



Travis County Commissioners Court Agenda Request

Meeting Date: December 20, 2011

Prepared By: Daniel Perry **Phone #:** 263-9114

Division Director/Manager: Charles Bergh, Division Director Parks

Carol B. Joseph for

Department Head: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: Commissioner Eckhardt, Precinct Two

AGENDA LANGUAGE: Consider and take appropriate action regarding modifications to LCRA Buoy Permit #B00045 at Bob Wentz Park at Windy Point in Precinct Two.

BACKGROUND/SUMMARY OF REQUEST:

Windy Point is a geological location on Lake Travis, in Precinct Two. It is comprised of two separate parks, Windy Point Park, which is owned and operated by Robert Barstow, and Bob Wentz Park at Windy Point which is owned by LCRA and Travis County and is managed and operated by Travis County.

In June 1990, Travis County requested, and was granted, a buoy permit that adopted regulations at Windy Point on Lake Travis which would limit the operation of motor-propelled watercraft in the vicinity of Bob Wentz Park and would designate sail areas only. This request was in accordance with the Travis County Master Plan for Bob Wentz Park. The permit designated the entire surface waters adjacent to Windy Point, which included the waters adjacent to the privately owned and operated Windy Point Park.

In the summer of 2011, Windy Point Park requested that they be issued a separate buoy permit for the waters located along its shoreline to allow motorized watercraft in designated areas, significantly modifying the permit that was in place. Their request was granted.

This request is to modify the current buoy permit, #B00045, to include only the waters adjacent to Bob Wentz Park and not include the waters in front of the private Windy Point Park that now have a new separate permit. All the currently adopted restrictions for permit #B00045 would remain as stated in the current permit.

STAFF RECOMMENDATIONS:

Staff recommends modification of this permit.

ISSUES AND OPPORTUNITIES:

Modifying the existing permit clarifies any regulatory issues related to the restricted waters off Windy Point, especially where the new private Windy Point Park buoy permit overlaps the current Bob Wentz Park buoy permit.

Travis County will still have the authority to separate motorized watercraft from swimmers and sailors, thereby minimizing potential water related accidents at Bob Wentz Park at Windy Point.

FISCAL IMPACT AND SOURCE OF FUNDING:

By modifying buoy permit B00045, the County will no longer be responsible for any costs associated maintaining the buoys along the private Windy Point Park.

ATTACHMENTS/EXHIBITS:

- Buoy Permit B00045 (modified 2011)
- Bouy Permit B00045 (original, 1990)
- Park Map with buoy designations (B00045 Map)

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
John Hille	Asst. County Attorney	County Attorney	854-9415
Charles Bergh	Division Director	Parks	854-9408
Jim Richardson	Manager - Water Surface Management	LCRA	473-3200
Tim Bradle	Coordinator - Water Surface Management	LCRA	473-3200

CC:

Daniel Chapman	Chief Park Ranger	Parks	263-9114
Daniel Perry	District Park Manager	Parks	263-9114
Jason Just	Park Supervisor	Parks	266-3876
Robert Armistead	Division Manager	Parks	854-9831

: :
0701 - Parks Planning -



RECEIVED

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TNR

November 17, 2011

Mr. Dan Perry, District Manager
Travis County Parks
Post Office Box 1748
Austin, Texas 78767

Dear Mr. Perry:

Enclosed please find three (3) copies of the LCRA permit (# B00045) modifying the configuration of the restricted areas and placement of regulatory buoys adjacent to Bob Wentz Park at Windy Point on the surface of Lake Travis. If the terms and conditions of this permit are satisfactory, please indicate by signing and returning all copies to me at the letterhead address.

Upon our receipt of the signed permit, we will finish processing it and you will be sent two of the originals for your files. If you have any questions or need further assistance in this matter, please contact me at (512) 473-3200, extension 6841.

Sincerely,

A handwritten signature in black ink that reads 'Tim Bradle'. The signature is written in a cursive, slightly slanted style.

