

SUBJECT: Granting permits for structures near coastal parks and wildlife sanctuaries

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 7 ayes — Bonnen, Howard, Driver, Homer, T. King, Kuempel, W. Smith  
0 nays

WITNESSES: For — Jerry Patterson; Bill Hickman  
Against — None

BACKGROUND: Natural Resources Code, sec. 33.124 prohibits the School Land Board (SLB) from granting a permit for the use of a structure located within 1,000 feet of privately owned coastal property, without the owner's written consent, within 1,000 feet of a federal or state wildlife sanctuary or refuge, or within 1,000 feet of any federal, state, county, or city park bordering on coastal public land.

The SLB, operating through the Texas General Land Office (GLO), manages state lands dedicated to the Permanent School Fund (PSF), including submerged lands underlying the Gulf of Mexico and the coastal bays along the Texas coast. One of the management duties of the SLB includes issuing permits for cabins used mainly for public recreational purposes in these submerged and coastal areas. Recreational cabin permit holders pay on average \$600 a year, sign a five-year lease, and are required to maintain the cabins.

There are about 430 cabins dedicated to the PSF, of which 360 currently can be authorized for use under sec. 33.124.

DIGEST: HB 708 would amend Natural Resources Code, sec. 33.124 to allow the SLB to issue permits for the use of cabins that are located within 1,000 feet of a federal or state wildlife sanctuary or refuge or within 1,000 feet of any federal, state, county, or city park bordering on coastal public land.

The restriction allowing permits for cabins located within 1,000 feet of privately owned coastal property only with the owner's written consent would be limited to residential property.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS  
SAY:

HB 708 would allow the SLB to issue permits for some 67 additional cabins built before the permit restrictions were adopted, bringing the total of available cabins to 427. This would generate an additional \$24,300 in new revenue per year to support the GLO's Coastal Leasing and Inspection Program.

The bill also would encourage the proper regulation and maintenance of the cabins. Permit holders provide maintenance for the permitted cabins, but the unpermitted cabins are falling into disrepair. These damaged cabins constitute a safety hazard to people who use them without permission. In addition, the SLB is unable to regulate cabins that are not under contract. HB 708 would allow the agency to ensure that permit holders maintain proper waste disposal practices by including such a provision in the lease contracts.

Under this bill, the public would benefit from the increased availability of cabins for recreational use. More available cabins would boost the economy by drawing additional tourism dollars to the state's coastal areas.

OPPONENTS  
SAY:

Allowing more cabin permits in coastal areas near parks and wildlife sanctuaries could diminish water quality on submerged lands and coastal bays. The presence of untreated human waste from cabin occupants in the surrounding water creates water quality and health hazards. While SLB regulations specify certain requirements for proper disposal of waste, these requirements are difficult to enforce, and water quality in certain coastal areas could suffer as a result.

This bill might harm the wildlife that the sanctuaries are designed to protect. Many of these coastal refuges provide nesting habitats and winter homes for a variety of migrating birds, including endangered species. Increased boat traffic to cabins within 1,000 feet of these sanctuaries and the associated noise and lights may interfere with the preservation mission of these refuges.

OTHER  
OPPONENTS  
SAY:

The issuance of permits to these additional cabins should be studied on a case-by-case basis. A permit should not be granted for a cabin where there is evidence that its occupancy might harm area wildlife.

NOTES:

According to the Legislative Budget Board, the SLB expects to gain \$24,300 in new revenue per fiscal year by issuing 67 additional cabin permits.