JOE K. RIPPLE
FLOODPLAIN ADMINISTRATOR, CFM
SOFIA GARCIA GIBSON
FLOODPLAIN / BUILDING PERMITS
OFFICE ASSISTANT SR.
BELINDA HOWELL
FLOODPLAIN / BUILDING PERMITS
PERMIT TECHNICIAN
VICKIE THOMAS
FLOODPLAIN/BUILDING PERMITS
FLOODPLAIN CONSULTANT

PHONE:
(979) 864-1295
(979) 388-1295
(281) 756-1295

BRAZORIA COUNTY

451 North Velasco, Suite #210
Angleton, Texas, 77515

May 17, 2024

Mei Ling Valdes
Planning, Permitting & Technical Services
Coastal Resources Division
Texas General Land Office
P.O. Box 12873
Austin, TX 78711-2873

Re: Beach front construction application amendment for rock revetment project (GLO ID BDBC-19-0050

Dear Ms. Valdes,

This application is for a beachfront amendment for a rock revetment project at Treasure Island. Please find attached additional documentation from Treasure Island. Parking space requirement map, interlocal agreement between the County and Treasure Island MUD approval from Commissioners Court and Interlocal agreement approved by Treasure Island
We look forward to your review and comments dealing with this project.

Sincerely,

Joe K. Ripple
Floodplain Department

Enclosures

From: Treasure Island MUD
To: Michelle Culver
Cc: Jean Riojas-Foyt; joer@brazoria-county.com
Subject: [EXTERNAL] Re: Photographs - Damaged Infrastructure
Date: Monday, March 15, 2021 4:55:10 PM

Hello Michelle

With no dunes or revetment to absorb, slow, or stop the normal high tides, much less any surges, we would on a regular basis have damage to our water distribution system.
Specifically, and shown in the attached pictures, the 2 inch line that runs behind the homes on Jolly Roger and Buccaneer became an ongoing issue.
The lines would become exposed and at times we were forced to have water lines above ground.
I was very surprised by the fact that our 2 inch main buried under 4 feet of sand and 15 from a capped end could be damaged by the force of the surf action from high tides.
I did not believe it at first but our maintenance guy asked me to give him a hand on the repair.
The houses shown in the attached photographs plus several others would have their septic tanks and lateral fields regularly exposed and damaged.
Please feel free to contact me if there is anything I can help with.

Thank you

Don

On Mon, Mar 15, 2021 at 2:22 PM Michelle Culver <Michelle.Culver@glo.texas.gov> wrote:

> Good Afternoon,
>
> I received your contact information from Jean Riojas-Foyt and she asked that I contact you to request photographs showing the infrastructure issues in Treasure Island prior to the construction of the recent rock revetment addition.
>
> Do you have any photographs that you can provide us with?
>
> If they are too large to send via email, you are welcome to upload them here: https://txglo.app.box.com/f/0bae937f405f44149ae5caea7da4fb53
>
> Best,
>
> Michelle Culver

Beach Access & Dune Protection Program

Coastal Resources Division

Texas General Land Office

(512) 463-5232

MOTT MACDONALD

Project:	Treasure Island MUD – Jolly Roger Revetment Extension		
Our reference:	387359	**Your reference:**	BDBC-19-0050
Prepared by:	Casey Connor	**Date:**	<Insert Date>
Approved by:	Casey Connor	**Checked by:**	Casey Connor
Subject:	Monitoring Plan - DRAFT		

1 Introduction

In late 2018, Treasure Island MUD (MUD) constructed an emergency extension of the Jolly Roger revetment. Immediately prior, king tides and strong waves had flanked the terminal end of the original Jolly Roger revetment, damaging community infrastructure. The Texas General Land Office (GLO) has requested a monitoring plan to demonstrate the long-term effectiveness of the emergency revetment extension and impacts on the beach and dune system, in accordance with 31 TAC Section ~~501~~26.26(b)(14). This plan is in draft format and will be updated as necessary as part of the permitting process with USACE.

2 Methodology

Monitoring methodologies presented herein follow the GLO Beach Monitoring and Maintenance Plan (Mott MacDonald, 2010) (BMMP) as much as practicable. This plan is intended to be a starting place for an adaptive monitoring and maintenance strategy where the details of monitoring and maintenance activities may be updated as more data and analysis becomes available.

Commented [MC1]: Just to clarify, TIMUD is not required to follow the BMMP for the purposes of complying with 31 TAC 501.26

3 Project Layout

To be successful, this plan must establish a common system to unify previously constructed features and potential future projects in adjacent locations and timeframes. A common baseline will be developed for comparison between ~~projects~~ beach nourishments and years for construction and monitoring. Stationing shall be referenced to the Texas State Plane Coordinate System, NAD83, South Central Zone, in US survey feet. All data shall be referenced to the common vertical datum of NAVD88.

Commented [MC2]: Can you clarify which projects you'll be comparing? Are you referring to beach nourishment events?

There is existing baseline data that was taken before the structure was constructed, and all future surveys and monitoring will need to be compared to that data to ensure the pre-illegal rock revetment beach width is maintained

Commented [KH3R2]: Yes, this is referring to the initial and subsequent beach nourishment events. A common baseline for all beach nourishment events will allow for easier monitoring.

4 Sediment Budget

The most effective way to measure the rate at which sediment is eroding from a beach is to directly measure the volume through beach profile surveys. However, the project site does not have a long record of consistent beach profile surveys over the extents of the active beach profile.

To provide a first estimate of the background erosion rate, a sediment budget (sediment volume change rate) will need to be developed. This work is anticipated to be performed as part of the Treasure Island MUD Beach Nourishment Regulatory Permitting project (CEPRA 1642), which will develop a beach nourishment template that surrounds the MUD community's Gulf-facing shoreline. The sediment budget will summarize the change in the volume per year in the project area and therefore provide guidance on how much volume will be required to restore the beach to the historical beach width and an approximate renourishment interval.

Commented [MC4]: After the "background" erosion rate (is this with or without the revetment?) is determined, they need to account for how much volume will be required to renourish the beach in front of the revetment every x number of years.

Commented [KM5R4]: The background erosion rate includes both with and without the revetment.

Commented [MC5]: Please provide information here about what will be done with the sediment budget data after it has been collected.

5 Active Beach Profile Definition

The active beach profile is generally described as extending from the top of the dune or elevated back beach if a dune is not present down to the beach's depth of closure (DOC). DOC is defined as the depth beyond which no significant longshore or cross-shore transport takes place due to littoral transport processes. The DOC can thus be defined as the depth at the practical seaward boundary of the littoral zone. The DOC was calculated for this area as -27 ft NAVD88 (Mott MacDonald, 2010).

6 Monitoring Methodology

The goals of the monitoring are to quantify the morphology of the project site, develop an understanding of the rate volume change due to erosion, and quantify the volume of sediment in any beach nourishment template. The goal of monitoring is also to evaluate any impacts of the rock revetment extension on the beach and dune system and to determine renourishment events required to maintain the pre-rock revetment extension beach width.

