



The Strand Line

Message from the President

Since the last Texas ASBPA Chapter Newsletter, we had two meetings, one in Austin on March 16 and the other was in Houston on June 17.

March 16: Texas legislators meet every two years from January through May and we wanted to have a meeting in Austin in a large room inside the State Capitol that would allow our members to have the opportunity to meet with their respective elected officials before or after the meeting. In addition, we wanted the legislators and their aides as well as lobbyists from various coastal communities to join and participate in the meeting. The meeting in Austin was a catered luncheon. We had 75 people attend with several legislative aides from the House and Senate side and we had additional aides pop in and out during the meeting.

The Deputy Commissioner of the General Land Office (GLO), who manages all the coastal areas of Texas, opened the meeting and was followed by the GLO Director of Legislative Affairs who gave a perspective in what to expect with any funding programs from the legislature for the coastal communities. The Coastal Erosion and Response Plan (CEPRA) is funded during each legislative session and the prospects for receiving any funds were very bleak to say the least since the State was looking at a possible \$25 billion deficit. However, there was some promise with the House looking at \$12 million for CEPRA and the Senate considering \$24 million for CEPRA.

The biggest part of the meeting was a review by the GLO Legal Department on the Severance Case (the lawsuit basically challenging the Texas Open Beaches Act where currently the public has full right to the Texas beaches and the State could seize properties with normal erosion or after a storm event). The Texas Supreme Court ruled in November, 2010 that the State did not have the authority to take property as a result of a storm. The GLO filed for a rehearing of the case, which was granted for April 19, and the Texas Chapter as well as other cities and organizations filed amicus briefs in support of the GLO's efforts. No decision yet has been reached by the Texas Supreme Court as of this writing (July 15, 2011).

We had various coastal lobbyists speak at the March 16 meeting on issues and we had elected legislators give an appraisal of events. One other main issue for the Texas coast was windstorm insurance. The State has an agency called the Texas Windstorm Insurance Association (TWIA) that writes all windstorm insurance for coastal communities since all the major insurance companies over the years declined to write this type of insurance. Two recent hurricanes, Dolly and Ike, basically depleted all the funds in

(Continued page 2)

Inside this issue:

TWIA "Reform" or TWIA "Harm"	3
Science and the Sea	4
Letter From the Editors	4
Upcoming Events	4
Gulf Coast Community Protection and Recovery District	5
Notable News	6
Texas Beaches Pictures	7
Corporate Sponsors	8

Message from The President (Cont'd)

TWIA. Hurricane Ike was a \$2.3 billion disaster and TWIA was able to raise only \$2.1 billion and needed another \$200 million, which has been a major issue during this legislature. The legislators that spoke were looking at ways to curtail the massive lawsuits that occurred from the storms and the impact on TWIA. The matter was not settled with the regular legislative session and a special session had to be called, which finally resulted in a restriction on the amount of damages from lawsuits.

June 17: For the June 17 meeting in Houston, we had 60 people in attendance and this was really one of the best meetings because so much information was presented (see the minutes from the meeting on www.texasasbpa.org). We started off again with the GLO giving a perspective on the recent 82nd Legislative Session where CEPR was finally funded \$22.4 million. In addition, the GLO is requiring all coastal communities to submit a draft of an Erosion Response Plan (ERP) by July 1 with the final plan to be completed by December 31, 2011. This plan mainly involves setback requirements and ways to mitigate storm damage. The Coastal Impact Assistance Program (CIAP), which has been a very frustrating procedure for Texas coastal communities, was discussed and we were pleased to hear that U.S. Fish & Wildlife will now be responsible for the implementation and disbursements.

The Technical Committee had a presentation on the six southeast Texas coastal counties efforts to develop a surge protection system for major storms, called the Gulf Coast Community Protection & Recovery District (see www.gccprd.com). Hurricane Ike could have devastated the industrial complexes in all these counties, which would have a major impact not only to Texas but also to the U.S. economy. The surge protection system would be patterned after the European Dutch systems, which have successfully battled North Sea storms for hundreds of years.

The other presentation was for the Galveston Island State Park and how it is recovering since the devastation from Hurricane Ike. This park is a jewel on the west end of Galveston Island with over 2,000 acres of property from the beach to bay with camp sites, cabins, an interpretive center, fishing, kayaking, and many other activities.

