

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Land & Resource Management
For HB 3859

Compiled on: Wednesday, April 12, 2023 3:30 PM

Note: Comments received by the committee reflect only the view of the individual(s) submitting the comment, who retain sole responsibility for the content of the comment. Neither the committee nor the Texas House of Representatives takes a position on the views expressed in any comment. The committee compiles the comments received for informational purposes only and does not exercise any editorial control over comments.

Hearing Date: April 12, 2023 8:00 AM

CAROL HOLLOWAY
SELF, RETIRED
GALVESTON, TX

Changing Section 61.015 of the Texas Natural Resource Code to allow for partial compliance of beach access plans without a deadline for final compliance and/or revocation of the partial compliance is tantamount to certifying a substantially flawed beach access plan. The Texas Land Commissioner is limited in her ability to enforce full compliance with state law. A finding of noncompliance of a beach access plan is the only real option available to the Land Commissioner that bears any consequences. This proposed change to Section 61.015 from HB 3859 will allow local governments to ignore noncompliant sections of their beach access plans while enjoying the benefits of those sections that are compliant. An example of how this might unfold is in the City of Galveston's request for increasing parking fees along Seawall Blvd. without compelling West End developments to become compliant with the Open Beaches Act (OBA). The City would have no incentive to comply with the OBA without threat of consequences. For this reason, I strongly encourage you to not support HB 3859.

Diana Brown
Self
Alvin, TX

I do not agree with this bill, the beaches should be free and open to the public without any worry over imminent domain.

Paul Sivon
Self, Geologist
Galveston, TX

I oppose this Bill. It leads to inadequate and non-compliant beach access in our communities. The bill allows the City to selectively enforce and selectively neglect stretches of the beach. The choice of stretches of the beach to remain non-compliant will be impacted by the influence of developers, HOA activism, lack of motivation by the City, or other activities and interests not in the best interest of the broad public. The bill does not address remediation of components of the access plan that are not included in a partial approval. This will lead to attrition of beach access through time.

Kathryn Smith
Self retired educator
Lytle, TX

I oppose HB 3858

LEAH LONEBEAR

PAAMM Pastoral Alliance Against Medical Mistreatment

Liverpool, TX

Do not repeal the Texas Open Beaches Act. It's bad enough that this county let LNG take Quintana. How about leaving the rest of it for the people wild there's still anything left for the people to enjoy

Deborah Brown

public citizen

Dallas, TX

In Texas, access to public beaches is not just a law it is in the Texas Constitution.

Enjoying the beaches in Texas has been a freedom since Texas was a Republic, and the Texas Land Commissioner defends this public right by enforcing the Texas Open Beaches Act.

HB 3859 introduced by Leo-Wilson in the current Texas Legislative session could threaten this right.

Please vote AGAINST this bill.

Katherine Price

Self

Round Rock, TX

I oppose HB 3859. As a Texas resident, I love the coast and I am asking that the Land and Resource Management Committee help us preserve our right to use the beach please.

Molly Smith

self

Austin, TX

House Bill 3859 appears to undermine the clear Texas Constitutional mandate in Section 33 (B) of the Bill of Rights, that the public has an unrestricted right to use and a right of ingress to and egress from a public beach." Texans take pride in this recognition of our shared rights to have this access, especially considering how little public land there is in Texas. Please keep your constituents' rights in the forefront as HB 3859 is moving through committee.

Chet Davidson

self - Chemical Engineer

Surfside, TX

NO. Please keep Texas Beach access 100% open to public.

Michael White

Self / attorney

Corpus Christi, TX

I am opposed to loosing public access to beaches

Betsy Sanchez, Mrs
Self
Galveston, TX

Dear Honorable Representatives,

I am vehemently opposed to this bill !!!

I live in Galveston. I am very aware that our city is often not in compliance with our Beach Access Plan. Several of our beaches do not have public access. The city has been notified of these Deficiencies by the GLO, but they go about their business.

Like trying to close two Galveston beaches just this month!!

But now, as the law is, the city cannot move forward with improvements or closures without the GLO approving their plan or making just compensation.

If this bill passes the house, it will knock the teeth out of the GLO.

The GLO will not be able to require the city to obey the Open Beaches Act and follow through with their Beach Access Plan as required by law.

This bill would give free license to the city of Galveston to disregard the Texas Open Beaches Act.

Please do NOT pass this Bill.

Thank you for serving the great State of Texas !

