in federal district court. The government shutdown was lifted, so it cannot be known what the final outcome of the lawsuit would have been.

The entirety of the Park is in Commissioner Ortega's precinct. He said the economy is being entirely impacted in the southern part of the County. He said he was told that the Park infrastructure crew, namely Rangers, would remain, and would continue to patrol. But the public will not be allowed into the Park.

Judge Beard asked Commissioner Ortega if a tourist drove up to the Park entrance and didn't want to stay in Park accommodations, but did just want to drive through the Park to look, would the tourist be allowed to do that? Commissioner Ortega replied that now, that would not be allowed.

Commissioner Killingsworth has done a lot of research into the history of the Park during her tenure as a school superintendent for Terlingua CSD. She said it is important to remember that BBNP was a State Park first. People depend on those roads for many reasons, including public safety. There are only two roads coming out of South County. To close one would have a big impact. Commissioner Killingsworth said it is shameful for the Park to be closed to recreationists.

Ron Sanders, the president of the Tourism Council, said Chisos Mountain Lodge in the Park is the largest producer of the hotel/motel tax. However, people are also cancelling reservations outside the Park. Forever Resorts is going to have to lay-off 50 to 70 employees. Those are not Federal employees.

Barbara Trammell, owner of Easter Egg Valley Motel, said it wasn't pleasant when we went through the closure 17 years ago, and it's not going to be pleasant now. They are doing their best to convince visitors that there are other things to see in do in South Brewster County. It is definitely having an impact, and it is not pleasant.

Travis Roberts, the chairman of the Brewster County Historical Commission, also serves on the Tourism Council. He said he wants to review the many other things that could be effected by the closure. He named the town of

Marathon, the Gage Hotel/Gardens, the Post Park, the City of Alpine, SRSU, the Museum of the Big Bend, Kokernot Field, Study Butte, Terlingua, Fort Davis, the McDonald Observatory, Marfa, Fort Stockton, the Parks & Wildlife facilities and the State Parks. Annual events could also be effected.

Judge Beard told Commissioners we need to make a decision about what we should or shouldn't do. At this point, it still looks as though there is a vast chasm across which we must jump before the government re-opens. Conrad Arriola commented that their office had been following the shutdown closely, and that no end is in sight.

Commissioner Ortega said he thinks we need to press the issue. Commissioner Pallanez agreed.

Judge Beard said the vehicle available to us would be the pursuit of a temporary restraining order coupled with an underlying suit. The legal arguments supporting that are pinned on the deed of conveyance, and there may likely be some other arguments that can be made as well, including public health and safety and commerce issues.

Commissioner Killingsworth made a motion to seek a temporary restraining order in the federal district court to keep Big Bend National Park open if there is a not a resolution reached at the federal level by the close of business on Monday, Oct. 7, 2013. Commissioner Ortega seconded the motion, which passed unanimously.

Judge Beard said she will contact attorney Greg Hudson and ask him to begin some preliminary work.

Commissioner Ortega made a motion to adjourn, which was seconded by Commissioner Killingsworth, and passed unanimously.

VAL CLARK BEARD, COUNTY JUDGE

ATTEST:

BERTA RIOS- MARTINEZ, COUNTY CLERK

