

NORTH TEXAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 24-11

A RESOLUTION AUTHORIZING THE FUTURE OPENING AND OPERATION OF PUBLIC RECREATIONAL AREAS AND ASSOCIATED FACILITIES ON BOIS D'ARC LAKE

WHEREAS, the North Texas Municipal Water District (District) provides wholesale treated water to member cities and customers in its service area covering all or parts of Collin, Dallas, Denton, Fannin, Grayson, Hopkins, Hunt, Kaufman, Rains, Rockwall, and Van Zandt Counties in North Central Texas; and

WHEREAS, the District has a statutory obligation to plan and secure adequate water supplies for existing and future member cities; and

WHEREAS, due to sustained growth by the existing and future member cities and customers of the District development of additional water supplies is necessary; and

WHEREAS, in order to address the need for additional water supplies the District has pursued the permitting and development of Bois d'Arc Lake (Lake); and

WHEREAS, the U.S. Army Corps of Engineers issued the District a Clean Water Act Section 404 Permit to construct the Lake, located near the City of Bonham in Fannin County, Texas, and the District began construction on the Lake in May 2018; and

WHEREAS, the District, in its operation of the Lake, began deliberate impoundment of water in April 2021, and the dam was substantially complete in August 2022; and

WHEREAS, the District, in its operation of the Lake, recognizes its responsibility to be a good steward of the state and its natural resources and protect the health, safety, and general welfare of the public; and

WHEREAS, pursuant to Article 16, Section 59 of the Texas Constitution, the District's enabling legislation (Article 8280-141, Vernon's Texas Civil Statutes) and other applicable laws, the District is authorized to adopt such policies and regulations necessary to preserve and conserve District water resources; and

WHEREAS, the District has approved the Bois d'Arc Lake Shoreline Management Plan to protect, manage, and maintain the Lake shoreline as well as water quality and promote the safe use of the Lake shoreline and Lake waters by the general public; and

WHEREAS, the District and Fannin County have agreed to cooperate in the development of the Lake through the AGREEMENT BETWEEN NORTH TEXAS MUNICIPAL WATER DISTRICT AND FANNIN COUNTY, TEXAS, CONCERNING WATER SUPPLY AND DEVELOPMENT OF THE BOIS D'ARC CREEK RESERVOIR PROJECT, entered into on June 22, 2017 (Development Agreement); and

WHEREAS, through the Development Agreement the District agreed to, among other things, facilitate recreational opportunities on the Lake and local economic benefits by constructing, operating, and maintaining three public boat ramps with day use facilities; and

WHEREAS, through the Development Agreement the District is providing public access to recreational benefits such as hunting, fishing, water sports, and public day use areas; and

WHEREAS, through its partnership with Fannin County and other local entities the District is facilitating multiple economic benefits through the construction and operation of the Lake, including benefits to the local job market, Fannin County and local school district tax base, and local infrastructure improvements; and

WHEREAS, the District has partnered with the Fannin County Sheriff's Office (FCSO) and Texas Parks and Wildlife Department (TPWD) to provide public safety, enforcement of state wildlife regulations, and administration of wildlife management and conservation programs on the Lake; and

WHEREAS, the AGREEMENT BETWEEN THE NORTH TEXAS MUNICIPAL WATER DISTRICT AND TEXAS PARKS AND WILDLIFE DEPARTMENT CONCERNING A PUBLIC HUNTING LANDS AGREEMENT FOR BOIS D'ARC LAKE, entered into on September 27, 2021 (Public Hunting Lands Agreement) establishes the right for TPWD to enforce state hunting laws and manage approximately 5,305 water surface acres for hunting activities; and

WHEREAS, the AGREEMENT BETWEEN THE NORTH TEXAS MUNICIPAL WATER DISTRICT AND FANNIN COUNTY, TEXAS, CONCERNING POLICING OF THE BOIS D'ARC LAKE RESERVOIR PROJECT AREA, entered into on February 14, 2019 (Policing Agreement) establishes the respective responsibilities of the District and FCSO concerning policing of the Lake and the surrounding area; and

WHEREAS, the District has provided funding to support FCSO policing of the Lake and its surrounding area through the Policing Agreement; and

WHEREAS, the District has made space available in the Bois d'Arc Lake Operations Center for use by FCSO and TPWD to facilitate their activities on and around the lake; and

WHEREAS, the District has constructed three public boat ramps with day use facilities: one on the northern shore of the Lake adjacent to FM 1396 (North Boat Ramp); one on the southern shore of the Lake adjacent to FM 1396 (South Boat Ramp); and one on the southern shore of the Lake adjacent to FM 897 (FM 897 Boat Ramp).

WHEREAS, shoreline topography was a key driver in the design and construction of each public boat ramp and each location has a defined range of water surface elevations at which the ramp can safely be used and operated; and

WHEREAS, the North Boat Ramp has a minimum operational range of 532 feet above mean sea level (MSL) and maximum operational range of 538 feet MSL; and the South Boat Ramp and the FM 897 Boat Ramp both have a minimum operational range of 525 feet MSL and maximum operational range of 538 feet MSL; and

WHEREAS, the initial opening of the public boat ramps will occur after the ramps and the Lake are safely accessible as determined by NTMWD, FCSO and TPWD; and

WHEREAS, the Bois d'Arc Lake Operations Plan provides detailed instructions related to operations of the Lake, including but not limited to information on operating and public access to the public boat ramps, to provide guidelines to maintain a safe and healthy environment for the public; and

WHEREAS, when open and in operation, the public boat ramps will be available to the public for the launching and trailering of boats on a continual basis; and

WHEREAS, Lake day-use amenities, including pavilion areas, picnic tables, and public restrooms, will be available for public use during select hours as defined in the Bois d'Arc Lake Operations Plan; and

WHEREAS, public use of Lake day-use amenities is expressly prohibited outside of the hours defined in the Bois d'Arc Lake Operations Plan; and

WHEREAS, habitation of public boat ramps and Lake day-use amenities is expressly prohibited at all times; and

WHEREAS, subsequent openings and closures of the public boat ramps and day-use amenities will be necessary due to fluctuating water surface elevation, maintenance, emergency response and other situations with such openings and closures of each public boat ramp and day-use amenities after initial opening being conducted in accordance with the Bois d’Arc Lake Operations Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH TEXAS MUNICIPAL WATER DISTRICT THAT:

1. The Board of Directors hereby authorizes the Executive Director or her/his designee to initially open the boat ramps after the lake is safely accessible as determined by NTMWD, FCSO, and TPWD.
2. The Board of Directors hereby authorizes the Executive Director or her/his designee to operate the boat ramps after initial opening, including total or partial closing of day-use areas and/or the ramps as determined necessary by the Executive Director.
3. The Board of Directors hereby authorizes the Executive Director or her/his designee to update and modify the NTMWD Bois d’Arc Lake Operations Plan as needed.

THIS RESOLUTION ADOPTED BY THE NTMWD BOARD OF DIRECTORS IN A REGULAR MEETING ON MARCH 28, 2024, IN THE ADMINISTRATIVE OFFICES OF THE NTMWD, WYLIE, TEXAS.

DAVID HOLLIFIELD, Secretary

RICHARD PEASLEY, President

(SEAL)