

## SUMMARY OF AMENDMENTS TO LAKE CONROE RULES AND REGULATIONS

The Lake Conroe Rules and Regulations (the "Rules") were last amended on August 28, 2003.

The amendments reformat and restructure the Rules. This allows for reference to specific Rule provisions by Chapter, Section, Subsection and Subdivision. The revisions were requested by Montgomery County law enforcement so that citations could be issued with reference(s) to the specific provisions of the Rules.

Aside from reformatting and restructuring the Rules, the amendments make the following substantive revisions to the Rules (summarized below by Chapter):

1. Definitions. Certain definitions were added or clarified. Notably, the term "Private Structure" was added to refer to a basin, pier, wharf, floating structure, boat dock, or any other structure providing for anchorage or storage of Vessels that is privately owned or operated and not associated with a commercial operation. A "Marina" is defined to apply to the same types of structures, with the difference being that they are associated with a commercial operation. The term "Encroachment" is revised to refer to any structure, building, appurtenance or other fixture permanently placed upon Authority land, that cannot be immediately removed from Authority land, or that otherwise infringes upon the rights of the Authority in and to Authority land.
2. Boating. The amendments specify the various federal and state laws and regulations that apply to the operation of boats and vessels on Lake Conroe. This will put boaters on notice that the Rules are not the primary source of law related to boating. The amendments clarify the Authority's additional local rules related to the operation of boats and vessels on Lake Conroe. Notably, amplified music and other noise that unreasonably disturbs the public is prohibited between the hours of 10:00 p.m. and 6:00 a.m.
3. Public Access and Use. The amendments clarify that, except where prohibited by the General Manager, the public has the right to travel over and across Authority land to access Lake Conroe and no person has the right to exclude the public from Authority land without the Authority's prior written consent.
4. Picnicking and Camping. The amendments make specific provision to allow for picnicking and camping on Authority land in designated areas. The amendments prohibit extended camping stays, littering, burning refuse, bringing glass containers on Lake Conroe or Authority Land, and unreasonable noise between

the hours of 10:00 p.m. and 6:00 a.m. The amendments also address alcohol consumption. Specifically, the amendments provide that the conspicuous public consumption or display of alcoholic beverages that unreasonably disturbs other members of the public is prohibited on the Reservoir or Authority Land. It is a violation of the Rules for any intoxicated individual to enter upon Authority Land. It is a violation of the Rules for any individuals to become intoxicated while on Authority Land. In addition to applicable penalties, any Person that violates these provisions Section is subject to removal and/or ban from Authority Land. The amendments make provisions for pets on Authority land and prohibit abandoning animals and grazing livestock. Fires may be burned in designated areas or contained grills, stoves or fire pits. Natural resources (e.g., timber and gravel) may not be removed from Authority land without prior written approval.

5. Fishing and Hunting; Firearms; Feral Animals. The amendments clarify the Rules relative to fishing, hunting, and use of firearms for hunting. The amendments clarify that commercial guide services require a permit from the Authority. Feeding of feral or wild animals on Authority land is prohibited in an effort to discourage deer feeders on Authority land and associated feral hog and nuisance animal problems.
6. Encroachments. The amendments clarify that all encroachments on Lake Conroe or on Authority land require a permit from SJRA, with the exception of immediately removable items (e.g., deck chairs), landscaping and irrigation systems. Bulkheading and dredge/fill work will require permits under the amendments. Permitting of bulkheading and dredge/fill work will give the Authority the ability to stop "bulkhead creep" and give the Authority an opportunity to interact with a landowner to clear title to land behind bulkheaded area. In general, the structure of the amended Rules will allow staff and management to establish policies and guidance for permitting of encroachments.
7. Sanitary Conditions. The amendments now provide that it is a violation of the Rules to violate federal, state or local laws related to sanitary conditions and pollution control, even if federal, state or local authorities are not enforcing such laws or regulations. The amendments point out that certain sanitary facilities on Authority land are subject to permitting as an encroachment, and that on-site sewage facilities are regulated by separate Order of the Authority.
8. Abandonment of Personal Property. The amendments clarify that the Authority is not under an obligation to attempt to identify or locate the owner of abandoned personal property prior to removing and disposing of same. If the Authority is able to identify the owner, however, removal and storage fees may be assessed against the owner.

9. Commercial Operations. The amendments clarify that all commercial operations on Lake Conroe or on Authority land require a permit from SJRA. The structure of the amended Rules will allow staff and management to establish policies and guidance for permitting of commercial operations and to deal with particular issues (e.g., insurance requirements) in the permitting process.
10. Raw Water Use. The amendments clarify that it is a violation of the Rules to withdraw raw water from Lake Conroe without a permit from the Authority, except in the rare situation where a person has a TCEQ water right to so divert raw water. Note that the definition of a "permit" includes a firm water supply contract as well as an interruptible irrigation permit. The structure of the amended Rules will allow staff and management to establish policies and guidance for permitting of raw water use.
11. Penalties and Enforcement. The amendments consolidate penalty and enforcement provisions and the rights of the Authority to recover for violations of the Rules. A violation of any part of the Rules is a Class C misdemeanor, which shall be punishable by a fine of not less than \$25.00 or more than \$500 per day per violation. The amendments also allow for recovery of costs (e.g. repair/removal costs for unpermitted encroachments) and attorney fees. A severability provision is included.
12. Implementation. The Rules direct newspaper publication of the amendments be given in accordance with the Authority's enabling legislation. The amended Rules become effective June 1, 2005. The General Manager is authorized to implement the amended Rules. Prior Rules are repealed as of the effective date of the amendments.