



TEXAS GENERAL LAND OFFICE
COMMISSIONER DAWN BUCKINGHAM, M.D.

February 18, 2025

Via Electronic Mail

Nicole Stelly
Floodplain & Permitting Manager
722 Moody Avenue, 1st Floor
Galveston, Texas 77550-2317

Beachfront Construction Certificate and Dune Protection Permit in Galveston County

Site Address: 2180 Noisy Waves Street, Crystal Beach
Legal Description: Abst 65 Page 3 Lot 6 Noisy Waves
Lot Applicant: Brint c/o Gloria Massey
GLO ID No.: BDGC-24-0010b

Dear Ms. Stelly:

The General Land Office (GLO) has reviewed the additional application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant adversely impacted 45 cubic yards of dunes and 1,110 square feet of dune vegetation seaward of the dune protection line without a beachfront construction certificate and dune protection permit. The applicant proposes to compensate for the impacts to dunes and dune vegetation that already occurred with an on-site compensation area with 45 cubic yards of dunes and 1,110 square feet of dune vegetation. The applicant also proposes to construct a single-family residence with reinforced concrete under the habitable structure, a crushed rock driveway, and a septic system. The proposed construction is located within 200 feet landward from the line of vegetation. According to the Bureau of Economic Geology, the area is eroding at a rate of four to five feet per year.

Based on the materials forwarded to our office for review, we have the following comments:

- In the future, the applicant must obtain a Beachfront Construction Certificate and Dune Protection Permit **prior** to the commencement of any proposed construction on the property, which includes any building, filling, clearing, excavation, scraping, or grading of a site.¹ This action and any further unauthorized activities, including any further unauthorized impacts to dunes and dune vegetation, are subject to enforcement action by Galveston County and the GLO, which may include administrative penalties of no less than \$50 and no more than \$2,000 per violation per day.
- The applicant proposes to use reinforced concrete under the habitable structure, which is prohibited.² Since the habitable structure is within 200 feet landward of the line of vegetation, the applicant may only use unreinforced fibercrete in 4-foot by 4-foot sections, at a maximum of

¹ 31 Tex. Admin. Code § 15.3(s)(3).

² Galveston County Dune Protection and Beach Access Plan § II(L)(2)(e).

four inches thick, separated by expansion joints to pave the area beneath the habitable structure, or permeable materials.³ The applicant must provide revised construction plans demonstrating compliance with this requirement before the County issues a permit.

- The applicant proposes to construct a septic field within 50 feet of the line of vegetation, which is prohibited. Paving, grading, or altering the ground in any manner is prohibited in the area within 50 feet of the line of vegetation, which also serves as the Building Limit Line.⁴ This area may not be disturbed from its natural state in any manner, including mowing, grading, landscaping, filling, or fertilizing.⁵ The applicant must provide revised construction plans demonstrating compliance with this requirement before the County issues a permit.
- The applicant requests an exemption to construct the septic system seaward of the habitable structure under Section III(A)(2)(k) of the Galveston County Dune Protection and Beach Access Plan.
 - It appears that it may be possible to reduce the size of the habitable structure to allow space for the septic system to be located landward of the structure or use an above-ground storage tank.
 - If the Building Official finds that the applicant qualifies for an exemption under the Galveston County Dune Protection and Beach Access Plan § III (A)(2)(k)(3)(a)-(c) to locate the septic field seaward of the structure, the septic field must be located at least 50 feet landward of the line of vegetation in accordance with Section 7-A of Galveston County's Erosion Response Plan. The applicant must provide the County and GLO with corresponding documentation demonstrating it is not practicable to locate the septic field landward of the structure and revised plans demonstrating compliance with the building setback requirements.

Compensation

- The applicant proposes to restore dunes more than 20 feet seaward of the line of vegetation. Dunes may be restored farther seaward than the 20-foot restoration area only upon an affirmative demonstration that substantial dunes would likely form farther seaward and would not restrict or interfere with public access to the beach at normal high tide, and such seaward extension past the 20-foot area must first receive prior written approval of the GLO.⁶ The applicant has GLO approval to locate the restored dunes seaward of the 20-foot restoration area.
- Any sand, soil, sediment, or dredged spoil deposited seaward of the local dune protection line must be of an acceptable mineralogy or grain size as compared to the sediments found onsite.⁷ The mitigation plan proposes to use sand from an off-site source for the compensation dune. The applicant must provide the County with information regarding the sand source and demonstrating that the material complies with this requirement before the County issues a permit.

