



## REGULATIONS OF BRAZOS RIVER AUTHORITY LAKES AND ASSOCIATED LANDS

### 1. APPLICABILITY

These regulations apply to all Lakes and associated lands under the jurisdiction of the Brazos River Authority (BRA).

### 2. AUTHORITY

These regulations are adopted and promulgated under authority vested in the Board of Directors of the BRA by the laws of Texas, including, but not limited to, Chapter 8502 of the Special District Laws Code; Chapters 49 and 51 of the Texas Water Code; Chapters 25 and 31 of the Texas Parks and Wildlife Code; and Chapter 542 of the Texas Transportation Code.

### 3. PRIOR REGULATIONS SUPERSEDED

The Regulations for the Governance of Brazos River Authority Lakes and Associated Lands adopted by the Brazos River Authority Board of Directors on October 27, 2014, is hereby repealed and replaced in its entirety as of the effective date herein.

### 4. DEFINITIONS

**A. Commercial On-Water Facility:** An On-water Facility serving more than one single-family residence or serving the public at-large (exception: a multi-slip On-Water Facility permitted to a condominium association or home-owner's association for use at no additional charge by the entity's members and guests).

**B. Commercial Activity:** A regular course of conduct or a particular transaction or act that provides goods or services with the expectation of compensation.

**C. Lakes:** Possum Kingdom Lake located in Young, Palo Pinto, Stephens, and Jack Counties with the boundary of the Lake defined by the 1,000-foot Mean Sea Level (msl) contour line (BRA Datum). Lake Granbury located in Parker and Hood Counties with the boundary of the Lake defined by the 693-foot msl contour line (BRA Datum). Lake Limestone located in Limestone, Leon, and Robertson

Counties with the boundary of the Lake defined by the 363-foot msl contour line. Each Lakes contour line may meander and change over time with natural forces, including erosion and accretion.

**D. On-Water Facility:** Residential On-Water Facilities and Commercial On-Water Facilities, whether floating on the water, cantilevered over the water, or affixed to the lakebed, including but not limited to: docks, piers, and platforms.

**E. Residential On-Water Facility:** An On-Water Facility serving a single-family residence.

**F. Watercraft:** the term “Watercraft”, for the purposes of these Rules and Regulations, shall have the same meaning as the term “Vessel” in the Texas Water Safety Act.

## 5. GENERAL INFORMATION

### A. Lake Levels

The water level in the Lakes will not be constant. BRA Lakes are water supply reservoirs. While it is the desire of the BRA to keep the Lakes as full as possible, the level of the water will vary, depending on the amount of water diverted locally, evaporation rates, amounts of rainfall and runoff in the Brazos Basin upstream, required releases, and other factors. The level in any lake may drop substantially below the full lake level.

### B. Swimming

Swimming in all areas of the Lakes, including designated swimming areas, is solely at the risk of the swimmer.

### C. Emergencies

In the case of extreme flooding, water contamination, or other emergency or natural disaster, the General Manager/CEO is authorized to declare restrictions on the use of all or any portion of BRA Lakes as deemed necessary and convenient for purpose of public health, safety and welfare. No person shall engage in any activity that violates such restrictions.

### D. Building and Construction Compliance

Pursuant to the authority granted by §51.127 of the Texas Water Code, the BRA may, from time to time, adopt standards and regulate activities as provided therein on any stream or body of water, or any body of land, or any easement owned or controlled by the BRA.

## **6. VARIANCE**

Variations to these regulations for governance, where not otherwise mandated by federal, state or local laws, may be granted by the General Manager/CEO or his designee in cases of imminent public necessity/calamity; or to protect public health, safety or welfare.

## **7. WATERCRAFT**

Watercraft may be maintained and operated on the Lakes under the following conditions:

### **A. Applicable Laws**

Watercraft on the Lakes shall be equipped, operated and maintained in accordance with the provisions of all applicable federal, state, or local laws, including but not limited to:

1. United States Coast Guard Inland Rules (33 USC 34);
2. Texas Water Safety Act (§31, TPWD Code); and
3. Boat Sewage Disposal Act, 30 Texas Administrative Code §§321.1 – 321.18.

### **B. BRA Operating Regulations**

In addition to the applicable laws stated above and pursuant to the authority granted by §31.092 of the Texas Parks and Wildlife Code and §51.127 of the Texas Water Code, the following regulations shall be effective on the Lakes:

1. The BRA's General Manager/CEO is authorized to designate areas or zones in which the operation of Watercraft shall be prohibited or in which the speed of Watercraft shall be restricted. These zones shall be marked by buoys or signs stating the prohibition or restriction. No Watercraft shall be operated within a prohibited zone. Watercraft operating in any restricted zone shall be operated in a manner that fully complies with the posted restriction.
2. Watercraft operating within 100 feet of the shoreline or 100 feet of any boathouse, dock, On-Water Facility, occupied Watercraft, or area in which people are swimming or diving shall be operated at a slow, no wake speed (a headway speed that does not create a swell or wake).
3. No person or Watercraft shall be in the water within 100 feet of any public fishing pier that is operated or maintained by the BRA, and which is designated for fishing only.
4. The operator of a Watercraft involved in a collision, accident, or other casualty that results in death or injury to a person or damage to property in excess of \$2,000 shall report the incident to a BRA Lake Ranger as soon as possible, but not later than 30 days from the date of the collision or accident.

**C. Mooring, Anchoring or Berthing on the Lakes**

Watercrafts may be anchored, moored or berthed on the Lakes only as follows:

1. Watercrafts may be moored or beached for a period of time not to exceed two (2) days in locations on the Lakes which will not interfere unduly with recreational use of the shoreline or lake by others.
2. Except as provided in subsection (1) above, Watercraft shall be anchored, moored or berthed at private or commercial facilities or areas of the Lakes maintained in accordance with permits or contracts issued by the BRA.
3. No Watercraft shall be moored longer than 15 minutes at a BRA owned courtesy dock.
4. In an emergency, any Watercraft left unattended shall, to the extent possible, be securely moored or anchored and suitably flagged and lighted. Operator of the vessel shall notify the BRA of the location of the abandoned Watercraft immediately. The Watercraft shall be removed to an approved mooring or berthing area as soon as possible.