Mrs Sanchez

Chris Smelley
Self
Houston, TX

I opposed HB 3859

Kim Runge, Dr.
Self. Veterinarian
Surfside Beach, TX

I oppose HB 3859, and I'm a beach property owner.

Matthew Webster
Self
Richmond, TX
I opposed HB 3859

Mark Behrendt
Self
Corpus Christi, TX

I oppose HB 3859. As a beach lover who greatly respects the incredible Texas Open Beaches Act I desire the act to be strengthened not gutted.

Jacob Reynolds

Self

Pearland, TX

I opposed HB 3859

Aaron Young

Self

Houston, TX

I oppose HB 3859. I own a house in Jamaica Beach also. This will take away my ability to enjoy the beach. I grew up in Galveston and having access to the beach was the greatest yard a kid could ask for. Don't keep that experience from others for the benefit of a few thousand people who rarely set foot on the beach.

Cliff Schlabach

Coastal Bend Surfrider Foundation Co Chair

Corpus Christi, TX

Please vote NO on this bill. This bill will result in cities along the Texas Coast being able to circumvent the Texas Open Beaches Act and deny the public the right to access the beach in certain areas along the Texas Coast.

Joan Wolfe

Self

Corpus Christi, TX

Do not pass this bill!!

Perry Primm

TX Surfrider Foundation

Houston, TX

I oppose this bill on the basis of it's conflict with the TX Open Beaches Act. Public access to the beach is a right of all Texans enshrined in the TXOBA. We do not want to be like California where access to the public beach can be blocked by private property owners.

Nicholas Posa

Self

Houston, TX

I opposed HB 3859.

Annette Jarmon

Self

Austin, TX

I am not in favor of this bill. I am asking you to please vote No.

Robert Sowers, Mr.

Self- retiref

Alvarado, TX

I oppose HB 3859

Tim Stephenson

Self/ student

Houston, TX

I oppose HB 3859

Sara Lyons

Surf rider foundation, people of texas

Houston, TX

Our beaches must remain accessible to the public, and thus the ability to park near them must also remain legal. With so little public land in Texas, the beach is one of the last places anyone - regardless of their ability to buy property - can recreate and enjoy the beauty of the ocean.

Lewis Scott

Self

The Woodlands, TX

I oppose HB3859. Unrestricted access to Texas's beaches is a right of every citizen of this great state. Please do not infringe upon this freedom.

Thank you for your consideration.

Respectfully,

Lew Scott

Travis Ponder

Self

Seabrook, TX

I oppose HB 3859.

Tom Cousins

Self

Buda, TX

Opposed to this bill.

TL Sewell, Mr

Self

Houston, TX

I opposed HB 3859

Kenneth McDaniel

self, Attorney

Katy, TX

I opposed HB 3859

Angela Duffey

Ellis Picket

Houston, TX

I oppose HB3859

Christopher Murphy
self, retail proprietor
Houston, TX

I OPPOSE HB 3859.

Beachfront house owners are not entitled to exclusive access to the beach and surf adjacent to their property.
Free access to public beaches is everyone's right, and it needs to be protected and preserved for all time through proper, fair and uniform enforcement of all TOBA regulations.
4th generation native Texan.

Chris Kuhlman
Self
Seabrook, TX

As a lifelong coastal resident and voter who grew up on the beaches of Galveston's West End, I cannot imagine a Texas coast with the kind of restricted access you seem to be pushing. The laws have already diminished access, pushing more people into smaller clusters instead of allowing everyone to spread out as it was when I grew up. What you're proposing will kill tourism to the beaches and hurt the economy. I intend to do everything in my power to stop you from accomplishing your agenda.

Stuart Diamond
Self
South Padre Island, TX

Public has rights to beach access. Burden of proof should not shift to public. The GLO has all of the historical data for LOV.
Beach renurishment can't be done on private property with state funds.

Juan Ortiz
Self
Clute, TX

I oppose HB 3859, as a lifelong beach user and as someone who would like for my children to continue to have the same access to the Texas coast that I have enjoyed all of my life.

ROBERT H KIDD
Self. Real Estate Mgmt
Seabrook, TX

I am opposed to HB 3859

Reggie Pooley
Self
Cypress, TX

I oppose HB3859.

Mark Freemyer
Self / Environmental consultant
San Antonio, TX

I oppse this bill.