Tim Bradle, Coordinator
Lake Recreation Management
Water Surface Management

Enclosures

**LOWER COLORADO RIVER AUTHORITY
BUOY PERMIT NUMBER B00045**

The Lower Colorado River Authority (hereinafter called LCRA) hereby authorizes:

**Travis County
Transportation & Natural Resources
1010 Lavaca, Suite 300
Austin, Texas 78767-1748**

(hereinafter called Permittee)

To: Place water safety regulatory buoys on the water surface of Lake Travis to establish three (3) water safety control areas in accordance with Order No. 90-110 (Attachment B), issued June 21, 1990 by the LCRA Board of Directors. One area will prohibit the use of motorized watercraft (no motorboats); one area will be a "swim area" (boats keep out); and the third area will be a "no wake area" for the purpose of allowing controlled ingress and egress of motorized watercraft.

At: The water surface adjacent to Bob Wentz Park at Windy Point on Lake Travis within the areas as shown on the attached map (Attachment A).

In accordance with the plans, drawings, maps, correspondence and/or other materials which are attached hereto and made a part of this permit.

This permit is subject to the following conditions:

I. General Conditions:

- A. Permittee is acting independently and not as an agent, employee or representative of LCRA.
- B. This permit does not convey any property rights, either in real estate or materials, or any exclusive privileges nor does it authorize any injury to property or invasion of rights.
- C. Permittee shall at all times observe and comply with all applicable Federal, State and local laws, ordinances and regulations.
- D. Permittee acknowledges that it has received a copy of the "Use Regulations for Land and Water Under the Jurisdiction of the Lower Colorado River Authority" and such other rules, regulations and ordinances as may be adopted by LCRA's Board of Directors, and hereby agrees that it shall abide by same, as applicable.
- E. Permittee understands that LCRA has constructed and is operating and maintaining certain dams across the Colorado River and its tributaries. LCRA reserves the right to use the property owned by it in fee-simple or on which it has flowage easements for any legal purpose that it sees fit in the operation and maintenance of its dams and reservoirs. LCRA makes no guarantee that the level of any lake operated and maintained by it will be retained at any specific level for any particular time, it being fully understood by Permittee that lake levels will vary as a result of LCRA's operation of its dams or the Colorado River. LCRA specifically reserves the right and privilege to inundate with water at any time and as many times as LCRA may see fit, all or any part of the land covered by this permit without any liability on the part of LCRA to Permittee for making such use of said property, or any part thereof.
- F. This permit shall not authorize Permittee to discharge or allow to be discharged any material or waste of any kind, except for fill or other material approved by this permit, and for which he has previously obtained all required permits from the U.S. Army Corps of Engineers, the Texas Commission on Environmental Quality and any other regulatory agency, into the waters of any LCRA lake and agrees to abide by all rules, regulations, ordinances or other laws relating to the maintenance of water quality in said lakes as established by LCRA and other Federal, State and local agencies with jurisdiction over same.
- G. Permittee agrees that LCRA, its successors, agents, employees, representatives and assigns shall have the right to make periodic inspections in order to assure that the structure, activity or use authorized by this permit is in accordance with the terms and conditions prescribed herein.
- H. This permit authorizes only the structure, activity or use specifically identified herein. All others shall constitute a violation of the terms and conditions of the permit which may result in the modification, suspension or revocation of this permit, in whole or in part and in the institution of such administrative or legal proceedings as LCRA may consider appropriate.

- I. This permit may be summarily suspended in whole or in part, upon a finding by LCRA that immediate suspension of the structure, activity or use authorized herein would be in the public interest. After a full investigation, the permit with either be reinstated, modified or revoked. The suspension, modification or revocation of this permit shall not be the basis for any claim of damages against LCRA.
- J. This permit may not be transferred to a third party without prior written permission from LCRA.
- K. In issuing this permit, LCRA has relied on the information and data which Permittee has provided in connection with his permit application. If subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked in whole or in part.

II. Special Conditions (conditions relating specifically to the proposed structure, activity or use authorized by this permit):

