



BRAUN &  
GRESHAM  
ATTORNEYS AT LAW

# Water for Wildlife

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# HELLO & WELCOME!

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*Braun & Gresham, Attorney and Counselor*





# WHAT WE WILL COVER

- Texas Parks & Wildlife Department (TPWD) standards for Supplemental Water
- Types of water sources
- Examples of various types and pictures
- Who owns the water on your property?
- Questions

# **TPWD Standards for Supplemental Water**



# WILDLIFE MANAGEMENT VALUATION & SUPPLEMENTAL WATER

- One of the 7 Wildlife Management Practices
- Texas Wildlife Tax Valuation law allows landowners to qualify in the Supplemental Water category by supplying their **target species** with these dedicated sources of water



# WHY IS IT IMPORTANT?

## **Excellent method of attracting wildlife**

- Improving water distribution increases the amount of usable space for wildlife

## **Water needs vary widely for wildlife, but all wildlife need water**

- Even animals that can get by without surface water will use it when available (think quail)

## **Recent drought cycles underscore importance of supplemental water**



# Types of Water Sources

# PROVIDING SUPPLEMENTAL WATER

- When landowner actively provides water in addition to natural sources
- Providing supplemental water in habitats where water is limited
- Should be reliable, functional, and accessible





# WHAT DOES NOT QUALIFY?

**Earthen stock tanks that are maintained solely by rainfall or other natural sources**

**Supplemental sources that are also used by livestock**

- Must be dedicated to wildlife use

**Unreliable, poorly maintained sources that are non-functional most of the year**

**Supplemental sources where water is not a limiting factor**

- Trough on the bank of a lake

# OPTIONS FOR QUALIFYING ACTIVITIES

## **Well, trough, and windmill overflow**

- Provides supplemental water for wildlife
- Wildlife-friendly ramps offer safe use for all species

## **Wildlife Water guzzlers**

- Collect rainfall and/or runoff for wildlife in areas where water is limited

## **Spring Development and/or improvements**

- Designed to protect immediate area surrounding a spring by moving water through a pipe or shallow trough or a shallow wildlife water overflow, making water available to wildlife (source: harvesting rainwater for wildlife Texas cooperative extension)



# Examples & Pictures









**Capture water from natural seeps and springs...**





**Wildlife water sources supply the basic need...  
wildlife will thank you for it by sticking around.**







# WHAT TO CONSIDER IN RAINWATER SYSTEMS

## Rainwater availability

- Post Oak Savannah of Central Texas receives 35-45 inches of rainfall/yr

## Size of the area that catches rainwater

- How big is your roof?
- Maximum harvest of 0.62 gal/ft<sup>2</sup> of surface/inch of rain (about a half gallon per inch, per square foot)

## Accessibility – in case you need to help

## Storage Capacity

- Larger storage requires larger roof but extends availability

# WHAT IS PLATEAU'S SUPPLEMENTAL WATER OPTION?

Water Table 305



Water Table 100









# PLATEAU WATER TABLE OR “GUZZLERS”



- Increases resident and migrant wildlife populations on property (attracts and holds)
- Low maintenance
- Freeze resistant
- Useful for ALL wildlife species
- Superior materials and construction
- Powder-coated construction - durability
- Highly portable components

# WATER TABLE SALE – AUG. 23-27, 2021

## 20% OFF WATER TABLES

Offer Limited: To the first 5 of each Water Table size sold

**Water Table 305**



**Pick-Up Price: \$1,276** (Originally \$1,595)  
**Delivery & Install: \$1,436** (Originally \$1,795)

**Water Table 100**



**Pick-Up Price: \$876** (Originally \$1,095)  
**Delivery & Install: \$956** (Originally \$1,195)

\*Items do not include tax or mileage. Please allow 4-6 weeks for installation or pick-up. **Not applicable on previous orders.**





2001 1 2





**Put in place and let it do the  
work, but check on it now and  
then...**



**Document your activity or have someone else do so, so there is never a question.**





**Don't be afraid to be  
creative, document what  
you do and do it  
consistently (water pans)**





That's interesting...