³ Galveston County Dune Protection and Beach Access Plan § II(L)(2)(c) & 31 Tex. Admin Code § 15.6(f)(5).

⁴ Galveston County Erosion Response Plan § 7-A.

⁵ Galveston County Erosion Response Plan § 7-A.

⁶ 31 Tex. Admin. Code § 15.7(e)(1).

⁷ 31 Tex. Admin. Code § 15.4(c)(3).

- The County shall require that permittees repair dunes using indigenous vegetation that will achieve the same protective capability or greater capability as the surrounding natural dunes.⁸
- The applicant proposes to use heavy machinery to harvest vegetation from non-dune areas on adjacent lots and transplant the dune vegetation to the compensation area. The GLO has concerns that the harvested vegetation will be damaged by the use of heavy machinery and that the operation of heavy machinery may impact additional dunes.
 - The applicant should harvest the vegetation by hand to avoid damaging the vegetation.
 - The applicant must take measures to avoid adversely impacting additional dunes and dune vegetation, such as installing temporary silt fencing or other similar barriers identifying critical dune areas and avoiding the operation of heavy machinery adjacent to critical due areas.⁹
- According to the mitigation plan, the applicant proposes to use vegetation from adjacent lots owned by Galveston County. The applicant must obtain County permission prior to harvesting any vegetation.
- The applicant must provide landowners immediately adjacent to the tract with notice of the hearing at least 10 days prior to the hearing on the application.¹⁰

Compensation Completion

- The County must require the applicant to conduct compensation efforts **continuously** until the repaired, rehabilitated, and restored dunes and dune vegetation are equal or superior to the pre-existing dune vegetation. These efforts shall include **preservation and maintenance** of restoration activities pending completion of compensation.¹¹
- The permittee must complete the sand placement and vegetation relocation or planting portions of the mitigation plan within one year of the initiation of construction.¹² The GLO requests that the County notify the GLO of the completion of the sand placement and vegetation plantings.
- The permittee shall be deemed to have failed to achieve compensation if a 1:1 ratio has not been achieved within three years after initiation of construction, and the GLO may initiate enforcement as provided in 31 Tex. Admin. Code § 15.9.¹³
- The County shall determine a compensation project complete when the dune restoration project's position, contour, volume, elevation, and vegetative cover matches or exceeds the surrounding naturally formed dunes.¹⁴

⁸ 31 Tex. Admin. Code § 15.4(f)(3)(A)(iv).

⁹ 31 Tex. Admin. Code § 15.4(f)(1).

¹⁰ 31 Tex. Admin. Code § 15.4(b)(5).

¹¹ 31 Tex. Admin. Code § 15.4(g)(2).

¹² 31 Tex. Admin. Code § 15.4(g)(5).

¹³ 31 Tex. Admin. Code § 15.4(g)(5).

¹⁴ 31 Tex. Admin. Code § 15.4(g)(3).

- The County shall provide written notification to the GLO after determining that compensation is complete. The GLO may conduct a field inspection to verify compliance.¹⁵

Miscellaneous

- The applicant should direct all stormwater inland away from the critical dune area, public beach and adjacent properties. The County shall not issue a certificate or permit authorizing construction unless the construction activities will minimize impacts on natural hydrology and will not cause erosion of adjacent properties, critical dunes or the public beach.¹⁶
- The applicant information does not match the property owner information listed in the Galveston County Appraisal District records. The County must ensure the legal property owner has authorized the proposed construction.

In the event of a material change to the site conditions or the proposed construction, a new or amended beachfront construction certificate and dune protection permit is required.¹⁷ If you have any questions, please contact me at (512) 463-5234 or at lauren.medlin@glo.texas.gov.

Sincerely,



Lauren Medlin
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

¹⁵ 31 Tex. Admin. Code § 15.4(g)(4).