**D. Watercraft Sanitation**

If applicable, Watercraft must display the appropriate clean water sticker pursuant to 26.044 of the Texas Water Code.

**8. ON-WATER FACILITIES**

Pursuant to the authority granted in §51.127 of the Texas Water Code, the following provisions apply to On-Water Facilities:

**A. General Permitting Requirements For All On-Water Facilities**

The privilege of installing an On-Water Facility is not an inherent right with the control or ownership of waterfront property. A permit shall be obtained from the appropriate Area Project Manager prior to construction, modification, or transfer of any On-Water Facility in, on, or over the Lakes. Additional coordination with federal, state, or local governmental entities may be required. The BRA exercises the right to grant or deny permits for On-Water Facilities as deemed appropriate in the sole discretion of the BRA. The BRA will not authorize On-Water Facilities that BRA determines in its sole discretion would unreasonably impair, preclude, or otherwise conflict with the general public's ability to utilize the Lake. Additionally, in the event an On-Water Facility applicant is otherwise in violation of any of these Rules and Regulations or in default regarding any other agreement with the BRA, then the BRA reserves the right to withhold authorization of an On-Water Facility permit until such time as the other matter(s) is finally resolved.

The permitting regulations, restrictions, or conditions set forth by the BRA are separate and apart from any and all other regulations, restrictions, or conditions set forth by other entities or agreements, including, but not limited to, deeds, covenants, homeowner's association rules, or separate agreements. The BRA is

not required to issue permits for On-Water Facilities on lots where On-Water Facilities were prohibited in previously approved and executed development agreements.

Applications for permits shall be made on forms provided by the BRA, including any supplemental information required by the BRA, and the applicant shall submit any applicable fee. Applicant must own or lease the property adjoining the Lake at the location of the proposed On-Water Facility and provide to the BRA at the time of permit application, documentation establishing the ownership or leasehold interest in the property. The On-Water Facility must be attached to the property owned or leased by the applicant.

No On-Water Facility shall be situated in, on, or over the waters of the Lakes or associated lands without the appropriate BRA permit. Any such On-Water Facility without the appropriate BRA permit shall be subject to immediate removal at the owner's expense and subject to any penalties authorized herein.

The process for obtaining a Residential and Commercial On-Water Facility permits is set forth in Paragraphs 8.C. and D. herein.

#### **B. General Requirements for all On-Water Facilities**

The On-Water Facility owner is responsible for the safety and structural soundness of any On-Water Facility placed in, on or over the Lakes. BRA approvals and/or inspections relating to On-Water Facilities shall not constitute a warrant of the functionality, structural integrity, safety, workmanship, materials, or water worthiness of any On-Water Facility. All On-Water Facilities must meet the following requirements:

1. All On-Water Facilities must be constructed and maintained in a structurally sound manner which does not create a safety hazard or environmental concern.
2. Floating habitable structures are prohibited on BRA owned, operated, or managed lakes. Houseboats or other watercraft with overnight accommodations that are designed for navigation are excluded from this prohibition.
3. Except as provided in Subsection 8.C.2.d., duly permitted and authorized On-Water Facilities in place prior to May 23, 2022, shall be allowed to remain in their present location and configuration, and subject to the Rules and Regulations applicable to On-Water Facilities as the Rules and Regulations existed prior to May 23, 2022, until such time as substantive repairs on the On-Water Facility become necessary. A substantive repair is any repair which:
  - a. Requires removal of the On-Water Facility from the Lake (vertically or horizontally);

- b.** Is due to deterioration to the point of becoming a safety hazard;
- c.** Is due to an environmental hazard;
- d.** Results in the replacement or rebuilding of sidewalls; or
- e.** Results in the addition, replacement, or upgrading of the electrical wiring system.

**4.** On-Water Facilities may not be situated in a manner that unreasonably interferes with or obstructs access to other permitted facilities or neighboring properties.

**5.** The On-Water Facility identification number, furnished by the BRA, must be posted conspicuously on all On-Water Facilities.

**6.** Buoyancy for all floating facilities shall be provided by polystyrene, multiple air-filled internal compartments, or a similar flotation material that is encapsulated in an approved rustproof, non-corrosive, UV resistant shell that is a minimum of 0.15 inches in thickness (such as, high impact polyethylene). Barrels, pontoons, drums or other improvised equipment shall not be used for flotation.

**7.** Amber reflectors must be installed on all sides of On-Water Facilities at no greater than 20-foot intervals. Those portions of On-Water Facilities extending farther than 100 feet into the Lakes shall be illuminated during hours of darkness in such a manner as to make such facilities visible to boat traffic on the Lakes without the lights themselves impairing the vision of boaters.

**8.** On-Water Facilities may not be more than one story. On-Water Facilities may include a gabled or flat roof that can be used as a sun deck.

**9.** On-Water Facilities may be built with back walls; however, the other three sides of the On-Water Facility must be fully open and subject to visible inspection by BRA personnel from a Watercraft at all times.

**10.** Living quarters, kitchens (any space adapted to cook or prepare food), plumbing, sinks, bathing facilities or toilet facilities are not allowed in or on On-Water Facilities permitted on the Lakes.

**11.** Except as provided below, On-Water Facilities shall not extend further than the lesser of 1/3 the distance between shorelines or 100 feet into the Lake from the shoreline. However, BRA may, in its sole discretion, permit an On-Water Facility to extend beyond 100 feet into the Lake from the shoreline, utilizing any of the following considerations: sufficient water depth based on water available at historical average lake elevation; distance into lake of adjacent docks on either side; clear channel requirements (40 feet minimum) and/or hazards to boater navigation; location of walkway on lot; and dock size and configuration. In no event shall an On-Water Facility extend further than 200 feet from the shoreline of any Lake. Lake level fluctuation, meaning fluctuation not defined within the historical depths, shall not constitute a basis for extending On-Water Facilities further into the Lakes.