- 1) All buoys placed on LCRA waters must be United States Coast Guard approved and comply with the Uniform State Waterway Buoy Marking System as referenced in Chapter 55.304, Texas Water Safety Act. All buoys shall be marked with a three (3) inch white or silver reflective band positioned as close to the top of the buoy as practicable.
- 2) The restricted areas illustrated in Attachment A shall not exceed 200 feet beyond the shoreline and must not extend beyond the boundary lines of the Permittee's property including beyond the western edge of the Permittee's Fisher Reserve tract, as depicted on Attachment A.
- 3) The purchase, placement and maintenance of the buoys identified in this permit are the sole responsibility of the Permittee. Failure to maintain any restricted area buoys could result in the revocation of this permit. Buoys and associated hardware must not present a hazard to navigation.
- 4) The identification number **B00045** must be placed on the buoys using black lettering at least one (1) inch in size and shall be located on the white or silver reflective band on the top side of each buoy for easy identification.
- 5) This permit does not authorize any exemptions or waivers to the requirements of any other rules or regulations imposed by LCRA or any other governmental entity.
- 6) This permit does not grant any special permission for the use by the Permittee of any real property owned by third parties. LCRA does not assume any responsibility or liability for the Permittee's use of any property owned by third parties.
- 7) All conditions and requirements of this permit shall be binding upon successors and assigns of this permit.
- 8) If any of these conditions are found to be invalid for any reason, this shall not affect the validity of this permit, as a whole or any part thereof other than the conditions so declared invalid.
- 9) This LCRA permit supersedes and modifies the LCRA Buoy Permit **B00045** issued on June 24, 1993.

