

## CHAPTER 814

## S.B. No. 793

An Act relating to the protection of certain sand dunes and to the definition of mainland shoreline; amending the Natural Resources Code by amending Sections 63.001, 63.003, 63.011, and 63.091 and by adding Subdivision (5) to Section 63.002.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 63.001, Natural Resources Code, is amended to read as follows:

"Section 63.001. **FINDINGS OF FACT.** The legislature finds and declares:

"(1) that the *mainland gulf shoreline*, barrier islands, and peninsulas of this state [~~and the adjacent mainland areas~~] contain a significant portion of the state's human, natural, and recreational resources;

"(2) that these areas are wholly or in part protected from the action of the water of the Gulf of Mexico and storms on the Gulf by a system of natural or artificially constructed vegetated sand dunes that provide a protective barrier for adjacent land and inland water and land against the action of sand, wind, and water;

"(3) that certain persons have from time to time modified or destroyed the effectiveness of the protective barriers in the process of developing the shoreline for various purposes;

"(4) that the operation of recreational vehicles over these dunes has destroyed the natural vegetation on them;

"(5) that these practices constitute serious threats to the safety of adjacent properties, to public highways, to the taxable basis of adjacent property and constitute a real danger to the health, safety, and welfare of persons living, visiting, or sojourning in the area;

"(6) that it is necessary to protect these dunes as provided in this chapter because stabilized, vegetated dunes offer the best natural defense against storms;

"(7) that vegetated stabilized dunes help preserve state-owned beaches and shores by protecting against erosion of the shoreline;

"(8) that the area bounded on the north by the Mansfield Ship Channel and extending to the southern tip of South Padre Island is an area of irregular dunes, the vast majority of which are unvegetated, unstable, and migratory, and these dunes do not afford significant protection to persons and property inland from this area; and

"(9) that the area bounded on the north by the inlet known as Aransas Pass and on the south by the Mansfield Ship Channel is an area of a mixture of irregular dunes as described in Subdivision (8) of this section and dunes that afford protection to persons and property inland."

**SECTION 2.** Section 63.002, Natural Resources Code, is amended by adding Subdivision (5) to read as follows:

"(5) '*Mainland shoreline*' means all shoreline fronting on the open Gulf of Mexico that is not located on a barrier island or a peninsula."

**SECTION 3.** Sections 63.003, 63.011, and 63.091, Natural Resources Code, are amended to read as follows:

"Section 63.003. **EFFECT OF CHAPTER.** The provisions of this chapter do not apply to any *dune area* [~~island or peninsula~~] not accessible by public road or common carrier ferry facility for as long as that condition exists."

"Section 63.011. **ESTABLISHING DUNE PROTECTION LINE.** After notice and hearing, the commissioners court of any county bordering on the Gulf of Mexico that has within its boundaries *mainland shoreline*, a barrier island, or a peninsula located north of the Mansfield Ship Channel may establish a dune protection line on the *shoreline* island, or peninsula for the purpose of preserving sand dunes that offer a defense against storm water and erosion [~~of the shoreline~~]."

"Section 63.091. **CONDUCT PROHIBITED BETWEEN THE TEXAS-LOUISIANA STATE LINE AND ARANSAS PASS.** Unless a permit is obtained authorizing the conduct, no person in any county in the area bounded on the south by the inlet known as Aransas Pass and on the north by the Texas-Louisiana state line, where a dune protection line has been established, may damage, destroy, or remove a sand dune or portion of a sand dune on a *mainland shoreline*, barrier island, or peninsula seaward of the dune protection line or kill, destroy, or remove in any manner any vegetation growing on a sand dune seaward of the dune protection line."

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 18, 1985, by a viva-voce vote; Senate concurred in House amendment on May 21, 1985, by a viva-voce vote; passed the House, with amendment, on May 17, 1985, by a non-record vote.

Approved: June 15, 1985

Effective: August 26, 1985