

**AN ORDER OF COMMISSIONERS' COURT OF GALVESTON COUNTY, TEXAS
ADOPTING AMENDMENTS TO THE GALVESTON COUNTY DUNE PROTECTION
AND BEACH ACCESS PLAN**

The Commissioners' Court of Galveston County, on this the 18th day of January, 2006 by Order hereby adopts amendments to the Galveston County Dune Protection and Beach Access Plan that was adopted on October 25, 2004. The Galveston County Dune Protection and Beach Access Plan as amended on this 18th day of January, 2006 shall be effective immediately upon certification by the General Land Office of the State of Texas through its rules promulgated under the Texas Natural Resources Code Section 61.011:

I. STATEMENT OF OBJECTIVES AND AUTHORITIES

A. General Authority

This Order is adopted pursuant to the authority granted to Galveston County (County) under the Dune Protection Act, Chapter 63, Texas Natural Resources Code; Open Beaches Act, Chapter 61, Texas Natural Resources Code; Texas Water Code, Chapter 16, Subchapter I; Texas Natural Resources Code, Chapter 33; Texas Natural Resources Code, Chapter 62; National Flood Insurance Act, 42 U.S.C.A. §§ 4001 et seq.; Coastal Zone Management Act of 1972 and amendments, 16 U.S.C.A. §§ 1451 et seq.; Texas Local Government Code; Texas Government Code, Chapter 418; Galveston County Orders; GLO Beach/Dune Rules, 31 Texas Administrative Code §§ 15.1-15.10, 15.12, 15.21, 15.35; and other statutes of general applicability.

This Order contains numerous citations to federal, state, and local statutes, regulations, orders and ordinances. Copies of the statutes and regulations are not included with this Order because they are subject to legislative changes. In order to provide the most accurate information, citations or references to the laws are provided. Most of these laws may be found in the Galveston County Law Library, Rosenberg Library or on the internet at state and federal government web sites. The University of Houston Law Library, the library at the South Texas College of Law, or the library at the Texas Southern University Thurgood Marshall School of Law in Houston are also sources for state and federal laws cited in this Order. County orders may be found in the official minutes of the Commissioners' Court filed with the Galveston County Clerk. City ordinances can be obtained from the city responsible for enacting them.

B. Objectives

Galveston County Commissioners' Court establishes as its policy for managing and regulating human impacts on the beach/dune system the following goals, identified by the Texas General Land Office in 31 Texas Administrative Code §15.1:

1. to assist coastal citizens and local governments in protecting public health and safety and in protecting, preserving, restoring, and enhancing coastal natural resources including barrier islands and peninsulas, mainland areas bordering the Gulf of Mexico, and the floodplains, beaches, and dunes located there;

2. to aid coastal landowners and local governments in using beachfront property in a manner compatible with preserving public and private property, protecting the public's right to benefit from the protective and recreational functions of a healthy beach/dune system, conserving the environment, conserving flora and fauna and their habitat, ensuring public safety, and minimizing loss of life and property due to inappropriate coastal development and the destruction of protective coastal natural features;
3. to foster mutual respect between public and private property owners and to assist local governments in managing the Texas coast so that the interests of both the public and private landowners are protected;
4. to promote dune protection and ensure that adverse effects on dunes and dune vegetation are avoided whenever practicable. If such adverse effects cannot be avoided and have been minimized, every effort must be made to repair, restore, and rehabilitate existing dunes and dune vegetation;
5. to prevent the destruction and erosion of public beaches and other coastal public resources, to encourage the use of environmentally sound erosion response methods, and to discourage those methods such as rigid shorefront structures which can have a harmful impact on the environment and public and private property;
6. to aid communities located on barrier islands, peninsulas, and mainland areas bordering the Gulf of Mexico which are extremely vulnerable to flooding and property damage due to violent storms by working to reduce flood losses, by minimizing any waste of public funds in the National Flood Insurance Program, and by ensuring that the insurance remains available and affordable;
7. to protect the public's right of access to, use of, and enjoyment of the public beach and associated facilities and services as established by state common law and statutes. The public has a right of use or easement to or over Texas' public beaches, and use of and access to and from the beaches are guaranteed. The Open Beaches Act requires local governments to preserve and enhance use of public beaches and access between the beaches and public roads. Whenever practicable, Galveston County will enhance public beach use and access;
8. to provide coordinated, consistent, responsive, timely, and predictable governmental decision making and permitting processes;
9. to recognize that the beach/dune system contains resources of statewide value and concern, which local governments are in the best position to manage on a daily basis. The GLO Rules are designed to provide local governments with the necessary tools for effective coastal management and are regarded as a minimum standard; local governments are encouraged to develop procedures that provide greater protection for the beach/dune system; and
10. to educate the public about coastal issues such as dune protection, beach access, erosion, and flood protection, and to provide for public participation in the protection of the beach/dune system and in the development and implementation of the Texas Coastal Management Program, of which this Order is a distinct part.

C. Jurisdictions and Authority

Permits dealing with beachfront construction and/or dune protection must be obtained from the local governments administering those responsibilities: the County of Galveston, Texas, for

unincorporated areas of Galveston County subject to this Order, and the City of Galveston, Texas, and the City of the Village of Jamaica Beach, Texas for their respective incorporated areas on Galveston Island.

D. Policy

It is the policy of the Commissioners' Court of Galveston County that this Order will continue to undergo review, modification, and amendment to meet the changing requirements of the Texas Coastal Zone, the citizens of Galveston County, and other interests.

E. Incorporation of State Law

This Order incorporates the Dune Protection Act, the Open Beaches Act, and GLO Rules, 31 Tex. Admin. Code §§ 15.1 -15.10, 15.12, 15.21, and 15.35. Any person in violation of the incorporated laws is in violation of this Order.

II. DUNE PROTECTION

A. Adoption, Compliance, and Modification

1. This Order is adopted pursuant to the authority discussed in Section I(A) of this Order.
2. All persons, county officers, employees, and contractors shall comply with this Order, subject to the penalties described herein.
3. The County may amend this Order by submitting formally approved amendments to the GLO for review, comment, and certification as to compliance with the Dune Protection Act, the Open Beaches Act, and the Beach/Dune Rules.

B. Areas Exempt

1. This Order shall not apply within a state or national park area, wildlife refuge, or other designated state or national natural area.
2. In accordance with Section II(C) below, this Order shall not apply within the incorporated jurisdiction of the City of Galveston.
3. In accordance with Section II(C) below, this Order shall not apply within the incorporated jurisdiction of the Village of Jamaica Beach.
4. Fishing piers:
 - a. At the time of the adoption of this Order, there are two existing fishing piers on Bolivar Peninsula, known as "Meacom's Pier" and "Dirty Pelican Pier."
 - b. The fishing piers are leased directly from the State of Texas and are located on submerged land.
 - c. The State of Texas, through the General Land Office, is responsible for permitting of the fishing piers.
 - d. The County is not responsible for the permitting of the fishing piers under this Order as the fishing piers are located on submerged land and leased directly from the State of Texas. As such, the fishing piers are exempt from the requirements of this Order.
 - e. Fishing piers remain subject to the County Floodplain Regulations.

C. Delegation of Authority