

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

## **VOLUME I RESIDENTIAL**



**Adopted May 22, 2006**  
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**POSSUM KINGDOM  
SHORELINE MANAGEMENT PLAN  
AND  
CUSTOMER GUIDE**

**VOLUME I - RESIDENTIAL  
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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](http://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

**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](http://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 msl elevation and a line located parallel to, and 2,000 feet horizontally distant from, the 1000 foot msl 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](http://www.brazos.org)

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



## LEASE ADMINISTRATION - COTTAGE SITE (RESIDENTIAL)

### 1.1 COTTAGE SITE ADMINISTRATION

The Authority has Cottage Site (residential) leases on its property around Possum Kingdom Lake. Cottage Site leases are only for a one-family residence-type structure and related facilities for normal recreational use and enjoyment. Authorization for a private On-Water Facility is not included in the Cottage Site lease. Improvements must comply with 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 a leasehold interest is complete, the lease must be transferred into the buyer's name. This is called an assignment. A written request, including the buyer's name, their mailing address and phone numbers must be submitted along with an improvement survey of the property and a non-refundable transfer fee prior to the assignment papers being prepared. A compliance inspection will be completed at that time. All deficiencies noted on the compliance inspection must be remedied prior to the assignment forms being prepared. Exception: Requests for exceptions for On-Water Facility discrepancy/repairs compliance may be granted in writing by the Authority upon written request of the buyer. Requests for exceptions will not be granted for more than six months. If discrepancies are not corrected within the prescribed time period, the On-Water Facility permit will be revoked and the On-Water Facility must be immediately removed from the Lake and from Authority property. Unpermitted facilities on the water are subject to provisions of the *Authority Regulations*. An assignment is not complete and leasehold interest 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** - Upon written request of a lending institution, a new lease for financing purposes may be considered prior to the expiration of an existing lease agreement. A non-refundable administrative 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.

**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 (transfers, adjustments, etc.) are conducted on standard Brazos River Authority forms. Any changes to the forms by lessee will void the process.

#### **1.4 LEASE RATE**

Lease rates for 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 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 water of the Lake.

#### **1.6 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.

#### **1.7 FEE SCHEDULE**

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Fee Schedule.

## LEASE ADMINISTRATION – AIRPORT HANGAR

### 2.1 AIRPORT HANGAR ADMINISTRATION

The Authority provides Airport Hangar Sites at the Possum Kingdom Airport on Possum Kingdom Lake. These leases are typically for a 10 year term, with a lease adjustment period after the first five years. Hangar leases are to be used for parking and storing lessee's personal aircraft and related aviation equipment. Lessees must comply with all FAA and TAC regulations in addition to *Authority Regulations*. Improvements must comply with building setback requirements contained within the lease and have prior written approval from the Authority before construction begins. Once a hangar site is leased, lessee has one year to erect an aircraft hangar on the site. If the lessee fails to comply, the lease will be cancelled and offered for lease to the public.

### 2.2 AVIATION LIABILITY INSURANCE

All lessees of an Airport Hangar Site are required to maintain Aviation Liability Insurance in an amount and type 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.

### 2.3 LEASE PROCESSES

**Assignment** - Before the sale of a lease is complete, the lease must be transferred into the buyer's name. This is called an assignment. A written request, including the buyer's name, mailing address and phone number must be submitted along with a non-refundable transfer fee (Ref. Fee Schedule) prior to the assignment papers being prepared. A compliance inspection will be completed at that time. All deficiencies noted in the compliance inspection must be remedied prior to assignment forms being prepared. An assignment is not complete and leasehold interest 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 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*. Additionally, upon written request of a lending institution, a new lease for financing purposes may be considered prior to the expiration of an existing lease agreement. A non-refundable administrative fee (Ref. Fee Schedule) must be submitted when the lease documents are returned to the Authority for approval. The new lease is not complete until signed by the appropriate Authority representative.

