

- SUBJECT:** Prohibiting navigation district leases for oyster harvesting
- COMMITTEE:** Culture, Recreation and Tourism — favorable, without amendment
- VOTE:** 8 ayes — Cyrier, Martinez, Bucy, Gervin-Hawkins, Holland, Jarvis Johnson, Kacal, Morrison
- 0 nays
- 1 absent — Toth
- SENATE VOTE:** On final passage, April 11 — 30-1 (Creighton), on Local and Uncontested Calendar
- WITNESSES:** For — Mauricio Blanco, Union of Commercial Oystermen of Texas; (*Registered, but did not testify:* Joey Park, Coastal Conservation Association Texas; Quint Balkcom, Game Warden Peace Officers Association; Clifford Hillman, Hillman Shrimp and Oyster Co.; Curtis Miller, Miller Seafood Company; Michael Ivic, Oyster Advisory Group; Chad Wilbanks, Prestige Oyster, Miso's Oyster, Gulf Coast Leadership Conference; Hajrulla Halili and Lisa Halili, Prestige Oysters Inc.; Ruzhdi Halili, Prestige Oysters Inc., Gulf Seafood Foundation; John Shepperd, Texas Foundation for Conservation, Texas Coalition for Conservation; W. Brad Boney, Texas Outdoor Coastal Council; Emily Barry; Joseph Ivic; Kenneth Watkins)
- Against — None
- BACKGROUND:** Water Code sec. 60.038 allows a navigation district to sell or lease all or any part of land it owns. Certain lands or flats purchased from the state under Revised Civil Statutes of Texas art. 8225 (1925) or granted by the state in any general or special act may be sold only to the state or exchanged with the state for other land.
- Parks and Wildlife Code sec. 76.006(a) permits any citizen of the United States or any domestic corporation to file a written application with the

Texas Parks and Wildlife Department for a certificate authorizing the applicant to plant oysters and make a private oyster bed in the public waters of the state.

DIGEST: SB 1438 would prohibit a navigation district from conveying or exchanging an interest in real property to an individual or private entity for the purpose of bedding or harvesting oysters, regardless of whether the bedding or harvesting was to be done directly by the individual or private entity or the heirs, successors, or assigns of the individual or private entity.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY: SB 1438 would protect the rights of the public to harvest oysters in Texas public waters and ensure the oyster industry continued to positively impact the state's economy by prohibiting a navigation district from conveying property to a private entity.

Prohibiting such a transference by a navigation district would clarify that the Texas Parks and Wildlife Department (TPWD) retains sole authority to manage oyster reefs in public waters through its certificates of location process. This certificate authorizes a person or domestic corporation to plant oysters in a specifically delineated area of the public waters for the purpose of establishing a private oyster bed for a period of 15 years. TPWD has done a good job of managing the state's oyster resources to prevent overharvesting, disease, and pollution.

OPPONENTS SAY: SB 1438 would interfere with the property rights of a navigation district to lease its submerged land to a private company for oyster harvesting. When the state conveys the land to a navigation district, it becomes the district's and not the state's land to lease. The right of a navigation district to lease its land would not be inconsistent with the Texas Parks and Wildlife Department's authority to regulate the planting and harvesting of oysters

because a person still has to obtain a permit from the department before engaging in those activities. The use of private leases by a navigation district would allow the district to raise revenue without increasing taxes on property owners.