¹⁶ Galveston County Dune Protection and Beach Access Plan § III(H)(1)(h) & 31 Tex. Admin. Code § 15.6(h).

¹⁷ 31 Tex. Admin. Code § 15.3(t)(5).

2180 Noisy Waves Street, Crystal Beach, TX 77650

Sheet Flow



NOISY WAVES STREET
(50' WIDE)

SECTION A-A
NTS

BEACH

JOB No.:	25-0029
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To Whom It May Concern,

The dune mitigation plan for 2180 Noisy Waves is designed to mitigate 45 cubic yards of sand and 1,110 square feet of vegetation.

The sand will be locally sourced, via trucking, and will be dropped in the designated mitigation location from the seaward side of the property. If needed, this sand will be spread via the usage of machinery being careful not to damage existing dune structures or vegetation.

The vegetation is to be harvested, as needed, from the adjacent, Galveston County owned, lots known as 2178 and 2184 Noisy Waves, which has been approved by Galveston County. It will be harvested via the use of machinery and will be distributed across the seaward dunes by hand so as to not disturb any existing vegetation.

Should you have any question, please do not hesitate to contact me.

Thank You,

Clint Byrom
Owner/Operator
Brint, Inc.
409-273-1122



To Whom It May Concern,

Please be advised that the properties immediately adjacent to 2180 Noisy Waves are as follows:

Galveston County
Property Address:
2178 Noisy Waves
GCAD ID 179577
GeoID 5335-0000-0005-000

Galveston County
Property Address:
2184 Noisy Waves
GCAD ID 179579
GeoID 5335-0000-0007-000

Mailing Address for Galveston County as per GCAD:
722 Moody Ave.
Galveston, TX 77550-2317

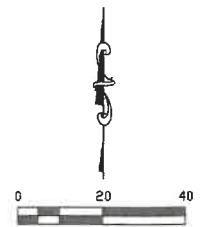
Galveston County will be notified of the intent to mitigate dunes on 2180 Noisy waves at least 10 days prior to a hearing before the Galveston County Commissioner's Court.

Should you have any question, please do not hesitate to contact me.

Thank You,

Clint Byrom
Owner/Operator
Brint, Inc.
409-273-1122

LEGEND	
	Elevation (Typ.)
	Elevation (11-28-2022)
	Temporary Bench Mark
	Rope Fence
	Approx. FEMA Flood Line as of August 15, 2019
	Boundary Line
	Mitigation Areas
	TOPO Contour Line & Elevation



NOISY WAVES
Plat Record 2, Map No. 56
GCMR

GENERAL NOTES:

- 1) This survey has been prepared without benefit of a current title report. There may be easements, building lines, or other matters of record not shown hereon.
- 2) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency. According to the FEMA FIRM Community Number 48167C, Panel No. 0328 G, with an effective date August 15, 2019, this property lies within Zone VE, with a Base Flood Elevation of 18' (as measured to the lowest horizontal structural member).
- 3) All bearings shown hereon are based upon the Texas Coordinate System of 1983, South Central Zone 4204, and are tied to NGS Mark "TXGM REF MON 2" (PID DR8251) (N: 13,703,575.9; E: 3,312,955.72). All coordinates shown hereon are reported in grid. All area quantities are reported in surface.
- 4) This property may or may not have access to wet utilities (sanitary sewer (wastewater) and water). It is beyond the scope of this survey to determine with certainty if these services are currently available. The surveyor recommends contacting the local providers for further information:
 - a) Sanitary sewer (wastewater): Undine (formerly Bolivar Utility Services): 1830 Hwy 87, Port Bolivar, Texas 77550. (409) 684-9941
 - b) Water: Bolivar Peninsula Special Utility District (BPSUD) 1840 Hwy 87, Crystal Beach, Texas 77650. (409) 684-3515
- 5) This property may or may not have access to electric service. It is beyond the scope of this survey to determine with certainty if this service is currently available. The surveyor recommends contacting the local provider for further information: Entergy Texas, Region Engineering - East: 1-800-368-3749; 1-409-981-3280
- 6) Surveyor notes that there has been recent fill placement on this property.
- 7) Surveyor notes that dunes shown hereon are under restoration.
- 8) For added context, this survey has been revised to reflect a vegetation line at the approximate base of the northerly toe of dune as observed on January 20, 2025, and to reflect the Line of Mean High Water and Mean Low Water on January 23, 2025.