**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 (lease renewal, transfer, etc.) are conducted on standard Brazos River Authority forms. Any changes to the forms by lessee will void the process.

## **2.4 LEASE RATE**

Lease rates for adjustments and new leases are established by the Board. The lease rate after assignment does not change until the next scheduled adjustment date described in the lease agreement.

## **2.5 FEE SCHEDULE**

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Fee Schedule.

## **PERMIT ADMINISTRATION – CONSTRUCTION ON LEASED LOT**

### **3.1 CONSTRUCTION PERMIT REQUIREMENTS ON LEASED LOTS**

Permits are required for construction, repair, modification, or improvements on leased lots. 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 not required for routine maintenance (e.g. painting, replacement of window panes, door knobs, carpet, etc.).

### **3.2 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.

### **3.3 MINIMUM BUILDING AND INSPECTION CODES**

This directive is designed to improve the safe construction, operation and maintenance of all recreation facilities on Brazos River Authority Lakes and land and to promote public health, safety and welfare. 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 land, 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. 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. Code for Motor Fuel Dispensing Facilities and Repair Garages – NFPA 30A
  - c. 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.

### 3.4 PERMITTING PROCESS

- A. Application form is completed and submitted,
- B. Application is reviewed by the Authority for:
  1. completeness, signatures, and fee (Ref. Fee Schedule),
  2. adequacy of information provided
  3. complete site plan including:
    - 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,
  4. past due lease payments
  5. prior violations or conditions attached to the lot
- C. An on-site inspection is conducted, in accordance with inspection standards contained in this document, and the lot is photographed. If all processes are satisfactory, the permit application is approved.
- D. If any portion of the proposed improvement is unacceptable, the lessee will be given 60 days to resubmit the construction request. If the Authority receives no response from the lessee, the application will be considered rejected.
- E. Amendments to construction applications are allowed and will be considered up to the date of approval. Amendments after that time require a new request for construction and another application fee.
- F. Approval for construction is valid for one year. A new application must be submitted after the one year approval period expires.
- G. 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.
- H. 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.

### 3.5 PLACEMENT OF IMPROVEMENTS

- A. All improvements require prior written approval of the Authority.
- B. The improvements must retain the integrity of the natural beauty of the Lake and land to include minimal tree removal.
- C. Lessee is responsible for ensuring the improvements are constructed within the boundary of their leasehold and are not subject to any encroachments. Any encroachment(s) will be subject to removal at the lessee's expense and will be required prior to transfer.
- D. Only landscape plantings, erosion control and On-Water Facilities can be placed within 25 feet horizontally from the 1000 foot msl contour as approved by the Area Project Manager.
- E. Improvements such as fences and driveways must be placed *inside* the lot line.
- F. New improvements, other than fences, shall not be built closer than 5 feet from the side and back lot boundary lines.
- G. Mailboxes are allowed off of the leased property in accordance with United States Postal Service (USPS) directive.
- H. Setbacks for sewage facilities are contained in Appendix B of the document.
- I. Travel trailers or motor homes may be stored on lease property, but may not serve as a permanent long-term residence, such that they are connected to external utility hook-ups. Exception: With written approval of the Authority, a travel trailer or motor home may be used as temporary housing, for a period not to exceed one year, while permanent housing is under construction.
- J. Improvements cannot hinder access to or use of another lessee's lot or private property.
- K. Living accommodations and the associated septic system:
  - 1. must be located on the same property; or
  - 2. if on a second property, both properties must be owned/leased 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 30TAC §285.4(b)(D) stating properties cannot be sold separately.
- L. The placement of structures or paved areas are not allowed on any portion of a septic system.
- M. Retaining walls must be approved by the Authority before construction begins, and are only allowed at or above the 1000 foot msl contour. Retaining walls are only authorized 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.

### **3.6 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 3.1 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 9.2 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.