AUTHORIZATION

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

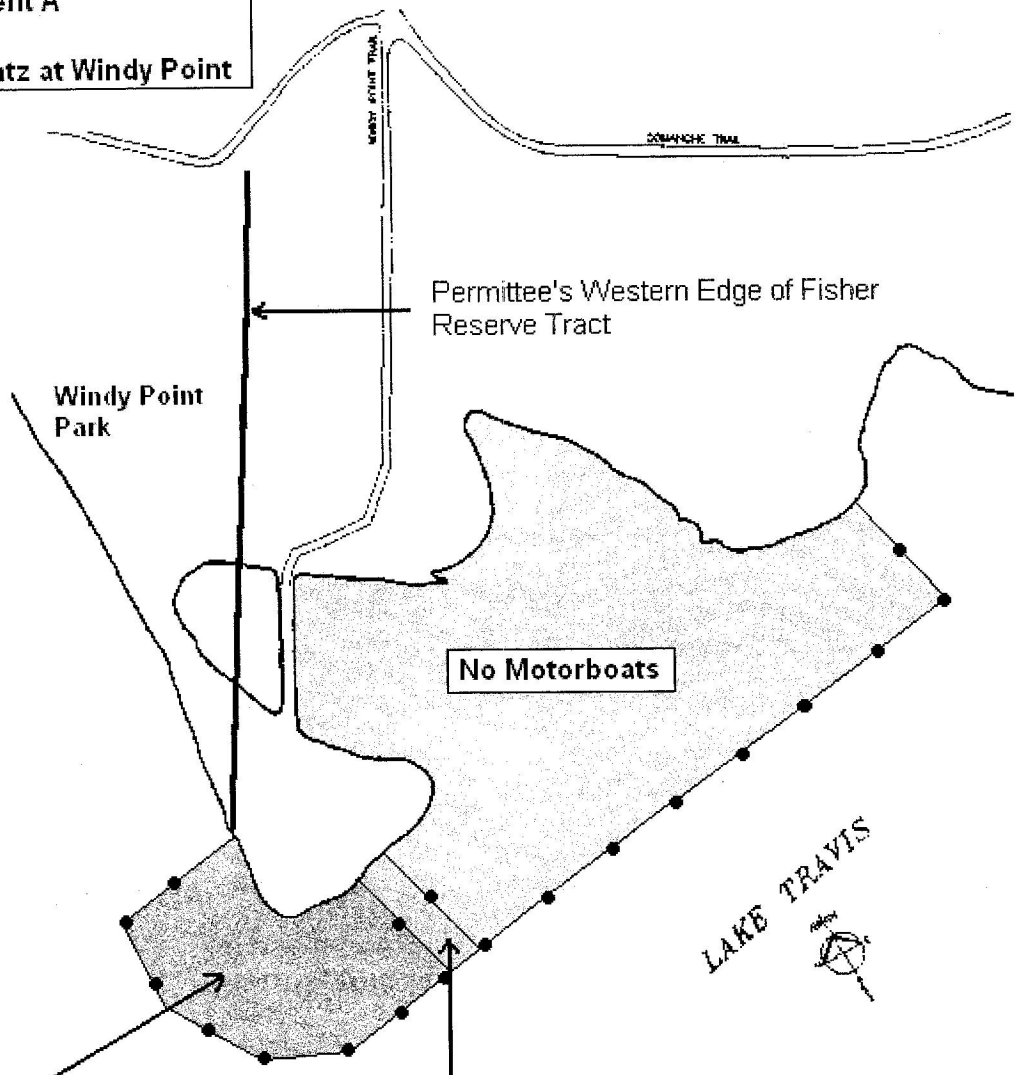
PERMITTEE

DATE

LOWER COLORADO RIVER AUTHORITY

DATE

Attachment A
B00045
Bob Wentz at Windy Point



Swim Area
Boats Keep Out

Motorized Watercraft Corridor
No-Wake

Notes:
1. Map is not to scale
2. Locations are approximate

O R D E R

WHEREAS, the Lower Colorado River Authority (LCRA) has been requested by Travis County (County) to adopt regulations at Windy Point on Lake Travis which would limit the operation of motor-propelled watercraft in the vicinity of Wentz Park and would designate sail only areas;

WHEREAS, previous Resolution Nos. 8918, 9506 and 84-54 have designated "Swim Areas", "No Wake Areas" or "Danger Areas" at Windy Point;

WHEREAS, the County has requested that the previously designated areas at Windy Point, Lake Travis be amended and redesignated in accordance herewith and with their proposed master plan for Bob Wentz Park;

WHEREAS, Section 2(t) of the LCRA Act and Section 31.092 of the Texas Parks and Wildlife Code gives LCRA the authority to control surface uses of the Highland Lakes for water safety and to designate separate areas of the lake for fishing, boating, swimming or other uses;

WHEREAS, LCRA finds that continued congestion and intermingled use of motor-propelled watercraft with sailcraft and/or swimmers poses a substantial risk to the health and safety of the public utilizing Bob Wentz Park at Windy Point on Lake Travis;

WHEREAS, expansion of Bob Wentz Park in accordance with the Travis County Master Plan may further increase the congestion created by multiple uses of park lands and shorelines;

WHEREAS, it is the desire of this Board to enhance the interests of public safety whenever possible and to cooperate with Travis County and other political entities involved in promotion of public safety on and along the reservoirs impounded by the Authority;

NOW THEREFORE BE IT RESOLVED AND ORDERED by the Board of Directors for the Lower Colorado River Authority;

Section 1: That the areas described below on Lake Travis at Windy Point, Travis County, Texas shall be and are hereby designated as "Swim Area" or "No Wake Area" or "Non Motor-Propelled Watercraft Area" pursuant to the authority of Section 2(t) of the LCRA Act and Section 31.092 of the Texas Parks and Wildlife Code and are identified as follows:

- I. Restricted Swim Areas - All of the water in an area approximately 200' out from the waters edge of Windy Point to include approximately 750' of privately

owned shorefront.

II. No Wake Areas - All of the water surface in a channel being approximately 50' in width and 200' in length situated between the Restricted Swim Area and the Swimming/Sailing Area as defined herein.

III. Non Motor-Propelled Watercraft Only (Sail Only Areas) - All of the water surface in an area from approximately 200' out from the water's edge of Windy Point and following a straight line in an Easterly Direction to a point approximately 200' out from the waters edge of the East Property line of the Bob Wentz Park at Windy Point, said area to include the park's boat ramp.

Section 2: That the LCRA staff is hereby delegated the authority to amend, from time to time, the size and location of the areas designated above, to describe the size and color of buoy locations, to apply appropriate signage as needed, to prohibit standing, anchoring or mooring of watercraft or vehicles within "No Wake" or "Non Motor-Propelled Watercraft Only (Sail Only Areas)" and to do any other act necessary to conform with the intent of this resolution and order, and to further the interest of public health and safety;

Section 3: That all persons violating this order could be assessed a penalty of not less than \$25.00 or more than \$500.00 in accordance with Section 31.127 of the Texas Parks and Wildlife Code; and

Section 4: That all prior resolutions or orders previously adopted as referenced above are hereby amended to the extent that they are inconsistent herewith, but such orders or resolutions are not amended to the extent that they designate "Swimming Areas," "No Wake Areas," etc. at sites or locations outside of Windy Point, Lake Travis, Travis County, Texas.

Section 5: That this Order shall take effect immediately upon the date of passage.

Passed, Approved, and Ordered June 21, 1990.

ATTEST: Glen E. Taylor
Staff Secretary to the Board

[Signature]
Deputy General Manager

APPROVED AS TO FORM:

Glen E. Taylor
General Counsel