Commented [MC7]: It should also be noted that the goal of the monitoring is to evaluate any impacts of the rock revetment extension on the beach and dune system and to determine when subsequent renourishment events are needed to maintain the pre-rock revetment extension beach width.

6.1 Topographic and Bathymetric Survey

Topographic and bathymetric surveys should be used to determine the durability and stability of the beach sand and determine the ~~project~~ beach nourishment service life and schedule for re-nourishment events. This is determined by tracking changes in volume and elevations along the upper and lower beach.

Commented [MC8]: For compliance with 31 TAC 501.26(b), we need the monitoring efforts to include surveys that identify the location of MHHW and MLLW in front of and adjacent to the rock revetment.

Perpendicular survey transects are not required for compliance purposes but would still be informative.

Commented [MC9]: What are you referring to as the project? Beach nourishment?

Commented [MC10]: What criteria will be used to determine if a re-nourishment event is needed?

Commented [KM11R10]: I believe the goal is to renourish once the surveyed beach width is 0.5 of the constructed beach nourishment. Correct if that is wrong.

Surveys should be completed using the datum specified above, with survey transects oriented perpendicular to the baseline.

The emergency revetment extension is relatively short at approximately ~~125~~ 200 ft. Topographic and bathymetric transect locations and spacing will be determined based on the analysis performed as part of the CEPRA 1642 project, but three topographic survey transects are proposed in the project vicinity with the middle transect corresponding to the middle of the emergency revetment extension and the other two transects at either end of the revetment extension. One bathymetric survey is proposed at the middle transect location.

Commented [MC12]: Will the other two transects be located at either end of the revetment extension?

Topographic surveys should begin at the landward edge of the base of the dune, or the edge of vegetation if no dune is present, or on the landward edge of the revetment, as applicable, and extend seaward along the transect line until 0 ft NAVD88 is surveyed or to wading depth, whichever is further seaward. Survey data

should be continuous along the transect lines with no appreciable gaps. Additionally, the location of the Mean Higher High Water (MHHW) and Mean Lower Low Water (MLLW) elevation should be noted in every survey transect.

The bathymetric survey transect should extend seaward perpendicular to the baseline, overlap the topographic transect, and extend to the depth of closure. Bathymetric data should be corrected for wave and tidal influences if applicable.

Surveys should be conducted at the same time of year, ideally in May, to reduce seasonal variations in the beach morphology and shoreline position. May was selected because the weather is generally calm and is prior to Hurricane Season, which allows for a pre-storm beach survey to document conditions if a storm were to occur.

All surveys should be made in accordance with U.S. Army Corps of Engineers manuals EM 1110-2-1003 – Hydrographic Surveying and EM 1110-1-1005 – Engineering and Design: Control and Topographic Surveying.

For consistency between surveys, control should reference the same monument(s) used for the Coastal Boundary Survey.

The surveys, beach profiles, and reports need to be provided to the GLO after each monitoring event.

6.2 Site Visit

Site visit assessments should be used to assess changes in the waterline, seaward slope, beach width, toe of dune, vegetation growth, sediment color, and storm damage. Ground level photography should be used in this assessment. The photography should be taken at strategic locations along the entire beach to accurately depict the coastal conditions at the time. The photography should include high-interest areas as well as general conditions. Photography should be taken in the same locations with each site visit to visually document changes. During the first visit, strategic photo locations should be designated with a position that will be able to be reestablished on subsequent visits and will be specified with descriptions and/or GPS coordinates. Site visits should coincide as close as possible with the date of surveys.

A brief report should be prepared by the participants in the site visit to describe conditions observed and should be submitted to the GLO.

Commented [MC13]: The surveys, beach profiles, and reports need to be provided to the GLO after each monitoring event

6.3 Post-Storm Monitoring

A post-storm monitoring event should be triggered within 48 hours, or as soon as practical, after any tropical storm or hurricane whose extents pass over the project site and result in a presidential declared disaster and impacts to the local beach and dune system. If a disaster is not declared by moderate damage to the beach and/or infrastructure, MUD representatives will determine if post-storm monitoring is appropriate.

Commented [MC14]: Is this a realistic timeframe? After a major storm event, it might take a several weeks to get a surveyor to visit a site

Commented [KM15R14]: A site visit could be conducted sooner, which could be a first step in a post-storm monitoring event. The later statement of "or as soon as practical" would apply to the timeline of the survey. Let me know if you would like this changed.

Commented [MC16]: Recommend adding here "and impacts to the local beach and dune system."

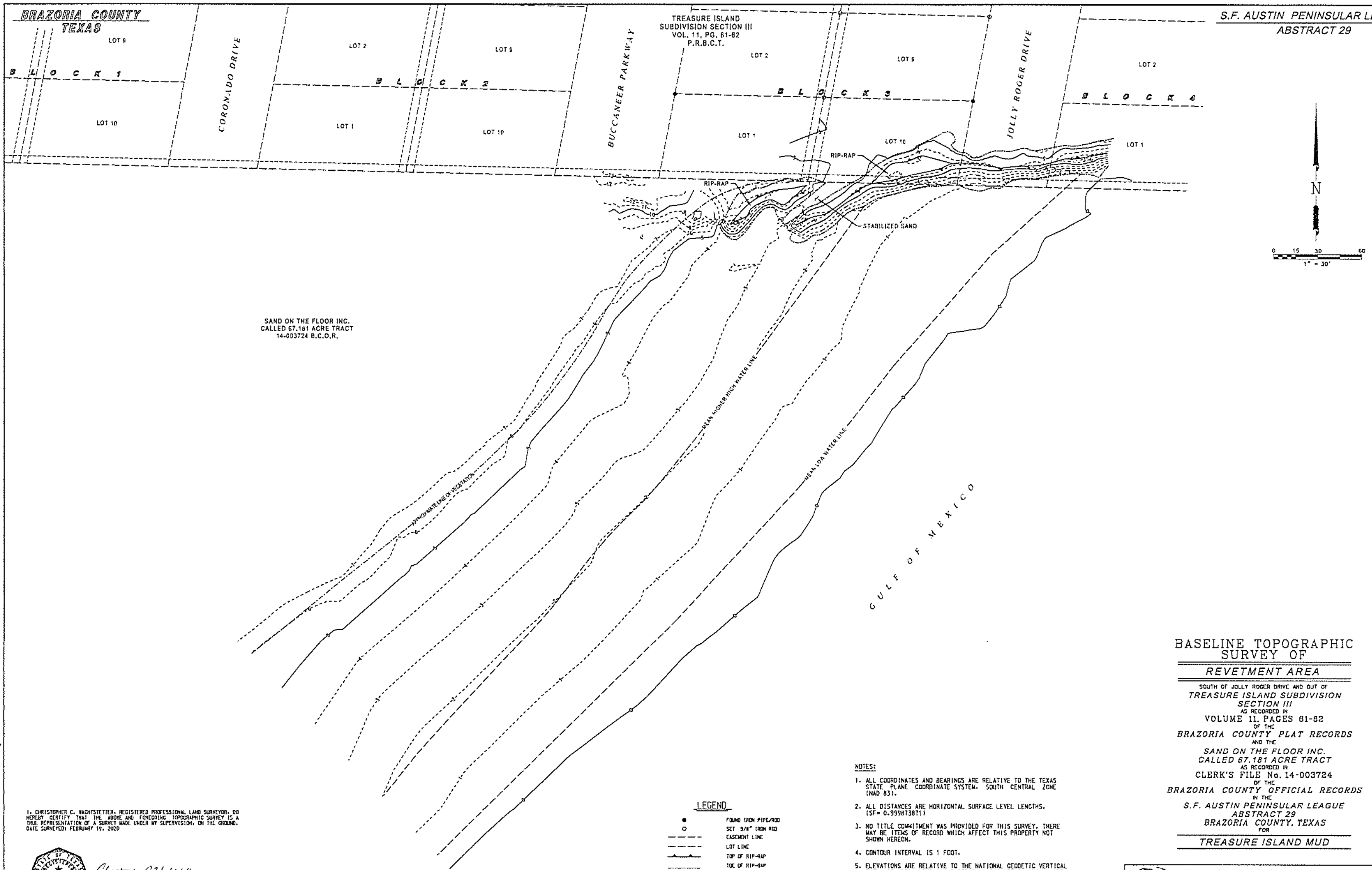
Post-storm monitoring should consist of topographic and bathymetric data collection and a site visit. Surveys should be compared with the most recent pre-storm survey to compute volume changes in the beach profiles due to the storm.

