

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2043
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Rollover Pass is located on the Bolivar Peninsula. It is a man-made pass opened in 1954 to facilitate fishing by providing a tidal exchange between the Gulf of Mexico and Rollover Bay. Rollover Pass is also very close to the Gulf Intercoastal Water Way. Maintenance dredging of the pass costs about \$500,000 to \$1 million annually.

Hurricane Ike highlighted the significant erosion problem on Bolivar Peninsula. Rollover Pass contributes to this erosion and closing Rollover Pass would help reduce the current rate of erosion near it.

The Texas Parks and Wildlife Department (TPWD) has authority over fish passes and the General Land Office has authority over costal erosion projects. In 2007, TPWD settled a lawsuit that does not allow it to object to changes to Rollover Pass that will decrease erosion when recommended by another state agency.

C.S.S.B. 2043 authorizes the commissioner of the General Land Office (commissioner) to close a man-made pass between the Gulf of Mexico and an inland bay if the commissioner determines that the pass causes or contributes to significant erosion of the shoreline of the adjacent beach and the General Land Office receives legislative appropriations or other funding for that purpose. C.S.S.B. 2043 requires the commissioner to develop, in consultation with certain other officials, a plan to mitigate any loss of public recreational activities resulting from the closing of a man-made pass and submit to the 82nd Legislature a report on the progress of that mitigation plan.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 33, Natural Resources Code, by adding Section 33.613, as follows:

Sec. 33.613. CLOSURE OF CERTAIN MAN-MADE PASSES. (a) Authorizes the commissioner of the General Land Office (commissioner), notwithstanding Sections 66.204 (Vessels and Obstructions in Fish Passes) and 81.103 (Property Acquisition; Manner and Means), Parks and Wildlife Code, to close a man-made pass between the Gulf of Mexico and an inland bay if the commissioner determines that the pass causes or contributes to significant erosion of the shoreline of the adjacent beach, the pass is not a public navigational channel constructed or maintained by the federal government, and the General Land Office receives legislative appropriations or other funding for that purpose.

(b) Requires the commissioner, if the closing of a man-made pass under this section results in a loss of public recreational opportunities, to develop, in consultation with the Texas Parks and Wildlife Department (TPWD) and the county and, if applicable, the municipality in which the pass is located, and approve a plan to mitigate the loss. Provides that the commissioner, in developing the plan, is strongly encouraged to assess the feasibility of installing fishing piers, boat ramps, and other facilities that provide public recreational

opportunities. Requires that the plan be presented to the public for comment before the commissioner approves it.

SECTION 2. Requires the commissioner, not later than January 1, 2011, to submit to the 82nd Legislature a report on the progress of the commissioner in implementing any mitigation plan approved under Section 33.613(b), Natural Resources Code, as added by this Act.

SECTION 2. Effective date: September 1, 2009.