

## **BILL ANALYSIS**

Senate Research Center  
81R14622 TRH-F

H.B. 1445  
By: Bonnen (Huffman)  
Natural Resources  
5/4/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Most of the inlets from the Gulf of Mexico to Texas bays and estuaries are navigational inlets constructed and maintained by the U.S. Army Corps of Engineers and are protected by artificial jetties and stone revetments. Where natural inlets occur, the location of the pass can be very dynamic and result in extraordinary erosion that may adversely affect private property such as houses and public infrastructure such as roads and bridges. Beach nourishment projects are not a feasible response to erosion due to the dynamic nature of such passes. In such areas, revetment-style coastal protection structures may be the only alternative to retreat and removal of structures and infrastructure.

H.B. 1445 amends current law relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 61.017, Natural Resources Code, by adding Subsections (e) and (f), as follows:

(e) Provides that in an area of public beach where a shore protection structure constructed as provided by Section 61.022(a)(6) interrupts the natural line of vegetation for a distance of at least 1,000 feet, the line of vegetation is along the seaward side of the shore protection structure for the distance marked by that structure. Provides that a line of vegetation established under this subsection is the landward boundary of the public beach and of the public easement for all purposes, provided that before or concurrently with the construction of the structure:

(1) a perpetual easement has been granted in favor of the public affording pedestrian, noncommercial use along and over the entire length of the structure and an adjacent sidewalk by the general public; and

(2) the subdivision that constructed the shore protection structure has provided a public parking area of sufficient acreage to provide at least one parking space for at least 15 linear feet of the structure, located so that ingress and egress ways are not more than one-half mile apart.

(f) Requires a subdivision of this state, before the subdivision begins construction of a shore protection structure described by Subsection (e), to conduct and obtain the commissioner of the General Land Office's (commissioner) approval of a coastal boundary survey under Section 33.136 (Property Rights; Preservation of Littoral Rights). Provides that the state retains fee title to all land described by Section 11.012 (Gulfward Boundary of Texas) that is occupied by or affected by the placement of the structure.

SECTION 2. Amends Section 61.022, Natural Resources Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Provides that the provisions of this subchapter do not prevent certain governmental entities from erecting or maintaining certain structures as an aid to navigation, protection of the shore, fishing, safety, or other lawful purpose authorized by the constitution or laws of this state or the United States:

(1)-(3) Makes no changes to these subdivisions;

(4)-(5) Makes nonsubstantive changes to these subdivisions; or

(6) a subdivision of this state, acting with the approval of the commissioner, if the structure is a shore protection structure that is designed to protect public infrastructure, including a state or county highway or bridge; is located on land that is state-owned submerged land or was acquired for the project by a subdivision of this state and is located in or adjacent to the mouth of a natural inlet from the Gulf of Mexico; and extends at least 1,000 feet along the shoreline.

(a-1) Authorizes the commissioner, in granting approval of a shore protection structure under Subsection (a)(6) of this section, to specify requirements for the design and location of the structure or any public parking area required by Section 61.017(e).

SECTION 3. Effective date: upon passage or September 1, 2009.