

**POSSUM KINGDOM
SHORELINE MANAGEMENT PLAN
AND
CUSTOMER GUIDE**

**VOLUME II
COMMERCIAL**



Adopted May 22, 2006

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AND
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**VOLUME II - COMMERCIAL
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SHORELINE MANAGEMENT PLAN AND CUSTOMER GUIDE

PREFACE

This Shoreline Management Plan and Customer Guide has been approved by the Board of Directors of the Authority to provide a clear understanding of the rules, processes, and procedures for activities conducted on Authority land and/or water at Possum Kingdom Lake. This document compliments requirements contained in individual lease agreements, permits, and *Authority Regulations*. Should a conflict arise between the Shoreline Management Plan and Customer Guide and any lease documents, permits, or the *Authority Regulations*, the lease and *Authority Regulations* take precedence over this Plan. The Area Project Manager shall ensure enforcement of these requirements and *Authority Regulations*, and supervise lake operations.

The Customer Guide has been divided into two volumes addressing the following:

Volume I, Residential. This volume contains information directly related to Cottage Site (residential) and Airport Hangar Leases, On-Water Facilities, private permits, and general rules/restrictions.

Volume II, Commercial. This volume contains information regarding Commercial, Farming and Grazing, and Special Use Leases, as well as Commercial Barge Operation Permits, commercial permitting requirements, marina permitting and general rules/restrictions.

Volumes I and II are available at the Possum Kingdom Lake Office, local real estate offices, Possum Kingdom Chamber of Commerce and at www.brazos.org, click on tab labeled Reservoirs, choose Possum Kingdom Lake, click on Shoreline Management Plan. For additional information or questions regarding any aspect of Possum Kingdom management, please contact the Lake Office at (940) 779-2321 during normal business hours, Monday – Friday, 8:00 am to 5:00 pm.

The Authority reserves the right to modify or change any provision of this Shoreline Management Plan document or any appendices attached hereto at the sole discretion of the Board of Directors of the Brazos River Authority.

NOTE: As a result of hydroelectric generation at Possum Kingdom Lake, the Authority is licensed and regulated by the Federal Energy Regulatory Commission (FERC). FERC has specific mandates, rules, and regulations relating to the operation of the Lake and use of Authority property within designated project boundaries.

Effective as of May 22, 2006.

DEFINITIONS

1000 Foot Mean Sea Level (msl) Contour – elevation of 1000 feet above mean sea level – the official shoreline of Possum Kingdom Lake

“Authority” – refers to Brazos River Authority

Authority Regulations - *Regulations for Governance of Brazos River Authority Lakes and Associated Lands*; provisions adopted by the Authority’s Board of Directors for enforcement on Authority Lakes and land; the *Authority Regulations* are printed in their entirety as Appendix A to this document

Bathing Facility – a space adapted for washing, bathing and/or showering

Board – the Board of Directors of the Authority, a 21 member board appointed by the Governor of Texas and approved by the Legislature for governance of the Authority

Commercial On-Water Facility – On-Water Facility (dock/wet slip) serving more than one single-family residence (exception: a multi-slip On-Water Facility permitted to a condominium association for use at no additional charge by the condominium association’s members and guests)

Commercial Lease – lease of Authority land for non-private uses; may include subleases for private use or services to the public

Concession Stands - an area used by a vendor seeking to sell goods or services on Authority property, without benefit of an Authority lease (does not apply to non-profit entities engaged in sales for charitable purposes)

Cottage Site Lease – lease of Authority land for a single-family residential structure and appurtenances for the private use of the lessee and their guests

Dead Load – per “Marinas and Small Craft Harbors” by Tobiasson and Killmeyer, Dead Load may be defined as the weight of all structural framing and other structure components fixed to and permanently integrated into the structure; for marina dock systems the dead load may include: float or pier framing, decking, railing, flotation units, hardware, utilities, power posts, transformers, dock boxes, pile guides, cleats, fire protection equipment (if permanently affixed to the structure) and any other fixed materials or equipment

Deteriorated Metal – metal that is corroded such that it compromises the integrity of the structure

Dock – see On-Water Facility

Enclosed – as it pertains to On-Water Facilities, a facility that is surrounded by a wall or walls (of any material) and a roof structure

Environmental Hazard – any hazard that is detrimental to people, fish, wildlife, vegetation, or the Lake

Expansion, as to commercial land facilities – the addition of improved, under roof square footage or modification of any existing structure that would otherwise be subject to applicable codes adopted in this directive

Expansion, as to commercial On-Water Facilities - construction of additional slips or deviation from previously approved footprint

Fee Schedule – a list of Board adopted fees that apply to various activities on Possum Kingdom Lake; For Fee Schedule go to www.brazos.org, click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Fee Schedule.

FERC – Federal Energy Regulatory Commission (formerly Federal Power Commission) tasked with licensing and inspection authority for hydroelectric projects

FERC Project Area – area surrounding Possum Kingdom Lake established and defined by the Federal Energy Regulatory Commission as illustrated by Project #1490 maps (Project #1490 maps may be viewed at the Lake Office)

Freeboard – height of the deck above the still water line

Improvement – enhanced additions to the property, such as residences, out buildings, fences, driveways, retaining walls, etc.

Improvement Survey – a comprehensive survey of the leasehold estate including a boundary survey prepared by a licensed professional land surveyor or engineer that includes a survey of the boundaries of the tract of land and the location of any and all improvements, including but not limited to the following: residences, garages, out buildings, storage facilities, fences, driveways, sidewalks, retaining walls, and any adjacent On-Water Facilities

Kitchen – a space adapted to cook or prepare food, containing plumbing and may contain items such as cabinets, a sink, and/or a stove

Lessee – person or entity leasing property from the Authority for residential, commercial, or other purposes

Live Load – per “Marinas and Small Craft Harbors” by Tobiasson and Killmeyer, Live Loads are the active and changing loads that may be imposed on a structure

Living Accommodations – a space adapted for human habitation (may contain items such as beds, tables, chairs, and/or air conditioners, etc.)

Major Repair - any repair which:

- requires removal of the On-Water Facility from the Lake (vertically or horizontally); or
- is due to structural damage; or
- is due to deterioration to the point of becoming a safety hazard; or
- is due to an environmental hazard; or
- results in the replacement or rebuilding of sidewalls; or
- results in the addition, replacement, or upgrading of the electrical wiring system

Voluntary Replacement of Non-encapsulated Flotation that does not involve or require the repair, replacement or upgrading of existing structures (other than the substructure supporting the encapsulated flotation) shall not be considered a Major Repair and shall not require additional upgrade of the On-Water Facility.

New On-Water Facility – includes any of the following:

- new construction and/or replacement of an existing On-Water Facility,
- Major Repair of an existing permitted facility, or
- relocation of an existing On-Water Facility to a different lot

OSSF – On-Site Sewage Facility, commonly referred to in this document as a septic system

On-Water Facility – facilities on the water which are floating or affixed to the lakebed, including but not limited to: marinas, docks, piers, platforms, duck blinds, mooring buoys, stationary inflatable devices (larger than 10 feet wide or 10 feet long), etc., maintained on Possum Kingdom Lake

Out Building – any building not attached to the main structure

Polystyrene – a polymer of styrene, such as Styrofoam

Porch –covered shelter at any entrance to a building

Possum Kingdom Lake OSSF Regulated Area – includes all of the area of the Possum Kingdom Lake watershed between the 1000 foot elevation and a line located parallel to, and 2,000 feet horizontally distant from, the 1000 foot mean sea level contour line, excluding the area within the City of Graham, Texas. If any part of a platted subdivision lies within the Possum Kingdom Lake Regulated Area, the entire subdivision is included within the Regulated Area.

Pre-existing On-Water Facility - an On-Water Facility that was in place and permitted prior to January 2001

Private On-Water Facility – an On-Water Facility serving a single-family residence

Regulations for Governance of Brazos River Authority Lakes and Associated Lands - provisions adopted by the Authority's Board for enforcement on Authority Lakes and land; normally referred to in this document as *Authority Regulations*; the *Authority Regulations* are printed in their entirety as Appendix A to this document

Safety Hazard – any situation that could be, in the sole discretion of the Authority, dangerous to or negatively impact the health, safety, or welfare of people, property, wildlife, or the Lake

Structure - something built, placed or erected: a building, bridge, framework, or other object

Sublessee – person or entity leasing a lot, site, or condominium from a commercial lessee of the Authority

Travel Trailer/Motor Home – a self-contained trailer/vehicle that also has connections for hooking-up to water, sewer, and electric, such as in an RV space

TCEQ – Texas Commission on Environmental Quality, including any of its predecessor agencies

Toilet – a space, device, or stall utilized for the disposal and/or storage of human waste

Web-site – The Possum Kingdom Lake web-site is accessible through the Authority's main web-site at www.brazos.org

Work Barge – any floating platform that assists a commercial contractor in construction, demolition, maintenance or salvage

ADMINISTRATION - COMMERCIAL

1.1 COMMERCIAL ADMINISTRATION

The Authority issues commercial leases on Possum Kingdom Lake. These leases are typically issued for a term of 20 years. Commercial leases are specific to the land/lake area needed to support the lease and are specific to all services authorized under the lease, including On-Water Facilities. All improvements must comply with all building setback requirements and have prior written approval from the Authority before construction begins.

1.2 STANDING

In contemplating new leases or assignments, applicant must be in good standing with all contractual obligations, the Shoreline Management Plan and *Authority Regulations*. In addition, the Authority will consider the applicant's prior compliance and payment history. Late payment and unsatisfactory compliance history may result in denial of the application.

1.3 LEASE PROCESSES

Assignment - Before the sale of commercial leasehold is complete, the lease must be transferred into the buyer's name. This is called an assignment. A complete *Application for Assignment of Commercial Lease* form, which includes the buyer's name, current address and telephone number, is required. Also required is a current financial statement, two personal references, two financial references and a letter authorizing the release of financial information, a summary of the buyer's experience and qualifications, and a list of any amendment request to the lease (e.g.; longer lease term or service change or addition). An improvement survey of the property and a non-refundable transfer fee (Ref. Fee Schedule) must be submitted and approved prior to the assignment papers being prepared. A compliance inspection will be conducted at that time. All deficiencies noted on the compliance inspection must be remedied prior to approval being granted for an assignment. After authorization, the assignment forms will be prepared and forwarded for signatures. An assignment is not complete and leasehold does not transfer until the appropriate Authority representative signs the transfer document.

Rate Adjustment - The lease rate may be periodically adjusted according to the terms of the lease. At the time of rate adjustment, the property may be inspected to ensure compliance with the lease agreement, the Shoreline Management Plan, and *Authority Regulations*.

New Lease - After any commercial lease expiration date, a new lease may be issued if the lot and lessee are in compliance with the lease agreement, the Shoreline Management Plan and *Authority Regulations*. Additionally, upon written request of a lending institution, a new lease for financing purposes may be issued prior to the expiration of an existing lease agreement. A non-refundable fee must be paid prior to the new lease being prepared (Ref. Fee Schedule). The new lease is not complete until signed by the appropriate Authority representative.

Extension – Provisions for lease extensions shall be in accordance with terms set forth in the lease agreement. The lot is inspected and the lease rate is adjusted according to the current methodology. There is an administrative fee for extending a Commercial Lease (Ref. Fee Schedule).

Cancellation - In the event lessee fails to comply with *Authority Regulations*, lease/permit requirements, and this directive, the Authority may pursue any and all available legal remedies, to include lease/permit cancellation.

Amendment - If a commercial lessee wants to make a change to an existing contract, or if a potential buyer of a commercial leasehold interest wants a new lease contract with different services, a request detailing the desired changes must be submitted in writing with an amendment fee (Ref. Fee Schedule). The request will be reviewed and a summary prepared for staff coordination. The amendment will be approved or denied and the applicant will be notified of the decision. If the amendment request is for a service not normally provided on Possum Kingdom Lake, the request may require Board approval.

Lease Forms – All lease activities (transfer, amendment, renewal, adjustment, etc.) are conducted on standard Authority forms. Any changes to the forms by lessee will void the process.

1.4 LEASE RATE

Lease rates for adjustments, extensions, and new leases will be established according to the methodology adopted by the Board or as otherwise stipulated in the lease. The lease rate after assignment will not change until the next scheduled adjustment date described in the lease agreement or unless modifications to the lease, services, or land area are requested and approved.