**12.** In narrow sections of the Lakes where the distance between opposite shorelines is 120 feet or less, a clear channel of at least 40 feet in width, shall be maintained between the On-Water Facilities on opposite shorelines, with the location of such channel being as nearly as practicable over the deepest portion of that section of the Lake. In areas where clear channel requirements are not applicable, the On-Water Facility placement will be determined by the Reservoir Manager provided that the On-Water Facility does not create a public health, safety, or welfare concern.

**13.** The BRA reserves the right, in its sole discretion, to further restrict On-Water Facilities on BRA Lakes if placement of the On-Water Facility: creates a hazard to navigation; results in a nuisance; impairs the BRA's ability to operate and maintain the Lake; or interferes with or restricts access to adjacent properties or On-Water Facilities.

## **C. RESIDENTIAL ON-WATER FACILITIES**

### **1. Residential On-Water Facility Application Process**

#### **a. Administrative Review**

A Residential On-Water Facility application shall be considered to have been filed on the date that it is received by the appropriate BRA lake office. BRA staff shall not accept any application that is incomplete. The appropriate BRA lake office shall review applications within 10 business days of receipt and declare the application either accepted for consideration or rejected. In the event the application is rejected, the applicant will be required to submit a new application for any further consideration. Acceptance of an application during the administrative review phase only indicates that the application contains all necessary information for consideration. Such acceptance is unrelated to the outcomes of subsequent phases of the application process.

The appropriate lake office shall notify the applicant that their application has been accepted. Accepted applications for Residential On-Water Facilities shall proceed to the technical review phase.

#### **b. Technical Review**

BRA staff shall commence a technical review of a Residential On-Water Facility application after it is deemed administratively accepted. BRA staff shall consider any information submitted in the application. During the technical review, BRA staff shall notify the applicant of any additional information necessary to complete the review. The applicant shall provide the requested information within a period of six months, unless otherwise authorized in writing by the BRA. Once the applicant has submitted all required information,

BRA staff shall complete the technical review within 10 business days.

If the applicant fails to provide further information as requested by BRA staff within the prescribed time period, unless the time period is extended in writing by BRA staff, the application shall be deemed technically incomplete and rejected. There shall be no restriction on subsequent applications.

Upon a determination that an application for a Residential On-Water Facility is technically approved, a final permit decision shall be made in accordance with Section 8(C)(1)(d).

**c. Amendments, Withdrawals, and Extensions**

An application may be amended at any time prior to the issuance of a permit for non-substantive changes. Non-substantive changes include slight alterations that do not change the size, footprint, or location of the Residential On-Water Facility. Substantive changes may be proposed prior to the completion of the technical review phase. However, after completion of the technical review phase, substantive changes shall require a new application.

An application may be withdrawn at any time prior to the issuance of a permit.

An applicant may request an extension of any deadline during the administrative review or technical review phases. Extension requests must be in writing and shall explain in detail the need for additional time. Such requests shall be subject to written approval by the BRA.

**d. Issuance of Permit and Commencement of Construction**

Upon completion of the technical review, BRA staff shall coordinate any necessary changes with the applicant and make a determination to approve, approve in part, or deny the permit. If BRA staff approves the permit in full or approves the permit in part, BRA staff shall prepare and mail a proposed permit to the applicant, which may include any conditions that the BRA deems appropriate. If BRA staff denies the permit, BRA staff shall mail a letter notifying the applicant that the permit has been denied. The applicant shall have 30 calendar days to provide written comments, if any, to BRA staff. BRA staff shall then have 10 business days to consider applicant's comments and either issue a permit or reaffirm denial of such permit. A copy of the executed permit shall be mailed to the applicant.

The permittee's rights to construct, modify, expand, or utilize the Residential On-Water Facility is limited by the terms and conditions



set forth in the permit. If construction of the Residential On-Water Facility cannot be completed within the time limits specified in the permit, the permittee may request an extension. One extension, for a period not to exceed one year following the expiration of the time limit set forth in the permit, may be granted at the sole discretion of the BRA. In the event an extension is granted and the applicant fails to complete construction of the Residential On-Water Facility within the extended timeframe, then the permit shall be cancelled. If the applicant still desires to obtain a permit for a Residential On-Water Facility, the applicant shall be required to submit a new application and restart the process.

Utilization of the Residential On-Water Facility is prohibited until the BRA has inspected the Residential On-Water Facility to ensure compliance with the permit and these rules and regulations and the permittee has received written final authorization to occupy and operate the Residential On-Water Facility from the BRA.

## **2. Additional Specific Residential On-Water Facilities Requirements**

- a.** There shall be no more than one Residential On-Water Facility on any one shoreline lot.
- b.** All Residential On-Water Facilities will generally be located as close to the center-most part of the water frontage as possible.
- c.** An enclosed storage closet, no larger than 40 square feet, will be allowed for a Residential On-Water Facility, provided that the storage closet is included in the approved design.
- d.** The total area for a Residential On-Water Facility shall not exceed 2,000 square feet, including, without limitations, areas for: Watercraft slips, fixed overhangs, diving boards, stairways, storage space, and any walkways from the shoreline to the Residential On-Water Facilities, to the extent the walkway exceeds 6 feet in width. Walkways from the shoreline to the Residential On-Water Facilities that are 6 feet or less in width shall not be included in the calculation of the total area. Residential On-Water Facilities, previously permitted to exceed 2,000 square feet, may be rebuilt or replaced with a structure of the same square footage and in the same configuration as the prior Residential On-Water Facility. All other Residential On-Water Facility requirements outlined in the rules and regulations will apply, whether or not they were applicable during the construction of the original Residential On-Water Facility.
- e.** Personal Watercraft may be stored on the sides of a permitted Residential On-Water Facility; however, Watercraft storage shall be managed in a manner that does not create an unreasonable hazard or overcrowding.

## **D. COMMERCIAL ON-WATER FACILITIES**

### **1. Public Participation Process Requirements for Commercial On-Water Facilities**

In an effort to provide an opportunity for public involvement in the Commercial On-Water Facility application process, applications for Commercial On-Water Facilities will include two public participation periods.

