



June 2018
Form TCEQ-10219-inst

**INSTRUCTIONS FOR COMPLETING
THE EXEMPT MARICULTURE OPERATION FORM**

Texas Water Code Section 11.1421 and Title 30 TAC §297.24

Texas Commission on Environmental Quality

Printed on Recycled Paper

Project Owner Information

This section requests information about the Project Owner(s). Complete the Form as directed. Submit additional Project Owner Information for each co-project owner as an attachment to the form.

Mariculture Operator Name and Name of Point of Contact of the Person Signing the Form

1. If this Form is submitted by an individual or individuals, the person signing the Form must be the individual or individuals unless a document giving the signatory agency to act on the individuals' behalf is also submitted.
2. The name of the individual may differ from the point of contact. The point of contact could be a manager or consultant in charge of handling the location of the operation. The Project Owner(s) are agreeing to allow one person to receive notices about the exemption on their behalf.
 - a. If this is the case, provide the name of an individual that can be contacted by the agency as needed during the duration of the exemption. Include their phone number and mailing addresses, if different than the permanent address used for the Form, for this individual in *Item 3* of the Form.

Mailing Address (Owner Contact)

1. Provide a complete mailing address for receiving mail from the TCEQ. The address must be verifiable with the US Postal Service (USPS) for regular mail delivery (not overnight express mail).

You may verify the address on the USPS website at

<https://tools.usps.com/go/ZipLookupAction!input.action>

2. If you find that the address is not verifiable using the USPS web search, please submit the address used by the USPS for regular mail delivery.
3. Provide a valid phone number and email for communication information of the person or persons that the TCEQ can contact for additional information regarding this Application. The Project Owner should complete this section with their own contact information if the Project Owner wishes to be the point of contact for their Form or may include the contact information for Project.

Diversion Information and Location(s)

This Form requests the following diversion location information:

1. the source of the water to be diverted (name of the stream or bay where the diversion point is located);
2. the quantity of water that will be diverted annually, including the maximum diversion rate; and
3. the basis for calculating the amount needed for the project.
 - a. *Example:* The Fish Hatchery has 2 impoundments totaling 10 acre-feet. The impoundments must be refilled three times per year because **10 acre-feet X 3 refills = 30 acre-feet.**

All Forms must include all point(s) of diversion which shall also be shown on the attached map(s) submitted with the Form. (30 TAC § 295.7). Attach additional sheet(s)* to the Form in the form of supplement(s) if more than one point of diversion is requested.

Please see **Exempt Mariculture Operation Supplement Form 10219a to indicate all additional points of diversion.*

1. Location of point: latitude and longitude; Provide the latitude and longitude coordinates in decimal degrees, **to at least six decimal places** and indicate the method used to calculate the diversion point location.

EXAMPLE: latitude 98.016330°N, longitude 32.067122°W.

2. In the space provided, indicate the method used to calculate the location of the point (e.g., handheld GPS device, GIS, mapping program, etc.);
3. The Form should also include a map that clearly identifies each diversion point and/or reach. For more instructions relating to mapping requirements, see below. Acceptable maps include USGS topographic maps, Google Earth imagery, aerial photographs, and similar. Staff can accept maps in a digital format. Staff will not consider county maps.
4. In addition, acceptable maps can be created using TCEQ's website located at <https://www.tceq.texas.gov/gis/sqmapview.html>. There is a link on this page to "GPS Coordinates with Google Maps". You can turn on or enable the satellite image. Once you have navigated to the location of your feature, click on the point and a Latitude and Longitude will be calculated to 6 decimal degrees.
5. In the space provided, list the county in which the project is located in.
6. In the space provided, indicate whether or not a map was submitted with the Form (yes or no format).

Estimated Project Start Date:

1. Project Owner(s) should provide the estimated start date to appropriate water.
 - a. This should be in the format MM/YYYY or MONTH/YYYY.

Reporting:

An annual water use report will be provided each year in January, as required by 30 TAC §295.202 whereby the annual amount of state water diverted for this exempt mariculture operation must be reported to the Commission.

Project Owner Signature:

ALL FORMS MUST BE SIGNED

This will be your sworn statement of the facts contained in the Form. All individuals and entities listed as users must print and sign a copy of this page of the Form. All persons signing the Form should meet the signatory requirements specified under 30 TAC §295.14.

Unless a Form is signed by an individual user, the person or persons must submit valid written evidence that they meet the signatory requirements in 30 TAC § 295.14. **30 TAC § 295.14 Signature of Project Owner**

The Form shall be signed as follows:

1. If the Project Owner is an individual, the Form shall be signed by the Project Owner or the Project Owner's duly appointed agent. An agent shall provide written evidence of his or her authority to represent the Project Owner. If the Project Owner is an individual doing business under an assumed name, the Project Owner shall attach to the Form an assumed name certificate from the county clerk of the county in which the principle place of business is located.
2. If the Form is submitted by an entity, the person or persons must submit written evidence that they meet the signatory requirements in 30 Texas Administrative Code (TAC) § 295.14. The Form requests that the Project Owner verify that the written evidence has been submitted.
3. A joint Form shall be signed by each Project Owner or each Project Owner's duly authorized agent, with written evidence of such agency to be submitted with the Form. If land is owned by both husband and wife, each shall sign the Form. Joint Project Owners shall select one among them to act for and represent the others in pursuing the Form with the commission, with written evidence of such representation to be submitted with the Form.
4. If the Form is by a partnership, the Form shall be signed by the general partner or one of the general partners. If the Project Owner is a partnership doing business under an assumed name, it shall attach to the Form an assumed name certificate from the county clerk of the county in which the principal place of business is located.
5. If the Project Owner is an estate or guardianship, the Form shall be signed by the duly appointed guardian or representative of the estate, and a current copy of the letters issued by the court shall be attached to the Form.
6. If the Project Owner is a corporation, public district, county, municipality or other corporate entity, the Form shall be signed by a duly authorized official. Written evidence in the form of by-laws, charters, or resolutions which specify the authority of the official to take such action shall be submitted. A corporation may file a corporate affidavit as evidence of the official's authority to sign.
7. If the Project Owner is acting as trustee for another, the Project Owner shall sign as trustee, and in the Form, shall disclose the nature of the trust agreement and give the name and current address of each trust beneficiary. Proper and complete trust documents must be submitted.