We also had a discussion on the recent proposed legislation on windstorm insurance by the President of the Coastal Windstorm Insurance Association, who gave a grim report of all the behind the scenes negotiations between the House and Senate. The main purpose of the legislators is to limit any litigation exposure to TWIA and it appears this will occur (see above under the March 16 meeting). In addition, the new website to galvanize all Texas coastal communities on windstorm insurance is www.dontkillthetexascoast.com. We asked that people subscribe and join this website because numbers count and we need more people up and down the coast to be aware of what is happening to windstorm insurance.

Besides the two meetings mentioned, the Texas ASBPA Chapter is exploring the possibility of forming a Gulf Coast Coalition consisting of four states--Texas, Louisiana, Mississippi, and Alabama. The main purpose would be to seek Federal funding opportunities for shoreline restoration projects. Texas needs a champion like Louisiana has with Senator Mary Landrieu, who has been responsible in obtaining billions of dollars since Hurricane Katrina for her state. We would like to become part of their efforts in seeking funding programs. I visited Louisiana's powerful political organization called PACE (Parishes Against Coastal Erosion) on May 20 in New Orleans and they would also like to see this coalition formed. We are making contacts with groups in Mississippi and Alabama in the hopes of putting together this group before the ASBPA Coastal 2012 Summit in Washington D.C. We also would like to see this organization become a Chapter of the ASBPA.

The Texas ASBPA Chapter has been very active on coastal and legislative issues and we continue to seek support from members and to attract new members.

Jerry Mohn,
President

TWIA “Reform” or TWIA “HARM”

By Lee Ottis Zapp, Jr., Chair of Galveston Wind Action Committee, Inc.

The 70 page TWIA ‘reform’ Conference Committee Report of House Bill 3 was passed by both the House and Senate just before the June 29, 2011 end of the 82nd Legislature, Special Session No. 1. After having failed to reconcile disparate Senate and House bills in the Regular Session, the House and Senate each passed bills almost identical to those which could not be reconciled in the General Session, raising expectations that there might be a repeat failure. Governor Perry promised additional Special Sessions until a bill passed that he would accept. Senate Chair John Corona [R Dallas] and House Chair John Smithee [R Amarillo] then teamed up to merge the two bills into a bill which they believed the governor would sign. They apparently presented their merged bill draft to the 5 Senators, 5 Representatives, conferees for signature—no changes allowed. It was signed; each chamber passed it by party line vote, sending it to the governor’s desk just before the end of the Special Session.

Governor Perry signed the bill July 19, 2011, effective September 28, 2011, except for certain parts for which other effective dates are provided.

Senator Mike Jackson, and Representatives Craig Eiland, Larry Taylor, and Todd Hunter, and possibly other Members, negotiated OUT many harmful provisions during the sessions, including: **15%** increase in rating territories; **5%** add-on increase if no reinsurance was purchased; requirement of a separate flood policy to many more structures; very substantial reduction of the amount of TWIA coverage available in large areas; mandating binding arbitration for claim disputes; and authorization of sale of \$1 Billion Class 1 securities every year, at a cost of over **25%** of 2010 annual premium each year, for 14 years to repay each billion.

Harmful provisions in the final bill imposed by the overwhelming inland vs. coastal Members majority included:

- 1.) Authorization for the Texas Department of Insurance [TDI] to place the Texas Windstorm Insurance Association [TWIA] into a status of supervision or conservatorship, downgrading the quality and acceptability of TWIA policies. TWIA’s inability to sell its debt in the form of securities would call for the TDI action. Lenders may be required by their regulators to reject TWIA policies, throwing loans into default, resulting in acceleration of notes and foreclosures. New loans could become impossible to obtain.
- 2.) Changes in the repayment of TWIA Class 2 securities. One change would increase surcharges on personal lines policies by eliminating surcharges on certain commercial policies. The other change would increase the cost to TWIA policyholders by shifting the repayment burden of up to half of Class 2 securities to TWIA.
- 3.) TWIA policyholders are made ‘second class citizens’ by repeal of basic legal rights and other claim dispute provisions. Many complex, time consuming requirements are imposed. Worst of all, the basic legal right of a normal trial by jury in a local court, by a locally elected judge is repealed. This action, touted as a way to avoid the cost of attorneys, instead is so complicated that a policyholder is at risk unless he retains an attorney when filing a claim. The conference committee even authorized the reduction of the claim dispute rights of policyholders of *private insurers* in the Catastrophe Area, which would make the ‘2nd class’ label applicable to all coastal property policy holders.

2009 repeal of TWIA power to assess its insurance company members, which had been in effect since 1971, compromised the financial security of TWIA policies for the first time in its history, but this fundamental issue was not even addressed in any of the 27 TWIA bills filed this session.