PLAT OF SURVEY

Survey of Lot Six (6) of NOISY WAVES, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 254-A, Page 77 and transferred to Plat Record 2, Map No. 56, both of the Map Records in the Office of the County Clerk of Galveston County, Texas.

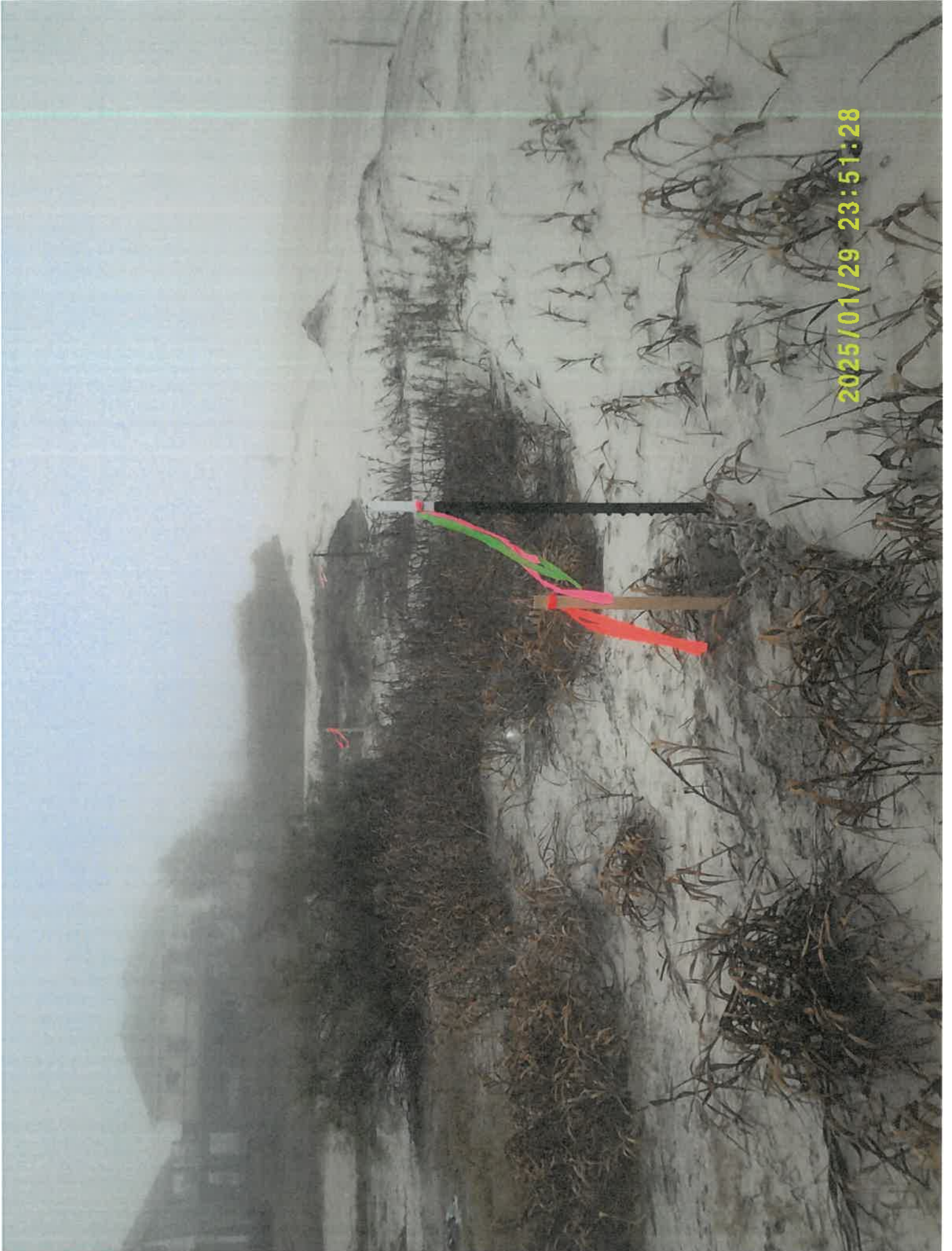
I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Michael Hoover
Registered Professional
Land Surveyor No. 5423



