

APPENDIX 3

**AGREEMENT BETWEEN COASTAL COORDINATION COUNCIL
AND GALVESTON COUNTY
DATED MARCH 15, 2001**

GALVESTON COUNTY

DUNE PROTECTION AND BEACH ACCESS PLAN



TERMS:

- 1. Beach Nourishment:** Galveston County will establish and maintain a fund for nourishing the public beaches adjacent to the geotube projects. Within 4 months of execution of this agreement, the County will develop a nourishment plan for the public beach adjacent to the geotube projects, and within 7 months of execution of this agreement (or the actual construction of the pending geotubes approved by HUD as of December 7, 2000 for funding, whichever is later) implement the nourishment plan.
- 2. Access:** Galveston County will preserve and enhance public beach access and use by providing equal or better public beach access (compared to the pre-project status) and a beach width seaward of the project equivalent to or greater than the beach width prior to construction of the project.
- 3. Monitoring:** Galveston County will develop and submit to the Council Secretary for Council approval a monitoring protocol for each of the projects in their entirety to determine: (a) the impact on the beach users and the beach/dune system; and (b) the effectiveness and survivability of the project. The monitoring protocol will be developed cooperatively by the County's engineers and Council Staff and will include articulable scientifically based criteria to determine the effectiveness and survivability of the project. The County will submit to the Council Secretary a quarterly report of the monitoring results in sufficient time to be included in the Council's quarterly meeting agenda packets. Information should be sent to the Council Secretary at the following address.

**Ms. Diane Garcia, Secretary
Coastal Coordination Council
Post Office Box 12873
Austin, TX 78711-2873
diane.garcia@glo.state.tx.us
512.463.5233 (fax)
512.463.5385 (phone)**
- 4. Removal:** Galveston County or its authorized agents will remove the projects if the monitoring demonstrates that the projects exacerbate erosion or otherwise negatively impact the public beach or public use of the beach. After notice by the CCC, subject to the monitoring criteria developed in paragraph 3 above and a hearing if requested by the County, the County will remove the geotubes within 120 days if the County does not nourish the beaches or properly maintain the projects.
- 5. Maintenance/Repair:** Galveston County will be responsible for maintaining the project and ensuring the project remains covered and nourished to maintain the appearance of a natural dune system and that public access is maintained throughout the project area.

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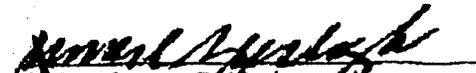
BACKGROUND: In 1999, Galveston County ("County") applied for and received a Presidential Disaster Declaration (DR-TX 1245) following Tropical Storm Frances in September 1998. Galveston County applied for Disaster Relief funds under the Robert T. Stafford act to restore and enhance the destroyed dune systems on West Galveston Island and the Bolivar Peninsula under the Public Assistance Program. In addition, Galveston County applied for an additional grant from the Texas Department of Housing and Community Affairs ("TDHCA") under a one time Disaster Recovery Initiative to further restore the shoreline on the Bolivar Peninsula in the area adjacent to Rollover Pass. Both proposals were approved for federal funding for the construction of certain geo-textile shore protection projects ("geotube projects" or "project"). The County serves as the applicant's agent (sub-grantee) on disaster relief projects with the Governor's Division of Emergency Management ("DEM") and TDHCA serving as the Grantees. The sub-grantee is responsible for completing the projects and submitting all required documentation for reimbursement to the DEM and the TDHCA for reimbursement through an audit process. Not all of the federally approved projects have been constructed, but this agreement applies to existing and pending geotubes constructed under the two above described projects. As of this date the following projects have been completed:

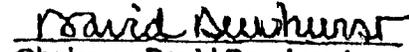
- 9,100ft of the FEMA project on Bolivar Peninsula. (West side of Rollover Pass: Beginning 500ft east of Martha's Vineyard to South Caplen Street. East of Rollover Pass: Beginning at Rollover Pass to Legers Street.)
- 5,280ft of the FEMA project in the Area of Pirates Beach East on West Galveston Island from Sandpiper Lane to Sea Eagle Lane.
- 440ft of the FEMA project located at Galveston County Beach Pocket Park #2 on West Galveston Island.
- Approximately 8,500ft of the TDHCA project on the West Side of Rollover Pass. (Extending from South Caplen Street to Rollover Pass and from 500ft east of Martha's Vineyard to 1000ft west of Martha's Vineyard.)

PURPOSE: State and local applications for federal assistance are subject to the Texas Coastal Management Program ("CMP") [506.12(a)(3)] and must be submitted to the Coastal Coordination Council ("Council") Secretary for distribution to and review by Council member agencies. For the portions of the Galveston County geotube projects that have been installed, the Council and the County enter into this agreement after the fact to maximize the probability that the projects will be maintained in a manner that is consistent with the CMP.

6. **Project Duration:** The Geotubes were constructed as pilot projects and are a temporary measure to slow the landward migration of the public beach. No later than one year after this agreement is executed the County will provide and present to the Council at a regularly scheduled Council meeting a report which includes an identification of the projects' strengths and weaknesses and the specific ongoing need for the projects.
7. **Galveston County Beach/Dune Plan:** The County's beach/dune plan is currently being revised to identify all public access points. During the revision process the County will include a provision that specifies that beachfront construction permits will not be issued to allow any private beachfront construction on or seaward of the geotube project. This will ensure that, as nourishment projects are conducted and the beach area expands, private structures will not be constructed in an area that will cause future removal issues for the federal, state and local government. The above restriction does not apply to permits for dune walkovers.
8. Any amendment to this agreement must be approved by the Council.

Entered into and agreed to by:


Judge James D. Farbrough
Galveston County
Date: 3-26-2001


Chairman David Dewhurst
Coastal Coordination Council
Date: 3-21-2001

ATTEST 
Patricia Ritchie, County Clerk