

BILL ANALYSIS

C.S.H.B. 1445
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Most of the inlets from the Gulf of Mexico to Texas bays and estuaries are navigational inlets constructed and maintained by the U.S. Army Corps of Engineers and are protected by artificial jetties and stone revetments. Where natural inlets occur, the location of the pass can be very dynamic and result in extraordinary erosion that may adversely affect private property such as houses and public infrastructure such as roads and bridges. Beach nourishment projects are not a feasible response to erosion due to the dynamic nature of such passes. In such areas, revetment-style coastal protection structures may be the only alternative to retreat and removal of structures and infrastructure.

C.S.H.B. 1445 authorizes certain political subdivisions of the state to erect or maintain shore protection structures and establishes the line of vegetation in relation to those structures.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1445 amends the Natural Resources Code to allow a subdivision of Texas under the laws relating to access to public beaches, acting with the approval of the Commissioner of the General Land Office, to erect or maintain a shore protection structure that is designed to protect public infrastructure, including a state or county highway or bridge; that is located on land that is state-owned submerged land or was acquired for the project by a subdivision of Texas, and is located in or adjacent to the mouth of a natural inlet from the Gulf of Mexico; and that extends at least 1,000 feet along the shoreline. The bill authorizes the commissioner, in granting approval of such a shore protection structure, to specify requirements for the design and location of the structure or any required public parking area.

C.S.H.B. 1445 provides that the line of vegetation, in an area of public beach where such a shore protection structure erected or maintained under the bill's provisions interrupts the natural line of vegetation for a distance of at least 1,000 feet, is along the seaward side of the shore protection structure for the distance marked by that structure. The bill clarifies that the line of vegetation is the landward boundary of the public beach and of the public easement for all purposes, provided that before or concurrently with the construction of the structure a perpetual easement has been granted in favor of the public affording pedestrian, noncommercial use along and over the entire length of the structure and an adjacent sidewalk by the general public; and the subdivision that constructed the shore protection structure has provided a public parking area of sufficient acreage to provide at least one parking space for each 15 linear feet of the structure, located so that ingress and egress ways are not more than one-half mile apart. The bill requires a subdivision of Texas, before it begins construction of a shore protection structure described by the bill, to conduct and obtain the commissioner's approval of a coastal boundary survey under

provisions for preservation of littoral rights. The bill specifies that Texas retains fee title to all land described under provisions for the gulfward boundary of Texas that is occupied by or affected by the placement of the structure.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1445 differs from the original by adding the condition that was not in the original with regard to the line of vegetation, that before or concurrently with the construction of a shore protection structure, a perpetual easement has been granted relating to pedestrian use along the entire length of the structure, and the subdivision that constructed the structure has provided a public parking area. The substitute differs from the original by adding a provision that was not in the original to authorize the commissioner to specify requirements for the design and location of the required public parking area.