

## STATE REQUIRES EROSION RESPONSE PLANS

### City Required to Prepare a Plan

The City's Erosion Response Plan (ERP) has been drafted to meet state requirements to prepare a plan to "reduce public expenditures for erosion and storm damage losses to public and private property, including public beaches." Pursuant to Title 31 Texas Administrative Code, §15.17 (31 TAC 15.17), local ERPs should address beachfront construction, public beach access, dune preservation and restoration, and the voluntary acquisition of beachfront property. Although the plan is called an "Erosion Response Plan," it is important to note the state requires plans to address the effects of erosion *and* storm damage.

### Existing Standards Not in Compliance

In the summer of 2011, the City sent the General Land Office (GLO) its existing beachfront construction and dune conservation standards. The GLO found that the existing beachfront construction setbacks and standards are not in compliance with 31 TAC 15.17 and directed the City to prepare an ERP to comply with state requirements to address the effects of erosion and storm damage.

### State May Withhold Funding

To be considered for expenditures from the coastal erosion response account for local beach nourishment, dune restoration, and other related projects, the City must adopt an ERP consistent with the provisions of 31 TAC 15.17 and submit for certification by the GLO.

## CITY ERP DESIGNED TO MEET STATE REQUIREMENTS

### Organization of the Plan

The ERP's organization follows closely the structure of 31 TAC 15.17. Following an introduction and review of existing shoreline conditions, the ERP provides the following:

- › information regarding the purpose, scope, policy basis, and planning process for the ERP;
- › a review of shoreline conditions, including information on erosion rates from the state;
- › a definition of Dune Conservation Areas (DCAs) where beachfront dunes naturally occur, where restored dunes may be located, and where dunes may migrate due to erosion;
- › a description of how existing and new standards will affect construction within DCAs;
- › strategies to preserve and improve public beach access;
- › opportunities for mitigation, restoration, and preservation of dune systems; and
- › criteria for voluntary acquisition of property within or seaward of dune conservation areas.

## Meeting Requirements & Streamlining Review Processes

The ERP is designed to meet the minimum requirements of 31 TAC 15.17 while also streamlining review processes and procedures. Following adoption of the ERP, the City will revise existing regulations to incorporate elements of the ERP and simplify review and approval processes. Specifically, the City will limit the number of projects requiring Planning Commission approval to those seaward of 25 feet of the north toe of an existing or restored dune. Currently, all beachfront construction activities within 75 feet of the north toe of a dune require Planning Commission approval.

## DUNE CONSERVATION & RESTORATION ARE PRIORITIES

### Plan Promotes Dune Conservation & Restoration

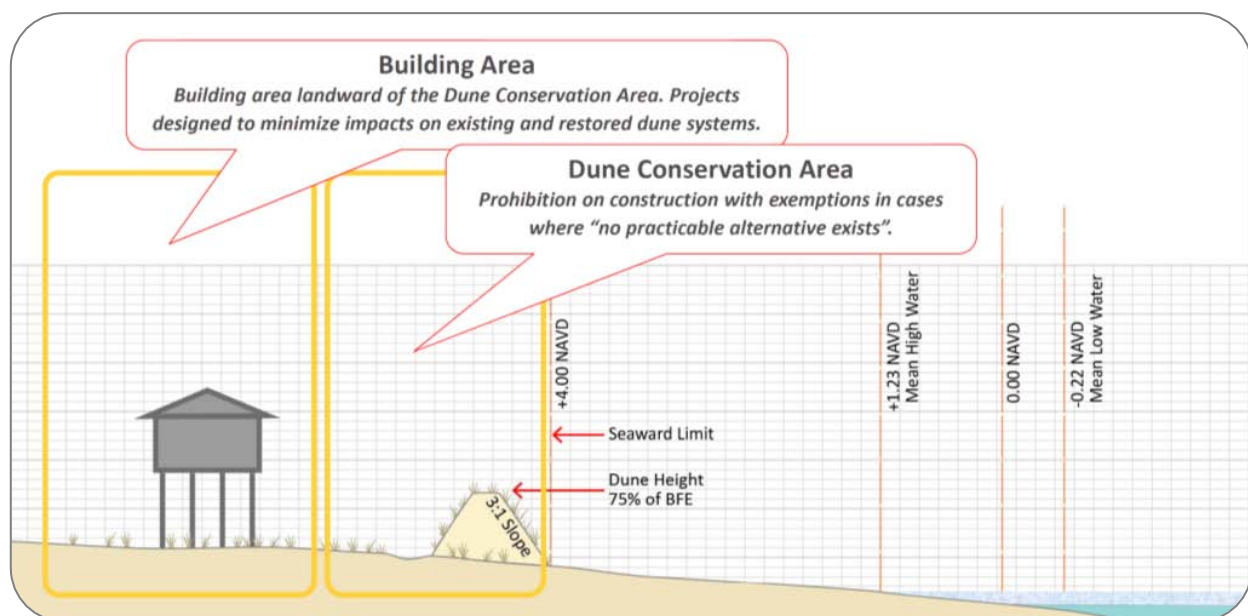
The ERP is designed to promote dune conservation and restoration as a primary method to reduce public expenditures for erosion and storm damage losses to public and private property. As natural coastal barriers, dunes absorb the force of winds and high waves during major storms and help prevent or delay inland flooding and resulting property damage. Dunes provide protection to landward structures by blocking storm tides and waves, and by providing a sediment source for natural beach nourishment after storms. Dune conservation and restoration initiatives, in combination with on-going beach nourishment efforts, offer the best means to minimize the effects of coastal storms.