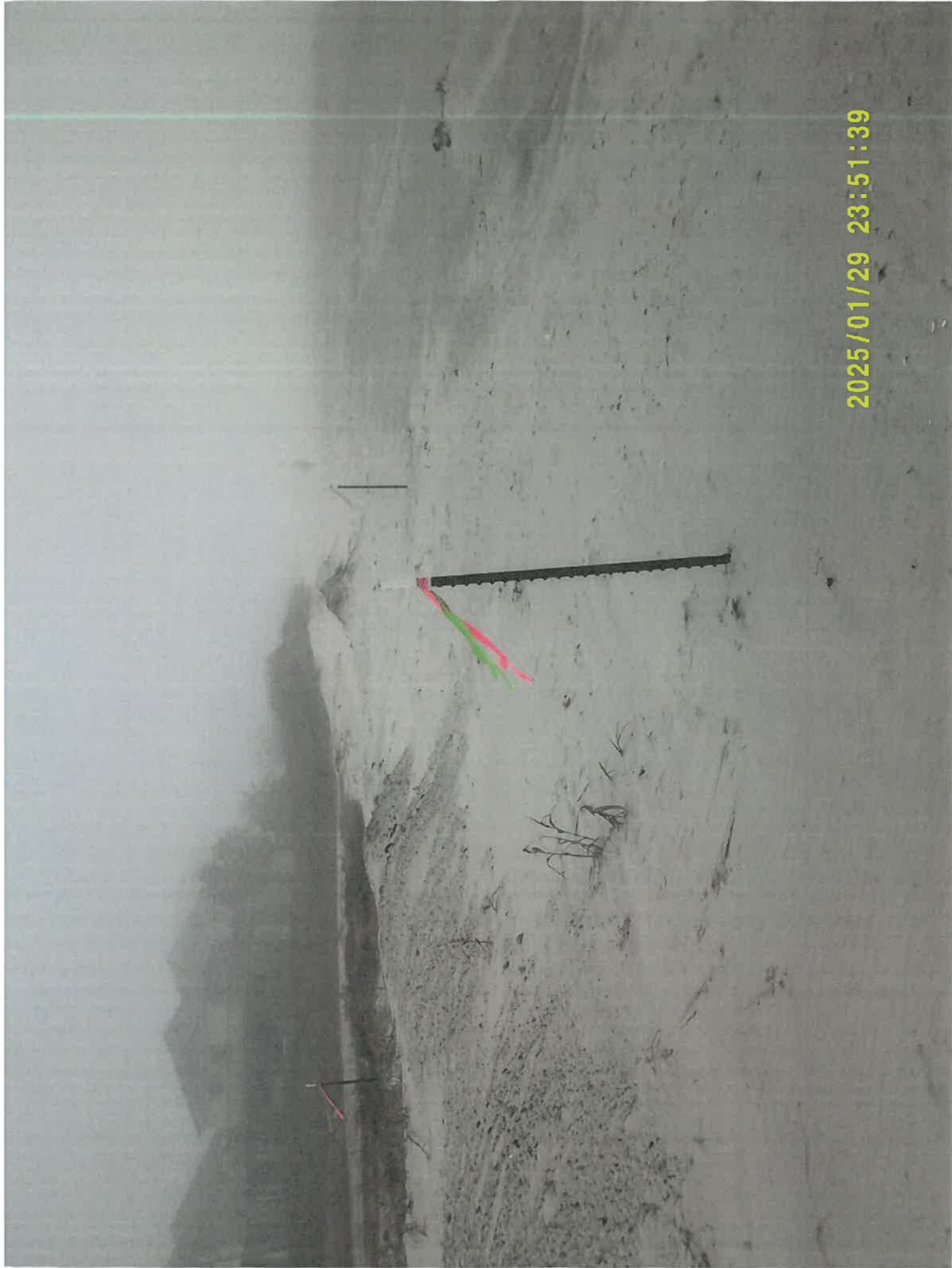
409-684-4400
975 West Lary Lane Crystal Beach, Texas 77650
Mailing P.O. Box 2579 • Crystal Beach, Texas 77650
Texas Firm Registration No.: 19194703
www.seacoastsurveyors.com

