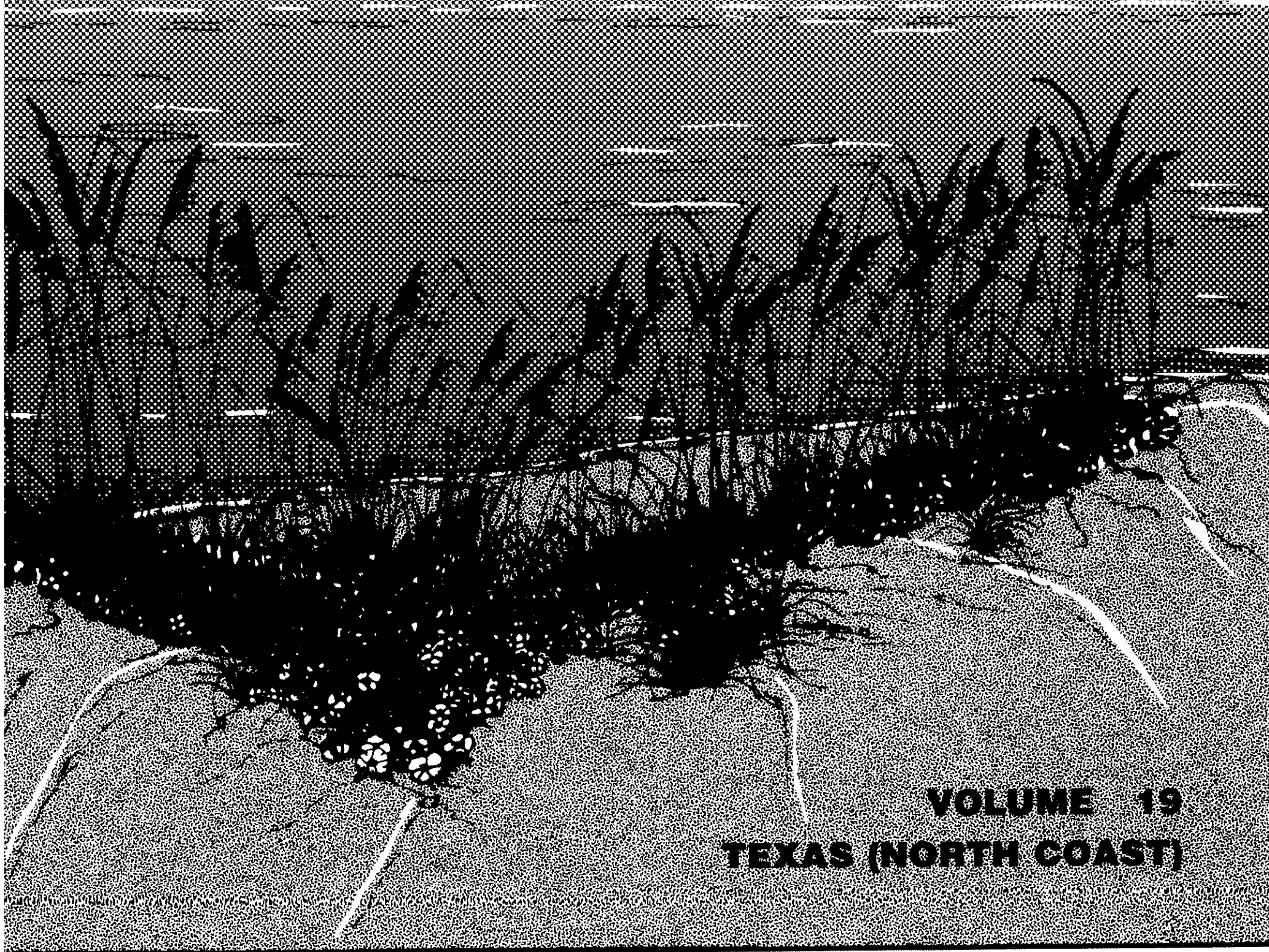


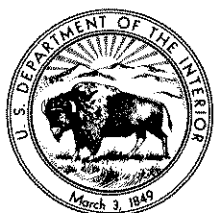
REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM

Recommendations for Additions to or Deletions from
the Coastal Barrier Resources System



**VOLUME 19
TEXAS (NORTH COAST)**

U.S. Department of the Interior



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TEXAS (NORTH COAST)

Mapped, edited, and published by the Coastal Barriers Study Group

United States Department of the Interior
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TEXAS (NORTH COAST)

INTRODUCTION

The Coastal Barrier Resources Act (CBRA) of 1982 (Public Law 97-348) established the Coastal Barrier Resources System (CBRS), a system of undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. This atlas of coastal barriers along the north coast of Texas has been prepared in accordance with Section 10 of CBRA (16 U.S.C. 3509), which states:

Sec. 10. Reports to Congress.

(a) In General.--Before the close of the 3-year period beginning on the date of the enactment of this Act, the Secretary shall prepare and submit to the Committees a report regarding the System.

(b) Consultation in Preparing Report.--The Secretary shall prepare the report required under subsection (a) in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

(c) Report Content.--The report required under subsection (a) shall contain--

(1) recommendations for the conservation of fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

(4) an analysis of the effects, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

Under the direction of the Assistant Secretary for Fish and Wildlife and Parks, this report has been prepared by the Coastal Barriers Study Group, a task force of professionals representing the National Park Service, U.S. Fish and Wildlife Service, U.S. Geological Survey, and other Departmental offices.

This volume of the report contains delineations of the existing CBRS units along the north coast of Texas and delineations of additions to and modifications of the CBRS in this part of the State which the Department of the Interior recommends to the Congress for its consideration.

BACKGROUND

The Texas coast comprises 367 miles of barrier islands, spits, and deltaic shorelines. About 60 percent of this area is eroding (some of it at very rapid rates), 33 percent is essentially stable, and 7 percent is presently accreting. The accreting areas are mostly coastlines that are updrift of human-made obstacles to longshore sand transport, such as jetties and groins (McGowen et al. 1977).

Demographic studies show a rapid increase in the State's coastal population. In 1980, roughly one-third (about 4.3 million people) of the State's population lived within 50 miles of the coast (Davenport 1980). The rapid increase in development on Texas barrier islands over the last decade may be attributed both to the demand for housing by the growing population in the coastal cities and the availability of Federal flood insurance, development subsidies, and disaster relief, all of which reduced the financial risk of owning a second home on the beach.

The range of activities occurring in the Texas coastal zone includes agriculture, cattle ranching, fisheries production, oil production, shipping and transportation, heavy industry, and tourism. Balancing resource use with resource protection has proved a difficult challenge to resource managers working in the region.

COASTAL RESOURCE MANAGEMENT

Texas Coastal Resource Management

Texas coastal management began in 1937 with the establishment of a Coastal Division of the Texas Game and Fish Commission. This was also the year that the U.S. Congress passed the Pittman-Robertson Act, which established an excise tax on firearms and ammunition and earmarked the earnings for wildlife management.

The public trust doctrine forms the basis for State ownership of coastal wetlands: "All lands beneath tidal waters are held in trust for the use and benefit of the whole public." The seaward limit on State lands is the 3-league (10.35-mile) boundary. The landward limit, on the other hand, varies from place to place, depending on when the title was issued. The landward boundary on littoral parcels with a title issued by Spain, Mexico, or Texas prior to 1840 is mean higher high water. Since Texas adopted common law principles in 1840, titles issued after that date define the boundary as mean high tide. On many flat beaches, and particularly on the extensive wind-tidal flats of south Texas, the difference in these two elevation definitions may translate into large horizontal distances.

Texas Open Beaches Act. This Act, passed in 1959, was one of the first major pieces of Texas coastal legislation. The Act (Texas Natural Resources Code 61.001) states:

It is declared and affirmed to be the public policy of this State that the public, individually and collectively, shall have the free and unrestricted right of ingress and egress to and from the State-owned beaches bordering on the seaward shore of the Gulf of Mexico, or if the public has acquired a right of use or easement to or over an area by prescription, dedication, or has retained a right by virtue of continuous use in the public, the public shall have the free and unrestricted right of ingress and egress to the larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico.

Initially a declaration of the public's right to unimpeded use of the State's beaches, the Act has, in effect, become a strong management tool. Public acquisition of private property can be accomplished either by "dedication," which implies formal dedication of title or commonly accepted public usage with the consent of the owner, or by "prescription," which implies that the public may take the land from the private owner.

The issue of State acquisition of private land becomes particularly relevant after a storm-induced shoreline retreat that leaves buildings standing on the public beach, i.e., seaward of the vegetation line.

Shortly after the passage of the Texas Open Beaches Act, the State's right to such land was settled in the "Seaway Company case." The issue in the case was whether barriers could be erected by a private company (on Galveston Island) to limit access to a

section of existing beach. The court found that because the beach had been used unrestrictedly by the public for more than 100 years, that use, in effect, constituted an implied dedication of an easement to the public. The humanmade barriers were found to be in violation of this principle.

Other questions concerning public usage of the "historical" beach arose in the aftermath of Hurricane Alicia. Hurricane Alicia made landfall on August 8, 1983, just west of San Luis Pass, to the southwest of Galveston Island. The maximum onshore winds, storm surge, and wave energy were concentrated to the east of landfall, along the western half of Galveston Island. In this area, the vegetation line was eroded up to 130 feet landward; the vertical down-cutting of the beach amounted to about 5 feet. One year later a lot of sand had returned to Galveston Island beaches, presumably from the nearshore bars, yet the vegetation line had not moved seaward (Dupre, pers. comm.).

Two lawsuits were filed as a result of this hurricane. In the first case, the State attorney general filed a suit against those homeowners on Galveston beach whose property was more than 50 percent destroyed and was located between the water and the vegetation line after the hurricane. The State argued that structures in this zone were in violation of the Texas Open Beaches Act and should not be rebuilt. The State won the case with a directed verdict in an Austin court in October, 1984.

The homeowners appealed this decision, filing a countersuit in a Galveston court. In this litigation the plaintiffs (homeowners) argued that the Open Beaches Act does not imply a rolling easement; when the public beach erodes, so do the public rights. The homeowners lost this case. The U.S. Supreme Court recently (April 1987) upheld the "rolling easement" portions of the Texas Open Beach Act.

Related litigation has been tried before on Galveston Island. In 1970, property owners along the West Beach were charged with violation of the Open Beaches Act. After a delayed trial, as late as 1975, three different judgments were agreed upon by the parties. Most of the defendants (homeowners) refused to concede any public rights to the receding beach, i.e., there was no acceptance of the rolling easement concept. A few homeowners accepted a qualified rolling easement, i.e., they accepted public access to the retreating beach but maintained that the structures on the beach would continue to be used by the owner. A minority of the landowners fully accepted the concept that public rights of beach access should move landward with the receding shoreline.

Coastal Public Lands Management Act (CPLMA). This Act, passed in 1973, pertains to State-owned submerged land and State-owned islands or portions of islands. Originally, coastal public lands were sold for navigation purposes for \$1 per acre. In 1969, a moratorium was put on such sales, and in 1973, CPLMA revised the laws to permit only leasing, not purchasing. Also, this Act provided for comprehensive State management of all submerged

lands. It became the State's policy to protect the most biologically sensitive coastal land areas by keeping dredging permits to a minimum and by requiring dredged material to be disposed on upland areas "to the extent practicable."

State agencies. The regulation of coastal activities, implementation of State and federally funded programs, and studies of coastal issues are distributed among a number of State agencies, including the following.

Governor's Budget and Planning Office. This office collects information and serves as the central coordinating agency for Federal, State, and regional planning.

School Land Board. The board, chaired by the Commissioner of the General Land Office, is the executive agency charged with the administration, implementation, and enforcement of the Coastal Public Lands Management Act of 1973. Monies received by the board for granting interests in coastal public lands are deposited in the State Treasury to the credit of the Permanent School Fund, Available School Fund, and a Special Fund.

General Land Office (GLO). The professional and other support staff of the GLO assist the School Land Board in the discharge of its duties. The GLO is responsible for the management of State-owned lands, including the submerged bay bottoms.

Parks and Wildlife Department. The department manages all wildlife resources and operates an extensive State park system.

Department of Highways and Public Transportation. This department is responsible for State funds and Federal contributions to highway construction and maintenance. With the Corps of Engineers, the department is also responsible for administration of the Gulf Intracoastal Waterway (GIWW).

The Texas Catastrophe Property Insurance Association (CATPOOL) program. This program was created by the Texas Legislature in the 1960's, after Hurricanes Carla, Celia, and Beulah hit coastal settlements on the upper, central, and lower Texas coast. This widespread hurricane impact generated legislative support for a program to protect homeowners and persons with legitimate business interests along the coast who found that they were unable to secure insurance through conventional sources. CATPOOL requires all insurance companies licensed to write property insurance in Texas to share the risk of major natural catastrophes on a formula basis. The insurance covers wind, hail, and fire damage. The State of Texas does not offer flood insurance.

There is no rate subsidy in the Texas CATPOOL program, but insurance companies are entitled to a premium tax credit if the total agree-

gate payment after a disaster exceeds \$100 million. After Hurricane Allen (1980), this provision did not come into effect because aggregate payments were only about \$14 million (Dyer 1983). After Hurricane Alicia (1983), however, the total payments from CATPOOL were about \$150 million, which did cause the tax credit provision to go into effect.

The CATPOOL program subsidizes coastal property owners at two levels: (1) other property owners subsidize high-hazard coastal development through escalated premiums, and (2) the taxpayers of the State subsidize the program through the premium tax credit for catastrophic losses. There are liability limits on individual policies. The limit for private homes is \$200,000; for commercial properties the policies may go up to \$1 million. The total current liability for the CATPOOL program is \$4.5 billion.

The costly impact of Hurricane Alicia has encouraged a reassessment of the CATPOOL program. Some argue that the State should follow the Federal example set by CBRA and reduce the State subsidies for insurance on coastal barriers. Others argue that the State should step in to provide the insurance coverage being withdrawn through the passage of CBRA.

Texas recently enacted legislation to strengthen the CATPOOL by establishing a committee to advise the State Board of Insurance on building specifications and by providing for inspections of all coastal counties by the State Board. Procedures were also established for any interested party to petition the State Board for amendments to the CATPOOL Plan of Operations.

Sand Dune Protection Act. In 1970, the State passed a requirement that each county commission issue permits for the removal of sand, marl, gravel, and shell within 1,500 feet of any public beach. The Sand Dune Protection Act followed this requirement in 1973. This Act authorized those counties with jurisdiction over coastal barriers to establish a dune protection line 1,000 feet landward of the mean high tide line and to require developers to obtain a permit from the county commission to disturb a dune or vegetation seaward of the line.

Adoption of this Act by the individual counties is optional. To date, Nueces, Galveston, and Matagorda Counties have adopted dune protection lines; only Nueces County has included all of the barrier island sand dunes under its dune protection scheme. If a dune area under consideration for some alteration is judged critical to the protection of State-owned lands, then the General Land Office may comment on the proposed activities. There is no required State permit, however, nor can the Land Office comment if the county has not adopted a dune protection line.

31 TAC § 155.11. This rule was adopted by the School Lands Board to establish that all of the coastal lands included within the proposed additions to the CBRS in the 1987 Draft Report, Volumes 19 and 20 (North and South Texas), are areas to be used primarily for wildlife refuge, sanctuary, recreation, or

natural resources conservation purposes. The rule was promulgated to ensure that State-owned lands would meet the definition of "otherwise protected" and became effective December 25, 1987.

31 TAC § 13.19. This rule parallels the School Land Board rule. It was adopted by the Commissioner of the General Land Office to establish that all State-owned submerged lands not under the jurisdiction of the School Land Board and included within the proposed additions to the CBRS in the 1987 Draft Report, Volumes 19 and 20, are also areas to be used primarily for wildlife refuge, sanctuary, recreation, or natural resources conservation purposes. It also became effective December 25, 1987.

Local Actions

A unique approach to dune protection has been taken in Port Aransas (Nueces County), where the builders together with the city government, the county, and the local water district have agreed on deed restrictions placed on development in the first row of unstabilized dunes. They have also agreed that no seawalls or bulkheads are to be constructed.

New developments along the Texas coast increasingly face the bay margins rather than the open gulf. One particular case is the Packery Point yacht facility under construction at the northern tip of Padre Island near Corpus Christi. This \$150 million facility will have a 40-acre marina and 60 acres of land development. Under present plans, the marina will connect with Packery Channel and the Gulf Intracoastal Waterway (GIWW). Its nearest connection to the Gulf of Mexico, however, is Aransas Pass, some 30 miles away.

In return for Federal and State permits for the Packery Point Marina, the developer agreed to mitigation including a commitment to raise 2 acres of State-owned submerged land to a 3-foot elevation, and to lower another 7.6 acres to 1 foot below mean sea level and plant marsh grass for waterbird habitat there.

The Texas Open Beaches Act (see earlier discussion) has traditionally been interpreted to imply that the beaches should remain accessible for vehicular traffic. Consequently, traffic congestion and, at times, serious accidents have been common summer scenes on Texas beaches. The City of Galveston closed its beaches to summertime driving in 1984 and solved the accessibility issue by providing parking facilities and access roads at less than 1-mile spacing along shore. Concurrently, the city also purchased land for a large number of "pocket beach" parks along the island.

Private Sector Initiatives

Small parcels of land owned by private conservation organizations exist all along the Texas coast. One example is Bird Island in West Bay (Galveston Bay) behind the town of Jamaica Beach. This property is leased from GLO and managed by the National Audubon Society.

EXISTING CBRS UNITS

The Texas CBRS units are characteristically sandy barriers with grass and shrub-covered ridges. Because of the stability of the Texas coastal area, as compared to the Mississippi Delta region of Louisiana for example, the barriers are generally older. Galveston and Matagorda Islands date back nearly 4,000 years. The other wide barriers are probably of similar age.

A brief description of each existing CBRS unit along the north coast of Texas is provided below. Each unit is identified by its ID code and name (established by Congress in 1982) and county in which it is located.

T01-Sea Rim (Jefferson). This unit is bounded on the east by Sabine Pass and the Port Arthur Ship Channel, and on the west by a line running south from Fence Lake. The northern boundary trends southwesterly near the shores of Keith Lake and Salt Lake. The coastal segment of T01 is situated between the Texas Point National Wildlife Refuge to the east and Sea Rim State Park to the west.

A modern strandplain and chenier system characterize this unit; cheniers do not occur elsewhere along the Texas coastline. These cheniers, or beach ridge deposits, occur within extensive salt and brackish marshes. The relief of the ridges usually does not exceed 5 feet. Because of the generally low regional elevation, storm surges generated by hurricanes can submerge the entire unit. An active processes map published by Fisher et al. (1973) indicates that the entire area was inundated by Hurricanes Carla (1962) and Beulah (1967).

T02A-High Island (Jefferson, Chambers, and Galveston). This unit extends from the western boundary of Sea Rim State Park to the community of Gilchrist, west of High Island. The community and industries of High Island are atop a salt dome and are excluded from the CBRS unit, but Horseshoe Marsh just north of High Island is part of the unit. The landward boundary of the High Island unit is the GIWW.

The beaches of T02A are low-lying, narrow (200 feet between the low-tide and first line of vegetation), and eroding; they contain much shell material. Storm-generated waves frequently leave washover fans in the back beach region (Fisher et al. 1973). The region landward of the beach is marked by freshwater to brackish marshes, with predominantly fine-grained, muddy substrate. A few mesquite and live oaks are found on the strandplain flats. Sites of active or potential washover channels have been identified west of the island. Hurricanes Carla and Beulah flooded the entire unit except for High Island itself.

T03A-Bolivar Peninsula (Galveston). This unit comprises six subunits and extends roughly from Rollover Pass to within a mile of the peninsula's southwestern tip. New land formed by spit accretion on the west side of the peninsula is considered State-owned (Fisher et al. 1973). The six subunits are contained between the gulf and the GIWW.

CBRS UNITS IN TEXAS ESTABLISHED BY CONGRESS, 1982

Unit Name	Unit ID Code	County	Shoreline Length (miles)	Total Area (acres)	Fastland Area (acres)
Sea Rim	T01	Jefferson	2.5	15,672.3	2,326.3
High Island	T02A	Jefferson Chambers			
		Galveston	11.6	22,241.2	969.0
Bolivar Peninsula	T03A	Galveston	6.0	6,941.9	901.7
Follets Island	T04	Brazoria	9.4	3,192.4	882.5
Brazos River Complex	T05	Brazoria	4.0	4,109.8	1,343.9
Sargent Beach	T06	Matagorda	4.5	616.8	298.2
Matagorda Peninsula	T07	Matagorda Calhoun	52.6	25,613.5	10,409.2
San Jose Island Complex	T08	Calhoun Aransas	32.9	49,359.4	19,152.7
Totals:			123.5	127,747.3	36,283.5

Bolivar Peninsula, the first detached landform west of the Louisiana-Texas border, is formed of prograded beach ridges. The source of sand for the peninsula is thought to be eroded deltaic headlands near High Island. The predominant southwesterly longshore sediment transport in this area supports that observation. Swales, the lower elevations between beach ridges, are sites for finer sediment accumulation and salt marsh communities.

In the past, Bolivar Peninsula was incised by several tidal inlets, two of which have left noticeable deposits on the landward side of the beach ridge system. The saltwater marsh that extends in two lobate fans back into East Bay has grown over flood-tidal deltas deposited by past tidal inlets. Beach ridges that curve sharply landward are other evidences of past inlet locations. The saltwater marsh that borders the GIWW is separated from the beach ridge system by sparsely vegetated to unvegetated emergent tidal flats that are characterized by seasonal evaporite crusts.

Topographic maps of the Bolivar Peninsula indicate that the highest point of the beach ridges does not, on average, lie much more than 5 feet above mean sea level. The susceptibility of this area to flooding was demonstrated by Hurricanes Carla and Beulah, when the entire peninsula was submerged. The beach along Bolivar Peninsula is narrow and erosive at the eastern end of the unit, but widens to the west. The beach is accreting near the inlet at the westernmost end of the peninsula bounding the Bolivar Roads Ship Channel.

T04-Follets Island (Brazoria). This unit lies between San Luis Island to the east and the community of Surfside Beach to the west. It is continuous for approximately 10 miles except for three breaks, or "corridors," which are established communities. Gulf beaches form the seaward boundary of the unit, and the State-owned submerged lands of Christmas and Drum Bays are the landward

edge. The landward and westernmost portion of the CBRS unit is separated from Brazoria National Wildlife Refuge by the GIWW.

The susceptibility of this unit to wave attack and inundation is shown by the presence of at least five regions of frequent storm washovers. Although these channels quickly fill and are dry under regular wave conditions, they are easily reoccupied during storm wave conditions. The back side of Follets Island is covered with small, vegetated washover fans.

Follets Island is characterized by ridge and swale topography. The beach ridges may be lightly vegetated with grass while the swales are grass covered or mud filled. Bordering the beach ridges are wind-tidal flats (Fisher et al. 1973). These essentially barren flats support algae communities during infrequent, seasonal flooding. A large, unvegetated active washover fan is situated south of the western portion of Christmas Bay. Smaller, but still distinct, fanlike deposits are observable in the southwestern corner of Drum Bay and the easternmost portion of Swan Lake.

T05-Brazos River Complex (Brazoria). This unit is broken into three subunits. From east to west, they are Quintana Beach, Bryan Beach, and the area between the San Bernard River and the new Brazos River Channel. The accreting land of the new Brazos River Delta south of the westernmost subunit is not included. The Quintana Beach and Bryan Beach subunits are separated by a small coastal community about one-third of a mile wide. The Bryan Beach State Recreation Area is between the Bryan Beach subunit and the new Brazos River Channel. The GIWW is the unit's landward boundary.

The Brazos-Colorado River deltaic system supplied the sediment that formed the Texas coast between San Luis Pass and Brown Cedar Cut, including CBRS unit T05 and Sargent Beach, unit T06, further west-southwest.

These beaches exhibit ridge and swale topography with elevations generally lower than 5 feet. As a result, this unit is highly susceptible to damaging storm surge and wave attacks. This region has been the site of landfall for two minor hurricanes, Fern (1971) and Delia (1973), which produced 6-foot and 4.5-foot surges, respectively.

Since the Brazos River was diverted to its new channel in 1929, the beachfronts of Quintana Beach and Bryan Beach have been eroding at an average rate of 6.3 feet per year. To the southeast of the new river channel, a delta is building out at an average annual rate of 19.6 feet (Morton and Pieper 1975b). The new Brazos River Delta land lies south of the westernmost subunit of T05 and is not included in it. This subunit, which has no beachfront exposure, is composed primarily of low elevation saltwater marsh, as are the landward portions of the eastern subunits from the rear of the barrier to the GIWW. The landward fringes of the unit are sites of spoil mounds dredged from the GIWW.

T06-Sargent Beach (Matagorda). This unit is a narrow stretch of coastline which extends 4.5 miles westward from the western edge of Cedar Lakes to a small, apparently expanding coastal community. The landward boundary is, again, the GIWW.

The dominant southwest transport of incident waves redistributed the sands from the Brazos-Colorado Delta to form this stretch of coastline. Without a recent source, less sediment is moving into the system than is moving out (to the southwest) of the system. According to Morton and Pieper (1975b), Sargent Beach is eroding at rates in excess of 10 feet per year.

Sargent Beach is narrow and low in elevation (5 feet). Its discontinuous dune line is subject to overwash by hurricane storm surge and accompanying waves. There are records of extreme hurricane storm surges which inundated the entire shoreline between San Luis Pass and Brown Cedar Cut (U.S. Army Corps of Engineers 1962). In fact, low elevations make this stretch of coastline one of those most affected by severe storms in the southern coastal States. At least a dozen damaging storms have affected the immediate vicinity of Freeport. Because most of this coastline is in a natural state, poststorm damage is limited to the blanketing of beach vegetation under a layer of overwashed sands.

T07-Matagorda Peninsula (Matagorda and Calhoun). This unit fronts East Matagorda and Matagorda Bays between Caney Creek to the east and Pass Cavallo to the west. The whole peninsula is included in the unit except for a small area adjacent to and east of the Colorado River.

The source of sand for Matagorda Peninsula was the Brazos-Colorado deltaic system and previously deposited innershelf sands. Matagorda Peninsula formed as a southwestwardly growing barrier spit. Between 1925 and 1935, the Colorado River built across and

split Matagorda Bay. In 1936, a channel was dredged through the peninsula, connecting the river with the gulf. The volume of sediment supplied by the river since then has been less than that eroded by longshore currents, causing the peninsula to remain in an eroding state.

Matagorda Peninsula is a low-profile barrier east of the Colorado River and a high profile barrier to the west. East of the Colorado, discontinuous dunes are low (5 feet); west of the river, some isolated dunes attain heights of 25 feet. More continuous dunes, from 10 to 15 feet high, are found between Greens Bayou and the Matagorda Ship Channel. From east to west along the peninsula, the beach width increases (100 to 400 feet) because of a more abundant supply of sand.

Matagorda Peninsula is subject to damage from high waves and storm surge during hurricanes and tropical storms. When Hurricane Carla (1962) crossed the Texas coast at Pass Cavallo, its storm surge, in excess of 12 feet, submerged a large part of the Matagorda Peninsula. From the Colorado River east to the CBRS unit boundary, many washover channels have been observed. West of the Colorado to Green's Bayou, fewer washover channels are found. Only one washover channel was identified by Morton et al. (1976) between Greens Bayou and the westernmost extent of the unit at Decros Point (at Pass Cavallo). According to Morton et al. (1976), the Matagorda Peninsula is eroding at high rates on the western shore of Brown Cedar Cut (10 to 15 feet per year), the eastern shore of Greens Bayou (5 to 10 feet per year), and at Decros Point (5 to 15 feet per year). The north jetty of Matagorda Ship Channel has caused the updrift beach on Matagorda Peninsula to accrete. The remainder of the island is undergoing erosion at a rate of less than 5 feet per year.

T08-San Jose Island Complex (Calhoun and Aransas). This unit includes Matagorda Island from Panther Point Lake southward to Aransas Pass. The complex, with beaches between 200 and 350 feet wide, separates Aransas and Espiritu Santo Bays from the Gulf of Mexico. San Jose Island is also part of the unit. The more northern portion of lower Matagorda Island between Panther Point and Pass Cavallo is included in the Matagorda National Wildlife Refuge. The saltwater marsh on the bay side of Matagorda Island, north and east of Mesquite Bay, is also part of this refuge.

The foredune system of these high-profile barriers is relatively continuous and ranges up to 50 feet in elevation. However, the average elevation is between 15 and 20 feet. This tremendous bank of sand absorbs erosive waves during storm conditions. Storm waves break upon the foredune line and pull the sand to offshore deposits. Poststorm rebuilding of the beach and foredune ridges has been observed in this system. Few washover and potential washover channels were identified by Morton and Pieper (1976) for this region. Hurricane Carla, with its storm surge of over 12 feet, flooded 95 percent of Matagorda and San Jose Islands. Beulah, a hurricane of average intensity, caused extensive flooding in low-lying areas.

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RECOMMENDED ADDITIONS AND MODIFICATIONS

The Department of the Interior recommends that all undeveloped, unprotected coastal

barriers and associated aquatic habitat identified in north Texas be added to the CBRS. The DOI also recommends that otherwise protected, undeveloped coastal barriers be excluded from the CBRS. A portion of existing CBRS unit T08 is Federally protected; the DOI recommends this area be deleted from the CBRS. However, if any otherwise protected, undeveloped coastal barrier is ever made available for development that is inconsistent with the purposes of the CBRA, the DOI recommends that it then be automatically included in the CBRS. A complete discussion of DOI's recommendations concerning otherwise protected, undeveloped coastal barriers appears in Volume 1. Maps of all otherwise protected, undeveloped coastal barriers in north Texas appear in the following section.

In Texas, most coastal aquatic habitats are under the jurisdiction of the State's School Land Board (SLB) and General Land Office (GLO). In the 1987 Draft Report, the DOI proposed adding SLB and GLO lands to the CBRS because it was the Department's opinion that these lands did not meet the legal definitions of "otherwise protected." However, as discussed earlier, in December 1987, rules 31 TAC § 155.11 and 31 TAC § 13.19 were promulgated. The DOI asked the Attorney General of Texas whether rules have the force of law in Texas and he stated that they do. Therefore, the DOI has concluded that SLB and GLO lands do meet the definition of "otherwise protected" and these lands are not recommended for addition to the CBRS.

The DOI also recommends that all existing Federal navigation channels be excluded from the CBRS to allow maintenance and deepening of these channels (see Volume 1). Existing CBRS unit T01 contains a portion of the Port Arthur Ship Channel; DOI's recommended deletion from T01 (see the following section) would remove this channel segment from the CBRS. Existing CBRS Unit T07 contains a portion of the Matagorda Ship Channel; DOI recommends this channel be excluded from the CBRS by reference. The DOI also recommends that all segments of the Gulf Intracoastal Waterway contained in the CBRS be excluded by reference. No other major navigation channel is included in any existing or proposed CBRS unit.

A table presenting the Department's position on each unit or proposed unit identified in north Texas follows this discussion.

The Department of the Interior's recommendations were developed after full consideration of the many public, State and Federal agency, and Congressional comments on the delineations in the Draft Report released in March 1987. The State of Texas reviewed the 1987 Draft Report and opposes any additions to the CBRS in Texas. The State is especially opposed to the addition of SLB and GLO lands to the CBRS and provided evidence that these lands are, in fact, otherwise protected. As stated previously, the DOI accepts this evidence and is not recommending the addition of SLB and GLO lands to the CBRS. The State also expressed concerns about the impact of the proposed CBRS additions on Texas ports, several of which are planning

channel deepening projects. The DOI's recommendation to exclude existing Federal navigation channels from the CBRS should alleviate this concern.

Both the Governor and many other elected officials in Texas expressed the opinion that a CBRS expansion in the State would have long term negative economic impacts on the State. They believe that the CBRA represents unnecessary Federal intrusion into State Coastal Zone management issues, and that the CBRS expansion would effectively prohibit development along the coast, denying the coastal counties of a revenue base that has already been cut drastically by the collapse of the energy and agricultural industries. They urged the DOI to balance Texas' pressing economic needs along the coast against the CBRA's conservation and wildlife goals.

Although the DOI's recommendations for north Texas include a net addition of 7,370 acres of wetlands to the CBRS, they also include a net deletion of 1,495 acres of fastland from the CBRS. This should temper some of the commenters' concerns. Also the CBRA has three stated purposes. While one of these is to minimize damages to fish, wildlife, and other natural resources resulting from development, another equally important purpose is to minimize the wasteful expenditure of Federal revenues. The CBRA is also a matter of Federal fiscal responsibility. The CBRA does not prohibit development, it only prevents Federal monies from subsidizing that

development. The CBRA forces those who build on coastal barriers to assume the financial risk rather than passing that risk on to all American taxpayers. If additional Texas lands are added to the CBRS by the Congress, the State may still allow and/or subsidize development of these areas, but the State and/or the developer will assume the risk.

The State's positions on individual CBRS units in north Texas are discussed in the following section, interspersed with the appropriate maps.

The Department received 239 other comment letters, with 4,335 petition signatures, concerning the State of Texas. The majority of these letters concerned individual existing or proposed CBRS units. The general letters were 4 to 1 in favor of the CBRS expansion in Texas. Excluding the special case of CBRS unit T12 (discussed in Volume 20, Texas (South Coast)), the letters referring to GLO lands were about evenly split, half supporting and half opposing their addition to the CBRS. Several commenters were concerned about ferry access to Blackberry Island (TX-11) if it was added to the CBRS. Blackberry Island is State-protected and is not recommended for addition to the CBRS. Substantive comments concerning individual existing or proposed CBRS units on the north Texas coast are discussed and reprinted in the following section, interspersed with the appropriate maps.

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS ON THE NORTH COAST OF TEXAS

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shore-line Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
T01	Sea Rim	Jefferson	9	2.5	4,626	1,498	Delete altered area north of Hwy 87 from existing CBRS unit
T02A	High Island	Jefferson Galveston	9	11.6	23,497	969	Add wetlands to existing CBRS unit
T03A	Bolivar Peninsula	Galveston	9	6.0	12,486	958	Add new areas to existing CBRS unit
TX-04	Swan Lake	Galveston	9	1.9	485	65	Add to CBRS
T04	Follets Island	Brazoria	22	9.4	6,232	883	Add wetlands to existing CBRS unit
T05	Brazos River Complex	Brazoria	22	4.0	8,263	1,922	Add wetlands to existing CBRS unit
T06	Sargent Beach	Brazoria Matagorda	22 14	4.5	2,005	298	Add wetlands to existing CBRS unit

(continued)

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS ON THE NORTH COAST OF TEXAS (CONCLUDED)

Unit ID Code ^a	Unit Name ^b	County	Congress. Dist. ^c	Shore-line Length (miles) ^d	Total Area (acres) ^e	Fast-land Area (acres) ^f	Recommendation ^g
T07	Matagorda Peninsula	Matagorda Calhoun	14	55.6	31,186	10,609	Add wetlands to existing CBRS unit
TX-09	Coon Island Bay	Matagorda	14	5.5	520	101	Add to CBRS
TX-10	Shell Beach	Matagorda	14	1.3	726	43	Add to CBRS
T08	San Jose Island Complex	Calhoun Aransas	14 27	29.4	45,091	17,169	Delete federally protected (FWS) area from existing CBRS unit
Total - CBRS as Recommended				131.7	135,117	34,515	
Existing CBRS				<u>123.5</u>	<u>127,747</u>	<u>36,010</u>	
Net Change in CBRS				+8.2	+7,370	-1,495	

^aUNIT ID CODE - State initials (TX) plus a number identify a proposed new unit. An existing unit is identified by the legal code letter (T) and number established by Congress in 1982.

^bUNIT NAME - For proposed new units, this is a provisional name based on a prominent local feature. For existing CBRS units, this is the legal name.

^cCONGRESSIONAL DISTRICT - U.S. Congressional District in which unit is located.

^dSHORELINE LENGTH - For existing units with additions or deletions, this length is for the entire unit, as modified.

^eTOTAL AREA - For existing units with additions or deletions, this area is for the entire unit, as modified.

^fFASTLAND AREA - This acreage is a rough estimate of the portion of the total area that is above the mean high tide line (i.e., the non-wetland area). It is a very general representation of the potentially developable land.

^gRECOMMENDATION - A brief explanation of the Department's recommendations to Congress. For more detailed explanations, see the following section. Abbreviations: FWS = Fish and Wildlife Service, NPS = National Park Service, CBRS = Coastal Barrier Resources System.

STATE COMMENT LETTERS

1328



STATE OF TEXAS
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS 78711
June 18, 1987

WILLIAM P. CLEMENTS JR.
GOVERNOR

Mr. William P. Horn
Assistant Secretary for
Fish and Wildlife and Parks
U.S. Department of the Interior
Washington, D.C. 20240

Dear Mr. Horn:

It has recently come to my attention that a major portion of South Padre Island was put into the Coastal Barrier Resources System in 1982.

This area represents an important asset to the local economy and to the future development potential of that region. Denial of federal development assistance to South Padre Island will have major, long-term negative impacts on local tax bases. In an area ranked among the poorest in the nation, removing these lands from the tax rolls can only exacerbate an already dismal outlook for local governments faced with explosive population growth and declining revenues.

I am confident that development consistent with environmental protection and conservation can coexist on the island, and I respectfully request that the area designated as T11 by the Coastal Barriers Study Group be removed from the Coastal Barrier Resources System.

Sincerely,

W. P. Clements, Jr.

William P. Clements, Jr.
Governor

cc: The Hon. Lloyd Bentsen
The Hon. Phil Gramm
The Hon. Solomon Ortiz
Coastal Barrier Study Group

1550



STATE OF TEXAS
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS 78711
June 19, 1987

WILLIAM P. CLEMENTS JR.
GOVERNOR

The Honorable Donald P. Hodel
Secretary
U.S. Department of the Interior
Washington, D.C. 20240

Dear Don:

I have followed with great interest and growing concern the Department of the Interior's recommendations regarding expansions to the Coastal Barrier Resources System (CBRS).

At seven public meetings along the Texas coast last week, residents of areas recommended for inclusion in CBRS turned out in large numbers to express their feelings on the issue. Most of them support the concept of barrier island protection and of wetlands conservation. They recognize the importance to their lives of shrimp and fish nurseries, of bird nesting and aquatic habitat, and of the economic value of unspoiled and undeveloped beaches for recreational purposes. But most of the Texans speaking at those meetings also repeatedly and vigorously called for balance between pressing economic needs and the wholesale removal of coastal areas from development.

The Department's stock response is that CBRS does not prevent development, it only prohibits the use of federal funds for development in the System. At best this is an ingenious answer; without federal flood insurance, transportation assistance, water and sewer grants, and other forms of federal aid, development will not occur. The absence of development thus imposed will be borne directly by local taxing jurisdictions -- local governments and special districts already struggling to make do on revenue streams cut to a trickle by the collapse of the energy and agriculture industries. In many cases, the coastal lands marked for inclusion represent the greatest assets remaining to our coastal counties. Effectively placing them beyond development will have long-term repercussions for those governments, for the state, and for the nation.

Another troubling aspect of the Coastal Barriers Study Group's recommendations is the move to include public lands previously exempted as "otherwise protected." We are told that the Texas General Land Office's efforts to lease the old Brazos Island State Park for development has demonstrated that the state cannot be trusted to protect these lands, and that the federal government must therefore assume responsibility for doing so. I find this notion repugnant to the very

principles of our federal system. I also find it misguided, in that the School Land Board, which administers the Texas Coastal Public Lands Management Act, has adopted official rules requiring it to consider the purposes and intent of the Coastal Barrier Resources Act in making leases, easements, and other interests in coastal lands.

I am also extremely concerned about the impact of the proposed changes on Texas ports and our coastal transportation system. Several of our ports, including Freeport, Port Arthur, and the Port of Brownsville, will be blocked from developing to their full potential if the recommendations are enacted as proposed. Each of these ports is vital to the economic development of its region, and they must be given expansion room if they are to serve the needs of their regions, the state, and the United States. The Gulf Intracoastal Waterway serves a similar role in the development of the entire coastal area and is critical to the U.S.'s exporting future. If included within the CBRS boundaries as proposed, however, future improvements to the Waterway will be jeopardized.

Mr. Secretary, I, like most other Texans, am keenly aware of the need to preserve and protect our coastal resources. I am not convinced, however, that a massive transfer of coastal lands into the Coastal Barrier Resources System is necessary or wise. Federal and state tools, including 404 permits, FEMA regulations, state laws, and local building and zoning regulations, already exist to manage growth in environmentally sensitive areas. I realize that the Coastal Barrier Resources Act of 1982 did not direct the Department to take into consideration the economic impacts of its CBRS recommendations. But the economic consequences to local taxing jurisdictions and to the State of Texas if the current recommendations were to be enacted would be dramatic and long-lived. In the long term, I believe the amount saved by not paying flood insurance claims will be insignificant compared to the tax losses to all levels of government, including the federal treasury, that will occur as a result of removing massive amounts of the Texas coast from development. I do not question the need for protection of some portions of barrier islands. I do, however, take strong issue with the scope of the Department of Interior's recommendations as they currently stand, and urge that they be tempered by economic realism.

My comments are amplified and supported by the attached statements from various state agencies, local governments, and others. They will be further substantiated by submissions mailed under separate cover from entities along the Texas coast.

I look forward to seeing our concerns reflected in the final recommendations to the Congress later this year.

Sincerely,

W. P. Clements, Jr.

William P. Clements, Jr.
Governor

cc: Texas Members of Congress
Coastal Barriers Study Group
Texas Office of State-Federal Relations

OTHER GENERAL COMMENT LETTERS CONCERNING NORTH TEXAS

1233



June 5, 1987

The Honorable Donald P. Hodel
The Secretary of the Interior
Washington, D.C. 20240

Dear Mr. Secretary:

The Texas General Land Office has examined the maps and narrative presenting proposed changes in the Texas units in the Coastal Barrier Resources System (CBRS). We strongly object to the recommended addition of several hundred thousand acres of state-owned land to the system. These lands are, we believe, otherwise protected under rules promulgated by the School Land Board of Texas and by the laws of the State of Texas.

We applaud the intent of the Coastal Barrier Resources Act, but we see no need for the imposition of a second layer of bureaucracy to ensure the preservation of our barrier resources. The present Coastal Barrier Resources System, which classifies state-owned land in Texas as otherwise protected, accomplishes the intent of the Act.

The School Land Board, which administers, implements, and enforces the Texas Coastal Public Lands Management Act of 1973, is responsible for the approval of leases, easements, and permits authorizing the use of coastal public lands and for the development of management policies for these lands.

The Board recognizes the intent of Congress to limit the use of federal subsidies for the development of certain undeveloped flood-prone and environmentally sensitive coastal areas. In December of 1986, the Board adopted, on an emergency basis, a new rule clarifying its desire to support the purposes and intent of Congress in enacting the Coastal Barrier Resources Act (copy attached). This rule, finally adopted as of May 11, 1987, ensures that the purposes and intent of the act will be considered in the granting of state leases, easements, and other interests.

The comments that follow address inconsistencies between the definitions published in the Federal Register, Vol. 50, No. 42, for implementation of the Coastal Barrier Resources Act and the delineation of units proposed for inclusion in the CBRS; point out some erroneous statements made in the narrative; and offer information which demonstrates that the inclusion of a vast amount of state-owned submerged land in the system is inappropriate.

Garry Mauro
Commissioner
General Land Office
Stegner F. Austin Building
1700 North Congress Avenue
Austin, Texas 78777
472-40226

In the discussion of unit T05-Brazos River Complex in Volume 19 (p. 5), both Quintana Beach and Bryan Beach are said to have high erosion rates. This is true only of Quintana Beach.

The statement at the end of the narrative in Volume 20 (p. 6) that the General Land Office has issued a provisional lease for the area known as the Brazos Island State Recreation Area is mistaken. The General Land Office has offered to return the area to the Texas Parks and Wildlife Department for use as a public park. An applicant who held a lease option on this property relinquished it in May of 1986 and now holds only a conditional road easement. Construction of the road is contingent upon the approval of the Texas Parks and Wildlife Department, which has not yet made a formal decision about acquisition of the property.

