

The Bolivar Flats Story

Bolivar Flats Acquisition Summary

In 1984, Stennie Meadours, as HAS VP of Sanctuaries, appeared before the Galveston County Commissioner's Court and asked them to restrict vehicular traffic from the tip of Bolivar Flats. The Commissioners held a public meeting for community input then passed an order and put up a sign to restrict vehicular traffic. The sign alone was not effective. In 1986, Stennie returned to Galveston Commissioners Court and requested a bollard barrier be placed at the point where vehicular traffic was prohibited.

In 1987, the County Commissioner's Court deliberated and approved the placement of bollards to prevent vehicles from entering Bolivar Flats. A barrier was then erected. The area of Bolivar Flats with no vehicular traffic had no designation identifying it as a bird or wildlife sanctuary. However, that land was owned by the State of Texas under the jurisdiction of the General Land Office. A designation as a bird sanctuary could be achieved only by an entity leasing the area of land behind the bollards (described in the County Commissioner's Order) from the General Land Office.

HAS then submitted an application to the General Land Office of Texas for a lease of 1.72 acres in 1990. That application was modified to request 550 acres, which was the amount of land between high tide and the vegetation line running west along the Gulf of Mexico coast from the entry onto "Bolivar Flats" to the North Jetty. The application included a map drawn to show the eastern entry point of "Bolivar Flats" and the 550 acres to be leased. In 1992 said lease was granted to Houston Audubon for 99 years. And the leased land was officially titled, Bolivar Flats Shorebird Sanctuary.

Editor's note: What follows is extracted from a March 2022 email from Winnie Burkett

1991 Sep or later – HAS had just gotten a lease from the general land office for 550 acres of coastal property at Bolivar Flats. They needed to count the birds there ten times a year. So, she asked me to count birds. So, that was my introduction to Houston Audubon and to Bolivar Flats.

The philosophy, at that time, was that accreted land, land that grew adjacent to regular land – regular land, right – belonged to the state.

We had a BOD VP of Sanctuaries, Stennie Meadours, who started in the '80s, with Galveston County, trying to get that part of the beach closed that the birds used a lot. Eventually, in '86, she got permission to put a vehicular barrier there. It was mostly made out of landscape ties. It wasn't really good at stopping traffic, but it helped some. That was the only area on the whole Bolivar Peninsula prohibited to cars. So, it was really important to birds.

So, then they approached the land office about leasing the property. Once we had it under a lease, then we could make other improvements. So, I think it was in '92 or '93, we got the lease to 550 acres. We built a bigger, stronger vehicular barrier. Fish and Wildlife Service gave us a grant, and we built a vehicular barrier out of power poles that were donated by the power company¹. We built an observation platform with signs so people could understand what the different parts of the sanctuary were.

In 1996, I think it was, there was a for sale sign on land that was very close to the land we were leasing. First, I called the realtor and made an appointment to see what the property was advertised for sale.

¹ Gulf State Utilities (now Entergy Texas)

Low and behold, they were selling land that we were leasing from the state government. So, I called the GLO², and they said there had been a lawsuit that determined that if a property owner had not done anything to cause the accretion that the accreted land belonged to the property owner. So, that meant our leases were null and void. So, something else had to be done to protect this area.

We proposed to buy the 176 acres that was next to Rettilon Road from Don Suderman, who owned it. So, we had to do a fundraising campaign. It was interesting. We needed – was it \$176,000.00? The first \$100,000.00 came from GLO. They had a coastal management program, at the time, that gave grant money for purchases. So, they gave us \$100,000.00. Then they have the Birding Classic, you know, where they have these teams that compete. One of the teams gave us their top prize. So, it wasn't too terribly hard to raise that \$176,000.00 because a lot of people cared about Bolivar Flats.