1.5 UNAUTHORIZED ACTIVITY

Aviation activities, to include landing and taking-off, are allowed only at Authority approved airfields and airstrips and are not allowed on residential or commercial lease lots. (Exception: emergency medical services) This provision does not restrict landings and take-offs on the waters of the Lake.

1.6 GENERAL LIABILITY INSURANCE

All Commercial lessees are required to maintain General Liability Insurance in an amount specified from time to time by the Authority and shall name the Authority as an additional insured on such insurance policy. A copy of the current Certificate of Insurance must be provided to the Authority annually to document compliance with this requirement. The Authority must be notified of cancellation or lapse of insurance coverage.

1.7 LAKE LEVELS

The water level in Possum Kingdom Lake will not be constant. The level of the water will vary depending on the amount of water used and delivered from the Lake, evaporation rates, generation of hydroelectric power, amounts of rainfall and runoff in the Brazos Basin upstream, and other factors. **The level in the Lake may drop 30 feet or more below the full lake level.**

1.8 FEE SCHEDULE

For Fee Schedule go to www.brazos.org, click on the tab labeled Reservoirs, choose Possum Kingdom, click on the tab labeled Lake Fee Schedule.

LEASE ADMINISTRATION - SPECIAL USE

2.1 SPECIAL USE ADMINISTRATION

The Authority periodically receives requests for land uses other than those identified under a particular type of lease, such as residential, hangar, or commercial. If the request is approved, the land may be leased under a Special Use Lease Agreement. The Special Use Lease may be written for a term of 5 years to 20 years. Variance to the normal lease term may be considered for an application outside the realm of services usually requested for this type of lease. Improvements must comply with all building setback requirements and have prior written approval from the Authority before construction begins.

2.2 LEASE PROCESSES

Request For Lease - A request for lease of currently unleased Authority property must be submitted in accordance with Sections 4.5 and 4.6 of this document. The request will be reviewed by staff for appropriateness and for compliance with FERC, the Shoreline Management Plan, and *Authority Regulations*. If staff approves the application, the request will be forwarded to the Board for consideration.

Assignment - Special Use Leases are not assignable.

Rate Adjustment – Rate adjustments do not normally apply to Special Use Leases, however, if a lease rate is established for a Special Use Lease, the rate will be adjusted as stipulated in the lease. At that time, an inspection of the lot may be conducted to ensure compliance with the lease agreement, the Shoreline Management Plan, and *Authority Regulations*.

Extension - Does not normally apply to Special Use Leases.

New Lease - After expiration of the lease term, a new lease may be issued if the lessee is in compliance with the lease agreement, the Shoreline Management Plan, and *Authority Regulations* and it is determined that the new lease is needed.

Cancellation - In the event lessee fails to comply with *Authority Regulations*, lease/permit requirements, and this document, the Authority may pursue any and all available legal remedies, to include lease/permit cancellation..

Lease Forms – All lease activities (adjustments, new lease, etc.) are conducted on standard Authority forms. Any changes to the forms by lessee will void the process.

2.3 LEASE RATE

In the event a lease rental rate is charged for a Special Use Lease, lease rates for extensions and new leases will be established on a case by case basis or as otherwise stipulated in the lease.

LEASE ADMINISTRATION - FARMING & GRAZING LEASE

3.1 FARMING & GRAZING ADMINISTRATION

The Brazos River Authority (Authority) manages Farming and Grazing (F&G) Leases covering approximately 2,000 acres. The land leased under this type of agreement is authorized for livestock grazing and/or wild game and range management. The F&G lease does not guarantee the exclusive use of the property to the lessee.

The Authority, at its sole discretion, may also choose to lease all or any part of the entire property for other uses that may or may not coexist with the livestock operation. The lessee is not allowed to personally hunt on the lease and may not sublease hunting rights or allow livestock owned by others to graze on the leased land.

The only improvements allowed on a F&G lease are fencing and cross-fencing, rudimentary shelters for animals, and feeding stations. Limited cultivation is allowed, with specific prior Authority approval, and lessee must limit effects of erosion caused by this activity. Improvements must comply with building setback requirements and have prior written approval from the Authority before construction begins. Livestock must be readily identifiable as property belonging to the leaseholder (ear tag, brand, etc.).

3.2 LEASE PROCESSES

Request For Lease - A written request must be submitted providing the name, address, and telephone numbers of applicant, a description of the area requested for leasing, and any special considerations that are required by applicant. The completed application will then be reviewed to ensure appropriateness and for compliance with FERC, the Shoreline Management Plan, and *Authority Regulations*. The completed application that complies with these regulations will be referred for staff consideration. If determined by the staff to require Board action, the application will be included on an agenda for review and decision by the Board of Directors. Any insurance requirements, special conditions, and the lease rental rate will be established. If approved, the lease will be prepared and forwarded to the lessee for signature. The new lease is not complete until approved by the appropriate Authority representative.

Assignment – F&G leases are not assignable except as otherwise stipulated in existing leases. If assignment is allowed in the lease, then before the sale of leasehold is complete, the lease must be transferred to the buyer. This is called an assignment. A written request, including the buyer's name, mailing address, and phone number must be submitted with a non-refundable transfer fee (Ref. Fee Schedule) prior to the assignment papers being prepared. A compliance inspection will be conducted at that time. Deficiencies noted in the compliance inspection must be remedied prior to assignment. Approximately ten (10) working days are required to conduct the inspections, research the file and accounting records for actions or monies due, and prepare the assignment papers. An assignment is not complete and leasehold interest does not transfer until the appropriate Authority representative approves the transfer document.

Rate Adjustment - The lease rate may be periodically adjusted according to the terms of the lease. At the time of rate adjustment, the property may be inspected to ensure compliance with the lease agreement, the Shoreline Management Plan, and *Authority Regulations*.

Extension - If provided for in the lease agreement, at the expiration of the initial lease term, the lease is extended for the term specified provided the lessee is in compliance with the lease agreement, the Shoreline Management Plan, and *Authority Regulations*. The lease rate for the

extension period is established by the Authority's Board. An administrative fee (Ref. Fee Schedule) is charged for the extension of a lease.

New Lease - After expiration of the lease term, and the extension period where applicable, the property may be inspected for compliance with the lease agreement, the Shoreline Management Plan, and *Authority Regulations*. A new lease may be issued if the lessee is in compliance with these documents. The term of a new lease will usually be for a term similar to the previous lease term and the lease rental rate will be established by the Authority's Board.

Cancellation - In the event lessee fails to comply with *Authority Regulations*, lease/permit requirements, and this document, the Authority may pursue any and all available legal remedies, to include lease/permit cancellation.

Termination - In the event the Authority determines that a better use of the property should be pursued, termination of this lease, without cause, may be effected by providing lessee with 6 months written notice of cancellation.

Lease Forms - All lease activities (transfers, adjustments, etc.) are conducted on standard Authority forms. Any changes to the form by lessee will void the process.

3.3 LEASE RATE

Lease rates for adjustments, extensions, and new leases will be established according to the methodology adopted by the Board or as otherwise stipulated in the lease.

3.4 FEE SCHEDULE

For Fee Schedule go to www.brazos.org, click on the tab labeled Reservoirs, choose Possum Kingdom, click on the tab labeled Lake Fee Schedule.

PERMIT ADMINISTRATION – PERMITTING PROCESSES AND CONSTRUCTION STANDARDS FOR LEASED LOTS AND ON-WATER FACILITIES

4.1 PERMIT REQUIREMENTS FOR LEASED LOTS AND ON-WATER FACILITIES

Permits are required for construction, repair, modification, or improvements on a leased lot and/or On-Water Facility. Construction permits are also required for lot clearing, tree or vegetation removal, drainage work, and/or dredging (includes removing or adding material to the lakebed, defined as the area at or below the existing 1,000 foot msl contour). Permits are required for placement of On-Water Facilities. All permitted On-Water Facilities must be attached to the shoreline land owned or leased by the permittee, unless specifically authorized by the Authority. Additionally, new permits are required for major repair, relocation, or replacement of an On-Water Facility.

Permits are not required for routine maintenance of structures or On-Water Facilities (e.g. painting, replacement of window panes, door knobs, carpet, repair/replacement of walkway boards or handrails, etc.).

4.2 GENERAL INFORMATION

- A. Any construction request will initiate a review of the existing septic system.
- B. Any enclosed structure that is plumbed to receive water must have septic system considerations addressed.
- C. Commercial camps are designated Public Use by the FERC. Consequently, any structures built must be for public (non-private) use. Any improvements for private use of the camp, such as a sublease, must be portable in nature so it could be moved to allow a public use. The following are the only structures allowed on a sublease:
 - 1. Mobile Home*
 - 2. Removable porch
 - 3. Carport cover – no concrete slab
 - 4. Storage building on skids (no larger than 8 feet X 8 feet)
 - 5. Independent roof over mobile home
 - 6. Fenced area for a dog run, not to define a lot.

Approval of the above structures is dependent on the approval of the commercial lessee, space availability, septic system location and calculated gallons per day flow for the commercial area, etc.

* Mobile homes on existing commercial camps are limited to their existing size unless adequate sanitation facilities are installed to accommodate increased flow requirements in accordance with any and all federal, state, and local laws.

- D. It will not be necessary to retrofit previously approved commercial facilities unless specifically stated in this document, or unless conditions present a potential threat to public health, safety and welfare, or a threat to water quality.

4.3 FERC COMPLIANCE

As a result of hydroelectric generation at Possum Kingdom Lake, the Authority is licensed and regulated by the Federal Energy Regulatory Commission (FERC). FERC has specific mandates, rules, and regulations relating to the operation of the Lake and use of Authority property within designated project boundaries. Under certain circumstances, proposed development and construction within project boundaries requires prior FERC* approval. Any and all costs associated with the FERC approval process are the responsibility of the developer. Consult with the Possum Kingdom Lake office to begin the FERC approval process.

- * The FERC has specific approval authority on any proposed construction that impacts the Project Area or lakebed. Any proposed On-Water Facility with more than ten slips will also requires approval from the FERC. The FERC approval process can take a year or more to complete. No permit will be granted until the FERC approval has been obtained.

4.4 MINIMUM BUILDING AND INSPECTION CODES

Below is a list of national codes that are hereby adopted as the minimum standards for construction and maintenance of facilities at any subject lease area on Authority Lakes and lands, to the extent they do not conflict with this policy statement or with other Authority directives. It is the lessee's responsibility to ensure:

- A. work is completed by licensed professionals who certify that structures meet all codes (national, state, and local) that apply to their leased property, or
- B. once completed, on-going work is inspected by a licensed inspector contracted by the Authority at the lessee's expense who certifies that structures meet all codes (national, state, and local) that apply to their leased property.
- C. References
 - 1. National Fire Codes of the National Fire Protection Association, latest edition, which includes but are not limited to:
 - a. National Electric Code - NFPA 70
 - b. Fire Protection Standards for Marinas and Boatyards - NFPA 303
 - c. Code for Motor Fuel Dispensing Facilities and Repair Garages – NFPA 30A
 - d. Standard for Portable Fire Extinguishers - NFPA 10
 - 2. Uniform Building Code, General Design Requirements, latest edition
 - 3. Standard Specification for Construction of Highways, Streets and Bridges, Texas Department of Transportation, latest edition
 - 4. Manual on Uniform Traffic Control Devices, Texas Department of Transportation, latest edition
 - 5. All applicable Federal Laws and Acts; including, but not limited to the Americans with Disabilities Act, Clean Water Act, Clean Air Act, National Environmental Policy Act, Endangered Species Act
 - 6. All applicable State Laws, Codes and Statutes; including, but not limited to: the Water Code, the Health and Safety Code, Parks and Wildlife Code, Transportation Code, Administrative Code

4.5 DEVELOPMENT AND PERMITTING PROCESS

- A. Coordination of proposed improvement (existing lease) or preliminary Development Plan (for new lease/facility)
- B. Application form is completed and submitted
- C. Submit Development Plan (for new lease/facility)