6.4 Monitoring Frequency

Monitoring should be performed at years 1, 2, 3, 4, 5, 7, and 10 after the initial beach nourishment, and subsequently every 5 years. A coastal engineer licensed in the state of Texas shall review all survey data collected to ensure it is scientifically valid.

7 Re-nourishment Events

One of the goals of the monitoring is to determine when renourishment events are required to maintain the pre-rock revetment extension beach width. Subsequent re-nourishment events will occur once the surveyed beach width is 50% of the constructed beach nourishment template or less.



I, CHRISTOPHER C. WACHTSTETTER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING TOPOGRAPHIC SURVEY IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND. DATE SURVEYED: FEBRUARY 19, 2020

STATE OF TEXAS, REGISTERED, CHRISTOPHER C. WACHTSTETTER, 6587, PROFESSIONAL LAND SURVEYOR

Christopher C. Wachtstetter

CHRISTOPHER C. WACHTSTETTER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 6587

LEGEND

●	FOUND IRON PIPE/ROD
○	SET 5/8" IRON ROD
— — —	EASEMENT LINE
— — —	LOT LINE
⌒	TOP OF RIP-RAP
—	TOE OF RIP-RAP
—5—	MAJOR CONTOUR
- - 4 - -	MINOR CONTOUR

NOTES:

1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS. (SF= 0.99987387 1)
3. NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY. THERE MAY BE ITEMS OF RECORD WHICH AFFECT THIS PROPERTY NOT SHOWN HEREON.
4. CONTOUR INTERVAL IS 1 FOOT.
5. ELEVATIONS ARE RELATIVE TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29) BASED ON N.G.S. BENCHMARK Y 1237 AT ELEVATION 20.40 FEET.
6. MEAN HIGHER HIGH WATER LINE AND MEAN LOW WATER LINE ARE BASED ON TIDAL BENCHMARK "USCG 1997".

BASELINE TOPOGRAPHIC SURVEY OF

REVETMENT AREA

SOUTH OF JOLLY ROGER DRIVE AND OUT OF
TREASURE ISLAND SUBDIVISION SECTION III
AS RECORDED IN
VOLUME 11, PAGES 61-62
OF THE
BRAZORIA COUNTY PLAT RECORDS
AND THE
SAND ON THE FLOOR INC.
CALLED 67.181 ACRE TRACT
AS RECORDED IN
CLERK'S FILE No. 14-003724
OF THE
BRAZORIA COUNTY OFFICIAL RECORDS
IN THE
S.F. AUSTIN PENINSULAR LEAGUE
ABSTRACT 29
BRAZORIA COUNTY, TEXAS
FOR

TREASURE ISLAND MUD

Doyle & Wachtstetter, Inc.
Surveying and Mapping GPS/GIS
131 COMMERCE STREET, CLUTE, TEXAS 77531
OFFICE: 979.265.3622 FAX: 979.265.9940 FIRM NO.:10024500

SURVEYED: 2-20-20	BOOK No. TREASURE ISLAND\9	PROJ.NO.: 11059-20-01
DRAWN BY: CHS/HRG 2-21-20	CHECKED: CCW 6-9-20	REVISED: NONE

USER: Unified Workspace
DATE: 3/11/2021 TIME: 8:49:02 AM
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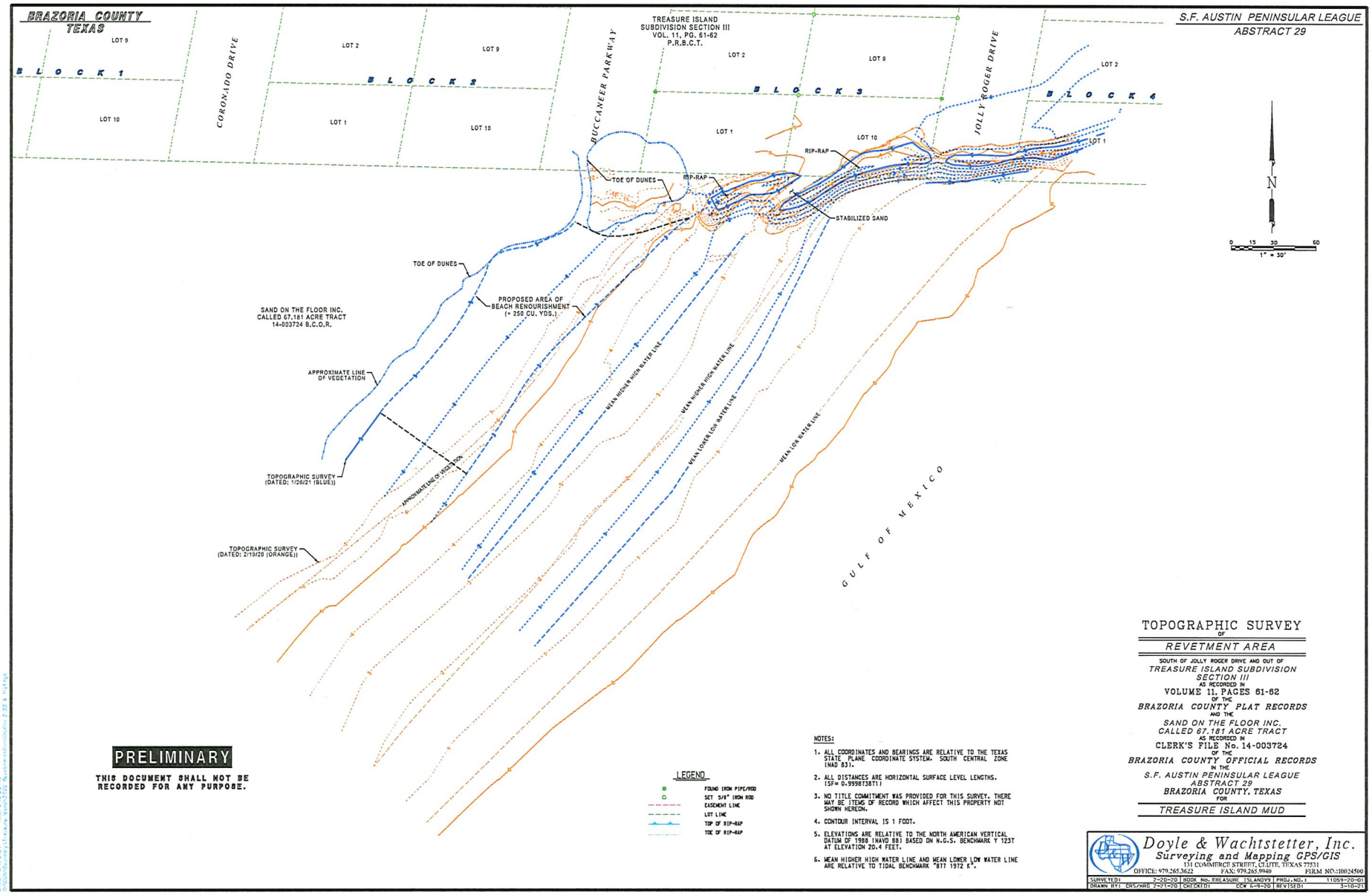


PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

LEGEND

- FOUND IRON PIPE/ROD
- SET 5/8" IRON ROD
- EASEMENT LINE
- LOT LINE
- TOP OF RIP-RAP
- TOE OF RIP-RAP

NOTES:

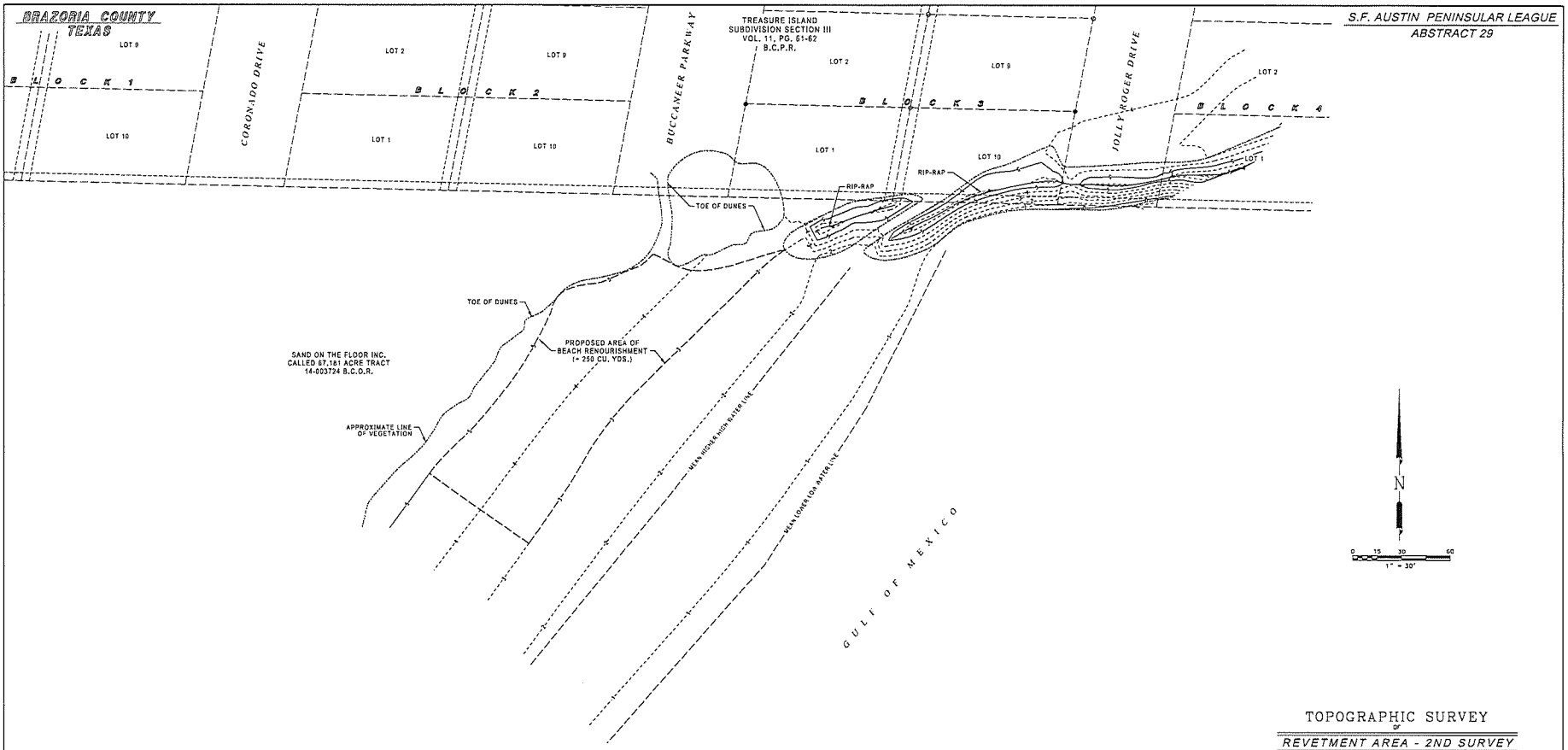
1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS. (SF= 0.99987387T1)
3. NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY. THERE MAY BE ITEMS OF RECORD WHICH AFFECT THIS PROPERTY NOT SHOWN HEREON.
4. CONTOUR INTERVAL IS 1 FOOT.
5. ELEVATIONS ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) BASED ON N.G.S. BENCHMARK Y 123T AT ELEVATION 20.4 FEET.
6. MEAN HIGHER HIGH WATER LINE AND MEAN LOWER LOW WATER LINE ARE RELATIVE TO TIDAL BENCHMARK "877 1972 K".

