

**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 PRIOR REGULATIONS SUPERSEDED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the Lakes and vicinities adopted by the Board of Directors of the Authority prior to adoption of these regulations are repealed as of the time these regulations become effective.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 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 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