- D. Submit detailed drawings
- E. Application is reviewed by the Authority for:
 - 1. completeness, signatures, and fee (Ref. Fee Schedule),
 - 2. adequacy of information provided,
 - 3. completeness of site/construction plan including,
 - a. sealed design plans and a diagram indicating the placement of the improvements on the lot with the distance from property lines clearly illustrated,
 - b. dimensions (length, width, height, total area of footprint) of all proposed improvements,
 - c. distance of proposed improvements from shoreline,
 - d. side view of improvements,
 - e. color scheme, and
 - f. construction schedule,
 - 4. evaluation of applicant's standing with the Authority,
 - 5. prior violations or conditions attached to the lot,
 - 6. possible required changes to the On-Site Sewage Facility, and
 - 7. comparison against the authorized lease services to ensure that the request complies with the allowable services and improvements.
- F. Applicant is required to adhere to the agreed construction schedule.
- G. An on-site inspection is conducted.
- H. Approval for construction is not transferable. If a lease is sold, the new lessee must submit a new Construction Application for any previously approved construction that has not been completed.
- I. If any portion of the proposed improvement is unacceptable, the lessee may be given 60 days to resubmit the construction request. If the Authority receives no response from the lessee the application may be considered rejected.
- J. Amendments to Construction Applications are allowed and will be considered up to 2 weeks after approval date. Amendments after that time require a new request for construction and could impose another application fee.
- K. Improvements built without benefit of an approved construction permit are required to obtain a post construction permit at the standard fee. The construction must comply with all applicable construction codes and all other applicable standards and requirements. In obtaining the post construction permit, the lessee shall be responsible for any and all inspection charges incurred, as well as the cost to administer the delinquent application. In addition, the applicant shall reimburse the Authority for any and all costs associated with performing the post construction review, including but not limited to the following: all staff time incurred, costs of any outside consultants (engineers, FERC experts, and/or attorneys), and any other expenses or costs incurred by the Authority. Additionally improvements built without benefit of an approved permit may be required to be removed at the discretion of the Authority. Failure to comply may result in loss of lease.
- L. The Authority recognizes that certain commercial leases may have subleases or operating agreements with other third party interests. In that regard, the Commercial lessee is responsible for assuring compliance with all requirements of the Shoreline Management Plan, *Authority Regulations*, and lease and/or permit terms. In addition, the Commercial lessee is responsible for submitting any construction or permitting requests.

4.6 DEVELOPMENT PLAN

- A. A Development Plan will be required if the lessee is proposing a new facility. The Development Plan is a guide for future activities, not a detailed construction plan. The Area Project Manager shall establish guidelines for submission of the Development Plan. Anyone engaging in development planning should initially schedule a meeting with the Area Project Manager who will provide a copy of the Development Plan guidelines.
- B. The Development Plan should list all new facilities and services proposed over a five-year period with estimated dates of completion. The plan should also include a site plan and conceptual designs of any proposed structures. In addition, detailed, to-scale drawings of all requested improvements must be submitted with an *Application For Construction Permit* form for a commercial area. A request for improvements not included in Exhibit B of the Commercial Lease Agreement will require an Amendment to the Lease (see Section 1.3) prior to the *Application for Construction Permit* being considered.

4.7 DESIGN AND CONSTRUCTION STANDARDS

All new structures and other systems should be designed and constructed with approved materials to the requirements specified within this document. It is the lessee's responsibility to ensure that all structures meet these minimum standards. Applicable aesthetic considerations prescribed by the Authority and the FERC at Possum Kingdom Lake shall be met. Aesthetic considerations are appropriate within the boundaries of the FERC Project Area.

4.8 EXPANSION OF EXISTING COMMERCIAL FACILITIES

The expansion of an existing commercial improvement or On-Water Facility will require the commercial lessee or Marina owner to upgrade the entire existing permitted commercial improvement or On-Water Facility to meet all present codes, construction standards, and directives.

4.9 PARTIAL REPAIRS

From time to time on leases with multiple structures, at the discretion of the Area Project Manager, and in keeping with the promotion of health, safety and welfare on the Lake and Authority land, the Authority may allow facility repair, upgrade or replacement of a single structure/unit on the leased property.

4.10 CODE COMPLIANCE VERIFICATION

It is the lessee's responsibility to ensure:

- A. work is completed by licensed professionals who certify that structures meet all codes (national, state, and local) that apply to their leased property, or
- B. once completed, on-going work is inspected by a licensed inspector, contracted by the Authority at the lessee's expense, who certifies that structures meet all codes (national, state, and local) that apply to their leased property.

4.11 ENCROACHMENT

Lessee is responsible to ensure that improvements are constructed within the boundary of the leasehold. Encroachments must be resolved prior to transfer of the leasehold interest. The

Authority reserves the right to require removal of any and all encroachments. Charges associated with remediation of an encroachment will be the responsibility of the lessee.

4.12 PLACEMENT OF IMPROVEMENTS ON LEASED LAND

- A. Improvements must be in compliance with the lease and an approved construction application.
- B. At a minimum, the FERC mandated setback of 25, 50, or 75 feet horizontally from the full lake level shoreline (1000' msl contour) must be maintained, as applicable. The only improvements the Authority is authorized by the FERC to approve within this setback are for erosion control (i.e. retaining wall, rip rap, etc), landscape plantings, and On-Water Facilities.
- C. New improvements other than fences shall not be built closer than 5 feet from the side and back lot boundary lines.
- D. Mailboxes are allowed to be placed off of the leased property in accordance with United States Postal Service (USPS) directive.
- E. Improvements must retain the integrity of the natural beauty of the Lake and land to include minimal tree removal and aesthetically pleasing color schemes that blend into the natural surroundings.
- F. Travel Trailers or Motor Homes may be stored on commercial leased property for non-residential purposes.
- G. Travel Trailers or Motor Homes may be utilized as a residence on a commercial leased area which is designated as an RV Park.
- H. Improvements must be in compliance with all recorded rights-of-way and easements.
- I. Improvements shall not hinder access to or use of another tenant's lot or private property.
- J. Placement of structures or paved areas is not allowed on any portion of a septic system.
- K. Retaining walls are allowed only at or above the 1000 foot msl contour if there is no other viable means to contain erosion. Retaining walls cannot be used to increase the size of a lot or its water frontage.
- L. Requests for additional (or new) living accommodations must comply with current septic system construction standards.

4.13 FUEL STORAGE

- A. All petroleum storage tanks shall be installed, registered and maintained in accordance with the most current Texas Administrative Code, Title 30, Part 1, Chapter 334 requirements, the Fire Protection Standard for Marinas and Boatyards (NFPA 303 section 6.3) and the Code for Motor Fuel Dispensing Facilities and Repair Garages (NFPA 30A Chapters 4, 5 and 11). Copies of all required permits and registrations must be furnished to the Area Project Manager.
- B. The lessee must provide, at all times, the necessary materials, equipment and capability to prevent the discharge of petroleum products into or upon the waters of Texas. In addition, the lessee must prepare and implement a Spill Prevention Control and Countermeasure Plan (SPCCP) in accordance with 40 CFR 112, if the above ground storage capacity of a single container is in excess of 660 gallons or an aggregate storage capacity greater than 1,320 gallons, or the total under ground storage capacity is greater than 42,000 gallons.
- C. All fuel storage tanks shall be equipped with a pressure triggered automatic shut-off valve at the bulk tank.
- D. 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 lessee will contact the Area Project Manager 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.

4.14 REFUELING AREA

- A. Refueling areas shall be constructed and maintained in accordance with the latest edition of the Code for Motor Fuel Dispensing and Repair Garages (NFPA 30A Chapter 6 and 11) and the National Electric Code (NFPA 70).
- B. 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.
- C. Where possible, all fuel handling shall be outside the main berthing area.
- D. An emergency fuel shut-off valve shall be present and well labeled on the fueling dock.

4.15 BATTERY STORAGE AREAS

Rooms in which batteries are charged or stored shall be in accordance with NFPA 303 Section 6-11.

4.16 FLAMMABLE AND COMBUSTIBLE LIQUIDS

- A. All storage, handling, and use of flammable and combustible liquids shall be performed by trained personnel. All flammables should be stored in a separate building/room/cabinet designed for that purpose. Storage rooms where flammable, combustible, or oxidizing materials are stored shall be ventilated so as to have no accumulation of fumes. These areas shall be kept locked when not in use. Flammable, combustible or oxidizing materials shall not be stored in areas used for exits, stairways or safe passage of people.
- B. "No Smoking or Open Flame" signs shall be posted conspicuously at flammable storage tanks, refueling dispensers, battery storage areas, gasoline storage areas, and any other areas where flammable, combustible, or oxidizing materials are stored.

4.17 HOUSEKEEPING

All facilities shall be maintained in a safe, functional condition which does not present health or safety hazards to the public. Building materials are not authorized to be stored on the Marina. Any such material allowed on-site must be stored in an approved storage area.

4.18 WASTE RECEPTACLES

An adequate number of waste receptacles shall be provided and shall be serviced on a frequency adequate to meet demand. All waste receptacles shall be secured to prevent unintentional spilling. Each Marina shall have, at a minimum, one waste receptacle per dock within the Marina. Containers used for the storage of food waste must be leak-proof and have lids. Solid waste must be disposed of in approved landfills or collection sites, in accordance with the Texas Administrative Code, Title 30, Chapter 330.

4.19 ENVIRONMENTAL COMPLIANCE

All lessees and Marina operators are responsible for full compliance with federal, state, and local environmental laws and regulations. Lessees and Marina operators are required, upon request by Area Project Manager, to furnish copies of all permits, reports, and other records related to actions involving environmental law compliance. Failure to comply with environmental regulations will be considered a significant threat to public health and water quality.

4.20 SIGNS

- A. Private notices, advertisements and signs are prohibited on any portion of the Lake, facilities on the Lake, or adjacent Authority lands, except by specific written permission of the Area Project Manager or the General Manager.
- B. Prior to placement of any signs on leased property, the lessee must submit a written request and must receive approval of the plan from the Area Project Manager. The Area Project Manager may, from time to time, designate a classification of specific signs that will be permissible without authorization for each individual sign. All such designations will be on file at the Lake Office and it shall be incumbent on the lessee to ensure their sign is authorized.
- C. All identification and directional signs placed at a leased site should be of a common design. The signs will be well constructed and properly maintained. Placement of signs, i.e. height above ground, distance from road edge, etc., must conform to the design standards in the Texas Manual on Uniform Traffic Control Devices. Location of the signs will be determined on a case-by-case basis, to assure all safety standards are being met. No large billboard type signs will be allowed.

4.21 COMMERCIAL CAMPS

- A. Commercial camps are designated Public Use by FERC. Consequently, any structures built must be for public (non-private) use. Any improvements for private use of the camp, such as a sublease, must be portable in nature so it could be moved to allow a public use. The following are the only structures allowed on a sublease:
 - 1. mobile home*,
 - 2. removable porch,
 - 3. carport cover – no concrete slab,
 - 4. storage building on skids (no larger than 8 X 8 feet),
 - 5. independent roof over mobile home, and
 - 6. fenced area for a dog run, not to define a lot.
- B. Consideration of the above structures is dependent upon commercial camp lessee approval, space availability, septic system location and calculated gallons per day flow for the commercial area, etc.

* Mobile homes on existing commercial camps are limited to their existing size unless adequate sanitation facilities are installed to accommodate increased flow requirements in accordance with any and all federal, state, and local laws.

4.22 PRE-EXISTING STRUCTURES

Structures in place prior to the adoption of this document shall be allowed to remain in their present configuration until such time as a construction permit is required under the provisions of Section 4.1 of this document.

Nothing in this section shall be construed to release any lessee from either the obligations set forth in any existing permit on file with the Authority or the encroachment requirements set forth in the provisions of Section 11.2 of this document.

Structures in place within the FERC Project Area prior to May 15, 1980 may be allowed to remain in place in their current configuration in accordance with Article 37 of the Order Amending the FERC License dated May 15, 1980. These structures may be replaced with a new structure built within the same footprint upon obtaining an approved construction permit. Any structures erected in the FERC Project Area after May 15, 1980 may be required to be removed at the owner's expense.

In no event shall this provision, enabling Pre-Existing structures to remain in place, grant any authorization for a violation of *Authority Regulations* and/or any local, state or federal law.

