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Sent: Friday, December 19, 2003 3:59 PM
Attach: Memo to TGLO 12-19-03 on Revision of Beach-Dune Rules.doc
Subject: Nueces County Beach Management Advisory Committee Comments to TGLO on Proposed Revisions to Beach/Dune Rules

Nueces County Beach Management Advisory Committee Members:

Attached please find comments which I sent to the Texas General Land Office today on proposed revisions to the beach/dune rules. The Committee formulated these comments at its latest meeting on December 16, 2003.

I will be assembling a brief annual report to the Nueces County Commissioners Court on the activities of our Committee over this past year, and hope it will be scheduled for presentation to the Court in January 2004.

Have a wonderful holiday season.

Cheers,
Jennifer Smith-Engle

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Nueces County Beach Management Advisory Committee

Dec. 19, 2003

MEMORANDUM

TO: Shawn Hardeman, Coastal Resources Program, Texas General Land Office

FROM: Jennifer Smith-Engle, Chair, Nueces County Beach Management Advisory Committee

CC: Commissioner Chuck Cazalas, Precinct 4, Nueces County

SUBJECT: Comments on Proposed Revisions to 31 TAC Sections 15.1-15.10 (Beach/Dune Rules)

Members of the Nueces County Beach Management Advisory Committee have considered the current beach/dune rules (31 TAC Sections 15.1-15.10) and make the following comments concerning proposed revision of those rules.

Master Plans. We support the concept of master plans; master plans should be retained in the beach/dune rules. Master plans permit a developer, in one step, to obtain permission to develop multiple sites, in phased stages of construction, over a longer period than permitted by a dune permit. Thus this adds an element of dependability to the development and sale of property. However, key issues addressed in master plans, as defined by the beach/dune rules, are beach access and dune protection. We recognize that the term "master plan" may imply something different to planning professionals, and thus perhaps the TGLO should choose another term. Finally, we recommend creation of a mechanism for review and approval of minor changes to approved Master Plans. This would include a means of distinguishing what requires posting in the Texas Register for public comment, and what may be accomplished through review and approval by local governments and TGLO staff.

Role of the TGLO in Approval of Dune Permits. The TGLO should permit local governments to approve dune permit applications without TGLO review of each permit application. Rather, the role of the TGLO in enforcement of the beach/dune rules should be through occasional review of local government program administration, which could include review of individual permits as part of the review.

Memorandum – Dec. 19, 2003, p. 2 of 2
Comments on Proposed Revisions to 31 TAC Sections 15.1-15.10 (Beach/Dune Rules)

Technical Standards for Beach Cleaning. The TGLO should not permit local governments to pile sand and debris seaward of the current primary dune line, so as to form a continuous line, during beach cleaning operations. This does not strengthen the primary dune line and forces the continued seaward extension of boardwalks. Instead, the TGLO should encourage beach-cleaning methods which place sand and debris within the primary dune complex and should permit the cutting of occasional access-ways into the primary dune complex to permit the ingress/egress of maintenance vehicles for this purpose. Further, the TGLO should fund studies of optimum beach cleaning machines that successfully separate sand from debris.

Impervious surfaces within 200 feet of the Line of Vegetation (LOV). The beach/dune rules should prohibit concrete slabs, driveways, or other impervious surfaces within 200 feet of the LOV.