

SUBJECT: GLO real-property reimbursement for houses on eroded beaches

COMMITTEE: Land and Resource Management — committee substitute recommended

VOTE: 8 ayes — Bonnen, Farrar, Alvarado, Hamilton, Homer, Orr, Paxton,
Thibaut

0 nays

1 absent — Bolton

WITNESSES: For — Jerry Patterson, General Land Office

Against — Ellis Pickett, Surfrider Foundation Texas Upper Coast Chapter;
(*Registered, but did not testify*: Terry Hallmark)

On — Jodena Henneke, General Land Office

BACKGROUND: Natural Resources Code, sec. 33.604 establishes a coastal erosion response account within the state General Revenue Fund for the General Land Office (GLO) to undertake coastal erosion response studies and projects, which can include:

- placing dredged material and other sediments on beaches, shores, and marshes;
- planting vegetation;
- protecting and restoring dunes;
- building dams or other similar structures; and
- storm mitigation and post-storm assessment and debris removal.

The GLO may spend funds from the coastal erosion account for the removal or relocation of structures from public beaches, but may not purchase real property or reimburse property owners for those purchases.

In undertaking these projects, the GLO may share costs with state and federal agencies, local governments, the Army Corps of Engineers, and other partners such as homeowners' associations and institutes of higher education.

DIGEST: HB 2387 would allow the General Land Office to use money in its coastal erosion response account to purchase real property on public beaches in order to assist coastal erosion response projects. The bill also would authorize GLO to conduct at least one erosion response project per biennium without having to share the cost, provided that the total cost of the projects undertaken without cost-sharing consumed no more than half of GLO's total coastal erosion budget. These projects also no longer would be limited to large-scale beach nourishment on a public beach.

This bill would take effect September 1, 2009.

SUPPORTERS SAY: When coastal erosion shifts the boundaries of the publicly owned beach to include all or part of a privately owned house or other building, the property owner is required to move the structure. However, some homeowners currently are reluctant to accept payment for removal and relocation expenses because GLO does not offer reimbursement for the cost of the real property lost. In such cases, GLO's only recourse is to sue the homeowner. By allowing GLO to offer property owners voluntary buyouts, HB 2387 potentially could reduce the amount of time and money spent by the state and by homeowners on these lawsuits.

Removing the requirement that projects for which GLO was not sharing costs be aimed at large-scale beach nourishment on a public beach would give the office greater flexibility to address its most pressing needs, including bayside erosion.

OPPONENTS SAY: Beach nourishment techniques such as adding sand are the most proper way to deal with beach erosion. Removing the requirement that GLO undertake one large-scale beach nourishment project on a public beach could lead to an increase in hard structures made from rock or concrete as protection against erosion, when most scientists agree those structures can have a long-term detrimental effect.

NOTES: The committee substitute deleted a provision in the bill as filed referring to GLO's ability to acquire property through eminent domain.

The companion bill, SB 1135 by Hegar, was considered in a public hearing by the Senate Natural Resources Committee on April 9 and left pending.