Preserves Leased by the General Land Office

The Bird Island lease in West Bay is one of a total of nine coastal leases that the National Audubon Society and Houston Audubon Society now have with the General Land Office. The other leased areas are:

1. Sydnos Island, Port Arthur, Orange County
2. Deadman's Island/Long Reef, Aransas Bay, Aransas County
3. Green Island/Three Islands, Laguna Madre, Cameron County
4. Second Chain of Islands, San Antonio Bay, Calhoun County
5. Vingt-et-un Island, Trinity Bay, Chambers County
6. Lydia Ann Island, Aransas Bay, Aransas County
7. Sundown, Rattlesnake, Ayles, Roddy, Matagorda, and Bludworth islands in Mesquite Bay, Aransas County
8. Snake Island, West Bay, Galveston County

The General Land Office is currently processing applications from the Audubon Society for the lease of an additional 13 areas along the coast:

1. Rollover Pass, East Bay, Galveston County
2. Little Pelican Island, Galveston Bay, Galveston County
3. Big Bayou Spoil, Redfish and Corpus Christi bays, Nueces and Aransas counties
4. Pita Island Spoil, Laguna Madre, Nueces County
5. Rabbit Island, Laguna Madre, Kenedy County
6. Three Island Spoil, Laguna Madre, Cameron County
7. Kenedy Causeway Spoil, Laguna Madre and Corpus Christi Bay, Nueces County
8. Laguna Vista Spoil, Laguna Madre, Cameron County
9. Port Isabel Spoil, Laguna Madre, Cameron County
10. South Land Cut, Laguna Madre, Kenedy County
11. Arroyo Colorado Spoil, Laguna Madre, Cameron County
12. East Nueces Bay Spoil, Nueces Bay, Nueces County
13. West Nueces Bay Spoil, Nueces Bay, Nueces County

These Audubon Society preserves will be supplemented by a system of state coastal preserves. The General Land Office and Texas Parks and Wildlife Department recently agreed upon guidelines for the establishment of a new Coastal Preserve Program to protect especially sensitive or valuable coastal natural areas.

Delineation of Proposed Units

The landward boundaries of several proposed units depicted do not conform to the published definitions. In general, the definitions provide that the boundary is to lie no more than five miles landward of the mean high water line on the unprotected side of a coastal barrier. Proposed units T08, T10, and T11 extend landward more than the maximum five miles.

For secondary barriers that function as coastal barriers within bay systems, the definitions state that the landward boundary is to be no more than one mile landward of the mean high water line on the unprotected side of the barrier. Units TX-11 in Espiritu Santo Bay, TX-12 in Espiritu Santo and San Antonio bays, and TX-20 in Alazan Bay all extend more than two miles landward of mean high water.

Discrepancies between the federal guidelines and the delineation of boundaries of proposed system units in many areas of the Texas coast have been brought to our attention. In Brazoria County, for example, the proposed addition to T04 extends more than five miles inland from the Gulf. Approximately 2,137 acres along the west side of the Brazos River Diversion Channel proposed for inclusion in the CBRS will be turned over to the Texas Parks and Wildlife Department for wildlife management purposes, 1,252 acres in fee title and 1,065 acres as a perpetual conservation easement.

Factual Errors

The Texas Coastal and Marine Council, listed among state agencies with coastal responsibilities on the third page of each volume, was abolished under the state's sunset law in 1985. The roles of the School Land Board and General Land Office could be better described in this section as follows:

School Land Board. The board, chaired by the Commissioner of the General Land Office, is the executive agency charged with the administration, implementation, and enforcement of the Coastal Public Lands Management Act of 1973. Monies received by the board for granting interests in coastal public lands are deposited in the State Treasury to the credit of the Permanent School Fund, Available School Fund, and a special fund.

General Land Office. The professional and other support staff of the General Land Office assist the board in the discharge of its responsibilities and duties.

In Volume 19, the paragraph headed "Private Sector Initiatives" (p. 4) incorrectly states that the National Audubon Society owns Bird Island in West Bay. The Audubon Society leases the island from the Texas General Land Office.

In the same paragraph (Vol. 19, p. 4) is the statement, "negotiations are underway regarding donation of the western end of the Matagorda Peninsula to The Nature Conservancy." The land in question is the eastern end of Matagorda Peninsula, not the western end, and The Nature Conservancy is negotiating to purchase the property.

Conclusion

The Department of the Interior should adhere to its published definitions for the delineation of Coastal Barrier Resources System units; extension of the landward boundaries of any proposed unit beyond the established limits cannot be justified. The Department should be equally meticulous in its inventory of areas that meet the definition of "otherwise protected."

The General Land Office and School Land Board recognize the need to preserve the valuable natural areas that serve as nursery grounds and habitat for fish and wildlife, as storm buffers, as recreational resources, and as aesthetic attractions. We believe that we should be given credit for appreciating the benefits of protecting the renewable resources of the barrier region, and we believe we should be given credit for the long-term protection we have ensured.

The issuance of wildlife management leases, the development of a state coastal preserve system, and the adoption of rules mandating consideration of the intent of the Coastal Barrier Resources Act in the review of all proposed uses of coastal public lands indicate the state's initiative in coastal resource protection.

As Commissioner of the General Land Office and Chairman of the School Land Board, I firmly believe that state protection of undeveloped coastal public lands precludes the need for addition of these lands to the federal Coastal Barrier Resources System.

Sincerely,

Garry Mauro
Texas Land Commissioner
GM/mw

cc: Mr. Frank B. McGilvrey, Coastal Barriers Coordinator

1674



October 6, 1987

The Honorable Donald P. Hodel
The Secretary of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Dear Mr. Secretary:

The School Land Board of Texas concurs with the comments sent to you by Texas Land Commissioner Garry Mauro in his letter of June 5, 1987, pertaining to the proposed inclusion of state-owned submerged lands in the Coastal Barrier Resources System. We believe that the state provides adequate protection for these lands through regulations and operative policies of the General Land Office and School Land Board.

On October 6, 1987, the Board adopted a new rule designed to ensure that state-owned submerged lands in the coastal area meet the Department of the Interior's definition of "otherwise protected." This rule, 31 TAC Sec. 155.11, states:

The School Land Board establishes that all of the coastal public lands included within the proposed additions to the Coastal Barrier Resources System by the U.S. Department of the Interior's February 1987 draft Report to Congress: "Coastal Barrier Resources System, Proposed Recommendations for Additions to or Deletions from the Coastal Barrier Resources System," Volumes 19 and 20, are areas to be used primarily for wildlife refuge, sanctuary, recreation, or natural resources conservation purposes. Volumes 19 and 20 of the draft report are adopted by reference only for the purpose of specifying which lands are proposed for addition to the Coastal Barrier Resources System. Copies of Volumes 19 and 20 of the draft report can be obtained by sending a written request to the following address:

Texas General Land Office
Land Management Division
1700 N. Congress Avenue
Austin, Texas 78701

Garry Mauro
Commissioner
General Land Office
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701
(512) 463-2266

The Board simultaneously voted to repeal rule 31 TAC Sec. 155.8(f), which ensured consideration of the purposes and intent of the Coastal Barrier Resources Act in the granting of leases, easements, and other interests in coastal public lands that would be included in the CBRS if not excepted as adequately protected by the state. The Board concluded that the new rule more clearly establishes state policy consistent with the intent of the Coastal Barrier Resources Act.

In view of the School Land Board's adoption of this rule, and the Commissioner's adoption of a parallel rule for state-owned submerged lands not under the jurisdiction of the School Land Board, we respectfully request that all state-owned submerged lands in Texas be classified as "otherwise protected" and excluded from the Coastal Barrier Resources System.

Sincerely,

Garry Mauro, Chairman
School Land Board

Lois L. Bonner, Member

Bill Warnick, Member

cc: Ms. Barbara Wyman, Special Assistant to the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior

1784



March 16, 1988

Mr. William P. Horn
Assistant Secretary for Fish and Wildlife
and Parks
U.S. Department of the Interior
18th and C Street, N.W., HQ-3152
Washington, D.C. 20240

Dear Mr. Horn:

In response to your request of March 4, 1988, I asked the Texas Attorney General to prepare a letter opinion concerning the effect of the General Land Office and School Land Board rules that track the language of the Coastal Barrier Resources Act of 1982. The Attorney General's Office has completed its research into this matter and informs me that the opinion will conclude that the rules are binding on the agencies and carry the full force and effect of law. The signed opinion is to be delivered to me by March 17. I will immediately forward it to you.

I can assure you that the new rules pertaining to the Coastal Barrier Resources Act (General Land Office rule 31 TAC Sec. 13.19, and School Land Board rule 31 TAC Sec. 155.11, copies enclosed) were promulgated under proper legal authority of these bodies and according to state laws and procedures governing rulemaking by state agencies.

With the adoption of these rules, I am convinced that all state-owned submerged lands proposed for addition to the Coastal Barrier Resources System qualify as "otherwise protected" under three of the seven categories listed in the Federal Register, Vol. 50, No. 42, March 4, 1985:

1. The areas are protected under a state law (rule) which stipulates the purposes of protection.
5. The General Land Office and School Land Board are organizations within the scope of section 170(h)(3) of the Internal Revenue Code of 1954, and the lands are dedicated primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.

Garry Mauro
Commissioner
General Land Office
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701
(512) 463-2266

7. The owner (State of Texas) has provided a written statement documenting the intention to protect the areas.

Many areas of state-owned submerged land also meet criteria (3) and (4) of the definition: they have been removed from the development cycle by easements that specify purposes of protection, or they are administered by an arm of the state government under leases stipulating purposes of protection. These include areas leased to the Audubon Society for bird sanctuaries and areas covered by easements issued to five coastal Soil and Water Conservation Districts for pilot projects in bayshore erosion control using vegetative barriers to absorb wave energy.

In addition, the General Land Office and the Texas Parks and Wildlife Department have proposed two sites as candidates for coastal preserves under the cooperative Texas Coastal Preserve Program. One proposed site comprises Boca Chica and South Bay; the other is Welder Flats, across San Antonio Bay from the Aransas National Wildlife Refuge. Coastal preserves, to be managed under lease by the Texas Parks and Wildlife Department, will meet not only criterion (4) of the definition, but also criterion (6) since a comprehensive management plan will be developed for each unit in the system.

The state's commitment to preservation of the natural resources in state-owned submerged lands is, I believe, well documented in Texas natural resource law and in rules of the General Land Office and School Land Board. Both the laws and the regulations are designed to prevent unnecessary damage to coastal resources and to rectify damage that results from failure to adhere to state regulations.

This conservation policy is further confirmed by the institution of special programs to protect and enhance the environmental quality and natural productivity of coastal public lands. Among these are the computerized Resource Management Recommendation Code System, developed by the General Land Office in cooperation with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the Texas Parks and Wildlife Department, and the Texas Antiquities Committee. The code system makes the environmental concerns of these agencies readily available to potential lessees of state-owned submerged lands. Other similar programs include the Texas Coastal Preserve System, which will guarantee the preservation of especially valuable or sensitive coastal natural areas, and the General Land Office's aggressive campaign to clean up coastal waters and shorelines.

I hope that this information, combined with the Attorney General's opinion, will be considered adequate justification for the exclusion of state-owned submerged lands in Texas from the Coastal Barrier Resources System.

In closing, I would like to say that the State of Texas shares the concerns set forth in Section 2(b) of the Coastal Barrier Resources Act: to minimize loss of human life, wasteful expenditure of federal revenues, and damage to fish, wildlife, and other natural resources associated with coastal barriers.

I appreciate your diligent effort to ensure that we provide the Secretary with all evidence that might be required to support our position.

Sincerely,

Garry Mauro
Garry Mauro
Texas Land Commissioner

Leslie A. Stewart
Acting Deputy Commissioner
Land Management

GM/mw

Enclosures



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL March 16, 1988

Mr. Garry Mauro, Commissioner
General Land Office
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701

LO-88-29

Dear Commissioner Mauro:

You ask about the legal effect of administrative rules. Specifically, you ask whether administrative rules have the same effect as a statute.

It is a well-established rule in Texas that valid rules and regulations promulgated by an administrative agency acting within its statutory authority have the force and effect of legislation. Lewis v. Jacksonville Building and Loan Association, 540 S.W.2d 307, 310 (Tex. 1976); Texas Liquor Control Board v. Attic Club, 457 S.W.2d 41 (Tex. 1970).

Sincerely,

Jim Mattox
JIM MATTOX
Attorney General of Texas

JAM/SW/er

1483



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

June 18, 1987

The Honorable Donald P. Hodel
The Secretary of the Interior
Department of the Interior, Room 6151
18th and C Streets, N.W.
Washington, D. C. 20240

Dear Secretary Hodel:

This letter conveys comments of the Texas Attorney General's Office regarding some of the proposed changes to the Texas units of the Coastal Barrier Resources System (CBRS). As the Attorney General of Texas, and thus the leading enforcement authority for the Texas Open Beaches Act, I have a keen interest in protecting and preserving the integrity of public beach access and recreation along the Texas coast now and for the future. To the extent that the proposed CBRS changes promote public beach preservation, I support them.

I understand that the Coastal Barrier Resources Act which created the CBRS is grounded in principles of fiscal responsibility: the removal of taxpayer subsidy for new private development in hazard-prone areas. Such development guarantees a drain of our fiscal resources for emergency relief, flood insurance, and recurring reconstruction costs. A derivative benefit of this fiscal restraint is (1) the conservation of natural resources in coastal areas where the private sector is otherwise unwilling to assume the full financial risk of development, and (2) more environmentally prudent development where construction does proceed.

A hard lesson was learned about the assumption of the risk of land development adjacent to our public beaches in Texas following Hurricane Alicia's landfall near Galveston in 1983. Unwise development practices in the past, fueled in part by the availability of federal flood insurance and other federal subsidies, set the stage for the controversy which ensued when Alicia left a good many private structures on the public beach. In upholding the legally migratory nature of a public beach in Texas, the courts in the post-Alicia litigation have implicitly held that the risk of property loss is properly borne by the property owner who assumes that risk by engaging in brinkmanship at the edge of the sea.

The Honorable Donald P. Hodel
June 18, 1987
Page 2

The current CBRS proposals which pertain to the Gulf of Mexico beachfront in Texas reinforce that sensible risk allocation by requiring that new construction on currently undeveloped beachfront areas must pay its own way and accept its own risks. The risks of beachfront development are especially real in Texas because of the many areas experiencing long-term shoreline erosion. Placement of private structures on erosional beachfront areas is not only unsafe, but sows the seeds for future encroachment of those structures on the public beach with the attendant conflicts between public beachgoers and private property owners.

Accordingly, the Attorney General supports those Department of Interior proposals which decline to delete from the CBRS the Gulf of Mexico beachfront already in the system by virtue of initial Congressional designation in 1982. Specifically, we support retention of Gulf of Mexico beachfront areas in the following existing CBRS units:

- T10 - North Padre Island (see volume 20, page 5-6)
- T11 - South Padre Island (see volume 20, page 6)
- T12 - Boca Chica (see volume 20, page 6)
- T03A - Bolivar Peninsula - re: Crystal Beach (see volume 19, page 7)
- T05 - Brazos River Complex - re: Quintana (see volume 19, page 7)

The Attorney General also supports the proposed addition of the following Gulf of Mexico beachfront areas:


- T12 - Boca Chica Unit, addition of former Brazos Island State Recreation Area (see volume 20, page 6). The tract encompassed by the former state recreation area is a site of traditional and significant public beach use. This tract is the only beachfront area on Boca Chica/Brazos Island which is not currently in the CBRS. This tract is not at present "otherwise protected" under the definition of the Coastal Barrier Resources Act, since the tract is not currently a wildlife refuge, sanctuary, recreational, or natural resource conservation area. Until the former Brazos Island State Recreation Area is secured for one of these purposes, it should be treated for CBRS purposes like the remainder of the shoreline on both sides of the tract.

The Honorable Donald P. Hodel
June 18, 1987
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T11 - South Padre Island Unit, suggested addition of the 7.5-mile beachfront area generally north of Andy Bowie Park referred to at volume 20, page 6. For the same reason stated by Interior in this proposal, Congress should perhaps reconsider its exclusion of this area in the 1982 designations. This 7.5-mile stretch of beachfront is the next most probable area of urbanization extending north from the current town of South Padre Island. This area is marked by numerous storm washovers, is highly erosional and dynamic, is subject to no sand dune protection program or other beneficial development controls, and is thus a likely stage for future open beaches controversy. The development which is likely to occur here will have a greater incentive to locate well back from the public beach and outside of washover areas if taxpayer-subsidized flood insurance and infrastructure are unavailable.

These comments are offered in furtherance of the intent and spirit of the Coastal Barrier Resources Act: not to preclude responsible development of our coastal areas, but rather to insure that such development is both fiscally and environmentally responsible. With the taxpayers of this nation and of the State of Texas struggling under unprecedented budget deficits, this kind of fiscal restraint is mandatory to avoid leaving an aggravated financial and environmental burden to future generations.

Sincerely,


Jim Mattox
Attorney General of Texas

JM:nnl
0229K

cc: Coastal Barrier Study Group,
Department of the Interior

We in Texas are proud that our coastline serves as a wintering area for endangered birds. We are proud that our coastal wetlands serve as habitat for many creatures that make this state rich with natural resources, from oysters, shrimp, snowy egrets, brown pelicans, to endangered sea turtles. These animals need undeveloped coastal areas in order to exist.

In Texas, people are allowed to drive on the beaches, and you can just imagine how this activity alone interferes with the protection of coastal creatures that live on the barrier islands. If more and more homes, and resorts with parking lots are allowed to be built on these fragile areas, we are acting without respect for wildlife and habitat.

In the book, "Living with the Texas Shore," Robert Morton and Orin Pilkey, write: "The Texas coast has taken more than its share of hurricane winds, waves, and floods—considerably more than neighboring Gulf states such as Alabama and Mississippi—perhaps because of its position relative to the paths of storms entering the Gulf of Mexico." Of course we can not predict just how many hurricanes are due to strike our coastline in the future, but this is a serious consideration for anyone planning to build on the Gulf coast. Mr. Morton states, "The conclusion that must be drawn is that any given structure on the coast will experience a major hurricane in its lifetime, perhaps several."

I hope you and your staff have had the opportunity to see the slide presentation "A Place Called South Bay". The coastal wetlands in the southern portion of Texas are alive naturally - with birds, grasses, and nursery areas for fish, shrimp and other coastal creatures. This area should never be ruined with condos, or parking lots. If you would like to view this slide presentation, I would be happy to contact the folks who created it.



Center for
Environmental
Education

1272

National Office:
1725 DeSales Street, N.W.
Washington, D.C. 20036
(202) 429-5609

Gulf Coast States Regional Office:
1201 West 24th Street
Austin, TX 78705
(512) 477-6424

June 20, 1987

Coastal Barriers Study Group
U. S. Department of the Interior
National Park Service
P.O. Box 37127
Washington, DC 20013

Dear Mr. McGilvrey:

I would like to commend the Department of Interior for taking a serious look at the coastal areas of our nation and for searching for the best ways to protect them. The Interior Department's proposal to increase the number of acres of undeveloped land in the Coastal Barrier Resources System to nearly 1.5 million acres along the Atlantic and Gulf Coasts is an example of Taking Pride in America, and of taking steps for resource protection, which will always be needed.

The coastline of Texas is a series of barrier islands that are quite fragile and migrate as a natural process of their existence. These islands provide great enjoyment for people, but it is possible to "love these coastal areas to death" by building on and thus destroying the natural environment.

As director of CEE's regional office in Austin, and as the state coordinator for CEE's 1985, 1987 Texas Coastal Cleanup, I have had the good fortune to visit the Texas coast from South Padre to the Bolivar Peninsula. I have seen its beauty, and I have seen the destruction caused by poor planning, and a disregard for nature. Tourism is our second largest industry and four of the top ten counties most visited are coastal counties. You can be assured that tourists come to see sand, natural beauty, dolphins, birds and dunes. They come here to fish, and surf, and boat. Families come to the beach to play in the water, and sand. We want these beach areas to survive for future generations. This will not be the case if these fragile areas are developed.

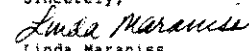
We cannot expect people to visit our coastline if it is overdeveloped, or so tampered with that natural migration of the barrier islands is totally destroyed. Many people believe that they can build on islands that naturally erode. Many people believe that sea walls can be built to stop erosion. These are misconceptions and will only lead to the destruction of the very resources we love and enjoy.

Whale Protection Fund • Seal Rescue Fund • Sea Turtle Rescue Fund • Marine Habitat Program

Wisdom must triumph over greed, and long range planning must be the policy for the future. I have heard Texans talk of trips they made as kids to South Padre Island years ago when they could walk on quiet, undeveloped beaches, void of hotels, and cars and at night they could watch the stars and listen to the animals. We can't recreate something that has been destroyed, but we can learn from the past and save the natural resources that still exist.

Please protect the coastal barriers of Texas. Who will be the victors if the coastline of America is destroyed?

Sincerely,


Linda Maraniss
Regional Director
Gulf Coast States Regional Office
Center for Environmental Education



Working for the Nature of Tomorrow

NATIONAL WILDLIFE FEDERATION

1412 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

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Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

RE: Comments on the Coastal Barrier Resources Act--Section 10 Draft Report to Congress, 52 Federal Register 9618-9619

Dear Sir or Madam:

The National Wildlife Federation, the Natural Resources Defense Council, the Coast Alliance, and the Oceanic Society are writing in response to the Department of the Interior's Federal Register Notice of March 23, 1987 soliciting comments on the Draft Report to Congress: Coastal Barrier Resources System--Executive Summary.

Our organizations have a longtime interest in the conservation of coastal barriers. The Natural Resources Defense Council was the founding organization of the Barrier Islands Coalition in 1978. Likewise, the National Wildlife Federation, the Coast Alliance, and the Oceanic Society became members of that coalition in 1979 to help seek protection of coastal barriers.

Our organizations have led efforts to pass legislation which would conserve the natural resources of coastal barriers--first, the flood insurance prohibition in the Omnibus Reconciliation Act in 1981 and then, the Federal financial prohibition in the Coastal Barrier Resources Act (CBRA) in 1982. We continue to support the goals of CBRA and expansion of the Coastal Barrier Resources System (CBRS) throughout the United States and its territories.

The need for an expanded Coastal Barrier Resources System in which federal development subsidies are prohibited is becoming increasingly critical in light of the projected rise in sea levels due to global warming. As water levels rise, so will the costs of protecting existing structures, the damages from erosion and flooding, and the risk to human life and property.

Texas

Texas has some of the most valuable coastal resources of any state on the Atlantic and Gulf coasts. With over 375 bird species visiting her coast annually, Texas is a critical stopping ground for birds migrating along the Central and Mississippi Flyways.

TX-17 Mustang Island

The bay side of Mustang Island is an important spawning, nursery, and nesting habitat for numerous commercially and recreationally important fish and wildlife species. In addition, its vulnerability to flooding makes it an unwise site for development.

T-12 Boca Chica

We strongly support the Department's proposed addition of 13,280 acres to this unit. South Bay contains the only oyster beds south of Corpus Christi uncontaminated enough to harvest and the only ones on the entire Texas coast which can be harvested year-round.

In addition to these units, the seven miles north from the city limits of the Town of South Padre Island to the end of Park Road 100 meet the criteria for inclusion within the System and should be added.

- 2 -

before these sites are irrevocably committed to development. An appendix of specific comments on additions to and deletions from the System follow our general comments.

PROPOSED RECOMMENDATIONS FOR ADDITIONS TO OR DELETIONS FROM THE CBRS

We support the Department's recommendation to expand the definition of a "coastal barrier" to include landforms which function as coastal barriers in protecting the mainland and adjacent aquatic habitats, even if they are not composed of unconsolidated sediments as are barriers in the traditional definition.

APPENDIX

COMMENTS ON SPECIFIC COASTAL BARRIER AREAS

The National Wildlife Federation, the Natural Resources Defense Council, the Coast Alliance, and the Oceanic Society endorse the inclusion of all undeveloped coastal barriers identified by the Department of Interior in the March 1985 inventory, as well as some additional areas mentioned below.

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sierra club



HOUSTON REGIONAL GROUP
May 24, 1987

Coastal Barriers Study Group
National Park Service
U.S. Department of the Interior
P.O. Box 37127
Washington, D.C. 20013-7127

Attention: Freedom of Information Act Request

Dear Sir or Madam,

Enclosed are the comments of the Houston Sierra Club concerning the Report to Congress: Coastal Barrier Resources System. We fully support all additions to the Texas component of the system.

- 1) Geographic Scope - We fully support that undeveloped, unprotected coastal barriers of the Florida Keys, Puerto Rico, and the Virgin Islands be added to the CBRS.
2) Associated Aquatic Habitats - We fully support that all aquatic habitats associated with existing and proposed CBRS units be added to the CBRS.
3) Secondary Barriers - We fully support that secondary barriers be added to CBRS.
4) Otherwise Protected Coastal Barriers - We fully support the inclusion in CBRS of privately owned property with conservation or recreation areas around it.
5) Federal Stewardship: The Acquisition Alternative - We do not favor additions to government managed lands being exempt from CBRS.

"Not blind opposition to progress but opposition to blind progress"

6) Regulatory Consistency - We do favor that all federal permits must be consistent with CBRS. In fact it would make more sense to do a more detailed evaluation on these areas because of their importance and vulnerability.

7) Tax Policy Alternatives - We agree that no tax amendments should be made at this time but feel that in three to five years these should be looked at.

8) Other Amendments to CBRA

- a. We agree that federal financial assistance for a purpose within a CBRS unit is prohibited by CBRA.
- b. We agree with the deletion of Section 6(a)(3) with no expansion of publicly operated or owned facilities in CBRS.
- c. We agree with amending Section 6(a)(2).
- d. We agree with not amending Section 6(a)(6)(A) for recreational project.
- e. We agree with no amendment to Section 3(3) for technical assistance.
- f. We disagree about not addressing block grants. These too are federal funds and need to be consistent.
- g. We disagree with removing section 7 since it is needed to audit agencies to ensure they are complying with CBRA. This is not unduly burdensome. Who will ensure agencies are doing their jobs?

9) Conservation of Atlantic and Gulf Coastal Barriers - We fully support a study which would look at guidelines as to what should be redeveloped after a storm. We feel that anything which encourages building here in not in the best interests of the Public and should be done so only after stringent criteria are met. We want more public education efforts too.

We support the retention of all units that are presently in the CBRS and the addition of units on the Pacific Coast and the Great Lakes. The CBRS, if it is to work successfully in a maximum way, must be as all inclusive as possible so we can reduce the tremendous waste in taxpayer's money and federal subsidies for private gain. We appreciate this opportunity to comment. We request, under the Freedom of Information Act, a copy of the Volumes and maps that explain the Texas additions to the CBRS. Thank you for your help and we look forward to hearing from you concerning our request in 10 working days.

Sincerely,

Brandt Mannchen
Conservation Committee
Houston Sierra Club
629 Euclid
Houston, Texas 77009



COASTAL BEND
SIERRA CLUB

P.O. Box 3512, Corpus Christi, Texas 78404

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June 1, 1987

Coastal Barriers Study Group
National Park Service
U.S. Department of the Interior
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Sirs:

The Environmental Coalition of Corpus Christi wishes to comment on REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM which is earmarked for presentation for Congressional action this summer. The Coalition is composed of Coastal Bend Audubon Society (625 members), CPUS (175), Audubon Outdoor Club, Inc. (180), and Coastal Bend Sierra Club (525 members). In matters of great importance environmentally in the local area we try to act together. Our comments here represent the unanimous view of the executive group.

We agree with the idea of fostering conservation of coastal resources. It is an unfortunate fact that the U.S. is rapidly losing its coastal resources to development and it is also a fact that the real cost of these developments are born by the taxpayer in the long run. Through flood insurance, road and channel construction, and utility subsidies the federal government makes development in unsafe areas possible. That these areas are also environmental sensitive just exacerbates the problems.

We regret greatly that the Department of the Interior deleted from the proposed protection areas on the bay side of Mustang Island. As you recognize, these very areas are "important spawning, nursery, and nesting habitat for a variety of fish and wildlife species of both commercial and recreational value. The instability of coastal barriers and their susceptibility to storm damage make development hazardous and too costly to subsidize and insure at taxpayer's expense." Horn said.

Unfortunately, a local developer group succeeded in having the bay side of Mustang Island deleted from the original proposal. A copy of a political ad by Linda Strong is enclosed. She was heavily financed by local developers and did win her district in the recent city council elections. Her district is Mustang and Padre Islands...the very area which you have deleted from protection. I quote from an article in the May 8, 1987 issue of the Wall Street Journal... "Some communities, such as Corpus Christi, have managed with immense effort to have some

of the initial acreage dropped from the Interior plan. The South Texas Barrier Task Force spent more than a year documenting the economic loss at more than \$7 million a year in property taxes alone if north Padre Island and Mustang Island lands were included." Of course, they did not even consider the cost to the general taxpayer if these areas are developed with federal subsidy. We also question their figures of economic gain. It is also too bad that environmental groups can not write off the costs of such studies as the Task Force undertook from income taxes as expenses of doing business.

In short, we urge that the doings of a heavily financed political group not over-ride the good sense of the Department of the Interior. We request that the original areas on the bay side of Mustang Island be put back into the proposal before it is presented to Congress for action.

Sincerely,

Patricia H. Suter
Patricia H. Suter
Co-chair Environmental Coalition
Vice-chair Sierra

enclosure

F. HERMANN RUDENBERG, PH.D.
3327 AVENUE ONE HALF
GALVESTON, TEXAS 77550
TEL: 409-768-7188/761-4707

714

June, 1987

Coastal Barriers Study Group
National Park Service
U. S. Department of the Interior
P. O. Box 37127
Washington, D. C. 20013-7127

Gentlemen:

Please include these comments in with others concerning the Recommendations of the Secretary concerning the Coastal Barrier Resources Act, and report to Congress.

First let me tell you that I commented both upon the draft and the final CBRA Environmental Impact Statements; I conducted a groundtruth examination for Congressman Brooks on Bolivar Peninsula in November 1982 and then met with several Congressional Legislative aides; and testified at the June, 1985 public hearing in Galveston. For over 16 years I have been active in coastal assessment, planning, and protection; thus I can speak with some authority at least concerning the region of Galveston Bay -- actually from the Louisiana-Texas border to Freeport.

Some general comments first. These views are based on my experience and upon the reading of the Executive Summary of the Report to Congress only. I did not have the time to tackle the whole report, although I did review the draft some years ago. I have also seen the Texas (North Coast) section.

1. It is possible to protect significantly more areas, and this should happen NOW. The restriction to 1/4 mile ocean frontage is as arbitrary as would be the use of 1000 feet or some lesser number. If it can be argued for the Northeast US, then it is supportable elsewhere too.

2. Wherever possible wetlands should be added so as to afford them better protection than is offered under section 404 of the CWA. People are getting around section 404, and as a minimum they should not be able to utilize US help in doing so!

3. Duplicate protection, i.e. addition under the CBRA also, is very important to assure protection from unneeded or hazarded development which is supported only because federal funds help in construction or because of the availability of federal flood insurance in the event of destruction.

4. Add a "stop-rebuilding" clause concerning coastal property in the event of its destruction by adding a section to the CBRA now that places insured property into a moratorium from benefits derived from federal funds so that isolated property losses could be rebuilt, while area-wide losses could be turned into a new UNIT or added to the nearest one.

5. Any property which has federal flood insurance at present should not be reinsured for any monetary increase in value following use of the insurance. Exceptions could be made perhaps for property (such as mine) within dense city limits and protected by a sea wall, but flood tides can come from the Bay side here -- but to insure high hazard housing over and over is plain stupid). To illustrate, if a property is now insured for \$100,000 for example, and sustains \$40,000 reimbursement following an insurable flood event, a ceiling of \$60,000 would then remain until used up; this is a compromise against the seeming possibility of reinsuring over and over such a structure, with rebuilding and perhaps inflation of values repeatedly. Basically this honors the present FEMA commitment but does not propagate a federal no-win situation!

6. Recognize that "recreation" includes sunning on a beach as well as playing golf. The federal subsidizing of such construction as golf courses must be stopped, as also officer clubs, in high hazard areas, and the like. Provision must be made for some expansion of suitable recreation amenities as populations near the coast grow and place more demand on public facilities. Perhaps only those items directly affecting health and safety would be a useful restrictor?

7. Roadways assuredly are NOT all part of a necessary network. The rebuilding with federal funds of Highway 87 between High Island and Sabine, Texas is a prime example of a violation of the CBRA which should never have taken place. The road should not have been built in the first place!

8. You, and many others, are very much in tune with the need for an effective CBRA and the need to stop supporting coastal development in foolish situations with the use of federal funds. Problems of sea level rise will equally affect the Pacific Coast as the Atlantic and Gulf Coasts. Had this Act been in place 50 years ago, we would be so much better off. Hence, why not include the Pacific Coast? There is NO support for not including it. The same can be said for the coast of the Great Lakes where major flooding problems are already recognized.

9. The argument has been used locally that the provisions of the CBRA are stifling development; basically this is true because bank loans for construction require the purchase of flood insurance and FEMA is the only insurer, albeit through private agents. It is important that the Study Group not give way to the intent of the CBRA as they are stated in the Act. Governments here in Galveston were apparently able to prevent inclusion of any portion of the Island in the original areas, have been fighting recently to get parks out of designation, and the County has been doing the same for Bolivar peninsula areas. Unfortunately, their argument is exactly counter to the intent of the CBRA. There are many residents who do not support the lobbying of our elected officials in this. Only with a major calamity will they recognize the need to retreat from the immediate coast. Until then development and growth are preached at each meeting. It is important to give recognition to this strong opposition but to hold steadfast. Any and all park areas, no matter of what size

should be included in the protected areas, as a group, when within some distance such as 1 mile of the shoreline. However, as noted above, in order to meet demand for, and maintenance of, recreational uses which support the health and safety of the public as directly related to the coastal presence, it would seem worthwhile to lift RECREATIONAL needs of the PUBLIC into a separately designated paragraph within Section 6 (a) (6), where this is tacked onto (A) and is seemingly lost to the reader.

10. Similarly, I suggest that Sec 6(a)(4) have the word "directly" added to it.

11. I find no support for having locally designated protected wetlands stop at the Gulf Intracoastal Waterway, at their inland extreme. If indeed wetlands are to be protected, as I support, then this arbitrary boundary is inappropriate. As sea level rises, the arbitrariness of this demarcation line will come to haunt us.

12. I strongly support the inclusion of all new or expanded areas into the CBRS. In review of all maps for Texas, both North as well as South, I find no obvious problems except that areas now suggested for addition may be too small. I note with pleasure the expansion to protect areas on the several major Bays; however you could have gone so much further! Most hurricanes will wash over the barrier island and then affect the Bay and coastal land area behind it, so that this coastal area really needs more concern and protection. Galveston Bay is no exception.

13. The proposed recommendation of federal, state or local protection allowing "no further consideration" is, I believe, a major error. This protection is hypothetical at best and evanescent at worst. Thus I urge that ALL coded units (and then some) be added to the newly designated Units.

I will now begin on page 8 of the Executive Summary concerning your draft recommendations.

14. A. Geographic Scope: We fully support this recommendation.

15. B. Associated Aquatic Habitats: We fully support this recommendation. Indeed because wetlands require adjacent buffer areas of upland from which detritus, and not pollution, is an important supplement, we would go even further and include a buffer zone of no less than 50 feet. As sea level rises this will prove often to be too little.

16. Secondary Barriers: We fully support this recommendation and note that it needs to be carried forward as in 12, above.

17. "Otherwise Protected" Coastal Barriers: We fully support this recommendation, as amplified above. We reiterate that distance-of-frontage restrictions should not operate here, rather that ALL such property be included. We reiterate the need to focus more carefully upon what constitutes acceptable recreational usage.

18. A. Federal Stewardship: We disagree. ANY land now under federal control, or acquired, should fall into the CBRS restriction of usage. Military activities only DIRECTLY essential to national security should be exempted, and Coast Guard facilities as directly related to their health and safety mission as well. The CBRS is intended not only to conserve land, but also federal dollars; thus these should always be added, and if surplus, turned into public recreation, as used above. Deletion should not be a rule occur.

19. Regulatory Consistency: We are not in agreement. Federal permit programs are inconsistent at best and in violation of NEPA at worst in all too many instances. There needs to be a requirement that federal permits in the CBRS areas need greater scrutiny, need to be consistent with the CBRA and its purposes, and need to follow to the letter, rather than only be guided, by regulatory guidelines such as section 404(b), the EPA "guidelines"; i.e. they are no longer guidelines but are requirements. I'm afraid that 16 years of experience with the Galveston District of the Corps of Engineers leads me to the conclusion that they always favor any applicant over what should be done for conservation.

20. Tax Policy Alternatives: We agree and suggest that this issue be reviewed after some years when the changes induced by the Tax Reform Act of 1986 have stabilized.

21. Other Amendments to CBRA: 1. Section 5: The problem here is that areal coverage is usually not clear-cut within versus outside of Units of the CBRS. Incursion into violations should not occur. It makes no difference as to whether directly or indirectly, a facility that receives federal support may not in any way support functions within the CBRS.

22. 2. Section 6. (a) Essential Link. We have commented upon the non-essentiality of State Highway 87 between High Island and Sabine which has been washed over twice following recent reconstruction using federal support, which goes through Units. So long as the stated concepts are retained, section 6(a)(3) may be deleted. BUT: why was the redundancy there in the first place ???

23. (b) Dredged material disposal: The proposal is acceptable. However, DOI should recognize that the CoE has the last word and can overrule the F&WS. I would urge that while cooperation or agreement is needed, the F&WS should be the deciding agency for CBRS Units; i.e. have the last word.

24. (c) Recreational Projects. The term "recreational project" is ambiguous. Golf courses and the like should not be a permissible construction, for example. This issue is amply discussed above.

25. (d) Technical Assistance. We support the suggestion that section 3(3) not be amended. Yet we feel that perhaps somewhere in the body there should be support for public education or permit-seekers to receive technical consultation so as to further the purposes of the CBRA.

26. (e) Federal Agency Compliance. We disagree. It is vital that ALL federal agencies take the CBRA to heart. One way might be to require an appropriate penalty statement in Block Grants which make recipients liable to heavy penalty. Spot checking and enlistment of the environmental community would assure compliance without materially increasing costs of implementation.

27. Section 7. Some sort of system must be emplaced to assure protection of the purposes of the CBRA. Annual certification through CMB seems excessively unreliable. Perhaps GAO is a better monitoring agency?

28. E. Conservation of Atlantic and Gulf Coastal Barriers: We have commented already on some aspects of this. We support a study and suggest a 3 to 5 year deadline from now for the results and recommendations. The discussion at the bottom of page 22 concerning Florida and North Carolina amply supports that the study include all our coasts; indeed CBRA protection is needed today, not in 5 to 7 years, after Congress has weakened what is provided by the proposed study! It would be even better if the study could be completed by 1990. Developmental pressures are immense. Damage costs from coastal storms are accelerating. The time to act is NOW.

29. I would add, therefore, that another amendment be added, in the definition section, 2(a)(1) to read: Coastal barriers along the nations coasts (Atlantic, Gulf, Great Lakes, Bays) of the United States, whether by sand or cliff, whether primary or secondary to the open water, and the adjacent... *Pacific*

30. Finally: I believe that there is little debate over the purpose of the CBRA. Let's go with whatever best achieves this and not let special interests make inroads and request exceptions. Fundamentally, in addition to directly concerning national security, only health and safety should be of concern. Somewhere those of us who are sensitive to the issues must speak out and remind those who forget of major coastal hurricanes, inform those who do not know of the coming economic losses from sea level rise, support the recreational uses of the public coast, and prevent foolish and expensive mistakes with this natural resource. If we don't paint the picture the way it is, Congress can hardly be expected to do what is best for our nation. Coastal conservation has been too slow in coming. This is an opportunity to take a considerable step forward. Let's do it right. NOW.

Thank you for this opportunity to comment.

Sincerely yours,
F. Hermann Rudenberg
F. Hermann Rudenberg, Ph.D.

Claunch and Associates, P. C.
- LAND SURVEYORS -
P. O. Box 3582
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June 15, 1987

President Ronald Reagan
Donald P. Rodal, Secretary of the Interior
William P. Horn, Ass't. Sec. for Fish, Wildlife & Parks
Senator Lloyd M. Bentzen
Senator Phil Graham
Rep. Solomon Ortiz
Texas Governor Wm. Clements
Cameron County Judge Jack Goolsby
Mrs. Mary Lou Campbell, Frontera Audubon Society

This letter is in regards to "Report to Congress: Coastal Barrier Resources System - Proposed Recommendations for Additions to or Deletions from the Coastal Barrier Resources System - Volume 20, Texas (South Coast)," U.S. Department of the Interior, dated February, 1987. It is prompted as a consequence of a "public meeting" held in Brownsville, Texas, on Thursday June 11, 1987; and the later acquisition of a copy of the above mentioned Report. The purpose hereof is to protest, in the strongest terms possible, any serious consideration of the adoption of the recommendations contained in the said Report.

I am Madison L. Claunch. I have been a resident of Cameron County, Texas for approximately 37 years. I have no ownership or other financial interest in the lands which are the subject of this report. I do not, at the present time, represent any such interests in a professional capacity, nor is any such representation anticipated.

My primary objections are listed below. A more detailed resume of my qualifications, comments, and a review of the report is attached hereto.

1. Contrary to the assertions of the representatives of the Dept. of the Interior, this Report, and its recommendations, have not been prepared, as specified by law, with "opportunity for, and (consideration of) - public comment." Their statements that "press releases" had been submitted to local media should not be accepted as a fulfillment of their responsibility. A "public meeting" called within two weeks of final presentation of the Report is another bureaucratic ploy. As one participant observed: "Your mind was made up prior this meeting." As a citizen and (to my lights) a tax-payer of some consequence, I deeply resent the expenditure of tax dollars in this manner. My personal recommendation to the Congress would be that they consider this agencies spending in the preparation of future budgets.
2. According to the presentation by representatives of the Dept. of the Interior, no considerations have been given to the economic impact on this area. I consider this to be a callous bureaucratic "cop-out" that is without justification no matter what, under the law, they consider to be their responsibilities.

-1-

ATTACHMENT
Letter of June 15, 1987
Coastal Barriers Resources System, Vol. 20 Texas (South Coast)

I am a Registered Public Surveyor and a Licensed State Land Surveyor in the State of Texas. I have resided, and worked, in the Rio Grande Valley area for 40 years (37 years in Cameron County). I have participated in, and am familiar with, historical development processes in this area. There is very little of the coastal area in Cameron, Willacy, and Kenedy counties with which I do not have personal and first hand knowledge. I have also executed coastal surveys in Mueces, San Patricio and Aransas counties. I served for 15 years as a member of the Texas Mapping Advisory Committee. I have been, since its inception, a member of the Board of Directors of the Rio Grande Valley Zoological Society. Although I am in sympathy with their stated objectives, I am not a member of any organized "conservation" group.

A detailed dissection of the subject Report could be made, but it would entail much more than should be considered necessary to the purposes of this letter. The following will be limited to those aspects deemed of paramount importance.

Economic Impact

Adoption of the recommendations, contained in the Report, will result in a significant lowering of land values in the subject area. The consequence will be a loss of tax revenue to all local entities, the State of Texas, and the Federal government. Also; many local lending institutions (and through them, their depositors) have a financial stake in the subject area.

There is a question as to whether the adoption of the recommendations will impact job opportunities in this area. In the light of current economic conditions in this area, it is inconceivable that this question should not be duly considered.

There is a question as to whether the adoption of the recommendations will preclude the extension of Federal Flood Insurance and other "federal" financial assistance to lands within the subject area. This is a matter that should not be based solely on considerations of conservation.

De Facto Taking

It will be argued that the adoption of the recommendations contained in the Report do not constitute a taking by the Federal government. This may be technically true. But, the greater truth is that the result of such adoption will be, by the Federal government, a laying aside of a considerable area (for specific use and/or non-use) without consideration for the rights of the private owners thereof.

If the recommendations are adopted, and if as predicted, land values are lowered then we will have the potential for allegations of conspiracy and fraud. There will surely be foreclosures and abandonments. There will surely be "entrepreneurs" waiting in the wings to obtain title under bargain conditions. One would have to hope that one of the "entrepreneurs" would not be the Federal government itself. Or; that there had not been collusion should the imposed restrictions ever be lifted.

Report Content

It is noted that the authors of the Report are not named. There is comment on Background, current Coastal Resource Management (including applicable laws and State agencies), and Existing CBRS Units. A list of 12 References is provided. As above mentioned, much can be said about the Report content.

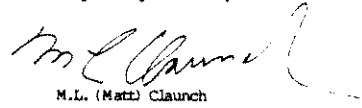
-1-

Letter: Re: Report, Coastal Barrier Resources System, June 15, 1987

3. It is of no consequence that the Federal Government will not and does not intend to take title to the subject lands. The effect will be a de facto taking of private properties without due process and just compensation. A recent decision by the U.S. Supreme Court, regarding zoning and land use regulations, may apply in this instance.
4. As an effort to conserve and effectively manage natural resources, the Report is completely, and totally, without merit. It reflects a cavalier approach that glaringly exposes its authors disregard for the history of this area and its present ecological conditions.

As above stated; hereto attached is a more detailed review of the Report - should anyone care to take the time to read it.

Respectfully submitted,


M.L. (Matt) Claunch

Encl:
Qualifications & Comment

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Attachment: Letter of June 15, 1987 (Cont.)

