



## WEST HARRIS COUNTY REGIONAL WATER AUTHORITY

RE: Notice of New Authority Encroachment Policy Effective April 12, 2023

At the Authority's Board of Directors meeting held on April 12, 2023, the Authority adopted an Encroachment Policy setting forth rules and requirements intended to establish a uniform approach for the Authority to address potential and actual encroachments onto the Authority's property, easements, and other property interests ("Property Interests").

As part of the Authority's efforts to achieve compliance with Harris Galveston Subsidence District regulations concerning surface water conversion requirements for 2025 and 2035, the Authority is working on several water supply projects, including the design and construction of the approximately 40-mile long Surface Water Supply Project transmission line to transport water from Lake Houston to the Authority and the approximate 75 miles of internal distribution lines to be constructed within the boundaries of the Authority to deliver this water. These important water supply projects require the Authority to obtain Property Interests across Houston, including in areas with significant growth and development. Over time, the Authority has experienced an increasing number of requests and communications regarding encroachments on the Authority's Property Interests.

Importantly, all encroachments on the Authority's Property Interests must be approved by the Authority in writing and such written approval should be obtained **before** any encroachment occurs. While this is not a new requirement, the adopted Encroachment Policy standardizes the procedures for the submission and review of requests to approve encroachments. The Encroachment Policy also establishes a schedule of fees for the review of these encroachment requests. These fees are designed to reflect the costs incurred by the Authority to review and address the requests and are paid by the party requesting an encroachment – thereby enabling the Authority to recover these costs directly from those parties. While the Authority will review any properly submitted request regarding an encroachment, the Authority is not obligated to approve the request.

If an unapproved encroachment is under construction or already exists on an Authority's Property Interest, the owner of the encroachment must still submit an encroachment review request to the Authority in accordance with the Encroachment Policy. Further, in addition to the standard review fees, the owner will be required to pay an existing encroachment fee and may be responsible for other fees, charges, or amounts

due to the owner's failure to obtain prior written approval of the encroachment. Please note, the Authority can take action to stop all work within the Authority's Property Interests on an unapproved encroachment that is under construction or to remove an unapproved encroachment – in addition to all other remedies available to the Authority.

Violation of the Encroachment Policy can result in civil penalties of up to \$5,000 per violation or each day of a continuing violation.

To review the Encroachment Policy, please visit the Authority's website at <https://www.whcrwa.com/about-whcrwa/easement-right-of-way-encroachments/>. Also available on the Authority's website are other documents to assist in the submission of an encroachment review request to the Authority, including a checklist and an application form. Please see the documents available at <https://www.whcrwa.com/about-whcrwa/easement-right-of-way-encroachments/> for more information. If you have additional questions, please contact the Authority's Program Manager by email at WLine-Info.Request.WHCRWA@decorp.com.