### **3.7 PROHIBITED IMPROVEMENTS**

New privately held boat ramps and rail systems are no longer authorized for installation. Repair of existing ramps and rail systems will be allowed (grandfathered) to their existing sizes, but ramps and/or rail systems will not be authorized for expansion.

### **3.8 FEE SCHEDULE**

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Fee Schedule.

## PERMIT ADMINISTRATION – PRIVATE ON-WATER FACILITY

### 4.1 PERMIT REQUIREMENTS FOR ON- WATER FACILITIES

Permits are required for construction, repair, modification, or improvements to an On-Water Facility. 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 On-Water Facilities (e.g. replacement of walkway boards, window panes, handrail repair, etc).

### 4.2 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.

### 4.3 PERMITTING PROCESS

- A. Application is reviewed to determine that the On-Water Facility owner has:
  - 1. signed the On-Water Facility application form, and
  - 2. submitted an annual fee (Ref. Fee Schedule) (For Authority lessees the fee is waived).
- B. Lot file is reviewed for any prior violations or conditions attached to the lot.
- C. Application will only be considered when all of the following information is submitted:
  - 1. a scaled diagram indicating the placement of the On-Water Facility on the lot water frontage with the distance from property lines clearly illustrated,
  - 2. side view of the On-Water Facility,
  - 3. details of roof over the On-Water Facility (if any)
  - 4. location and dimensions of enclosed storage closet (if any); maximum size allowed is 27 square feet,
  - 5. On-Water Facility platform and walkway dimensions, and
  - 6. a color sample for denoting proposed paint color for the On-Water Facility
- D. An on-site permit compliance inspection is conducted.
- E. Placement of an On-Water Facility cannot create a hazard to navigation, restrict access to adjacent On-Water Facilities, or create a nuisance as determined in the sole discretion of the Authority.
- F. Permit approval is valid for one year. A new permit application must be submitted after the one year period expires.
- G. Approval of an On-Water Facility application is not transferable.
- H. Existing private fuel/oil dispensing systems must be removed, at the expense of the owner, prior to transfer of a permit.
- I. An On-Water Facility/Improvement built without benefit of an approved On-Water Facility permit is subject to removal at the owner's expense. Once identified, an unapproved On-Water Facility/Improvement will be subject to an inspection to

determine if the On-Water Facility/Improvement meets current standards and criteria set by the Authority. If the On-Water Facility/Improvement does not meet standards, the On-Water Facility/Improvement will be brought up to current standards or removed and disposed of at owner's expense. Failure to comply could result in additional administrative and/or civil penalties.

#### **4.4 PLACEMENT OF ON-WATER FACILITIES**

- A. Facilities shall not be situated in a manner that interferes or obstructs access to other permitted facilities or neighboring properties
- B. All facilities will generally be located as close to the center most part of the water frontage as possible.
- C. The facility shall not extend farther than 100 feet into the Lake from the shoreline nor more than one-third of the distance between opposite shorelines of any area of the Lake
- D. 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.
- E. Only one On-Water Facility will be permitted on any one shoreline lot, and, the Area Project Manager may establish a minimum shoreline footage requirement for placement of any On-Water Facility.
- F. Applicant must own or lease the land adjoining the Lake at the location of the proposed On-Water Facility and provide to the Authority, at the time of permit application, documentation establishing the ownership or leasehold interest in the property.

#### **4.5 MINIMUM BUILDING AND INSPECTION CODES**

This directive is designed to improve the safe construction, operation and maintenance of all recreation facilities on Authority Lakes and land, and to promote public health, safety and welfare. 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. 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