Steven Levy
Surfrider Foundation Texas
Seabrook, TX

I oppose House Bill 3859

Chip Nash
Surfrider
Houston, TX

Kill this very. Bad bill - do not agree to take away any public access to our Texas beaches

Amy Moss
Self/ pharmacist
Houston, TX

I opposed HB 3859

Page Williams, Ms
self retired
Houston, TX

I oppose this bill, just as I oppose all bills that could reduce the public's access to Texas beaches. I am a former board member of Houston Underwater Club, the Galveston Bay Foundation, the Gulf Restoration Network (now Healthy Gulf), the Lone Star Sierra Club and the Houston Audubon Society, as well as a former Sanctuary Advisory Council member for the Flower Garden Banks National Marine Sanctuary (conservation seat). As a former west beach property owner, I have always been proud of Texas beaches being available to all, and I was actually one who, in the 70's, suggested to Galveston County Judge Holbrook that placing bollards perpendicular to the Gulf would prevent our beaches from being superhighways and be all that was needed to promote public safety while allowing public use of the beaches. You preserve what you know and love. NOTHING needs to be changed to our present policy. Please vote against this bill

Brandt Mannchen
Self, Retired
Houston, TX

I oppose HB 3859. It's time that Galveston got into compliance with its own beach plan and allow the General Land Office to protect the beach. Beach property owners should not have rights over all citizens of Texas when it comes to our right to access and use public beaches. Do the right thing and vote against and oppose this bad bill.

Nathanael Homewood, Dr.
Self
Houston, TX

I oppose HB 3859

John Townsley
self
Dallas, TX

I don't understand how few people can delegate what the over abundance of patrons of the Texas coast, just because they want to utilize the incomparable beautiful beaches. No one should be denied the accessibility of the beaches to fish, surf, and just walk with one's family, without fear of some demigod invoking caustic feelings because of their solipsistic un-altruist because of their wretched affections.

Joan Moss
Self Retired BOI
Galveston, TX

This doesn't benefit anyone but homeowners that live directly on the beach.

jeri kinnear
self
Galveston, TX

I oppose this bill. The beaches belong to us all, not just the wealthy few.

Joe Lynch
Self
CORPUS CHRISTI, TX

I opposed HB 3859

Leonor Ortiz
Self, retired RN
Alvin, TX

I oppose HB 3859

Carol St Val
Self
Freeport, TX

Keep the beach access the way it is.

Marguerite Hartung
self
Fredericksburg, TX

I do not approve of removing beach access to all Texas residents no matter what county they live in. They all want access to all beaches weather it be from Bolivar to Boca Chica! The beaches belong to ALL TEXANS

Jerry Hartung
self
Fredericksburg, TX

I do not approve of removing beach access to all Texas residents no matter what county they live in. They all want access to all beaches weather it be from Bolivar to Boca Chica! The beaches belong to ALL TEXANS

Carlton Allen, P.E.
Retired From TxDOT
Nassau Bay, TX

I oppose HB 3859. I've lived in Texas for 66 years. Open beaches in Texas are a valuable resource for tourism. Additionally, hundreds of thousands of Texans avail themselves of the opportunity to enjoy family time and fishing on the Gulf Coast. HB 3859 would curtail these Texans of this opportunity. Please vote NO to HB 3859.

Joanna West
None
Angleton, TX

I enjoy the beach and do not approve of these changes that benefit the homeowners .

Joe Sevilla
Self
Portland, TX

I opposed HB 3859

Root Choyce
Self
Galveston, TX

I am opposed to this bill

olivier jallais
surfrider foundation
CORPUS CHRISTI, TX

I opposed HB 3859

Lilibeth Andre
Self, ND
Houston, TX

I oppose HB 3859. I believe this is not beneficial to the public and myself and we love our coast.

Jared Honeycutt
Self
Friendswood, TX

Good day, please reject any efforts to undermine or degrade the Open Beaches of Texas. Our beaches are a public resource and need public access. Denying these rights benefits beach front property owners at the expense of the rest of Texans and visitors.

Stephen Ducan, Dr.
self -- Director of Fine Arts Galveston ISD
Galveston, TX

I am opposed to the changes presented to the access to Texas beaches by the public. Galveston thrives on tourism and the public access to the beach has always been a part of this. This proposal would limit beach access and give control over to private landowners. This is not appropriate, nor is it fair to all of the Texans and visitors who come to use our beaches. Keep our beaches accessible to all, not just those who can afford to buy property along them.

Alex Murphy
Self
Port Neches, TX

I opposed HB 3859.

Tammy Allyn
Retired
Houston, TX

The City of Galveston should not be given special exemption to complying with the Texas Open Beaches Act. Every Texan has the right to use the beach, including me. I love the bay/ocean and its coast. I do not want developers walking all over everyone else so they can make more profit. I strongly oppose HB 3859.