TOPOGRAPHIC SURVEY
OF
REVETMENT AREA

SOUTH OF JOLLY ROGER DRIVE AND OUT OF
TREASURE ISLAND SUBDIVISION SECTION III
AS RECORDED IN
VOLUME 11, PAGES 61-62
OF THE
BRAZORIA COUNTY PLAT RECORDS
AND THE
SAND ON THE FLOOR INC. CALLED 67.181 ACRE TRACT
AS RECORDED IN
CLERK'S FILE No. 14-003724
OF THE
BRAZORIA COUNTY OFFICIAL RECORDS
IN THE
S.F. AUSTIN PENINSULAR LEAGUE ABSTRACT 29
BRAZORIA COUNTY, TEXAS
FOR
TREASURE ISLAND MUD

Doyle & Wachtstetter, Inc.
Surveying and Mapping GPS/GIS
151 COMMERCE STREET, CLUTE, TEXAS 77531
OFFICE: 979.265.3622 FAX: 979.265.9940 FIRM NO.:10024500

SURVEYED:	2-20-20	BOOK No. TREASURE ISLAND V9	PROJ. NO.:	11059-20-01
DRAWN BY:	CRS/HRB	2-21-20	CHECKED:	CDW	6-8-20	REVISED:	3-10-21



TOPOGRAPHIC SURVEY

OF

REVETMENT AREA - 2ND SURVEY

SOUTH OF JOLLY ROGER DRIVE AND OUT OF
TREASURE ISLAND SUBDIVISION
SECTION III
AS RECORDED IN
VOLUME 11, PAGES 61-62
OF THE
BRAZORIA COUNTY PLAT RECORDS
AND THE
SAND ON THE FLOOR INC.
CALLED 67.181 ACRE TRACT
AS RECORDED IN
CLERK'S FILE No. 14-003724
OF THE
BRAZORIA COUNTY OFFICIAL RECORDS
IN THE
S.F. AUSTIN PENINSULAR LEAGUE
ABSTRACT 29
BRAZORIA COUNTY, TEXAS
FOR
TREASURE ISLAND MUD

I, CHRISTOPHER C. WACHTSTETTER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING TOPOGRAPHIC SURVEY IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND. DATE SURVEYED: JANUARY 26, 2021

Christopher C. Wachtstetter

CHRISTOPHER C. WACHTSTETTER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 6367

LEGEND

●	FOUND IRON PIPE/ROD
O	SET 5/8" IRON ROD
— — — —	EASEMENT LINE
———	LOT LINE
—▲—▲—	TOP OF RIP-RAP
——•——•——	TOE OF RIP-RAP
——5——	MAJOR CONTOUR
- - -4- - -	MINOR CONTOUR

NOTES:

1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS. (SF= 0.999873871)
3. NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY. THERE MAY BE ITEMS OF RECORD WHICH AFFECT THIS PROPERTY NOT SHOWN HEREON.
4. CONTOUR INTERVAL IS 1 FOOT.
5. ELEVATIONS ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) BASED ON N.G.S. BENCHMARK Y 1237 AT ELEVATION 20.4 FEET.
6. MEAN HIGHER HIGH WATER LINE AND MEAN LOWER LOW WATER LINE ARE RELATIVE TO TIDAL BENCHMARK "877 1972 K".

Doyle & Wachtstetter, Inc.
Surveying and Mapping GPS/GIS
131 COMMERCE STREET, CLUTE, TEXAS 77531
OFFICE: 979.265.3622 FAX: 979.265.9948 FIRM NO: 10024500

SURVEYED:	1-26-21	BOOK NO.	TREASURE ISLANDVR	PROJ. NO.:	11059-20-02
DRAWN BY:	CHS/MRC 1-27-21	CHECKED:	CCW 1-29-21	REVISED:	NONE

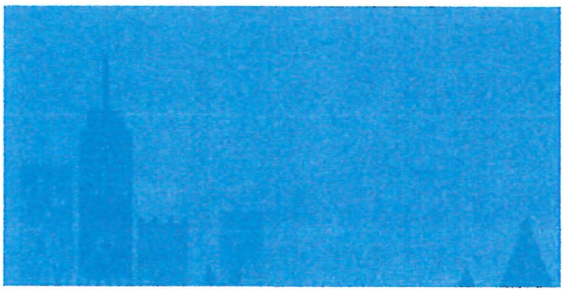

2
2
12 Parking Spaces

Google Maps

Jolly Roger Dr

16 Parking Space

Imagery ©2024 Airbus, Map data ©2024 Google 20 ft



1.16 Parking Spaces

▢ Sign Location Beach Parking Beach Access

—— boundry of parking space

Joe Ripple

From: Joe Ripple
Sent: Wednesday, May 15, 2024 10:00 AM
To: Treasure Island MUD; Mei Ling Valdes
Cc: Michelle Culver
Subject: RE: [EXTERNAL] Jolly Roger beachfront construction certificate and dune protection permit application amendment packet

Tracie, thanks so much for your effort in moving this project forward

Joe K. Ripple
CFM Administrator
Brazoria County Floodplain Director
979-864-1272
joer@brazoria-county.com

From: Treasure Island MUD <treasureislandmud3@gmail.com>
Sent: Wednesday, May 15, 2024 9:35 AM
To: Mei Ling Valdes <MeiLing.Valdes@glo.texas.gov>; Joe Ripple <joer@brazoriacountytx.gov>
Cc: Michelle Culver <Michelle.Culver@glo.texas.gov>
Subject: [EXTERNAL] Jolly Roger beachfront construction certificate and dune protection permit application amendment packet

Dear Joe and Mei Ling:

Attached is the Jolly Roger beachfront construction certificate and dune protection permit application amendment packet to complete the pending application for the rock revetment (GLO ID BDBC-19-0050)
The parking space pictures are at the end of the packet.
It is my understanding that you all have all of the other information. If I am missing anything please let me know.

