

TEXAS GENERAL LAND OFFICE

In Re: Hurricane Laura and	§	Before the Commissioner of the
	§	Texas General Land Office
Tropical Storm Beta	§	State of Texas

ORDER RESCINDING TEMPORARY ORDER SUSPENDING DETERMINATION OF THE LINE OF VEGETATION AND SUSPENDING ENFORCEMENT ON CERTAIN ENCROACHMENTS ON THE PUBLIC BEACH

The Commissioner of the Texas General Land Office (Commissioner) makes the following Findings of Fact and Conclusions of Law in support of the rescission of the Temporary Order Suspending Determination of The Line of Vegetation and Suspending Enforcement on Certain Encroachments on the Public Beach (Order) entered March 29, 2021. The Order, in effect in Brazoria County in the Village of Surfside Beach city limits and in Galveston County from the western terminus of the Seawall west to Thirteen Mile Road in the City of Galveston, was issued pursuant to Texas Natural Resources Code (TNRC) §§ 61.0171 and 61.0185.

Findings of Fact

1. Hurricane Laura made landfall at 1:00 a.m. on August 27, 2020 near Cameron, Louisiana, impacting the upper Texas coast. Tropical Storm Beta made landfall at 10:00 p.m. on September 21, 2020 near Matagorda Peninsula. These two meteorological events resulted in a loss in elevation and a loss of vegetation and dunes in both Galveston and Brazoria Counties.
2. The line of vegetation (LOV) was obliterated within the city limits of the Village of Surfside Beach and on Galveston Island from the western terminus of the seawall to Thirteen Mile Road by storm tidal surges and overwash from Hurricane Laura and Tropical Storm Beta.
3. On March 29, 2021, the Commissioner issued the Order which suspended determinations of the location of the LOV and set the location of the LOV used for coastal construction permitting purposes at 200 feet from mean low tide for the duration of the Order.
4. A temporary suspension of determination of the line of vegetation was necessary so local governments could issue permits for beachfront construction in accordance with the local Beach Access and Dune Protection Plans (Plans) while allowing for the natural recovery and stabilization of the beach elevation and dune vegetation.
5. Two growing seasons have taken place since the 2020 storms. GLO staff has monitored the areas affected by the Order and determined that the natural LOV has recovered in areas where the GLO anticipates recovery will take place.

6. The GLO has not taken or referred any enforcement actions to remove any houses under TNRC § 61.018 since the 2020 storms.

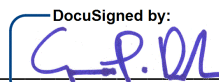
Conclusions of Law

1. The General Land Office has jurisdiction over this matter pursuant to the Open Beaches Act, Texas Natural Resources Code Chapter 61 and the Dune Protection Act, TNRC Chapter 63. The Order was issued pursuant to Texas Natural Resources Code (TNRC) §§ 61.0171 and 61.0185.
2. Following the issuance of this order, the location of the LOV shall be determined on a case-by-case basis in accordance with TNRC §§ 61.016 and 61.017, either using information submitted with pending permit applications to local governments in accordance with relevant rules and applicable local Plans, or using current information obtained by GLO Staff.

It is accordingly **ORDERED** that:

1. The Commissioner of the Texas General Land Office hereby rescinds the Temporary Order Suspending Determination of The Line of Vegetation and Suspending Enforcement on Certain Encroachments on the Public Beach entered March 29, 2021. The Order was in effect in Brazoria County in the Village of Surfside Beach city limits and in Galveston County from the western terminus of the Seawall west to Thirteen Mile Road in the City of Galveston.
2. Following the issuance of this order, the location of the LOV shall be determined on a case-by-case basis in accordance with TNRC §§ 61.016 and 61.017, either using information submitted with pending permit applications to local governments in accordance with relevant rules and applicable local Plans, or using current information obtained by GLO Staff.
3. Notice of the rescission of the Order shall be:
 - a. posted on the Internet website of the GLO;
 - b. published by the GLO as a miscellaneous document in the *Texas Register*;
 - c. filed for record by the GLO in the real property records of the county in which the areas of beach subject to this order are located; and
 - d. sent to the governing body of each local government to which this order applies.

SIGNED this day 8/3/2022, in Austin, Texas.

DocuSigned by:


GEORGE P. BUSH
Commissioner, General Land Office