



December 15, 2009

Mr. Blake A. Hawthorne, Clerk Supreme Court of Texas

201 West 14th Street, Room 104

Austin, Texas 78701

Re: *Carol Severance v. Jerry Patterson, et al.*, No. 09-0387

Texas Chapter of the American Shore and Beach Preservation Association's adoption of the Galveston Chamber of Commerce's *amicus curiae* brief

Dear Mr. Hawthorne:

Enclosed for filing are the original and twelve copies of a letter, submitted on behalf of the Texas Chapter of the American Shore and Beach Preservation Association, expressing our organization's wishes to endorse the *amicus curiae* brief of the Galveston Chamber of Commerce in the above-captioned case. Please distribute the enclosed copies at your convenience to the members of the Court. All appellate counsel of record is being served a copy of this letter by certified mail. Thank you for your assistance.

To the Honorable Supreme Court of Texas:

On behalf of the Texas Chapter of the American Shore and Beach Preservation Association, I respectfully submit this letter expressing the Chapter's desire to adopt the *amicus curiae* brief, supporting the State of Texas, submitted by Professor Lynn Blais on behalf of the Galveston Chamber of Commerce. For the reasons explained in that brief and the State's brief on the merits, we urge the Court to respond to the certified questions in a way that confirms longstanding Texas practice, and the common law principles that support it, upholding the public's easement rights over the dry beach.

The American Shore and Beach Preservation Association was founded in 1926. The Association is dedicated to preserving, protecting, and enhancing our nation's beaches, shores, and other coastal resources. In its early years, the Association's primary interest was in combating erosion and restoring eroded beaches; the founding members were active in persuading Congress to enact legislation authorizing Federal sharing of the cost, first of erosion studies of specific problem areas and, later, of project works. Recently, the work of the Association has been expanded to a broad range of activities and interests related to the overall planning and management of shores and beaches, including the preservation of private property rights. Recognizing the great diversity of our coasts, the Association encourages regional workshops, as well as national meetings, to benefit those working with our shores and beaches. At a national level, the Association has almost 1000 members; the Texas Chapter alone has 123 members.

In light of our experience and expertise, we respectfully submit that Carol Severance's views of the common law are incorrect and would work a drastic and detrimental change to the strong traditions and public expectations along the Texas coast.

The Association has not paid and will not pay any fee for the preparation of this letter or the preparation of the Galveston Chamber of Commerce's brief.

Respectfully submitted,

Jerry Mohn

President

Texas Chapter of ASBPA

cc: J. David Breemer  
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END OF TEXT

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