01-23-2025 (see gen. note No. 8)
SURVEY DATE: September 18, 2024
FILE No.: 6335-0000-0006-0001
DRAFTING: CT
JOB No.: 25-0029



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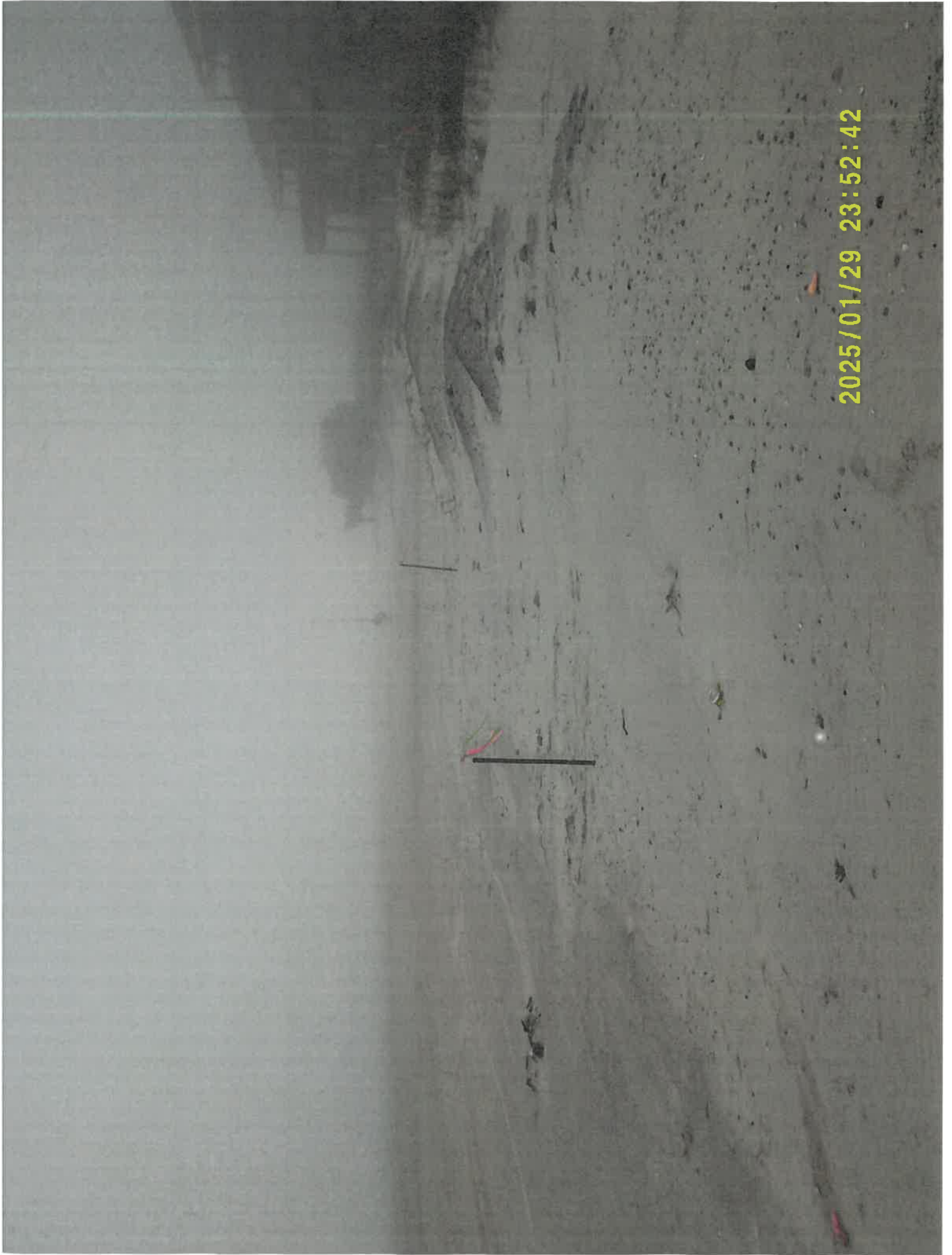
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BEAUMONT DR

