

By: Williams

S.B. No. 1538

A BILL TO BE ENTITLED

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AN ACT

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

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

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

Section 33.137. STRUCTURES USED TO SECURE BARGES LOCATED ON COASTAL PUBLIC LANDS OF THE STATE

(a) The General Land Office of Texas, in consultation with the Texas Commission on Environmental Quality and the Texas Parks and Wildlife Department, shall establish administrative rules governing the placement and operation of water based barge mooring structures located on coastal public lands of the state. The rules shall establish a program for receiving a permit to operate water based barge mooring structures. The program will establish standards regarding the siting and operation of water based barge mooring structures designed to ensure the protection and enjoyment of coastal resources for all citizens of Texas.

(b) The permit shall be issued by the General Land Office and require the approval of the General Land Office, Texas Parks and Wildlife Department and Texas Commission on Environmental Quality. 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 may
4 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 from
7 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 access
14 the proposed structure in the event of an emergency;

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

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

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

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