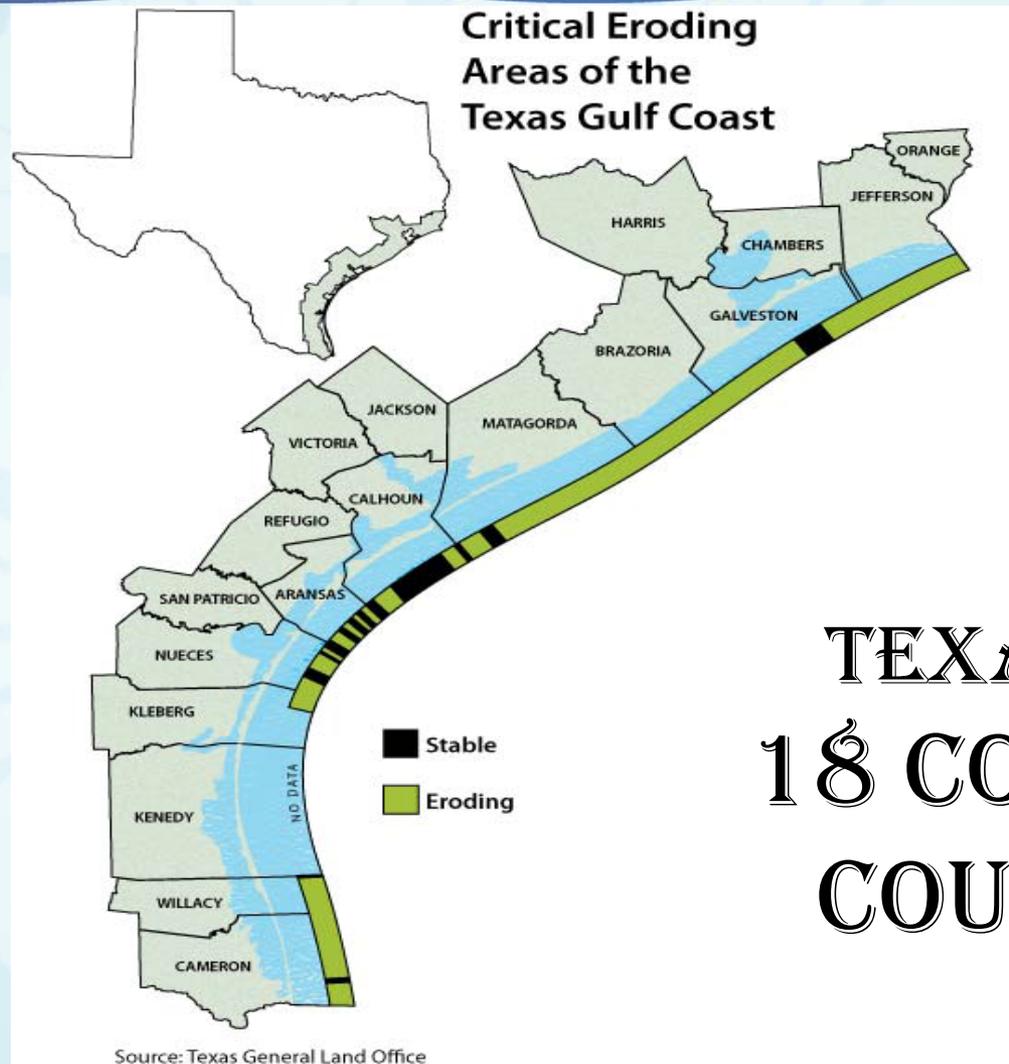


# A New Management Paradigm for Texas Beaches



Tom Linton  
Chris O'Shea Roper

# The Texas Gulf Coast



TEXAS HAS  
18 COASTAL  
COUNTIES

# Natural Resources Code of the State of Texas

TITLE 2. PUBLIC DOMAIN

SUBTITLE E. BEACHES AND DUNES

CHAPTER 61. USE AND MAINTENANCE OF PUBLIC BEACHES

SUBCHAPTER A. GENERAL PROVISIONS

SUBCHAPTER B. ACCESS TO PUBLIC BEACHES

Sec. 61.011. POLICY AND RULES. (a) It is declared and affirmed to be the public policy of this state that the public, individually and collectively, shall have the free and unrestricted right of ingress and egress to and from **the state-owned beaches bordering on the seaward shore of the Gulf of Mexico....**

Or if the public has acquired a right of use or **easement** to or over an area by prescription, dedication, or has retained a right by virtue of continuous right in the public, the public shall have the free and unrestricted right of ingress and egress to the larger area **extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico.**

# Issue: Beach Renourishment

***News Release***  
***by***  
***Jerry Patterson***  
***Commissioner, Texas General Land Office***

“AUSTIN — Work on a vital West Galveston Island beach renourishment project (CEPRA 1391) has stopped and the project is cancelled, Texas Land Commissioner Jerry Patterson announced today.