PERMIT ADMINISTRATION – ADDITIONAL CONSTRUCTION STANDARDS FOR COMMERCIAL ON-WATER FACILITIES

5.1 ADDITIONAL CONSTRUCTION STANDARDS

- A. Placement of Facilities on Water
 1. Improvements must be in compliance with the lease and construction permit.
 2. No facility may be situated in a manner that interferes or obstructs access to other permitted facilities or neighboring properties.
 3. No facility may extend more than one-third of the distance between opposite shorelines of any area of the Lake, nor farther than allowed in the Marina permit.
 4. In narrow sections of the Lake where the distance between opposite shorelines is 120 feet or less, a clear channel at least 40 feet in width shall be maintained between the 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.
 5. Applicant must own or lease the land adjoining the Lake at the location of the proposed facility and provide to the Authority, at the time of permit application, documentation establishing the ownership or leasehold interest in the property.
 6. The fairway distance between two Marina Facilities shall be at a minimum 1.5 times the length of the longest boat slip of the docks.
 7. The Area Project Manager may also restrict placement of Marina Facilities if placement of the facility would be deemed a hazard to navigation, public health, safety and/or welfare.
- B. Flotation for Commercial On-Water Facilities
 1. Buoyancy for all floating facilities shall be provided by polystyrene, multiple air filled internal compartments (only allowed for storage of personal watercraft), or a similar flotation material that is encapsulated.
 2. Marina Facilities are to float level under all conditions. Failure of Marina Facilities to float level under all conditions will be considered a significant threat to the public health, safety and welfare.
 3. Floats and the flotation material for all Marina Facilities and boat storage shall be fabricated of materials manufactured for marine use. The float and its flotation material shall be 100 percent warranted by the manufacturer against sinking, becoming waterlogged, cracking, peeling, or fragmenting for a minimum of 8 years. All floats shall resist puncture and penetration and shall not be subject to damage by animals under normal conditions for the area. All floats and flotation material shall be fire resistant. Any float within 40 feet of a line carrying fuel shall be 100 percent impervious to water and fuel.
 4. All non-encapsulated flotation currently in use will only be authorized until it has deteriorated to a point that it is no longer serviceable or capable of supporting the structure with a minimum of 6 inches of flotation out of the water when the dock is under a Dead Load or a minimum of 1 inch of flotation out of the water when the dock is under full Live Load (30 pounds per square foot), at which time it must be replaced with approved encapsulated flotation. Lessees shall phase out all non-encapsulated flotation by January 1, 2015. Commercial Marinas who fully comply with mandated removal of non-encapsulated flotation prior to January 1, 2010, shall be entitled to a reduction in their annual permit fee, as set forth by the Board, until January 1, 2015. Failure to comply shall result in the revocation of the permit/lease and the Authority pursuing any and all available legal remedies.
 5. Encapsulated Flotation - All flotation must be 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) and provide a minimum of 6 inches of flotation out of the water when the dock is under a Dead Load or a minimum of 1 inch of flotation out of the water when the dock is under full Live Load (30 pounds per square foot).

6. Multiple Air-Filled Compartments (for personal watercraft storage only) – If multiple air-filled internal compartments are used for flotation, the individual dock section shall consist of a specified number of interior, air-filled pylons that shall provide for flotation in the event of a breach of an exterior wall of the dock section; as well as the structural support for the deck portion of the float. Each pylon shall support the Dead Load plus a Live Load of 40 pounds per square foot. The volume of each pylon shall be no less than 1540 cubic inches. Multiple air-filled compartment flotation shall provide a minimum Freeboard of 5 inches under any or all Live Load.
 7. Any matter concerning flotation not covered by the foregoing will be subject to the approval of the Area Project Manager.
- C. Walkways for Commercial On-Water Facilities
1. Main walkways shall be no less than 4 feet in width. The minimum width of walkways between slips shall be 3 feet when used to access boats.
 2. Walkways shall be structurally sound, supporting the minimum design load of 50 pounds per square foot. If lumber is used for decking material, it shall not be treated with creosote, chromated copper arsenate (CCA), ammoniacal copper arsenate (ACA), or ammoniacal cooper zinc arsenate (ACZA). Plywood is not acceptable for use as decking material for new or existing Marina Facilities.
 3. Walkways from shore to Marina Facility shall be free from excessive spring, deflection, and lateral movement, and adequately supported with flotation so as to provide safe access.
 4. All walkways, gangways, and access ways, including secondary walkways between boat slips, are built to provide passageway and access to boats and must remain reasonably clear of tripping and health hazards. Walkways shall be free from protruding nails, loose boards, or other defects that may create a tripping hazard.
 5. Walkways shall be constructed and maintained in compliance with any and all federal, state, and local laws.
- D. Lockers and Refrigerators for Commercial On-Water Facilities
1. Lockers and refrigerators must be uniform in nature and provided by the Marina operator. In addition, lockers must be of an appropriate size and configuration to comport with the individual Marina and as pre-approved by the Authority.
- E. Anchorage for Commercial On-Water Facilities
1. An anchorage system shall be provided to secure mooring of floating structures, taking into consideration the water depth, water level fluctuations, exposure to waves, and wind loads, and shall in no way adversely affect the public health, safety or welfare. Anchor cables or other securing devices shall not be attached to trees, stumps, power poles, or guardrail posts. Anchor cables shall be maintained in good repair, and shall be located in such a manner as to prevent obstruction hazards to pedestrians, boaters and vehicular traffic. Overhead anchorage cables shall not be used in boating lanes. Anchor cable winches or winch handles shall be kept locked and/or secured from tampering by the general public.
 2. In all cases Marina anchorage will be evaluated and approved on a case-by-case basis and in accordance with industry standards.

- F. Electrical for Commercial On-Water Facilities
 - 1. In light of the inherent risks associated with the presence of electricity and water, the Authority shall strictly enforce compliance with applicable codes. All hazardous wiring or other electrical apparatus which is an immediate threat to the safety of the public shall be immediately de-energized and remain so until repairs are completed. Individual boat slip renters are not authorized to install any electrical wiring or fixtures.
 - 2. By January 1, 2015, the entire Commercial On-Water Facility must be upgraded to meet all requirements of NFPA 70 and NFPA 303 currently existing at that time.
- G. Modifications to Commercial On-Water Facilities
 - 1. The lessee/permittee will assure that all modifications and uses of permitted facilities are approved in accordance with permit conditions and the Shoreline Management Plan. An individual or slip renter has no authority to change, alter, or modify the approved Marina On-Water Facilities, to install or affix personally owned equipment on or to the approved permitted facilities, or to modify the facilities so as to deviate from the intended, designed or approved purpose of the facilities.
- H. Restrictions for Commercial On-Water Facilities
 - 1. The following items are specifically restricted for placement on Marina Facilities on Possum Kingdom Lake; however, the Authority reserves the right to further restrict additional items:
 - a. carpet on walkways and flooring of floating facilities,
 - b. electrical/communication equipment not included in approved design,
 - c. toilets and sinks,
 - d. enclosure of individual boat slips, and
 - e. decking-over boat slips.
 - 2. The Marina operator will be responsible for removal of any and all restricted items or facilities.
- I. On-Water Cleaning at Commercial On-Water Facilities
 - 1. All detergents used shall be phosphate-free, biodegradable and non-toxic.
- J. Restricted Zones for Commercial On-Water Facilities
 - 1. Marina operators may not impose restrictions on the use of water areas adjacent to their concession facilities. The General Manager may establish and post restrictions on the public use of a portion of a lake when necessitated by reason of public health, safety, and welfare or other reasons in the public interest. Security of a concession operation is not justification for the General Manager to restrict access to an area normally open for public use. Such protections are a private interest and not a public interest.
 - 2. Marina operators do have the right to secure and protect private property located within the lease premises.
- K. Lighting and Reflectors on Commercial On-Water Facilities
 - 1. Amber reflectors must be installed on all sides of On-Water Facilities at no greater than 20-foot intervals; those portions of facilities extending farther than 100 feet into the Lake shall be illuminated during hours of darkness in such a manner as to make such facilities visible to people in boats on the Lake without the lights themselves impairing the vision of such people.
 - 2. Lights used to illuminate signs shall not impede navigation or be construed as a navigation aid.
- L. Sewage Pump-out Facilities for Commercial On-Water Facilities
 - 1. In compliance with guidelines set by the Texas Commission on Environmental Quality (TCEQ), all Marinas which house or moor vessels containing sanitary

devices are required to provide, maintain and operate an approved pump-out facility.

2. All new Marinas with slips greater than 26 feet in length must provide, at a minimum, one sewage pump-out facility.
- M. Additional Requirements for Commercial On-Water Facilities
1. Responsibility for the safety, structural soundness and regulatory compliance of the Marina Facilities shall reside entirely with the Marina owner. The Authority does not warrant the function, structural integrity, safety, workmanship, materials, or water worthiness of any Marina Facility.
 2. Construction shall be in strict compliance with to-scale drawings approved by the Authority.
 3. No second level facilities will be allowed on Marina Facilities.
 4. Buoyancy for all floating facilities shall be provided in accordance with the provisions of this document.
 5. Barrels, pontoons, drums or other improvised equipment shall not be used for flotation.
 6. Living quarters, kitchens, sinks, bathing facilities, or toilet facilities are not allowed in or on facilities permitted on the Lake.
 7. All facilities must be structurally sound and in a condition that does not threaten public health, safety, welfare, or constitute a hazard to anyone occupying or utilizing the Lake or facility.
 8. Marina Facilities may consist of a floor and gabled or flat roof. The only enclosed portion allowed on a Marina is a standardized storage locker in accordance with the provisions herein (see Section 5.1 D-Lockers and Refrigerators for Commercial On-Water Facilities). No other side walls will be allowed.
 9. Marina Facilities and walkways will be of a color to blend in with the natural surroundings as viewed from the Lake.
 10. All facilities must comply with any and all additional requirements of federal, state, and local law.

5.2 LAKE LEVELS

The water level in Possum Kingdom Lake will not be constant. The level of the water will vary depending on the amount of water used and delivered from the Lake, evaporation rates, generation of hydroelectric power, amounts of rainfall and runoff in the Brazos Basin upstream, and other factors. **The level in the Lake may drop 30 feet or more below the full lake level.**

On-Water Facilities are built as approved. If the lake level goes down, it is not an inherent right to extend an On-Water Facility farther into the Lake.

5.3 PERMIT FEE

An annual fee for Commercial On-Water Facilities is established by the Authority's Board. The annual fee is reviewed every five years for adjustment.

5.4 COMMERCIAL ON-WATER FACILITIES VIOLATIONS

- A. The Authority may revoke the permit for any On-Water Facility not properly maintained or not meeting the requirements of the Authority's rules or regulations or for which the required annual fee has not been paid.
- B. Existing On-Water Facilities that violate the requirements for On-Water Facilities may be required to be removed or modified if, in the opinion of the Area Project Manager, they constitute a hazard to navigation, public health, safety, or welfare.

5.5 PRE-EXISTING COMMERCIAL ON-WATER FACILITIES

Pre-existing Commercial On-Water Facilities are allowed to remain in place in their current configuration until such time as Major Repairs are needed or expansion of the existing facilities is requested by the Marina owner. On-Water Facilities needing Major Repairs will be required to comply with current On-Water Facility standards.

Pre-existing On-Water Facilities are not exempted from the requirement that all non-encapsulated flotation must be removed from the Lake no later than January 2015.

In no event shall this provision, enabling Pre-Existing On-Water Facilities to remain in place, grant any authorization for a violation of *Authority Regulations* and/or any local, state or federal law.

5.6 FEE SCHEDULE

For Fee Schedule go to www.brazos.org, click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on the tab labeled Lake Fee Schedule.

PERMIT ADMINISTRATION – ON-SITE SEWAGE FACILITIES

6.1 ON-SITE SEWAGE FACILITY ADMINISTRATION

Unless serviced by a waste water treatment facility, all improvements on property within the Possum Kingdom Lake Regulated Area require the use of private sewage treatment and disposal systems, also known as On-Site Sewage Facilities (OSSF), and in this document commonly called septic systems.