Of the 12 "references" there are 9 who can be identified as geologists. 7 of these 9 are (or were) employees or chair-holders with the Texas Bureau of Economic Geology. This is the same agency that through its Director, W.L. Fisher, at one time proposed that its published maps be the authority for political boundaries controlling the permissible use of septic tanks! This is the same agency under whose auspices, Dr. Joe McGowen testified, before a committee of the Texas Senate, that the shoreline of Padre Island was eroding at a rate 12 ft. 8 inches per year (See Report, page 1). When shown evidence to the contrary, Dr. McGowen stated that perhaps he may have been somewhat over-zealous. Of the three remaining references, one is by a "politician" of dubious qualifications to address himself on the issues at hand. One is a report by the U.S. Corps of Engineers on a specific storm occurrence. The nature of the remaining reference (S. Davenport) is not known to this writer. There are no references to marine biologists or any conservation authorities.

The Report contains considerable comment on the Texas Open Beaches Act. Unless recently revised, the Act is not properly quoted. An originally enacted the said Open Beaches Act declared the public right to the beach which was defined as follows:

From the line of Mean Low Tide inland for a distance of 200 feet or to the line of vegetation - whichever is less, and providing a prior public prescriptive use has been established.

Attention is invited to the maps on pages 15 and 19 of the Report. The western limit of the proposed addition to area T11 is the Intra-Coastal Waterway. It is hereby submitted that these are the most ecological pertinent areas on the lower coast and they have been excluded! This writer will be happy to offer support for this statement to anyone who cares to take the time to make inquiry.

Attention is invited to the map on page 20 of the Report. At the public hearing, in Brownsville on June 11, the representatives of the Dept. of the Interior either could not or would not identify the western and southern boundary of the proposed Addition to T12. They would only say that they had "drawn lines on maps" and the Congress would be asked to enact legislation in reference to these "maps." The mischief inherent in such a procedure should be patently apparent.

The Report makes no mention of the effects of "historical development." It is a fact that prior to the construction of the Intra-Coastal Waterway and, in particular, the Port Mansfield channel to the gulf, the upper portion of the South Laguna was so salty that marine life could not exist therein. The result of these "developments" was to effect a circulation that reduced salinity. Redfish Bay is now one of the premier fishing grounds on the entire Texas coast.

There is much more that could be said. But, if the above is not sufficient to provide cause for pause and reflection then there is little hope for enlightened action by our representatives and the agencies on which they rely for sound advice.


M.L. (Matt) Claunch

-2-



ESPEY,
HUSTON &
ASSOCIATES, INC.
Engineering & Environmental Consultants

1108

22 June 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Sirs:

This letter requests that the proposed expansion areas in Unit T-12 (lower Texas coast) be withdrawn from the Coastal Barrier Resources System (CBRS). The reasons for this request will be detailed below and in the attached documents.

Espey, Huston & Associates, Inc. (EHEA) was hired by Playa del Rio, Inc. nearly three years ago to manage the efforts necessary to obtain a Section 10/404 permit from the U.S. Army Corps of Engineers for the Playa del Rio project. Playa del Rio lands comprise a large percentage of the proposed expansion areas of Unit T-12 (Figure 1). Land for this project was acquired and planning begun even before the Coastal Barriers Act was enacted in 1982. Indeed, to date, an 18-inch water line to service the initial phase of the project has been constructed to the site. Detailed plans and engineering are nearly complete for the first phase to be built in non-jurisdictional areas of the project. Since the beginnings of Playa, well over eight years ago, progress has occurred steadily toward its ultimate development.

The Playa lands included in the 1982 CBRS designation total 1,882 acres. The proposed expansion of Unit T-12 adds another 3,572 acres for a total of 5,454 acres of Playa land in the CBRS. Table 1 displays the acreage of the various land use types in Playa del Rio included in the CBRS and gives the percent which each land use type comprises of the Playa acreage included. Figure 2 shows the locations of these areas.

Land use types which contain either terrestrial or aquatic habitat and, as such, do not preclude use of the area by fish and wildlife include the deepwater marina, preserves, public or open space, and waterways. These categories comprise 52.2% (983 acres) of the original T-12 designation, 68.6% (2,451 acres) of the proposed addition to T-12, and 63.0% (3,434 acres) of the total existing and proposed acreage of Playa del Rio to be included in the CBRS. Therefore, over 63% would be available for fish and wildlife habitat. Additionally, much of the preserve area listed on Table 1 is comprised of dry sand flats which are slated for mitigation activities to create shallow bay bottom habitat planted in seagrasses and surrounded by mangroves and Gulf cordgrass. These areas will ultimately be far more biologically productive

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ESPEY, HUSTON & ASSOCIATES, INC.

than they are at present. The natural preserves of the project proposed for inclusion in the CBRS include all the primary dunes where no building is to occur. Furthermore, all existing cordgrass marsh areas and mangrove areas of the project are already in the preserve system as well.

Playa del Rio has enormous social and economic benefits associated with its development. Attachment I - Information Package, Project Economics, presents economic projections for Playa del Rio. Attachment II - "Preliminary Estimate of Employment Impacts of an International Industrial and Resort Complex" describes the importance of Playa del Rio to the overall development and revitalization of the Cameron County area. Attachment III - "Potential Economic Effects to Texas Associated with the Proposed Expansion of the Coastal Barrier Resources System" defines the effect of the CBRS on the Texas coastal area. The majority of the projected losses in Cameron County would be associated with activities possibly prevented at Playa del Rio due to the CBRS.

The curtailment of growth in the Texas coastal area due to CBRA would impact the State of Texas when the economy is already depressed. Secondly, tourism is the second-ranking industry in Texas at present. Therefore, CBRA strikes at the heart of economic viability and revitalization in Texas by virtually ruling out development in coastal areas so important to the tourism industry. The effect of the expanded CBRS on the State of Texas from 1985-2000 is summarized as follows:

- 1) Average annual employment loss of 26,900 jobs.
- 2) Experience a reduction of construction monies of 4.1 billion dollars (not including the land costs).
- 3) Loss of 6.2 billion dollars in associated income.
- 4) 3.2 billion dollars lost in tax revenues to local, State and Federal governments.

I have a number of questions regarding CBRA and the expansion of the CBRS. I would greatly appreciate written answers to these questions as the CBRA has potentially significant impacts on the Playa del Rio project which I represent.

- 1) Has the DOI factored lost jobs, revenues and income into the calculations which indicate the estimated savings to the Federal government of from 5.5 to 11 billion dollars over the next 20 years?
- 2) Since Texas alone will lose more in income and revenues than the total program is expected to save, why should roughly one-third of the land included in CBRS be located in Texas?
- 3) Given our sagging economy, especially in south Texas, why should Texas be disproportionately penalized by directly affecting a major industry?
- 4) Why are the coastal areas singled out for such land controls when over the past 15 or more years, inland flooding has averaged between 1 and 4 billion dollars in damages annually?

ESPEY, HUSTON & ASSOCIATES, INC.

5) Why has the DOI not published a supplemental EIS to cover the expansion areas when, considering the large acreage involved which affects many more citizens, new input data must certainly have to be considered?

6) Since developers and industries are nearly always required to acquire permits or approvals in coastal areas and since the applicant must provide detailed analyses of their project which are available for considerable public scrutiny, how can the government impose such severe restrictions on landowners without a detailed accounting of the reasons, beyond general comments regarding the environmental value, Federal expenditures and safety aspects of their proposed development?

7) Was the actual environmental value of each area included in CBRS assessed or was it simply that an area met certain lack of development or location criteria which caused inclusion into CBRS?

8) Is it true that an area's inclusion into CBRS is basically dependent on the level of development present at the time of inclusion, rather than consideration or permits acquired or extant land plans indicating future development can be accomplished?

9) Why are there no provisions or mechanisms proposed whereby a project could be exempted from the CBRS if it meets acceptable criteria regarding environmental and safety considerations?

10) What areas have been removed or will be removed from the current expansion proposal and what were the reasons for removing them?

11) What is the procedure and who makes the decision as to exempting property from the CBRS?

12) Can it be denied that CBRA is a land use control mechanism when one of the basic reasons given for implementing CBRA was protection of coastal environments?

13) Should land use control not be administered by State or local authorities most directly affected by such actions?

14) Will the CBRS areas in Texas be expanded beyond the proposed boundaries?

15) For the Playa del Rio/Unit T-12 area included in the CBRS, were the following items considered?

- a) Economic benefits which could accrue to the surrounding area
- b) Detailed ecological analyses of the area
- c) Effect of lost jobs and income
- d) Cost to regional infrastructure plans
- e) Location in logical and reasonable growth patterns

If the answer is yes to the above, please provide a copy of the analysis.

If further documentation, notices or written materials are produced relative to the expanded CBRS by the Department of the Interior, I would greatly appreciate receiving copies. Additionally, I request the list of Congressional Committees to whom the Secretary of the Interior's CBRS recommendations will be submitted.

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It is the desire of Playa del Rio, Inc. that the expanded T-12 area be modified to exclude lands associated with Playa. If this is not accomplished at the DOI level, please detail for me the process by which an appeal of the decision can be made and to whom the appeal must be presented.

Thank you for your assistance in this matter.

Sincerely,

James M. Wiersema
Associate
Manager, Ecology Section

JMW:djh

encl

DONALD L. HOCKADAY
P.O. BOX 2686
SOUTH PADRE ISLAND, TX 78597

June 19, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, DC 20013-7127

RE: COMMENTS ON CBRS IN SOUTH TEXAS

Dear Study Group:

Thank you for the opportunity to attend your meeting in Brownsville, Texas on June 11, 1987. I support the retention of all designated area of the South Texas coast (ie. T-11 & T-12) in the Coastal Barriers Resources System (CBRS), inclusion of all proposed additions to these units, and expansion to include certain other areas not presently tagged for inclusion.

I have a masters degree and biology and work at a marine field station on South Padre Island. I also have a Texas real estate brokers license and have worked in real estate development, sales and rentals on South Padre Island, Texas. I am a lifelong resident of Cameron County, Texas.

The meeting at Brownsville was something of a waste. I attended to ask questions and hear answers to questions, but found an uncontrolled shouting festival refereed by an avowed supporter of the more vocal faction in attendance. I left after about an hour. I think that I have had all of my questions answered by local individuals since the meeting.

"FISH, WILDLIFE AND OTHER NATURAL RESOURCES"

One of my planned questions for the meeting was concerned with whether wildlife issues were to be considered and I learned at the meeting that they were absolutely not. However, I find that Sec. 10 (c)(1) of the CBRA clearly specifies the contrary.

I do not see much point in providing arguments for "fish, wildlife and other natural resources of the System." These considerations are obvious. I will forward an addendum to my comments that may serve to provide some documentation for your office in this area.

JOBS AND LOCAL ECONOMY

I do not find in the Coastal Barrier Resources Act (CBRA) a directive for the Secretary of the Interior (Secretary) to

provide recommendations concerning "Jobs" and "Local economy." The responses to questions at the meeting confirmed that these would not be considered in the recommendations. I fully understand that such considerations as "jobs" and "local economic impact" are not germane to the question of whether areas meet the guidelines. I also understand that a large tract of land further north on the Texas coast was excluded from the original CBRS because of these types of concerns. It is rather disconcerting that congress and the Department of the Interior established rules and guidelines and then condescended to violate the guidelines when pressured by local powers. Since you (Interior and/or Congress) have apparently established that you are not planning to follow the existing guidelines, and tend to make up new ones as you go along, it is rather near impossible for me to prepare specific comments. I have to assume that you will give credence to the orchestrated protest in Cameron County centering around "jobs" and "local economy" simply because of the loud voices in which these concerns have been expressed. I have no choice but to include them in my comments. In fact, because the guidelines and reasons for the guidelines are so clear-cut and unarguable, I will devote nearly all of my comments to "jobs" and the "local economy." I find that these concerns strongly support inclusion of all recommended areas into CBRS.

WETLANDS

In passing the Clean Water Act into law, Congress was very clear in stating that wetlands are to be unimpacted except under specific, stated exceptions. Congress would be capricious in its actions if, on one hand, its policy demands protection of wetlands and on the other hand its specific actions fail to follow this policy. Further, one of the purposes of the CBRA is protection of the wetlands by protection of the barriers. There is no point in failing to include the wetlands. Such failure would only reduce clarity in the policy and purposes of both the Clean Water Act and the CBRA.

BROWNSVILLE HARBOR CANAL

There has been a question raised concerning the potential impact of expansion of T-12 on the ability for the Brownsville Navigation District to deepen and widen its channel. The north boundary of the proposed addition to T-12 is in the channel. It is obvious to me that it was not the purpose of Congress in enacting CBRA to prevent this type of expansion of existing port facilities. It is also obvious that the Secretary had no intention of including this channel, otherwise the entire channel would have been included in the proposed expansion instead of only the southern half, splitting the channel lengthwise. It should be obvious to anyone that the Secretary has no intention of recommending inclusion of the Brownsville Ship Channel. Please move your northern boundary a few feet to the south to clarify your intentions and deflate the political football.

COMMENTS ON EXISTING CBRA UNITS IN SOUTH TEXAS

T-11

Given your guidelines, it would be impossible to justify reducing this unit or not including the wetlands to the east.

I doubt that anyone will find themselves wanting for a job that could be created in subtidal land located miles from civilization. The only jobs at stake here are the jobs created by the productivity of the wetlands in sports and commercial fisheries and the tourist industry that is supported by sports fishing in both Cameron and Wilacy Counties.

The upland portion of this tract is not only important for the general reasons understood by the Secretary and Congress but it is also important because this area is a valuable tourist amenity for the South Padre Island economy. During all months of the year, but especially the winter, many tourists and "winter Texans" utilize the beach from Andy Bowie Park to the Mansfield Cut for surf fishing. The question of why people fish where they do is difficult to answer. It is only partially answered by noting where fish are caught. I worked for one year collecting data for the National Marine Fisheries Service on fishing activity on South Padre Island. One or two days each week I drove this beach and talked to fishermen. I no longer have my data, but I can assure you that, with some exceptions, catching fish was not the primary reason that people surf fish on the northern reaches of South Padre Island. In general, they simply did not catch enough fish to justify it. I suspect that they were fishing in that area because of the solitude and the feeling that this great and beautiful beach belonged to them alone for one day. Even one dwelling per mile would change the entire complexion of the beach for these people. These people contribute to the local economy.

T-12

Again, given your guidelines, it would be impossible to justify failure to include all of the land you have tagged for inclusion in T-12. The peripheral issues only support inclusion.

Here we have an exception to most of the situations you encounter in other parts of the coastal United States. Placed in your lap you have a concrete worst case scenario of what could happen if you do not recommend that all the un-inhabited portions of the barrier island complexes be placed in the CBRS. Specifically, Army Corps of Engineers permit application number 17714 (Galveston District) proposes to develop this area. My comments on this application are on file with the ACE. The complexities of "economy" and "jobs" surrounding this application are explored to some extent in my comments to the application, so I will not repeat them.

Please enter a copy of ACE permit application number 17714 and copies of all comments to that application into your record.

Using ACE permit application number 17714 as an example of what is possible in this area, please note that 8000 acres of wetland will be destroyed (including 2000 acres that will be completely modified) and another 3,000 acres of upland will be leveled, filled or dredged to below MSL.

The filling of land under ACE permit application 17714 is to be done to an average of +6 feet MSL. Noting the word "average," half of the filling will be to less than +6 feet. Hurricane Allen produced flooding to +7 feet; over half of this land, including the means of egress, would have been flooded by this storm. Assuming hurricane flooding to maximum expected level of +12 feet, all or nearly all of this will be submerged. With a proposed 75,000 living units in the project and with only one road out, the potential cost in human lives may place T-12 as one of the most dangerous locations on any coastal area of the United States for development. With an estimated (by the applicant) eventual eight Billion Dollar physical plant, this area will also be one of the most expensive locations in the United States for Congress to prop-up with tax money.

I should point out that, although it is not part of the application, the applicant's agents have mentioned on several occasions that a ferry will be run across Brazos Santiago Pass which will allow escape from a hurricane. I should also point out that the hurricane escape plan noted was mentioned by the applicant's agents as a means of escape from South Padre Island -- allowing residents of SPI to avoid a direct route out if they desired and escape across miles of near-coast, near sea-level road after crossing the hurricane swollen seas of Brazos Pass in a ferry. I assume that the future residents of T-12 could escape to SPI by taking the ferry back on each crossing.

Please review Morton & Pieper (1975) to see that the area just south of the end of Highway 4 has eroded 900 feet in the period between 1937 and 1974. I would assume that by continuing the curve obtained by plotting erosion/accretion rates from Brazos Pass to the mouth of the Rio Grande, the erosion rate south of this point would be proportionally more staggering than this. Is this land that the United States would like to underwrite? How soon will future residents petition the United States to save them from this erosion? Part of this land of staggering erosion rate is not presently included in the CBRS, but is proposed for inclusion. Also note that the point of 900 foot erosion in 37 years was not directly affected by migration of the Rio Grande during the period in question, and also that some of the land to the south of that point is in real danger of being affected by future river migration.

The area between the end of highway 4 and Brazos Pass is, on the average, accreting. Some of it is accreting rapidly, as would be expected because of the jetties. Buildings are not

planned for the primary dunes in this area. However, plenty of construction is planned behind them. How long will these dynamic dunes be able to survive association with fixed structures? This section of beach is particularly important because it protects the valuable South Bay and marshes.

"Jobs" and "local economy" are at risk with the impact on South Bay by elimination of ecological support to the bay. Ample criticism of the project's impact on the South Bay system can be found on file in the numerous comments by Federal agencies and private citizens on the ACE permit application. "Jobs" and "local economy" of the Town of South Padre Island and City of Port Isabel are at risk from loss of tourist dollars to a new major resort. "Jobs" of fishermen will be potentially impacted. The sports fishing industry will be potentially impacted.

As the Department of the Interior and Congress learn more about T-12 and the alternates for its future they may begin to shudder at even looking at it on a map.

I trust that neither the Secretary or Congress will follow the timid footsteps of the Texas General Land Office and the Texas Parks and Wildlife Department by whining away the problem while waiting for the US Army Corps of Engineers to take the heat on permit application 17714. Whether this specific application is approved or denied, the directives of CBRA remain the same.

Please hold to the position that the eastern portion of T-12 is truly a barrier island. It certainly functions as a barrier island.

I am sure that you will find that the permit application that I have discussed will serve you as an example of the worst possible consequences of failure to protect coastal barriers and wetlands. For instance, even though there is nothing I know of that is planned for section T-11, the proposal for development of T-12 shows that the imagination of one day often pales at the reality of the next. If T-11 is reduced, it would be only a matter of time before we see a proposal to build a causeway between Port Mansfield and the northern part of South Padre Island for the purpose of developing T-11. What could happen to the northern reaches of our beach? What could it do to the "jobs" and "local economy" of the Town of South Padre Island?

OTHERWISE PROTECTED

The Department of Interior was particularly astute in evaluating the lack of security afforded to coastal barriers and wetland owned by the State of Texas. The concept that the State of Texas wants these lands to be considered "otherwise protected" so that they can be developed seems rather insulting to common sense. Including the Brazos Island State Recreation Area political shuffle, the State of Texas has a rather poor recent record of protecting its barrier islands and wetlands in South Texas. The Texas General Land Office seemed more than

accommodating in planning to sell out a nice size chunk of valuable island and wetland to the before-mentioned applicant for an ACE permit. The moderator of your Brownsville meeting and the Texas Land Commissioner have recently offered another large chunk of county and state land for development, much of which is valuable wetland. Cameron County and the Town of South Padre Island plan to convert part of Andy Bowie County Park, all of which is barrier island and much of which is wetland, into a golf course. If anyone wants to know the level of "otherwise protected" status of state or county land, just make them an offer! Not even federal land is otherwise protected. In 1978, part of T-11 was taken out of the Padre Island National Seashore. Had this occurred after the CBRA of 1982, would it have automatically and instantly been included in the CBRS? I should stress that I am not, on principal, opposed to selling, leasing or developing public lands. My point is, there is no such thing as "otherwise protected" barrier island or wetland in South Texas.

THE 7-1/2 MILE STRETCH

The Town of South Padre Island has a realistic concern relative to the land immediately north of the Andy Bowie County Park. Presently, there remains many undeveloped lots within the Town limits. However, there is very little available land for a hotel-size building on the beach and no available land for a large condominium or hotel complex. This places the Town of South Padre Island in a poor position to expand with quality. In my mind, the question is not whether the Town needs to expand, but whether the town needs to be able to expand with additional, high-quality projects. I believe that the inability to attract one or more large, first class developments will place the Town at a disadvantage in the relatively near future in competing for the growing tourist market.

On the other hand, I would be hard put to come up with a rationale that would require all 7-1/2 miles south of T-11 for such expansion. The prospect of more than doubling the developed portion of South Padre Island, particularly when the expansion places the future residents further and further from the only escape route, leaves me with concern for the future of our area.

Unlimited opportunity for expansion will eventually work to the detriment of the Town of South Padre Island. South Miami Beach suffered from the availability of beachfront land to its north in the 1950s and 1960s. Developers declined to renovate or replace existing, aging buildings in South Miami Beach and instead just built on the available land to the north. I lived on South Miami Beach in 1968-69 and found it to be a dilapidated "old folks home" just south of opulent luxury. As land ran out, finally South Miami Beach is being renewed.

The Town of South Padre Island needs the opportunity to expand with quality and developers need the motivation to increase the quality of the existing land in the Town by

replacing obsolete structures. Both of these are logically obtainable by securing the availability and a reasonable limit to northward expansion.

I question the sincerity of public officials who, when offered a partial monopoly of barrier island land, choose to expound on "jobs" and "local economy" of their constituents and say, "Hell, no. For economic reasons we want as much competition as possible."

EROSION

The northern portion of the Town of South Padre Island is eroding. The land just north of the Town is eroding at an even more rapid rate. There are developing technologies that promise to alleviate erosion and even promote accretion on barrier islands. Some of these technologies may be economically feasible today on South Padre Island because the value of the land here is sufficiently high. However, no method that I know of has shown any promise unless it protects a continuous stretch of beach. If development is scattered along the northern part of the South Padre Island beach, north of Andy Bowie Park, it would be prohibitively expensive to protect these areas from erosion or storm damage. As long as development can be contained, and as long as this development is of the highest quality, it may be possible to alleviate the problem of erosion on South Padre Island.

In evaluating erosion rates in South Texas, consider the rates after the 1930s. After the construction of the Brazos Santiago Pass Jetties and the dams on the Rio Grande, the erosion/accretion patterns were modified.

LOCAL INITIATIVES

The Secretary includes consideration of local initiatives in evaluating expansions and deletions from the CBRS. In some areas municipalities have taken the initiative to protect the value of their barrier island land. I fully support the concept that Congress will work with and support local governments who accept their responsibilities. I support the exclusion of land from CBRS that has been otherwise protected to the practical extent possible by local government. Federal tax dollars should rightfully go to help subsidize land controlled by communities that expend every reasonable effort to insure the future value of the land under their control by zoning and setback ordinances and by wetland management.

Pursuant to this concept, on June 17, 1987 I suggested to the Board of Alternates of the Town of South Padre Island that they consider negotiating with Cameron County to solve some common problems, secure property values, protect the beach and stimulate quality development. My suggestion was that the Town negotiate with the County to sell Andy Bowie Park -- which has limited northern expansion of the Town -- and buy land slightly further

north for a new Andy Bowie Park. Because the value of the present Andy Bowie Park is higher than land further north, there would be excess funds available to develop the park for the benefit of county residents (eg. public showers, picnic areas). With deed restrictions placed on the land and with Town building codes and zoning in place before the land is sold, the Town could assure quality and protect this area of high erosion rate. There was no discussion on the issue and no alternate proposals suggested. The bottom line here is that for South Texas the Secretary might as well file "local initiative" in the same folder as "otherwise protected."

PRIVATE OWNERSHIP

There were a few statements at the Brownsville meeting about impacting the value of privately owned land to the owners of this land. I see this as a reasonable concern, particularly for those who purchased barrier island land prior to 1982. However, to point out the obvious, these purchases would best be categorized as long term land speculations, a field of accepted high risk. Anyone purchasing uninhabited barrier island land after 1982 had either the risk or the reality of not receiving federal assistance more clearly spelled out for them. It is hardly incumbent upon the United States to assure success in long term land speculations.

Notwithstanding my opinion that CBRA established the rules in 1982, placing all purchasers of uninhabited barriers clearly at higher economic risk, I sympathize with what seems partially to be condemnation of private land without compensation. Between the Clean Water Act and CBRA, the owners of these lands have little opportunity to recover use of their own land.

NATIONAL WILDLIFE REFUGE SYSTEM

Please evaluate under Section 10 (c)(1) of CBRA the possibility of including T-11 and T-12 in the National Wildlife Refuge System (NWRS). Much of T-11 was originally part of Padre Island National Seashore. Apparently "local economy" took it out in 1978 for the purpose of developing it. All of T-12 was recommended for inclusion in the NWRS by the National Marine Sanctuary Study Group and was considered by the National Estuarine Program Study Group. It would likely have been included in the NWRS if either of these programs had gone anywhere. Part of T-12 (Loma Wildlife Sanctuary) is currently in the NWRS. All of it has been recommended for inclusion into the Rio Grande Valley National Wildlife Sanctuary. It is hardly a radical suggestion that the Department of the Interior take both T-11 and T-12 into the NWRS.

It seems advisable to me for the Secretary to evaluate the economics of the inclusion of these two units in the NWRS. It may be cheaper in the long run to stop dickering with this law and that, hoping for protection while leaving these areas susceptible to eventual development. Inclusion into the NWRS

would also solve the problem of the property owners of these areas, as they would be paid for their land. Sooner or later, Congress is going to be faced with a proposal for compensating these property owners to some extent. Sooner or later, Congress is going to be faced with pressures to remove these areas from the CBRS. In the long term, Congress may be much better off to simply solve the problems instead of passing them on to future congressional sessions.

The market value of T-11 is probably below \$100 million. Using the figures provided at the Brownsville meeting on the cost to the federal government for private enterprise to develop each acre of barrier island and the cost to the federal government from the passage of just one hurricane over each of these acres, it would be cheaper for Congress to buy the entire block than to allow development on only three percent of it.

Including all of this unit in Padre Island National Seashore would be an enormous windfall for owners south of this unit and should almost immediately stimulate controlled development and increase the land value for property owners in and near the Town of South Padre Island and the City of Port Isabel. The overall gain to Cameron County would be difficult to overestimate.

There appears to be less than 10,000 acres in T-12 that has any market value at all.

I am fully aware that CBRA does not specifically prohibit development on coastal barriers. It does not serve either the federal government or private speculators to leave land in limbo. If the land is worthy of protection, then identify it, pay for it, and protect it. Again, it would be cheaper in the long run.

CONCLUSION

From every conceivable perspective it is to the best interest of the United States and Cameron County to include all of the existing and proposed land of T-11 and T-12 in the CBRS. The only exception is the slight modification of the north boundary of T-12 to exclude the Brownsville Harbor Canal. In addition, T-11 should be extended south to a line that allows the Town of South Padre Island limited expansion. The land of T-11 and T-12 would be better served if it were included in the NWRS.

Yours truly,

Donald L. Hockaday
Donald L. Hockaday

JEAN ANNE PEARCY

RICHARD P. PEARCY

Rt. 1, Box 375 San Benito, Texas 78586 512-399-5666

1126

June 21, 1987

Coastal Barriers Study Group
U.S. Dept. of Interior, National Park Service-498
P.O. Box 37127
Washington, D.C. 20013-7127

SUBJECT: Proposed changes to the Coastal Barriers Resource System

Gentlemen:

I would like to encourage the addition of more land to the Coastal Barrier Resource System. A lot of these areas can best be protected this way. They are definitely some of our most valuable natural resources.

One specific point--It seems incongruous that taxpayers' money can be used to provide federal flood insurance and provide funds for road improvements, etc., then provide disaster relief in its many forms when the inevitable happens. When development occurs, let it bear its own risks.

Thank you and keep up the good work.

Sincerely,

Richard P. Percy
Richard P. Percy

521

April 6, 1987

Mr. Harold E. Rawlings
8703 CR 79
Rosharon, TX 77583

Interior Secretary
Donald P. Hodel
Washington, D.C. 20242

Dear Sir:

I agree with the Interior Department's Proposal to more than double Texas Coastal acreage whereas making said coastal acreage ineligible for Federal Aid and Flood Insurance.

Texas does not need development along our precious coast and marsh lands. Lets give the wildlife and marine life a chance. Untold thousands of ducks, geese, and all types of shore birds inhabit these marsh lands twelve months out of the year.

Developers do not give a damn for people, wildlife, or marine life. All they give a damn about is fattening their pocket books. They don't give a damn about our future generations either.

I've seen what devastation the 1983 storm did to Galveston and Brazoria County Coast Lines. Millions of dollars worth of lumber home furnishing and etc. lay strewn back in the marsh lands. Items were hardly worth salvaging. I know, because I went and looked. And then developers have the nerve to push for development. I SAY NO!

I would hope, Mr. Hodel, when you send your recommendations to Congress this year that said recommendations will be in favor of protecting our precious coast and marsh lands and denying Federal Aid and Flood Insurance to those who would screw up our coast and marsh lands.

Yours truly,

Harold E. Rawlings
Harold E. Rawlings

710

May 28, 1987

Coastal Barriers Study Group
U. S. Department of the Interior
National Park Service-498
P. O. Box 37127
Washington, D.C. 20013-7127

Dear Sir or Madam:

Being one who is committed to the protection and preservation of the Nation's barrier islands, wetlands and beaches, I would like register my strong support for the renewal of the Coastal Barriers Resources Act.

In my work I am constantly involved with issues concerning Texas' coastal areas, its beaches and wetlands. Not a day goes by where I am not reminded of the increasingly intense development pressure levied on our coastal resources. As the nation's population continues to move to our coastal areas we are in desperate need of very strong coastal protection policy. The final draft of the Coastal Barriers Resources Act has the potential of being the type of protection that is essential for the preservation of our wetlands and coastal areas for generations to come.

I urge you to wholeheartedly support this Act and hold strong against any weakening amendments. I am concerned that the great "BUILD TEXAS" thrust for economic development initiated to pull the state out of its financial problems will add even more pressure to develop our coastal areas at great cost to the environment. So please represent me at the Nation's Capitol and actively support the renewal of the Coastal Barriers Resources Act.

Sincerely,

Scott Royce
Scott Royce
12212 Antoinette Place
Austin, TX 78727

PS: Please reject any move to delete any military and Coast Guard lands and Federal roads from the Coastal Barrier Resources Act.

cc: Congressman Jake Pickle

717

Erika L. Brand
23356 Dew Street
Huffman, Texas 77336

Coastal Barriers Study Group
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

01 June 1987

Re: Coastal Barriers Resource Act (CBRA) of 1982

Ladies and Gentlemen:

I understand the above is now up for renewal and a considerable expansion of the amount of shoreline covered under the act is proposed by the Department of Interior.

Please take note of my fullhearted support of such a proposal as this is extremely important for Texas in light of the fact that we have so little state or local protective legislation for our shoreline and wetlands.

Thank you very much for your involvement and help.

Sincerely yours,

Erika L. Brand

cc: The Honorable Jack Fields
U.S. House of Representatives
Washington, D.C. 20515

867

June 17, 1987

Re: Coastal Barriers Resource System

Gentlemen:

Please don't let ANYONE or ANY GROUP talk you out of adding to the Federally Protected Coastal Land.

I am one of the "SILENT MAJORITY" & I'm certain ~~when~~ I speak for many others when I say that I am tired of being tased so that a few socially & environmentally irresponsible individuals ~~can~~ ^{may} get rich with an insurance guar-
rantee subsidy at the expense of the general public & at the cost of a vitally important portion of our environment.

Those few jobs they are blasting about will be primarily of a low class & short duration.

We have hundreds & hundreds of vacant homes in Brownsville Port Isabel & South Padre Island.

We have hundreds & hundreds of vacant apartments in Brownsville

876

Port Isabel and South Padre Island.

Savings and Loans & banks have had to take over these homes and apartments & then they themselves have gone bankrupt and the Federal Government has had to step in & we ALL have paid the bill through the FDIC & FSUC.

And now these opportunists want to add more houses and apartments and motels. And if the lack of occupancy don't get to us by bankrupting more lenders, they will get to us by having us pay for flood damage. They will also permanently destroy an important ecological wetland.

All of this so a few individuals can enrich themselves at the unjust expense of the many.

It is time we put our foot DOWN!

Please don't let them get away with it!!!

Respectfully

Jim Atajale
628 Lindale Dr apt 119
Brownsville, TX 78521

#512-541-2873

2705 Hunters Crossing
Harlingen, Tx. 78550

June 14, 1987

Dear Dept. Interior,

Please keep the entire proposal for the Coastal Barrier Resource Act. It makes no sense for the taxpayer to underwrite construction on such risky land. The money to be lost to storms must be awfully high. Why should we encourage the risk of loss of life to hurricanes? Keep the proposal intact.

Thank you,

Daniel R. Herdeman

929



DATSUN LIFT SALES & SERVICE, INC.
P.O. Box 509
Phone 383-0777 2110 S. Hwy 281
Edinburg, Texas 78539



Gentlemen,
I have lived in the Rio Grande Valley
all of my life and I feel that you
should increase the Coastal Barriers
Resource System. We need to protect
what is left of our wildlife Resources!

Jim McElhin
Henry

942

MARK WAITE
P.O. Box 3212
South Padre Is, TEX 78592
June 15, 1987

Dear Sirs:

I was unable to attend the meeting in Brownsville concerning the Coastal Barrier Resources Act, so let me make myself heard.

According to the news accounts, Department of the Interior officials were besieged by angry developers and construction officials who moaned about the impact this would have on the already depressed economy.

These people are only looking out for their selfish interests and not for the welfare of all the people who enjoy the miles of uncongested beaches and undeveloped coastline we enjoy here in Texas. There is already acres and acres of vacant real estate inside the town of South Padre Island on which they can build their tasteless condominiums. As for the effect on the economy, many of these contractors hire undocumented illegal aliens anyway, negating much of its positive impact.

I am a former resident of Florida and saw almost every inch of coastline in that state sold to developers. Though I'm sure the Federal government is more concerned with saving money in the federally-insured programs, I think preservation of the nation's rapidly-dwindling coastline should also be done for environmental reasons. I support your stand on enlarging the areas not covered by Federal flood insurance.

Sincerely yours,

Mark Waite

1127

231 Rosebud
Corpus Christi, Texas 78404
June 16, 1987

Coastal Barriers Study Group
National Park Service
U. S. Department of the Interior
P. O. Box 37127
Washington, D. C. 20013

Gentlemen:

In reviewing the draft of the Report to Congress, Coastal Barrier Resources System, I am dismayed that the area T9 on the south Texas coast was deleted. This area includes the Packery Channel-Newport Channel-Corpus Christi Channel area, plus a large part of Mustang Island north of the State Park. Not only does this area qualify for inclusion in the CBRS on all criteria you have established, but the three channels have been opened by every hurricane that has affected this segment of the coast. They are storm-surge channels and are conduits for flooding of the islands and of the periphery of Corpus Christi Bay. Why does the public have to provide insurance for flood damage that is sure to occur in the future in this flood-prone area?

Our City Council has been crowing about the success of their lobbying efforts to you and to our two senators to have this area excluded from CBRS. The withdrawal of T9 smacks of yielding to local political pressure. As a taxpayer, I hereby request a statement of the rationale you used in withdrawing T9.

Yours truly,

Henry L. Berryhill, Jr.

1150

P.O. Box 450
Rio Hondo, TX 78583
19 June 1987

Coastal Barriers Study Group
U.S. Dept. of Interior, National Park Service - 498
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Study Group:

I am writing to express my support for the proposed additions to the Coastal Barriers Resources System. I think it is a wise decision to not provide federal insurance to high risk areas where people should not be putting up structures in the first place. These barriers are important to provide a buffer to the mainland and to protect marshes and estuaries. I am in favor of protecting these barriers as well as saving taxdollars. I feel these additions would help do both and I strongly encourage you to add these additions to the present system.

Sincerely,

Linda Laack
Linda Laack

1501

Pauline M. Abbott
136 East Whiting, Box 2833
South Padre Island, TX 78597

16/15/87

927

Rt. 1, Box 375
San Benito, TX 78586
June 17, 1987

Coastal Barriers Study Group
U. S. Dept. of Interior, National Park Service - 498
P. O. Box 37127
Washington, D. C. 20013-7127

Dear Sirs:

Thank you for the proposed additions to the Coastal Barriers Resources System. I believe that enlarging the area included in the System will save lives by discouraging building in the coastal areas. The less building, the less people to be in the way when a destructive hurricane hits.

Do not be swayed by the pleas of those who stand to lose money if this plan succeeds. Someday even they will have to thank you.

My only request might be that you try to make the area included in the Coastal Barriers Resources System even larger.

With genuine appreciation,

Jean Anne Pearcy

Gentlemen:

I was sorry not to attend the meeting in Brownsville, Texas.

I think you would find if the residents of the Island could be polled most would agree with what you want to do, but all the Aldermen and city workers are in Real Estate so anyone wanting to work on the Island goes along with the Aldermen -

We have enough empty condos - we are losing our beach very rapidly due to the condos and the much beach cleaning.

I also think the development they want to put on Boca Blanca

is awful -

Let's hang on to what we have left. My friends say "Well you have your place why denigrate others".

I do hope you don't give in.

The builders who build these condos bring in their own help and then leave so they do not help the economy.

Sincerely

Pauline Abbott

1166

6-21-87
Port Bolivar, Tex.
77650

Coastal Barriers Study Group
National Park Service
Department of Interior
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Sir;

Our Country was built on freedom. Why does our government want to take this freedom away from the land owners? When you buy land, pay taxes on that land, you should be able to use it as you see fit. If our government wants to control it, our government should buy it. Please give us back the right to use our land. Thank You.

Sincerely,
Mrs. Charles L. Louse
P.O. Box 80
Port Bolivar, Tex. 77650

1429

6-22-87

Coastal Barriers Study Gp.
National Park Service
Dept of Interior

To whom it may concern,
President Regan said on the radio this
day that the Government had too much
control. It appears to me that
your control of our land should
be balanced with compensation.
If you want to control it - Buy it.

Sincerely,
Charles E. Brown
1611 CR # 36
Angleton, TX 77515

1767

131 Rosebud
Corpus Christi, Texas 78404
February 25, 1988

Mr. William Penn Mott
Director, National Park Service
U. S. Department of the Interior
P. O. Box 37127
Washington, D. C. 20013

Dear Mr. Mott:

Last June I wrote to the Coastal Barriers Study Group of the Department of the Interior, expressing amazement at the withdrawal of area T9 on the Texas coast from the Coastal Barrier Resources System. A copy of the letter is enclosed, and, as you can see, I requested a definite answer as to the rationale for the exclusion. I have not been extended the courtesy of a reply. Furthermore, area T9 is still excluded on the latest draft reports.

My concern is not based on a whim. Area T9 includes one of the major storm washover areas on the Texas coast, and your own published classification criteria have been ignored. Every major hurricane passing this segment of the coast has caused flooding in this area. (See enclosed copy of a photograph that covers the southern part of area T9 and was taken following Hurricane Beulah.) No knowledgeable person would classify this high velocity danger zone as developed and, therefore, eligible for publically financed FEMA flood insurance. For a Federal agency to do so is the height of irresponsibility.

Withdrawal of this area from inclusion in the CBRS involved a deliberate decision. Consequently, I repeat my original request -- what specific rationale was used in withdrawing T9? I am a research marine geologist with 39 years of professional experience, including 15 years studying sedimentary processes along the Texas coast. Feel free, therefore, to use technical terminology in replying. I shall expect a prompt answer. Otherwise, I shall ask Senator Lloyd Bentsen's office to assist me in getting a response to my inquiry.

Sincerely yours,

Henry L. Berryhill, Jr.
Henry L. Berryhill, Jr.
Consulting Geologist

cc: Senator Lloyd Bentsen

858

Port Lavaca-Calhoun County
Chamber of Commerce and Agriculture

June 9, 1987

Coastal Barriers Study Group
National Park Service
U.S. Department of the Interior
P.O. Box 37127
Washington, D.C. 20013-7127

Frank B. McGilvrey
Coastal Barriers Coordinator
Fish and Wildlife Service

Dear Sir:

We have reviewed the "Report to Congress: Coastal Barrier Resources System," the executive summary, and maps contained in volume 19 for the north Texas coast.

While we commend any effort to preserve wildlife habitat crucial to our hunting, sport and commercial fishing, and tourism industries in Calhoun County, we are concerned about the boundaries shown on map 33, Port O'Connor Quadrangle.

In our view the southwesterly boundary following the old U.S. Air Force ferry channel to Matagorda Island should be shifted eastward so that the area designated as TX-11 does NOT include the ferry channel.

The ferry channel is our only access to Matagorda Island State Park and Wildlife Management Area, a unit of the National Wildlife Refuge System.

By agreement, access to the island is limited to passenger boats. Including the channel in the Coastal Barrier Resource System would seem to endanger our ability to obtain federal funding to dredge and maintain the channel.

We protest any action that would restrict access to Matagorda Island. Surely access is also a concern of the Department of Interior (U.S. Fish and Wildlife) when they are a party to the 100-year agreement with the State of Texas (Texas Parks and Wildlife) and the General Land Office concerning management of the island.

That management agreement notes that the island is "a significant recreational and historical area, both to the citizens of Texas and to the Nation."

The agreement also notes that Zone B--an area that is only accessible by the ferry channel--is to be administered as "a wildlife conservation and park area, providing compatible public use opportunities," a task that would be difficult or impossible if the ferry channel is not properly maintained and dredged.

We understand that there is some disagreement between state and federal officials as to who should be responsible for maintaining the channel. To include the channel in the CBRS might unfairly place the burden upon a state whose financial situation is strained as it seeks to shift its economy based on gas and oil to a more diversified economic base. Like many areas, Calhoun County is looking to tourism to ease that shift.

We trust that using the channel as a boundary for the area designated as TX-11 was an "oversight" and that the Department of Interior does not intend to restrict access to the island.

The remedy appears to be simple. We only ask that you shift the boundary so that it does not include the ferry channel.

Sincerely,

Sandy Pustejovsky

Sandy Pustejovsky
President
Port Lavaca-Calhoun County
Chamber of Commerce & Agri.



**Texas
Agricultural
Extension
Service**

The Texas A&M University System
P. O. Box 86
Port Lavaca TX 77979
June 19, 1987

**Sea
Grant
College
Program**



Marine Advisory Service

1109

Coastal Barriers Study Group
June 19, 1987
Page 2

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P. O. Box 37127
Washington, D. C. 20013-7127

Gentlemen:

On June 13, 1987, I attended a Coastal Barrier Resource System meeting concerning the proposed changes of this system. One of the proposed changes is the inclusion of Blackberry Island into the system, along with the army channel leading to Matagorda Island.

I am strongly opposed to the inclusion of Blackberry Island and the army channel in the new expansion. I am a marine biologist working with the Texas A&M Marine Advisory Service. I have worked with the fishing public and the citizens of Calhoun County for 17 years. I've weathered the recreational versus commercial fishing fight. Both sides have given and taken from our bay systems.

I try to represent the marine resources point of view to both sides-- facts concerning improved production and conservations of our total bay systems and the resources they control. Regulations by state and federal agencies have put many restraints (some good, some bad) on the commercial fishing populace (approximately 1,500) in this county. Economic times are hard for everyone right now, especially after last year's major red tide outbreak in this area.

The economy of Calhoun County depends heavily on both the commercial and recreational fisheries industries located in Calhoun County. A major portion comes from recreation and tourism. The whole county is seriously lacking in facilities to properly handle the tourists we so badly need.

The inclusion of Blackberry Island would put another unjust restraint on our recreation and tourist potential for the Port O'Connor area. We need this area to grow on -- marinas, bait stands, fish houses and boat docking facilities, using federally-based monies to assist with these projects. These federal monies would include SBA, Corp of Engineers, Sea Grant, Federal Land Bank, NMFS, FmHA, Veterans Land Program and other support agencies.

(continued...)

The Texas A&M University System, U.S. Department of Agriculture, and the County Commissioners Courts of Texas Cooperating

I realize that the inclusion of these new areas was to prevent development in areas that would result in the destruction or alteration of our valued estuarine areas and wetland areas. This is very good, and I wholeheartedly support the conservation of these areas, but the area of Blackberry Island is a man-made spoil dump island with intermittent private land holdings of outcropping land masses cut off by the dredging of the Intercoastal Water Way. At the meeting, we were told that the reason it was included was to simplify the delineation of the boundary. The inclusion of Blackberry Island and the restraints imposed would prevent the development of proposed seafood houses, marinas, and boat docking facilities that are so badly needed for our area's economy.

If you need assistance in delineating a more suitable and just-as-efficient boundary, I suggest moving the line immediately to the south of Blackberry Island to the normal high-tide line and inside the army channel leading to Matagorda Island State Park. This boundary would serve the best interests of all concerned.