“The \$40 million was an effort to restore and nourish six miles of beach — from the west end of the Galveston Seawall to 13 Mile Road.

The project would have been funded by the General Land Office’s Coastal Erosion Planning and Response Act Program with a mix of local, state and federal money” (Nov. 15, 2010).

# Severance vs Patterson (State of Texas)



The Texas Supreme Court issued a ruling Friday that states if a major weather event, such as a hurricane,

**Court: Public beach easement does not roll**

[By Christopher Smith Gonzalez](#)

The Daily News

Published March 31, 2012

# Issue: Rolling vs Static Easement

On Aug. 21, the Board of Directors West Galveston Island Property Owners Association, Galveston and Jamaica Beach elected officials, Park board staff met with representatives from the GLO in Austin.

Opening statements from the participants included:

“On behalf of the West End property owners, a rolling easement is not an option on the table.”

And from the GLO, “The commissioner will not consider anything other than a rolling easement.”

**Keep an open mind when it comes to Texas beaches**

[By Chris O'Shea Roper and Tom Linton](#)

Special to The Daily News

Published August 25, 2012

# Issue: What Beachfront Homeowners Want

## ***Recommendations include:***

- ***Static easement***
- ***Signage on local ordinances and rules of use***
- ***Beach and sargassum clean-up***
- ***Guarantee for beach nourishment***
- ***Limits to liability for public access***

***“WE DON’T WANT TO  
LOSE OUR HOUSES.”***

**Where homeowners stand on beach management**

**[By Chris O’Shea Roper and Tom Linton](#)**

**Special to The Daily News**

**Published September 15, 2012**



# Issue: Beach Cleaning



State law prohibits the use of public money to improve private property without a compelling public interest.

A second blow delivered!

## **Park board has new beach cleaning policies**

**By Craig Brown**

**Correspondent**

Published September 2, 2012

Because of the influx of unprecedented amounts of seaweed and challenging legal rulings affecting beach ownership, the Galveston Park Board of Trustees initiated a new beach maintenance policy for our upcoming budget year.

Starting Oct. 1, the park board will provide seaweed management services only in city beach parks and on the seawall.

# Resolution:

- ***Enacting State-wide Legislation***
- ***Static vs Rolling easement***

***"Politics, the art of the possible, the attainable --- The next best."***  
*Otto Eduard Leopold Bismarck*, Chancellor of the German Empire, 1871  
The "Iron Chancellor"

# Isle to negotiate static easements

[By Whitney Hodgkin](#)