Among several studies required by the bill is a ‘Blue Ribbon’ Legislative Interim Committee, composed of 4 Senators, 4 Representatives, and 4 Public members, divided evenly between the coast and inland. This committee is charged with several matters, starting with how to provide the coast with the insurance market it needs, in a better way than TWIA. Sure to be considered is the SB 44 concept filed late in the special session by Senator Troy Fraser [R Horseshoe Bay]. It was considered too late to allow serious study of its very serious mandates: End TWIA, and mandate ‘for profit’ insurers to write their statewide ‘market share’ of windstorm insurance in the first tier [14 counties], and second tier [14 counties]. At present, ‘for profit’ insurers write 44% of wind policies in the first tier, and all of the second tier except the small part written by the FAIR Plan.

June 6, 2011 the Corpus Christi Chamber of Commerce and the Galveston Chamber of Commerce became co-chairs of a strengthened, more formalized, longstanding coastal coalition, in association with the Galveston Windstorm Action Committee, Inc. Named Don’t Kill The Texas Coast, this coalition invites all coastal persons,

(Continued page 6)



A Thorny Issue

On the Great Barrier Reef lurks a creature straight out of science fiction, with many arms, stinging spines, and a monstrous appetite.

Meet the crown-of-thorns, a real Godzilla among sea stars. It can grow up to 3 feet in diameter, with up to 21 arms, and its upper surface is covered with venomous spines. The crown-of-thorns feeds on live coral, and in moderate numbers, is a normal part of the reef ecosystem.

Problems start when these sea star have a population boom, or outbreak. They devour coral faster than it can grow, even consuming slow-growing coral species they wouldn't normally eat. This feeding frenzy can decimate a reef's coral, and though reefs can recuperate, it takes a decade or more for coral levels to be replenished.

Scientists aren't sure if crown-of-thorns outbreaks are natural phenomena, or if human activities help sea star populations grow out of control.

One suggestion points to blooms of algae caused by pollution and agricultural runoff from land. Algae provide food for crown-of-thorns larvae, and when more larvae survive, the population explodes. Another possibility is that fishing cuts down the numbers of the few fish that prey on the crown-of-thorns.

Whether or not these outbreaks are a natural cycle, researchers worry that reefs under stress from human activities will have a tougher time recovering in the aftermath. Scientists are keeping tabs on water quality and other measures of ecosystem health to help ensure that, when the crown-of-thorns invade again, the reefs are ready for them.



Letter From the Editors

Howdy, coastal community. Welcome to the latest edition of The Strand Line, the Texas Shore and Beach Preservation Association newsletter. As always, I want to thank the newsletter committee and contributing authors. I greatly appreciate the work and effort everyone puts into publishing the newsletter.

In particular, I would like to thank the Technical Committee Chairs. With their combined efforts, we have proven that cooperation and coordination within the Texas Chapter make us a stronger organization as a whole. Thanks for your contribution.

As always, I want to encourage everyone to submit articles for publication. If you have ideas for an article, write them down and submit them. The newsletter committee members will be more than happy to discuss and review them for publication.

It is a group effort to make the Newsletter interesting and relevant. I look forward to reading your article submission.

Regards,

Cris Weber

Newsletter Committee Chairman

BE HEARD, BE PUBLISHED!

The TxASBPA Newsletter staff challenge our readers to submit articles for publication.

GUIDELINES:

- 500 to 1000 word articles (pictures welcomed)
- Word format (Garamond @ 10 font)
- Ensure permission to publish is granted.

Upcoming Events, 2011

August 2011

- *August 20: Oyster Reef Restoration Benefit. Houston, TX - \$20 cover includes Mexican dinner! (www.galvbay.org)*

September 2011

- *September 4: Redfish Raft-up. Galveston Bay, TX (www.galvbay.org)*
- *September 28: Guardian of the Bay Award Luncheon, Houston, TX (www.galvbay.org)*

October 2011

- *October 8-9: Bike Around the Bay. Galveston Bay, TX (www.bikearoundthebay.org)*
- *October 19-20: ASBPA's 2011 National Conference - Expanding Coastal Horizons. New Orleans, LA*

Let us know about your events too!

Gulf Coast Community Protection and Recovery District

By Owen Parker, P.E., Dannenbaum Engineering Corporation

On 13 September 2009, the centerline of Hurricane Ike, a very large Category 2 storm with Category 4 surge, crossed over the western edge of Galveston Island. The full impact of Ike would broadside Bolivar Peninsula, just north of Galveston Island, leaving beachfront communities flat. Electrical power in Houston would be off for weeks, trees knocked down, roofs blown off; and when it was all said and done, the cost of Hurricane Ike would exceed \$30 billion. Ike was the third largest financial loss from a natural disaster in the history of the United States.