Sincerely,

Joe I. Surovik
Joe I. Surovik
County Extension Agent-Marine
Calhoun County, Texas

JTS/mrt

xc - Congressman Mac Sweeney

963

June 9, 1987

Coastal Barriers Study Group
National Park Service
U.S. Department of the Interior
P.O. Box 37127
Washington, D.C. 20013-7127

Frank B. McGilvrey
Coastal Barriers Coordinator
Fish and Wildlife Service

Dear Sir:

We have reviewed the "Report to Congress: Coastal Barrier Resources System." The executive summary, and maps contained in volume 19 for the north Texas coast.

While we commend any effort to preserve wildlife habitat crucial to our hunting, sport and commercial fishing, and tourism industries in Calhoun County, we are concerned about the boundaries shown on map 33, Port O'Connor Quadrangle.

In our view the southwesterly boundary following the old U.S. Air Force ferry channel to Matagorda Island should be shifted eastward so that the area designated as TX-11 does NOT include the ferry channel.

The ferry channel is our only access to Matagorda Island State Park and Wildlife Management Area, a unit of the National Wildlife Refuge System.

By agreement, access to the island is limited to passenger boats. Including the channel in the Coastal Barrier Resource System would seem to endanger our ability to obtain federal funding to dredge and maintain the channel.

We protest any action that would restrict access to Matagorda Island.

Surely access is also a concern of the Department of Interior (U.S. Fish and Wildlife) when they are a party to the 100-year agreement with the State of Texas (Texas Parks and Wildlife) and the General Land Office concerning management of the island.

That management agreement notes that the island is "a significant recreational and historical area, both to the citizens of Texas and to the nation."

The agreement also notes that Zone B--an area that is only accessible by the ferry channel--is to be administered as "a wildlife conservation and park area, providing compatible public use opportunities," a task that would be difficult or impossible if the ferry channel is not properly maintained and dredged.

Page 2 of 2

We understand that there is some disagreement between state and federal officials as to who should be responsible for maintaining the channel. To include the channel in the CBRS might unfairly place the burden upon a state whose financial situation is strained as it seeks to shift its economy based on gas and oil to a more diversified economic base. Like many areas, Port O'Connor is looking to tourism to ease that shift.

We trust that using the channel as a boundary for the area designated as TX-11 was an "oversight" and that the Department of Interior does not intend to restrict access to the island.

When the remedy appears to be simple. We only ask that you shift the boundary so that it does not include the ferry channel.

Sincerely,

Ron Claiborne
Ron Claiborne
President
Port O'Connor
Chamber of Commerce
P.O. Box 701
Port O'Connor, TX 77982

986

P.O. BOX 52
LONG MOTT TEXAS 77972
512-552-5196

2010 N. NAVARRO
VICTORIA TEXAS 77901
512-575-8841

PRESTON A. STOFER

June 16, 1987

THE COASTAL BARRIERS STUDY GROUP
Department of the Interior
National Park Service
P. O. Box 37127
Washington, D.C. 20013-7127

Dear Sirs:

I attended a meeting in Port Lavaca, Texas, on June 13, 1987, concerning the proposed changes to the Coastal Barrier Resources System. One of the proposed changes is the inclusion of Blackberry Island. I object to this inclusion for several reasons. One is that the island was formed by the construction of the Intercoastal Waterway and therefore by definition is not a barrier island. Also, I was told at the meeting that the reason it was included was to simplify the definition of the boundary. This arbitrary choosing of a boundary has a definite economic impact on my property that is included within the addition of the Coastal Barrier Resources System.

Sincerely,

Preston A. Stofer
Preston A. Stofer

PAS:df

Copy to: Congressman David "Mac" Sweeney

1416



June 16, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P. O. Box 37127
Washington, D.C. 20013-7127

Dear Sirs:

In reviewing the proposed additions to the CBRS, one very important thing occurred to me. On the western boundary of the proposed addition referred to as TX-11, the existing ferry channel appears to have been used as the boundary. I am very concerned about the possibility of being barred, without applying for an exception, from being considered for federal funds for the maintenance of this channel. While I recognize the convenience of having a marked boundary line, I would like to see the boundary set east of the ferry channel, to obviously exclude it from the proposed addition. Setting the boundary 100 yards east of the marked ferry channel would suffice.

Thank you for having your representatives travel to Port Lavaca this past Saturday to speak with us.

Sincerely,

Stephen P. Wilson
Stephen P. Wilson D.V.M.

1015 N. Hwy. 35 Bypass Port Lavaca, Texas 77979 (512) 552-4526

1160

ALEX R. HERNANDEZ
County Judge, Calhoun County
Courthouse, 211 S. Ann Street, Phone 512/552-2967
Port Lavaca, Texas 77979

June 23, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Sir:

I support the general intent of the Coastal Barriers Resources System. With respect to the Calhoun County, Tx-11, Map 33 of the report to Congress, Volume 19, dated February 19, 1987, I would respectfully request that the ferry channel not be included in the system within Tx-11. I would also recommend that the ferry channel not be included within Tx-12.

I support the Port Lavaca-Calhoun County Chamber of Commerce in their intent to eliminate the ferry channel from the Coastal Barriers Resources System.

Sincerely,

Alex R. Hernandez
Alex R. Hernandez
County Judge

ARR:mjp

1367



State of Texas
House of Representatives
Austin

D. R. "Tom" Uher
Chairman,
Budget & Oversight,
Higher Education
Committee
Member,
Appropriations

May 25, 1987

The Honorable Donald P. Hodel
United States Secretary of the Interior
Department of the Interior
C Street between 18th and 19th Streets, NW
Washington, D. C. 20240

Dear Mr. Secretary:

Please note my opposition to the proposed extension of more Texas coastal land to come within the Coastal Barriers Resources system.

My legislative district includes three counties, two of which are coastal counties. Both of these coastal counties have a very high potential for both population and industrial growth. Planned development is not only in place, but projected for the future. The proposed inclusion of large undeveloped mainland areas within the restrictions of the Coastal Barriers Resources Act not only would destroy future economic development, but would also harshly effect local government revenues and infrastructure.

I respectfully request that mainland areas of coastal Texas lands not be included in any extension of the Coastal Barriers Resources system.

Sincerely yours,

Tom Uher
D. R. "Tom" Uher
State Representative
District 29

DRU/bkj

cc: Senator Lloyd Bentsen
Senator Phil Gramm
Congressman Mac Sweeney
The Hon. John Gayle, Brazoria County Commissioner
The Hon. Burt O'Connell, Matagorda County Judge
The Hon. John Damon, Brazoria County Judge
Mr. Dan Tucker

P.O. Box 2910 • Austin 78769 • (512) 463-0724

P.O. Box 1590 • Bay City 77414 • (409) 245-9136

1631

MARTIN FROST
24TH DISTRICT, TEXAS

RULES COMMITTEE
BUDGET COMMITTEE
DEPUTY MAJORITY WHIP

3448 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
12051 225 2608

Congress of the United States
House of Representatives
Washington, D.C. 20515

DISTRICT OFFICES
DALLAS TEXAS 75208
☐ REPUBLIC BANK Tower Room 1318
400 NORTH ZEEB BOULEVARD
214-787-2816
GRAND PRAIRIE TEXAS 75051
☐ REPUBLIC BANK Tower Room 710
801 WELLS FARGO
214-242-1803
PLEASE REPLY TO
OFFICE CHECKED

August 4, 1987

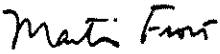
The Honorable Donald Hodel
Department of the Interior
18th & C Sts. N.W.
Washington, D.C. 20240

Dear Mr. Secretary:

I am writing to express my concern about the Department of Interior's proposed changes in the Coastal Barrier Resources System. I believe that the addition of several hundred thousand acres of state-owned land is unnecessary. These lands are already under the jurisdictional protection of the School Land Board of Texas, and are protected by the laws of the State of Texas.

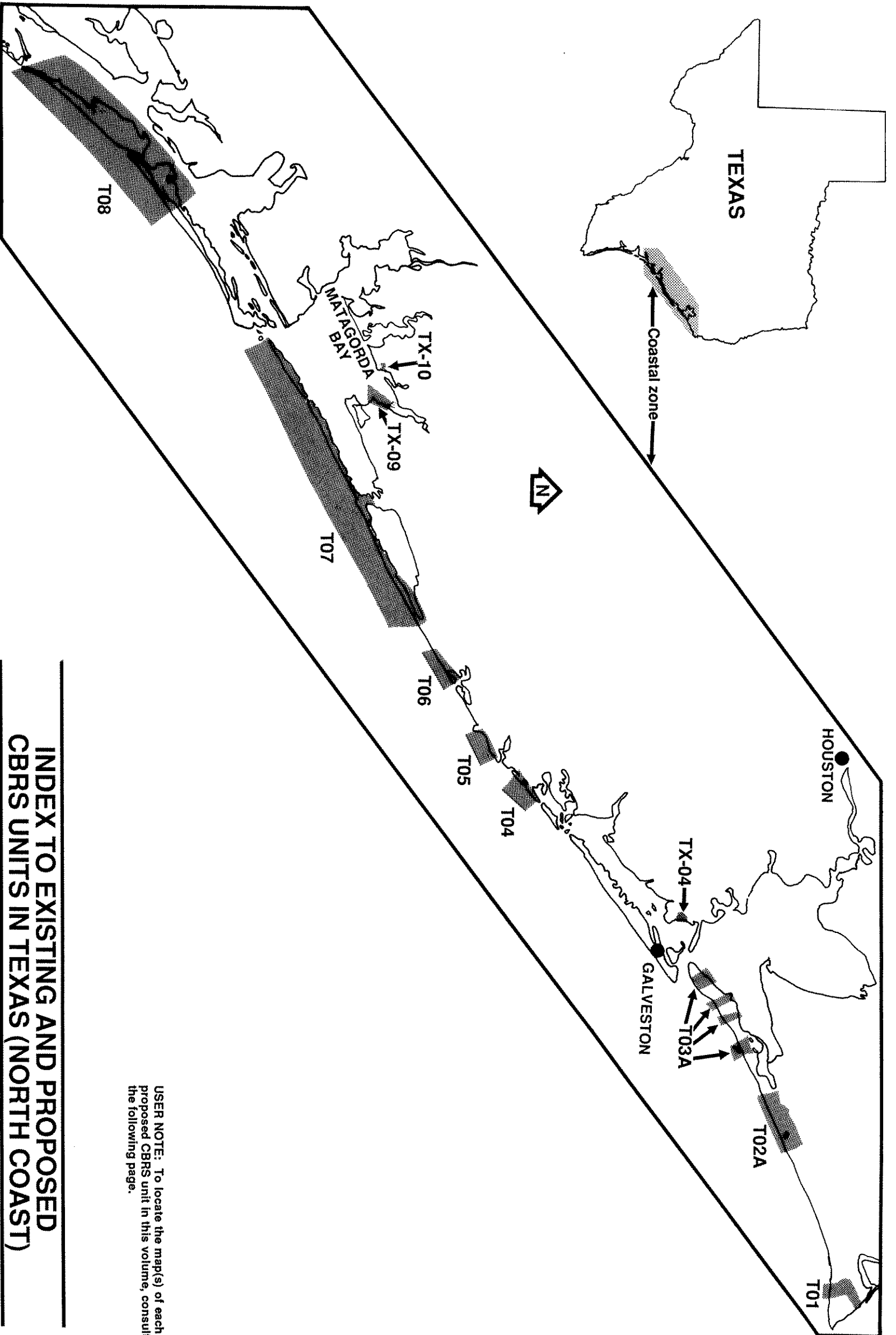
While I understand and applaud the intent of the Coastal Barrier Resources Act, I do not believe that the imposition of redundant jurisdiction through a second layer of bureaucracy is necessary to ensure preservation of our barrier resources. I hope that you will reconsider this proposal.

Sincerely,



MARTIN FROST
Member of Congress

MF:kbm



USER NOTE: To locate the map(s) of each existing and proposed CBRS unit in this volume, consult the table on the following page.

**INDEX TO EXISTING AND PROPOSED
CBRS UNITS IN TEXAS (NORTH COAST)**

MAPS DEPICTING EXISTING AND PROPOSED CBRS UNITS

Unit ID Code	Unit Name	USGS Topographic Map or Map Composite	Page
T01*	Sea Rim	Sabine Pass	35
		Clam Lake	36
T02A*	High Island	Mud Lake	43
		High Island	44
T03A*	Bolivar Peninsula	Frozen Point	45
		Flake	46
		Port Bolivar	47
T04*	Follets Island	Christmas Point	55
		Freeport	57
T05*	Brazos River Complex	Freeport	57
		Cedar Lakes East	58
T06	Sargent Beach	Cedar Lakes West	65
T07*	Matagorda Peninsula	Brown Cedar Cut	66
		Dressing Point	67
		Matagorda	68
		Palacios SE	69
		Palacios Point	70
		Decros Point	71
		Port O'Connor	72
T08	San Jose Island Complex	Panther Point	88
		Mesquite Bay	89
		St. Charles Bay SE	90
		St. Charles Bay	91
		St. Charles Bay SW	92
		Allyns Bight	93
		Estes	94
		Port Aransas	95
TX-04	Swan Lake	Virginia Point	52
TX-09*	Coon Island Bay	Palacios	84
TX-10*	Shell Beach	Turtle Bay	85

*Public comment summaries and DOI responses follow unit maps.

MAPS DEPICTING OTHERWISE PROTECTED, MILITARY, AND
COAST GUARD LANDS ON UNDEVELOPED COASTAL BARRIERS*

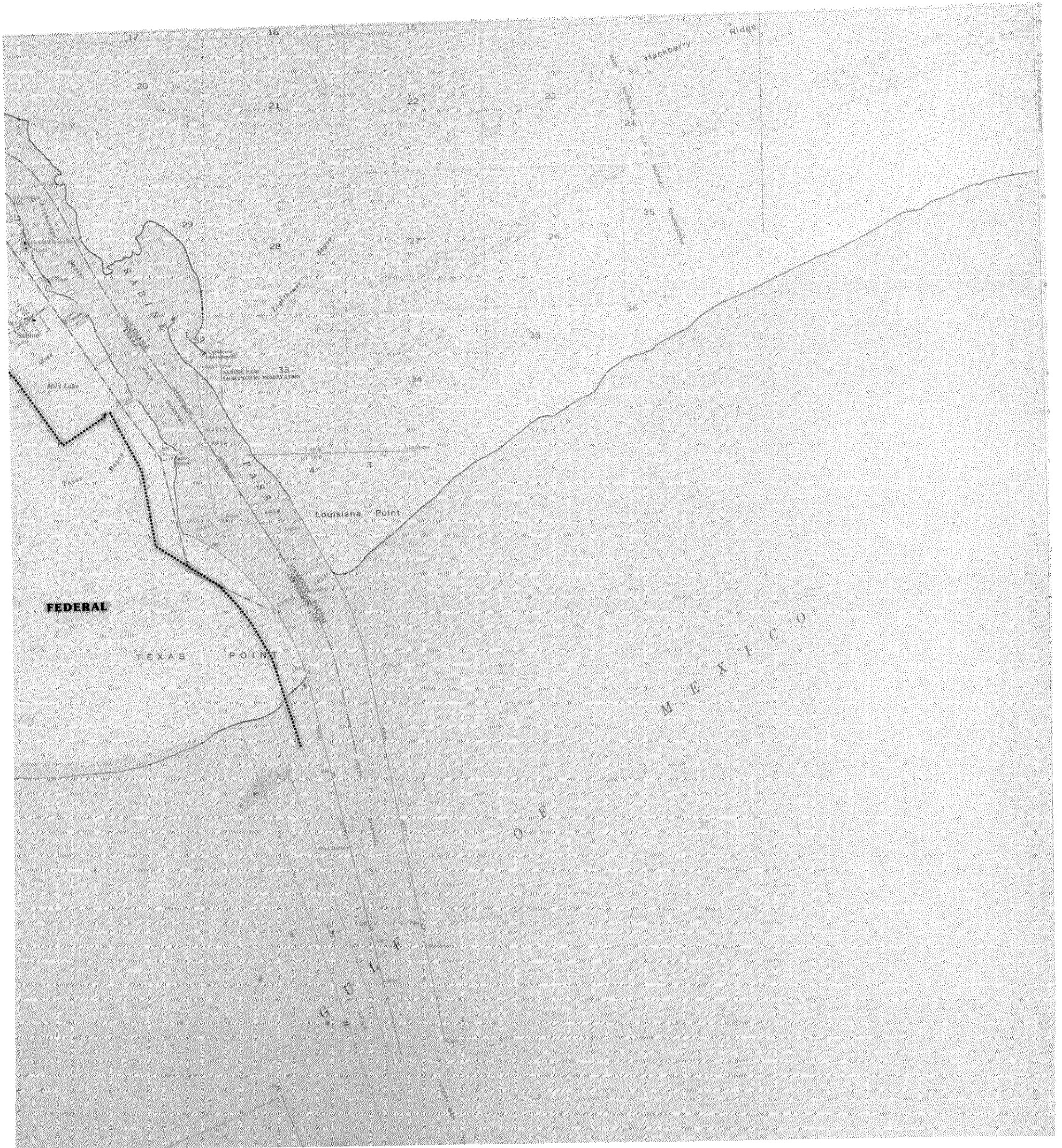
USGS Topographic Map or Map Composite	Coastal Barrier Status	Page
Texas Point	Federal	34
Sabine Pass	Federal, State	35
Clam Lake	Federal, State	36
Big Hill Bayou	Federal, State	41
Star Lake	Federal	42
Mud Lake	Federal	43
Flake	State	46
Galveston	State, Military	51
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Lake Como	State	53
Sea Isle	State	54
Christmas Point	Federal, State, Private	55
Freeport	Federal, State	57
Cedar Lakes East	Federal, State	58
Cedar Lakes West	Federal, State	65
Brown Cedar Cut	State	66
Dressing Point	State	67
Matagorda	State	68
Palacios SE	State	69
Palacios Point	State	70
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Port O'Connor	Federal, State	72
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Mosquito Point	Federal, State	82
Panther Point NE	Federal	83
Panther Point	Federal	88
Mesquite Bay	Federal, State	89
St. Charles Bay SE	State	90
St. Charles Bay	Federal, State	91
St. Charles Bay SW	State	92
Allyns Bight	State	93
Estes	State	94
Port Aransas	State	95

*These maps are provided for information purposes only. DOI is not recommending the addition of these areas to the CBRS unless they are made available for development that is inconsistent with the CBRA purposes.

MAP KEY

-----	Existing CBRS units
_____	Recommended additions to or deletions from the CBRS
.....	Military, Coast Guard, or otherwise protected, undeveloped coastal barrier
ADD	Area recommended for addition to the CBRS
DELETE	Area recommended for deletion from the CBRS
EXCLUDED	Area excluded from an existing or proposed CBRS unit because it is developed
FEDERAL	Federally protected, undeveloped coastal barrier; for information only
STATE	State protected, undeveloped coastal barrier; for information only
LOCAL	Locally protected, undeveloped coastal barrier; for information only
PRIVATE	Privately protected, undeveloped coastal barrier; for information only
MILITARY	Undeveloped coastal barrier owned by the military; for information only
COAST GUARD	Undeveloped coastal barrier owned by the Coast Guard; for information only

Maps are arranged in geographic order from north to south.



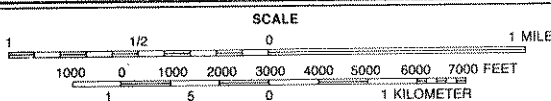
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



Mapped, edited and published
by the Coastal Barriers Study Group
U.S. Department of the Interior
Washington, D.C. 20240

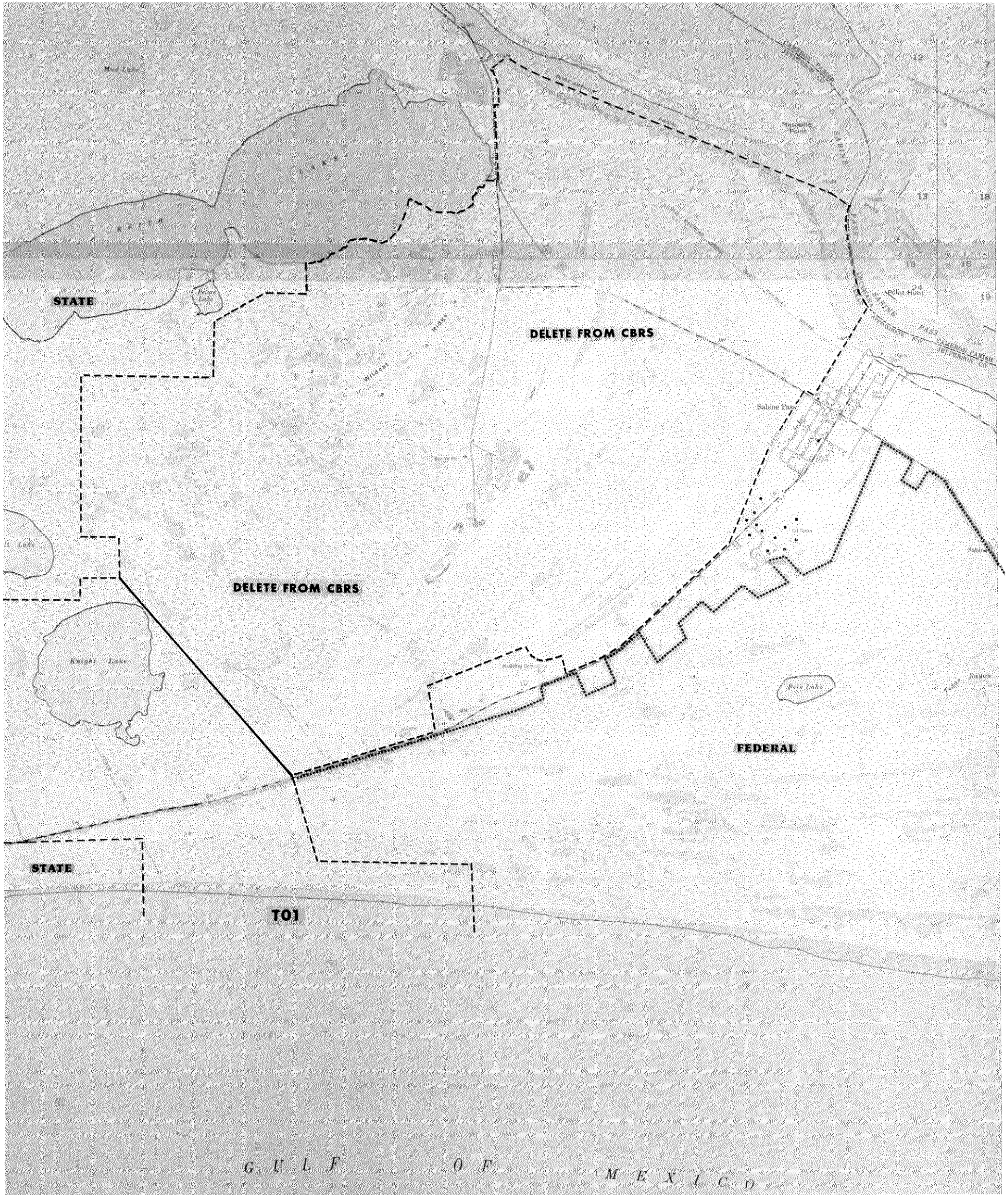
QUADRANGLE
TEXAS POINT
TEXAS



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



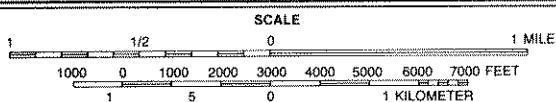
UNITED STATES
DEPARTMENT OF THE INTERIOR



Mapped, edited and published
by the Coastal Barriers Study Group
U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

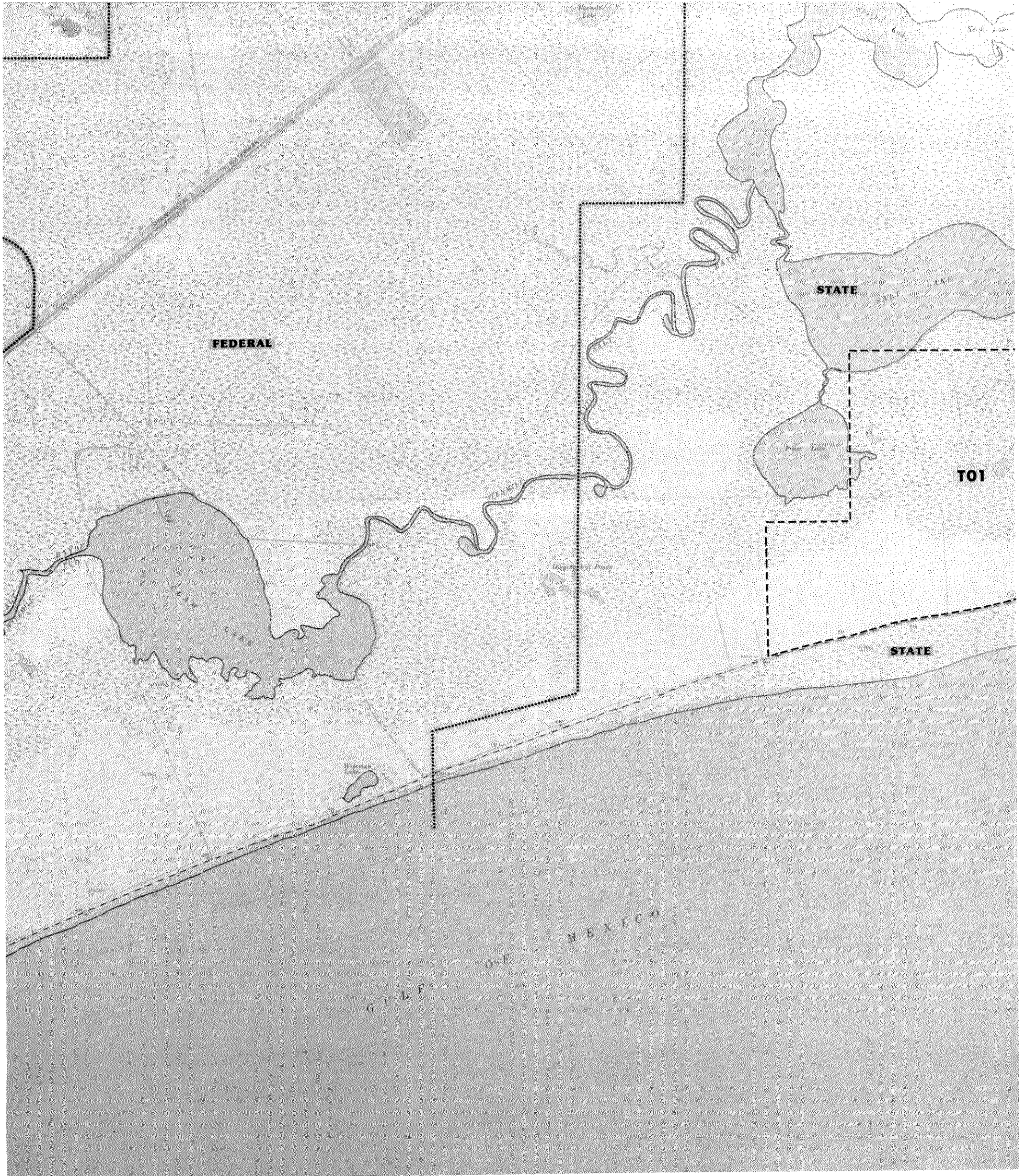
QUADRANGLE
SABINE PASS
TEXAS



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



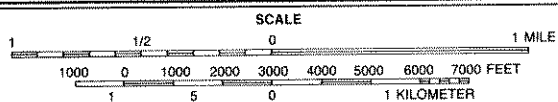
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



Mapped, edited and published
by the Coastal Barriers Study Group
U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
CLAM LAKE
TEXAS



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

State Position: The State of Texas supports the deletion of the Port Arthur Ship Channel from the CBRS.

Other Comments: Eight letters and 95 petition signatures concerning T01 were received, including one from the Mayor of Port Arthur and several from his supporters. All the letters requested the deletion of one or more of the following areas: the Port Arthur Ship Channel, the spoil areas adjacent to the Ship Channel, and a developed area on the chenier ridge north of Highway 87. The letters are reprinted below.

Response: The DOI has carefully reexamined CBRS unit T01 and finds that much of the area north of Highway 87 and east of Knight Lake does not qualify as a coastal barrier under DOI criteria. The T01 area is composed of a

series of strandplain or chenier ridges with associated intervening wetlands. The most seaward chenier functions as a coastal barrier by buffering wind, wave, and tidal energies and protecting associated aquatic habitats. This chenier and its associated wetlands are included in DOI's delineations of the CBRS unit. The chenier ridges behind the primary chenier at present do not function as coastal barriers and, therefore, do not qualify for inclusion in the CBRS under DOI criteria.

DOI Recommendation: The DOI recommends deleting that portion of T01 that does not qualify as a coastal barrier from the CBRS. This deletion would remove the Port Arthur Ship Channel, the adjacent spoil area, and the developed area on the chenier ridge from the CBRS.



CITY of PORT ARTHUR
P. O. BOX 1089 • PORT ARTHUR, TEXAS 77641-1089 • AREA CODE 409 983-3321

April 27, 1987

Coastal Barriers Study Group
National Park Service
U. S. Department of Interior
P. O. Box 37127
Washington, D. C. 20013-7127

Dear Sirs:

We are in receipt of your proposed recommendations to Congress concerning the Coastal Barrier Resource System.

We wish to again express our strong opposition to the inclusion of certain areas within the City of Port Arthur, Texas, as part of the Coastal Barrier System. We have attached a copy of your map covering Unit T01-Sea Rim (Jefferson) and have marked our recommended changes thereon.

In particular, the area immediately north of the Sabine Pass Townsite along the ship channel on the Texas side is almost entirely spoil material from the continuous dredging of the ship channel. Much of this area is at Elevation -14 m.s.l. Practically none of this area could be called a "natural" barrier or natural marsh. These are man-made improvements that, in fact, make this land very valuable for marine or industrial development. A 40-foot dredged channel exists adjacent to all of this property. Most of the citizens of Port Arthur are protected by a levee system and do not need a "natural" coastal barrier for their protection. We feel strongly that the designation of the land area shown as a "coastal barrier" is not justified and not in keeping with the intent of the CBRS Act. We ask again that this section be removed from the designation.

The City of Port Arthur recognizes the importance of the Chenier Ridge in Sabine Pass and the sensitive ecosystem that exists here. I have attached our adopted Land Use Plan for the Sabine Pass Area.

222

Malcolm Clark, Mayor
Councilmembers: Andy Nelson, Willie Lewis, Jr., Walter Menden, Charles C. Rhodes, Jr., George Cooper, City Manager
T. L. Hammond, Mayor Pro Tem
Robert E. Aiken, Barrister
Arthur J. Gentry

Coastal Barriers Study Group
April 27, 1987
Page 2

This plan was prepared by our Planning Staff and, I believe, indicates a thorough understanding of the problems associated with development in coastal areas. The City is in the regular flood insurance program. Buildings must meet elevation and/or floodproofing requirements and the zoning requirements of the attached plan.

There is a small additional area about three miles west of Sabine Pass on the Chenier Ridge that we feel should be excluded from the coastal barrier designation by virtue of existing development. This development has occurred since your base maps were prepared. We have expressed our opposition to this area being included before and we do so again. We feel this area qualifies for an exclusion due to the number of structures presently existing. We have also indicated an area that probably should be added to the coastal barrier area.

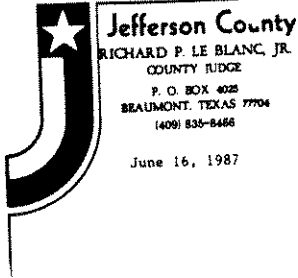
We hope you will look favorably upon our request and exclude the areas mentioned when your final report goes to Congress. We support the goals and objectives of the act. We feel, however, that our objections are valid for the areas described. We believe that if you look closely at the land in question, you will agree with us.

Sincerely,

Malcolm Clark
Malcolm Clark
Mayor

RW/mak
Attachments

937



Jefferson County
RICHARD P. LE BLANC, JR.
COUNTY JUDGE
P. O. BOX 4028
BEAUMONT, TEXAS 77704
(409) 836-8466

June 16, 1987

Mr. Frank B. McGilvrey
Coastal Barriers Coordinator
The Department of the Interior
U. S. Fish and Wildlife Service
P. O. Box 37127
Washington, D. C. 20013-7127

Dear Mr. McGilvrey:

On July 8, 1985, Jefferson County Commissioners' Court passed an order opposing the additional designation of lands in Jefferson County under the Coastal Barriers Act. On June 20, 1985, the City of Port Arthur sent correspondence to the Coastal Barriers Study Group objecting to the designation of certain areas within the city limits as coastal barriers.

On June 15, 1987, Jefferson County Commissioners' Court reaffirmed its opposition to additional designation of lands in Jefferson County under the Coastal Barriers Act. However, at this meeting, Commissioners' Court limited its opposition to those areas outlined by the June 20, 1985, City of Port Arthur correspondence. It is the consensus of the Court that these areas are prime industrial areas and should not be included in the Coastal Barriers. The loss of these areas could not only affect Jefferson County's attempt to expand its tax base but also diversify its industries. The area along the ship channel has an elevation of 15' has been spoiled and always considered industrial.

Please advise Commissioners' Court as to any additional steps that are required to stop the inclusion of areas into the Coastal Barriers.

Yours truly,

R. P. LeBlanc, Jr.
R. P. LeBLANC, JR.
County Judge

RPLJr:ss

975

1024 1/2 N. WASHINGTON
ROOM 8

TELEPHONE 409, 543-4251

SOUTH TEXAS LAND CERTIFICATES
KOUNTZE AND COUCH TRUSTEES
WILLIAM W. ZIEGENHALS
P. O. BOX 450
EL CAMPO, TEXAS 77431

June 18, 1987

Coastal Barrier Study Group
National Park Service
Department of the Interior
Post Office Box 37127
Washington, D.C. 20013-7127

Gentlemen:

This is to comment on a portion of the area designated as Coastal Barrier in the City of Port Arthur, Texas, near Sabine Pass. I have marked on the attached maps an area within the area which you have designated as Coastal Barrier which does not, in my opinion, meet the criteria for designation. The area is the site of an old spoil disposal area. It is quite high relative to the surrounding area.

It is not in a natural condition and has not been in a natural condition since spoil disposal began many years ago. The spoil has now stabilized into solid, dry, high ground.

I believe that your process of deciding on the coastal barrier boundaries, which has the potential to impact individuals significantly, requires detailed on-the-ground inspection of the areas involved.

Sincerely,

William W. Ziegenhals
William W. Ziegenhals

WWZ:wr
Enclosure
Copy to Congressman Jack Brooks

1047

INVESTMENTS

C. DOORNBOS, INC.

409 722 7241
P. O. BOX 496
1748 - BEBEL
NEDERLAND "TEXAS" "TEXAS"

June 19, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P. O. Box 37127
Washington, DC 20013-7127

Re: Coastal Barrier Resources
Sea Rim Unit, T-01
Jefferson County, Texas

Dear Sir(s):

As a result of the information hearing attended by Representatives of the Department of the Interior and held at the City Hall of Port Arthur, Texas, we respectfully submit the following recommendations regarding the above referenced Coastal Barrier Resources.

Most of the land fronting on the Port Arthur Shipping Channel between Keith Lake and Sabine Pass is high land which has been built up over many years with spoil material. Also, much of the land on the south end of the above referenced Sea Rim Unit area, but north of and adjacent to Highway 87, is on a high ridge running parallel to said highway. We own or control approximately one-third of this Sea Rim Unit and would recommend that these areas mentioned above be removed from the Coastal Barrier Resources and accordingly remain eligible for development and Federal subsidies. We feel the development of these high areas is extremely important to the economy of this area.

We appreciate the opportunity to make these recommendations and we hope the Coastal Barrier Study Group will give due consideration to this area.

Yours truly,

C. DOORNBOS, INC.

Billy W. Doornbos
Billy W. Doornbos
President

REF/db

cc: The Honorable Jack Brooks
The Honorable Phil Gramm

1278



P.O. BOX 4158 • PORT ARTHUR, TEXAS 77640
PHONE: 409-983-6625

June 22, 1987

Mr. Frank B. McGilvrey
Coastal Barriers Coordinator
U.S. Fish & Wildlife Service
Department of the Interior
1375 K. Street Northwest
Room 400
Washington, DC 20005

Dear Mr. McGilvrey:

We in Port Arthur and Sabine Pass need your help. We believe that you have incorrectly included some of our lands in the Coastal Barrier Resource System.

The city of Port Arthur made a request to you personally on June 20, 1985 to exclude several tracts from the Coastal Barrier Resource System (copy enclosed). Their justification for exclusion was sound. Yet your proposed recommendations to Congress of February and March 1987 does not exclude these properties. The city has again requested (letter dated April 27, 1987 included) the exclusion of these properties. These reasons for exclusion are again sound. Your criteria for either including or excluding are vague. They offer you the ability to make judgemental decisions. Your aerial photo (Sea Rim (T01), Texas Frame 936 shows concentrated development from its east edge westerly along Highway 87. The cities' request for exclusion in this area is just an integrated extension of that development.

Albeit the trailing edge of development, it is still part of our developed area of Port Arthur. In addition, the structure per acre criteria could support exclusion if you take into consideration the 46 structure tract adjacent to our requested exclusion. It's just a matter how you play semantics with the structure/acre criteria wording.

Mr. Frank B. Mc Gilvrey
Page 2

Using the same "structure per acre criteria" a section of property North east of the above (to be called Back Ridge request) should be excluded. This section has been residentially developed since civil war days. There has never been flood water over this Back Ridge area. The insurable structure per five acre criteria should have excluded this area in the original proposal. It's just a matter of how you interpret one insurable structure per five acres. In addition the exclusion of this area would better accomplish Congress' mandate to protect fish, wildlife and natural resources associated with the barriers. Your photo Sea Rim (T01) Texas Frame 936 shows numerous borrow pits in this area. These borrow pits and future pits will damage the wet lands and fresh water table by aiding salt water intrusion. (See reference 1.) If this area is included in the CBRS the value of this property will be worth only what you can get for the sand. Thereby encouraging the property owners to recover their investments by mining the sand. Your inclusion of this Back Ridge section would thus be counter to your congressional mandate.

In addition, your exclusion of this section could encourage present and new land owners to rehabilitate land around abandoned borrow pits by tree planting and revegetation. This would stabilize Borrow Pit Banks and help restore the shallow nature of the sound water table. (Reference 1.) On page 126 of Reference 1 under conclusion "Sabine Pass" paragraph five states: excavation of sand pits increases the rate of deterioration of Chenier Ridges. Paragraph seven states: revegetation by tree cover appears to be a quick and inexpensive means to begin restoring the integrity of the Chenier Ridge around excavations.

We do honestly believe that the spirit of the Coastal Barriers Act is sound and much needed. The guidelines and criteria for either including or excluding land are somewhat vague to allow interpretation of many varied types of land from Maine to Texas. We believe our requests don't ask you to stretch your guidelines and criteria past reasonable interpretative standards. Surely not to the point of criticism by your superiors. You personally will not feel the brunt either financially or emotionally of your actions with respect to these specific requests, but we do believe you care.

Please assist us by excluding the two requests made above. They are reasonable and correct within the spirit of the Coastal Barriers Act.

Sincerely,

EHG
Edward H. Grimm III
General Manager

EHG/dmp

enclosures

(SEE ENCLOSED SIGNATURES)

NAME (Print)	Signature	Address	Sabine
MRS JAMES L. WELCH	<i>Mrs James Welch</i>	70 Box 469	Pass TX
B. I. Williams	<i>Billy Williams</i>	P.O. Rt 164	Pass TX
ROBERTA ELDREDGE	<i>Roberta Eldredge</i>	Box 1123	SABINE PASS, TX 77655
R. L. Eldridge	<i>R. L. Eldridge</i>	Box 1123	SABINE PASS TEXAS 77655
Bonnie Gray	<i>Bonnie Gray</i>	Box 427	Sabine Pass, TX
Scottie Berg	<i>Scottie Berg</i>	Box 75	SABINE PASS TX 77655
Helen Keltz	<i>Helen Keltz</i>	P.O. Box 452	SABINE PASS TX 77655
Sue Karney	<i>Sue Karney</i>	P.O. Box 1064	Sabine Pass, TX 77655
Suzette Hoody	<i>Suzette Hoody</i>	P.O. Box 1027	SABINE PASS TX 77655
CAROL HEBERT	<i>Carol Hebert</i>	P.O. Box 551	SABINE PASS TX 77655
Doris Eldridge	<i>DORIS ELDREDGE</i>	P.O. Box 72	SABINE PASS TX 77655
William Portier	<i>William Portier</i>	P.O. Box 477	SABINE PASS TX 77655
Priscilla Richardson	<i>Priscilla Richardson</i>	P.O. Box 556	SABINE PASS TX 77655
Polly Moore	<i>Polly Moore</i>	P.O. Box 106	SABINE PASS TX 77655
Cardace Grimm	<i>Cardace Grimm</i>	P.O. Box 409	SABINE PASS TX 77655
Randy Carrion	<i>Randy Carrion</i>	P.O. Box 301	SABINE PASS TX 77655
Burnet M. Bogue	<i>Burnet M. Bogue</i>	P.O. Box 1088	SABINE PASS TX 77655
Mary F. Davis	<i>Mary F. Davis</i>	P.O. Box 463	SABINE PASS TX 77655
BETTRICE MASSEUR	<i>Bettrice Masseur</i>	P.O. Box 210	SABINE PASS TX 77655
Rob. N. Wetmore	<i>Rob. N. Wetmore</i>	2371 24th Ave	SABINE PASS TX 77655
CRYSTAL LACK	<i>Crystal Lack</i>	Box 1060	SABINE PASS TX 77655
R. E. Sabour	<i>R. E. Sabour</i>	Sabine Pass	SABINE PASS TX 77655
JOEY ANCELOT	<i>Joey Ancelot</i>	P.O. Box 1042	SABINE PASS TX 77655
Rodney Miller	<i>Rodney Miller</i>	Sabine Pass TX	SABINE PASS TX 77655
Billie Taylor	<i>Billie Taylor</i>	Box 445	SABINE PASS TX 77655
Jimmy B. Taylor	<i>Jimmy B. Taylor</i>	Box 445	SABINE PASS TX 77655

(and 68 additional signatures)

CHARLES WILSON
20 District, Texas

1652
COMMITTEE:
APPROPRIATIONS

Congress of the United States
House of Representatives
Washington, D.C. 20515
September 18, 1987

Mr. Frank Dunkle
Director
Fish & Wildlife Service
18th & C Street, N.W.
Washington, D.C. 20240

Dear Mr. Dunkle:

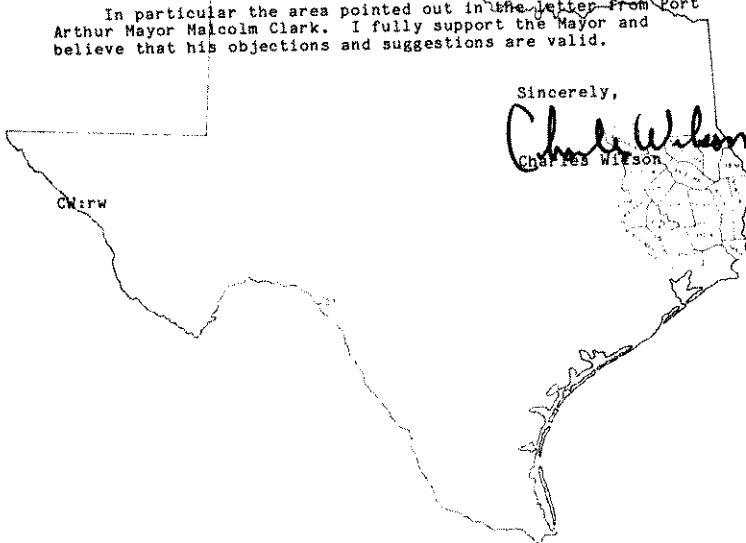
State Senator Carl Parker of Texas has contacted me concerning land to be included as well as excluded from the recommendation for the Coastal Barrier Resource System.

In particular the area pointed out in the letter from Port Arthur Mayor Malcolm Clark. I fully support the Mayor and believe that his objections and suggestions are valid.

Sincerely,

Charles Wilson
Charles Wilson

CW:rw



The Senate of
The State of Texas

1651

CARL A. PARKER
DISTRICT 4

Committees:
EDUCATION, Chairman
Administration
Finance
Jurisprudence

CAPITOL OFFICE
Post Office Box 12068
Austin, Texas 78711
512/463-0104

DISTRICT OFFICE
One Plaza Square
Port Arthur, Texas 77642
409/685-2881

August 11, 1987

Honorable Eligio De La Garza
1401 Longworth HOB
Washington, D. C. 20515

Dear Kika:

It has recently been brought to my attention that the Department of the Interior is in the process of making its final recommendations to the Congress regarding the Coastal Barriers Act. As you can imagine, many people in my district are very concerned about the specific recommendations, particularly those outlining which properties are included or excluded from the Coastal Barrier System. I am enclosing a letter from the Honorable Malcolm Clark, Mayor of Port Arthur, which eloquently expresses my concerns as well as those of our city and the surrounding area.