“Registered” septic systems are those systems in place in 1978 when the State of Texas adopted rules governing septic systems. These “registered” septic systems are allowed to remain in place until they malfunction, no longer provide adequately for the improvement, or until the improvement is enhanced, enlarged, or replaced. When any of these situations occur, installation of a new septic system, constructed and maintained in compliance with current TCEQ regulations and “licensed” through the Authority, is required. Situations which require a septic system are:

- A. **ALL** living accommodations, including a residence, guest house, or any enclosed building that is plumbed to receive water.
- B. Any business or residence that modifies a structure or changes its uses must be reviewed to determine if changes to their septic system will also be required.

The Authority is the authorized agent for the enforcement of TCEQ septic system rules and regulations for the Possum Kingdom Lake Regulated Area (see Definition) and issues the licenses for septic systems. All licenses issued within a commercial lease area are required to be held in the name of the commercial area or lessee.

6.2 PERMITTING PROCESS

- A. Application is reviewed to determine that:
 - 1. applicant has signed the appropriate application form,
 - 2. all information is provided,
 - 3. site evaluation adequately describes the site;
 - 4. appropriate application fee payment (Ref. Fee Schedule), and
 - 5. a site plan showing improvements and location of septic system including tanks and absorption field.
- B. Lease/Lot is reviewed to verify that money is not due to the Authority.
- C. The property file is reviewed for any prior violations or conditions attached to the lot.
- D. If any portion of the proposed septic system is unacceptable, the applicant will be given 60 days to submit a revised request. If the Authority receives no response from the applicant, the application will be considered rejected.
- E. After installation of the septic system is complete and before it is covered, the installer shall notify the Authority to inspect the installation to ensure compliance with the approved design. (24-hour inspection notice required)
- F. The Authority issues the septic system license upon inspection and approval of the installation.
- G. Authorization for construction is valid for one year.
- H. Authorization for construction is not transferable.

6.3 PLACEMENT OF IMPROVEMENTS

- A. Septic systems and the associated living accommodations:
 - 1. must be located on the same property, or
 - 2. if on a second property, both properties must be owned by the same person, or
 - 3. if land must be crossed in transporting sewage, the application must include all right-of-ways and permanent easements needed for sewage conveyance lines, and
 - 4. an affidavit must be filed in real property deed records according to §285.4(b)(D) stating properties cannot be sold separately.
- B. Septic systems shall not be installed closer than 5 feet from property lines and structures.
- C. Tanks shall not be placed closer than 50 feet from the 1000 foot msl elevation.
- D. The boundaries of all surface effluent application areas shall be separated from all lakes, rivers, streams and ponds as set forth Appendix B.
- E. Allow at least 30 days for review of your completed application and response from the Authority.
- F. Placement of structures or paved areas is not allowed to cover any portion of a septic system.

6.4 FEE SCHEDULE

For Fee Schedule go to www.brazos.org, click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on the tab labeled Lake Fee Schedule.

PERMIT ADMINISTRATION – WATER USE

7.1 WATER PERMIT ADMINISTRATION

Permits are required to withdraw/divert water from the Lake for domestic and/or commercial purposes.

7.2 PERMITTING PROCESS

- A. Application is reviewed to determine that:
 - 1. location is eligible for a personal water use permit*;
 - 2. applicant has signed and provided all required location information; and
 - 3. applicant is current owner of the lot or leasehold where water pump will be placed.
- B. The lot file is reviewed for any prior violations or conditions attached to the lot.
- C. An on-site compliance inspection is conducted.
- D. The permit is valid for the approved location only and dependant upon receipt of annual fees, as applicable. For permits issued to lessees of Authority lots, the fee is waived.
- E. A Water Use Permit is transferable. If the new owner submits an application in their name within 14 days from the date of purchase.
- F. Applicant is not allowed to sell water diverted from Possum Kingdom Lake under this permit.

*Residents in The Ranch Subdivision and The Cliff's Subdivision are not eligible to apply for private water diversion lines into the Lake. These subdivisions are prohibited from using lake water by covenants and restrictions of their subdivision or by a contract agreement with Brazos River Authority.

7.3 FEE SCHEDULE

For Fee Schedule go to www.brazos.org, click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on the tab labeled Lake Fee Schedule.

PERMIT ADMINISTRATION – WORK BARGE PERMIT

8.1 WORK BARGE PERMIT ADMINISTRATION

The Authority has numerous Work Barge Permits on Possum Kingdom Lake. Permit rates may be adjusted annually. The work barge must meet the standards of the Texas Water Safety Act and all applicable U.S. Coast Guard regulations. When the barge is not in use or is not on a job site, it must be moored in an area designated for this purpose by the Area Project Manager, Area Chief Lake Ranger, or be removed from the Lake. The Water Recreation User permit is required for all work barges on Possum Kingdom Lake.

8.2 PERMIT PROCESSES

Assignment - Work Barge Permits are not assignable.

New Permit - Before a new Work Barge Permit can be prepared a complete application must be submitted in compliance with this document. Approval by the Area Project Manager is required before a new permit can be written. Work Barge Permits are written for a term of 5 years.

After expiration of a Work Barge Permit, a new permit may be issued if the operator is in compliance with the permit agreement, the Shoreline Management Plan, and *Authority Regulations*. An administrative fee (Ref. Fee Schedule) must be submitted when the permit documents are returned to the Authority for approval. Deficiencies noted in the renewal compliance inspection must be remedied prior to approval of a new permit. Approval of a Work Barge Permit is not complete until approved by the appropriate Authority representative.

Cancellation - In the event permittee fails to comply with *Authority Regulations*, permit requirements, and this document, the Authority may pursue any and all available legal remedies, to include permit cancellation.

Permit Forms – All permit activities (renewals, etc.) are conducted on standard Authority forms. Any changes to the forms by permittee will void the process.

8.3 GENERAL LIABILITY INSURANCE

All Work Barge permittees are required to maintain General Liability Insurance in an amount specified from time to time by the Authority and shall name the Authority as an additional insured on such insurance policy. A copy of the current Certificate of Insurance must be provided to the Authority annually to document compliance with this requirement. The Authority must be notified of cancellation or lapse of insurance coverage.

8.4 PERMIT RATE

Rates for Work Barge Permits are established by the Authority's Board.

8.5 FEE SCHEDULE

For Fee Schedule go to www.brazos.org, click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on the tab labeled Lake Fee Schedule.

LEASE AND PERMIT COMPLIANCE - COMPLIANCE INSPECTIONS

9.1 COMPLIANCE INSPECTIONS

Compliance inspections shall be conducted on leased properties and On-Water Facilities to verify conformity with *Authority Regulations*, lease/permit requirements, and this document.

The Authority does not warrant the function or safety of any structure or appliance on leasehold property or On-Water Facilities. Customers are encouraged to seek private consultation regarding these and other construction concerns.

9.2 COMPLIANCE INSPECTIONS CONDUCTED

Compliance inspections are conducted:

- A. as part of the lease processes, such as issuing a new lease, or lease transfer, cancellation or adjustment;
- B. as part of the permitting processes, such as construction, septic systems, and On-Water Facility requests;
- C. in response to complaints;
- D. post construction; or
- E. periodically, at the sole discretion of the Authority.

The Authority may perform annual compliance inspections on all areas leased for commercial purposes. If a Marina is a Certified Clean Texas Marina, the inspection frequency will be once every three years, or as deemed necessary.

9.3 LEASED LOT COMPLIANCE INSPECTIONS

The Authority shall, from time to time, conduct leased lot compliance inspections. These inspections are designed to ensure that lessees are complying with the Lease/Permit Compliance Inspection Checklist and all other Authority requirements.

9.4 ON-WATER FACILITY COMPLIANCE INSPECTIONS

The Authority shall, from time to time, conduct On-Water Facility compliance inspections. These inspections are designed to ensure that permittees are complying with the Lease/Permit Compliance Inspection Checklist and all other Authority requirements.

9.5 COMPLAINT INSPECTIONS

When a complaint is received, an inspection may be conducted to verify the validity of the complaint. If the inspector notes any additional violations of the lease/permit agreement, *Authority Regulations*, or this document, those violations will also be addressed.

9.6 COMPLIANCE INSPECTIONS FOR PRIVATE ON-WATER FACILITIES LOCATED ON COMMERCIAL CAMPS

Facilities in place prior to January 2001 are allowed to remain in place in their current configuration until such time as major repairs are needed, as defined in this document (see Definition).

LEASE/PERMIT COMPLIANCE INSPECTION CHECKLIST

Land leases and On-Water Facilities (docks) are inspected at specific intervals during the life of the lease, as a result of a complaint, at the time of transfer of the permit, or at any other time at the sole discretion of the Authority. Inspections include, but are not limited to the following:

LAND LEASE INSPECTIONS

- _____ Check to ensure lessee is in good standing
- _____ Check for code certifications where applicable
- _____ Review property survey for encroachments, setbacks, and unauthorized improvements
- _____ Check for compliance with approved construction applications and FERC
- _____ Check for proper location and function of wastewater disposal system
- _____ Check general condition of property (trash, abandoned property, old flotation, etc.)
- _____ Check for any item not otherwise noted that would adversely affect public health, safety, water quality, or welfare

ON-WATER FACILITY INSPECTIONS

- _____ Check to ensure permittee is in good standing
- _____ Check for compliance with approved permit

Walkway:

- _____ Check for general condition of all walkways and supports. Check for level.
- _____ Check for use of proper materials
- _____ Check for exposed, unattached, or submerged electrical wires

Dock Platform/Structure:

- _____ Check for attachment of On-Water Facility permit plate
- _____ Check for general housekeeping
- _____ Check for size and configuration of On-Water Facility as permitted
- _____ Check for appropriate code certifications
- _____ Check for condition and configuration of anchorage
- _____ Check for general condition of platform
- _____ Check surfaces for need of repainting or water sealant
- _____ Check for light fixtures on facilities that extend more than 100 feet into Lake
- _____ Check for unauthorized facilities (living accommodations, toilet facilities, kitchen facilities, fuel/oil dispensing systems)
- _____ Check to ensure appropriate flotation materials are used
- _____ Check flotation to ensure it is well secured to structure
- _____ Check flotation for proper freeboard (see Definition)
- _____ Check facility to ensure it allows a clear channel
- _____ Check for any unauthorized/changes to On-Water Facility
- _____ Check for amber lights/reflectors
- _____ Check for any items, not otherwise noted, that would adversely affect public health, safety and welfare

Additional items identified (not specifically listed above) included in On-Water Facility inspection:

LEASE AND PERMIT COMPLIANCE - VIOLATIONS

10.1 COMMON VIOLATIONS

Common violations include unpaid lease or trash fees, debris on the lot, unauthorized improvements, improvements needing repair, unauthorized On-Water Facilities or On-Water Facilities needing repairs, failing OSSF (septic) systems, cutting down trees, and/or improvements to land not under lease from the Authority. Other violations include actions such as those listed in *Authority Regulations* (Appendix A).

10.2 VIOLATION REVIEW/ACTION

- A. The lease file is reviewed.
- B. If necessary, an inspection of the lot is conducted.
- C. A letter is sent to the lessee denoting what action the Authority requires, and the timeframe allowed for responding to the notice.
- D. If no response/action occurs to remedy the violation within the allowed timeframe, the Authority may take any and all available legal remedies up to and including lease/permit cancellation in accordance with *Authority Regulations* and this document.

10.3 EMERGENCY SITUATION VIOLATION

In the event the Authority determines a health, safety, or welfare concern exists, it may at its sole discretion require immediate corrective action and pursue any and all available remedies to resolve the issue.

10.4 UNAUTHORIZED LANDSCAPE ALTERATIONS

Unauthorized landscape alterations are forbidden at Possum Kingdom Lake. Strict adherence to this rule is made in light of the importance of vegetation for maintenance of shoreline/bank stability and the importance of that stability to the water quality and preservation of the Lake. The Authority shall aggressively pursue any and all legal remedies, both criminal and civil, against anyone who cuts trees on Authority property without permission. Additionally, this activity is expressly forbidden by the terms of Authority leases. Violators are subject to lease cancellation.

10.5 UNAUTHORIZED STRUCTURES

Improvements built without benefit of an approved construction permit are required to obtain a post construction permit at the standard fee. The construction must comply with all applicable construction codes and all other applicable standards and requirements. In obtaining the post construction permit, the lessee shall be responsible for any and all inspection charges incurred, as well as the cost to administer the delinquent application. In addition, the applicant shall reimburse the Authority for any and all costs associated with performing the post construction review, including but not limited to the following: all staff time incurred, costs of any outside consultants (engineers, FERC experts, and/or attorneys), and any other expenses or costs incurred by the Authority. Additionally improvements built without benefit of an approved permit may be required to be removed at the discretion of the Authority. Failure to comply may result in loss of lease or dock permit.