### Standards for Construction in DCAs

The ERP defines areas along the beachfront called Dune Conservation Areas (DCAs) where beachfront dunes naturally occur, where restored dunes may be located, and where dunes may migrate landward over time due to the effects of long-term erosion. ***The ERP calls for discouraging the creation of new lots in DCAs and ensuring construction on existing lots minimizes impacts on dunes and contributes to dune restoration.*** Existing standards will be applied in these areas as well as a few new standards to meet the requirements of 31 TAC 15.17. The new standards include requirements to restore dunes and dune vegetation, minimize impervious surfaces, limit ground level enclosures, and design for potential relocation of structures.

### New Construction & Reconstruction Allowed on Existing Lots

Under the ERP, new construction, additions, and reconstruction on existing lots are allowed by exemption. In seeking approval for projects on existing lots, property owners will show there is no practical alternative to construction within the DCA and that their project meets applicable standards. ***If an owner has a legal lot and cannot build outside of the DCA, staff will approve an exemption and review the project for compliance with standards.*** Concern that development will not be allowed on beachfront lots or second or third row lots in highly eroding areas are unfounded.



## MAPPING OF CONDITIONS

### Dune Conservation Area Mapping

Applicants for a Beachfront Construction Certificate or Dune Protection Permit will need to show the limits of the DCA on their construction plans. The seaward limit of the DCA is defined as the contour line corresponding to +4.00 NAVD as established by a site survey. The 4' contour line is used as it is the most seaward location where dune vegetation may be established and maintained. The landward limit of the DCA is defined based on the potential effects of erosion rates over a 20-year time-frame. Landward limits range from 75' from the 4' contour in areas with accreting or stable beaches and up to 235' from the 4' contour in areas experiencing erosion rates of 8' per year. **Mapping the limits of the DCA should not be an additional burden to property owners as a topographic survey is already required for applications.**

### Accounting for Erosion Rates

In an effort to comply with state requirements, historical erosion rates have been used as the basis for establishing the landward limit of DCAs. This approach is consistent with state requirements that local governments "use historical erosion data and other relevant data from the State Coastal Erosion Response Plans in the preparation of erosion response plans." The 20-year factor used to establish the landward limit of the DCA is based on recommendations included in the *Living with Geohazards on Galveston Island* report prepared by Dr. J. C. Gibeaut. Link to report:

[www.beg.utexas.edu/coastal/presentations\\_reports/galvestongeohazardspanelrpt.pdf](http://www.beg.utexas.edu/coastal/presentations_reports/galvestongeohazardspanelrpt.pdf)

## LIDAR Data Not Used to Establish DCA Limits

Contrary to statements being distributed throughout the community, LIDAR data will not be used to establish the limits of DCAs. As provided in the ERP, the seaward and landward limits of DCAs will be established by applicants at the time applications are submitted for a Beachfront Construction Certificate or Dune Protection Permit. The requirement to define DCA limits at the time of application is similar to existing survey and application requirements and therefore should not impose an additional burden on applicants.



### ***Questions or comments on Progress Galveston?***

*Visit the project website at [www.ProgressGalveston.com](http://www.ProgressGalveston.com) or contact the City of Galveston Department of Planning and Community Development by telephone at (409) 797-3660, by e-mail at [planningcounter@cityofgalveston.org](mailto:planningcounter@cityofgalveston.org), or by regular mail at City Hall, 4<sup>th</sup> Floor, 823 Rosenberg, Galveston, TX 77553.*