I would sincerely appreciate any help you could give us with this vital matter. Please do not hesitate to call if you have any questions.

Sincerely,

Cal
Carl A. Parker

CAP/ckc
enclosure

CHAMBERS, GALVESTON, HARRIS, JEFFERSON, LIBERTY, MONTGOMERY, ORANGE

1373

LLOYD BENTSEN
TEXAS

United States Senate
WASHINGTON, D.C. 20510

May 15, 1987

COMMITTEE ON
FINANCE
COMMERCE, SCIENCE AND TRANSPORTATION
AND ECONOMIC AFFAIRS
JOINT COMMITTEE ON TAXATION
SELECT COMMITTEE ON INTELLIGENCE

Mr. William P. Horn, Assistant Secretary
U.S. Fish and Wildlife Service
U.S. Department of the Interior
Washington, D.C. 20240

Dear Mr. Horn:

Enclosed is a copy of a letter I have received from the Mayor of Port Arthur, Texas, the Honorable Malcolm Clark, expressing his concerns about the inclusion of certain areas within the City of Port Arthur in the Coastal Barrier Resource System.

There are many valid points raised in this letter, and I would appreciate receiving a thorough response on these issues so that I can properly respond to Mayor Clark.

Thank you for your assistance.

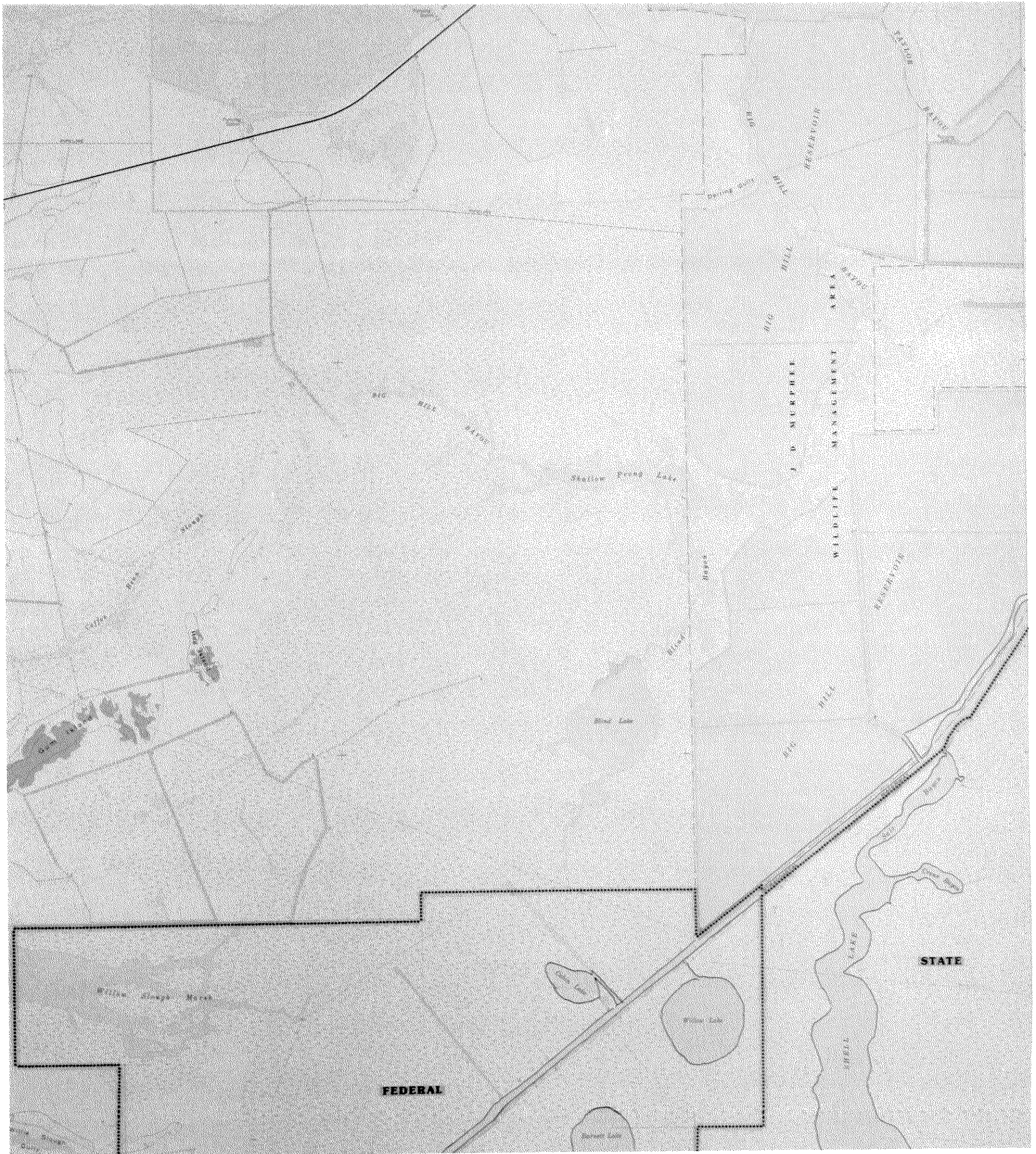
Sincerely,


Lloyd Bentsen

Enclosure

PLEASE REPLY TO:

961 Federal Building
Austin, Texas 78701



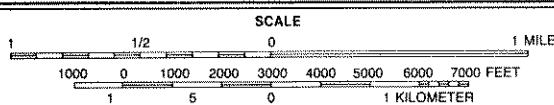
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**UNITED STATES
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U.S. Department of the Interior
Washington, D.C. 20240

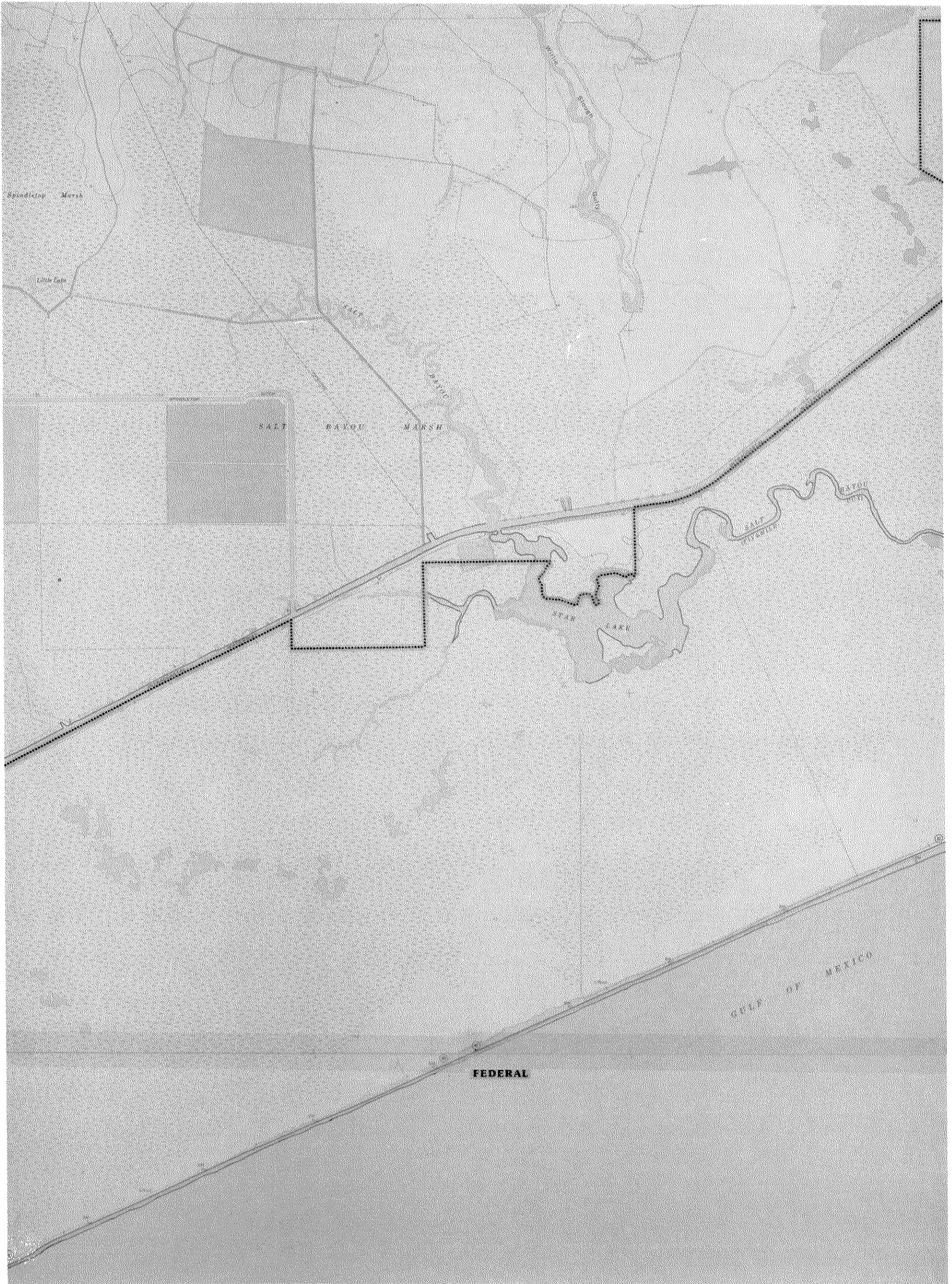
QUADRANGLE
BIG HILL BAYOU
TEXAS



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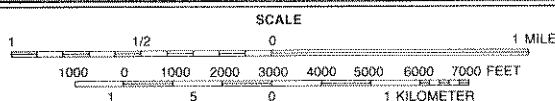
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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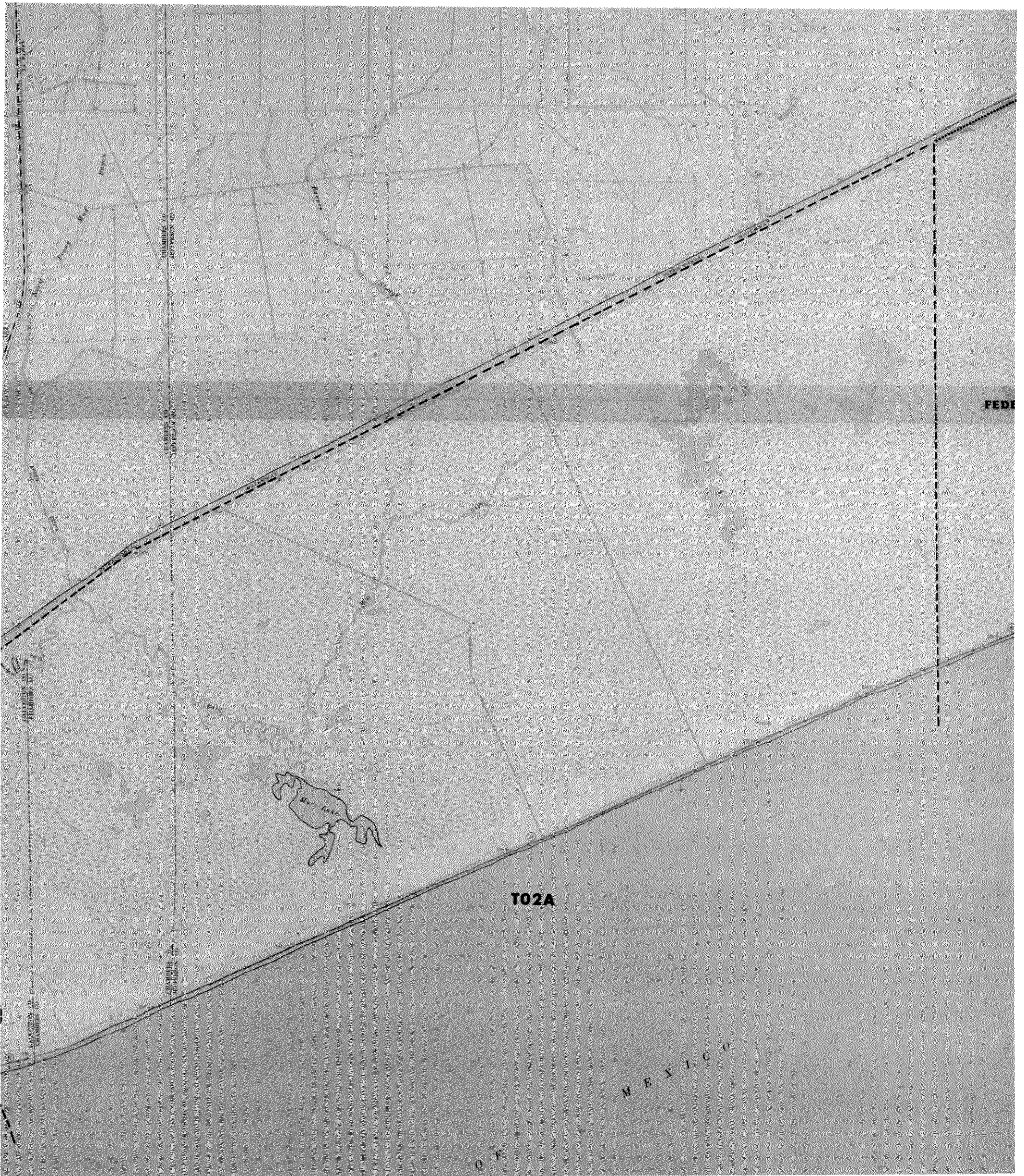
QUADRANGLE
STAR LAKE
TEXAS



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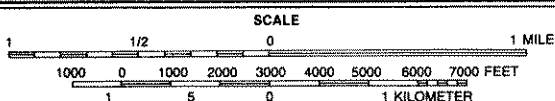
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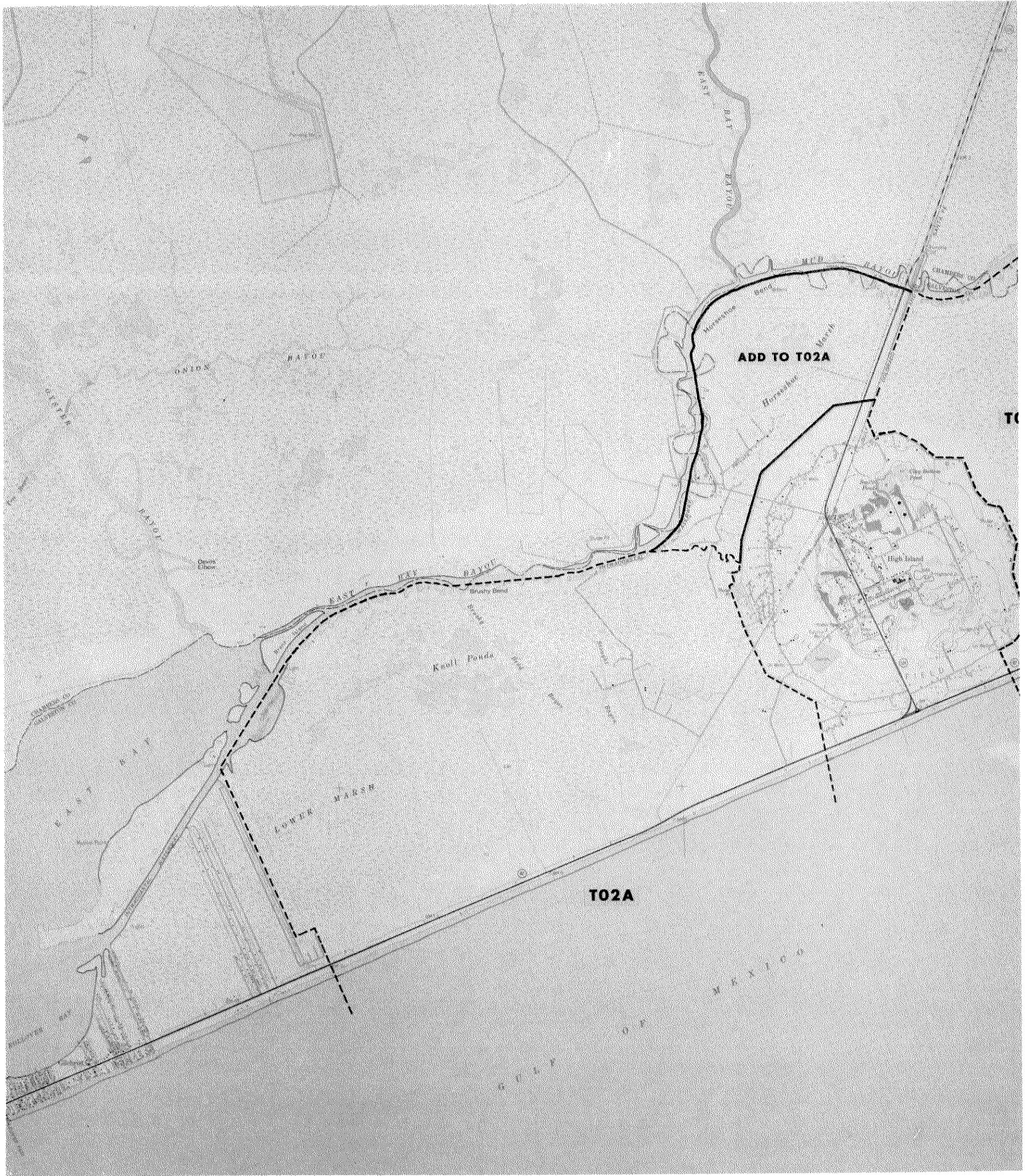
QUADRANGLE
MUD LAKE
TEXAS



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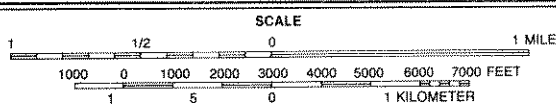
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QUADRANGLE
HIGH ISLAND
TEXAS



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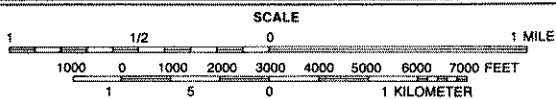
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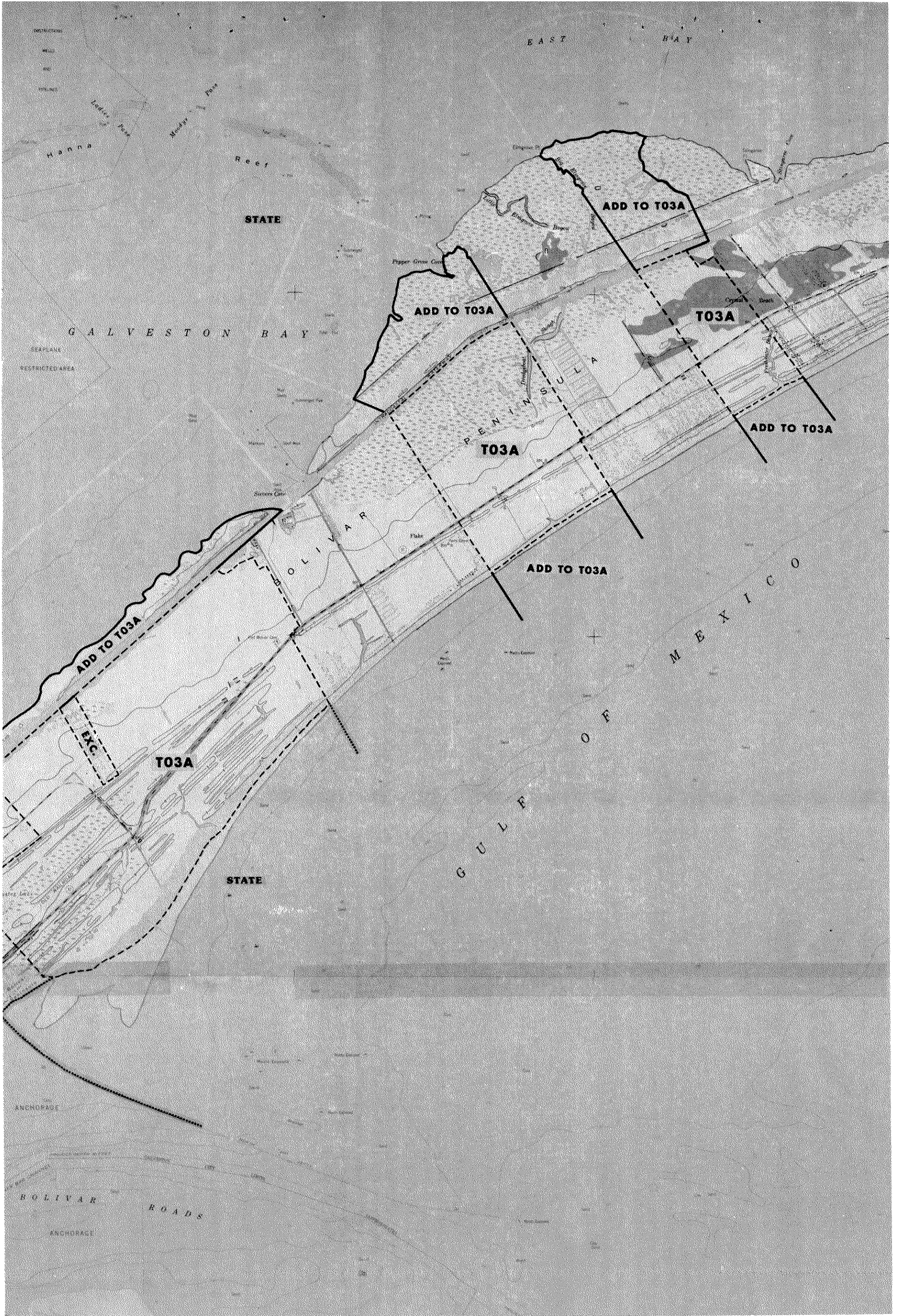
QUADRANGLE
FROZEN POINT
TEXAS



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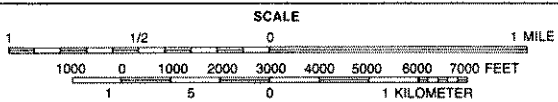
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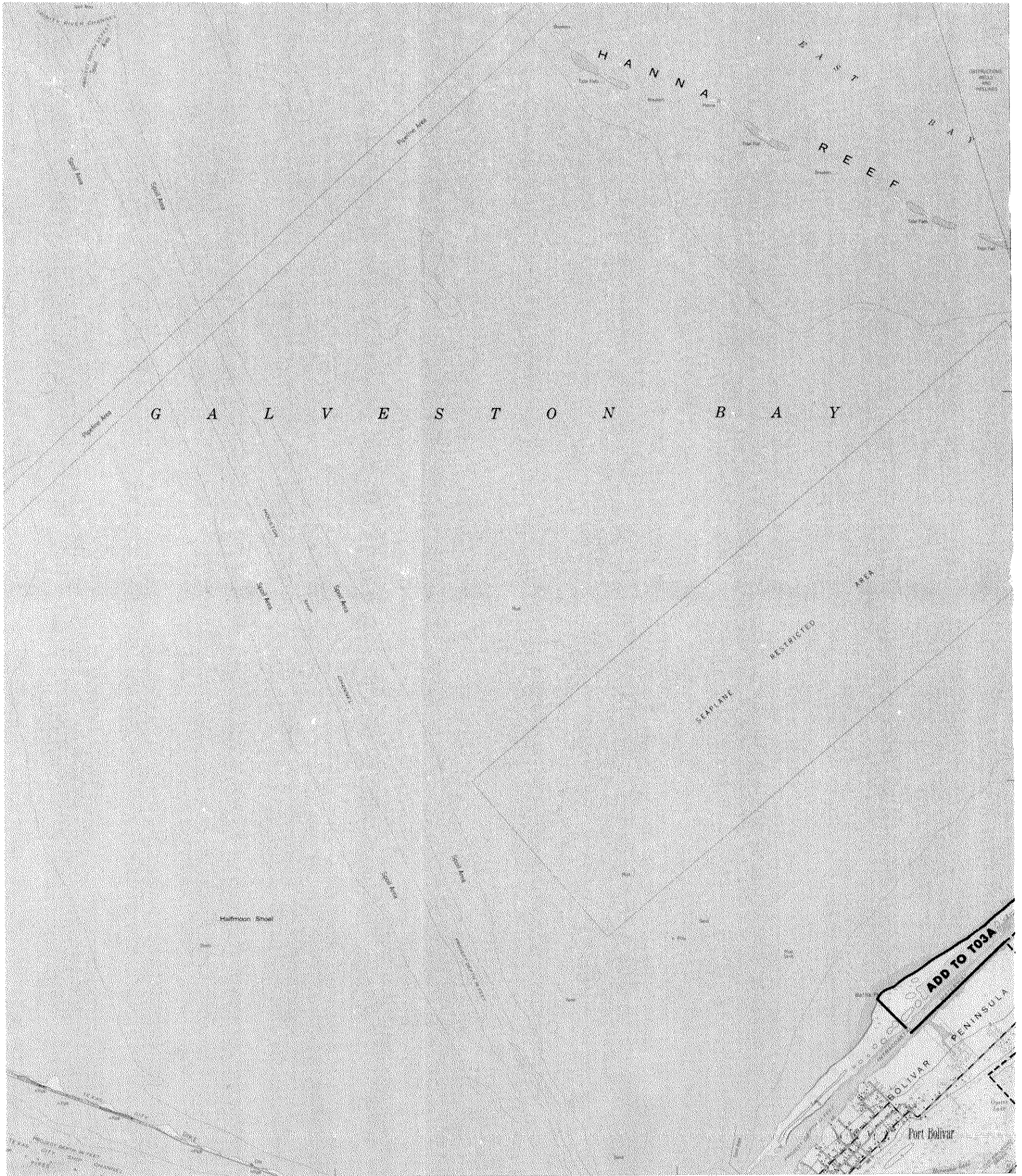
QUADRANGLE
FLAKE
TEXAS



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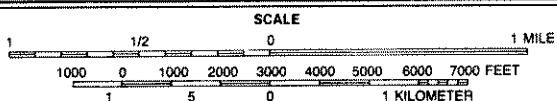
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Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
PORT BOLIVAR
TEXAS



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T02A - HIGH ISLAND; T03A - BOLIVAR PENINSULA

State Position: The State of Texas opposes all additions to the CBRS.

Other Comments: The Galveston County Commissioner's Court and the Bolivar Peninsula Chamber of Commerce wrote requesting the deletion of those portions of T02A and T03A south of the Gulf Intracoastal Waterway. The two letters claimed the areas are partially developed and that their continued inclusion in the CBRS will cause economic hardship to the County. The Chamber of Commerce letter included 650 petition signatures supporting the Chamber's positions.

One landowner in T02A and one in T03A also wrote requesting the deletion of their land from the CBRS claiming the CBRA represented a taking of property without compensation. One

letter of support for additions to T02A and T03A was received. Substantive comment letters are reprinted below. See also letter number 1483 in the General Comment Letters section.

Response: All of existing CBRS units T02A and T03A fully qualified for inclusion in the CBRS in 1982. The CBRA does not affect the rights of landowners to do what they wish with their property; therefore, it cannot be considered a taking and compensation would not be appropriate. The proposed additions to T02A and T03A are also fully qualified under DOI criteria. None of these areas is developed.

DOI Recommendation: The DOI recommends adding the new areas to CBRS units T02A and T03A as delineated. No deletions from the existing CBRS units are recommended.

617

COUNTY COMMISSIONERS COURT
RAY HOLBROOK
COUNTY JUDGE
EDDIE BARR
FIRST PRECINCT
FRANK CARMONA
SECOND PRECINCT
RON CROWDER
THIRD PRECINCT
BILLY J. PEGUES
FOURTH PRECINCT



THE COUNTY OF GALVESTON

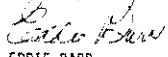
COUNTY COURTHOUSE
GALVESTON, TEXAS 77550
May 26, 1987

Coastal Barrier Study Group
U. S. Department of the Interior
National Park Services - 498
P. O. Box 37127
Washington, DC 20013-7127

Dear Sirs:

The enclosed Resolution, passed by the Galveston County Commissioners Court on Monday, May 11, 1987, concerning the Coastal Barriers Resources Act of 1982 is being sent to our representatives in Washington. We knew that you would be interested in our position on the Act and its affect on Galveston County landowners located on Bolivar Peninsula.

Sincerely,


EDDIE BARR
County Commissioner Pct. 1

sam

BLANK
CBRA RES



THE COUNTY OF GALVESTON

On this the 11th day of May, 1987, the Commissioners' Court of Galveston County, Texas convened in special meeting with the following members thereof present:

RAY HOLBROOK, County Judge;
EDDIE BARR, Commissioner Precinct No. 1;
FRANK CARMONA, Commissioner Precinct No. 2;
RON CROWDER, Commissioner Precinct No. 3;
BILLY JACK PEGUES, Commissioner Precinct No. 4; and
JESSIE G. KIRKENDALL, County Clerk

when the following proceedings, among others, were had, to-wit:

WHEREAS, pursuant to Section 10 of the Coastal Barriers Resources Act of 1982, the Secretary of the Interior is required to provide recommendations to the United States Congress for additions to or deletions from the Coastal Barrier Resources Systems; and

WHEREAS, these recommendations were advertised in the Federal Register dated March 25, 1987; and

WHEREAS, existing units T02A and T03A located on Bolivar Peninsula between the Gulf of Mexico and the Gulf Intracoastal Waterway are included within the Coastal Barrier Resources System; and

WHEREAS, due to lack of previous publicity and information available to the general public at the time these units were created, many landowners located on Bolivar Peninsula were unaware that their land was going to be included; and

WHEREAS, the unemployment rate in Galveston County is currently unconscionably high at 12.3% with selected pockets of up to 16%; and

WHEREAS, inclusion of these areas have deprived Galveston County of precious tax revenues and have stymied the local economy which is largely dependent on recreational and resort development; and

WHEREAS, the Commissioners' Court of Galveston County feels that inasmuch as unemployment in Galveston County is so high, that it is essential that governmental regulations be kept to a minimum so as to help relieve our overburdened citizenry; and

WHEREAS, the Commissioners' Court of Galveston County, Texas feels that inclusion of Units T02A and T03A within the Coastal Barrier Resources System adds an onerous burden to the lives of its many citizens who are already suffering from severe economic deprivation.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners' Court of Galveston County, Texas on behalf of its more than 200,000 citizens and taxpayers hereby requests the deletion of Units T02A and T03A from the Coastal Barrier Resources System. In the alternative, recognizing the need for protection of our natural resources as a compromise to full deletion of T02A and T03A, the County hereby requests that only those areas located within those proposed units north of the Gulf Intracoastal Waterway on Bolivar Peninsula be included inasmuch as these areas are located in truly undeveloped, inaccessible and environmentally sensitive areas.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Minutes of this Court and that Originals hereof be furnished to UNITED STATES SENATOR LLOYD BENTSON, UNITED STATES SENATOR PHIL GRAMM, CONGRESSMAN JACK BROOKS and the COASTAL BARRIER STUDY GROUP.

1098

BOLIVAR PENINSULA CHAMBER OF COMMERCE

P.O. BOX 1170 CRYSTAL BEACH, TEXAS 77650 June 21, 1987

Coastal Barriers Study Group National Park Service U.S. Department of Interior P.O. Box 37127 Washington, D.C. 20013-7127

Gentlemen:

The Bolivar Peninsula Chamber of Commerce respectfully and rightfully requests that the Coastal Barrier Resource System Act exclude those areas south of the Intercoastal Waterway in Sections 102A and 103A.

The current inclusion of these areas in this act threatens the welfare, safety and economic well being of the citizens of four communities, primarily; High Island, Gilchrist, Crystal Beach and Port Bolivar. Secondly, it threatens the safety of many Galveston residents and tourists because Highway 87 via the ferry is one of only three evacuation routes in an emergency.

While we understand the need to control development on undeveloped coastal barriers, we feel that sections 102A and 103A south of the Intercoastal Waterway do not qualify because they are an integral part of developed land and because their inclusion will seriously threaten the lives and well being of several thousand people.

Your consideration and assistance in removing this threat will be appreciated.

Very truly yours, M.E. Smith M. E. Smith President, Bolivar Peninsula Chamber of Commerce

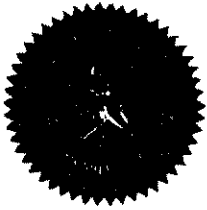
MES/jm

Enclosures CC: County Judge Ray Holbrook County Commissioner Eddie Barr

UPON MOTION DULY MADE, SECONDED AND CARRIED the above Resolution was unanimously passed on the above date.

COUNTY OF GALVESTON

BY: RAY HOLBROOK, County Judge



EDDIE BARR, Comm., Pct. No. 1

FRANK CARMONA, Comm., Pct. No. 2

RON CROWDER, Comm., Pct. No. 3

BILLY JACK PAGUES, Comm., Pct. No. 4

ATTEST:

Jessie G. Kirkendall, County Clerk

998

We, the undersigned being residents and/or property owners of Bolivar Peninsula, hereby request the following:

WHEREAS, pursuant to Section 10 of the Coastal Barriers Resource Act of 1982, the Secretary of the Interior is required to provide recommendation to the United States Congress for additions to or deletions from the Coastal Barrier Resource System; and

WHEREAS, the existing units 10 2A and 10 3A located on Bolivar Peninsula are included in the Coastal Barrier System; and

WHEREAS, according to the Coastal Barrier Resource Act the two lifelines of Bolivar Peninsula Highway 87, and the Bolivar Peninsula Water System are prohibited from receiving Federal funds for expansion as well as the unavailability of Federally subsidized flood insurance; and

WHEREAS, similar land masses are excluded from the system such as West Galveston Island and others.

NOW, THEREFORE, we respectfully and rightfully request that Sections 10 2A and Sections 10 3A, with the exception of the proposed inclusion of the land North of the Intracoastal Waterway, be totally deleted from the Coastal Barrier Resource System.

5527 LAWDALE HOUSTON, TEXAS 77023 PHONE 713 - 923-9413

June 17, 1987

Coastal Barrier Study Group National Park Service P. O. Box 37127 Washington D.C. 20013-7127

Gentlemen:

I have 670 acres of land facing the Gulf of Mexico near the town of Bolivar on Bolivar Peninsula. I do not want my land included in the Coastal Barrier Act or any other act that affects the use of my land.

Being under this act is taking land without compensation and denying me my property rights, and I want you to know I am absolutely opposed to this Act.

Please leave my land out of your jurisdiction.

Yours very truly, Lewis G. Tyra Lewis G. Tyra

LT/sit

- List of names and addresses of signatories, including: David M. Johnson, David M. Johnson, David M. Johnson, etc.

(and 629 additional signatures)

1146

Melanie S. Wiggins
78 Sugarberry Circle
Houston, Texas 77024
June 21, 1987

Coastal Barriers Study Group
National Park Service
Department of Interior
P. O. Box 37127
Washington, D. C. 20013-7127

Re: Coastal Barriers Act

Dear Sirs:

Recently at a public hearing in Gilchrist, Texas, concerning the proposed additions to the Coastal Barrier lands I requested your maps for the Bolivar Peninsula area, as we are owners of 12,500 acres of land in that vicinity. The sections east of High Island were not sent, and I am anxious to see them to find out whether you propose to include the 1,200 acres we own five miles east of High Island. Have requested these from your office.

I was unaware that the Knoll Ponds section, comprising 5,000 acres had been placed under the Coastal Barrier Act earlier. We were not notified when this was done.

The "protectionism" of the federal government is grossly debilitating the use of private land. Our family has owned the High Island acreage for over a hundred years, and we find now that continued ownership is completely unjustifiable economically. To find a buyer is almost impossible, as well. Our yearly rate of return is about one per cent, because we are limited to such activities as trapping, hunting, and cattle grazing. How does the government expect people to pay the taxes and huge expenses on land when there is no way to use it? No mention has been made of compensation or government assistance.

Three major usurpations of rights have taken place on our land:

1. The Corps of Engineers in 1934 purchased the right-of-way for the Intracoastal Canal, which runs several miles through our property, cutting off parts of it totally and making it useless. The width of the canal is now 750 feet, and the original right-of-way calls for 300 feet. Continuous dredging and the passage of huge barges have been eroding the banks for fifty years, so that the canal is more than double in size, and we have received NO COMPENSATION WHATEVER for land loss. The Corps of Engineers will

Melanie S. Wiggins
78 Sugarberry Circle
Houston, Texas 77024

not even discuss the matter.

2. Every inch of our marsh lands, which is the vast majority of the property, was declared to be a "Wetlands" area under the Wetlands Act, meaning that our ability and right to use this land, for which WE ARE PAYING TAXES, was restricted so as to prohibit any and all development, digging of canals, creation of new roads, and many other major limitations. In order to even make repairs we are forced to obtain permits!

3. The Department of Interior wants to add insult to injury by placing further limitations on the land under the "Coastal Barrier" Act. Where is it all to end?

As we see it, the United States government is in fact taking private property to create protected park-like areas WITHOUT COMPENSATION. Such an act completely defies the Constitution of this country, as recently reflected in the Supreme Court's decision that property owners be paid when government regulations bar them from using their own property.

At this point, we, as private land owners are enraged over the removal of all our rights. The government is supposed to protect our rights, not take them away. If they want to create economically dead places, let them buy the land.

As family land manager I now intend to consult with our attorneys to see how we can fight back. I implore those who are reading this letter to come to our aid with supportive legislation.

To the Congress, who will be investigating this matter, I ask you put yourself in the place of the ones who are here fighting the battles of ownership, and do not increase the coastal barrier lands. Nature has its own way of changing coastlines, and no acts of Congress are going to alter that!

Sincerely yours,

Melanie Wiggins

Melanie Wiggins
Cade Estate Land Manager

cc: President Ronald Reagan
Senator Lloyd Bentsen
Senator Phil Gramm
Representative Jack Brooks
Governor William P. Clements



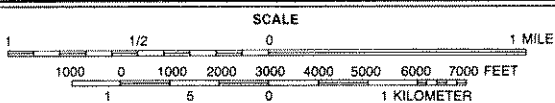
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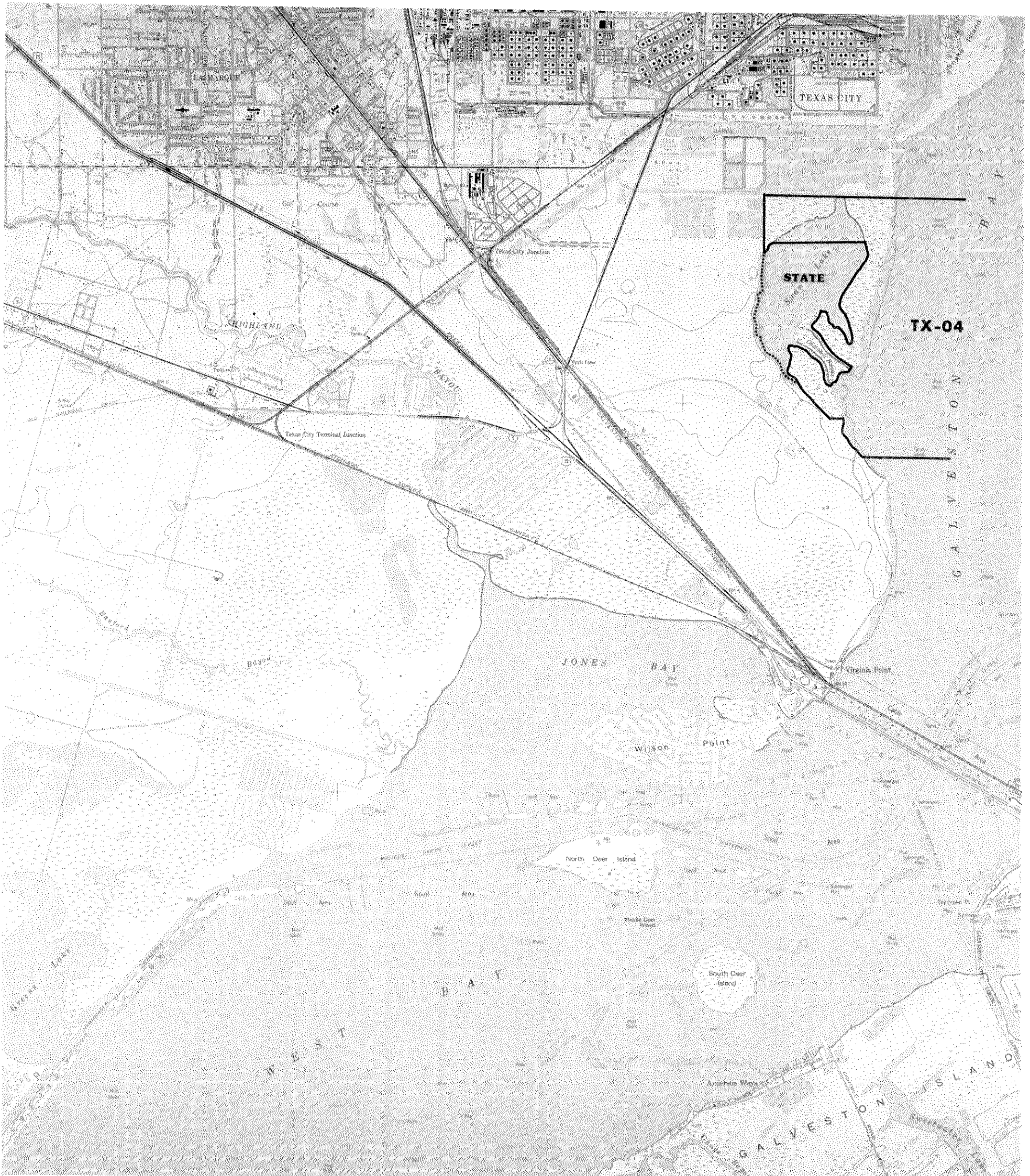
QUADRANGLE
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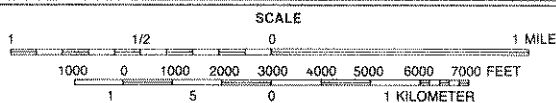
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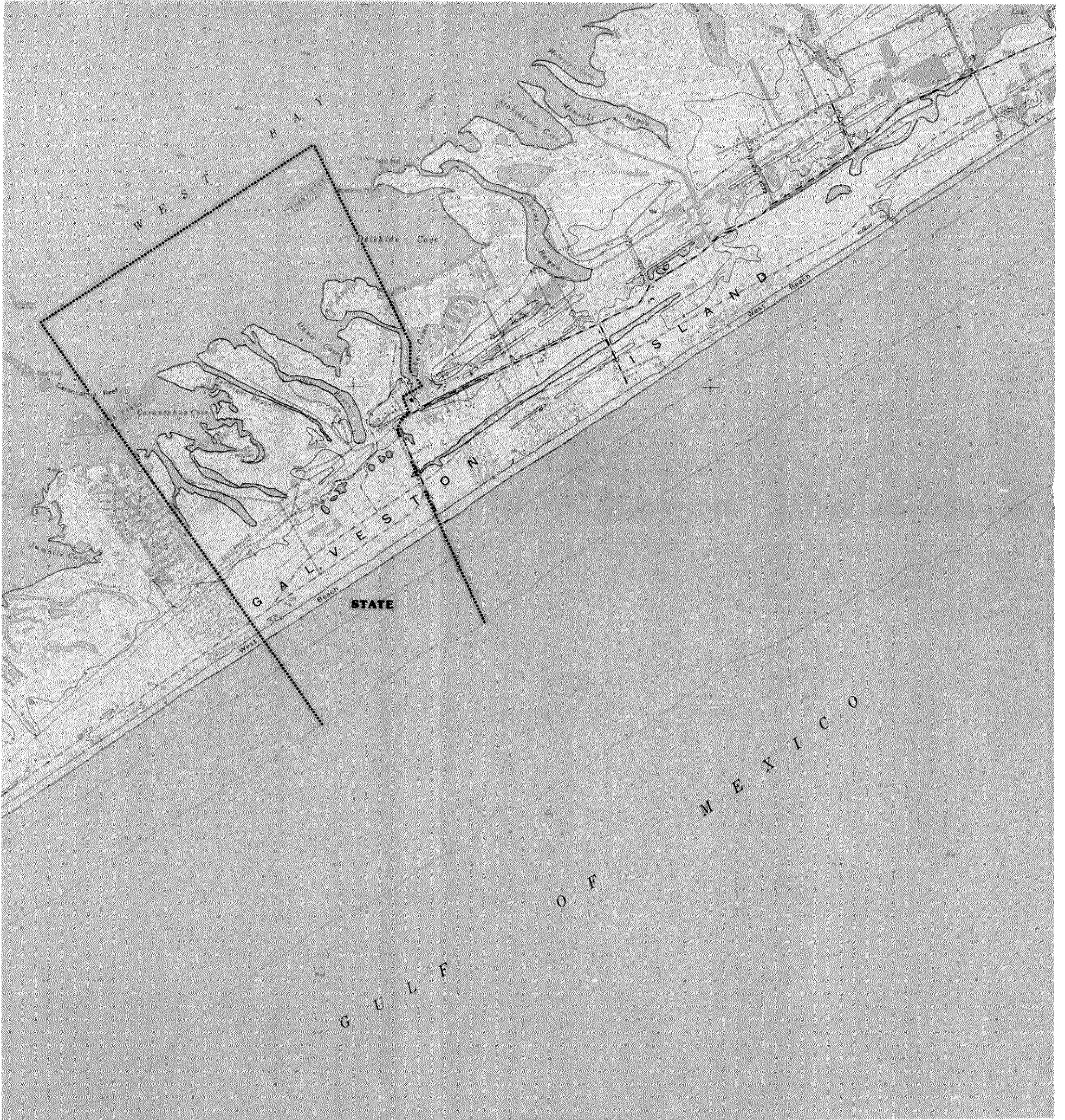
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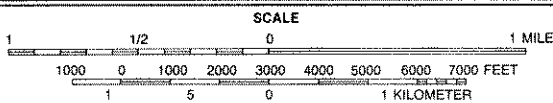
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QUADRANGLE
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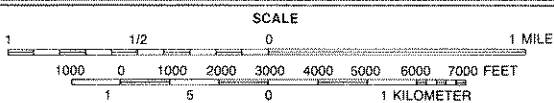
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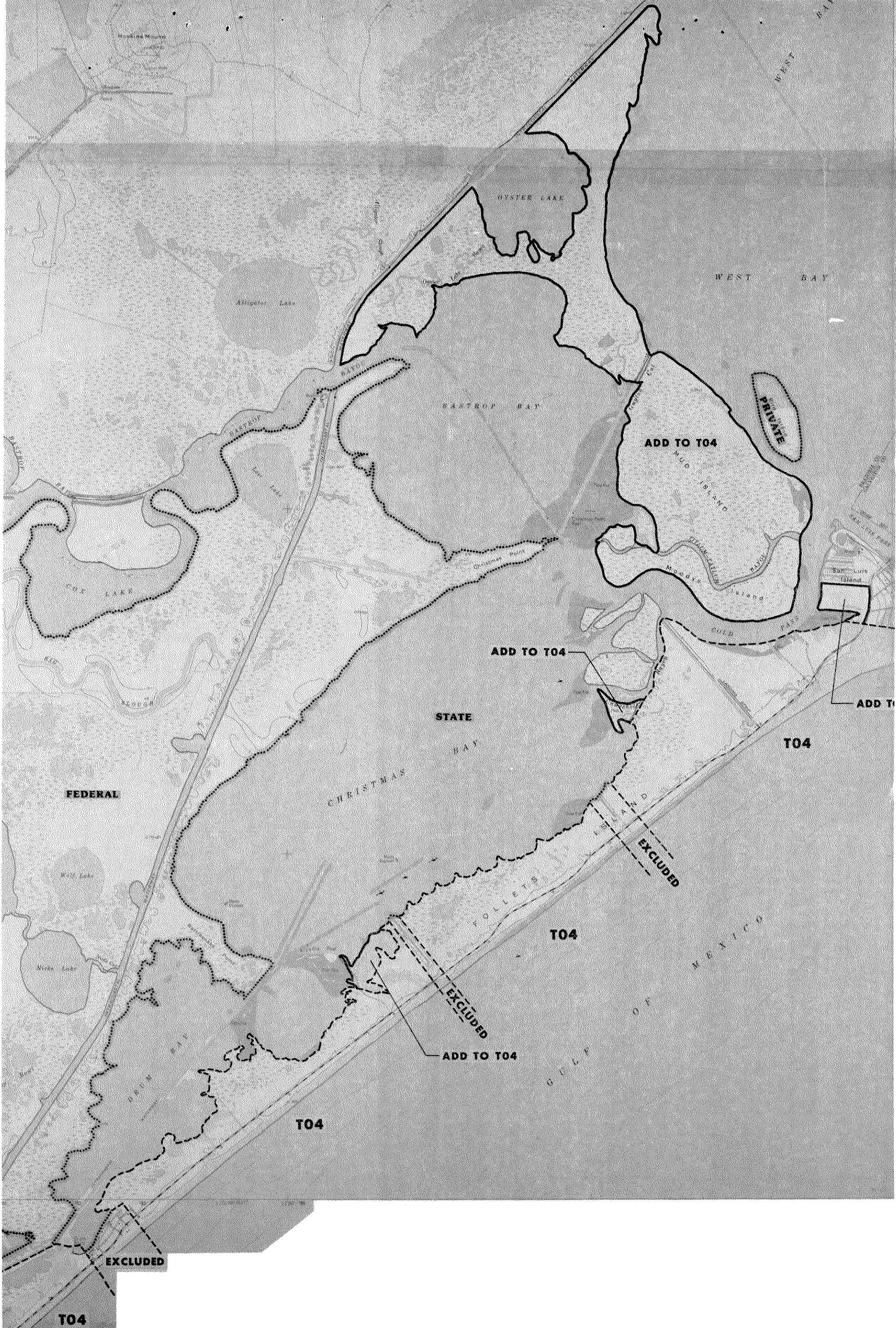
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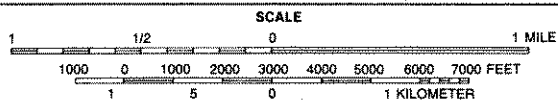
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QUADRANGLE
CHRISTMAS POINT
TEXAS