LEASE AND PERMIT COMPLIANCE - PROPERTY DISPUTES AND SPECIAL REQUESTS

11.1 PROPERTY LINE DISPUTES

Property line disputes relate mostly to the common boundary line between two or more leased lots. A survey of the disputed boundary line will normally resolve the issue. However, disputes regarding a common boundary line that can not be agreed to by all concerned parties will be resolved by the Authority at its sole discretion. Surveys necessary to identify property lines are at the expense of the lessee(s).

11.2 ENCROACHMENTS

Lessee is responsible to ensure that improvements are constructed within the boundary of the leasehold. Resolution of any encroachments will be required prior to transfer of the leasehold interest. The Authority reserves the right to require removal of any and all encroachments. Charges associated with remediation of an encroachment will be the responsibility of the lessee.

11.3 LOT SPLIT REQUESTS

In general, the Authority does not authorize lot splits. However, the Authority may, at its sole discretion, consider such requests. Each request is handled on a case by case basis.

11.4 ASSOCIATED LOT SPLIT REQUEST FEES (REF. FEE SCHEDULE)

- A. The fees associated with this transaction are:
 - 1. Lot split fee, due up front and non-refundable
 - 2. Survey fee
 - 3. Transfer fee for each resulting lot separated from the original lease lot
 - 4. New lease fee for each lot created
 - 5. Annual lease rental fee for each lot created (prorated for the current year)
- B. Any currently due or past due fees owed the Authority, along with the lot split fee and the survey fee, will be required before the lot split forms will be prepared. Lot split transactions may take two months or more to complete. A lot split transaction is not complete and leasehold does not transfer or the property description change until the appropriate Authority representative approves the lot split document.

11.5 LOT JOINING REQUESTS

A lot joining request, if approved, will combine two or more adjacent lots together whose leasehold is owned by the same lessee.

11.6 ASSOCIATED LOT JOINING REQUEST FEES (REF. FEE SCHEDULE)

- A. The fees associated with this transaction are:
 - 1. Lot joining fee, due up front and non-refundable
 - 2. Survey fee
 - 3. New lease fee
 - 4. Annual lease rental will be the current combined lease rental for both lots, or the appropriate percentage of their combined appraised land values, whichever is greater.

- B. Any currently due or past due fees owed the Authority, along with the lot joining fee and the survey fee, will be required before the lot joining request will be prepared. Lot joining transactions may take two months or more to complete. A lot joining transaction is not complete and leasehold does not transfer or the property description change until the appropriate Authority representative approves the lot joining document.
- C. This transaction is not reversible. Once joined, lots can not be separated again.

11.7 REQUESTS FOR LEASE OF ADDITIONAL AREA

A written request for land to be added to the property under an existing lease shall include the purpose or need for additional land. To add currently unleased Authority land to the existing leased area, a survey of the proposed addition will be prepared by the Authority surveyor. The plat of the proposed addition along with the current lot plat and a combined property description will be forwarded to the lessee for review and acceptance. The lessee will be informed of any increase in the lease rental resulting from the additional area and any conditions or limitations on the use of the land. If the addition is accepted by the lessee, the fee for adding the additional area to the existing lease (lot joining fee) is paid along with the survey fee. The signed forms, the acceptance of the conditions, if any, and fees required are returned to the Authority. Once approved by the appropriate Authority representative, an approved revised plat and property description will be provided to the lessee.

11.8 FEE SCHEDULE

For Fee Schedule go to www.brazos.org, click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Fee Schedule.

GENERAL INFORMATION – WATER RECREATIONAL USER PROGRAM

12.1 WATER RECREATIONAL USER PROGRAM ADMINISTRATION

The Authority's Board of Directors established a Water Recreational User Fee that shall apply to each watercraft [as defined in Texas Water Safety Act Chapter 31.003.(1)-(3), and (14), or any vessel more than 14 feet in length] operated, moored, docked or stored on Authority Lakes. Operator or owner of such watercraft shall display valid annual Water Recreational User decals on the bow of their watercraft adjacent to the Texas Registration Number. In lieu of the annual decals, a valid 1, 3, or 5 day use permit must be made available for inspection by a law enforcement officer.

The annual Water Recreational User decals are available from the Authority's Lake Office and from other commercial vendors around the Lake and the PK Chamber of Commerce office.

12.2 NO-COST DECALS

Water Recreational User decals are provided at no cost to Authority lessees and to others on Possum Kingdom Lake who hold an Authority On-Water Facility permit. The name/signatory on the lease/On-Water Facility permit and boat registration must be the same to qualify for this No-Cost decal. No-Cost decals are only available at the Possum Kingdom Lake Office.

The following are a few examples of persons who do not qualify for Water Recreational User decals at no cost:

- A. persons who rent marina boat storage
- B. sublease holders
- C. condominium owners on Authority commercial leases
- D. anyone not leasing directly from the Authority

GENERAL INFORMATION - SOLID WASTE

13.1 SOLID WASTE DISPOSAL REQUIREMENT

In 1991, the Authority contracted for solid waste disposal for the collection and disposal of the household garbage for all residential lessees on Authority property around Possum Kingdom Lake except for those lessees in Young County. Commercial lessees are required to utilize and must set up their service directly with the solid waste disposal contractor awarded the Authority contract for service.

13.2 ANNUAL SOLID WASTE FEE

The Authority reviews the solid waste disposal rates annually. The contractor then bills Authority Commercial lessees, who have contracted directly with them, based on the Board-approved solid waste rates.

13.3 CONVENIENCE STATIONS

- A. Two convenience stations are located on Possum Kingdom Lake to accept other than household debris (such as brush, construction debris, appliances, and other large items). These stations charge a fee that is due at the time of disposal and is based on the size of the disposal load. (Additional fees are charged for appliances, large items, and tires.) Authority lessees are currently charged a reduced rate when they use a Convenience Station for disposal of most items. Photo identification of the Authority lessee may be required when requesting the discount.
- A. B. Flotation foam from non-commercial sources is accepted at the convenience station at no charge.
- C. Refrigerators, air conditioners, and freezers will be accepted, however, the item must be tagged by a licensed heating, ventilation, and air conditioning (HVAC) technician that the refrigerant (such as Freon) has been removed.
- D. The following is a list of items that depicts limitations/restrictions on disposal items:
 - 1. Nothing larger than 10 feet X 6 feet
 - 2. No automobiles
 - 3. No hazardous waste
 - 4. No oil or paint

For current disposal rates and hours of operation, contact the Brazos River Authority web site at www.brazos.org or the Possum Kingdom Lake Office at (940) 779-2321.

13.4 FREE TRASH DAYS

Twice each year the Authority and their solid waste disposal contractor sponsor a Free Trash Day for Authority lessees. These dates are scheduled during the months of April and October. Postcard notification is mailed approximately 10 days prior to the scheduled date to all Authority lessees. Photo identification must be presented to the convenience station operator in order to take advantage of Free Trash Day. Call the Possum Kingdom Lake Office if you have questions.

GENERAL INFORMATION - PUBLIC USE AREAS AND SPECIAL EVENTS

14.1 PUBLIC USE AREAS

The Authority maintains Public Use Areas on Possum Kingdom Lake and adjacent to the Brazos River below Morris Sheppard Dam. These areas are available to the general public for day use and overnight camping, swimming, and associated recreational opportunities.

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

The Authority does not take reservations for any camping or day use of these areas and campers may not leave their tent/equipment unattended to “reserve” a site. Any personal effects found unattended in a Public Use Area will be collected and removed from the site by an Authority representative. A lake map showing the location of these public areas can be found on the Authority’s web page at www.brazos.org, click on tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Map.

14.2 SPECIAL EVENTS

Exhibitions, water shows, boat races or any other public event on the Lake or on Authority lands require specific written permission of the General Manager or the Area Project Manager. Special events would include, but not be limited to:

- A. any event expected to draw an accumulated total of more than 50 participants and/or spectators, or
- B. any event which requires exclusive use of any part of the water surface or public use area.

The sponsor of the public event must obtain permission from the Authority. Signs advertising the event are not allowed without specific permission of the Area Project Manager.

14.3 CONCESSIONS STANDS

Concession Stands are only authorized on Authority lands in conjunction with Authority approved special events.

14.4 FEE SCHEDULE

For Fee Schedule go to www.brazos.org, click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on the tab labeled Lake Fee Schedule.

GENERAL INFORMATION - SURVEYS

15.1 SURVEY REQUESTS

Authority land surveyors must be used when revisions to property under lease are being made (i.e.: lot split, lot joining, encroachment adjustment, relocation of common boundary line, enlarging an existing lot by adding adjacent unleased Authority property). For all other surveys, lessees may use a Registered Professional Land Surveyor of their choice or an Authority land surveyor.

In order to request that the Authority perform a land survey of Authority leased property, present the completed standard land survey request form with the requested type of survey to the Possum Kingdom Lake office.

- A. An **Improvement Survey** will identify and stake all lot corners as well as all dwellings, fences, outbuildings, and other improvements on the lease including any On-Water Facility attached to this lot. A plat will be prepared that will detail this information and any revision to the property field notes will be made.
- B. A **Corners Only Survey** will identify and stake the corners of the lot only. No plat will be drawn unless requested.
- C. An **Elevation Survey** will show the elevation contours of the lot.

15.2 SURVEY REQUIRED

Prior to transfer of leasehold interest, the parties involved must obtain, at their own expense, an improvement survey to ensure there are no improvement encroachments. A new survey may not be required if an improvement survey has been completed within the last five years. The lessee must provide a copy of the most recent sealed survey, completed by a Registered Professional Land Surveyor, showing that no other improvements have been placed on the property.

15.3 SURVEY FEE

The charge for surveying services is at the hourly rate (Ref. Fee Schedule) based on the time in the field to gather the survey coordinates and the office time required to prepare the survey plat.

15.4 FEE SCHEDULE

For Fee Schedule go to www.brazos.org, click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on the tab labeled Lake Fee Schedule.

GENERAL INFORMATION - OTHER ACTIVITIES AND RESTRICTIONS

16.1 PROHIBITED ACTIVITIES

The following activities are prohibited on Authority Lakes or Authority lands:

- A. camping, except in areas designated by the Authority for such activity;
- B. camping in public use areas for periods of more than one week without written permission from the Area Project Manager or his/her designee;
- C. littering, illegal dumping, improper disposal of waste, and/or vandalism;
- D. operating generators in Authority public use areas in a manner that disturbs others;
- E. campfires in public use areas, except in areas designated by the Area Project Manager;
- F. possessing or using glass containers of any kind in Authority public use areas;
- G. loitering in or around any Authority facility or structure designated for public use;
- H. disturbing the peace;
- I. bringing a vicious or dangerous animal into Authority public use areas;
- J. bringing pets or domesticated animals into any public use area unrestrained or on a leash longer than 10 feet;
- K. bringing pets or domesticated animals, except assistance, guide, or drug detection dogs, into Authority public buildings;
- L. allowing pets or domesticated animals into a designated swimming area;
- M. bringing livestock, including horses, into Authority public use areas, except on designated equestrian trails;
- N. discharging fireworks or detonating explosives in Authority public use areas or on the waters of the Lake, unless written permission is granted by the Authority;
- O. using any device constructed and operated to launch projectiles on or over the Lake or on Authority lands;
- P. swimming within 100 feet of all public loading docks, boat ramps or fishing piers;
- Q. fishing from all public loading docks, unless otherwise designated;
- R. diving or jumping into the Lake from a height of 20 feet or more, and climbing or rappelling on Authority lands;
- S. diving or jumping into the Lake from a public highway, roadway bridge, railroad bridge or utility tower;
- T. operating vehicles off-road on Authority lands, except as specifically authorized by the Area Project Manager;
- U. using all-terrain vehicles, dirt bikes or other vehicles not licensable by the State of Texas for use on public roadways, in Authority public use areas and on Authority lands, except for properties under lease;
- V. locating or constructing improvements or structures on Authority lands without written permission from the Area Project Manager;
- W. pulling up, tearing up, digging up, cutting, mutilating, breaking, burning, removing or destroying any tree on Authority lands without written permission from the Area Project Manager;
- X. removing any rock, sand or soil from Authority lands without written permission from the Area Project Manager;
- Y. dredging, filling or otherwise altering or reconfiguring the bed of the Lake, or excavating, filling or reshaping of Authority lands without written permission from the Area Project Manager;
- Z. landings and take-offs of manned aircraft, except at Authority approved airfields and airstrips on Authority lands (this provision does not restrict landings and take-offs on the waters of the Lake);
- AA. hunting on Authority lands, including leased properties;

BB. discharging firearms along or across Authority lands or waters of the Lake, except at target ranges approved by the Authority;

16.2 ADVERTISING, COMMERCIAL ACTIVITIES AND EXHIBITIONS

- A. Private notices, advertisements and signs are prohibited on any portion of the Lake, facilities on the Lake, or adjacent Authority lands, except by specific written permission of the General Manager or the Area Project Manager.
- B. No person, firm or corporation shall engage in any business or commercial operation on any portion of the Lake or adjacent Authority lands, except by specific written permission of the General Manager or the Area Project Manager.
- C. Exhibitions, water shows, boat races or any other public event may be performed on the Lake or on Authority lands and require specific written permission of the General Manager or the Area Project Manager.. Special events would include, but not be limited to:
 - 1. Any event expected to draw an accumulated total of more than 50 participants and/or spectators.
 - 2. Any event which requires exclusive use of any part of the water surface or public use area

16.3 ALCOHOLIC BEVERAGES

Approval to sell, store or dispense alcoholic beverages must be approved by the Area Project Manager unless specifically authorized in the lease agreement.