Best regards,

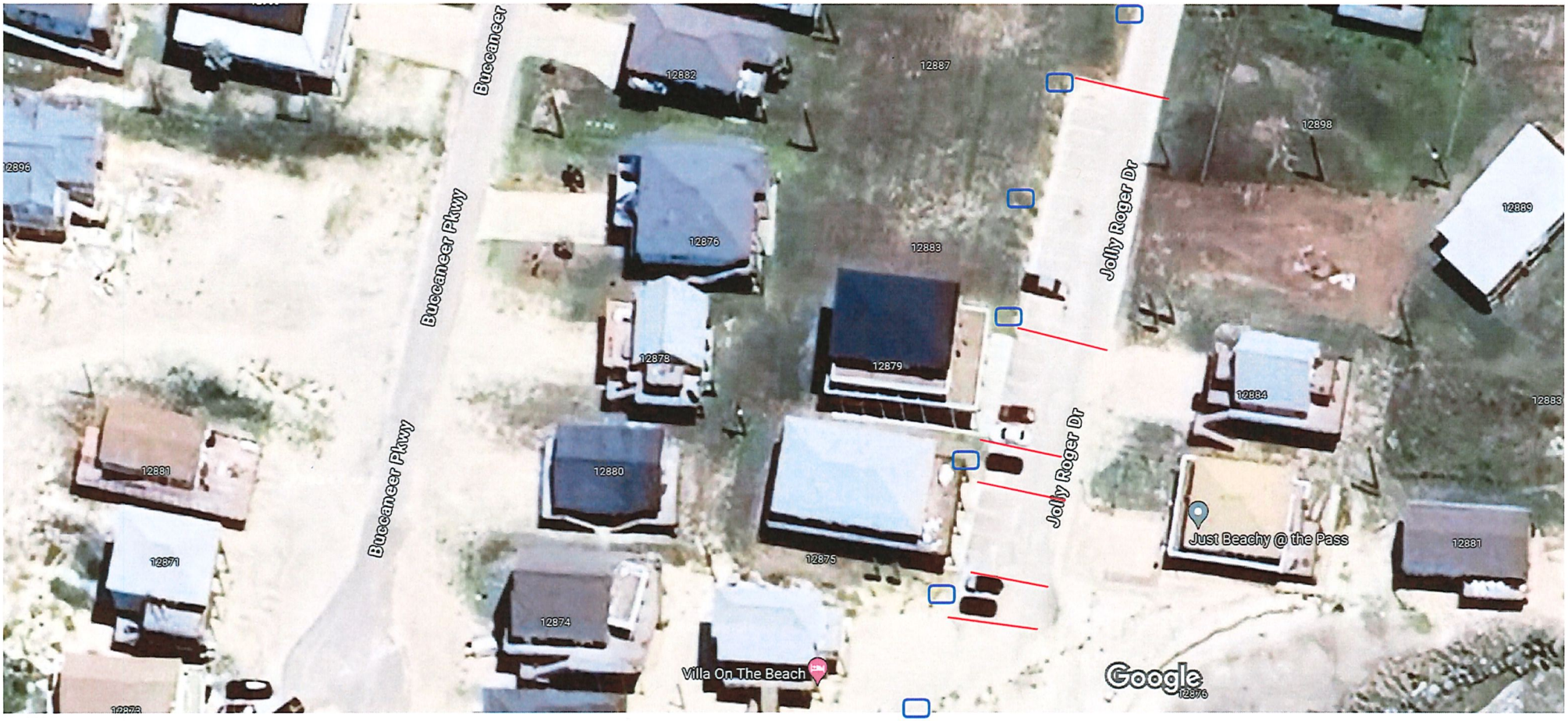
Tracie Terrill
General Manager
TIMUD Board of Directors
Cell 281-513-3207
Office: 979-239-4198

system by any County employee or official may be considered a public record, subject to public inspection under the laws of the State of Texas.

Google Maps

Jolly Roger Dr

16 Parking Space



Imagery ©2024 Airbus, Map data ©2024 Google 20 ft

1.16 Parking Spaces

Sign Location Beach Parking Beach Access

boundry of parking space

CERTIFIED COPY
BRAZORIA COUNTY COMMISSIONERS COURT

ORDER NO.H.34. **INTERLOCAL AGREEMENT TREASURE ISLAND MUD-BEACH RENOURISHMENT**

Approve the attached Interlocal Agreement with Treasure Island Municipal Utility District relating to the Beach Nourishment Project.

The County Judge is authorized to sign the Interlocal Agreement on behalf of the County after final review by the District Attorney's Office.

A certified copy of this order shall be forwarded to the Floodplain Department and the District Attorney's Office.

RESULT:	**PASSED**
MOVER:	Stacy L. Adams
SECONDER:	Ryan Cade
AYES:	Judge Sebesta, Commissioner Payne, Commissioner Cade, Commissioner Adams, and Commissioner Linder

STATE OF TEXAS §

COUNTY OF BRAZORIA §

I, Joyce Hudman, Clerk County Court and Ex-Officio Clerk of the Commissioners Court of Brazoria County, Texas, do hereby certify that the foregoing is a true and correct copy of that certain:

ORDER NO.H.34. **INTERLOCAL AGREEMENT TREASURE ISLAND MUD-BEACH RENOURISHMENT**

as passed by the Commissioners Court on the 14th day of May, A.D., 2024, and as the same appear(s) in the Commissioners Court Records of Brazoria County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 15th day of May, A.D., 2024.

JOYCE HUDMAN, Clerk County Court
and Ex-Officio Member of the Commissioners
Court of Brazoria County, Texas

By: _____
T. Reynolds, Deputy

INTERLOCAL AGREEMENT BETWEEN BRAZORIA COUNTY, TEXAS, AND THE TREASURE ISLAND MUNICIPAL UTILITY DISTRICT BEACH RENOURISHMENT PROJECT

This Interlocal Agreement (this "Agreement") is made effective as of the Effective Date (as defined below), by and between **BRAZORIA COUNTY, TEXAS,** acting through its Commissioners Court (the "County"), and **TREASURE ISLAND MUNICIPAL UTILITY DISTRICT,** acting through its Board (the "District"). The District and the County may be referred to individually as a "Party" and collectively as the "Parties."

WHEREAS, the State of Texas, in the Interlocal Cooperation Act, has provided in Chapter 791 of the Texas Government Code, that County may jointly exercise with other local governments such as the District the power to provide governmental services including the management, protection, and repair of beach lands in the County of Brazoria; and

WHEREAS, the County is the institutional holder of U.S. Army Corps of Engineer beach nourishment permit ("Corps Permit") required for all beach nourishment and dune construction projects; and

WHEREAS, District is located at San Luis Pass and Follett's Island which is being significantly impacted by beach erosion; and

WHEREAS, District and County believe that the placement of material dredged from the San Luis Pass County Park access channel onto the Gulf-facing shoreline at Treasure Island will be beneficial in combatting the beach erosion and assist in protecting the public beach and District; and

WHEREAS, it is in the public good for the beaches from the western shoreline south of San Luis Pass, approximately 0.25-mile southeast of the intersection of County Road 257 (Bluewater Highway) and Palm Street, in Freeport, Brazoria County, Texas ("Project Area"); and

WHEREAS, District warrants that its District Board on April 24, 2024 approved this Agreement by motion or resolution authorizing execution of this Agreement.

WHEREAS, County warrants that its Commissioners Court approved this Agreement by Court Order No. _____ dated _____, 2024, authorizing its County Judge to execute it on the County's behalf, and specifically approving the Project listed in this Interlocal Agreement.

NOW, THEREFORE, the County and the District agree as follows:

1. **Payments from Current Revenues.** Each Party paying for the performance of governmental functions or services under this Agreement agrees to make those payments from current revenues available to that paying Party.

2. **Term.** This Agreement shall commence on the Effective Date and shall continue through the duration of the U.S. Army Corps of Engineer beach nourishment permit and any extensions and/or modifications thereto.

3. **Project.** Placement of dredged material or beach quality sand onto the Gulf-facing shoreline at Treasure Island to combat beach erosion and assist in protecting the public beach and District ("Project") as a continuing and ongoing project for the duration of the Corps Permit and any extensions and/or modifications thereto.

