

BILL ANALYSIS

Senate Research Center
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S.B. 1854
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Natural Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Nine-Mile Hole (hole) is a unique body of water and is conducive to a somewhat specialized type of fishing. Located on the Upper Laguna Madre in Corpus Christi, the hole provides a diverse marine habitat not available in most Texas coastal waters.

With the continuing increase of the number of saltwater fishermen and projected increases in population along the Texas coast, pressure on the hole and other shallow water flats is going to increase.

In 1999, the Texas Parks and Wildlife Department (department) established the Sea Grass Task Force to examine the effects of boat traffic in the flats. Redfish Bay near Aransas Pass, and the hole were established by the Sea Grass Task Force as scientific areas. Both of the sites are up for sunset in June, 2005.

The department plans to pursue a continuation of some type of "no prop" provisions in the Redfish Bay area, but have no plans to extend the term on the hole.

As proposed, S.B. 1854 maintains the Nine-Mile Hole State Scientific Area (area) in the same configuration with the same regulations in effect as were provided in the Texas Administrative Code under the Regulatory Authority of the department. The bill offers certain prohibitions and authorizations for the purposes of preserving the area.

S.B. 1854 provides that a person who violates the provisions of this Act, commits an offense that is a Class C Parks and Wildlife Code misdemeanor, except that a person who has previously been convicted of violating that section commits an offense that is a Class B Parks and Wildlife Code misdemeanor.

The bill allows the department to apply for, request, solicit, contract for, and accept gifts, grants, donations, or other assistance from any source to implement and enforce any violations.

The hole offers an opportunity to examine the effects of boat traffic, providing both controlled and uncontrolled areas that could be utilized in various environmental studies. Additional information could be developed on sea grasses, habitat requirements for spawning and juvenile fish survival, and the identification of staging areas for certain species prior to their migration to the Gulf of Mexico for spawning.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 82, Parks and Wildlife Code, to read as follows:

CHAPTER 82. STATUTORY SANCTUARIES, SCIENTIFIC AREAS, AND PRESERVES

SECTION 2. Amends Chapter 82, Parks and Wildlife Code, by adding Subchapter P, as follows:

SUBCHAPTER P. NINE-MILE HOLE STATE SCIENTIFIC AREA

Sec. 82.781. CREATION; BOUNDARIES. (a) Provides that the Nine-Mile Hole State Scientific Area (area), as described by Subsection (b), is a state scientific area established under Subchapter F, Chapter 81.

(b) Sets forth the boundaries of the area.

Sec. 82.782. PROHIBITED ACTS. (a) Prohibits a person, except as provided by Subsections (b) and (c), from operating certain watercrafts and moving, removing, defacing, altering, or destroying certain signs and markers.

(b) Authorizes a person in the area to operate certain crafts/watercrafts and engage in prohibited acts if necessary for law enforcement or to preserve the natural character of the area.

(c) Provides that Subsection (a) does not apply to a person in an emergency threatening human health and safety that necessitates immediate entrance to or exit from the area.

Sec. 82.783. PENALTY. Provides that a person who violates Section 82.782 commits an offense that is a Class C Parks and Wildlife Code misdemeanor, except that a person who violates Section 82.782 and has previously been convicted of violating that section commits an offense that is a Class B Parks and Wildlife Code misdemeanor.

Sec. 82.784. GIFTS, GRANTS, DONATIONS, AND OTHER ASSISTANCE. Authorizes the Texas Parks and Wildlife Department to apply for, request, solicit, contract for, and accept gifts, grants, donations, or other assistance from any source to implement and enforce this subchapter.

SECTION 3. Effective date: July 1, 2005, or September 1, 2005.