The Houston-Galveston Region dodged significantly greater losses. If the centerline of the storm had been 20 to 30 miles further to the west, the full brunt of the storm would have traveled directly up the Houston-Galveston Ship Channel. It is estimated that there would have been 20+ foot surge in the northern reaches of Galveston Bay where the City of Houston is located. That kind of event would have been a national disaster, killing and displacing people, destroying the environment, and crippling the petrochemical business.

In response to Hurricane Ike in 2010, the Gulf Coast Protection and Recovery District was formed consisting of the senior leadership of the six northern counties along the Texas Coastline. The birth of the district is a direct response to damage along the Texas Coastline, the effects of hurricanes, and the concerns of the community of the potential loss of people, jobs and environment if in the future the area were to have a larger storm than Hurricane Ike or if a future hurricane were to make a direct hit on our communities. The mission of the District is to develop a Study that will determine solutions to protect people, the environment, and the economy; and mitigate the effects of natural disasters on the Northern Texas Coast Line.

People. The Greater Houston-Galveston Region is of national importance; the region is home to an estimated 4 million people and is estimated to grow to 7+ million in the next 20 years.

Environment. The Galveston Bay complex is not only home to the number one exporting port in the United States, but it is also home to one of the most productive estuaries, which supports commercial and private fishing, and the third largest sail boat community in the nation. Also in the region is the largest remaining freshwater marsh on the Texas coast, the 55,000-acre McFaddin National Wildlife Refuge.

Economy. The second largest petrochemical complex in the world that parallels the 52 miles of the Houston-Galveston Ship Channel, home of the number one port in the U.S. The region includes 4 of the other top 15 ports in the US. The products and goods that are shipped, manufactured, and distributed through this area are not only measured in billions of dollars but are measured in percentages of GDP. (The Regional Domestic Product is approaching \$500B.) If that is not enough, the region also hosts other national resources which include NASA and the Texas Medical Center.

The District is currently working with the U.S. Army Corps of Engineers and the Texas General Land Office to kick off the federal study process. The District will continue the process of executing our own studies to help supplement these efforts. As well the District will be hosting an intern from Delft University in Holland to help generate a preliminary study on areas of concern for surge and what the Dutch solutions have been.

The District is excited to announce a Technical Workshop and Symposium this September 15, 2011 at South Shore Harbor Hotel. We are grateful to be hosted by the Bay Area Houston Economic Partnership. We hope to have an agenda finalized soon, but tentatively we will hold round table discussions on the findings by the District in the morning session, and then conduct a Symposium in the afternoon with Local, State, and Federal Dignitaries.

Please visit our website for more information at www.gccprd.com.

“Reform” or “HARM” (Cont’d)

interests, and organizations, all of which are directly or indirectly impacted by TWIA changes, to go to www.DontKilltheTexasCoast.com [no apostrophe], and click on and follow the instructions to ‘join this group’, using the link on the upper right side of the page. Total Coastal unity must be demonstrated in order to be invited to the table when decisions are made which have little impact on others, but can mean life or death to the Coastal economy, Coastal homeowners, and Coastal businesses.

Speaking as one person, I consider the 2009 ‘HB 4409’ Act, and the 2011 ‘HB 3’ Act, not to be “Reform”, but to be serious “HARM”.

Notable News

The Coastal Land Advisory Board (CLAB) met on February 7, 2011.

www.glo.texas.gov/GLO/boards-and-commissions/coastal-land-advisory-board/clab-meetings.html

- The 2007 State Plan has been approved. Currently, the 2008 projects are still under BOEMRE review.
- Jane Sarosdy, GLO Coastal Legal Services, discussed possible impacts to CIAP projects due to the Severance court case. The Severance decision has affected the West Galveston Island Beach Renourishment project which was canceled due to the impending court case. The Severance decision should not affect the Surfside Beach Renourishment project. Miss Sarosdy advised working closely with GLO and CLAB staff regarding any public beach renourishment.
- Sheri Land, GLO Director of Coastal Resources, provided a summary of deadlines for CIAP as well as a request for fund reallocation. The cancellation of the West Galveston Island Project made \$3 million available for reallocation. The GLO requested \$1.8 million be returned to the South Padre Island Project and \$1.2 million be returned to the Farm and Ranch Land Project. The motion was granted. Deadlines for CIAP:
 - December 31, 2012-Deadline for State Plan Amendments
 - December 31, 2013-Deadline for Grant Applications
 - December 31, 2016-CIAP program ends
 - November 12, 2012- May submit one amendment to apply for reallocated funds

Sunset Advisory Commission—Final Report. Coastal Coordination Council. July 2011.

www.sunset.state.tx.us/82ndreports/ccs/ccs_fr.pdf

Commission Decision from, Report to the 82nd Legislature.

