

- SUBJECT:** Exempting a public utility from sand and gravel permit requirement
- COMMITTEE:** State Recreational Resources — favorable, with amendment
- VOTE:** 9 ayes — Kuempel, Siebert, Black, Hightower, Horn, Oakley, Rabuck, B. Turner, Woolley
0 nays
- WITNESSES:** For — Wade Stansell, Texas Utilities
Against — None
On — Catherine A. Livingston
- BACKGROUND:** The Parks and Wildlife Code requires that a Texas Parks and Wildlife Commission (TPWD) permit be obtained by those who plan to disturb or take commercially valuable sand, marl, gravel, shell and mudshell located within the state's tidewater limits and freshwater areas. The bill would take effect September 1, 1995.
- DIGEST:** HB 1318, as amended, would authorize the Texas Parks and Wildlife Commission to exempt public utilities from the permit requirement if the disturbance or taking of the material is for non-commercial purposes and for utility maintenance projects.
- SUPPORTERS SAY:** A number of Texas Utilities (TU) power plants require maintenance every four or five years to dredge sand and silt that builds up and impedes water flow for cooling operations. Although the dredged material is not removed for the purpose of commercial sale, TU is required to obtain permits annually from the TPWD. The permit fee is \$500, but TU estimates that its total cost in paperwork and legal fees to obtain the permits is about \$10,000 annually to retain its option to dredge when necessary. HB 1318 would reduce administrative costs for the TPWD and for TU, which provides power to about one-third of the state.

The minor dredging activity has virtually no environmental impact. TU generally removes less than 600 cubic yards of sand and silt at each

installation and disposes of the material on private lands. The exemption would be very narrowly drawn to apply only to noncommercial dredging by public utilities solely for maintenance purposes.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee amendment to HB 1318 would limit the exemption to public utilities carrying out maintenance projects, rather than those exercising a water rights use permit.

A similar bill, HB 1823 by Bosse, was referred to the State Recreational Resources Committee.