#### **Preliminary Public Notice, Comment Period, and Public Hearing**

After a Commercial On-Water Facility application is administratively accepted, there will first be a preliminary notice and comment period, occurring before the technical review phase. This preliminary public notice and comment period includes a public hearing where members of the public are encouraged to attend and provide feedback. Feedback obtained during this process will be considered by the BRA staff during the technical review phase.

#### **Final Public Notice and Written Comment Period**

Upon conclusion of the technical review phase, if the application is approved, there will be a final public notice and written comment period where members of the public will have the opportunity to provide written feedback, which the BRA will consider prior to issuance or denial of the permit.

### **2. Commercial On-Water Facility Permit Application Process**

#### **a. Administrative Review**

A Commercial On-Water Facility application shall be considered to have been filed on the date that it is received by the appropriate BRA lake office. BRA staff shall not accept any application that is incomplete. The appropriate BRA lake office shall review applications within 10 business days of receipt and declare the application either accepted for consideration or rejected. In the event the application is rejected, the applicant will be required to submit a new application for any further consideration. Acceptance of an application during the administrative review phase only indicates that the application contains all necessary information for consideration. Such acceptance is unrelated to the outcomes of subsequent phases of the application process.

The appropriate lake office shall notify the applicant that their application has been accepted. Accepted applications for Commercial On-Water Facilities shall proceed to the preliminary public notice and comment period prior to the technical review phase.

**b. Preliminary Public Notice, Comment Period, and Public Hearing Process**

To encourage public involvement, a copy of the application shall be made available on the BRA website. Notice for the preliminary public notice, comment period, and public hearing shall be posted on the BRA website and provided by the applicant, at the applicant's sole expense, as follows:

**i.** The applicant shall publish notice, in a form prescribed by the BRA, in a newspaper of general circulation within the area where the Commercial On-Water Facility will be located.

**ii.** The applicant shall mail notice by certified mail, return-receipt requested, and/or standard overnight service to all affected parties. BRA shall coordinate with the applicant to identify affected parties, which will, at a minimum, include all property owners of record (using current County Tax Appraisal District records) located within 500 feet of the proposed Commercial On-Water Facility (individually, "Affected Party"). If the Commercial On-Water Facility will be located in a cove on the lake, notice shall be sent to all property owners located within such cove.

**iii.** The notice, prepared in coordination with and approved by the BRA, shall include the date, time, and location of the public hearing, instructions for submitting written comments, and a description of the procedure for public participation in the application process. The hearing may take place no sooner than 30 calendar days from the date that the public notice is mailed. The public comment period begins on the date the first notice is mailed and ends at 5:00 p.m. CST on the date before the public hearing.

**iv.** Within 10 business days of completion of public notice, as required by this section, applicant shall submit a sworn affidavit stating that the public notice requirements have been met and summarizing the exact nature of the notice that was provided, including return-receipts or proof of mailing.

The BRA shall host and moderate the public hearing in a suitable location near the appropriate lake. In the event the hearing must be at a location requiring a usage fee(s), the applicant is responsible for any associated costs.

At the hearing, the applicant shall provide a presentation explaining the project in detail, provide printed materials as necessary, and answer questions from the public regarding the project. Members of the public attending the hearing shall be provided a reasonable opportunity to provide feedback and ask questions regarding the

application. BRA staff will answer any questions regarding these rules and regulations or the application process. After the public hearing, the applicant may make modifications to their application to address public concerns.

After the completion of this preliminary public notice, comment period, and public hearing, the application shall enter the technical review phase. In the event an application is deemed technically approved, the application shall enter a final public notice and written comment period.

**c. Technical Review**

BRA staff shall commence a technical review of a Commercial On-Water Facility application after the conclusion of the preliminary notice and comment period. BRA staff shall consider any information submitted in the application and any information received through the preliminary public notice and comment period. During the technical review, BRA staff shall notify the applicant of any additional information necessary to complete the review. The applicant shall provide the requested information within a period of six months, unless otherwise authorized in writing by the BRA. Once the applicant has submitted all required information, BRA staff shall complete the technical review within 10 business days.

If the applicant fails to provide further information as requested by BRA staff within the prescribed time period, unless the time period is extended in writing by BRA staff, the application shall be deemed technically incomplete and rejected. There shall be no restriction on subsequent applications.

Upon a determination that an application for a Commercial On-Water Facility application is technically approved, a final notice and comment period is required before the final permit decision.

**d. Final Public Notice and Written Comment Period Process**

To encourage public involvement, a copy of the proposed permit shall be available for review on the BRA website. Notice for the final notice and written comment period shall be posted on the BRA website and provided by the applicant to all Affected Parties, at the applicant's sole expense, as follows:

- i. The applicant shall publish notice, in a form prescribed by the BRA, in a newspaper of general circulation within the area of the state where the Commercial On-Water Facility will be located.

ii. The applicant shall mail notice by certified mail, return-receipt requested, and/or standard overnight service to all Affected Parties. The notice shall include instructions for submitting written comments and a link to the proposed permit on the BRA website.

iii. Within 10 business days of completion of public notice, as required by this section, applicant shall submit a sworn affidavit stating that the public notice requirements have been met and summarizing the exact nature of the notice that was provided, including return-receipts or proof of mailing.

iv. This final public notice and comment period shall last 10 business days, beginning on the date after the date that the applicant submits their sworn affidavit and ending at 5:00 p.m. CST on the 10th day.

**e. Amendments, Withdrawals, and Extensions**

An application may be amended at any time prior to the issuance of a permit for non-substantive changes. Non-substantive changes include slight alterations that do not change the size, footprint, or location of the Commercial On-Water Facility. Substantive changes may be proposed prior to the completion of the technical review phase. However, after completion of the technical review phase, substantive changes shall require a new application.

An application may be withdrawn at any time prior to the issuance of a permit.