16.4 OUTDOOR BURNING

Any outdoor burning will be accomplished in strict compliance with Texas Administrative Code (TAC); Title 30 - Environmental Quality; Part 1 - Texas Commission on Environmental Quality; Chapter 111 - Control of Air Pollution from Visible Emissions and Particulate Matter; Subchapter B - Outdoor Burning; Rules §111.219 – General Requirements for Allowable Outdoor Burning (Appendix C). In addition to these requirements, outdoor burning on all Authority property must comply with the following:

- 1. **Burning of materials other than brush and trees is strictly prohibited;**
- 2. Applicable volunteer fire department must be notified prior to any burn;
- 3. and your county commissioner's office must be contacted prior to outdoor burning of trees and/or brush to determine if a burn ban is in effect.

The **General Requirements for Allowable Outdoor Burning** (Appendix C) can also be found on the [TCEQs web-site](http://www.tceq.state.tx.us) at <http://www.tceq.state.tx.us>.

Please keep in mind that you may be asked to cease from burning, since all Authority leases prohibit any activity that creates a nuisance.

16.5 REGULATIONS FOR GOVERNANCE OF BRAZOS RIVER AUTHORITY LAKES AND ASSOCIATED LANDS

The *Regulations for Governance of Brazos River Authority Lakes and Associated Lands* pamphlet contains important information regarding various activities and restrictions which are enforceable in accordance with the Texas Water Code. All regulations in this document have been adopted by the Board of Directors of the Authority.

16.6 CONCESSION STANDS

Concession Stands are only authorized on Authority lands in conjunction with Authority approved special events.

16.7 PROHIBITED USES OF COMMERCIAL AUTHORITY PROPERTY

At the sole discretion of the Authority, prohibited activities include but are not limited to the following:

- A. excessively hazardous activities;
- B. businesses that sell alcohol without an accompanying full service menu;
- C. sexually oriented businesses;
- D. activities that run counter to FERC property designations;
- E. activities that have adverse environmental impact; and
- F. noxious or offensive activities.

16.8 VARIANCES

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

16.9 GRIEVANCE PROCEDURE

When an individual has cause to grieve due to a dispute with another individual or with the Authority's Project Management with regard to this document, the individual shall attempt to resolve the issue through an informal resolution procedure with Project Management Staff and if necessary, the Upper Basin Regional Manager.

If a resolution is not reached in the informal grievance process and the grieved person wishes to pursue additional consideration, the individual may submit their grievance in writing to the Authority's Project Manager. The grievance shall outline the problem, date of occurrence, any person(s) involved, and be dated and signed by the individual bringing forth the grievance. The Project Manager will review the grievance letter and clarify any missing or ambiguous issues with the individual. The Project Manager will investigate the complaint to determine the factual elements of the grievance and make a determination of the best approach to deal with the grievance.

The outcome of the grievance will be documented by Project Manager, transmitted to the aggrieved party, and maintained as a part of the office records.

Dissatisfaction with the Project Manager's determination on the grievance should be submitted in writing to the Upper Basin Regional Manager for review and consideration.

Dissatisfaction with the Upper Basin Regional Manager's handling of a grievance will be forwarded to the General Manager/Chief Executive Officer for final resolution.

GENERAL INFORMATION – DEED RESTRICTIONS AND CONTRACTUAL COVENANTS

17.1 DEED RESTRICTIONS AND CONTRACTUAL COVENANTS

The Authority recognizes the existence of deed restrictions and covenants, but generally defers to property owners and home owners associations for enforcement. The Authority views enforcement of those covenants and restrictions as obligations belonging to home owners associations and/or property owners in the subdivision. The Authority does not condone or ratify violations or variations of deed restrictions or covenants and strongly cautions against violations thereof.

The Authority will, however, enforce any and all restrictive provisions included or referenced in Authority leases.

The Authority will not issue permits for On-Water Facilities on lots where On-Water Facilities were prohibited in development contracts.

17.2 AFFECTED SUBDIVISIONS

As a courtesy, listed below are the covenants and restrictions that have resulted from various contracts and agreements.

A. THE RANCH ON POSSUM KINGDOM

1. On-Water Facilities are limited to the cottage lease site area in Block F
2. Strict size limitations on On-Water Facilities 160 square feet maximum
3. Deed restrictions/restrictive covenants are included in BRA lease document

B. THE CLIFFS

1. 40 foot building setback from the bluff line or the 1000-foot msl contour

C. SPORTSMAN'S WORLD

1. On-Water Facilities restricted on certain shoreline areas
2. Strict size limitations for On-Water Facilities - 30 feet width and 30 feet maximum extension into lake
3. No enclosures (including closets) for On-Water Facilities
4. License applications are required for all septic systems in this subdivision not serviced by the SWMUD.
5. 0 feet building setback from the 1000 foot msl contour of specific waterfront lots

APPENDIX A
REGULATIONS
FOR GOVERNANCE 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.

2. AUTHORITY

These regulations are adopted and promulgated under authority vested in the Board of Directors of the Authority by the laws of Texas, including, but not limited to, Chapters 49, 51 and 221 of the Texas Water Code, Chapters 25 and 31 of the Texas Parks and Wildlife Code and Chapter 542 of the Texas Transportation Code. The Area Project Manager shall ensure enforcement of these rules and regulations and supervise lake operations.

3. PRIOR REGULATIONS SUPERSEDED

All regulations for the governance of the Lakes and vicinities adopted by the Board of Directors of the Authority prior to adoption of these regulations are repealed as of the time these regulations become effective.

4. GENERAL INFORMATION

a. Lake Levels

The water level in the Lakes will not be constant. Authority Lakes are water conservation projects. While it is the desire of the Brazos River Authority to keep the Lakes as full as possible, the level of the water will vary, depending on the amount of water used from the Lakes, evaporation rates, generation of hydroelectric power, amounts of rainfall and runoff in the Brazos Basin upstream, 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. Building and Construction Compliance

Pursuant to the authority granted by §51.127 of the Texas Water Code, the Authority may, from time to time, adopt standards for building, construction, repair and the inspection thereof.

5. VARIANCE

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

6. WATERCRAFT

The term "watercraft" applies to all types of boats, vessels, personal watercraft, barges and similar floating craft. 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. Authority 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 Authority's General Manager 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 shall not operate within the designated restricted areas upstream or downstream of the Authority's respective dams.
- (3) Each watercraft in excess of 16 feet in length, excluding canoes and kayaks, shall be equipped with one Type IV throwable Personal Flotation Device in addition to the Type I, II, III, or V PFD required for each person on board.
- (4) Lights on or in use in any watercraft shall not be used in a manner which would impair the vision of an operator of another watercraft.
- (5) Watercraft operating within 50 feet of the shoreline, any boathouse, dock or other lakeshore facility, an occupied watercraft or an 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).
- (6) No person, watercraft, vessel or human powered craft, flotation device or aid may enter or operate within 100 feet of any public fishing pier that is operated by the Authority.
- (7) No watercraft shall be left unattended on the Lakes other than at an approved mooring or berthing site. In an emergency, any watercraft left unattended shall be securely moored or anchored and suitably flagged and lighted.
- (8) The operator of any watercraft involved in an accident shall report the accident to a Lake Ranger as soon as possible.
- (9) Any motor-powered watercraft operating on the waters of the Lakes must have an exhaust water manifold or a factory-type muffler installed on the engine. Motor-powered watercraft shall not be operated on the waters of the Lakes in such a manner as to cause an unreasonable noise level that breaches the peace.
- (10) All persons participating in water sports, to include water-skiing, aquaplaning, tubing, windsailing, surfboarding, wind surfing, parasailing and other similar activities shall wear a U.S. Coast Guard approved Personal Flotation Device.
- (11) Emergency services and law enforcement vehicles/vessels are exempt from these regulations.

c. Water Recreation User Fee

Pursuant to the authority granted by Section 49.212 of the Texas Water Code, and action of the Brazos River Authority Board of Directors, the Authority established a Water Recreational User Fee that shall apply to each watercraft [as defined in Texas Water Safety Act, Chapter 31.003.(1)-(3), and (14), or any vessel more than

14 feet in length] operated, moored, docked or stored on Authority Lakes. Operator or owner of such watercraft shall display valid annual Water Recreational User decals on the bow of their watercraft adjacent to the Texas Registration Numbers. In lieu of the annual decals, a valid 1, 3, or 5 day use permit must be made available for inspection by a law enforcement officer. A person commits an offense if the person produces a permit that is assigned to another watercraft.

- d. Mooring, Anchoring or Berthing on the Lakes
Watercraft may be anchored, moored or berthed on the Lakes only as follows:
 - (1) Occupied watercraft, while in use for water recreation activities, may be moored temporarily for short periods of time in locations on the Lakes which will not interfere unduly with recreational use of the Lakes by others.
 - (2) Unoccupied watercraft may be anchored, moored or berthed only in private or commercial facilities or areas of the Lakes maintained in accordance with permits or contracts issued by the Authority.
- e. Watercraft Sanitation
 - (1) All watercraft shall be equipped with appropriate storage for trash.
 - (2) The following boats must be inspected and display the appropriate Clean Water Sticker:
 - a) any boat with a permanently installed toilet,
 - b) any boat that is longer than 26' in length that has sleeping quarters, and
 - c) any houseboat.

7. ON-WATER FACILITIES

Pursuant to the authority granted in §51.127 of the Texas Water Code, the following provisions apply to On-Water Facilities, including but not limited to docks, piers, platforms, duck blinds, mooring buoys, stationary inflatable devices (larger than 10' wide or 10' long), etc., maintained on the Lakes.

- a. Installation of On-Water Facilities and Permit Application Process
 - (1) 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 of any structure or facility in or on the Lakes. Applications for permits shall be made on forms provided by the Authority. The Authority exercises the right to grant or deny On-Water Facility Permits as deemed appropriate in the sole discretion of the Authority.
- b. Requirements for On-Water Facilities
All On-Water Facilities shall meet the following requirements:
 - (1) No facility may be situated in a manner that interferes or obstructs access to other permitted facilities or neighboring properties.
 - (2) All facilities will generally be located as close to the center most part of the water frontage as possible.
 - (3) No facility may extend farther than 100 feet into the Lakes from the shoreline nor more than one-third of the distance between opposite shorelines of any area of the Lakes.
 - (4) In narrow sections of the Lakes where the distance between opposite shorelines is 120 feet or less, a clear channel at least 40 feet in width shall be maintained between the facilities on opposite shorelines, with the location of such channel being as nearly as practicable over the deepest portion of that section of the Lakes.
 - (5) A scaled drawing showing the location and dimensions of the proposed facility must accompany the application.
 - (6) The Authority may permit no more than one On-Water Facility on any one shoreline lot, and, the Area Project Manager at each of its Lakes may

establish a minimum shoreline footage requirement for placement of any On-Water Facility.

