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TEXAS
PARKS AND WILDLIFE DEPARTMENT

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Opinion Committee

ANDREW SANSON
Executive Director

RQ-947

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Ft. Worth

December 5, 1996

Opinion Committee
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711

Dear Committee:

I am writing to ask for your opinion on the lawfulness of certain regulations promulgated by the Franklin County Water District ("the District").

- 1) Does the District have the authority to require fishing guides licensed by the Texas Parks and Wildlife Department to pay a fee and obtain a permit from the District before operating as a fishing guide on Lake Cypress Springs?
- 2) Does the District have the authority to regulate fishing in Lake Cypress Springs, including setting lawful means and methods, setting closed seasons, limiting the number of boats involved in fishing tournaments, and requiring persons holding a fishing tournament on the lake to pay a fee and obtain a permit from the District?

It is the position of this agency that all of these regulations exceed the District's lawful authority, with the possible exception of the regulation requiring a permit for fishing tournaments and limiting the number of participating boats. Attached is a legal memorandum by Staff Attorney Paul M. Shinkawa supporting this position (Exhibit 3). Exhibits 1 and 2 consist of correspondence on this issue between the District and the Texas Association of Bass Clubs.

The proliferation of special districts across the state, many with similar regulations, gives us concern. The precedent set by these actions could have serious consequences on the ability of the Texas Parks and Wildlife Commission to regulate and manage public resources.

I appreciate your assistance in this matter.

Sincerely,

Andrew Sansom
Executive Director

AS:PPD:wb

Enclosures

cc: Mr. Jerry Gold
Mr. David I. Weidman

