CITY COUNCIL APPROVES $340,000 STUDY ON CAPE'S DAM; LOCAL GROUPS REFLECT ON DECADE LONG JOURNEY

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SAN MARCOS – The city council approved a feasibility study by Freese and Nichols on Oct. 18th to tear down Cape's Dam located on the east side of I-35 near Stokes Park. The $340,000 study will review safety, environment, historical and recreational aspects of Cape's Dam as part of the vertical agreement with the city council and the Hays Commissioners Court from 2021.

City officials said at the council meeting that the delay in moving forward with solutions to Cape's Dam was a result of turnover in the commissioners' court.

SMTX Director of Parks and Recreation, Jarrie Lee Cass, says the study is scheduled to take 10 months and there will be an opportunity for the community to give their thoughts.

"So, within the scope of work with Freese and Nichols is public engagement. So, there will be open house, there will be surveys that will be provided to the community throughout the process. So, I don't have a specific timeline yet because I'm still awaiting execution of the contract since it was just approved," Case said.

One interesting suggestion by Council Member Shane Scott in the March 19th council meeting was to reconstruct Cape's Dam as a whitewater park, similar to Rio Vista.

Case said that previous council members opposed this suggestion and its unlikely to be considered in present day.

"Previous city councils, obviously this is a brand-new city council, previous council discussion and direction has been that it's not to look like Rio Vista," Case said. "But what it would take is design and and then construction, which is expensive, So, the feasibility studies will guide the council into ultimately making this decision of rehabilitation or removal, and they will weigh out, you know, the the pros and cons."

Rio Vista were under construction to repair the falls to withstand strong currents in 2021. The project was $1,500,000.

Council Member Garza said in the March 18th meeting that she used to live in the neighborhood along River Road and has talked to residents voicing to rebuild the dam.

Council members Gonzales and Rodriguez lean toward removing the dam if the study finds it too dangerous for citizens to use. The other four council members lean toward rehabilitation to increase recreation on the east side.

Reflecting on the History

The dam was built in 1857 as a way to control flooding and agricultural irrigation in early water industries. Many dams around Texas no longer serve their original purpose and advocates like Open Rivers Initiative say that dams can block fish from migrating.

Cape's Dam was given to the City of San Marcos in 2013 when they approved a Planned Development District which developed present day Red Point San Marcos apartments. However, since the 2015 Memorial Day flooding and breaching of Cape's Dam, the left channel/mill race has flowed stagnantly and suffered severe structural damage.

In Nov. 2024, 17-year-old Ross Anthony Webb died from drowning while fishing for Suckermouth Catfish with his father and family friends. This was a result of loose rebar and wiring from flooding damage that Webb was caught on.

Today, groups have fought to rebuild Cape's Dam to preserve the history behind the old mill race, increase water flow through the dam and to be a recreational swimming hole. However, others like the San Marcos River Foundation (SMRF) have opposed rebuilding and want to remove the dam to preserve aquatic life and increase the flow through the main channel of San Marcos River.

Both arguments are reasonable and at the end of the day want to help increase the vitality of the river and make it safe. However, one group is focusing more on the recreational aspect of the river and says that rebuilding the dam will allow more recreational opportunities for residents on the east side of San Marcos and allow significant flow of the river.

Perspective of Save the SMTX River

Brian Olson, campaign coordinator for Save the SMTX River, has been actively pushing for rebuilding the dam since 2015. He received disapproval from many officials and opposition toward his claims, some even saying that Olson was pursuing advocacy for Cape's Dam to run for city council or that he owned land on the river.

Professor Thom Hardy worked for Texas State University in biological sciences and with the Mayor's Advisory Center and was asked by the city to conduct research on Cape's Dam. He presented his research to the parks and recreation board in Sept. 2014, Aug. 2015 and to city council in Nov. 2015 about the impacts of the endangered fountain darter and Texas Wild Rice, and recreation impacts if the dam was to be restored to full height, half or removed.

Hardy wrote in his *Oct. 12, 2015 report presented to city council* in Feb. 2016 that the best decision is to remove the dam because it will stimulate flow/velocity and direct water into the main channel of the river.

"Rebuilding Cape's Dam will continue to impact native aquatic species due to habitat fragmentation, reduction in habitat quality and continue to maintain a passage barrier. These negative impacts are associated with loss of native species diversity," the report states.

Olson claims that he has found inconsistencies in Hardy's reports, notably between the presentations in Sept. 2014 and Aug. 2015 which is when the Memorial Day flooding occurred. Olson believes that a *June 2015 report* that Hardy worked on with Watershed System Groups Inc. was plagiarism of a Jan. 2012 report Hardy worked on for U.S. Fish and Wildlife (USFWS) of a similar title.