4. **County's Covenants.** County shall be responsible for the following pertaining to the project:

a. If District chooses to truck/transport the Project material, County will provide trucks to transport material only from the stored material across County Road 257 (location identified in Exhibit "A" attached hereto) next to the San Luis County Park to a location designated by District that is consistent with the beach nourishment template and/or Beach Nourishment Plan. County will not truck/transport Project material from the other locations noted in the Corps Permit.
b. All material removed from the boat ramp channel located at San Luis Pass County Park that is not hydraulically pumped to the Project Area, will be trucked and stored at the location identified in Exhibit "A" attached hereto for the Project.

5. **District's Covenants.** District shall be responsible for the following pertaining to the Project.

a. Responsible for overseeing the Project.
b. Place dredged material or beach quality sand pursuant to the Corp of Engineer Permit No. held by County.
c. Follow its Beach Nourishment Plan and Monitoring Plan as approved by the GLO.

6. **Notices.** All notices and communications hereunder shall be in writing and shall be deemed to have been duly given if delivered in person, by email, by an overnight service, such as Federal Express, or deposited in the United States mail by registered or certified mail, postage prepaid, properly addressed as follows:

District: Treasure Island MUD
146 Fathom Dr.
Freeport, TX 77541

E-mail: treasureislandmud3@gmail.com

County: Brazoria County, Texas
Commissioner Precinct 1
1432 Highland Park Drive
Clute, Texas 77531
Telephone: (979) 265-3953

Email: _____

With Copy to:
District: _____
_____
_____
_____
_____
E-mail: _____

County: Brazoria County, Texas
111 E. Locust Street A-29, Suite 210
Angleton, Texas 77515
Attn: Floodplain Administrator
Telephone: (979) 864-1295
Email: joer@brazoriacountytx.gov

AND

Brazoria County Engineer
451 N. Velasco, Suite 230
Angleton, Texas 77515
(979) 864-1265
Email: matth@brazoriacountytx.gov

When assistance is needed from the County, all requests must be in writing. E-mail correspondence will be adequate. If contact information needs to be updated, written notice must be provided as soon as possible.

7. **Independent Status**. The Parties intend that the Parties are independent entities and that neither of them, by virtue of this Agreement, shall be considered as the agent, employee, representative, partner, or representative of the other Party to this Agreement.

8. **Fair Compensation**. The Parties acknowledge and agree that the payment by the District contemplated by this Agreement fairly compensates the County for its responsibilities under paragraph 4 of this Agreement.

9. **No Joint Enterprise**. The Agreement is not intended to, and shall not be construed to, create any joint enterprise between or among the Parties.

10. **Venue and Applicable Law**. This Agreement is subject to all present and future valid laws, orders, rules, ordinances, and regulations of the United States of America, the State of Texas, the Parties, and any other regulatory body having jurisdiction. This Agreement shall be construed and governed according to the laws of the State of Texas without reference to any choice of law statute, rule, decision or contract that would lead to the application of the law of any other state or federal territory. The sole venue for any action, controversy, dispute, or claim arising under this Agreement as between the Parties shall be ***exclusively*** in a Texas state district court in and for Brazoria County, Texas.

11. **Public Information**. This Agreement is public information. To the extent, if any, that any provision of this Agreement is in conflict with Texas Government Code Chapter 552 *et seq.*, as amended (the "Texas Public Information Act"), such provision shall be void and have no force or effect.

12. **No Third-Party Beneficiaries**. This Agreement is entered solely by and between, and may be enforced only by and among the Parties. Except as set forth herein, this Agreement shall not be deemed to create any rights in, or obligations to, any third parties including but not limited to any resident or citizen of Brazoria County, Texas in their individual or representative capacity whether for a different public agency, private for-profit or not-for-profit group, enterprise or committee, or otherwise.

13. **No Personal Liability**. Nothing in this Agreement shall be construed as creating any personal liability on the part of any employee, officer, or agent of any Party to this Agreement whether or not any such person is a signatory to this Agreement in a representative capacity for a Party.

14. **No Indemnification by District or County**. The Parties expressly acknowledge that the District's and the County's authority to indemnify and hold harmless either each other under this Agreement, or any third party, is governed by Article XI, Section 7 of the Texas Constitution and Texas statutory and common law, and any provision in this Agreement that purports or that may be construed to require indemnification by or as between the District or the County, or as to any third party, is invalid. Nothing in this Agreement requires that either the District or County incur debt, assess or collect funds, or create a sinking fund.

15. **Sovereign Immunity Acknowledged and Retained**. **THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT NO PROVISION OF THIS AGREEMENT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY ANY PARTY OF ANY IMMUNITY FROM SUIT OR LIABILITY THAT A PARTY MAY HAVE BY OPERATION OF LAW. THE DISTRICT AND THE COUNTY RETAIN AND DO NOT WAIVE ALL GOVERNMENTAL IMMUNITIES, INCLUDING BUT NOT LIMITED TO IMMUNITY FROM BEING SUED IN ANY FEDERAL COURT INSIDE OR OUTSIDE OF THE STATE OF TEXAS.**

16. **No Assignment**. This Agreement shall not be assigned by either Party without the express written consent of the other Party, which consent may be granted or withheld in the full discretion of the Party from which consent is being sought.

17. **Entire Agreement**. This Agreement contains the entire agreement between the District and the County pertaining to the Project contemplated hereby and fully supersedes all prior agreements and understandings between the District and the County pertaining to such transaction or undertaking.

18. **Modification**. This Agreement cannot under any circumstance by modified orally, and no agreement or understanding shall be effective to waive, change, modify, or discharge this Agreement in whole or in part unless such agreement or understanding is in writing, is approved by the governing body of each of the Parties, and is duly executed and delivered by a duly authorized representative of both the District and of the County.

19. **Effective Date**. The Effective Date of this Agreement shall be the date on which the second of the two Parties executes this Agreement.

AGREED and SIGNED to be effective as of the Effective Date.

COUNTY:

BRAZORIA COUNTY, TEXAS

By: _____
L.M. "Matt" Sebesta, Jr.
Brazoria County Judge

DATED: _____

DISTRICT:

