

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))

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) Project Component Rent (listed below)
- (iii) Marina Rent (listed below, and applied if applicable)

CPI Based Rent Adjustment Schedule

The published rent schedule will be updated every five years based on changes in the Consumer Price Index for All Urban Consumers (CPI-U) relative to the baseline index at the inception of this policy. The adjustment will reflect the percentage change in the CPI-U over each five-year period. Renewals and new agreements will use the updated rent schedule effective at the time of renewal or new agreement.

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
Dredge	
New Dredge Existing	\$0.80 per cubic yard ²
Dredge	\$0.01 per square foot
Open Encumbered Area	\$0.05 per square foot
Fill	
Proposed Fill	\$1.00 per square foot
Existing Fill	Variable ³
Concrete Stairs and Slabs	\$0.32 per square foot
Rip Rap, Vegetative Shoreline Stabilization, and Living Shorelines	No rent ⁴
Marina	\$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) as of August 15, 1995: \$0.02 per square foot.

 (-b-) existing fill after August 15, 1995: \$1.00 per square foot.

 (-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 rent.