- (7) Applicant must own or lease the land adjoining the Lakes at the location of the proposed facility and provide to the Authority, at the time of permit application, documentation establishing the ownership or leasehold interest in the property.
 - (8) Identification furnished by the Authority must be posted conspicuously on all permitted facilities.
 - (9) 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 shell (such as, high impact polyethylene).
 - (10) Barrels, pontoons, drums or other improvised equipment shall not be used for flotation.
 - (11) Living quarters, kitchens, sinks, bathing facilities or toilet facilities are not allowed in or on facilities permitted on the Lakes.
 - (12) Amber reflectors must be installed on all sides of facilities at no greater than 20-foot intervals. Those portions of 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 people in boats on the Lakes without the lights themselves impairing the vision of such people.
 - (13) All facilities must be structurally sound and in a condition that does not threaten public health, safety, welfare, or constitute a hazard to anyone occupying or utilizing the Lakes or facility.
- c. **Additional Requirements for Commercial On-Water Facilities**
Facilities for commercial operations that support public recreational use of the Lakes may be approved under specific contractual arrangements with the Authority. In seeking the contractual arrangement, the applicant must provide a detailed development proposal in accordance with requirements set forth, from time to time, by the Area Project Manager.
- d. **Other Facilities or Structures**
Other structures such as duck blinds, casting targets, slalom courses, etc., shall not be erected on the Lakes except by written permission of the appropriate Area Project Manager.
- e. All facilities must comply with any and all additional requirements of federal, state, and local law.

8. VIOLATIONS OF ON-WATER FACILITIES

The Authority may revoke the permit for any facility not properly maintained or not meeting the requirements of the Authority's rules or regulations or for which the required annual fee has not been paid. Additionally, pursuant to §51.128 of the Texas Water Code, any violation of this section may result in criminal penalties.

Existing facilities that violate the requirements for On-Water Facilities may be required to be removed or modified if, in the opinion of the Area Project Manager, they constitute a hazard to navigation, public health, safety, welfare, or a hazard to anyone occupying or utilizing the Lakes or facility.

9. FEES FOR ON-WATER FACILITIES

The Brazos River Authority shall, from time to time, establish fees for On-Water Facilities on Authority Lakes.

10. 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 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.

11. SCUBA DIVING

Pursuant to the authority granted by §51.127 of the Texas Water Code, the following rules shall apply to scuba diving in Brazos River Authority waters:

- 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 Area Project Manager. Scuba diving in other areas is prohibited.
- b. Each diver shall be accompanied by at least one other diver.
- c. 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.
- d. 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.
- e. Scuba diving shall not be conducted in areas that will block or interfere with normal boat traffic.

12. FIREARMS AND HUNTING

Pursuant to the authority granted by §51.127 of the Texas Water Code, the following rules apply to all hunting on any Brazos River Authority lands or water.

- a. Hunting is prohibited on Authority lands, including leased properties. However, the Authority reserves the right to lease specific tracts for bow hunting, as deemed appropriate by the Authority.
- b. Hunting on Authority 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 Authority. Any other hunting on Authority Lakes is strictly prohibited.
- c. Other than as specifically authorized in this section, no firearms shall be discharged along or across Authority lands or waters of the Lakes, except at target ranges approved by the Authority.
- d. All hunting of waterfowl on the Lakes shall be conducted in full compliance with the following requirements.
 - (1) The hunting of waterfowl on the Lakes shall be conducted in accordance with all applicable provisions and requirements of the Federal, State and local laws.
 - (2) Written permits for waterfowl hunting sites shall be issued by the Area Project Manager and must be presented at the permitted site upon request by law enforcement officials.
 - (3) The fee for a waterfowl hunting site permit shall be established by the Authority's Board of Directors, and such fee may be adjusted at the sole discretion of the Board.
- e. Penalties
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.

13. PROHIBITED ACTIVITIES

Pursuant to the authority granted by §51.127 and §221.076 of the Texas Water Code, and §25.004 of the Texas Parks and Wildlife Code, the following activities are prohibited on Authority Lakes or Authority lands:

- a. camping, except in areas designated by the Authority for such activity,
- b. camping in public use areas for periods of more than one week without written permission from the Area Project Manager or his/her designee,
- c. littering, illegal dumping, improper disposal of waste, and/or vandalism,
- d. operating generators in Authority public use areas in a manner that disturbs others,
- e. campfires in public use areas, except in areas designated by the Area Project Manager,
- f. possessing or using glass containers of any kind in Authority public use areas,
- g. loitering in or around any Authority facility or structure designated for public use,
- h. disturbing the peace,
- i. bringing a vicious or dangerous animal into Authority public use areas,
- j. bringing pets or domesticated animals into any public use area unrestrained or on a leash longer than 10 feet,
- k. bringing pets or domesticated animals, except assistance, guide, or drug detection dogs, into Authority public buildings,
 - l. allowing pets or domesticated animals into a designated swimming area,
- m. bringing livestock, including horses, into Authority public use areas, except on designated equestrian trails,
- n. discharging fireworks or detonating explosives in Authority public use areas or on the waters of the Lakes, unless written permission is granted by the Authority,
- o. using any device constructed and operated to launch projectiles on or over the Lakes or on Authority lands,
- p. swimming within 100 feet of all public loading docks, boat ramps or fishing piers,
- q. fishing from all public loading docks, unless otherwise designated,
- r. diving or jumping into the Lakes from a height of 20 feet or more, and climbing or rappelling on Authority lands,
- s. diving or jumping into the Lakes from a public highway, roadway bridge, railroad bridge or utility tower,
- t. operating vehicles off-road on Authority lands, except as specifically authorized by the Area Project Manager,
- u. using all-terrain vehicles, dirt bikes or other vehicles not licensable by the State of Texas for use on public roadways, in Authority public use areas and on Authority lands, except for properties under lease,
- v. locating or constructing improvements or structures on Authority lands or waters without written permission (permit) from the Area Project Manager,
- w. pulling up, tearing up, digging up, cutting, mutilating, breaking, burning, removing or destroying any tree or vegetation on Authority lands without written permission from the Area Project Manager,
- x. removing any rock, sand or soil from Authority lands without written permission from the Area Project Manager,
- y. dredging, filling or otherwise altering or reconfiguring the beds of the Lakes, or excavating, filling or reshaping of Authority lands without written permission from the Area Project Manager, and
- z. Aviation activities, to include landing and take-off, are allowed at Authority approved airfields and airstrips and are not allowed on residential or commercial lease lots. (Exception: emergency medical services) This provision does not restrict landings and take-offs on the waters of the Lake.

- 14. ABANDONED PROPERTY**
The Authority may seize any personal property located on the Lakes or adjacent Authority lands which is unauthorized, or which is abandoned, or which is left unattended without conforming with Authority regulations for mooring or anchoring, or with respect to which any fee or charge imposed by the Authority is not paid when due, in accordance with applicable federal, state, and local laws.
- 15. 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 is authorized to designate areas on Authority 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.
- 16. ADVERTISING, COMMERCIAL ACTIVITIES AND EXHIBITIONS**
Pursuant to the authority granted in §51.127 of the Texas Water Code, the Authority shall regulate the following at their sole discretion.
- a. Private notices, advertisements and signs are prohibited on any portion of the Lakes, facilities on the Lake, or Authority lands, except by specific written permission of the General Manager or the Area Project Manager. This provision shall not apply to signs, banners or private notices placed on Cottage Site (Residential) Leases.
 - b. No person, firm or corporation shall engage in any business or commercial operation on any portion of the Lakes or Authority lands, except by specific written permission of the General Manager or the Area Project Manager.
 - c. Exhibitions, water shows, boat races or any other public event may be performed on the Lakes or on Authority lands only by specific written permission of the General Manager or the Area Project Manager.
- 17. ALCOHOLIC BEVERAGES**
Pursuant to the authority granted in §51.127 of the Texas Water Code, the General Manager is authorized to designate specific Authority 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.
- 18. PUBLIC USE AREA ACCESS**
The Authority 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.
- 19. WATER DIVERSION**
Water shall not be pumped or diverted from the Lakes except as specifically permitted in writing by the Authority.
- 20. PENALTY**
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.

21. NOTICE TO APPEAR

- a. An enforcement officer who 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.
- b. The person arrested shall sign the notice to appear, promising to make an appearance in accordance with the requirements set forth in the notice. After signing the notice, the person may be released. Failure to appear before the court in the county having jurisdiction constitutes a violation of these regulations. A warrant for the arrest of the person failing to appear may be issued.

22. LEGAL PROOF

In any prosecution for violation of these regulations, it shall not be necessary for the State to prove that the installation of any sign, buoy or marker was authorized. Any person charged with a violation of these regulations may prove, as a defense, that installation of any sign, buoy or marker was not authorized.

23. VALIDITY

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

Adopted by
The Board of Directors of
Brazos River Authority
July 31, 2006.

APPENDIX B

Table X. Minimum Required Separation Distances for On-Site Sewage Facilities.

FROM	TO						
	Tanks	Soil Absorption Systems, & Unlined ET Beds	Unlined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation	
Public Water Wells ²	50	150	150	50	150	150	
Public Water Supply Lines ²	10	10	10	10	10	10	
Wells and Underground Cisterns	50	100	50	20	100	100	
Private Water Line	10	10	5	10 ³ except at connection to structure	No separation distances	10	
Wells (Pressure Cemented or Grouted to 100 ft. or Pressure Cemented or Grouted to Waterable if Waterable is Less Than 100 ft. deep)	50	50	50	20	50	50	
Streams, Ponds, Lakes, Rivers, Creeks (Measured From Normal Pool Elevation and Water Level); Salt Water Bodies (High Tide Only)	50	75. LPD (Secondary Treatment & Disinfection) - 50	50	20	50	25 when $R_p \leq 0.1$ 75 when $R_p > 0.1$ (With Secondary Treatment & Disinfection - 50)	
Foundations, Buildings, Surface Improvements, Property Lines, Fences, Swimming Pools, and Other Structures	5	5	5	5	No Separation Distances Except: Property Lines - 20 ⁴ Swimming Pools - 25	No Separation Distances Except: Property Lines - 5	
Slopes Where Seeps may Occur	0 (special support may be required for zero separation distances)	25	5	10	25	10 when $R_p \leq 0.1$ 25 when $R_p > 0.1$	
Edwards Aquifer Recharge Features (See Chapter 213 of this title relating to Edwards Aquifer)	50	150	50	50	150	100 when $R_p \leq 0.1$ 150 when $R_p > 0.1$	

1. All distances measured in feet, unless otherwise indicated.
2. For additional information or revisions to these separation distances, see Chapter 290 of this title (relating to Public Drinking Water).
3. No OSSF may be installed closer than 75 feet from the banks of the Neeces, Dry Frio, Frio, or Sabinal Rivers downstream from the northern Uvalde County line to the recharge zone.
4. Drip irrigation lines may not be placed under foundations.
5. Private water line/wastewater line crossings should be treated as public water line crossings, see Chapter 290 of this title (relating to Public Drinking Water).
6. Separation distance may be reduced to 10 feet when sprinkler operation is controlled by commercial timer. See §285.33(d)(2)(C)(i).

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APPENDIX C

Texas Administrative Code

TITLE 30 ENVIRONMENTAL QUALITY

PART 1 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 111 CONTROL OF AIR POLLUTION FROM VISIBLE EMISSIONS AND PARTICULATE MATTER

SUBCHAPTER B OUTDOOR BURNING

RULE §111.219 General Requirements for Allowable Outdoor Burning

Outdoor burning which is otherwise authorized shall also be subject to the following requirements when specified in any section of this subchapter.

(1) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.

(2) Burning must be outside the corporate limits of a city or town except where the incorporated city or town has enacted ordinances which permit burning consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments.

(3) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

(4) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

(5) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.

(6) Burning shall be conducted in compliance with the following meteorological and timing considerations:

(A) The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

(B) Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period.

(C) Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.

(7) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

Source Note: The provisions of this §111.219 adopted to be effective September 16, 1996, 21 TexReg 8509.