An applicant may request an extension of any deadline during the administrative review or technical review phases. Extension requests must be in writing and shall explain in detail the need for additional time. Such requests shall be subject to written approval by the BRA.

**f. Issuance of Permit and Commencement of Construction**

Upon completion of the final notice and comment period, BRA staff shall coordinate any necessary changes with the applicant and make a determination to approve, approve in part, or deny the permit. If BRA staff approves the permit in full or approves the permit in part, BRA staff shall prepare and mail a proposed permit to the applicant, which may include any conditions that the BRA deems appropriate. If BRA staff denies the permit, BRA staff shall mail a letter notifying the applicant that the permit has been denied. The applicant shall have 30 calendar days to provide written comments, if any, to BRA staff. BRA staff shall then have 10 business days to consider applicant's comments and either issue a permit or reaffirm denial of such permit. Once approved, a copy of the executed permit shall be mailed to the applicant and posted on the BRA website.

The permittee's rights to construct, modify, expand, or operate the Commercial On-Water Facility is limited by the terms and conditions set forth in the permit. If construction of the Commercial On-Water Facility cannot be completed within the time limits specified in the permit, the permittee may request an extension. One extension, for a period not to exceed one year following the expiration of the time limit set forth in the permit, may be granted at the sole discretion of the BRA. In the event an extension is granted and the applicant fails to complete construction of the Commercial On-Water Facility within the extended timeframe, then the permit shall be cancelled. If the applicant still desires to obtain a permit for a Commercial On-Water Facility, the applicant shall be required to submit a new application and restart the process.

Occupancy and operation of the Commercial On-Water Facility is prohibited until the BRA has inspected the Commercial On-Water Facility to ensure compliance with the permit and these rules and regulations and the permittee has received written final authorization to occupy and operate the Commercial On-Water Facility from the BRA. Final authorization for Commercial On-Water Facilities shall not be granted until the end of the appellate period or a final determination is made on any appeal.

**g. Appeals of Permit Decisions for Commercial On-Water Facilities**

Only the applicant or an Affected Party may appeal a permit decision by the BRA for a Commercial On-Water Facility. A person eligible to file an appeal must file a written appeal with the BRA Commercial On-Water Facility Review Committee ("Review Committee") within 10 business days of the permit decision. The Review Committee shall consist of the following: BRA Basin Managers, a Government Customer Relations representative, and a representative from the Legal Department. An appeal is deemed to have been received by the Review Committee when the appeal is received by the appropriate BRA lake office via certified mail, return-receipt requested, or submitted through the BRA website. BRA staff shall provide written confirmation of receipt to the appellant within three days of receipt.

Appeals are limited to 10 pages in length and can be submitted electronically on the BRA website or in writing through the appropriate BRA lake office. To be considered a valid appeal, the appeal must contain the following information: name and address of the appellant; name of the permit applicant (if different from the appellant); a concise statement of how the person requesting the

appeal is affected by the issuance or denial of the permit or by one or more terms of the permit; and proof that the appellant (if the appellant is not the applicant) is a person who submitted comments during either public comment period. Within the argument portion of the appeal, the appellant shall: only raise matters or issues that were presented during either public comment period or that exist within the permit; provide competent evidence in support of the allegations within the appeal; demonstrate that such allegations are related to a matter that the BRA has jurisdiction to consider; and provide recommended changes to the terms and conditions of the permit that would remedy such allegations.

In the event the appeal does not meet the above requirements, the Review Committee shall return the appeal to the appellant with instructions to cure any defects. The appellant must submit the additional information within 5 business days for the appeal to be considered, otherwise the appeal will be dismissed.

The Review Committee must make a determination regarding the appeal within 30 calendar days of receipt. BRA staff shall then send notice of the decision to the appellant.

The appellant may appeal the decision of the Review Committee by submitting a response to the decision within 15 business days of receiving the determination letter. Appeals from Review Committee decisions shall be addressed to the BRA General Manager/CEO and sent to the BRA Central Office certified mail, return-receipt requested. BRA staff shall provide written notice to the appellant within three days of receipt. The BRA General Manager/CEO shall respond with a final decision within 15 business days of receipt of the appeal. A decision by the BRA General Manager/CEO is final, binding, and is considered a resolution of the issue.

In the event the Review Committee denies an appeal and the appellant does not validly request a review by the General Manager/CEO, or the General Manager/CEO denies an appeal, the permit, as originally issued by BRA staff, becomes final. In the event the Review Committee or General Manager/CEO approves an appeal, the Review Committee or General Manager/CEO shall direct BRA staff to modify and re-issue, deny, or resubmit for public notice and comment, the permit as necessary to comply with the new determination.

### **3. Additional Specific Commercial On-Water Facilities Requirements**

- a. Due to the unique nature of Commercial On-Water Facilities, such facilities shall be evaluated on a case-by-case basis and the BRA shall establish conditions, restrictions, limitations, requirements, and/or any other considerations specific to such Commercial On-Water Facilities.
- b. Commercial On-Water Facilities with slips greater than 26 feet in length must provide, at a minimum, one sewage pump-out facility. Commercial On-Water Facilities which house or moor vessels containing sanitary devices are required to provide, maintain and operate an approved pump-out facility.
- c. The design of a Commercial On-Water Facility must be signed and sealed by a professional engineer/architect licensed to do business in the State of Texas.
- d. One storage closet, no larger than 40 square feet, will be allowed per slip on a Commercial On-Water Facility, provided that the storage closets are included in the approved design.
- e. The fairway distance between two Commercial On-Water Facilities shall be at a minimum 1.5 times the length of the longest boat slip of the docks.
- f. Lights used to illuminate signs shall not impede navigation or be construed as a navigation aid.
- g. Commercial On-Water Facilities must have equipment and/or supplies on-site to effectively contain a spill in the event a Watercraft, moored or berthed to the Commercial On-Water Facility, sinks. This equipment shall be deployed as quickly as possible, but in no event greater than 8 hours.

