

By: Eckhardt

S.B. No. 1723

A BILL TO BE ENTITLED

1 AN ACT
2 relating to recommendations made by the Parks and Wildlife
3 Department and intervention by the Parks and Wildlife Department in
4 matters regarding certain permits.

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

6 SECTION 1. Section 12.024, Parks and Wildlife Code, is
7 amended to read as follows:

8 Sec. 12.024. WATER PERMIT RESPONSIBILITIES. (a) The Texas
9 Commission on Environmental Quality [~~Department of Water~~
10 ~~Resources~~] shall furnish to the department a copy of all permit
11 applications to store, take, or divert water.

12 (b) The department shall make recommendations to the Texas
13 Commission on Environmental Quality and the Texas [~~Department of~~
14 Water Development Board [~~Resources~~] to protect fish and wildlife
15 resources, including permit conditions, mitigation, and schedules
16 of flow or releases. In a proceeding for an individual water right
17 governed by environmental flow standards, the department may not
18 make a recommendation for a schedule of flow or releases that is in
19 conflict with the applicable standards.

20 (c) Notwithstanding Section 5.115(b), Water Code, the [~~The~~]
21 department:

22 (1) shall be, on its request, granted a hearing or made
23 a full party in any hearing on an application for a permit to store,
24 take, or divert water that is subject to notice and opportunity for

1 hearing; and

2 (2) may request a hearing and full party status on a
3 permit or authorization under review by the Texas Commission on
4 Environmental Quality that:

5 (A) is subject to notice and opportunity for
6 hearing; and

7 (B) may adversely affect property or wildlife
8 resources managed by the department.

9 SECTION 2. Section 5.115(b), Water Code, is amended to read
10 as follows:

11 (b) At the time an application for a permit or license under
12 this code is filed with the executive director and is
13 administratively complete, the commission shall give notice of the
14 application to any person who may be affected by the granting of the
15 permit or license. A state agency that receives notice under this
16 subsection may submit comments to the commission in response to the
17 notice but, except as expressly authorized by other law, may not
18 contest the issuance of a permit or license by the commission. For
19 the purposes of this subsection, "state agency" does not include a
20 river authority.

21 SECTION 3. This Act takes effect September 1, 2021.