

BILL ANALYSIS

Senate Research Center
86R23880 SLB-D

H.B. 2805
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Water & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that the process to obtain a permit from the Texas Parks and Wildlife Department with regard to taking or disturbing marl, sand, gravel, shell, or mudshell or disturbing oyster beds or fishing waters is often confusing. There have been calls to standardize the permitting requirements by which both individual and general permits are issued. H.B. 2805 seeks to address this issue by creating uniform requirements for both the individual and general permits.

H.B. 2805 amends current law relating to regulations for taking marl, sand, gravel, shell, or mudshell.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 3 (Section 86.0105, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 86.003, Parks and Wildlife Code, by adding Subsection (c), as follows:

(c) Requires the Texas Parks and Wildlife Commission (TPWC) to prescribe a single application form for an individual or general permit for taking marl, sand, gravel, shell, or mudshell. Requires the form to require individual and general permit applicants to provide the same information, including information regarding:

(1) the publication of notice in:

(A) the daily or weekly newspaper with the greatest circulation in the county or counties affected by the issuance of the permit for three consecutive days, if daily; and

(B) one newspaper published for the community closest to the proposed area of disturbance, if any;

(2) proof that notice was sent by certified mail to alongshore property owners of property one river mile above and below the proposed area of disturbance described in the permit;

(3) a sedimentation impact assessment approved by the Texas Parks and Wildlife Department (TPWD); and

(4) any amendments to the permit, if the application is for the renewal of a permit.

SECTION 2. Amends Section 86.006, Parks and Wildlife Code, by adding Subsection (d) to provide that a general permit issued under this chapter has a maximum term length of one year.

SECTION 3. Amends Chapter 86, Parks and Wildlife Code, by adding Section 86.0105, as follows:

Sec. 86.0105. REMOVAL REPORT. Requires a person holding a permit issued under this chapter to deliver to TPWD a report stating how much marl, sand, gravel, shell, or mudshell was removed during the term of the permit. Requires TPWC to adopt rules regarding the delivery and format of the report.

SECTION 4. Amends Section 86.021, Parks and Wildlife Code, by adding Subsection (b-1), as follows:

(b-1) Defines "unconsolidated sedimentary material" for purposes of this subsection. Provides that a project results in an insignificant taking or disturbance of marl, sand, gravel, shell, or mudshell for purposes of Subsection (b)(1) if:

- (1) the project is noncommercial;
- (2) the project takes or disturbs less than 125 cubic yards of dry unconsolidated sedimentary material within a 12-month period;
- (3) the project occurs within an on-channel impoundment created by a dam originally constructed on or before December 31, 1955, and the dam crest has not been increased in height by more than six inches since initial construction; and
- (4) the taking or disturbance of unconsolidated sedimentary material does not occur outside of the impoundment in areas above dam crest elevation.

SECTION 5. (a) Makes application of Section 83.003(c), Parks and Wildlife Code, as added by this Act, prospective.

(b) Makes application of Sections 86.006(d) and 86.0105, Parks and Wildlife Code, as added by this Act, prospective.

SECTION 6. Effective date: September 1, 2019.