Jason Wood
Myself
Corpus Christi, TX

I am opposed to HB 3859.

DIANE OLSEN
Diane Olsen
Galveston, TX

I absolutely oppose HB 3859. As a resident of Galveston I am opposed to any bill that may be interpreted to reduce or remove free access to the beach. Though the stated reasoning is to protect homeowners it is possible that it could be interpreted in such a way that will have an effect on the right to access as provided by the Open Beaches Act which is completely unacceptable.

Neil McQueen, Co-Chair
Surfrider Foundation - Texas Coastal Bend Chapter
Corpus Christi, TX

The Surfrider Foundation works to protect the integrity of the Texas Open Beaches Act and preserve the public's right to access Texas' Gulf beaches. I am opposed to HB 3859 since, if passed, it would potentially codify a coastal city's choice to circumvent certain requirements of the Open Beaches Act. Texan's value the Texas Open Beaches Act so much that 75% of voters approved to add it to the Texas Constitution in 2009.

Bill Clement
Self
Galveston, TX

I am a Galveston resident and want to voice my opposition to this bill. The current law should remain in place and Galveston should be forced to comply.

John Adams, Mr
Self
Kerrville, TX

Please see that this bill goes no further. Texas beaches are for everyone, not private property. The Texas General Land Office is the steward of our beaches, let's keep it that way. Thanks jsa

Cindy Merrill
Self - retired lawyer
Bellaire, TX

I oppose HB 3859. Keep all beaches free for all Texans. The old time fairness doctrine should apply: is it fair to most people in Texas? Thank you.

Fred Wagner
self retired engineer
Galveston, TX

Please do not approve this bill. This codifies Galveston negligence in fully addressing their beach access plans and appears to be designed to enable closure of specifically Sunny Beach to vehicular traffic to benefit a few at the expense of many. The timing is coincident with a developer wanting to close down this beach as an orchestrated approach that included a rushed City Planning Commission meeting, pressure on City Council, City council cooperation, and the closure of the sale of 40 acres or so adjacent to the Sunny Beach. The Texas Open Beaches act is under attack and this further demonstrates that along with Mayes Middleton's confusing Senate bills. Allowing partial approvals is way too piecemeal and allows partisan efforts to occur such as this case. Thank you Fred

John Lumley
Self
Missouri City, TX

I strongly urge you to reject this bill. It will significant hinder the General Land Office from performing their duty to the citizens of the Texas to protect our beaches and coastline. This bill will allow rogue cities and councils from performing their duty to complete their coastal plans and meet their responsibilities.

Valerie Evans
self/Beachside Village Homeowner - Title Analyst
GALVESTON, TX

My husband and I are opposed to pushing this approval through without completing due diligence around the bill. Unfortunately, it has been our experience with the BSV developer, that forcing approvals through the system for the sole financial benefit of the developer is a common practice, while those affected are kept in the dark. Ask any BSV homeowner - our HOA & property management w/ check book is still being tightly controlled by this developer.

Easy access beaches for the public are few on the West side. Families frequent Sunny Beach every weekend. Please keep this in mind when making your decision.

Please also consider the ethical behavior of the developer making the request.

Examples:

- The recent HOA board election was skewed when the developer used the 89 lots just purchased to control the election in their favor. The votes w/o the 89 lots were completely different.
- The developer recently sold & profited from the sale of a beach front lot, which was supposed to have been deeded to the HOA and remain as green space.

Robert Adams
Self
Houston, TX

Leave Texas beach access open for all Texans to enjoylike a true fellow Texan would.

William Hoffman
Self
Brazoria, TX
Against this bill

cailyn Anderson
Culture Surf
Lake Jackson, TX

This is a loop hole which will diminish the Open Beach Act that was established , it will force are beaches to become smaller which in turn will over crowd other beaches and cause issue for sea life, are natural preserves, more trash and waste on beaches . We will see only a few benefit with this with the majority falling victim those presenting this bill.

Ed Lieck
Self
Anahuac, TX

This is a very bad bill for people who enjoy free access to beaches. Beachfront property cannot be compared to real property that is not subject to a rolling easement. People who purchase beachfront property are very well aware of the attendant limitations of ownership, especially rolling easements, that come with the purchase of land situated directly in front of the ocean. Beachfront “boundaries” are not a constant. Shifting the burden of proof to the non-owner will only embolden the beachfront property owner to block access. This is dangerous and ill-conceived legislation designed to limit access to Texas beaches.

