



MEMORANDUM

TEXAS GENERAL LAND OFFICE • GEORGE P. BUSH • COMMISSIONER

Date: September 1, 2020

Subject: Emergency Rules for Hurricane Laura Recovery

The Texas General Land Office (GLO) has adopted emergency rules that enable coastal counties and municipalities affected by Hurricane Laura to expedite the beachfront construction and dune protection permitting process. Specifically, 31 Texas Administrative Code Section 15.19 (Emergency Measures for Dune Restoration) allows the authorization of dune restoration following a storm. The rules proposed are in response to the vulnerability and danger to public health, safety, and welfare caused by the widespread damage to sand dunes along the upper Texas Coast.

The emergency rules provide local governments in Brazoria and Galveston Counties with the ability to authorize emergency dune restoration projects outside the standard beachfront construction and dune protection permitting process, which normally requires GLO review. Under the emergency rules, local governments are required to maintain a written record of the authorizations, which are valid for 6 months from issuance.

This rule allows the authorization of certain activities and include prohibitions on what is allowed. The emergency rules will be effective for 120 days from September 1, 2020 and may be extended once by the GLO for not longer than 60 days.

In an effort to assist homeowners on the coast with immediate protection of private property after Hurricane Laura and in the midst of an active hurricane season, the emergency rules:

- Allow homeowners to restore dunes to minimize further threat or damage to coastal residents and littoral property.

New construction and activities not described in the rules will be required to go through the standard permitting process.

The local government shall require persons to locate restored dunes in the area where dunes existed before the storm, or no more than 20-feet seaward of the post-storm line of vegetation. To the extent practicable, the local government shall ensure that the restoration area follows the location of the post-storm vegetation line. The local government may authorize the restoration of dunes on the public beach only under the following conditions:

- (1) The local government shall not allow any person to restore dunes, even within the restoration area, if such dunes would substantially restrict or interfere with the public access to or use of the public beach at normal high tide;
- (2) Under no circumstances may sand or other materials be placed below mean high water or mean higher high water; and
- (3) Derelict structures and debris should be removed from the area before placement of allowable materials.

The local government may allow persons to use the following methods or materials for emergency dune restoration:

- (1) beach-quality sand having similar grain size and mineralogy as the surrounding beach;
- (2) organic brushy material including seaweed; and
- (3) sand obtained by scraping accreting beaches only if the scraping is approved by the local government and the areas where scraping is authorized is monitored to determine any effect on the public beach, including, but not limited to, increased erosion of the public beach.

The local government shall not allow any person to undertake dune restoration projects using any of the following materials:

- (1) materials such as bulkheads, sandbags, riprap, concrete, asphalt rubble, building construction materials, and any non-biodegradable items;
- (2) sediments containing the hazardous substances listed in Appendix A to §302.4 in Volume 40 of the Code of Federal Regulations, Part 302 in concentrations which are harmful to people, flora, and fauna as determined by applicable, relevant, and appropriate requirements for toxicity standards established by the local, state, and federal governments;
- (3) sand obtained by scraping or grading dunes or eroding beaches; or
- (4) sand that is not beach-quality sand or an acceptable mineralogy and grain size when compared to the sediments found in the beach/dune system or contains clay.