About the time we had that closing, we also had the closing on the piece of property across the street. It's on the left-hand side of Rettilon Road as you're going to the water. It was owned by a guy named Lewis Tyra. He and Andrew Johnson, who was a Bolivar Peninsula person, were going to put Water World over there. The piece of land was like 550 acres around. The Corps of Engineers said 75 percent of it was wetlands and they couldn't build Water World. So, they needed to do something with the property. Louis was old, and his family wanted him to divest himself of a lot of things before he died. So, the family donated that four-sevenths undivided interest in that piece of property to us. It was then partitioned and we got the wetlands and the salt marsh and the outflow of Beacon Bayou. The family got the uplands that has pasture for cows. So, that worked out very well. The family's three-sevenths piece was sold to a developer, just before Hurricane Ike. Now it is for sale for \$5 million.

Boyd Realty, which had subdivided Port Bolivar in the 1800s, was going into bankruptcy. They had 3,000 acres they wanted to sell. Part of that was the other part of Bolivar Flats. At the time, they didn't want to divide up the property.

So, it wasn't too long before they called and said they would sell us that side of the road. We needed to raise \$750,000.00. I didn't know quite how we were going to raise that. Houston Audubon has gone back and forth about having development people. Sometimes we've had development people that couldn't do grant writing. Fortunately, we had Caroline Callery. Caroline took me by the hand, practically. First thing she did was take me to a classical radio station in Houston that was owned by Mike Stude of the Brown Foundation. So, we sat and talked to Mike. He said, "Well, I'll tell you what. You write us a request for \$200,000.00."

Next, we talked to Ann Hamilton at Houston Endowment. She said, "Well you write us a request for \$100,000.00." That money made it so we could get matching grants. We got a grant from Fish and Wildlife Service and – oh, National Fish and Wildlife Foundation. We got other grants for habitat stuff from the Fish and Wildlife Service. But it didn't take too long, really, to raise that 750,000. Actually, we raised 800,000 because we were trying to also raise a management fund. You really shouldn't get land with that management money. We've learned that the hard way. So, we were able to purchase that piece, and we built the vehicular barrier that goes parallel to the beach. There was only the vehicular barrier at the end of the beach, but now we could keep cars out of the backside of it which was very good because people used to bring their old roofs and stuff, and leave them there.

The bankruptcy court said, "Don't you want to buy more of this land?" They owned another 600 acres across the highway from Bolivar Flats. That was what we call Horseshoe Marsh. There was Horseshoe Lagoon, which was almost totally surrounded by salt marsh. It's a beautiful piece of property, but complicated because it had been platted for development. It's 4,000 lots. Some of the lots already had houses on it because there were had been undivided interests sold. The bankruptcy court would own

² Texas State General Land Office

like ten percent undivided interest in a piece of property that had a house on it. So, the bankruptcy judge can make it so that the bankruptcy court can sell everything.

Joy Hester and I were working on that project. The judge wanted us to buy all the property. We decided we couldn't do that. But he allowed us to do what's called cherry picking. We said, "We want this, and we don't want this, and we want this, and we don't want this,". We tried to keep it contiguous so we didn't have pieces off here and there. So, we were able to get a really good chunk of land. Also, we were able to use the unused donations for the Bolivar Flats purchase for matching a National Fish and Wildlife Foundation grant for \$450,000.00.

It's going to cause us headaches forever because there are little inholdings and there are road right-of-ways. But we essentially were able to put aside a tremendous amount of land at the end of the Bolivar Peninsula. With the property growth the way it's going now, it's just amazing.

The neat thing is our property is growing. We know accreting land belongs to the adjacent property owner. And because of the way our deed is written our land is growing.

It's growing exponentially right now because they're doing beach renourishment at the McFadden Wildlife Refuge. They are trying to protect the freshwater wetlands from the salt water because the beach has eroded so much. When they do beach renourishment a lot of sediment gets into the water. So, the water is going down the coast and when it gets to Bolivar Flats there is the jetty. So, it becomes part of an accreting Bolivar Flats. Our deed was written so that we own to mean high tide. There's not a line that says, "We own to here." We own to where the tide comes to. So, that means, if you go down there a lot, which we do because we live near there, you can see our property growing.