

By: Murr

H.B. No. 2892

A BILL TO BE ENTITLED

AN ACT

relating to the procedure by which the Texas Commission on Environmental Quality may designate a watercourse as navigable.

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

SECTION 1. Subchapter C, Chapter 11, Water Code, is amended by adding Section 11.098 to read as follows:

Sec. 11.098. DESIGNATION OF NAVIGABILITY; NOTICE AND HEARING. (a) The commission, on its own or at the request of another governmental entity, may designate a watercourse as a navigable stream for the purposes of this chapter, Chapter 21, Natural Resources Code, Chapter 138 (S.B. 150), Acts of the 41st Legislature, Regular Session, 1929 (Article 5414a, Vernon's Texas Civil Statutes), or Chapter 232 (S.B. 269), Acts of the 54th Legislature, Regular Session, 1955 (Article 5414a-1, Vernon's Texas Civil Statutes). Before designating a watercourse as a navigable stream, the commission shall:

(1) perform or have performed by a registered professional land surveyor a gradient boundary survey of the watercourse;

(2) provide to each person who owns land abutting or lying along, across, or partly across the watercourse notice that:

(A) provides the name and address of the governmental entity seeking the designation;

(B) identifies the geographic location and

1 common name of the watercourse;

2 (C) specifies the time and location where a  
3 public hearing with regard to the designation will be held; and

4 (D) gives any additional information the  
5 commission considers necessary; and

6 (3) at the time and location stated in the notice  
7 provided under Subdivision (2), hold a hearing in which:

8 (A) any person may appear in person or by  
9 attorney or enter an appearance in writing;

10 (B) any person who appears may present objection  
11 to or support for the designation; and

12 (C) the commission may receive evidence, orally  
13 or by affidavit, in support of or in opposition to the designation.

14 (b) After the hearing, the commission shall make a written  
15 decision granting or denying the designation of the watercourse as  
16 a navigable stream. The designation may be granted or denied in  
17 whole or in part.

18 SECTION 2. This Act takes effect September 1, 2015.