

Apparently, the state legislature has enacted a law which prohibits the "uprooting or digging out" of any rooted seagrass plant from a bay bottom. On the surface, this would seem to be a good thing, as it would protect seagrass from unruly boaters who show a disregard for the environment. Certainly, seagrass beds play an important role in the health of our estuaries.

However, in reading over the specific wording of the legislation (shown below), I am confused by some of it. First off, the state predictably made allowance for uprooting seagrass when the act is "authorized by a commercial license or permit". So, the Corps of Engineers will continue to destroy seagrass beds as part of the process of maintaining the ICW and other channels, with full approval of the state. That part isn't confusing to me; it's what I would expect.

But the other provisions or "defenses" to prosecution are befuddling. Apparently, uprooting seagrass by anchoring in a grass bed is okay. Hmmmm. Furthermore, using a trolling motor to rip grass out by the roots is okay too. Hmmmm. Lastly, a person who "operates a vessel in a manner consistent with the acceleration required to reach and stay on plane" is not in violation of the law either, even if doing so rips seagrass out by the roots.

Let me get this straight--it's okay to tear up grass with an anchor or trolling motor or even the propellers on the gas outboard, as long as the outboard is moving along on plane. So, what would constitute a violation? As I read it, the only way to violate this law is by either idling through seagrass with the big motor, or planing off in a bed with the big motor. Of course, it could be argued that planing off is "operating a vessel in a manner consistent with the acceleration required to reach and stay on plane".

If the last statement is true, the only way to violate the law is to idle along with the big motor while tearing up grass. Essentially, this renders the law nearly useless. Game wardens, who I assume will be charged with enforcement of this amendment to their code, would only be able to fine people they see idling through grass beds and leaving uprooted plants. All people burning through the shallows on plane and making ruts in the beds are protected, as are those churning up the bottom with the blades on their electric trolling motors and those who anchor in the beds.

At this point, I would expect to see little if any attempt by most game wardens to enforce the law as it is written. Not sure if I think that is a good or bad thing. I really don't want to see some weekend angler given a big ticket for chopping up a few plants near the edge of the ICW, while the Corps of Engineers kills acres of grass beds at a time by pouring dredge spoil over the top of them. Mostly, I think this act is an attempt to appease environmental activists without really doing anything of significance in terms of saving seagrass. As such, it fits right in with many other acts generated by government entities these days (in my humble opinion, of course)!

Basically, the state is saying "do as we say, not as we do". We don't want you killing a little seagrass during your fishing trip, but we will continue to kill a lot in order to keep the channels open so commercial interests will be able to transport their products more cheaply. Most likely, the act will do little to save seagrass, though a few unsuspecting boaters in high traffic areas will probably be fined while others continue doing what they have always done, running around in the shallows and killing the grass as they go.

H.B. No. 3279

AN ACT

relating to the uprooting of seagrass plants; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 66, Parks and Wildlife Code, is amended by adding Section 66.024 to read as follows:

Sec. 66.024. SEAGRASS PLANTS. (a) In this section, "seagrass plant" means a flowering marine plant of the species:

- (1) *Cymodocea filiformis*, known as manatee grass;
- (2) *Halodule beaudettei* or *Halodule wrightii*, known as

shoal grass;

(3) Halophila engelmannii, known as star grass or Engelmann's seagrass;

(4) Ruppia maritima, known as widgeon grass; or

(5) Thalassia testudinum, known as turtle grass.

(b) A person may not uproot or dig out any rooted seagrass plant from a bay bottom or other saltwater bottom area in the jurisdiction of this state by means of a propeller, except as that uprooting or digging out may be authorized by a commercial license or permit issued by the department.

(c) It is a defense to prosecution under this section that a person:

(1) anchors a vessel within an area containing seagrass plants and uproots a seagrass plant;

(2) uses an electric trolling motor within an area containing seagrass plants and uproots a seagrass plant; or

(3) operates a vessel in a manner consistent with the acceleration required to reach and stay on plane.

(d) A person who violates this section or a proclamation of the commission under this section commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 2. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 3279 was passed by the House on May 10, 2013, by the following vote: Yeas 129, Nays 14, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3279 on May 23, 2013, by the following vote: Yeas 118, Nays 28, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3279 was passed by the Senate, with amendments, on May 20, 2013, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____
Date

Governor