#### **E. Violations**

The BRA may revoke the permit of any On-Water Facility that is in violation of the provisions of these Rules and Regulations. In the event an On-Water Facility is in violation of these provisions, the BRA may exercise the right to grant or deny continuation of the On-Water Facility Permit as deemed appropriate in the sole discretion of the BRA. The BRA reserves the right to revoke permits and require removal of On-water Facilities at the expense of the owner/permittee in the following circumstances: if the Facility creates a public health, safety, or welfare concern; the permittee has failed to timely tender any applicable associated fees; or the facility has an adverse environmental impact to BRA Lakes or property. Additionally, pursuant to §51.128 of the Texas Water Code, any violation of this section may result in criminal penalties.

#### **9. COMMERCIAL ACTIVITIES**

Pursuant to the authority granted in §51.127 of the Texas Water Code, the BRA may regulate Commercial Activities on BRA Lakes and Lands.



The BRA may permit Commercial Activities to take place on BRA Lakes provided that the Commercial Activity, in the BRA's sole discretion, does not: create an adverse environmental impact; create a safety hazard; create a hazard to navigation; result in a nuisance; impair the BRA's ability to operate or manage the Lake; or restrict access to adjacent properties.

In all instances, any person or entity that wishes to conduct a Commercial Activity on BRA Lakes must first submit a permit application to the local BRA Lake office. The proposed Commercial Activity must meet all BRA requisites and requirements. Commencement of the Commercial Activity, in any manner, shall not begin until the BRA has granted the permit. If approved, permits shall be granted for a term of one year from the date of approval. In the event the Permittee wishes to continue the Commercial Activity, the Permittee must seek a renewal of their permit prior to expiration. Permits automatically terminate upon the expiration of the term.

Upon granting of the permit, the Permittee shall be required to tender the annual permit fee. The annual permit fee for Commercial Activities shall be established by the BRA Board of Directors, and such fee may be adjusted at the sole discretion of the Board of Directors.

The following Commercial Activities, unless otherwise agreed to, are prohibited across all Lakes and will not be permitted:

- A.** Any Commercial Activity involving wakeboarding.
- B.** Any Commercial Activity involving parasailing.
- C.** Any Commercial Activity involving food preparation or cleanup taking place on the water.

No business or Commercial Activity involving concessions or solicitation of goods or services is allowed in BRA parks. Use of BRA boat ramps or docks by Commercial Activity permittees may not interfere with the general public's use. Use of BRA boat ramps by On-Water Facility contractors is not permitted without prior authorization by the BRA.

The BRA, at its sole discretion, may deny any permit application or place additional restrictions on a permittee. Failure of a permittee to comply with any restrictions of a permit may result in the immediate termination of the permit.

## **10. EXHIBITIONS AND EVENTS**

The BRA may, from time to time, enter into an agreement to allow an exhibition or event to take place on BRA Lakes and associated lands. The terms and conditions of individual exhibitions or events may vary and are determined by the written agreement

## **11. OTHER ACTIVITIES**

### **A. Camping**

Camping at a designated BRA public use area(s) or designated RV site(s) shall only be for a maximum period of ten days during a 30-consecutive-day period. After ten days, the party shall not camp at a BRA public use area or designated RV site at the same reservoir again until an additional 30 days has passed.

Camping in areas not designated for such activity by the BRA is prohibited.

### **B. Hunting and Firearms**

Pursuant to the authority granted by §51.127 of the Texas Water Code, the following rules apply to all hunting on any BRA Lakes or associated lands.

1. Hunting is prohibited on BRA lands, including leased properties. However, the BRA reserves the right to lease specific tracts for bow hunting, or other approved programs as deemed appropriate by the BRA.
2. Hunting on BRA Lakes is limited to hunting of waterfowl in season from a stationary blind at a fixed location in or on the Lakes, as specifically permitted by the BRA. Any other hunting on BRA Lakes is strictly prohibited.
3. No person shall place poisons, salt blocks, feed, or mechanical devices such as traps and snares on BRA property.
4. Persons who violate the above terms are subject to revocation of their waterfowl hunting site permit, termination of their hunting lease, and/or any and all additional civil and criminal remedies.
5. All hunting of waterfowl on the Lakes shall be conducted in full compliance with the following requirements:
  - a. The hunting of waterfowl on the Lakes shall be conducted in accordance with all applicable provisions and requirements of Federal, State and local laws.
  - b. Written permits for waterfowl hunting sites shall be issued by the BRA and must be presented at the permitted site upon request by law enforcement officials.
  - c. The fee for a waterfowl hunting site permit shall be established by the BRA's Board of Directors, and such fee may be adjusted at the sole discretion of the Board.
6. Bowfishing is legal for taking non-game fish such as gar and buffalo in accordance with Texas Parks and Wildlife Regulations.
  - a. Fish may be taken with longbow, recurve bow, compound bow, or crossbow.
  - b. Taking or attempting to take fish with bow and arrow may not be performed within 100 feet. of any marked or designated swim area, public boat ramp, On-Water Facility, or restricted area.

c. Boaters participating in bowfishing should be courteous to lakefront property owners with respect to noise and light setups.

7. Other than as specifically authorized in this section, no firearms shall be discharged along or across BRA Lakes or associated lands.

## **12. SCUBA DIVING**

Pursuant to the authority granted by §51.127 of the Texas Water Code, the following additional rules shall apply to scuba diving in BRA Lakes:

A. Scuba diving is allowed in the Lakes only in areas within 150 feet of a shoreline, except for emergency rescue or salvage operations or for special events for which exceptions may be granted by the BRA. Scuba diving in other areas is prohibited.

B. Divers shall display a warning flag or sign indicating "diver down" on a buoy or boat in the immediate area where scuba diving is in progress. The sign must be visible from a distance of 100 feet. Warning flags and signs shall be removed as soon as all divers return to the boat or shore.

C. A "diver down" flag shall be red with a diagonal white stripe and shall be at least 15 inches square or, if larger, may be rectangular shaped.