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T04 - FOLLETS ISLAND

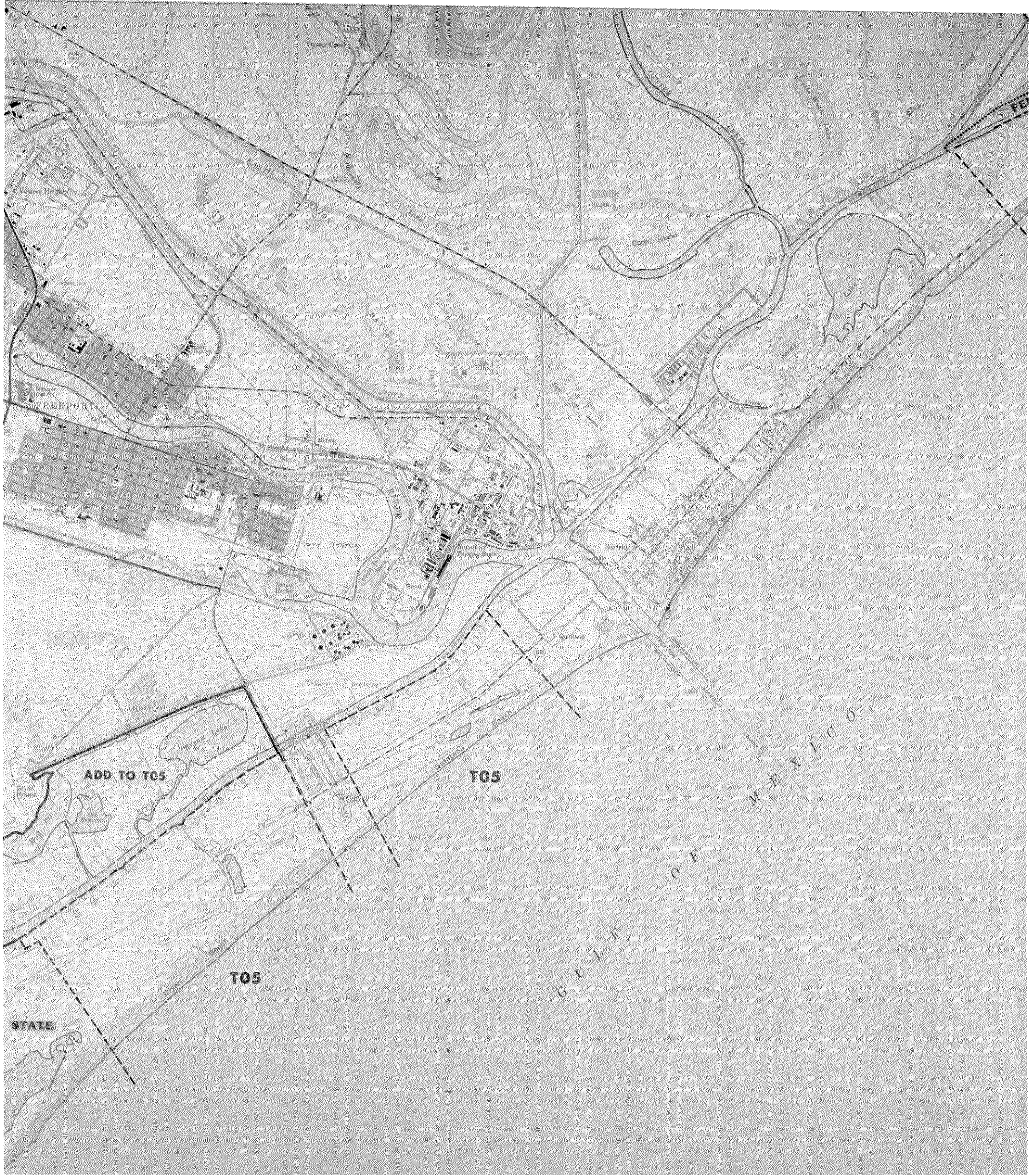
State Position: The State of Texas opposes all additions to the CBRS.

Other Comment: Brazoria County wrote stating that the proposed addition to T04 adjacent to Hideaway on the Gulf (in the 1987 Draft Report) is developed and should not be included in DOI's final recommendations. The County also said that the beaches between San Luis Pass and the mouth of the Brazos River are popular recreational areas and should be considered otherwise protected and deleted from the CBRS. State Senator Buster Brown wrote supporting the County's position. Both letters are reprinted under T05 (letters number 1410 and 1199).

Response: The area adjacent to Hideaway on the Gulf is, in fact, developed and is not

included in the DOI's final delineations of T04. The beaches between San Luis Pass and the mouth of the Brazos River do not meet the requirements to be considered otherwise protected. They are privately owned; they are not held by the Federal, State, or local government or a qualified Section 170 (h)(3) organization primarily for wildlife refuge, sanctuary, recreational, or conservation purposes. They fully qualify for continued inclusion in the CBRS.

DOI Recommendation: The DOI recommends adding the associated aquatic habitat to T04. These proposed additions do not include the area adjacent to Hideaway on the Gulf. The beaches south of San Luis Pass are not otherwise protected and the DOI recommends they remain in the CBRS.



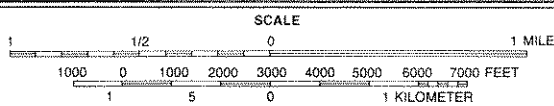
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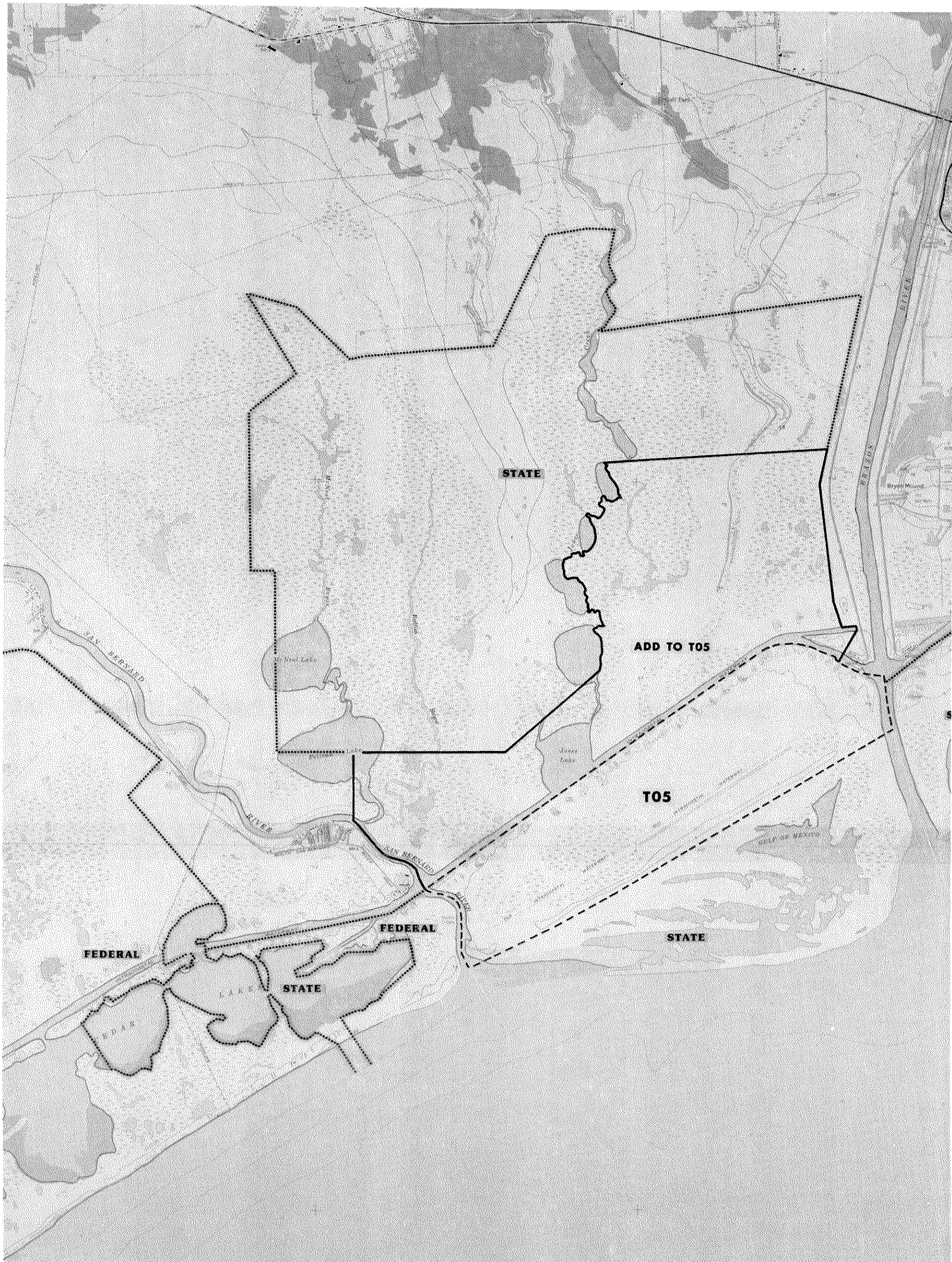
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FREEPORT
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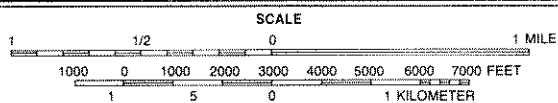
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



Mapped, edited and published
by the Coastal Barriers Study Group
U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
CEDAR LAKES EAST
TEXAS



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

T05 - BRAZOS RIVER COMPLEX

State Position: The State of Texas supports excluding the New River and Freeport Ship Channels from the CBRS. The State opposes all additions to the CBRS.

Other Comments: Seven letters concerning T05 were received, all but one requesting deletions from the existing CBRS unit or the additions proposed in the 1987 Draft Report. The following arguments were used to support the requests: (1) T05 is a mainland beach and not a coastal barrier; (2) including the New River and Freeport Ship Channels, associated spoil areas, and mitigation lands in the CBRS will inhibit port expansion; (3) parts of the proposed additions are otherwise protected; and (4) parts of the unit and the proposed additions are developed. The letters requesting deletions are reprinted below. The supportive letter appears in the General Comment Letters section (letter number 1483).

Response: The argument about whether T05 qualifies as a coastal barrier has been ongoing since 1982. Opponents have argued that the unit is a headland, separated from the mainland artificially by the Gulf Intracoastal Waterway (GIWW). The DOI has carefully reexamined the unit and determined that it does fully meet DOI's definitions of a coastal barrier. The GIWW was dredged through a natural wetland that exists behind the barrier beach.

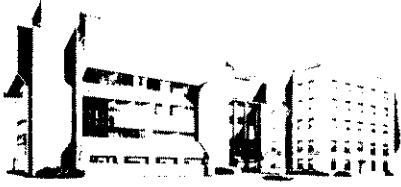
The Freeport Ship Channel is not included in either the existing CBRS unit or the

proposed additions to the unit. The DOI is recommending that all existing Federal navigation channels be excluded from the CBRS (see Volume 1). This recommendation includes the New River Ship Channel. The spoil area on the west bank of the New River north of the Intracoastal Waterway is heavily modified upland and DOI agrees it should not be added to the CBRS. An approximately 2,300-acre area included in the proposed additions to T05 in the 1987 Draft Report has been made into a State Wildlife Refuge as mitigation for spoil areas associated with port expansion projects. This Refuge meets the definitions of an otherwise protected area and is not included in DOI's final delineations of T05.

The DOI has reviewed the 1982 aerial photographs of T05 and determined that none of the existing unit, including the areas adjacent to Freeport Harbor, was developed at that time. In addition, none of the areas proposed for addition to the unit, including Bryan Lake and Stringfellow Ranch, are currently developed. All fully qualify for addition to the CBRS.

DOI Recommendation: The DOI recommends adding the associated aquatic habitat to the existing CBRS unit. The recommended additions do not include the New River Ship Channel, the adjacent spoil areas, or the State Wildlife Refuge. The DOI does not recommend any deletions from the existing unit.

1410



BRAZORIA COUNTY

ANGLETON, TEXAS 77515

May 13, 1987

The Honorable Secretary Donald P. Hodel
Secretary of the Interior
The Department of the Interior
C Street Between Eighteenth and Nineteenth Streets NW
Washington, D.C. 20240

Dear Mr. Secretary:

Brazoria County is in vital need of your help! I feel the citizens of our district are about to suffer a bureaucratic injustice as are the people at large.

As you know the Coastal Barrier Resources Act of 1982 has impacted the Atlantic Seaboard and coastline of the Gulf States and Texas. The U.S. Department of Interior is charged with enforcement of this Act and under Section 10 requires the Secretary of Interior to provide recommendations to Congress for (1) the conservation of the fish, wildlife and other natural resources of the Coastal Barrier Resources System (CBRS) (2) additions to, or deletions from the CBRS and modifications to the boundaries of the units in the CBRS and (3) a summary of comments received from Governors and other government officials.

The Texas Coast comprises 367 miles of barrier islands and delta shorelines. Brazoria County fronts for 29 miles on the Gulf. The Interior Department's efforts to protect our coastline for posterity is quite correct and we in county government concur in and support that effort.

The fact that 31,565 additional acres have been added, by a Washington committee, to the already designated 7,850 acres in CBRS is not our major concern. What does concern us whether elected official, environmentalist, sportsman, business, private, civic, corporate person or ordinary citizen is that we have gone forward these last five years

with our long planned use of a critical portion of the now re-evaluated land area. If you will look at the enclosed map and consider the facts presented, I believe you will see the rightness of our project.

A tremendous amount of coordinated planning, thought, concern, time and money have been expended. All of this, of course, could be sacrificed for the common good of present and future generations without a whimper--if found to be necessary!

As you are aware, Brazoria County has an historical background second to none and indeed its citizens were foremost in the forging of what is known throughout the world today as Texas.

Protection of the health, safety and welfare of the people of Brazoria County is my obligation as County Judge. Preservation and enhancement of the bountiful natural resources that caused our ancestors to settle here is my duty as a citizen. Those of us who inherited this land have had the good fortune to be joined by some of the most talented, intelligent and concerned people from around the world. We do not take our heritage for granted nor our responsibilities lightly.

We assume there must be a logic to Washington's reassessment of the Coastal Barrier System. After 5 years, we expected a review but are overwhelmed by the reality of the proposal of the committee.

Our sincere prayer is that you will use your influence on our behalf so that the Department of Interior will not close its eyes and ears to the facts and merits of our particular situation. I know your time is limited but I feel it is imperative we obtain your concerned assistance.

Sincerely yours,

John W. Damon
Brazoria County Judge

JWD/jp

Enclosure

1122



Port of Freeport

P.O. Box 615
Freeport, Texas 77541
(409) 233-2967 • (713) 757-1488
Telex 989173
Answerback: PT "FREEPORT" TX

UNITED STATES DEPARTMENT OF INTERIOR

COASTAL BARRIER RESOURCES SYSTEM

PUBLIC MEETING

FREEPORT, TEXAS

JUNE 8, 1987

COMMENTS

OF

BRAZOS RIVER HARBOR NAVIGATION DISTRICT

ROBERT M. McADA
CHAIRMAN

TO THE HONORABLE SECRETARY OF INTERIOR:

Brazos River Harbor Navigation District of Brazoria County, Texas (District) is a political subdivision of the State of Texas, created in 1927 under authority of Article XVI, Section 59, of the Constitution of the State of Texas.

The geographical territory of the District includes the Westerly approximately two-thirds of Brazoria County, including all of the coastline of the County. The Natural channel of the Brazos River, the Diversion channel (a man-made improvement) of the Brazos River, as well as the channel of the San Bernard River, all enter the Gulf of Mexico within the District.

By authority of the Texas Constitution and the laws of the State of Texas, the District is charged with development and conservation of "navigation of its inland and coastal waters," with authority to acquire and own land as may be necessary or required for any and all purposes incident to or necessary for development and operation of the navigable waters or ports within the District, or may be necessary or required for or in aid of the development of industries on the land.

The United States Congress has vested the Department of the Army, under the direction of the Secretary of the Army and the

BRAZOS RIVER HARBOR NAVIGATION DISTRICT
L. M. Jones, Chairman • J. C. Brockman, Vice Chairman • Robert W. McAda, Jr., Secretary • B. L. Tanne, Asst. Secretary
Marcus Weems, Commissioner • A. M. Wied, Commissioner • Leland B. Kos, Counsel • A. J. Ransack, Jr., General Manager

supervision of the Chief of Engineers, with jurisdiction over investigation and improvement of rivers, harbors and other waterways (33 U.S.C.A. Sect. 540). The Congress has also required that such improvements be accomplished on a cost-sharing basis between the United States and the local non-federal sponsor of such projects based on a Local Cooperation Agreement (Public Law 99-662, 1968).

The District is the local non-federal sponsor for such projects within its boundaries, which, as noted, include the entire coastline of Brazoria County. The United States, acting through the Department of the Army and the District, are currently engaged in an improvement project at an estimated total cost of approximately \$89 million on a 25% local, 75% Federal cost-sharing basis, for general navigation features of the project, with the District providing land and other amenities of an additional approximate value of \$12 million.

LONG RANGE AREA PLANNING

- In 1928, when silting in the Brazos River harbor became an almost insurmountable problem, local interest formed a plan to divert the River some 6 1/2 miles Southwest of its original bed, thus eliminating the silt problem from the main navigation channel and diverting it through the new channel. The COE implemented this plan but local interest supplied 66 2/3% of the entire cost.

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directly without interceding bays, estuaries, or marsh systems is recognized as erosional headlands rather than a barrier island or peninsula.²

- The Nation's need for a system of deep-water ports has recently been recognized and reaffirmed by the U.S. Congress by the passage in 1986 of Public Law 99-662.³
- The U. S. Government and the Brazos River Harbor Navigation District are jointly financing and constructing improvements to Freeport Harbor at an estimated cost of \$89 million on a 75/25 cost-sharing basis.⁴
- Enthusiastic support by U.S. Fish and Wildlife Service personnel for the development of Freeport Harbor as a major Gulf Port⁵ and the almost total absence of objection to that project from the environmental community in general, grow out of the undisputed fact that deep water port facilities of the quality necessary to support our Nation's economy and defense can be developed at Freeport:
 - (a) with less construction cost;
 - (b) with minimum damage to the environment;
 - (c) with less maintenance cost;
 - (d) with greater benefit/cost ratio.⁶
- The above is true for the very obvious reasons that being located on frontal mainland, the navigation channel connecting Freeport Harbor to the world's oceans:

2. Longley, William L., Barrier Islands, Peninsulas and Deltaic Headlands in the Bay City - Freeport area, p. 3, Document No. 2, attached.

3. Public Law 99-662, 99th Congress of U. S.

4. Local Cooperation Agreement Between Assistant Secretary of the Army (Civil Works) and Brazos River Harbor Navigation District, dated June 26, 1986.

5. Letter, Regional Director, U. S. Fish & Wildlife Service, Albuquerque, N.M., dated October 15, 1986, Document No. 5, attached.

6. Stated by COE in EIS to be 6.5/1.

4

- In 1957 the area Planning Commission formed a master thoroughfare plan to form a highway bypass loop around the Brazosport area. This loop would divert the heavy industrial traffic from the port area around the residential and commercial areas and north to Houston or westerly to north and central Texas. The last link in this plan will be completed later this year.
- In 1961, soon after Hurricane Carla, local planners and the Velasco Drainage District started working with the COE to form a hurricane protection levee around most of the Brazosport area. This plan was completed in 1985 at a cost of some 48 million dollars.
- Our 45 foot channel improvement project approved by Congress in 1970, has now been funded through local/federal cost-sharing. This project will increase the width of the channel from 200' to 400', increase the depth from 36' to 45' and include three turning basins. A contract has been signed for construction of the first phase of the project, and construction will start within a few weeks at a projected cost of 89 million dollars.
- From these examples you can see Brazoria County has a history of planning ahead and working with the Federal Government to carry out plans for the betterment of all. However, the inclusion of a substantial portion of our future development land in CBRS effectively changes the rules of play after the game has started. The local port authority has committed to approximately \$31 million of local fund expenditure to improve our port and find now that our partner, the Federal Government, is acting to strangle the same project the Congress committed to help us accomplish.

FREEPORT HARBOR AREA

- The Brazosport area is unique in being the only section of the Texas coast that is frontal mainland.¹ This coastal area where the continental mainland and the open sea meet

1. Comments and authorities cited in Comments of Brazos River Harbor Navigation District on the Draft Report to Congress on the Coastal Barrier Resources System, Document No. 1, attached.

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- (a) is one of the Nation's shortest channels (3 1/2 miles to open sea);
- (b) does not traverse any bay, estuary or other environmentally sensitive area.
- The national interest and common sense suggest that future growth and development of the Nation's system of deep-water ports should be encouraged to occur where:
 - (a) that growth and development can take place in harmony with the conservation of fish, wildlife, and other natural resources.
 - (b) providing and maintaining these essential facilities can be accomplished at minimal cost to the Federal Government and non-federal local sponsor.
- The channels of the Old Brazos River and the Brazos River Diversion Channel and the areas adjacent to each side of both channels, as well as the area between the two channels, extending from the shoreline inland to the inland conversion point of the two channels, including that portion of the Intracoastal Waterway (IWW) connecting the two channels, are absolutely essential to the optimum development of this area as a major deep-water port of national significance.⁷
- Widening and deepening the IWW South of Freeport is the most logical and economical method of expanding our deep water port facilities in the future. The 45' channel is relatively short and is blocked upstream by U.S. Corps of Engineers' tide gate. For years the Port has had plans to expand its deep water channel west along the IWW. Inasmuch as all navigation-related dredging project contracts are under the control of the Corps of Engineers, any future channel expansion will involve Government participation (COE dredging) and federal/local cost-sharing.⁸
- The Diversion Channel river frontage area West of the Brazos channel and South of Highway 36 has also been in the plan for years to be developed for marine oriented

7. The area referred to is shown on section of map of port area attached hereto as Map No. 1.

8. See sketch attached, Map No. 2, and Document No. 8.

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industry, including crew boat and offshore oil supply facilities. Relocation of the shrimp fleet port to the Diversion Channel should not be foreclosed. Presently, the COE is studying plans to dredge the mouth of the Diversion Channel to give quick access from the river to the open sea.⁹

- The areas proposed to be added to the CBRS that are located adjacent to the Diversion Channel West of the Port, as well as the area adjacent to the IWW South of the Port, are in the very heart of the proposed industrial expansion area and are also lands being promoted for development by Brazos Port Industrial Development Corporation and the Port of Freeport, should be removed. (See Map "A," Nos. 1 and 2)
- With minor exceptions, all of the land in the Freeport Harbor area now requested by local interest to be excluded from the CBRS, is owned by Brazos River Harbor Navigation District, a political subdivision of the State of Texas, charged by State law with the power and responsibility, in cooperation with the United States Government, for the development and maintenance of navigation channels and related facilities within the area that includes all of the land proposed to be added to CBRS.¹⁰
- In excess of 2,300 acres of the land proposed to be added to the CBRS, which is now owned in fee by the Navigation District, are the subject matter of a contract between the Navigation District as owner and U. S. Department of the Interior Fish and Wildlife Service, U. S. Department of Commerce National Marine Fisheries Service, Texas Parks and Wildlife Department, and Texas Nature Conservancy, by the terms of which the Navigation District has agreed to convey the surface of 1,252.228 acres in fee and to grant a perpetual conservation easement on 1,065.34 acres to Texas Parks and Wildlife Department for wildlife conservation areas, with the express understanding that all adjacent land fronting on either the West margin of

9. See Map "A."

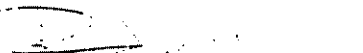
10. See Ownership Map, Brazos River Harbor Navigation District, attached as Map No. 4.

6

Interior). The difficulty of accomplishing such projects should not be further complicated by including these areas in CBRS.

Respectfully submitted,

BRAZOS RIVER HARBOR NAVIGATION DISTRICT


Robert W. McAda, Jr.
Chairman, Board of Navigation and
Canal Commissioners


Leland B. Kee, General Counsel

8

the Brazos River Diversion Channel or the South margin of the IWW could be used by the Navigation District for development for port-related purposes.¹¹

- The attached map of the Brazoria County Coastline and adjacent inland area is keyed to identify the two river channels, the connecting IWW, major developments and "otherwise protected" areas, and the relation of that area to Freeport Harbor as a necessary Harbor support area.¹²

CONCLUSION

Including within the CBRS land owned and held by the District for future development of the Port and support of its infrastructure, will severely restrict the District in the accomplishment of its purpose for existence.

The strip of land area extending back 2,500 feet from the West margin of the Brazos River Diversion Channel and all land area on either side of the IWW between the Diversion Channel and the Main Channel of the Old Brazos River comprise vital parts of the Port complex. The District has reasonable expectations that those areas will be used to support the Port and its infrastructure.

Improvement of general navigation features of any project undertaken in the future within this area will be, under present law, a cost-sharing undertaking between the United States and the District based on a Local Cooperation Agreement after compliance with all presently existing safeguards and after prior approval of scores of State and Federal agencies (including the Department of

11. Document No. 11, attached.

12. Map No. 7 and Map Key, attached.

7

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BRAZOSPORT

June 14, 1987

Mr. Allan Fitzsimmons
Coastal Barriers Study Group
National Park Service
U. S. Department of the Interior
P. O. Box 37127
Washington, D.C. 20013-7127

Dear Mr. Fitzsimmons:

We certainly appreciated the opportunity to present our views on the CBRS to you at the meeting on June 8.

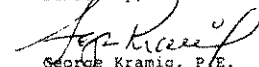
During the tour, Mr. Reinhardt and I discussed the Barrier Island formations vs. the Delta formations quite extensively. He and Dr. Longley of the University of Texas certainly had different concepts. The one point that Mr. Reinhardt stressed that it really didn't matter whether it was Barrier or Delta, as either would form the same protection level for the mainland, either would erode and inlets would be cut further into the mainland. A copy of Dr. Longley's report will be included in our comments to you later this month.

I want to stress that the 930 acre tract, South of the Port and adjacent to the ICC is backed by a 21 foot protection levee along its entire length. The levee was constructed by the COE and designed to protect the Brazosport Area from 15' tides (100 year frequency storm). This levee would also further protect any erosion or inlets from progressing inland. The 930 acres would be developed industrially and industry would be responsible for its own protection by driving piling for erosion protection and levees for water protection. It seems to me that this would be far the best use of this property as industry would solve the erosion problem.

Local environmentalists have examined the Bryan Lake that is located on the property and found that its value as an environmental habitat is questionable because of its location so close to the Gulf Intracoastal Canal.

Thank you for your consideration.

Sincerely,


George Kramig, P.E.
Chairman, CBRS Task Force

1532



John Willy
State Representative - District 28

Committees:
County Affairs
Subcommittee on Budget
& Oversight
Cultural & Historical

June 17, 1987

Mr. Donald P. Hodel
Secretary of the Interior
Department of the Interior
C Street between 18th & 19th, N.W.
Washington, D. C. 20240

Dear Sir:

The Department of the Interior recently released for public review and comment the "DRAFT REPORT TO CONGRESS ON THE COASTAL BARRIER RESOURCES SYSTEM AS REQUIRED BY SECTION 10 OF P.L. 97-348: THE COASTAL BARRIER RESOURCES ACT OF 1982". The Department included draft maps showing proposed additions and deletions to the system and had extended the comment period to September 30, 1985.

We, in Brazoria County, are shocked and amazed at the proposed inclusion of additional lands in Brazoria County within the system. As you will recall, the system was originally referred to as The Coastal Barrier Island Resources Act of 1982. Brazoria County is predominantly a mainland coastal area fronting on the Gulf of Mexico. The inclusion of the mainland portion of the State of Texas, as well as that of many other areas in the United States, was brought into the system by virtue of the rule changes and name changes made by the Department.

In 1982, when the Act went into effect, over 180,000 acres on the Texas coast were taken out of production by virtue of the inclusion into the system. Now, in 1987, the proposal is to increase that number up to 426,000 acres. It amazes me, and the people of Brazoria County, why the government insists on protecting us from ourselves, at our expense, by broadening it's definition and stretching the intent of the Act in order to take more of Brazoria County and the Texas gulf coast out of a productive posture. Brazoria County already has adequate protection of it's ecological areas through our own self-help efforts and working with the Texas Parks and Wildlife Department and the U. S. Department of the Interior, Fish and Wildlife Services, as well as the U. S. Department of Commerce, National Marine Fisheries Service and the Texas Nature Conservancy. Our county has taken the initiative of controlling our coastline and protecting the environment of wildlife in this area. We do not want, or need, the federal government determining the destiny of this area for purposes which are not altogether clear.

I have noted that other areas of the gulf coast, with perhaps more political pull than Brazoria County, has been excluded from the system, although the areas noted are truly barrier island areas.

Mr. Donald P. Hodel
Page Two
June 17, 1987

I would hope that since the Texas economy is such that we need help instead of hindrance in our effort to get back on our feet economically, that you would use whatever influence you would have to cause the Department of the Interior to reconsider the inclusion of additional lands in Brazoria County under this act. I have asked Governor Clements and the coastal representatives and congressmen to contact you in this regard in hopes that you will understand the pleas from the people of the State of Texas to reconsider the proposal as it now stands.

The people of Brazoria County are willing to take whatever steps are necessary to achieve the goals that you are trying to achieve under the Act, but I think that you will agree that Texas and local government can best be served by handling it's own problems and not depending upon federal government and people who have never lived in this area, or further, do not understand the gulf coast area, to make our decisions.

Thank you very much for your consideration in this matter.

Sincerely,

John Willy
John Willy
State Representative
JW/wlv

1199



The Texas Senate

J.E. "BUSTER" BROWN
State Senator
District 17
2303 SOUTHWEST FREEWAY
SUITE 110
HOUSTON, TEXAS 77074-1401
713/776-1414
P.O. BOX 288
LAKE JACKSON, TEXAS 77556-0288
409/797-6361
P.O. BOX 12088
AUSTIN, TEXAS 78711-2088
512/476-5881

June 16, 1987

COMMITTEES
VICE CHAIRMAN
JURISPRUDENCE
SUBCOMMITTEE ON WATER
MEMBER
INTERGOVERNMENTAL RELATIONS
NATURAL RESOURCES

The Honorable Donald P. Hodel
Secretary of the Interior
Department of the Interior
C Street Between 18th & 19th Streets, N.W.
Washington, D. C. 20240

Dear Mr. Secretary:

The Coastal Barrier Resources Act of 1982 has impacted not only the Atlantic seaboard, but also the coastline of the Gulf states, and particularly Texas. Of that coastline, Texas comprises 367 miles of barrier islands and delta shorelines.

It is my sincere hope that the Department of the Interior will take into account the long range goals of Brazoria County regarding this Act. The county has a history of planning ahead and working with the federal government to implement plans for coastal projects. Please do not overlook the facts and merits of Brazoria County's particular situation.

Both the residents of Brazoria County and myself appreciate your efforts in obtaining a mutually satisfiable solution. Your consideration in obtaining this solution will be very much appreciated by all those affected. Please feel free to contact me should you need any further information.

Sincerely,

Buster Brown

JEB:ss

District 17 is comprised of parts of Brazoria, Fort Bend and Harris Counties

1557

TOM DELAY
310 DISTRICT 14
ASSISTANT REGIONAL WMP
COMMITTEE ON
APPROPRIATIONS
TRANSPORTATION
MILITARY CONSTRUCTION

1988 LONGWORTH-HILLIARY FEDERAL
WASHINGTON, DC 20515
202-225-1111
800-541-7474
1988 NORTH CHAMBERS STREET SUITE 112
HOUSTON, TEXAS
713-776-1414

Congress of the United States
House of Representatives

Washington, DC 20515

June 17, 1987

The Honorable Donald P. Hodel
Secretary of the Interior
Room 6151
18th and C Streets, N.W.
Washington, D.C. 20240

Dear Don:

I request your support in removing specific inclusions from the Coastal Barrier Resource System proposals. The lands in question are located in my district in Brazoria County, Texas.

As we discussed in our meeting last month, I feel that specific lands in Brazoria County were erroneously included in new Coastal Barrier proposals. The inclusions to the T05 area, in my opinion, lack the necessary characteristics of coastal barrier land. My constituents and the Brazosport Authority have submitted supporting evidence regarding this claim and I feel confident that you are familiar with their statements. Additionally, a 1500-acre parcel of land located approximately five miles inward was included in the proposals although it is not a wetlands area. I believe that this area should be removed as well.

The Corps of Engineers is now beginning the dredging of Freeport Harbor, a \$103 million project. Freeport Harbor, located on the only frontal mainland in Texas, is the ideal spot to develop a harbor of national significance with minimal environmental damage. It seems ludicrous to invest in this harbor and then turn around and restrict its maximum potential. The areas along the Brazos River Diversion Channel and the Intercoastal Waterway are essential to this development.

Brazoria County has an excellent record of consistently encouraging wildlife conservation while simultaneously supporting vital development. Only in Brazoria County can one find one of the largest petrochemical complexes in the nation coexisting harmoniously with one of the largest bird sanctuaries. Over 42,000 acres have been dedicated to wildlife conservation. With such excellent local management, Brazoria County neither needs nor desires additional federal oversight.


From an economic point of view, inclusion of the lands in question would result in a severe tax loss to Brazoria County. These taxes are vital to the continuation of a quality education program for our children.

The Honorable Donald P. Model
Page 2
June 17, 1987

I appreciate the attention you have given to this matter. Numerous constituents have submitted letters, petitions, and factual data to you during the public comment period. Please give our requests careful consideration as you reevaluate the proposals for inclusion in the Coastal Barrier Resource System.

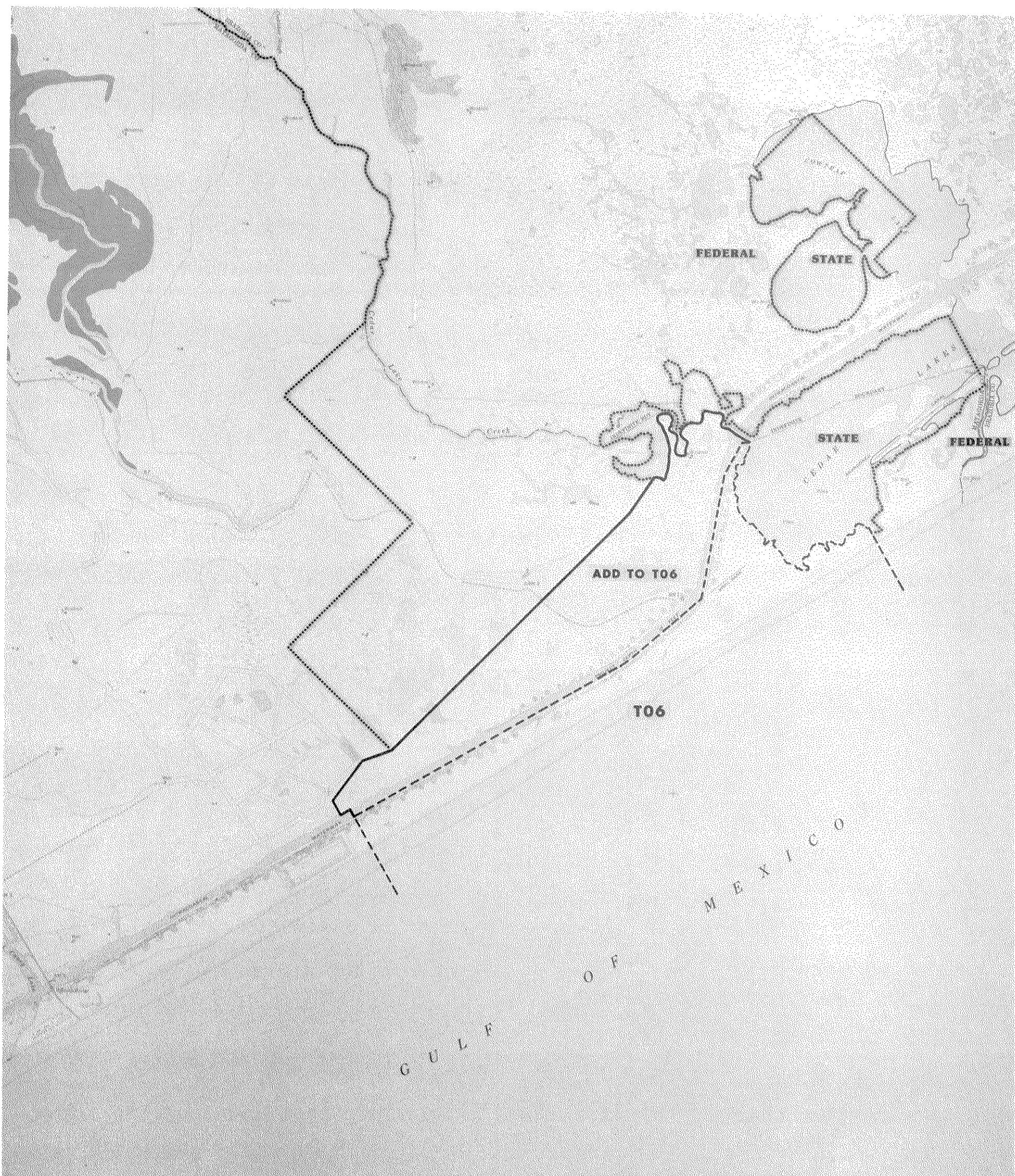
I anxiously await your decision.