#### 4.6 CONSTRUCTION STANDARDS

- A. Responsibility for the safety, structural soundness and regulatory compliance of the On-Water Facility shall reside entirely with the On-Water Facility owner. The Brazos River Authority does not warrant the function, structural integrity, safety, workmanship, materials, or water worthiness of any On-Water Facility.
- B. When Major Repairs are required on the On-Water Facility, the On-Water Facility must be brought up to current standards
- C. Buoyancy for all floating On-Water Facilities shall be provided by polystyrene, multiple air filled internal compartments, or a similar flotation material that is encapsulated.
- D. Floats and the flotation material for all On-Water Facilities shall be fabricated of materials manufactured for marine use. 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.
- E. **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 4 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 (20 pounds per square foot).
- F. **Multiple Air-Filled Compartments** - If multiple air-filled internal compartments are used for flotation, the individual On-Water Facility 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 On-Water Facility 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.
- G. Non-encapsulated flotation currently in use will only be authorized until:
  1. it has deteriorated to a point that it is no longer serviceable or capable of supporting the structure with a minimum of 4 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 (20 pounds per square foot).
  2. in all cases, lessees shall phase out all non-encapsulated flotation by January 1, 2015 - failure to comply will result in the revocation of the permit and the Authority pursuing any and all available legal remedies.
- H. In an effort to encourage removal of all non-encapsulated flotation, an exception to Major Repairs has been granted when it is voluntarily removed or replaced with encapsulated flotation. 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.
- I. Any matter concerning flotation not covered by the foregoing will be subject to the approval of the Area Project Manager.
  - J. Barrels, pontoons, drums or other improvised equipment shall not be used for flotation.
  - K. Living quarters, kitchens, sinks, or toilet facilities are prohibited in or on private On-Water Facilities permitted on the Lake.
  - L. 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 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.
  - M. 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.
  - N. New On-Water Facilities cannot exceed 1400 square feet in size, excluding walkway, and should be generally located as close to the center most part of the water frontage as possible.
  - O. Replacement of an On-Water Facility previously permitted to exceed 1400 square feet will be considered for approval up to the existing size or smaller. All other facility specifications apply.
  - P. On-Water Facilities may consist of a floor and gabled or flat roof used as a sun deck. No awnings or covers over a sun deck will be approved. The only enclosed portion allowed on an On-Water Facility is a storage closet no larger than 27 square feet. No other side walls will be allowed nor will a boat shed with a rail launching system be allowed.
  - Q. 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.
  - R. Privately operated fuel/oil dispensing systems are prohibited. Pre-existing dispensing systems will be allowed to remain if all the following conditions are met:
    1. The private owner maintains a spill kit consisting of a 30 feet boom and absorbent pads,
    2. The dispensing system includes automatic shut-off valves at the bulk fuel tank and nozzle, and
    3. Fuel tank complies with any and all federal, state, or local rules and regulations.
  - S. On-Water Facility constructions standards are in accordance with an On-Water Facility inspection checklist provided in Section 7 of this document.
  - T. On-Water Facilities and walkways must be one or more of the following earth tone colors: beige, tan, brown, gray, or forest green to blend in with the natural surroundings as viewed from the Lake. The color requirement does not apply to galvanized portions of the frame and substructure of the On-Water Facility.
  - U. All facilities must comply with any and all additional requirements of federal, state, and local law.

#### **4.7 PRE-EXISTING ON-WATER FACILITIES**

Pre-existing On-Water Facilities are allowed to remain in place in their current configuration until such time as Major Repairs are needed. On-Water Facilities needing Major Repairs will be required to comply with current On-Water Facility standards.

Exception: If the On-Water Facility to receive Major Repairs exceeds 1,400 square feet, then the new, renovated, or replacement On-Water Facility may equal, but not exceed, the square footage of the original On-Water Facility.

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.

For relocation of Pre-existing On-Water Facilities, a new permit is required. The relocated On-Water Facility shall comply with all standards in place at the time the new permit is considered.

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.

#### **4.8 ON-WATER FACILITY PERMIT PLATE**

Upon successful completion of post construction inspections, a permit plate will be issued and must be posted conspicuously on all permitted On-Water Facilities. A number will be assigned to any permitted inflatable device and must be displayed on that device.