D. Scuba diving shall not be conducted in areas that will block or interfere with normal boat traffic.

## **13. ON-WATER EQUIPMENT OR DEVICES**

Equipment or devices that float on or in the water and are used for sports, outdoors, or recreational purposes, such as obstacle courses, trampolines, slides, human water catapults, slalom course buoys, or other similar equipment or devices must be temporary in nature and removable. The owner must remove the device or equipment from the Lake if the BRA determines, in its sole discretion, that it creates an adverse environmental impact; creates a safety hazard; creates a hazard to navigation; results in a nuisance; impairs the BRA's ability to operate or manage the Lake; or restricts access to adjacent properties. In the event the owner fails to remove the device or equipment following notification from the BRA, the BRA reserves the right to remove the device or equipment at the sole cost of the owner.

## **14. PROHIBITED ACTIVITIES**

Pursuant to the authority granted by §51.127 and §25.004 of the Texas Parks and Wildlife Code, the following activities are prohibited on BRA Lakes or associated lands:

A. Littering, illegal dumping, improper disposal of waste, and/or vandalism;

B. Operating generators in BRA public use areas in a manner that disturbs others;

C. Campfires in areas not designated for such activity by the BRA;

- D.** Possessing or using glass containers of any kind in BRA public use areas, to include 200 feet from the shoreline of that public use area;
- E.** Bringing pets or domesticated animals into any public use area and BRA trail systems unrestrained or on a leash longer than 10 feet (other than official service and assistance animals trained to provide aide), persons responsible for the pet or domesticated animal shall be responsible for removing any waste produced, the waste shall be deposited into an approved trash/waste container;
- F.** Allowing pets or domesticated animals into a designated swimming area;
- G.** Bringing livestock, including horses, into BRA public use areas;
- H.** Discharging fireworks or detonating explosives, unless written permission is granted by the BRA;
- I.** Using any device constructed and operated to launch projectiles on or over the Lakes or associated lands;
- J.** Swimming or wading within 100 feet of all public loading docks, boat ramps or fishing piers;
- K.** Fishing from all public boat ramps and courtesy docks, unless otherwise designated;
- L.** Diving or jumping into the Lakes from a height of 20 feet or more, and climbing or rappelling on BRA lands;
- M.** Diving or jumping into the Lakes from a public highway, roadway bridge, railroad bridge, water intake structure, utility tower, or any other structure that is not privately owned.
- N.** Operating vehicles off-road on BRA lands or lakebeds, except as specifically authorized by the BRA;
- O.** Using all-terrain vehicles, dirt bikes, golf carts, UTV's or other vehicles not licensed by the State of Texas for use on public roadways, in BRA public use areas and on BRA lands or lakebeds;
- P.** Locating or constructing improvements or structures on BRA lakes or lands to include placement of privately owned buoys without written permission from the BRA;
- Q.** Dredging, filling or otherwise altering or reconfiguring the beds of the Lakes, or excavating, filling or reshaping of BRA lands without written permission from the BRA;
- R.** Installing or constructing a residential boat ramp and/or rail system; provided, however, boat ramps and rail systems in place at Lake Granbury and Lake Limestone prior to November 27, 2014 and at Possum Kingdom Lake prior to May 26, 2006, may remain in place. Any boat ramp or rail system installed or constructed in violation of these regulations is subject to immediate removal.
- S.** Installing or constructing a commercial boat ramp and/or rail system not developed in accordance with an authorized Commercial Activity permit; provided, however, the BRA reserves the right to deny the installation or construction of a commercial boat ramp associated with a Commercial Activity permit. Any boat ramp or rail system installed or constructed in violation of these regulations is subject to immediate removal.

- T. Aviation activities, to include landing and take-off, are allowed at BRA approved airfields and airstrips only. (Exception: emergency medical services) This provision does not restrict landings and take-offs on the waters of the Lakes.
- U. Operating any Unmanned Aerial Vehicle (drone) over any portion of the area defined as restricted access or secured property. This includes areas over the water and land in proximity to any Dam structures under control of the Brazos River Authority.
- V. Stopping, standing or parking a vehicle where a posted sign prohibits, stopping, standing or parking.
- W. Any commercial activity involving solicitation to guests in BRA parks.
- X. Publishing or displaying private notices, advertisements, or signs, other than no trespassing/private property signs, on On-Water Facilities, except by specific written permission of the BRA..

## **15. PERMITTING AND FEES**

The BRA shall, from time to time, establish permitting requirements and associated fees for the following activities on BRA Lakes and associated lands:

- A. On-Water Facilities;
- B. Commercial Activities;
- C. Exhibitions and Events;
- D. Dredging, removing or placement of fill on BRA lands or altering the lakebed;
- E. Retaining walls/bulkheads constructed on BRA lands or lakebed;
- F. Modifications, alterations, or construction related to grandfathered or previously approved residential or commercial boat ramps and rail systems;
- G. Marina Pump-out Systems and Clean Water Sticker programs;
- H. Mooring buoy (applicable to Possum Kingdom only);
- I. Commercial contracting for projects on, under, or over the water;
- J. Private Swimming Areas (Lake Granbury only);
- K. Overnight Camping or Day-use Fees, where applicable;
- L. Long-term (greater than 14 consecutive days) parking at Possum Kingdom Airport;
- M. Water Pumps and/or Water Diversion; and
- N. Hangar leases at Possum Kingdom Airport.

## **16. GENERAL REGULATIONS**

### **A. Motor Vehicle Speed Limits**

Pursuant to the authority granted in §542.202 of the Texas Transportation Code and §51.127 of the Texas Water Code, the General Manager/CEO is authorized to designate areas on BRA lands adjacent to the Lakes wherein the speed of motor vehicles operated in such areas shall be restricted for purposes of safety. Such areas shall be marked with signs on which the maximum speeds at which motor

vehicles may be operated shall be posted. No motor vehicle shall be operated in any such area at a speed in excess of the speed thus posted.

**B. Alcoholic Beverages**

Pursuant to the authority granted in §51.127 of the Texas Water Code, the General Manager/CEO is authorized to designate specific BRA parks or public use areas in which the possession or consumption of alcoholic beverages is strictly prohibited. All such areas in which alcoholic beverages are not allowed shall be clearly posted.