Carolyn Ostin
Surfrider Foundation - Texas Chapter
Houston, TX

Regarding beach access, public beachfront should remain for public use and not turned into private lands

Carolyn Ostin

Oscar Gil
Self
Houston, TX

I opposed HB 3859

Jacob Moore, Dr
Self - Physiciam - Surfer
Corpus Christi, TX

I opposed HB 3859 - Please keep Texas beaches open to the public.

Leslie Murphey, Ms
Self — retired
Seabrook, TX

Perhaps the most outstanding thing about Texas is the access to beaches. The true spirit of our state is to welcome all, not to “California our Texas” by making beach access more difficult.

Matt Miller
The public
Katy, TX

This bill is absolute bullshit, stop impeding the public’s access to the coast! No one owns the beach Pendejos!

Martha Isaacson, Ms.

myself

South Padre Island, TX

I live on the beach on South Padre Island and fully support the Texas General Land Office current long-established rules about Public Beach Access that require a city or county to have a fully approved Beach Access Plan. Access to the beach allows my town to be a popular tourist destination and allows all comers the opportunity to enjoy the Island I love.

Nate Floyd

Wind and Wave Watersports

Corpus Christi, TX

Any new bill being introduced that can negatively affect the public's beach access is a slap in the face to all TX citizens, especially those who choose to live and work along the costal regions of our state. We (Texans) have been given the right to public beach access, and that is clearly stated in the Open Beaches Act included in the TX Constitution. These politicians trying to erode this Open Beaches Act and get around it is purely from a financially motivated position. To try and take the beaches away from the Public (something already guaranteed to us through law) is dubious in every sense. We will not quit fighting. Don't mess with Texas beaches!

Rick Dittimore

Self

Weimar, TX

I oppose this bill.

Anna Swanson

Self, Biologist

Corpus Christi, TX

I oppose HB 3859.

Montie Morrison

Self

Richmond, TX

This bill will effectively allow municipalities to circumvent the requirements of the Natural Resource Code that requires coastal municipalities to timely file their beach access and use plans with General Land Office. It creates a loophole that will allow cities to ignore the Open Beach Act. I enjoy living in the great state of Texas and all of it's natural beauty, and we should not be introducing legislation that limits our accesss to our natural resources.

William Edwards, Dr

Self/physician

Houston, TX

I oppose any legislation that will interfere with the open beaches act. I've been using these beaches 72 years and I don't want to see it change.

Cheryl Watson

retired

Galveston, TX

I oppose House Bill 3859

Allan Godsey

Self / Firefighter EMT-Paramedic

Corpus Christi, TX

Make No Law or Bill That Circumvents the Already in Effect "TEXAS OPEN BEACHES ACT" HB 3859 is Written in a Manor That May/Will Circumvent the "TOB" Act.

You All Know Extremely Well This HB 3859 is for a Very Small and Select Group and Not the Overwhelming Masses That Pay and Use Our Texas Beaches. Thank-You in Advance for the Oppose of HB3859

Jesse Cancelmo

Self

Houston, TX

Keep all Texas beaches available for public access.

Samuel Connolly

Self

San Antonio, TX

Keep Texas Beaches Public.

Texas is known for having the most natural and inviting beaches on the gulf coast, why change that? Not only will this bill destroy tourism, the tax city, state, and local tax dollars will be greatly reduced. Not to mention, more development of our beaches and barrier islands will only hurt our beloved communities when a hurricane comes around, our beaches and dunes are our natural defenses from storm surge, a habitat for wildlife, and a major tourist destination.

Aaron Green

Self

Buda, TX

No vector should be provided for the circumvention of the OBA.

Mark Westmoreland

My self

Oyster Creek, TX

Do not support HB 3859! The e beaches need to remain open to the public! Not just the wealthy!

Patrick Orsak

self retired

Liverpool, TX

The Texas Open Beaches Act needs to be kept intact as it is! Corporations and private land owners have no right to steal our beaches from the public! Public access to beaches need to remain as it is!

Debra Lera
Self
Freeport, TX

Please leave Surfside Beaches for public use. There are not enough activities for families as it is. You would do an injustice for all those that the water & beaches are a necessity for their health & well being. As well as those who can't afford to entertain their families in other ways.

The beaches aren't meant to be only for the wealthy.

I pray you reconsider submitting this bill to take the now public beaches away.

This is a very selfish act & would be wrong on so many levels.

BEACHES AREN'T MEANT TO BE ONLY FOR THE WEALTHY ????

Sincerely

Debra Lera

Senior Citizen & daily beach walker