- Modified and adopted Recommendation 1.1 to abolish the Coastal Coordination Council on September 1, 2011 and transfer its functions to the General Land Office, and to require the General Land Office to establish, by rule, a Coastal Coordination Advisory Committee. GLO would be required to consult with the National Oceanic and Atmospheric Administration during the Council’s one-year wind-down process to ensure continued compliance with federal requirements.

GLO Expands Disaster Recovery Role

www.glo.texas.gov/glo_news/press_releases/2011/JULY/Disaster-recovery-.html

NOAA’s Climate Prediction Center Forecasts an Above Normal Hurricane Season for the Atlantic Basin

www.noaanews.noaa.gov/stories2011/20110519_atlantichurricaneoutlook.html

Other useful links for hurricane season include

www.dixwx.com/

www.nhc.noaa.gov/

www.stormpulse.com/

texashelp.tamu.edu/

www.fema.gov/hazard/hurricane/index.shtm

www.tdhca.state.tx.us/hurricaneresources/

Texas Beaches Pictures

BREAK OUT YOUR DIGITAL CAMERAS!

This is the official invitation to submit your best photographs of Texas beaches. It's time to tap into your inner Picasso and find the picture that is worth a thousand words and share it with our friends that read The Strand Line.

We would like to start including pictures from our members in the Newsletter of places and faces on our Texas Beaches. You may send your pictures via email to any of the newsletter committee members. Our contact information may be found on the TSBPA website: www.texasasbpa.org

We look forward to the individual perspectives that make our coastline beautiful and show our readers the diversity that makes our beaches special.

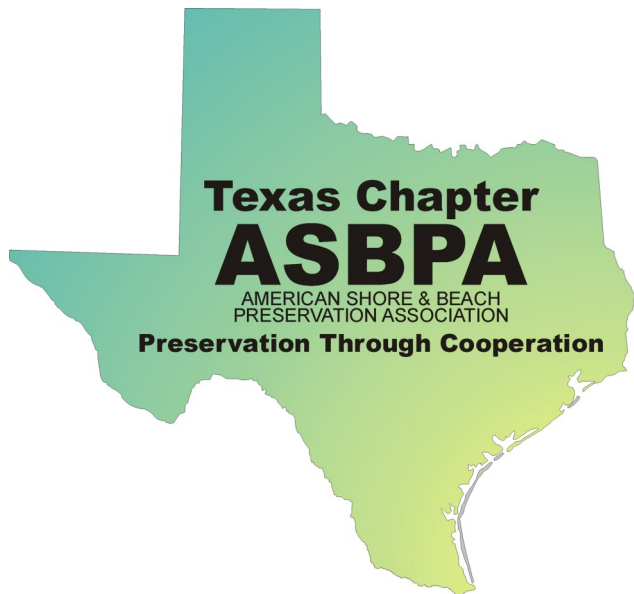
Regards,

Newsletter Committee members



Clay Fingers. Effects of Clay Downcutting at McFaddin Beach

Photograph by Jeff Brown with LEAP Engineering, taken at McFaddin Beach along the McFaddin National Wildlife Refuge (NWR) in Jefferson County. The clay outcroppings are a geomorphic phenomena resulting from extreme erosion found along the 26 miles of the NWR, where the protective sand covering on the beach face has been stripped away and removed from the littoral system. The cross shore length varies from several feet to over 20 feet, and have an elevation of several inches to several feet.



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The American Shore & Beach Preservation Association recognizes that the shores, beaches and other coastal resources of America provide important quality-of-life assets within the reach of the largest possible number of people in accordance with the ideals of a democratic nation. This Association is dedicated to preserving, protecting and enhancing the beaches, shores and other coastal resources of America.

The Texas Chapter of ASBPA is dedicated to fulfilling this mission in the State of Texas. We are a member based advocacy organization. For more information on becoming a member, becoming a corporate sponsor, or becoming more active with the organization, please contact Jerry Mohn at the address to the left.

Please remember to visit our website at www.texasasbpa.org for more frequent updates on coastal happenings and the Texas Chapter of ASBPA. If you have information to submit for the website or newsletter please contact Jerry Mohn.

Corporate Sponsors



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Corporate Sponsorship costs \$500 and provides for recognition on Chapter website and all publications & events.