**C. Public Use Area Access**

The BRA may establish and post a schedule for closing or restricting admittance to a designated public use area, or portion thereof. Entry into public use areas without complying with the posted schedule is strictly prohibited.

**D. Designated Restricted/Prohibited Areas**

Pursuant to the authority granted in §51.127 of the Texas Water Code and §31.092 of the Texas Parks and Wildlife Code, the General Manager/CEO is authorized to identify designated areas in which specific activities are restricted or prohibited for purposes of public safety or security. These designated areas shall be marked with signs or buoys that clearly indicate that specific activities are restricted or prohibited in that area. Signs or buoys marking restricted or prohibited areas shall be complied with at all times.

**17. ENVIRONMENTAL REGULATIONS**

**A. On-Site Sewage Facility (OSSF) Regulated Areas**

Pursuant to the authority granted in Title 30, Chapter 285 of the Texas Administrative Code (TAC), the BRA shall administer and enforce the OSSF program as the authorized agent of the TCEQ in its area of jurisdiction and shall enforce Chapter 366 of the Texas Health and Safety Code. It is the responsibility of individuals installing, constructing, repairing, replacing, or modifying on-site sewage facilities to coordinate with the local lake offices at Possum Kingdom Lake and Lake Limestone to determine when and if a permit is required.

**B. Fuel Storage**

Any fuel storage and dispensing system for fueling Watercraft while the Watercraft is on the water of BRA Lakes must have designed plans, signed and sealed by a professional engineer/architect licensed to do business in the State of Texas. All systems must comply with all additional requirements of federal, state, and local laws and codes.

1. All petroleum storage tanks shall be installed, registered and maintained in accordance with the most current codes and regulations. Copies of all required permits and registrations must be furnished to the Reservoir Manager.

2. The Applicant must provide on site, at all times, the necessary materials, equipment and capability to prevent and contain the discharge of petroleum products into or upon the waters of the state (Spill Prevention Kit).
3. If the system will have an above-ground tank with storage capacity of a single container in excess of 660 gallons or an aggregate storage capacity greater than 1,320 gallons, or the total underground storage capacity is greater than 42,000 gallons, then the Applicant must prepare and implement a Spill Prevention Control and Countermeasure Plan (SPCCP).
4. All fuel storage tanks shall be equipped with a pressure triggered automatic shut-off valve at the bulk tank.
5. Storage tanks that are located in areas that are subject to high water tables or flooding shall be protected from any flotation or movement that could jeopardize the integrity of the tanks. Prior to the installation of new storage tanks, the Applicant will contact the BRA for approval and an on-site inspection will be conducted to determine the location for the new storage tank. As part of this inspection, the elevation of the proposed location will be identified.
6. Refueling areas shall be constructed and maintained in accordance with the latest edition of the Code for Motor Fuel Dispensing and Repair Garages and the National Electric Code.
7. Fuel pipe disconnects and accessories shall be readily accessible. All fuel dispensing nozzles shall be equipped with an automatic-closing valve, without a latch-open device, listed by a nationally recognized testing laboratory.
8. Where possible, all fuel handling shall be outside the main berthing area.
9. An emergency fuel shut-off valve shall be present and well labeled on the fueling dock.
10. Applicant must notify the BRA Lake Office of a suspected release of any petroleum product immediately but no later than 24-hours from occurrence.
11. Privately operated fuel/oil dispensing systems are prohibited. Automatic shut-off valves are required for pre-existing systems.

**C. Protection of BRA Property and Natural and Cultural Resources**

1. Archaeological and historical features of every character located in, on, or under BRA lakes or land are protected by state law and may not be disturbed or removed without a permit from the Texas Historical Commission, or successor agency, and without having obtained prior written permission from BRA.
2. No person shall destroy, alter, excavate, or remove from BRA lakes or land any timber, shrubs, other vegetation, rock, sand, gravel, caliche, or

any other substance, or material or any archaeological, historic, or geologic feature.

3. There shall be no application or storage of any pesticide, herbicide, or other harmful chemical over, on or in BRA Lakes and/or associated lands, without the express written permission of the BRA.

4. No person shall damage, deface, or destroy any BRA property, including equipment and facilities provided for outdoor recreational purposes.

5. No person shall, in any manner, alter or remove any BRA buoy, sign, survey marker, boundary fence, cross fence, gate, cattle guard or wire gap. No person shall construct any road, trail, path, or other avenue on, over, or across BRA land or cross BRA land to reach adjacent property.

#### **D. Water Diversion**

Water shall not be pumped or diverted from the Lakes except as specifically permitted in writing by the BRA.

### **18. PENALTIES AND ENFORCEMENT**

#### **A. Penalties**

Pursuant to §31.127 of the Texas Parks and Wildlife Code and/or §51.128 of the Texas Water Code, a person who violates or fails to comply with any provision of these regulations is guilty of a Class C misdemeanor.

#### **B. Notice to Appear**

An enforcement officer who issues a citation to or arrests a person for a violation of these regulations may deliver to the alleged violator a written notice to appear before the Justice of the Peace or county court having jurisdiction in the area where the alleged offense was committed. The BRA does not collect or receive any funding from fines that may be assessed by a Justice of the Peace or county court having jurisdiction in the area where the alleged offense was committed.

### **19. ABANDONED PROPERTY**

The BRA may seize any personal property located on the Lakes or adjacent BRA lands which is unauthorized, or which is abandoned, or which is left unattended without conforming with BRA regulations for mooring or anchoring, or with respect to which any fee or charge imposed by the BRA is not paid when due, in accordance with applicable federal, state, and local laws.

### **20. VALIDITY**

If any part of these regulations should be found invalid or unconstitutional, the validity of the remainder hereof shall not be impaired.



## **21. EFFECTIVE DATE**

These regulations are hereby adopted by the Board of Directors of the Brazos River Authority on May 23, 2022, at its regular board meeting and shall become effective in accordance with Texas Water Code, Chapter 51, Sections 51.127 - 130.