**The Daily News**

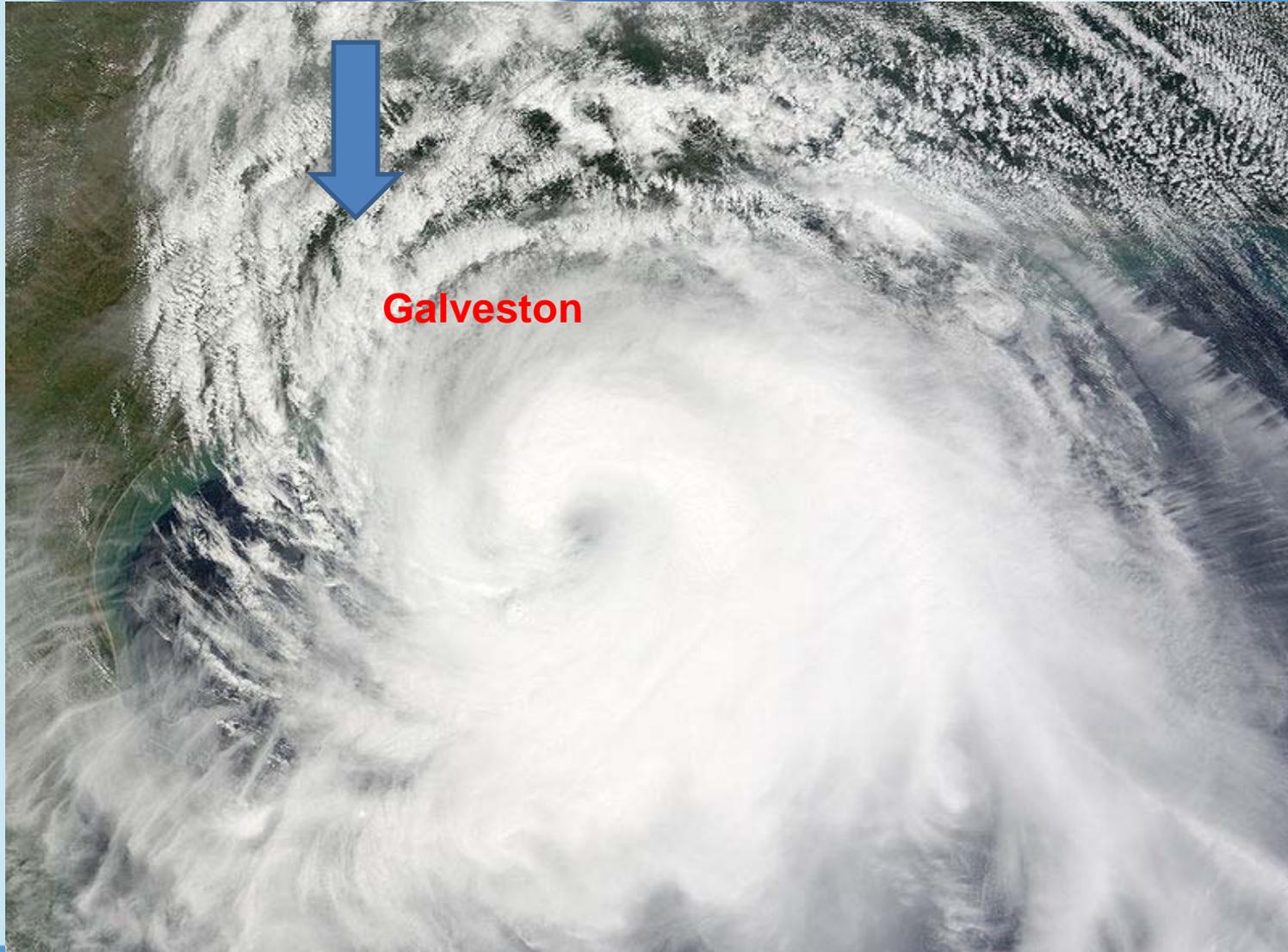
Published October 28, 2012

GALVESTON — The Galveston City Council gave City Manager Michael Kovacs the power to negotiate static easements for public use on private beaches.

Resolution:

***And perhaps  
The “best” is  
yet to come!***

# Hurricane Ike – September 2008



**Issue: The Ike Dike**  
The strategy is to keep the ocean surge out of Galveston Bay by using a gated coastal barrier (the Ike Dike)



Houston Ship Channel

Bolivar Peninsula

High Island

Bolivar Roads

Galveston Island

Existing Seawall

Coastal Spine

Intracoastal Waterway

• San Luis Pass

Resolution:

- ***Another matter yet to be considered!***

# Endangered Turtles Nest on the Dry Beach - Private Property



# Partial List of References

Baur, Donald C., *Ocean and Coastal Law and Policy*, American Bar Association, 2008

Coastal States Organization, Washington, DC

<http://www.coastalstates.org/>

Linton, Dr. Tom and Roper, Chris O'Shea, *series of articles "A New Management Paradigm for Management of Texas Beaches, Galveston Daily News, June – September, 2012*

Slade, David C. *Putting the Public Trust Doctrine in Motion, 1997-2008*; PTDIM, LLC, 2008

Texas General Land Office, Coastal Resources Division, *Frequently Asked Questions*, 2012

[http://www.glo.texas.gov/glo\\_news/hot\\_topics/articles/open-beaches-faq.html](http://www.glo.texas.gov/glo_news/hot_topics/articles/open-beaches-faq.html)

Titus, James. *Rolling Easement Primer*, Environmental Protection Agency, 2011

<http://water.epa.gov/type/oceb/cre/upload/rollingeasementsprimer.pdf>