MEYNIG DR

BOWERS LN

NOISY WAVES ST

Proposed locations
for vegetation harvesting
for dune mitigation plan



4

5

1

2

3

2104

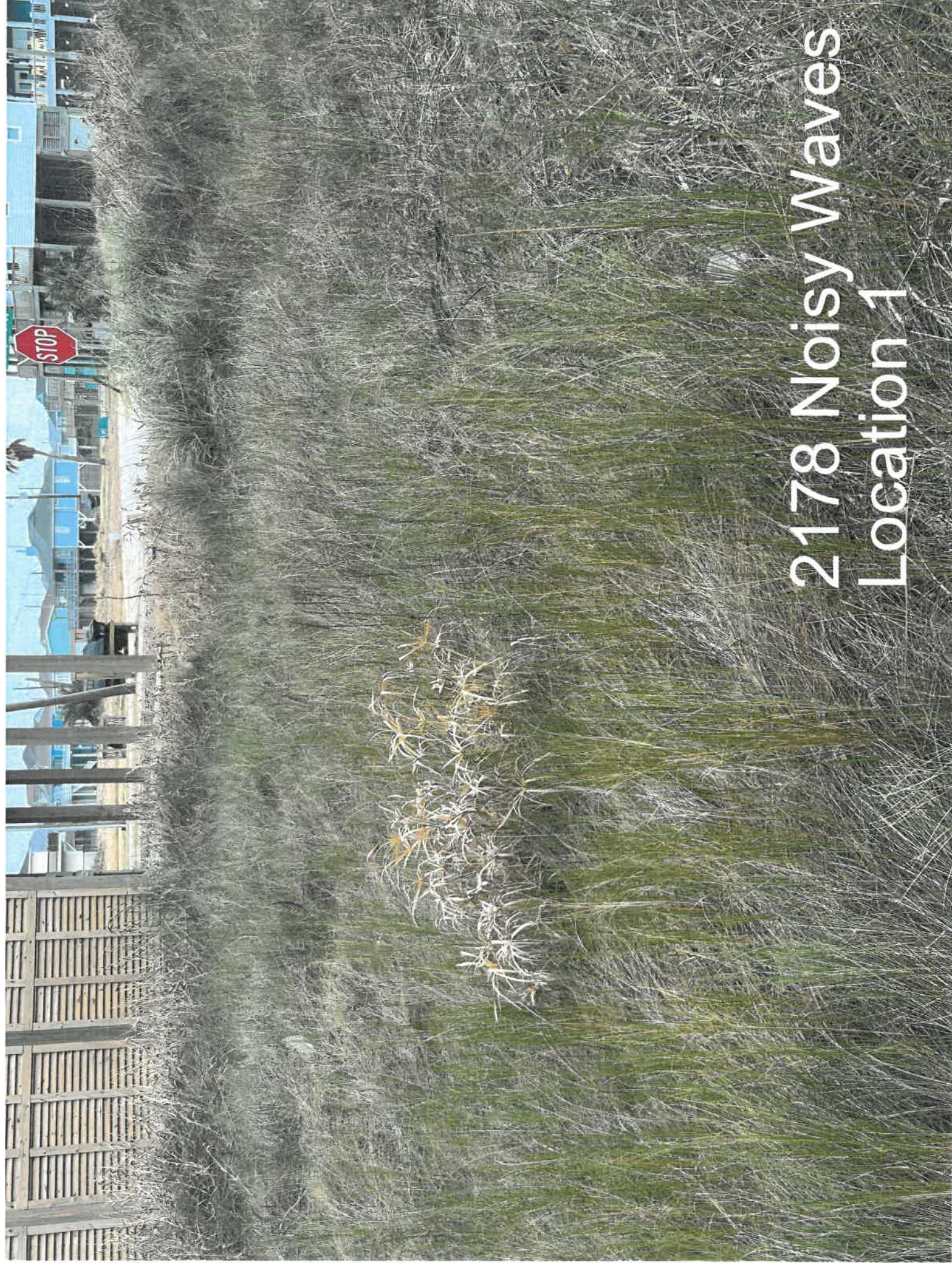
2100

2178

0 50 ft



52°