#### **4.9 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. Additionally, any violation of this section may result in criminal penalties.
- B. Existing facilities that violate the requirements for On-Water Facilities may be required to be removed or modified at the owner's expense if, in the opinion of the Area Project Manager, they constitute a hazard to navigation, public health, safety, or welfare.

#### **4.10 FEE SCHEDULE**

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Fee Schedule.

## **PERMIT ADMINISTRATION – ON-SITE SEWAGE FACILITIES**

### **5.1 ON-SITE SEWAGE FACILITY ADMINISTRATION**

Unless serviced by a waste water treatment facility, all improvements on property within the Possum Kingdom Lake Regulated Area (see Definitions) require the use of either a licensed or registered private sewage treatment and disposal system, 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 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 residence that modifies its 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 Definitions) and issues the licenses for septic systems. From time to time, the Authority may conduct compliance inspections.

### **5.2 PERMITTING PROCESS:**

- A. The 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, and
  - 5. a site plan showing improvements and location of septic system including tanks and absorption field.
- B. Lease 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 notifies 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.



### **5.3 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 30TAC §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 to 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 in Table X, 30 TAC §285 (Appendix B).
- E. Allow at least 30 days for review of your completed application and response from the Authority.
- F. The placement of structures or paved areas are not allowed on any portion of a septic system.

### **5.4 FEE SCHEDULE**

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Fee Schedule.

## PERMIT ADMINISTRATION – WATER USE

### 6.1 WATER PERMIT ADMINISTRATION

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

### 6.2 PERMITTING PROCESS:

- A. Application is completed, submitted, and 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.

### 6.3 FEE SCHEDULE

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Fee Schedule.

## **LEASE AND PERMIT COMPLIANCE - COMPLIANCE INSPECTIONS**

### **7.1 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.

### **7.2 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.

### **7.3 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.

### **7.4 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.

### **7.5 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.

## 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 Definitions)
- \_\_\_\_\_ 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:**

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# LEASE AND PERMIT COMPLIANCE - VIOLATIONS

## 8.1 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).

## 8.2 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.

## 8.3 EMERGENCY SITUATIONS 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.

## 8.4 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.

## 8.5 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 & SPECIAL REQUESTS**

### **9.1 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).

### **9.2 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(s).

### **9.3 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.

### **9.4 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.

### **9.5 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.

## **9.6 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.

## **9.7 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 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.

## **9.8 FEE SCHEDULE**

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Fee Schedule.

## **SPECIAL USE PERMITS/COMPLIANCE – AIRPORT PARKING**

### **10.1 AUTOMOBILE PARKING**

Permits are required for long-term (more than 7 consecutive days) automobile parking at Possum Kingdom Airport. Vehicles must be parked within the designated area.

### **10.2 PERMITTING PROCESS**

- A. Application is completed, submitted and reviewed to determine that all required information and signatures are provided.
- B. Authority will verify that the vehicle(s) are registered in the name of applicant(s).
- C. Payment of the annual fee (Ref. Fee Schedule) is required at the time of the application. The fee will be prorated for the remaining months in the year of issuance.

### **10.3 COMPLIANCE REQUIREMENTS**

- A. Vehicle must be registered in name of applicant.
- B. Vehicle must display a current motor vehicle inspection sticker and registration and be kept in good running condition and appearance.
- C. Lake Office must be notified of a vehicle change.
- D. Permit number must be placed on the left rear bumper of vehicle.
- E. Vehicle(s) not meeting all conditions will be towed at the owner's expense.

### **10.4 FEE SCHEDULE**

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Fee Schedule.



## **SPECIAL USE PERMITS/COMPLIANCE – MOORING BUOYS**

### **11.1 MOORING BUOY POLICY**

Mooring buoys have been allowed to be placed on Possum Kingdom Lake at the sole discretion of the Authority Area Project Manager. It is not in the long-term interest of the Authority to continue permitting mooring sites due to increased traffic on the Lake and the propensity for these buoys to become hazards to navigation. It is the intention of the Authority to remove existing mooring buoys on an attrition basis such that those individuals currently holding permits will be grandfathered until such time as the existing permit is not renewed.

