

## **BILL ANALYSIS**

C.S.H.B. 2805  
By: Darby  
Culture, Recreation & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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. C.S.H.B. 2805 seeks to address this issue by creating uniform requirements for both the individual and general permits.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 3 of this bill.

### **ANALYSIS**

C.S.H.B. 2805 amends the Parks and Wildlife Code to require the Parks and Wildlife Commission to prescribe a single application form for an individual or general permit authorizing a person to disturb or take marl, sand, gravel, shell, or mudshell under the management and protection of the commission or to operate in or disturb any oyster bed or fishing water for any purpose other than that necessary or incidental to navigation or dredging under state or federal authority. The bill requires the form to require individual and general permit applicants to provide the same information, including information regarding:

- the publication of notice in 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 in one newspaper published for the community closest to the proposed area of disturbance, if any;
- 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;
- a sedimentation impact assessment approved by the Parks and Wildlife Department (TPWD); and
- any amendments to the permit, if the application is for the renewal of a permit.

C.S.H.B. 2805 establishes a maximum term length of one year for a general permit and requires a person holding a permit to deliver to TPWD a report stating how much marl, sand, gravel, shell, or mudshell was removed during the term of the permit. The bill requires the commission to adopt rules regarding the delivery and format of the report. The bill sets out the conditions

under which a project results in an insignificant taking or disturbance of marl, sand, gravel, shell, or mudshell for purposes of the exemption from any permit requirement or payment to TPWD for materials removed.

**EFFECTIVE DATE**

September 1, 2019.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2805 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the information required to be included in the single application form for an individual or general permit.

The substitute includes the following:

- a provision establishing the maximum term length for a general permit;
- a requirement for a person holding a permit to deliver a report stating how much marl, sand, gravel, shell, or mudshell was removed during the term of the permit and a requirement for the commission to adopt rules regarding the delivery and format of the report; and
- a provision setting out the conditions under which a project results in an insignificant taking or disturbance of marl, sand, gravel, shell, or mudshell for certain exemption purposes.