

Quick Guide for Emergency Rules

* For additional information and requirements, please read the full emergency rule found in §15.18, concerning Emergency Provisions for Dune Restoration and Stabilization and Repair of Damaged Habitable Structures.

Emergency Dune Restoration

Under the emergency rules, local governments may authorize property owners to restore dunes if:

- Dunes will be restored in an area where dunes existed pre-storm (Hurricane Laura or Tropical Storm Beta), or in an area no more than 10 feet seaward of a habitable structure if no dunes existed before the storm
- Restoration may not restrict or interfere with access points or use of the public beach at normal high tide, including causing pedestrian or vehicular traffic to enter the water in order to traverse the beach
- Beach quality sand may only be placed above the mean high tide line
- Derelict structures and debris must be removed before materials are placed in the area
- Only the following authorized methods may be used:
 - Beach-quality sand of similar grain size and mineralogy as the surrounding beach
 - Organic brushy material including seaweed and dune vegetation

The following is **prohibited**:

- Materials such as bulkheads, sandbags, riprap, concrete, asphalt rubble, building construction materials, and any non-biodegradable items
- Sand obtained by scraping or grading dunes or eroding beaches
- Sand that is not beach-quality sand or an acceptable mineralogy and grain size when compared to the sediments found in the beach/dune system
- Sediments containing hazardous substances

Emergency Stabilization and Repair of Damaged Habitable Structures

Local governments may only authorize emergency stabilization and repair of a habitable structure under the emergency rules if:

- The action is necessary to make the structure habitable, to prevent further damage, or to protect public health, safety, and welfare

- Only the following repairs are allowed:
 - Placing beach quality sand or a sandy clay mixture beneath the footprint of a residential structure, only if stabilization of the structure is required to prevent foreseeable undermining of the habitable structure and if the sandy clay mixture is covered with at least 12 inches of beach quality sand, where practicable
 - Repairing or constructing an enclosed space under a habitable structure if it is constructed of breakaway walls or louvered walls and is consistent with the local dune protection and beach access plan and the National Flood Insurance Program
 - Construction of wooden decking or stairs under or directly adjacent to the footprint of the habitable structure only as necessary to make the house accessible
 - Installation of new pilings or repair of existing pilings
 - Placement of beach-quality sand on the lot in the area up to ten feet seaward of a habitable structure where necessary to prevent further erosion due to wind or water

The following is **prohibited**:

- Increasing the footprint of the habitable structure
- The use of impervious material such as concrete or fibercrete
- The repair or construction of a bulkhead, retaining wall, other response structure, or structural shore protection project
- The use of sandbags
- Repairs that occur to a home partially or fully seaward of mean high tide
- Placement of beach-quality sand or sandy clay seaward of mean high tide

* If a structure is subject to an ongoing enforcement action under the Texas Administrative Code, the Open Beaches Act (TNRC Chapter 61), the Dune Protection Act (TNRC Chapter 63), or a local government beach access and dune protection plan, emergency repairs may not be authorized by the local government and the full permitting process must be adhered to.