Hardy, et al., 2012, Cape's USFWS

"So, the city paid him to do a report that was already done so he basically got $10,000 and around for 6, 7 months and republished it and changed some dates. And he didn't even, and he copied and pasted that conclusion, word for word, and didn't even, that report was already done," Olson said.

Olson also says that upon submitting open records requests to Texas Parks and Wildlife, Texas Commission for Environmental Quality (TCEQ), Army Corp of Engineers and the Texas Historical Commission that many inaccuracies were made, including altering of a sand and gravel permit for U.S. Fish and Wildlife's removal of the dam in 2016 after notarization, falsifying measurements and CFS of the dam and more.

While these claims have not been supported by city officials, there is a report by Kelly Snow Lane, a geologist at UT-Austin, that supports Olson's claims.

Besides the disagreements with Hardy's reports, Olson believes that without the dam the river will be shallow and negatively impact the fountain darter, as he says this organism prefers a lower velocity of water.

"What I can guarantee you is we know 140 years of habitat has been doing just fine with a dam. What we don't know is removing that dam will definitely change the river. It'll make it shallower and it'll make it faster. There'll be no mill race with flowing water. And people forget that it's a federally designated critically protected habitat. You can't go remove federal, federally protected habitat," Olson said.

"And then I also learned that the fountain darter are considered lazy fish and the fountain darter like slower moving water. What does a dam do? It makes the water move slower. Removal of the dam increases the water velocity," Olson said.

Perspective of the San Marcos River Foundation (SMRF)

Executive Director of SMRF, Virginia Parker, has been involved and followed the conversation surrounding Cape's Dam since 2016 and believes that Cape's Dam should be removed so water from the dam can be directed to the main channel.

"So, the reason that the San Marcos River Foundation has stated from the get go that Cape's Dam needs to be removed is because right now the water is diverting water around the natural river channel. That is not good for the main stem of the river channel. Not only that, the dam is capturing sediment and has been for decades and sediment in the water is not good for water quality," Parker said.

SMRF is the high bank and is a stakeholder in the decision of whether the dam will be removed or rebuilt. Though, SMRF is very firm in their stance to remove the dam, which will be of note when the feasibility study is complete.

Parker also feels that council is excluding SMRF from the decisions surrounding Cape's Dam and approving the study.

"So, they are not acting as if we need to come to a decision together, they're acting, they're operating unilaterally by doing this study, we've made our position known. We would like it removed. They are now moving forward with that, and at the end of this study will see how they act and what they decide to do," Parker said. "But, I cannot imagine that financially the answer is going to be to rebuild the dam."

Parker emphasizes that the priority and mission of SMRF is the health of the river. Although, she does not approve of the suggestion Council Member Scott made to rebuild the dam into a whitewater park due to the expense that it would take and the dewatering that occurs for maintenance.

Parker also agrees with Olson's claim that allowing the mill race to fill with water to create a recreational spot would be healthy for the river.

"When we divert water into a, a hand-dug millrace and then it widens every time it floods, then we're diverting more and more water over time because as that mill race has widened, it holds more water, which then does not end up in the main stem of the river," Parker said.

Parker also believes that many residents who live near River Road oppose rebuilding the dam and that since residents on the east side are closely impacted by the dam they should be at the front of the discussion.

"Council Member Garza said that she's talked to a lot of folks over there and that she's heard from the people that really just want it rebuilt, I have actually heard the opposite," Parker said. "So the folks that I know over on the east side want it taken out. I would suspect that that neighborhood is very representative of the whole community as far as it's just a divided issue."

Final thoughts

No matter where these groups stand, they are on the same page on one thing: making Cape's Dam safe again. The issue of Cape's Dam has divided much of the community and has caused frustration for the majority of the community.

So, what is the best decision?

From the perspective of both groups, they are hoping city council's focus is to make Cape's Dam and the surrounding Stokes Park a place that is no longer a hazard to people walking, swimming or living nearby.

And at the end of the day both groups feel that even though they disagree on this issue there are other issues that they may agree on in the future. Both want to have an open dialogue about all issues relating to the river and agree that it's time for the issue of Cape's Dam to finally reach a solution.

To view an in-depth timeline for city discussion on Cape's Dam click here.

To view the research and mission of Save the SMTX River click here.

To view the mission and projects by SMRF click here.

Note: Some information was updated after publication.

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