## Trough modification





## Windmill Overflow





**Who owns the water on  
my property?**

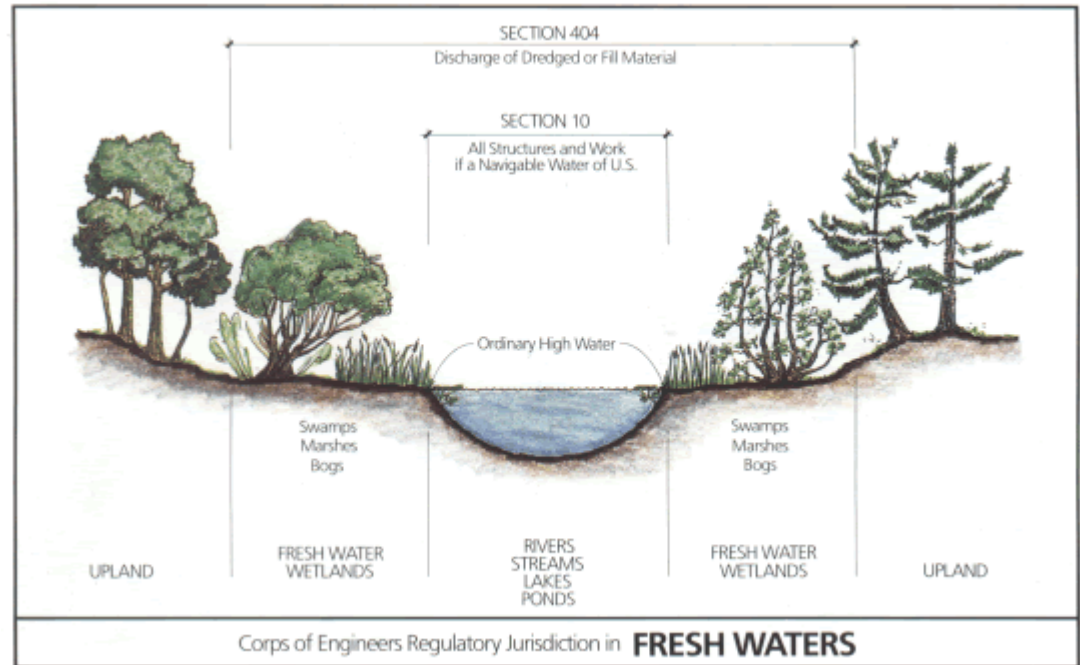


**It depends...**

# NAVIGABILITY - FEDERAL

## Clean Water Act

- traditional navigable waters
- interstate waters
- territorial seas
- impoundments of jurisdictional waters
- “tributaries” and “adjacent” waters -- *significant nexus to traditional navigable waters, interstate waters, or territorial seas.*





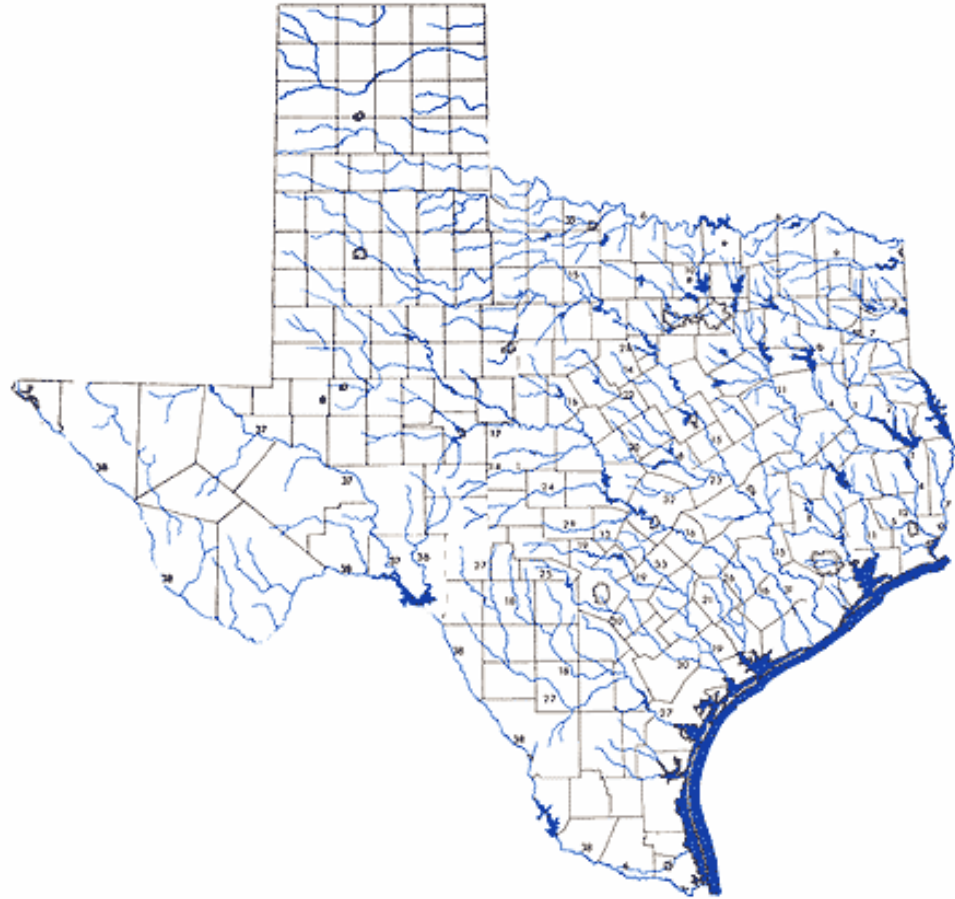
# NAVIGABILITY - TEXAS

## Navigable in Fact

- Commercial use
- *“common highways of trade and travel”*

## Navigable by Statute

- *“stream which retains an average of 30 ft. from the mouth up*



# REGULATIONS

## **Army Corps of Engineers**

- Nationwide Permit
- Exceptions

## **State of Texas**

- TCEQ
- Texas Parks and Wildlife – Sand and Gravel Permit

## **Local Authorities**

- City or County
- FEMA Administrator



# BEST PRACTICES FOR IF YOU DO WANT TO BUILD A DAM

- Talk to your neighbor
- Hire knowledgeable engineers and construction professionals
- Consult with an attorney



# FAMILY OF COMPANIES





# THANK YOU!

## **David Riley**

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The background is a dark olive green with a complex pattern of light-colored, wavy topographic lines. Overlaid on this is a faint, light-colored grid. Several small, light-colored dots are scattered across the image, with some forming small clusters. A few small 'x' marks are also visible. The overall aesthetic is technical and abstract.

# Questions?