Sincerely,



Tom DeLay
Member of Congress

TD:src



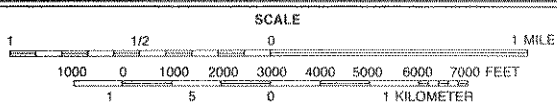
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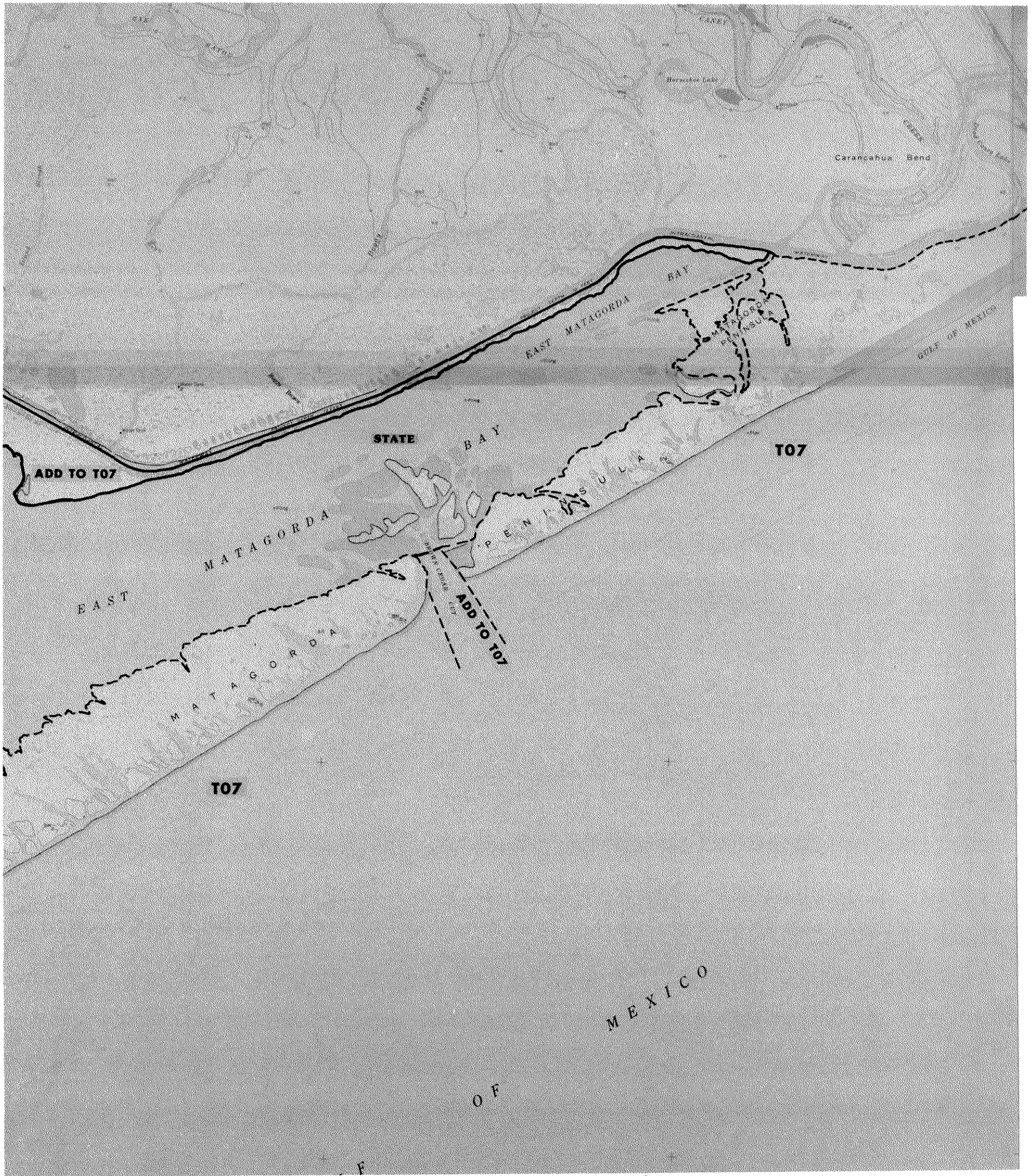
QUADRANGLE
CEDAR LAKES WEST
TEXAS



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



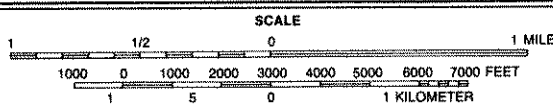
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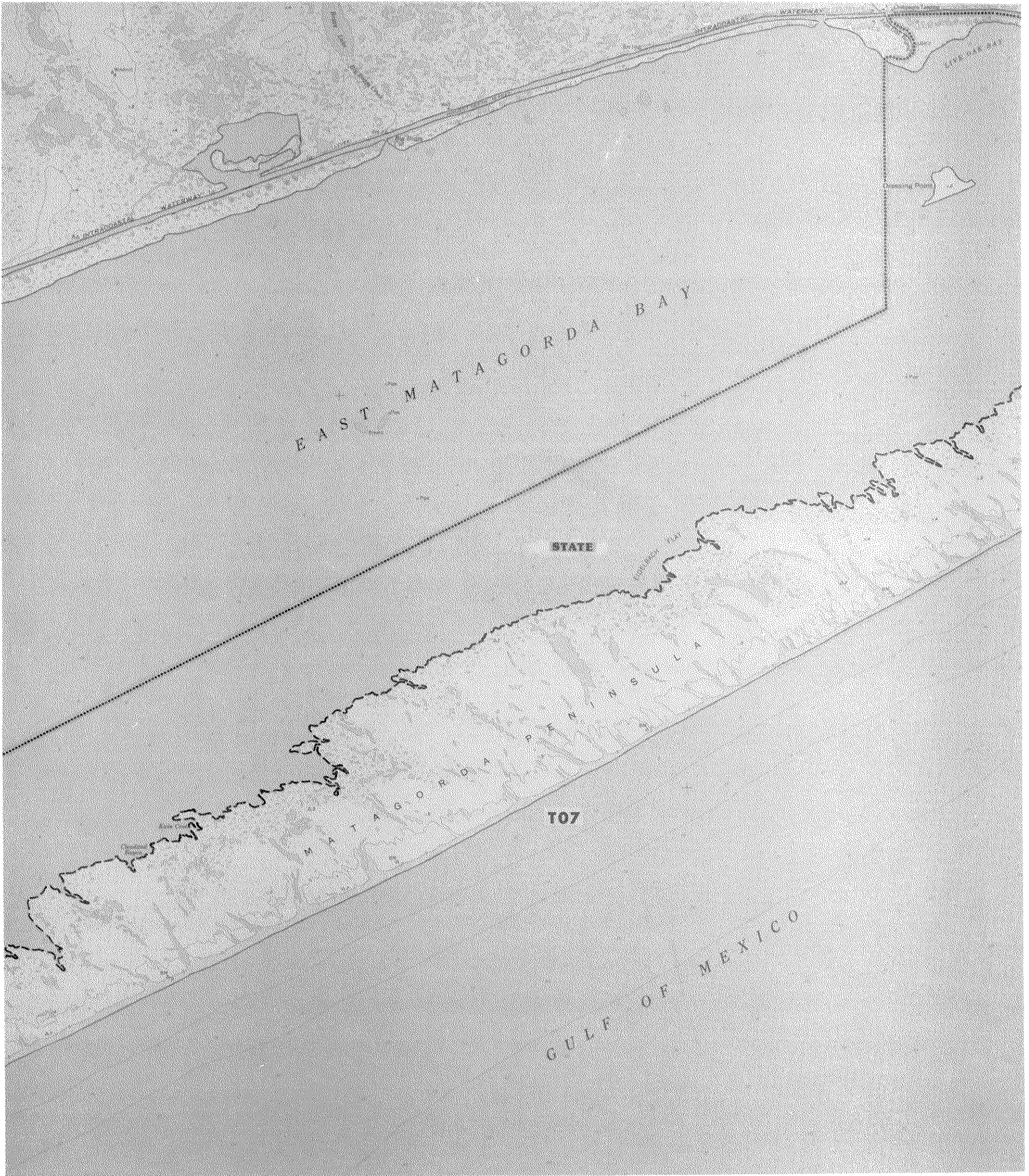
QUADRANGLE
BROWN CEDAR CUT
TEXAS



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



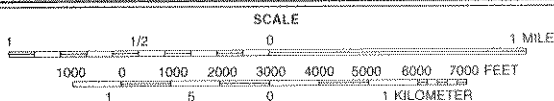
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Washington, D.C. 20240

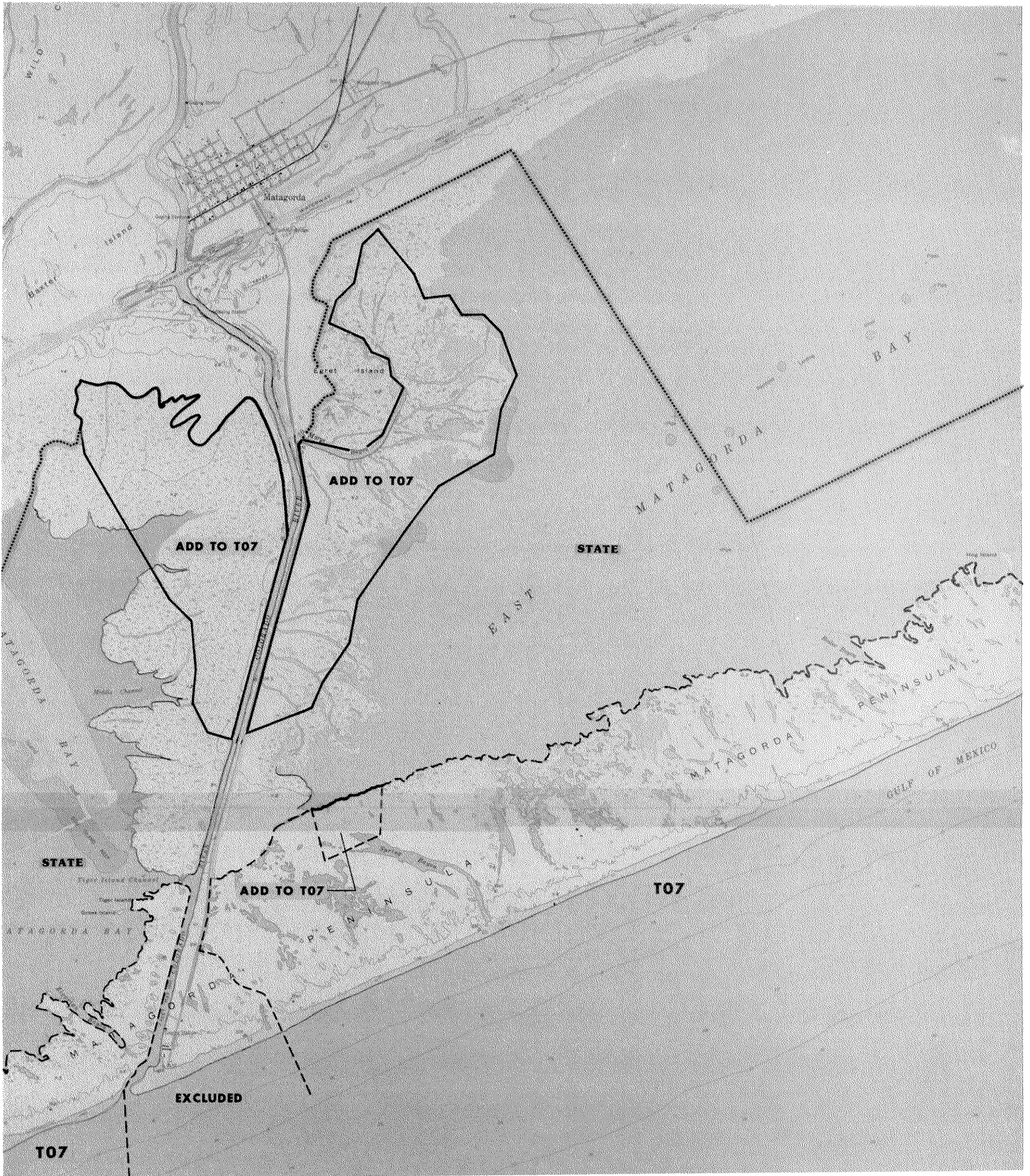
QUADRANGLE
DRESSING POINT
TEXAS



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



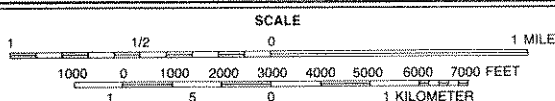
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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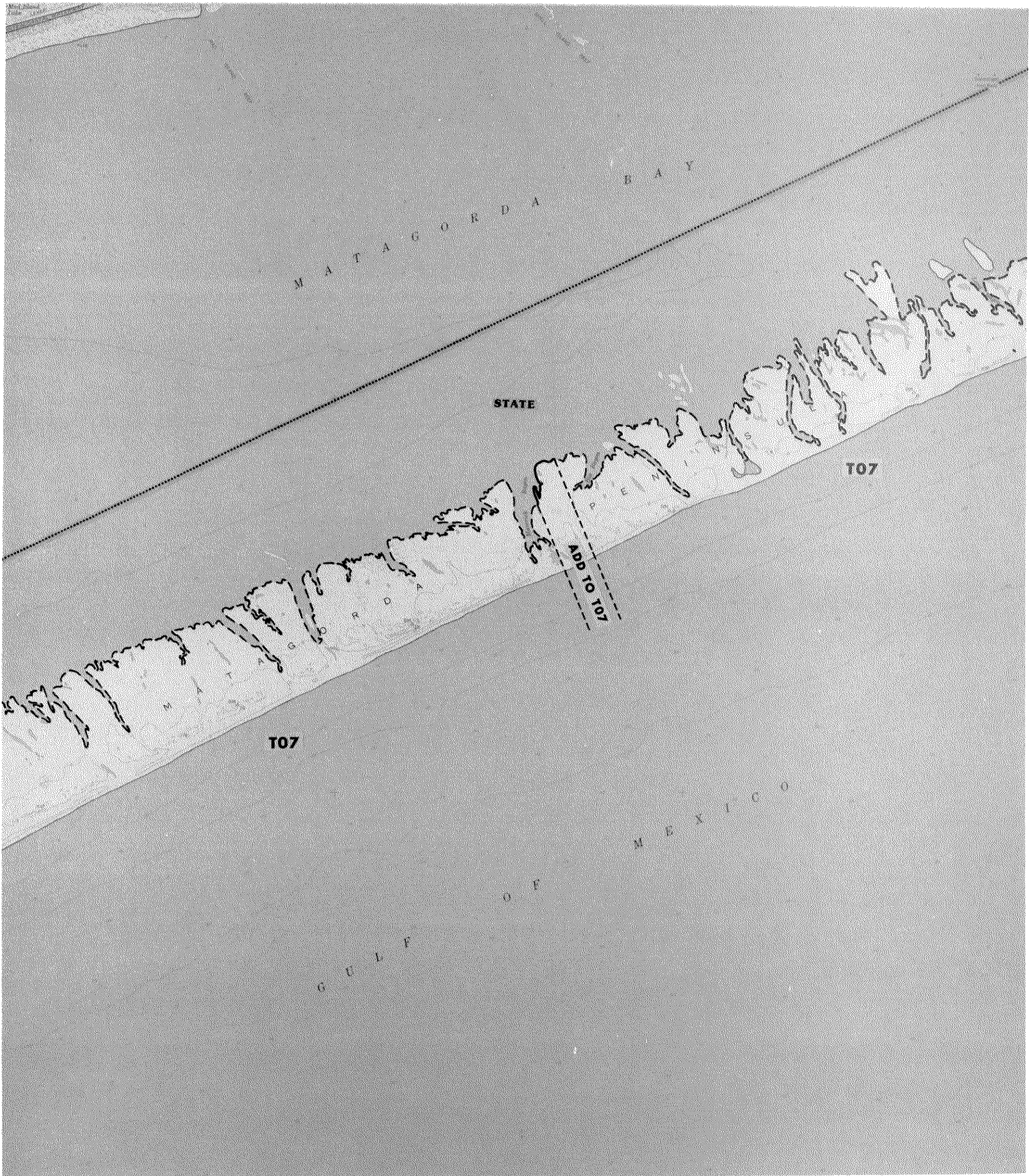
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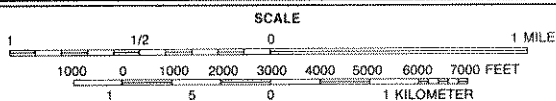
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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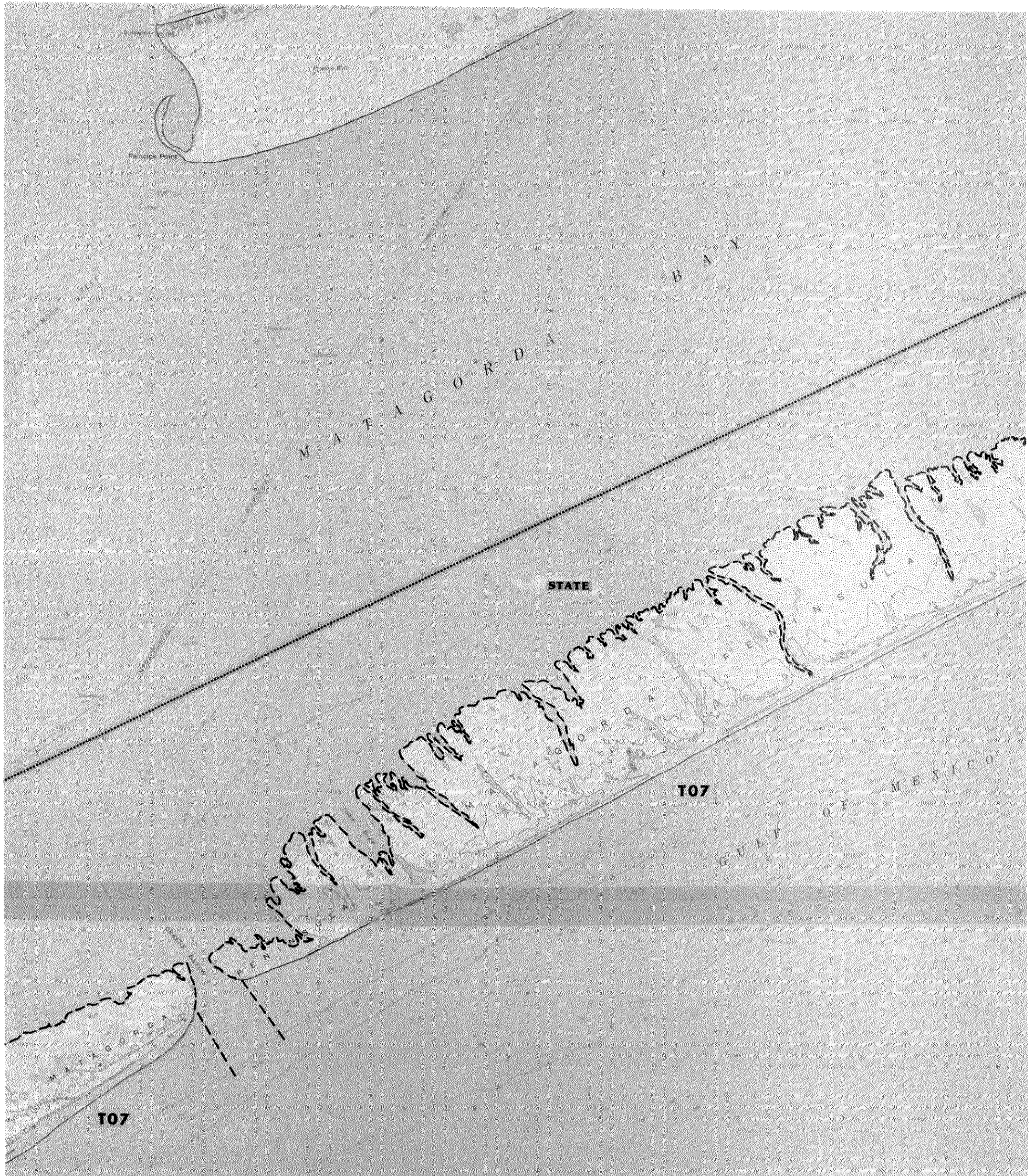
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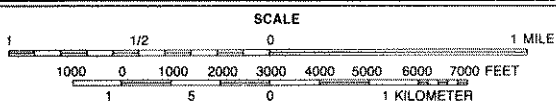
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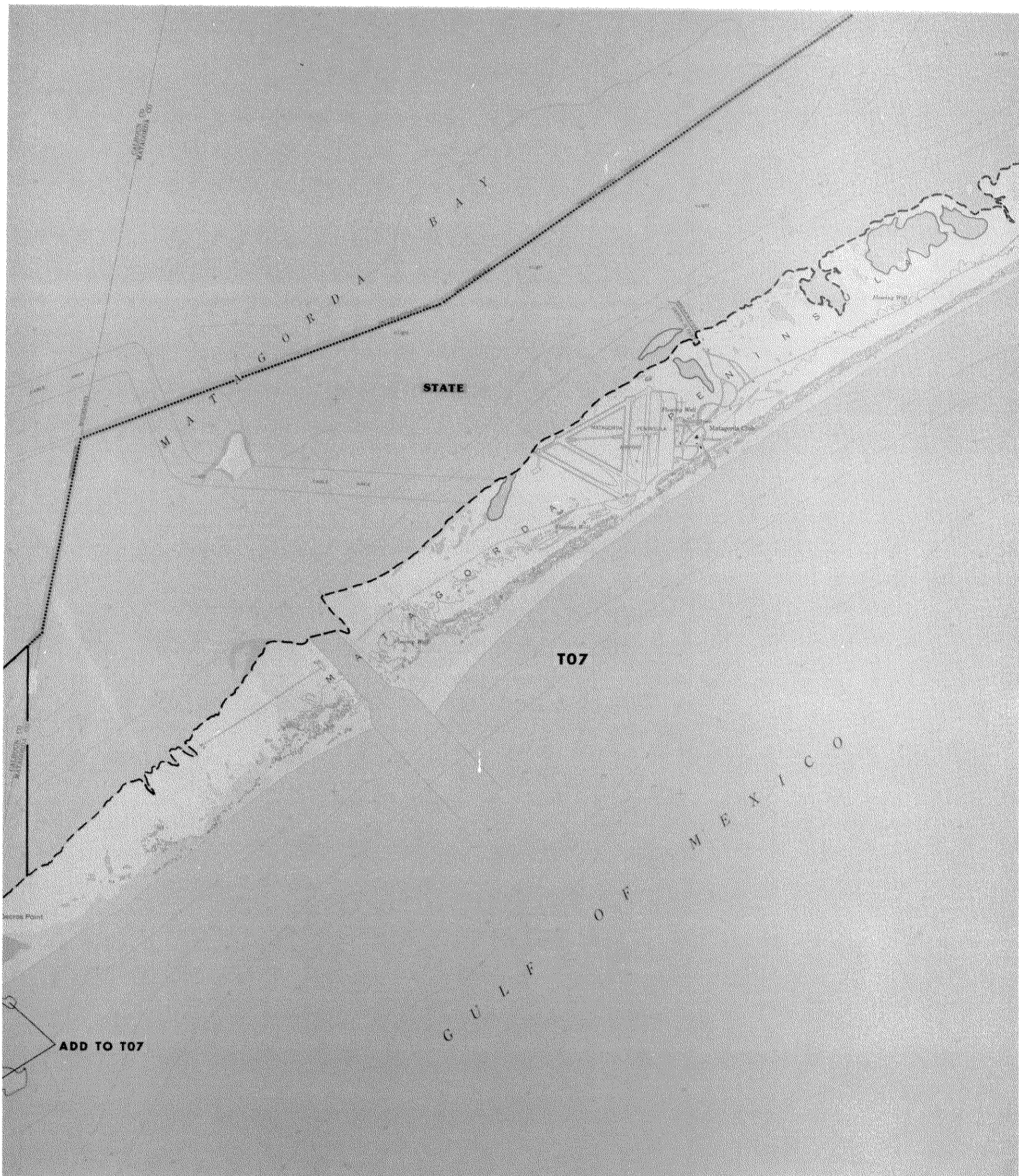
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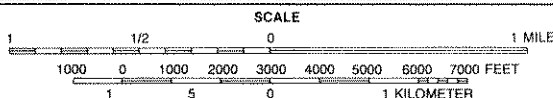
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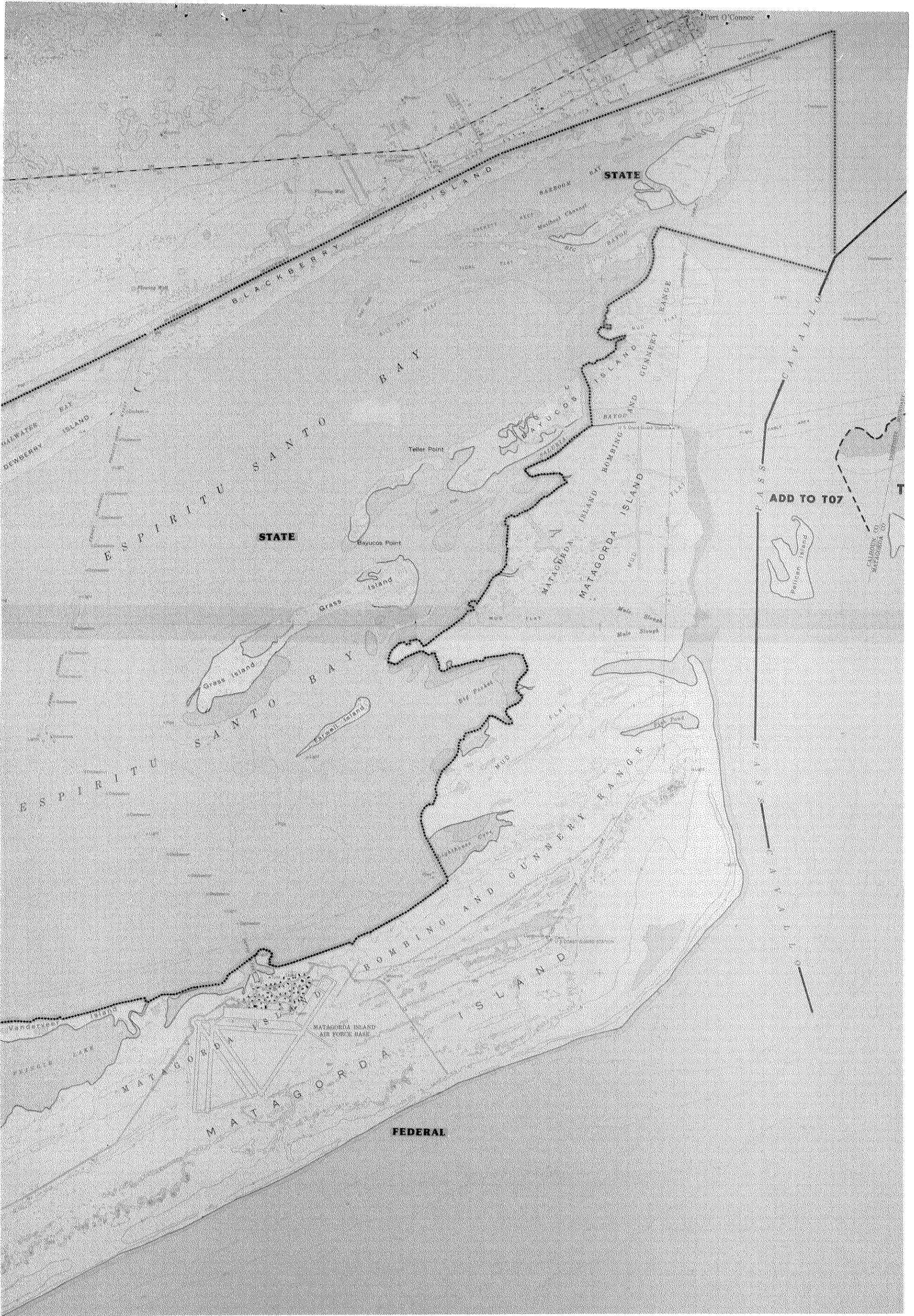
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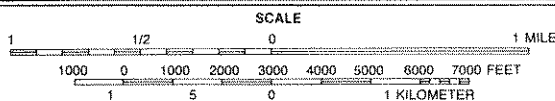
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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Washington, D.C. 20240

QUADRANGLE
PORT O'CONNOR
TEXAS



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

T07 - MATAGORDA PENINSULA

State Position: The State of Texas opposes all additions to the CBRS.

Other Comments: Twenty-six letters and 144 petition signatures opposing additions to T07 were received. Almost all of these responses were based on a misinterpretation of the 1987 Draft Report maps. These commenters erroneously thought the DOI was proposing the addition of the Colorado River and adjacent upland developed areas to the CBRS, and all strenuously opposed these additions. Some commenters also requested the deletion of other developed areas from the proposed additions. Three commenters requested that the Matagorda Ship Channel and Jetties be deleted from the existing CBRS unit. Representative comment letters are reprinted below.

Response: Neither the Colorado River nor the upland adjacent to it qualify for addition

to the CBRS. These areas were not included in the draft delineations of T07 in 1987 and are not included now. A portion of the proposed additions of associated aquatic habitat near Carancahua Bend were found to be upland and are not included in DOI's final delineations of T07. All of the proposed additions are undeveloped according to DOI criteria.

The DOI is recommending that all existing Federal navigation channels be excluded from the CBRS by reference (see Volume 1). This recommendation includes the Matagorda Ship Channel.

DOI Recommendation: The DOI recommends adding the associated aquatic habitat to the existing CBRS unit. These proposed additions do not include the Colorado River or the adjacent upland developed areas.

1112

County Court
of
Matagorda County, Texas



BURT O'CONNELL
JUDGE

June 18, 1987

JUDGE'S CHAMBERS
MATAGORDA COUNTY COURT HOUSE
BAY CITY, TEXAS 77414

Coastal Barriers Study Group
Department of Interior
National Parks Service
P. O. Box 37127
Washington, D.C. 20013-7127

Gentlemen:

On behalf of the Commissioners' Court of Matagorda County, formal opposition to the additions to the Coastal Barriers Resources System now being proposed by the DOI for Texas, is offered through this document and the enclosed Resolution. These actions are seen as capricious and arbitrary moves by the federal government to deny the citizens of this state, and their heirs, the right to use and enjoy the benefits of their lands.

This opposition is based on the following facts:

- * The very process by which the CBRS additions were studied and proposed lacks the candor and openness a democratic society demands. Little notification of these pending reforms and their potential impacts was given the public; and, therefore, there was little chance for the impacted citizens to analyze, act or react to these broad-ranging changes.
- * Agriculture and energy extractions have historically been the two major industries in the state. With the crippling of these giants came an acute awareness that Texas must diversify or continue to suffer economically for many, many years. One emerging industry is recreation/tourism, of which the coastal communities clearly stand to benefit the most. If the CBRS additions for Matagorda County are approved by Congress, this county will have been denied the right to participate in this growth and diversification.
- * The primary objective of the CBRS appears not to protect human life or conserve our natural resources as stated in the "Report to Congress" but to reduce wasteful federal expenditures resulting from the federal flood insurance program. While this is a commendable goal, it lacks equitable treatment under the law. It is respectfully suggested that other less onerous and restrictive measures should be considered and brought to bear on this task.

As to conservation of our resources, there appear to be more than adequate safeguards in our local, state and federal laws. Better monitoring and enforcement at all levels of government may better serve this goal. As to human safety, it is believed this is best left to local and state interest.

In comparison, no one questions the need to insure a dependable supply of energy for our county. For this reason, no all encompassing federal initiatives have been proposed which would curtail the development of energy reserves or their distribution and storage (ie. salt dome storage, pipeline easement and offshore leasing programs - all of which depend to some extent on federal funds and often operate in the very coastal lands the CBRS has earmarked). Yet, the CBRS and its proposed additions severely limit the possibility of other viable mechanisms for economic diversification and growth which is essential to the health and wellbeing of our Texas Gulf region.

A suggested alternative to deal with the substantial amounts of money needed to restore developed areas after a disaster may be to reasonably raise federal flood insurance rates in all barrier lands (not just CBRS lands), additional revenues to create an interest-bearing coastal emergency fund (similar to the oil spill contingency fund). While it is true the federal flood insurance program sets artificially low coverage rates through federal subsidization, it must be remembered that over 70% of the nation's population resides along the coastal rim of the country, not in its heartland (35% of Texas' population is in the coastal zone). Therefore, it is clearly not a case of the country's majority subsidizing a privileged minority inhabiting our hinterlands.

- * The CBRS Act, although it does not prohibit federally funded activities covering (1) oil and gas exploration (2) military operations (3) conservation, or (4) research, it does not specifically allow special case expenditures such as exist in Matagorda County. These include Corps of Engineers sponsored protection of the Gulf Intracoastal Waterway, which is essential for the wellbeing of the county, state, region and nation. If erosion control measures are not enacted in the near future at Sargent Beach (which is in the CBRS lands), the intracoastal Waterway will be intruded upon by the Gulf of Mexico and \$40,000,000,000 a year in maritime commerce will be interrupted.

Additionally, the halted development and assessment of privately donated dredge disposal sites and disposal methodology by the U. S. Corps of Engineers in the Sargent area would cause the reinstatement of the environmentally undesirable practice of open water disposal in the sensitive East Matagorda Bay complex.

Sincerely,

Burt O'Connell
Burt O'Connell
County Judge

BO:ps

cc: Congressman Mac Sweeney
Senator Lloyd Bentsen
Senator Phil Gramm

THE STATE OF TEXAS | A RESOLUTION IN OPPOSITION TO THE
| COASTAL BARRIER RESOURCE SYSTEM
COUNTY OF MATAGORDA | RESOURCES ACT OF 1982, PUBLIC LAW
97 - 348.

ON THIS the 15th day of June, 1987, the Commissioners' Court of Matagorda County, Texas, met in Special Session, and among other proceedings, the following Resolution was passed by unanimous vote of said Court, to-wit:

WHEREAS, the Commissioners' Court of Matagorda County does hereby oppose the expansion of the Coastal Barrier Resource System, which would include additional parcels of the coastal area of Matagorda County; and


WHEREAS, the Commissioners' Court of Matagorda County is of the opinion that this expansion would have a detrimental impact on the present and future development of Matagorda County;

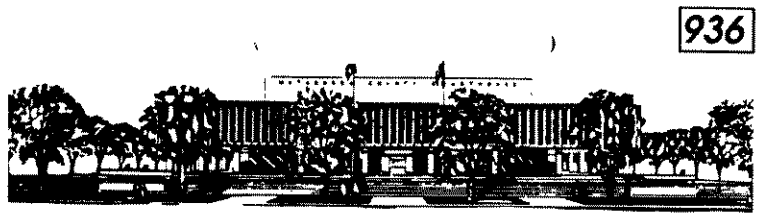
NOW, THEREFORE, BE IT RESOLVED: That the Commissioners' Court of Matagorda County does hereby go on record in opposition to the expansion of the Coastal Barrier Resource System Resources Act of 1982, Public Law 97 - 348, for the reasons stated hereinabove.

SIGNED this 15th day of June, 1987.


BURT O'CONNELL, County Judge
Matagorda County, Texas

ATTEST:


SARAH VAUGHN, County Clerk
Matagorda County, Texas



BURT O'CONNELL COUNTY JUDGE	OTHA W. BARKNER COMMISSIONER, PRECINCT NO. 1	GEORGE DESHOTELS COMMISSIONER, PRECINCT NO. 2	F. P. "SONNY" BENTLEY COMMISSIONER, PRECINCT NO. 3	E. H. VACEK, JR. COMMISSIONER, PRECINCT NO. 4	SARAH VAUGHN COUNTY CLERK	JOHN DICKERSON III COUNTY ATTORNEY	SUZANNE S. KUCERA COUNTY TREASURER	THOMAS STUBBLEFIELD COUNTY AUDITOR	W. B. WIGINTON TAX COLLECTOR	SAMUEL L. HURTA ASSISTANT	PAUL HATCHETT DEPUTY CLERK	JAMES ROTHEN COUNTY ALFORD	JOYCE RICHMOND BUSINESS OFFICIAL
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Matagorda County

BAY CITY, TEXAS 77414
June 17, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
Washington, D. C. 20013-7127

Re: Coastal Barrier Resources

Dear Sirs:

I would like to take this opportunity to oppose the Coastal Barrier Resource Act of 1982, that is putting restrictions on private land.

To my knowledge and according to the landowners of some of this property they knew nothing of this act. I understand that residents of Palacios, Texas, bought land and knew nothing of this act that was passed in 1982. This seems to me that this act is unfair and unjust to owners of this land.

First, they are being discriminated against by not being able to purchase insurance or help in development of this land as their neighbors just a short distance away were permitted to do.

Second, we here in Matagorda County are in an economically depressed condition as our agriculture and mineral values have diminished considerably. We want to "look down the road" and leave this county as good or better than we found it.

I was born and raised in Matagorda County and as one of its residents would like to keep it as viable as possible for future generations. I feel we have enough restrictions placed on us without adding more that are not necessary.

1350

CITY OF PALACIOS

POST OFFICE BOX 845 TELEPHONE 512/972-3605
PALACIOS, TEXAS 77465

June 24, 1987

Coastal Barriers Study Group
Department of the Interior
National Parks Service
P.O. Box 37127
Washington, D.C. 20013-7127

Gentlemen:

I attended the town meeting in Palacios, Texas on June 12, 1987, which was chaired by Congressman Mac Sweeney. After listening to all the dignitaries, the property owners, and concerned citizens, I found that I was not the only one uninformed about the additions to the Coastal Barriers Resources System.

I met with our City Council and we are in agreement that these additions should be opposed and encourage everyone affected, directly or indirectly, to join us in our opposition.

The Honorable Bert O'Connell, County Judge of Matagorda County, wrote an excellent letter of opposition to the expansion of the Coastal Barriers Resources System and the County Commissioners passed a resolution opposing it.

I support these feelings and I hope that, just because this section of the Texas Coast has not been developed, we can still be free with certain laws to govern development of these lands, such as FEMA.

Sincerely,


Leonard Lamar
Mayor

Enclosure

Page 2

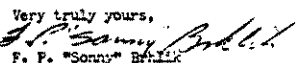
June 17, 1987
The Coastal Barriers Study Group
Department of the Interior

We are one of the few, if not the only, last frontier on the Texas Gulf Coast. There are several thousand acres being taken off the tax rolls in this precinct alone. The landowner is swapping land here for land in west Texas with the Parks & Wildlife Department.

We have in the past and will in the future work with agencies to better our state and county, but we feel this acquisition would be detrimental to our area now and in the future.

I would like to ask you not to include the area in Matagorda County in the Coastal Barrier Resources Act for these reasons.

Thank you for your consideration of this request. I am looking forward to working with you in the future.

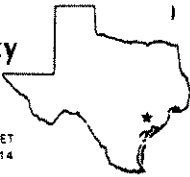
Very truly yours,

F. P. "Sonny" Bentley
Commissioner Precinct #3

cc: Senator Lloyd Bentsen
Senator Phil Gramm
Representative Mac Sweeney
Speaker Jim Wright

Port of Bay City Authority
of Matagorda County, Texas

PHONE 409-245-5831
POST OFFICE BOX 1426

1305 SEVENTH STREET
BAY CITY, TEXAS 77414



BOARD OF COMMISSIONERS
BILLY W. DENN, CHAIRMAN
RONNIE MARCH, JOE CHARMAN
JAMES STARKS, SECRETARY
J. POWELL
STEVE PARSONS
TAYLOR STEVES

ATTORNEY
BERT C. GUERBER

June 11, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P. O. Box 37127
Washington, D.C. 20013-7127

Re: Proposed additions to the
Coastal Barriers Resources
System - Matagorda County,
Texas.

Gentlemen:

The Port of Bay City Authority, by unanimous vote of its Commissioners, joins with the State of Texas, the County of Matagorda and others in strongly opposing the proposed additions to the Coastal Barriers Resources System ("CBRS") in Matagorda County, Texas as suggested in Volume 19 of your Report To Congress dated February, 1987.

There are obviously many reasons why the CBRS should not be expanded that have and will be raised by others; however, this letter will deal in summary form only with the paramount reasons peculiar to the undersigned, which are as follows:

1.

The presently existing CBRS encompasses virtually the entire beachfront and barrier island portion of Matagorda County, thereby effectively preventing any development of this County's greatest asset no matter how necessary, desirable or ecologically sound such development may be.

As a result of the existing CBRS, our tax base has not only been diminished and is continuing to be diminished, but we have been deprived of any hope of meaningful financial benefit of this asset in the future. Accordingly it may properly be said that Matagorda County has already withstood more than its share of the burden of meeting the goals of the CBRS.

To add to that burden by extending the CBRS to thousands of acres miles behind the barrier islands (in some instances even

The Coastal Barriers Study
Group

-2-

June 11, 1987

north of the Gulf Intracoastal Waterway) and further encumbering the County with unnecessary federal regulation is confiscatory and would work a particular hardship on our County.

2.

Public projects which are urgently needed and are unquestionably for the public good are presently delayed for years by the presently existing layer upon layer of federal, state and local rules and regulations. Most of which are properly designed to give every level of government and every group, no matter how diverse or even misguided they may be, ample opportunity to intervene in the process to protect whatever interest should be protected. In short, the layer upon layer of governmental and agency rules and regulations adequately protect all interests and allow for an in-depth study on a case-by-case method of any project.

To add the "broad-brush" prohibitive provisions of the CBRS is not only unnecessary but will prohibit the exercise of the judgment and authority of the existing governmental bodies to meet their responsibilities and the needs of the public on a case-by-case method.

3.

The Mouth of the Colorado River Project as authorized by Congress includes, among other things, jetties at the mouth of the Colorado River, the diversion of the Colorado River, a small boat harbor, and navigational and recreational features. Construction of some of these features has been completed and others are to commence shortly. The navigational and recreational features of this project were designed to enhance the future of not only Matagorda County but the entire surrounding area. Millions of dollars of both federal and local funds have gone into this project to make this a reality. We assume that the extension of the CBRS will in no way affect that which Congress has already authorized; however, the anticipated future benefits will to a large extent be non-existent with the imposition of the additional areas proposed to be added to the CBRS in Matagorda County. Surely a waste of millions and the prevention of future benefits is not reasonable and is surely contrary to the intent of our representatives in Congress.

For these reasons and others we urgently request that Matagorda County be exempted from any addition to the CBRS.

Respectfully submitted,

Port of Bay City Authority

By:

Billy W. Denn
Chairman

cc: Sen. Lloyd Bentsen
Sen. Phil Gramm
Cong. Mac Sweeney

2409 7th Street
BAY CITY,
TEXAS 77414
409/245-4899

MLS



Real Estate
Carol Allen
Broker-Owner

P. O. BOX 5
S. HWY. 60 - FISHER ST.
MATAGORDA, TEXAS 77457
409/843-7888



April 8, 1987

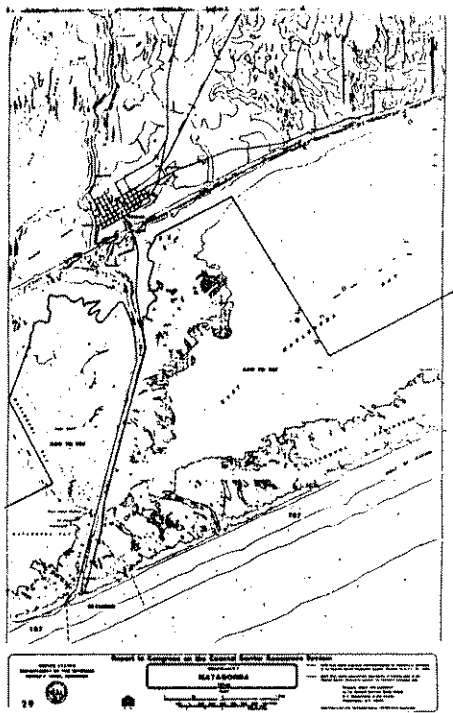
To: The Coastal Barriers Study Group
Department of the Interior
National Park Service
Washington, D.C. 20013-7127

Dear Sirs:

I am a Realtor in Matagorda County, Texas, and reside in the town of Matagorda. My office is 20 miles away in Bay City. For the past seven years, I have sold land in Matagorda on the river and beach. There has never been such a struggle as has been in the last two years to sell this property. Because of governmental regulations, environmental protection laws, flood zoning and various other factors, it has become practically impossible to sell the land you are showing as a proposed coastal barrier.

My lively-hood depends upon the sales on the river and the beach. These are homes that are ranging in a price of \$50,000 to \$150,000. We are not in an area where an agent can sell a home for \$300,000 to \$500,000. That is an agent's dream. We are not in a get rich quick area where we sell one house a week. Selling one house a month is still a reality and almost a dream. Placing this land into a Coastal Barrier will limit these sales even more. That the land sells, in itself, is a factor that shows that the land is desirable. We could sell more land, if the laws were not so strict in the limitation and requirements. The request for the land is there. It is the regulations that hurt. Granted you have some land that should not be included, but not 3 miles either side of the river nor on the river, itself.

Why was the Dunes area and Sterling Shores excluded from this map and why was the land above St. Mary's Bayou excluded? This land is no more different than some of the land you have excluded.



(2)

I am enclosing a Texas Coastal Shorelines program that the County area has put together. This should show you the interest in saving and developing our beaches and the potential that the people here feel Matagorda Beach and the river has. We need this land for survival.

I am greatly opposed to the Department of Interior or any other Government Agency naming the above area into the Coastal Barrier Area. This map and my feelings extend to the other non-developed areas that are not now in used for a Wildlife Area as declared by the State.

(3)

This area is undeveloped now because of the rules and regulations of the State and United States Government. This area has so much to offer. Yes...we do need wildlife areas and environmental protection, but...what about the needs of the people who live here. Are we to continue to make the most valuable land a no use area. Shall the town die? Already we cannot sell the land because of certain grasses. How much more must the people give up? Enclosed is a quality program that Bay City in Matagorda County is sponsoring along with numerous groups. This workshop should tell you what the people want and need...The people must be able to do some developing. We need to survive, also. We are looking to this coastal area and waterway for this economic revitalization. This workshop, I hope will tell us how to overcome these governmental regulations, so that this county can get on a road back to economic stability. This is what is needed to help us overcome the regulations that have been put upon us.

This area could be developed and the landowner's are now fighting the State in a certain area because later they want development of their land. At this time there are few landowner's and they are leaving this land to their children or they are waiting for the time it can be developed.

To declare this area a coastal barrier will kill the existing town. We are having this workshop to find out how we can develop this area. We want to develop this area.

This area has great potential for a tourist area. With a tourist area, we want quality shops, quality motels. If we can find a way to change legislation, which is what I understand we must do, and get around these rules, then I assure you, you will see this area grow.