AQI 24



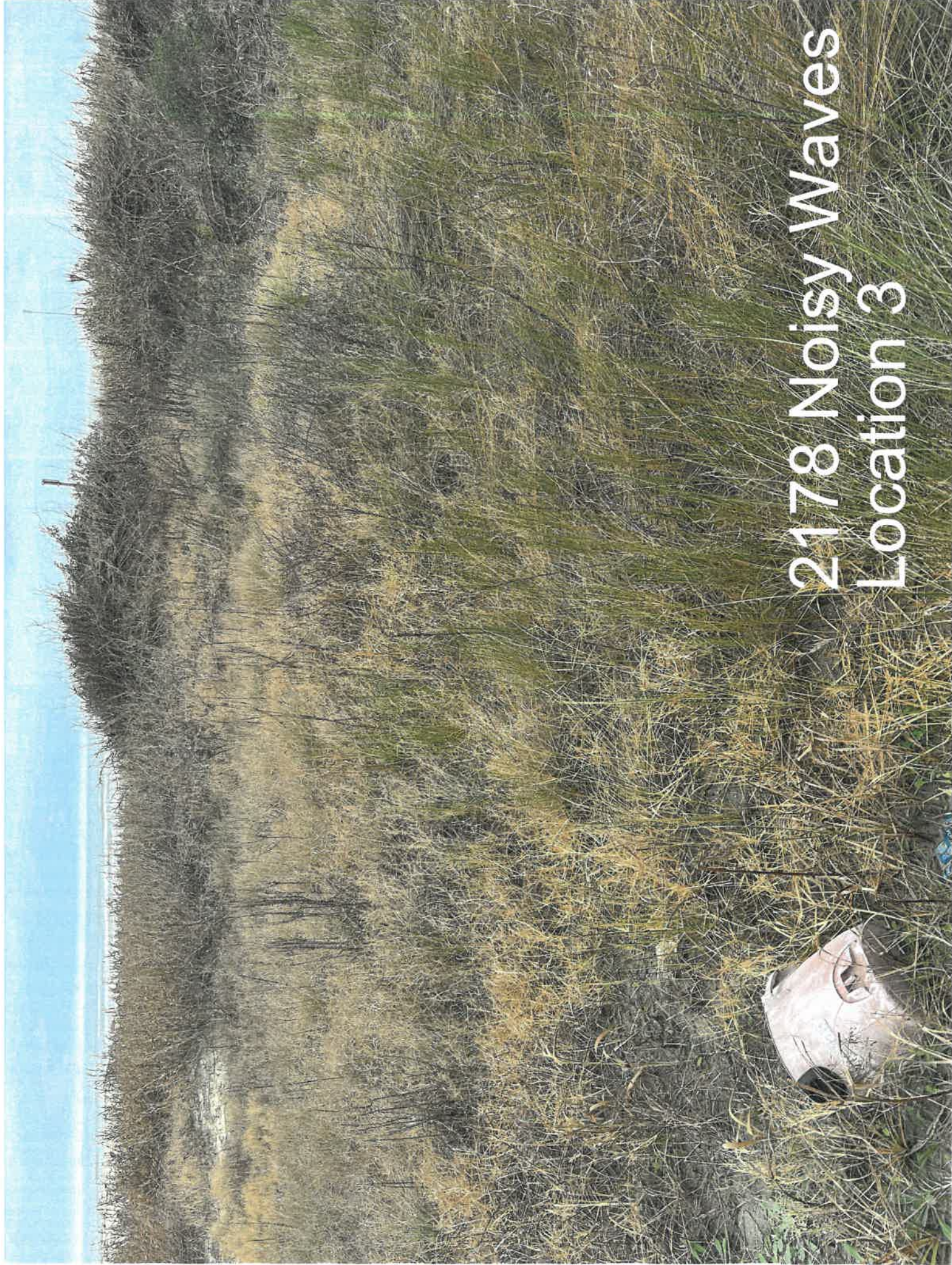
2178 Noisy Waves
Location 1



2178 Noisy Waves

Location 2

2178 Noisy Waves Location 3



2184 Noisy Waves Location 4



2184 Noisy Waves Location 5

