

## **General Land Office Issues Emergency Beach/Dune Rules for Repairs to Residential Structures, Existing Shore Protection Projects, and Dune Restoration in Response to Hurricane Ike**

- The General Land Office adopts, on an emergency basis, new Section 15.17, concerning Emergency Provisions for Stabilization and Repair of Damaged Residential Structures, and new Section 15.18, concerning Emergency Measures for Beach and Dune Restoration and existing Shore Protection Projects.
- With Hurricane Ike's anticipated landfall near the boundary of Galveston County and Brazoria County late Friday on September 12, 2008, or early Saturday on September 13, 2008, hurricane and tropical storm winds, storm surge, extreme tides and dangerous and battering wave action major property damage, coastal flooding and erosion is expected.
- It is anticipated that the local jurisdictions will experience loss in elevation of beach sand, and the structural integrity of many houses will be adversely impacted as a result of these natural forces. The protective barrier provided by naturally occurring beaches and dunes in these areas, as well as existing shoreline protection projects will be severely impacted.
- Coastal residents, public beaches, public and private coastal property, and coastal natural resources are extremely vulnerable to injury, damage, and destruction from subsequent tropical storms and high tide events, as the peak of hurricane season continues.
- The General Land Office has determined the necessity for emergency rules that allow emergency stabilization and repair of structures and provide for temporary suspension of the permit and certificate application requirements for these emergency stabilization and repair techniques and methods, as well as other hazard mitigation measures.
- Emergency rules are applicable only to local jurisdictions with local dune protection and beach access plans within the Counties of Nueces, Matagorda, Brazoria, and Galveston.
- Emergency rule Section 15.17 provides:
  - effective for 120 days from the date of filing with Secretary of State;
  - allows the local government to issue authorizations for emergency stabilization and repair of residential structures as necessary to eliminate the danger and threat to public health, safety, and welfare;
  - normal permit process shall not apply to emergency authorizations and are valid for no more than 180 days from issuance; and
  - local government is required to maintain a written record of the names and addresses of property owners who have been authorized to undertake emergency stabilization and repair actions and the specific activities that have been authorized.

- Under Emergency rule Section 15.17, a local government may permit the repair of a structure that appears to be partially or wholly seaward of the line of vegetation; however, a local government is prohibited from authorizing the following:
  - repairing or constructing a slab of concrete, fibercrete, or other impervious material;
  - placing material other than beach quality sand on the public beach;
  - repairing or constructing an enclosed space, including a space with breakaway walls, below the base flood elevation, as identified on the pertinent community's flood insurance rate map, and seaward of the line of vegetation;
  - increasing the footprint of the structure; repairing a structure previously built, repaired, or renovated in violation of the Land Office's beach/dune rules or the local government's dune protection and beach access plan or without an approved certificate or permit; or
  - constructing, repairing, or maintaining an erosion response structure.
  
- Emergency rule Section 15.17 provides that in areas located landward of the public beach
  - a slab or other paving beneath the footprint of a structure may be replaced by wooden decking, brick pavers, or other pervious materials;
  - however, the Emergency rule does not require that an owner remove an existing slab or other impervious surface when no repairs to the slab or other impervious surface is needed.
  - A local government may authorize the repair of a septic system landward of the line of vegetation if the system complies with the rules of the TCEQ and the local government governing on-site sewage facilities.
  
- Emergency rule Section 15.18 provides procedures and requirements for issuance of authorization to undertake emergency measures for dune restoration or repairs to existing shoreline protection projects for littoral property impacted by Hurricane Ike.