

Figure: 31 TAC §155.15(b)(1)(C)(iv)

Commercial and Industrial Activity
Commercial Coastal Easement Rent and Fees

Notable Definitions

Commercial activity--Activity undertaken by a lessee or any other person with or without consent, which is designed to enhance or accommodate a venture associated with a revenue generating activity. This definition excludes industrial activity, but includes residential uses other than those included in the definition of residential use, Category III if there is revenue generating activity conducted on the premises. (Definition from TAC §155.1(d)(17)) Basin formula--The amount of encumbered state land multiplied by the appraised market value of the adjacent littoral property multiplied by the submerged land discount multiplied by the return on investment. (Definition from 31 TAC §155.1(d)(5))

Submerged land discount--60% discount used in formulas when the easement is commercial, 70% discount used in formulas when the easement is industrial. (Definition from 31 TAC §155.1(d)(59))

Fill formula--Encumbered state land multiplied by the appraised market value of adjacent littoral property multiplied by the return on investment. (Definition from 31 TAC §155.1(d)(28))

Fees

Application Fee: \$100.00 (per occurrence on new, amendment, and assignment applications)

Rent

Rental consideration is determined by taking the greater of:

- (i) Minimum Rent (\$500.00 per year)
- (ii) Basin Formula
- (iii) Project Component Rent (listed below)
- (iv) Marina Rent (listed below, and applied if applicable)

Project Component	Annual Rent
Piers, Docks and Watercraft Storage	\$0.32 per square foot
Wharf (industrial only)	\$0.48 per square foot
Breakwater, Jetty, Groin	\$0.32 per square foot ¹ [foot]
Dredge	
New Dredge	\$0.80 per cubic yard ²
Existing Dredge	\$0.01 per square foot
Open Encumbered Area	\$0.05 per square foot
Fill	
Proposed Fill	\$0.20 per square foot -OR- Fill Formula
Existing Fill	Variable ³
Concrete Stairs and Slabs	\$0.20 per square foot
Rip Rap, Vegetative Shoreline Stabilization, and Living Shorelines	No rent ⁴
Marina	Annual Rent
Marina in Clear Lake	\$4.00 per linear foot of boatslip
Marina outside of Clear Lake	\$3.00 per linear foot of boatslip

¹ Breakwaters constructed in association with a living shoreline will have no annual rent.

² New Dredge is a one-time rent assessed at the initial dredging, subject to §155.15(b)(4)

³ (-a-) existing fill (excluding bulkheads) not permitted as of August 15, 1995: \$0.02 per square foot

(-b-) existing fill permitted after August 15, 1995: \$0.32 per square foot -OR- fill formula

(-c-) existing fill at renewal: 120% of the previous contract fill rate for each five-year period.

⁴ Projects that consist only of rip rap or vegetative shoreline stabilization have no minimum rent.