Brazoria County Dune Walkover Permit Requirements and Regulations

The Texas General Land Office (GLO) has created this document to ensure beachfront construction certificate and dune protection permit applications are administratively complete prior to submittal to our office for review by Brazoria County. Submitting the required information listed below may prevent a request for additional information. The County may require additional information as needed. Information on dune walkover construction regulations within local and state rules are also provided below.

Dune Walkover Permit Requirements Checklist:

Below is a list of the information that must be included in the beachfront construction certificate and dune protection permit application for a dune walkover, at a minimum, from 31 Texas Administrative Code (TAC) § 15.3(s)(5):

Applicant Information

- ☐ Applicant name
- ☐ Address
- ☐ Phone number
- ☐ Electronic mail address (if applicable)

Property Information

- ☐ Property Owner name (if different from applicant)
- ☐ Legal description of the tract
- ☐ Statement of its size in acres or square feet

Site Information

- ☐ Current color photographs of the site which clearly show the current location of the vegetation line and the existing dunes on and immediately adjacent to the tract.

Proposed Dune Walkover Project

- ☐ A description of the proposed construction activities
- ☐ Approximate duration of the construction
- ☐ Design plans and elevation views for the proposed walkways or dune walkovers on the tract. The elevation views of the dune walkover must show the height of the dune walkover over the dunes on site.
- ☐ A description of the effects of the proposed activity on the beach/dune system which cannot be avoided should the proposed activity be permitted.
- ☐ Statement written by applicant affirming that the construction, the completed structure, and use of or access to and from the structure will not adversely affect the public beach or public beach access ways or exacerbate erosion

Maps and Surveys

☐ An accurate map, site plan, survey, or plat of the site identifying:

- Legal description of the site
- Location of property lines and a notation of the legal description of adjoining tracts
- Location of proposed and existing structures
- Location of line of vegetation and the distance between the seaward terminus of the dune walkover and the line of vegetation
- Distance between the proposed construction and mean high tide

If any adverse effects to dunes and dune vegetation are proposed, such as for a construction corridor for the dune walkover, the following information is needed:

Dune Mitigation/Compensation Information

☐ A comprehensive mitigation plan which demonstrates compliance with the mitigation sequence and, at a minimum, includes a detailed description of the methods which will be used to avoid, minimize, mitigate, and/or compensate for any adverse effects on dunes or dune vegetation.

- ***Mitigation*** *means repairing, rehabilitating, or restoring affected dunes and dune vegetation in their pre-existing footprint.*
- ***Compensation*** *means compensating for effects on dunes and dune vegetation by replacing or providing substitute dunes and dune vegetation.*

☐ The mitigation plan must include an accurate map identifying:

- the location and square footage of dune vegetation and volume of dunes to be adversely impacted
- the location and square footage of dune vegetation and volume of dunes to be located in a mitigation or compensation area
  (Providing dimensions of these areas is also helpful)

☐ The mitigation plan must describe how mitigation or compensation will be achieved and demonstrate that indigenous dune vegetation will be used. *The GLO recommends in-place mitigation for impacts caused by a construction corridor for dune walkovers, as long as the walkover is constructed at an adequate height.*

☐ If grading activities or any adverse impacts to dunes are proposed, a grading and layout plan identifying all existing and proposed elevations (in reference to the National Oceanic and Atmospheric Administration data), existing contours of the project area, and proposed contours for final grade.

☐ Where a mitigation plan is required, the contact information for all landowners immediately adjacent to the tract and affirmation by the applicant that the adjacent landowners will be provided with notice of the hearing at least 10 days prior to the hearing on the application.

Note:

- Local governments may request additional application materials as needed.
- The GLO Dune Protection and Improvement Manual for the Texas Gulf Coast includes the GLO recommendations on dune walkovers and example dune walkover designs: glo.texas.gov/coast/coastal-management/forms/files/dune-protection-manual-gpb.pdf

Dune Walkover Construction Regulations

31 TAC § 15.6 Concurrent Dune Protection and Beachfront Construction Standards.

(i) - Construction of dune walkovers or similar structures. Proliferation of dune walkovers shall be minimized as provided for in 15.4(f)(2)(B) of this title. Local governments shall require permittees to construct dune walkovers in the following manner:

(1) Dune walkovers shall be constructed to allow for the growth of dune vegetation and the migration of dunes under the walkovers.

(A) The width of a dune walkover or similar structure is limited to 4 feet wide, where practicable. An increased width may be permitted for public access walkovers, shared walkovers for three or more residences, or for wheelchair or golf-cart use with approval of the local government. The need for a dune walkover or similar structure wider than 4 feet must be demonstrated during the permit application process.

(B) The lowest level of the walkover must be of sufficient elevation to accommodate expected increases in dune height. At a minimum, the lowest level of the dune walkover with a width of 4 feet or less must be constructed at a height of at least 3 feet above the highest point of the tallest dune crest beneath and immediately adjacent to the dune walkover. A dune walkover with a width of greater than 4 feet must be constructed at an adequate height that will allow for the growth of dune vegetation and migration of dunes under the walkover. Exceptions to the height requirement may be made for walkovers to descend to the beach over the foredune ridge.

(2) Use of concrete to stabilize dune walkover pilings is prohibited.

(3) For all new construction of public dune walkovers in areas where vehicles are prohibited from driving on and along the public beach, local governments are required to construct walkovers accessible for persons with disabilities, where practicable.

(4) The requirements in paragraphs (1) - (3) of this subsection apply to all new construction of dune walkovers and similar structures and any major repairs to existing dune walkovers and similar structures.

(g) Dune walkovers. Local governments shall only allow dune walkovers, including other similar beach access mechanisms, which extend onto the public beach under the following circumstances.

(1) Local governments shall require that permittees restrict the walkovers, to the greatest extent possible, to the most landward point of the public beach.

(2) Local governments shall require that permittees construct and locate the walkovers in a manner that will not interfere with or otherwise restrict public use of the beach at normal high tides.

(3) Local governments shall require permittees to construct dune walkovers in a manner that complies with §15.6(i) of this title (relating to Concurrent Dune Protection and Beachfront Construction Standards).

(4) Local governments shall require that permittees relocate walkovers to follow any landward migration of the public beach or seaward migration of dunes using the following procedures and standards.

(A) After significant landward migration of the landward boundary of the public beach, local governments shall require permittees to shorten any dune walkovers encroaching on the public beach to the appropriate length for removal of the encroachment. This requirement shall be contained as a condition in any permit and certificate issued authorizing construction of walkovers.

(B) In cases where a dune walkover needs to be lengthened because of the seaward migration of dunes, the permittee shall apply for a permit or certificate authorizing the modification of the structure.

Brazoria County Dune Protection and Beach Access Plan § 7(XV)(C-D) has some more specific requirements related to the construction of dune walkovers:

(C) The walkover deck should be constructed a height above the dunes or at a three (3)-foot minimum height above the existing dunes to allow rain and sunlight to reach underlying dune vegetation and to accommodate dune migration or any increase in dune height. To prevent sand from accumulating and hindering access, the seaward terminus should be oriented at an angle away from the prevailing wind direction.

(D) The slats that form the walkover deck must run perpendicular to the direction of travel and have a space no greater than 1/2-inch apart. Support posts should be implanted at least five (5) feet in the ground and placed at intervals no closer than six (6) feet. Concrete or other similar fills should not be used to stabilize support posts.