TREASURE ISLAND MUNICIPAL UTILITY DISTRICT

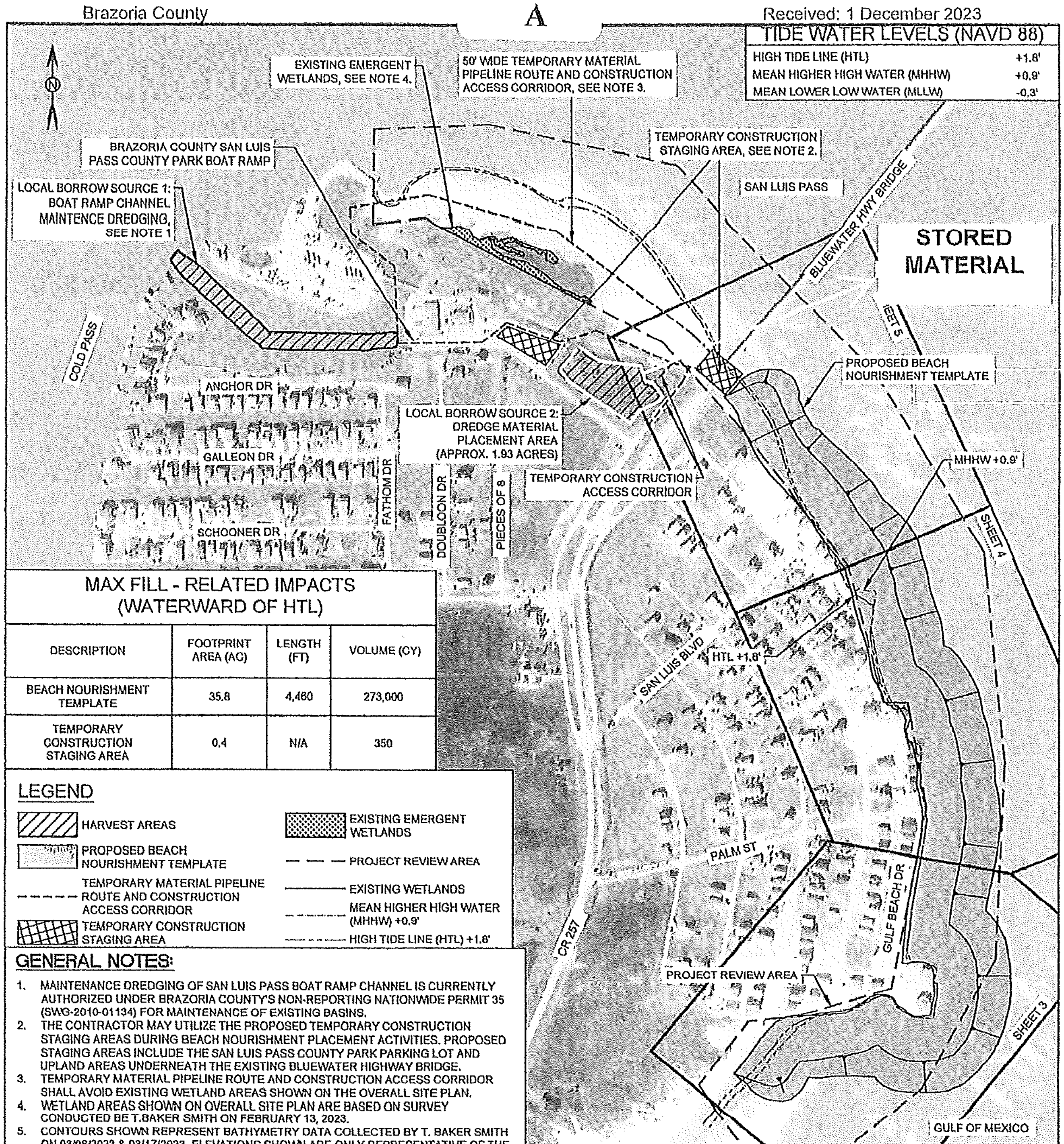
By: _____
Print Name: Tracie Terrill
Title: General Manager

DATED: May 7, 2024

Exhibit A

SWG-2023-00492
Brazoria County

Received: 1 December 2023



MAX FILL - RELATED IMPACTS (WATERWARD OF HTL)

DESCRIPTION	FOOTPRINT AREA (AC)	LENGTH (FT)	VOLUME (CY)
BEACH NOURISHMENT TEMPLATE	35.8	4,460	273,000
TEMPORARY CONSTRUCTION STAGING AREA	0.4	N/A	350

LEGEND

- HARVEST AREAS
- PROPOSED BEACH NOURISHMENT TEMPLATE
- TEMPORARY MATERIAL PIPELINE ROUTE AND CONSTRUCTION ACCESS CORRIDOR
- TEMPORARY CONSTRUCTION STAGING AREA
- EXISTING EMERGENT WETLANDS
- PROJECT REVIEW AREA
- EXISTING WETLANDS
- MEAN HIGHER HIGH WATER (MHHW) +0.9'
- HIGH TIDE LINE (HTL) +1.6'

GENERAL NOTES:

1. MAINTENANCE DREDGING OF SAN LUIS PASS BOAT RAMP CHANNEL IS CURRENTLY AUTHORIZED UNDER BRAZORIA COUNTY'S NON-REPORTING NATIONWIDE PERMIT 35 (SWG-2010-01134) FOR MAINTENANCE OF EXISTING BASINS.
2. THE CONTRACTOR MAY UTILIZE THE PROPOSED TEMPORARY CONSTRUCTION STAGING AREAS DURING BEACH NOURISHMENT PLACEMENT ACTIVITIES. PROPOSED STAGING AREAS INCLUDE THE SAN LUIS PASS COUNTY PARK PARKING LOT AND UPLAND AREAS UNDERNEATH THE EXISTING BLUEWATER HIGHWAY BRIDGE.
3. TEMPORARY MATERIAL PIPELINE ROUTE AND CONSTRUCTION ACCESS CORRIDOR SHALL AVOID EXISTING WETLAND AREAS SHOWN ON THE OVERALL SITE PLAN.
4. WETLAND AREAS SHOWN ON OVERALL SITE PLAN ARE BASED ON SURVEY CONDUCTED BE T.BAKER SMITH ON FEBRUARY 13, 2023.
5. CONTOURS SHOWN REPRESENT BATHYMETRY DATA COLLECTED BY T. BAKER SMITH ON 03/08/2023 & 03/17/2023. ELEVATIONS SHOWN ARE ONLY REPRESENTATIVE OF THE CONDITIONS AT THE TIME OF SURVEY DATA COLLECTION.
6. HORIZONTAL DATUM: TEXAS STATE PLANE SOUTH CENTRAL, NAD83 FT. VERTICAL DATUM: NAVD88, FT.
7. AERIAL PHOTOGRAPHY DATED 11/16/2020 FROM TEXAS NATURAL RESOURCE INFORMATION SYSTEM (TNRIS)

OVERALL SITE PLAN

0 300 600
SCALE IN FEET

APPLICANT:BRAZORIA COUNTY

AUGUST 2, 2023 | SHEET 2 OF 9

MOTT MACDONALD
110 Wild Basin Road
Suite 100
Austin, Texas 78746
Texas Registered Firm No. 12181
T +1 (512) 777-3080
www.mottmac.com

SITE ADDRESS:
29° 4' 43.52" N
95° 7' 53.65" W

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWINGS IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY
0 1"

APPLICANT: BRAZORIA COUNTY
IN: BRAZORIA COUNTY
ADJACENT: GULF OF MEXICO
COUNTY: BRAZORIA
STATE: TEXAS
VERTICAL DATUM: NAVD88
HORIZ. DATUM: TSPSC NAD83-FT

TREASURE ISLAND MUD
BEACH NOURISHMENT PROJECT

OVERALL SITE PLAN

THESE PLANS ARE INTENDED FOR PERMITTING AND ARE NOT TO BE USED FOR BIDDING OR CONSTRUCTION.