### **11.2 PERMITS**

- A. Mooring Buoy permits are not transferable.
- B. Once a permit is not renewed that buoy will be removed at the owner's expense.

### **11.3 PLACEMENT OF BUOYS**

- A. Maintenance of existing buoys in the approved location is the sole responsibility of the owner.
- B. Buoys must be maintained within fifty (50) feet of the msl foot contour (full lake level) and no closer than one hundred (100) feet from neighboring buoys.

### **11.4 COMPLIANCE REQUIREMENTS**

- A. Buoy and anchor must be properly maintained.
- B. Name of the permittee must be on the buoy.
- C. Permit number must be on the buoy.
- D. Current fee must be paid.
- E. Mooring buoys must be lit by a solar powered amber light during all hours of darkness.
- F. No unattended mooring is allowed.

Should the Authority deem that a mooring buoy is a hazard to public health, safety, or welfare, then the removal or replacement of the mooring buoy will be required.

### **11.5 FEE SCHEDULE**

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Reservoirs, click on the tab labeled Possum Kingdom Lake, click on Lake Fee Schedule

## **SPECIAL USE PERMITS/COMPLIANCE – DUCK BLINDS**

### **12.1 DUCK BLIND ADMINISTRATION**

Duck blinds (floating and stationary) are allowed in certain areas on Possum Kingdom Lake. A limited number of duck blinds (approximately 15) are authorized by permit each year.

### **12.2 PERMITTING PROCESS**

A drawing for duck blind sites will be held at 8:30 a.m. on August 29 of each year. Anyone wishing to obtain a permit for a duck blind site must be present at the Lake Office at 8:30 a.m. to enter their name in the drawing. The duck blinds will be awarded through a lottery. If fewer entries are received than the number of available sites, the remaining sites will be available on a first come/first serve basis.

- A. Only one entry is allowed per person.
- B. Only one site is allowed per entry.
- C. A permit fee will be collected for each site permit issued (Ref. Fee Schedule).
- D. The permit is issued for one season only and the duck blind must be removed from the Lake within 10 days of the end of the season.

### **12.3 DUCK BLIND LOCATION**

The duck blind will be issued a permit number and a site location identified and associated with the permit number. The hunters must use the designated site location, and all hunting from such sites must be conducted from within a radius of two hundred (200) feet of the site marker.

### **12.4 USE LIMITATIONS**

The duck blind permit must be available while hunting at the permit site. Identification of all hunters may be required by Authority Lake Rangers or Texas Parks and Wildlife Department Game Wardens and must be available upon request.

### **12.5 TRANSFER OF PERMIT**

Duck blind permits are not transferable.

### **12.6 VIOLATIONS**

Violation of Texas game laws or *Authority Regulations* will result in forfeiture of the duck blind permit indefinitely and will be subject to all other remedies.

### **12.7 FEE SCHEDULE**

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Possum Kingdom Lake, click on the tab labeled Customer Information, click on Lake Fee Schedule.

## **GENERAL INFORMATION - WATER RECREATIONAL USER PROGRAM**

### **13.1 WATER RECREATIONAL USER PROGRAM ADMINISTRATION**

The Brazos River Authority 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.

### **13.2 NO-COST DECALS**

Water Recreational User decals are provided at no cost to Brazos River Authority lessees and to others on Possum Kingdom Lake who hold an On-Water Facility permit issued by the Authority. 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**

### **14.1 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.

### **14.2 ANNUAL SOLID WASTE FEE**

The lessee is responsible for the payment of the solid waste fee as set each year by the Board of Director of the Brazos River Authority.

### **14.3 CONVENIENCE STATIONS**

- A. Two Convenience Stations are located on Possum Kingdom Lake to accept non-hazardous waste items, 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.
- B. Flotation 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 (Freon) has been removed.
- D. Following is a list of 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](http://www.brazos.org) or the Possum Kingdom Lake Office at (940) 779-2321.

