

By: Ritter

H.B. No. 1818

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the operation and placement of systems used to anchor or  
3 moor barges in, on or adjacent to coastal lands of the state of  
4 Texas.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 33, Natural Resource Code, Management of  
7 Coastal Public Land, Subchapter D, Rights in Coastal Public Land is  
8 amended to read as follows:

9 Section 33.137. STRUCTURES USED TO SECURE BARGES LOCATED ON  
10 COASTAL PUBLIC LANDS OF THE STATE. (a) The General Land Office of  
11 Texas, in consultation with the Texas Commission on Environmental  
12 Quality and the Texas Parks and Wildlife Department, shall  
13 establish administrative rules governing the placement and  
14 operation of water based barge mooring structures located on  
15 coastal public lands of the state. The rules shall establish a  
16 program for receiving a permit to operate water based barge mooring  
17 structures. The program will establish standards regarding the  
18 siting and operation of water based barge mooring structures  
19 designed to ensure the protection and enjoyment of coastal  
20 resources for all citizens of Texas.

21 (b) The permit shall be issued by the General Land Office  
22 and require the approval of the General Land Office, Texas Parks and  
23 Wildlife Department and Texas Commission on Environmental Quality.  
24 All water based barge mooring structures which were not approved by

1 the State of Texas as of January 1, 2003 shall apply for and receive  
2 a permit before commencing operations on or after the effective  
3 date of the rules regardless of any permits, leases or approvals  
4 currently governing such structures.

5 (c) For purposes of this section "water based barge mooring  
6 structure" shall be defined as a structure utilizing buoys or other  
7 flotation devices anchored into the coastal public land of the  
8 state, as that term is defined in Section 33.004 of this Chapter, to  
9 secure or anchor a barge or barges or any other marine vessel which  
10 requires another vessel to propel it and which may be used to  
11 contain or transport bulk products or materials.

12 (d) It is the Legislature's intent that because of their  
13 potential impact upon public uses and enjoyment of coastal  
14 resources, permits for water based barge mooring structures shall  
15 only be approved in those cases in which the applicant can  
16 demonstrate that the structure will not interfere with or  
17 negatively impact public uses of coastal resources.

18 (e) In determining whether a water based barge mooring  
19 structure interferes with or negatively impacts public uses of  
20 coastal resources, in conjunction with any administrative rules or  
21 related statutory standards, the General Land Office shall consider  
22 the following factors:

23 (1) Comments received from representatives of local  
24 government and interested members of the public. The presence of  
25 significant negative comments from representatives of local  
26 government and members of the public regarding a proposed  
27 water-based barge mooring structure shall constitute a rebuttable

1 presumption of the proposed structure's negative impact upon or  
2 interference with coastal resources;

3 (2) The degree of area which the proposed structure  
4 may occupy and thereby interfere with or prevent public uses of the  
5 impacted resource as well as any adjacent or accessible resources;

6 (3) Potential impacts to coastal resources arising  
7 from potential releases of materials or products at the permittee's  
8 structure;

9 (4) Potential impacts to the proposed location of the  
10 structure, environmental resources and public uses arising from the  
11 presence or movement of barges and other marine vessels utilizing  
12 the proposed structure;

13 (5) The ability of emergency response personnel to  
14 access the proposed structure in the event of an emergency;

15 (6) The impact of the proposed structure upon the  
16 aesthetic value of the area where it will be located;

17 (7) The potential economic impact of the proposed  
18 structure both from the perspective of local governments and local  
19 businesses; and

20 (8) Any other factor deemed relevant by the General  
21 Land Office, Texas Commission on Environmental Quality, or Texas  
22 Parks and Wildlife Department.

23 SECTION 2. This Act takes effect September 1, 2003.