### **14.4 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**

### **15.1 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](http://www.brazos.org), click on tab labeled Reservoirs, choose Possum Kingdom Lake, click on Lake Map.

### **15.2 SPECIAL EVENTS**

Exhibitions, water shows, boat races or any other public event may not be performed on the Lake or on Authority lands unless specifically authorized through written permission by 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.

### **15.3 CONCESSION STANDS**

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

### **15.4 FEE SCHEDULE**

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Possum Kingdom, click on the tab labeled Customer Information, click on Lake Fee Schedule.

## GENERAL INFORMATION - SURVEYS

### 16.1 SURVEY REQUEST

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 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.

### 16.2 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.

### 16.3 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.

### 16.4 FEE SCHEDULE

For Fee Schedule go to [www.brazos.org](http://www.brazos.org), click on the tab labeled Possum Kingdom, click on the tab labeled Customer Information, click on Lake Fee Schedule.

## **GENERAL INFORMATION - ROAD REPAIR**

### **17.1 ROAD REPAIR**

Requests for emergency road repair may be made to the Chief of Maintenance/Lake Development at (940) 779-2321. Callers are asked to follow up with a written request for road repair including the following information:

- Lessee's Name and Phone Number
- Lake Address
- Road Name and Condition

## GENERAL INFORMATION – OTHER ACTIVITIES AND RESTRICTIONS

### 18.1 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 On-Water Facilities, boat ramps or fishing On-Water facilities;
- Q. fishing from all public loading On-Water Facilities, 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 beds of the Lake, or excavating, filling or reshaping of Authority lands without written permission from the Area Project Manager;
- 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;
- AA. hunting on Authority lands, including leased properties; and
  - BB. discharging firearms along or across Authority lands or waters of the Lake, except as specifically approved by the Authority.

## **18.2 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. 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 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, or
  - 2. any event which requires exclusive use of any part of the water surface or public use area.

## **18.3 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.

- A. **Burning of materials other than brush and trees is strictly prohibited.**
- B. Applicable volunteer fire department must be notified prior to any burn.
- C. 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 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.

## **18.4 REGULATIONS FOR GOVERNANCE OF BRAZOS RIVER AUTHORITY LAKES AND ASSOCIATED LANDS**

The *Authority Regulations* contain 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 Brazos River Authority.

## **18.5 CONCESSION STANDS**

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

## **18.6 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.

## **18.7 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**

### **19.1 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.

### **19.2 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 of 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. 50 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	Lined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation
Public Water Wells <sup>2</sup>	50	150	150	50	150	150
Public Water Supply Lines <sup>2</sup>	10	10	10	10	10	10
Wells and Underground Cisterns	50	100	50	20	100	100
Private Water Line	10	10	5	10 <sup>5</sup> except at connection to structure	No separation distances	10
Wells (Pressure Cemented or Grouted to 100 ft. or Pressure Cemented or Grouted to Watertable if Watertable 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 $R_3 \leq 0.1$ 75 when $R_3 > 0.1$ (With Secondary Treatment & Disinfection – 50)
Foundation, Buildings, Surface Improvements, Property Lines, Easements, Swimming Pools, and Other Structures	5	5	5	5	No Separation Distances Except: Property lines –20 <sup>6</sup> Swimming Pools -25	No Separation Distances Except <sup>4</sup> : Property Lines -5
Slopes Where Seeps may Occur	0 (special support may be required for zero separation distances)	25	5	10	25	10 when $R_3 \leq 0.1$ 25 when $R_3 > 0.1$
Edwards Aquifer Recharge Features (See Chapter 213 of this title relating to Edwards Aquifer) <sup>3</sup>	50	150	50	50	150	100 when $R_3 \leq 0.1$ 150 when $R_3 > 0.1$

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 Nueces, 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)(G)(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.