We have had only 90 days to answer your letters - this information has not reached our area and it has really been secretative. Maps were not available to the General Land Office when this news hit. This is April 8th and there was no way known to us of obtaining this information before now. I really feel that time is short for answering this.

Please forgive me, but I feel that it is so easy for someone to be in Washington and control our lives here on the coast. Would you want Washington declared a snow barrier? Any place it snows excessively is not a good risk because of the freezing weather and freezing pipes; it may leave you stranded at times because of the snow; the roads are dangerous for travel; so, for your own good, we declare Washington a place where no more building can take place. If you build here, we will not insure you against freezing (when the snow melts, you flood, too) or heavy snow with roofs collapsing. No, you would not like this. We do not

(4)

like your proposal. Your own area is just as dangerous as ours but in a different way. In fact, Washington is dangerous in one more way.....It is dangerous to the economic, growth, and survival of the people in Matagorda County. Watch out...think... how would you like us to call the shots for your county....or look at it another way...when we run out of jobs here....we can always move to Washington and apply for yours.....

Yes, I am angry over this proposal, but I would appreciate your attention to not place this land in a Coastal Barrier. We need your help. HELP US to live in our county.

In fact, your department was invited to attend this workshop and we had no response. This workshop would answer many questions and we did need someone from your office here. In fact, I consider your proposal a direct opposition to our workshop. Thank you for your consideration in this matter.

Sincerely,

David Allen
245-4990
(467AC)

1011

MATAGORDA AREA IN PROPOSED COASTAL BARRIER

TO: The Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

*From: Carol Allen
Real Estate
2409 - 7th
Bay City, TX 77444*

On March 23rd., 1987 the U.S. Department of Interior officially released for public comment the revised draft report to Congress on the expansion of the Coastal Barrier Resource System. Attached to this letter is a map showing the parcel of land that may be eligible for inclusion in the system.

The Department wanted specific reasons why this land should or should not be included.

This letter is **OPPOSING** this area as increased coastal barrier land. At this time the present land in the coastal barrier is in a dotted line. Recently a coastal issues panel and coastal workshop was held in Matagorda County where we were trying to find out the proper channels for removing some of the present barrier especially three miles either side of the mouth of the river, when this information was released. The present barrier almost limits any future for the development of the coastline into quality businesses, shops, hotels, homes. The area is primarily undeveloped in certain areas now because of government regulations. This letter is also

OPPOSING COASTAL BARRIERS

opposing the present barrier system and the proposed system.

At this time they are calling this an undeveloped area. This area is not undeveloped. There are homes and business along the Colorado River and homes along one side of the coastline. There have been request for more land for more businesses and homes. There is a supply and demand here and this demand cannot be met. With the coastal barrier there will be even less shortage. This area serves as one of the most promising for the economic recovery for Matagorda County because of its future potential.

In talking with an insurance company, I find that this area has not paid off in any major flood claims. There has not been a hurricane in 20 years. Must this land be denied flood insurance because the Department of Interior thinks it is. The insurance company stated they had not paid off in 20 or more years, actually they had not paid off to a major flood disaster. Therefore flooding cannot be in their reasoning. The county already has certain requirements that must be met in order to acquire this insurance.

The Department of Interior is proposing placing approximately 7.8 million acres into this coastal barrier. We do not want Matagorda County included. Granted, we do need a balance between nature and man, but if the government continues to give way to nature, taking away a prospective future, then the government may be supporting man because of the lack of jobs and revenue they have halted.

OPPOSING COASTAL BARRIERS

The following people oppose this coastal barrier and the present barrier. It is their belief that the land owner has a right to own his land, have the say over his land, sell it to whom he wishes to sell and to develop his land as he sees fit, so long as it is in no danger to life of man.

NAME ADDRESS HOMEOWNER/BUSINESS/LANDOWNER/OTHER
C. L. ... P.O. Box 1620, Matagorda, TX 77457
P.O. Box 736, Matagorda, TX 77457
4110 18th St, Texas City, Tex
7580 Bowing St, Orange Grove, Tex 77448
P.O. Box 278, Matagorda, Tex 77457
P.O. Box 278, Matagorda, Tex 77457
P.O. Box 571, Matagorda, Tex 77457
P.O. Box 572, Matagorda, Tex 77457
P.O. Box 477, Matagorda, Tex 77457
P.O. Box 277, Matagorda, Tex
P.O. Box 285, Matagorda, Tex

OUR ANSWER MUST BE IN BY JUNE 20TH.

WE OPPOSE THE PRESENT AND PROPOSED COASTAL BARRIER:
NAME ADDRESS HOMEOWNER/BUSINESS/LANDOWNER/OTHER

(and 132 additional signatures)

pg. 2 The Coastal Barriers Study Group

needed and have great potential for tourist areas. We need our lands, please consider excluding our areas from the Coastal Barrier.

Your consideration and assistance will be greatly appreciated.

Sincerely,
John F. ...
President
Matagorda County Board of REALTORS

cc/ David Weiss
Government Affairs Division
NATIONAL ASSOCIATION OF REALTORS
777 14th Street, N.W.
Washington, D. C. 20005



MATAGORDA COUNTY BOARD OF REALTORS INC.

P.O. BOX 1624 - (409) 245-2871
BAY CITY TEXAS 77414-1624

April 9, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service, P.O. Box 37127
Washington, D. C. 20013-7127

Re: Coastal Barrier Resources Act in reference to Matagorda County, Texas

Gentlemen:

As a resident of Matagorda County, Texas, I wish to comment on the Coastal Barrier Resources Act (CBRA) 1982, (Public Law 97-348) establishing the Coastal Barriers Resources System (CBRS), a system of UNDEVELOPED coastal barriers along the Atlantic and Gulf of Mexico Coasts.

At present, we are struggling on governmental regulations, flood zoning, environmental protection laws and etc. We are experiencing a severe economic crunch along the Texas Gulf Coast and we are depending on the future development of our coastal areas to revitalization of our economic growth. Without further development of our coastal shorelines, this area may go down the tube. We are at this time, planning shoreline recreational facilities in order to promote tourism and industry to our area. Certainly it is important to maintain the wetlands, lagoons and estuaries for the protection of the fish and wild life feeding and/or breeding grounds; however, the livelihood of area residents, such as merchants, landowners, and realtors, should be considered high priority.

In reference to The Coastal Resources System, the word UNDEVELOPED stands out. According to the Coastal Barrier Maps you have included land three miles on either side of the Colorado River and the land on the river itself, at Matagorda. I wish to call your attention to the fact that this land is partially if not mostly DEVELOPED. The land along our shoreline and Colorado River are



1516



PORT LAVACA-CALHOUN COUNTY BOARD OF REALTORS

P.O. BOX 1034
PORT LAVACA, TEXAS 77979
(512)552-5981

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, DC
June 15, 1987

Dear Sirs:

The Port Lavaca Calhoun County Board of Realtors received a copy of the Coastal Barriers System Report and appointed a committee to look into making recommendations concerning the system.

After reading and discussing the report, we conferred with the local Coast Guard Station and determined which of the bays involved actually affected our County and limited our review to this area since we felt this area was most familiar to us and directly impacted our community.

Our group came to the following conclusions: We voted not to support any changes in the system or any further additions of land to the system within our county jurisdiction for the following reasons.

- 1. We feel that establishment of such a system is prohibitive to private property ownership rights on such lands. In our own county we have seen land taken by the Federal Government to the detriment of the property owners in the case of Matagorda Island.
2. The restrictions of development of coastal property limits the future development of our county for tourism. Our county is currently a depressed area and such development is necessary for the future financial well-being of our area.
3. Contrary to recent statements made by President Reagan about disposing of "Public Lands" the Parks and Wildlife and other agencies are adding to their inventories.
4. We have already seen the limiting effect on development caused by the Flood Zone Regulations. Regardless if the land

is actually taken by the Government agencies or development controlled by the Coastal Barriers Systems, the interference of the Federal Government is an infringement on the rights of private property ownership insured by our Constitution.

Carol K. Webster, Committee Chairperson
Port Lavaca Calhoun County Board of Realtors

1283

PALACIOS REAL ESTATE AGENCY
P O BOX 644 PALACIOS, TEXAS 77465 PH. 972-3727

June 22, 1987

The Honorable Donald P. Hodel
United States Secretary of the Interior
Department of the Interior-C Street NW
Washington, D.C. 20240

Dear Mr. Secretary:

Coastal Barrier Resources System

I strongly oppose the proposed additions to the coastal Barrier Resources System as included in the "Report to Congress: Coastal Barrier Resources System Volume 19, Texas, (North Coast)." I also feel there is a need to delete certain areas of Matagorda Peninsula which were included in the CBRS in 1982.

I would like to outline my reasons for opposing the additions and for suggesting some deletions. Should the present recommendations be adopted, a very real problem is created by having a legal encumbrance placed on "a tract of land" by a line drawn on a map from an aerial photo. There is no legal description of the boundaries of the "included", therefore encumbered lands. A perfect example of this problem is Unit TX-10 (Shell Beach) which is a portion of a large tract of land I have responsibility for managing. At what point within this tract can there be government assisted development of roads, sewer lines, utilities, drainage or other improvements? Where does the CBRS really begin?

I am also opposed to the way the CBRS was set up initially. There was no real notice to the landowners in 1982. This is really unconscionable in this age of communication and mass media coverage. It flies in the face of democracy itself.

Further, the landowners and taxpayers of Matagorda County, Texas are being unfairly burdened since such a high percentage of the total CBRS lands nationwide are in Matagorda County. Inclusion in the CBRS could stop all orderly and environmentally safe development of our area. The people of Matagorda County, who have not exploited nor abused their land are now being penalized for that preservation!

While the concept of CBRS sounds good, there has been no Environmental Impact Study made to prove that proper and orderly development is worse than inclusion in a CBRS. The environment all around us is in a constant state of change. Also, no one knows what effect the addition of Matagorda Bay water areas to the CBRS will have on our fishing, oystering, commercial shipping, the GIWW, drilling, and other related activities. The effects could be economically devastating to the people of Matagorda County.

The Honorable Donald P. Hodel
Page 2
June 22, 1987

Further, the private landowner has lost control of and use of his property. The right of private ownership has been exploited to the extreme. Then there is the very real devaluation of the property. Also, when the included tracts are so ill defined, where does the devaluation effect stop?

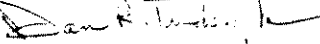
Finally, the inclusion in 1982 of the entirety of Matagorda Peninsula took in the Matagorda Ship Channel and Jetties. These Jetties are the entrance to and therefore, the lifeblood of the Ship Channels to Palacios and Port Lavaca. If these Jetties can be "maintained only", and not deepened and widened, future growth for these communities could be stymied.

My specific objections are to the inclusion of Unit ID Code TX-09 (Coon Island) and Unit ID Code TX-10 (Shell Beach). Along with the reasons for opposition stated above, these tracts are not "coastal barriers" at all, but are main land tracts fifteen miles from the Gulf of Mexico.

My further specific objection is to the inclusion of the Matagorda Ship Channel Jetties, as stated above. I feel these objections must be addressed as the action taken by Congress on these "Recommendations" will vitally effect the economic well being of all Matagorda County citizens.

Your thorough and critical examination of the Department of the Interior "Recommendations" is requested.

Sincerely,



Dan R. Tucker, Jr.

ipc

cc: Commissioner F. P. Brhlik
Representative Tom Uher
Representative Mac Sweeney

1004

BAER CATTLE COMPANY

BERT L. HUEBNER, Manager
BOX 566
BAY CITY, TEXAS 77414

June 17, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P. O. Box 37127
Washington, D. C. 20013-7127

Re: Proposed additions to the
Coastal Barriers Resources
System - Matagorda County,
Texas.

Gentlemen:

We STRONGLY OPPOSE including the lands owned by the undersigned north of the intracoastal waterway as an addition to the Coastal Barriers Resources System ("CBRS"). These lands are highlighted on the attached plat.

1. As owners of the subject property we entered into an agreement with the U. S. Corps of Engineers, U. S. Fish & Wildlife, U. S. Department of Fisheries, National Marine Fisheries and various other state and local agencies whereby an experimental program for disposing of maintenance spoil from the Gulf Intracoastal Waterway would be conducted on this land. This was done to alleviate the necessity of pumping the spoil into East Matagorda Bay, a past practice of the Corps which was strongly opposed by the named agencies of the United States and various environmental groups. Hopefully the results of this program will demonstrate to landowners adjoining the GIWW from Brownsville, Texas to Florida that spoil can be deposited on their lands in such a manner as to actually benefit rather than injure the lands.

Of necessity "federal monies" were spent, and are to be spent, on this experimental program. Being experimental in nature, it cannot be said where the results will lead and should such spending run afoul of the prohibitions contained in the Coastal Barriers Resource Act, then I am sure the experiment would be terminated. At present the results are very promising and it would be a shame to lose this unique opportunity to benefit the environment of the Gulf Coast.

I know you were not aware of this program when you proposed including this area. Hopefully this information in this letter

The Coastal Barriers
Study Group

-2-

June 17, 1987

is sufficient to allow you to delete these lands; however, if you need further information please do not hesitate to contact me.

2. Our environment concerns aside, we still oppose your plan. To us it is an "overkill" that does not take into consideration the needs of the public that will from time to time arise nor the responsibilities and the duties of various governmental bodies to meet those needs. There are numerous rules, regulations and permit requirements in place that adequately protect varying interests, particularly at the interface of the lands and coastal waters. These allow for a case-by-case study of any proposed project as it should be, whereas yours (and I'm sure you were pressed for time) appears to have been a broad brush approach with a marks-a-lot.


3. Finally, as the owners of the land, we feel this proposal lowers, if not destroys, the fair market value of our land without compensation of any nature. As such it is confiscatory.

I understand that you included this land to be "consistent", which is laudable; however, in light of the stated reasons, we urge you to reevaluate your proposal as to these lands are concerned and request that you let us know your thoughts.

Yours very truly,

G. Baer Estate

By: 
Dorothy Baer Huebner
Co-Trustee

By: 
Bert L. Huebner
Co-Trustee

cc: Hon. Lloyd Bentsen
Hon. Phil Gramm
Hon. Mac Sweeney
Office of the Governor
of the State of Texas

1618

D. A. CULWELL
CERTIFIED PUBLIC ACCOUNTANT
7811 NIAWATMA
HOUSTON, TEXAS 77054

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, D. C. 20013-7127

Gentlemen:

I attended the meeting in Palacios, Texas regarding your recent proposal to include additional selected property in Matagorda County, Texas. After listening to the discussion I am opposed to adding any additional land into the system, particularly land not bordering the Gulf of Mexico.

Surely a more equitable and consistent plan can be implemented to accomplish the same objective.

The discriminatory provisions of the plan renders it's constitutionality doubtful, in view of the recent Supreme Court decision making governmental and regulatory bodies accountable to property owners when imposing regulatory restrictions on property. It is certain that if this plan is implemented legal confortations will result and endure for years.

I urge you to abandon these pending proposals until some other plan can be devised.

Yours truly,


D. A. Culwell

DAC/jc

cc: Congressman Mac Sweeney
Senator Lloyd Bentsen
Senator Phil Gramm

932

3 CROSS CATTLE CO., INC.

LEONARD H. CORNELIUS
P. O. Box 1606
Bay City, Texas 77414-1606
Phone 409-245-3430

June 16, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

Gentlemen:

As a landowner on the Gulf Coast in Matagorda County, Texas, I am writing to express my opposition regarding the addition of my land into the Coastal Barrier Act. (page 27, volume 19, of the proposed recommendations for additions to the Coastal Barrier Resources System)

My land lies west of Caney Creek, in the M. Wightman League, Abstract 102; in the B. Wightman League, Abstract 100; in the A. B. Woodard League, Abstract 406; and, in the Samuel Holt League, Abstract 48. Enclosed herewith is a copy of your map with my land marked.

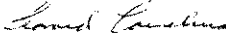
The east bank of Caney Creek is solidly developed with houses, those being permanent residences, and also weekend and summer homes. My property does not have any development on it at this time, but could certainly be developed at any time. Your proposal to include my property into the Coastal Barrier would certainly devalue my land, and restrict the use of my land to cattle grazing only. The Coastal Barrier Act is an intrusion on my valuable property rights. All of my property on Caney Creek is suitable for development for homesites, summer homes, or weekend homes.

Mr. Frank McGilvrey, Coastal Barrier Coordinator, stated on June 13, 1987, at a meeting held in Palacios, Texas, that landowners are still free to do what they want with their land, including developing it. This statement is false in that such a designation would prohibit me from obtaining the following: 1) federal flood insurance; 2) FmHA loans for water and wastewater systems; 3) commercial development and rural disaster relief; 4) Rural Electrification loans for new electric systems designed to encourage development; and, 5) loans from banks to build houses. Banks are not going to loan money on uninsured houses.

The Coastal Barriers Study Group
June 16, 1987
Page 2

In my opinion, the Coastal Barrier Act is nothing more than a land use restriction act.

Sincerely,


Leonard H. Cornelius
President

LHC/njc
Enclosures

cc: The Honorable Lloyd Bentsen
United States Senate
Washington, D.C. 20510

The Honorable Phil Gramm
United States Senate
Washington, D.C. 20510

The Honorable David "Mac" Sweeney
House of Representatives
Washington, D.C. 20515

The Legislative and Tax Committee
Texas and Southwestern Cattle
Raisers Association
1301 W. Seventh St.
Fort Worth, TX 76102-2660

Bruce G. Herlin
Box 765
PALACIOS, TEXAS 77465

1431

June 22, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

Dear People:

Coastal Barrier Resources System

I strongly oppose the proposed additions to the Coastal Barrier Resources System as included in the "Report to Congress: Coastal Barrier Resources System, Volume 19, Texas, (North Coast)." I also feel there is a need to delete certain areas of Matagorda Peninsula which were included in the CBRS in 1982.

My major reasons for opposing the additions and for suggesting some deletions is that inclusion creates a legal encumbrance on a tract of land by a line drawn on a map. There is no legal description of the boundaries of the "included" lands. A perfect example of this problem is Unit TX-10 (Shell Beach) which is a portion of a large tract of land I have an interest in. At what point within this tract can there be government assisted development of roads, sewer lines, utilities, drainage or other improvements? Where does the CBRS really begin? By just drawing a line no one will ever know for sure whether they can or cannot do something.

I am also opposed to the way the CBRS was set up initially. There was no real notice to the landowners in 1982. This is really unconscionable in this age of communication and mass media coverage. It flies in the face of democracy itself.

Further, the landowners and taxpayers of Matagorda County, Texas are being unfairly burdened since such a high percentage of the total CBRS lands nationwide are in Matagorda County. Inclusion in the CBRS could stop all orderly and environmentally safe development of our area. The people of Matagorda County who have not exploited nor abused their land are now being penalized for that preservation!

While the concept of CBRS sounds good, there has been no Environmental Impact Statement made to show that proper and orderly development is bad and inclusion in a CBRS is good. Our coastal environment is always in a constant state of change. Also, no one knows what effect the addition of Matagorda Bay water areas to the CBRS will have on our fishing, oystering, commercial shipping, the GNM, drilling, and other related activities. The effects could be economically devastating to the people of Matagorda County. An EIS seems to be needed before a CBRS is set up.

The Coastal Barriers Study Group
Page 2
June 22, 1987

Finally, the inclusion in 1982 of the entirety of Matagorda Peninsula took in the Matagorda Ship Channel and Jetties. These Jetties are the entrance to and therefore, the lifeblood of the ship channels to Palacios and Port Lavaca. If these Jetties can be "maintained only", and not deepened and widened, future growth for these communities could be stymied.

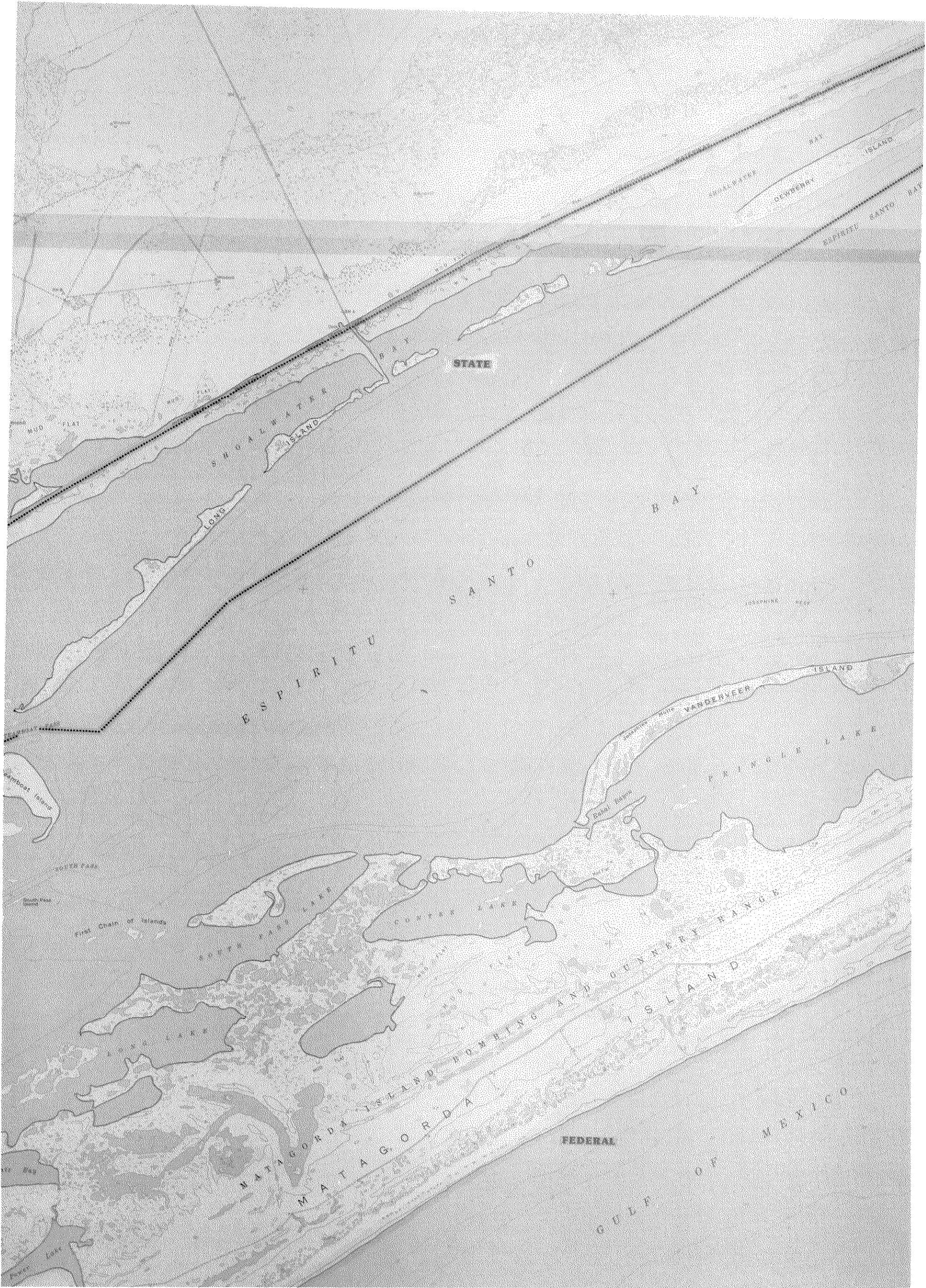
Your thorough and critical examination of the Department of the Interior "Recommendations" is requested.

Sincerely,

Bruce G. Herlin

lpc

cc: Commissioner F. P. Brhlik
Representative Mac Sweeney



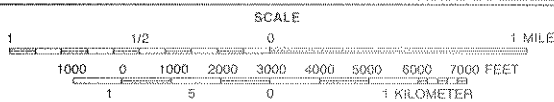
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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U.S. Department of the Interior
Washington, D.C. 20240

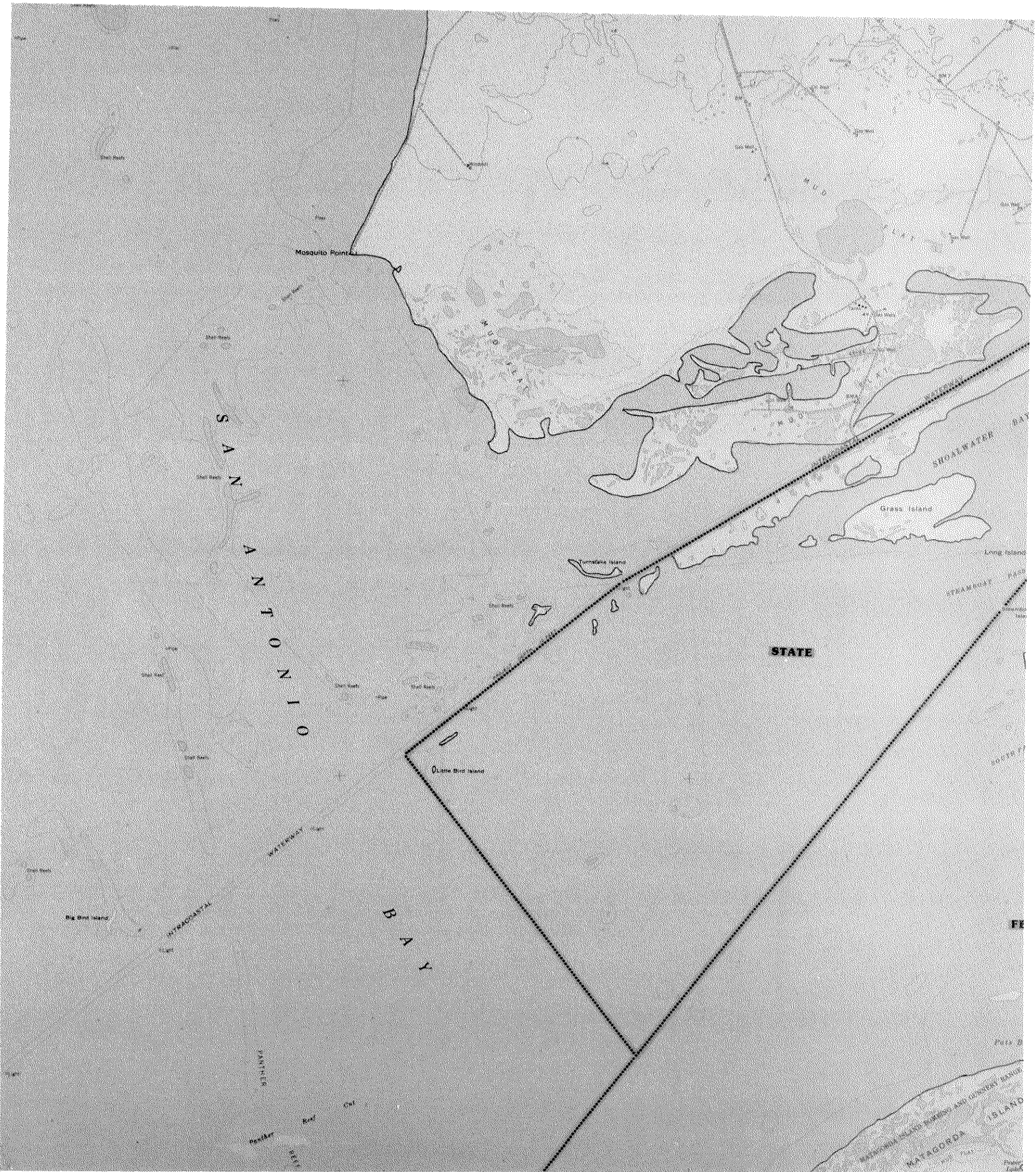
QUADRANGLE
LONG ISLAND
TEXAS



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
- - - - Dash lines depict approximate boundaries of existing units in the Coastal Barrier Resources System, for reference purposes only.
- Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle



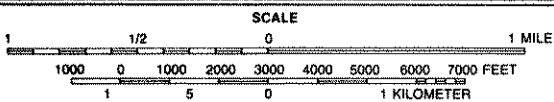
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**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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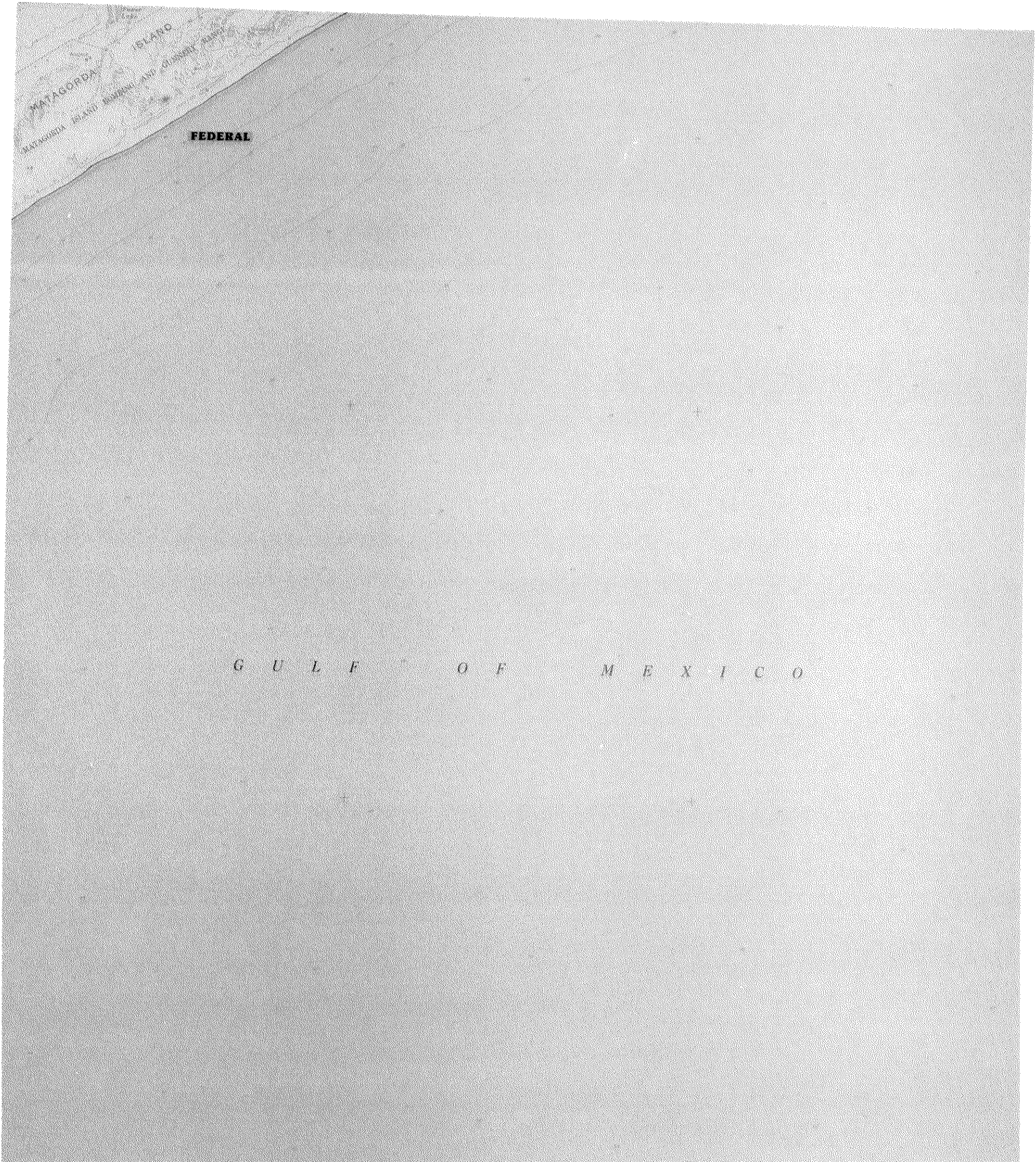
QUADRANGLE
MOSQUITO POINT
TEXAS



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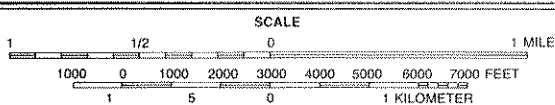
UNITED STATES
DEPARTMENT OF THE INTERIOR



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U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

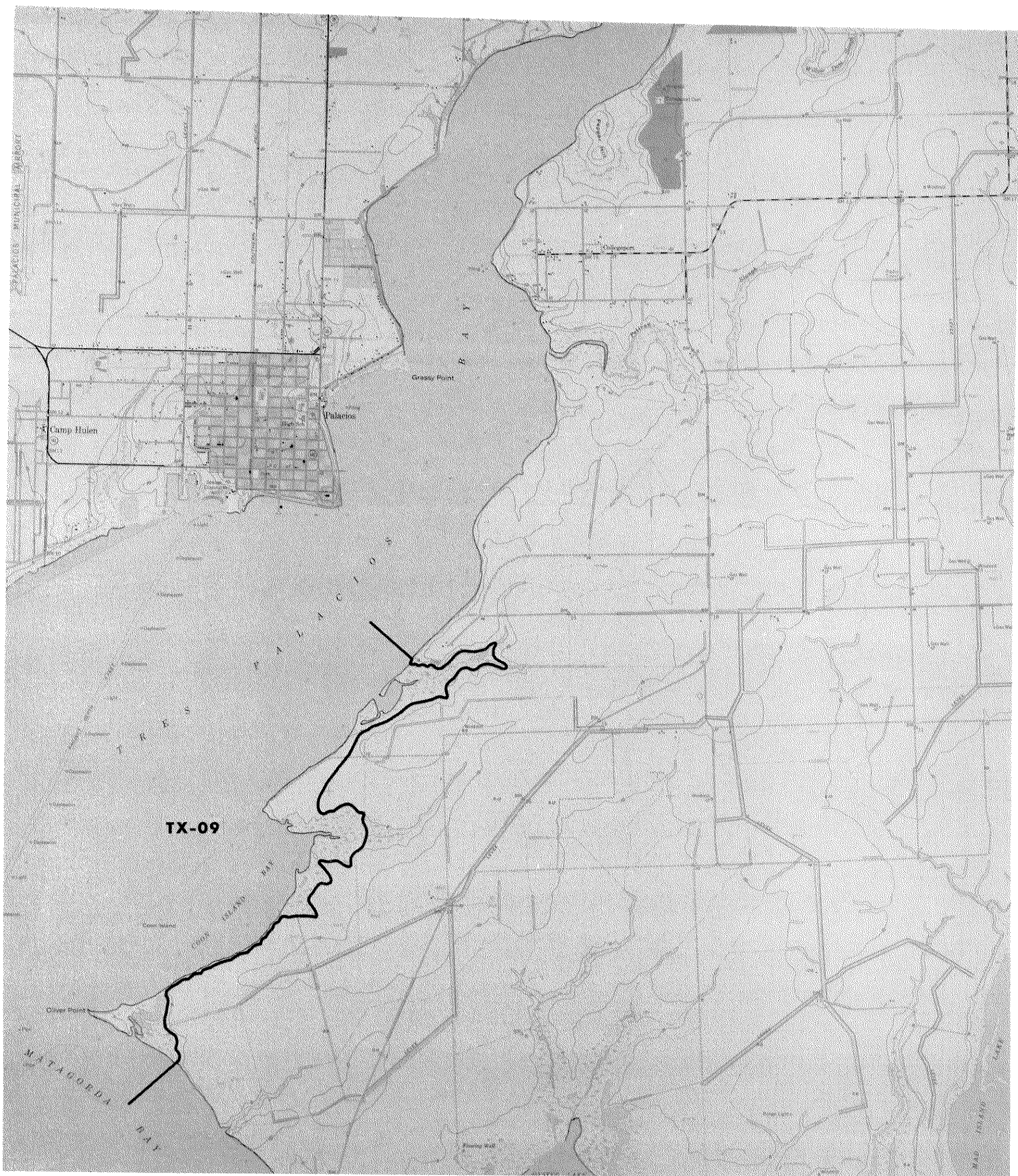
QUADRANGLE
PANTHER POINT NE
TEXAS



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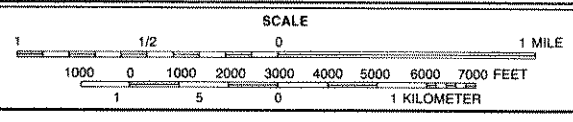
**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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U.S. Department of the Interior
Washington, D.C. 20240

Report to Congress on the Coastal Barrier Resources System

QUADRANGLE
PALACIOS
TEXAS



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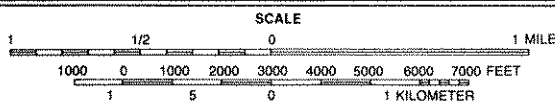
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
TURTLE BAY
TEXAS



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Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.

TX-09 - COON ISLAND BAY; TX-10 - SHELL BEACH

State Position: The State of Texas opposes all additions to the CBRS.

Other Comments: Seven letters were received opposing the addition of TX-09 and/or TX-10 to the CBRS, claiming they are not qualified coastal barriers. Three of these letters are reprinted below; the others appear under

T07 (letters number 1147, 1283, 1431, and 1618).

Response: Both TX-09 and TX-10 are fully qualified secondary barriers.

DOI Recommendation: The DOI recommends adding TX-09 and TX-10 to the CBRS.



OFFICE OF THE
SUPERINTENDENT

PALACIOS PUBLIC SCHOOLS

WILLIAM E. REAVES, SUPERINTENDENT

1209 Twelfth Street
Palacios, Texas 77465
(512) 872-5481

1355

June 22, 1987

The Coastal Barriers Study Group
Department of the Interior
National Park Service
P. O. Box 37127
Washington, D.C. 20013-7127

Dear Sirs:

This correspondence is submitted on behalf of the board of trustees of the Palacios Independent School District to convey our opposition to proposals developed by the Coastal Barriers Study Group for inclusion of additional properties in the Coastal Barrier Resources System. The subject properties for inclusion into the system are described in maps TX-09 and TX-10, and are known as Coon Island Bay and Shell Beach, respectively. These properties are "inland" properties (some 15 miles from the Gulf) and do not serve as "barriers" in any fashion.

We object to these additions to the system since inclusions of these properties in the Coastal Barrier Resources System inhibits future development of this area, thereby reducing property values. This reduction in value, of course, results in commensurate reduction in tax resources available to our school district.

We also wish to convey our concerns regarding the Department's process for notifying landowners and taxing entities of proposed land additions. We were never directly notified of these proposals by the study group and learned of the general proposals through newspaper articles. Based upon these news accounts, we pursued the specific plans through our Congressman's office. In the course of our research, we became aware that other properties in our district were incorporated into the System in 1985 WITHOUT direct notice given to landowners or taxing jurisdictions. While we understand that notice was provided in the Federal Register, we feel this bureaucratic device is hardly an appropriate form of notice for "regular" citizens. We respectfully recommend that future proposals be conveyed through direct correspondence to those individuals and local governmental entities which are immediately affected.

Thank you for your willingness to come to Palacios to explain these proposals in more depth. While we object to the proposals as offered, we do appreciate the opportunity to be fully informed on this matter.

We hope that the group will consider deleting its proposals regarding Shell Beach and Coon Island. Further, we encourage you to consider a more direct mode of communication in future studies on this or similar matters.

Thank you for your consideration of these matters.

Sincerely,

William E. Reaves
Superintendent

cc: Congressman Sweeney
Senator Bentzen
Senator Gramm
Representative Uher
Judge O'Connell
Commissioner Brhlik
Herlin, President, Board of Trustees

993

R. B. TRULL

POST OFFICE BOX W. PALACIOS, TEXAS 77465 - (512) 972-8537

June 16, 1987

Coastal Barrier Study Group
U. S. Dept. of Interior
National Park Service-498
Box 37127
Washington, D. C. 20012-7127

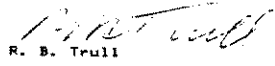
Dear People:

I own land, part of which is included in what is known as Shell Beach, Matagorda County, Texas. The designation on your maps is TX-10.

It is my understanding that the area TX-10 is to be included as part of the Coastal Barrier Act.

I would like to vigorously oppose this inclusion. The land being considered is some 15 miles from Matagorda Peninsula and the Gulf of Mexico. It is part of the mainland of Matagorda County. There is no reason that I can think of to include it in the Coastal Barrier Act.

Yours sincerely,


R. B. Trull

rcl

cc: Mac Sweeney
Phil Gramm
Lloyd Bentsen

994

ABEL H. PIERCE
CONSTRUCTION CONSULTANT

ROUTE 1, BOX 61
PALACIOS, TEXAS 77465

PHONE (512) 972-2608

June 16, 1987

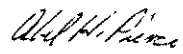
Coastal Barrier Study Group
Department of the Interior
National Park Service
P. O. Box 37127
Washington, DC 20013-7127

This is to register a protest of proposed CBRS units TX9 and TX10. I also feel that some way should be found to help the property owners in the Sargent area with their erosion problem.

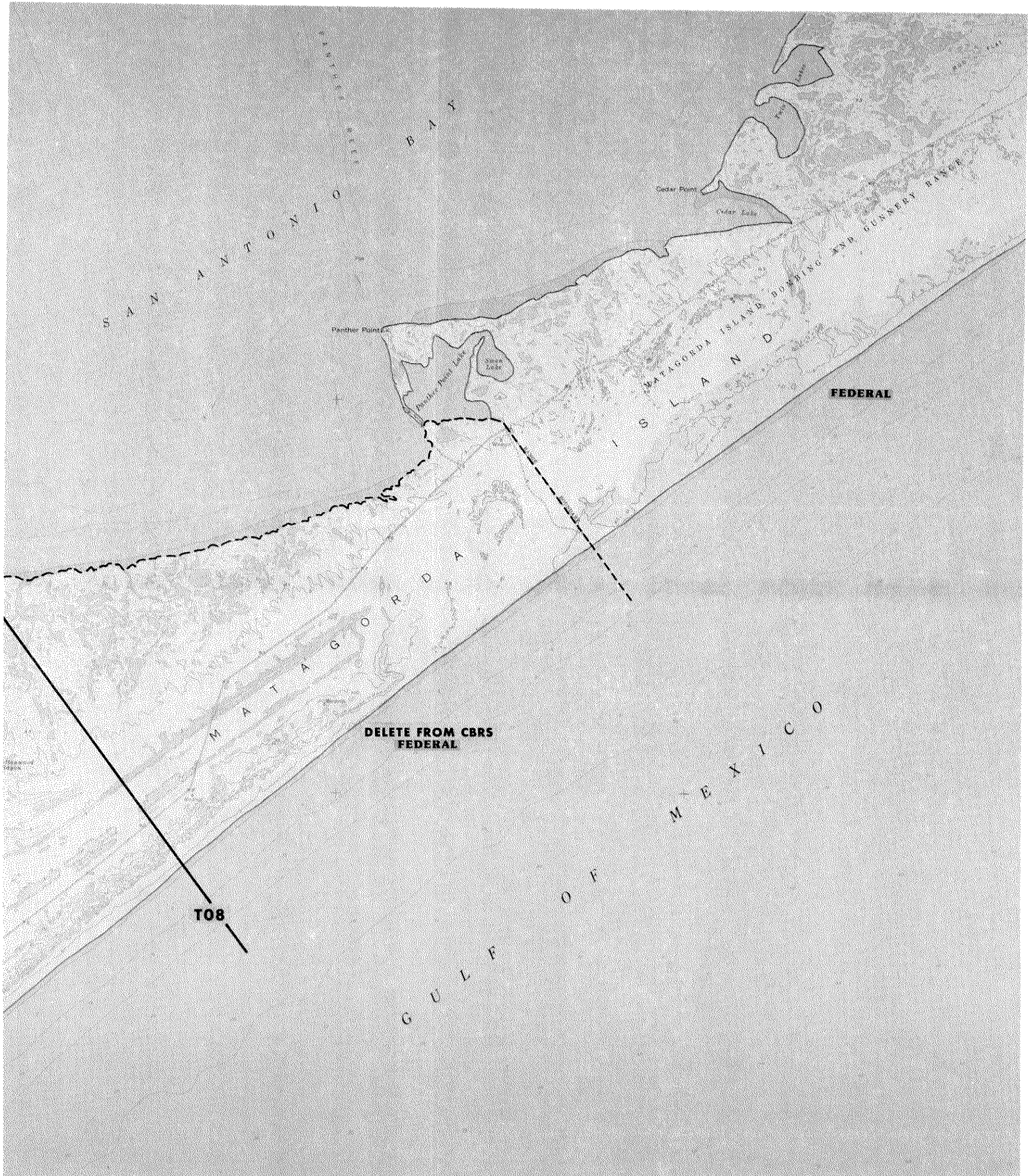
After attending the CBRS hearing at Palacios High School on June 12, 1987, I came away with no explanation of why these additions are proposed, other than generalities.

I hope that in the future, hearings such as these can be scheduled early enough, and sufficiently publicized to allow residents time to study the proposals.

Sincerely,


Abel H. Pierce

AHP/cdb



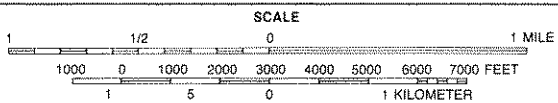
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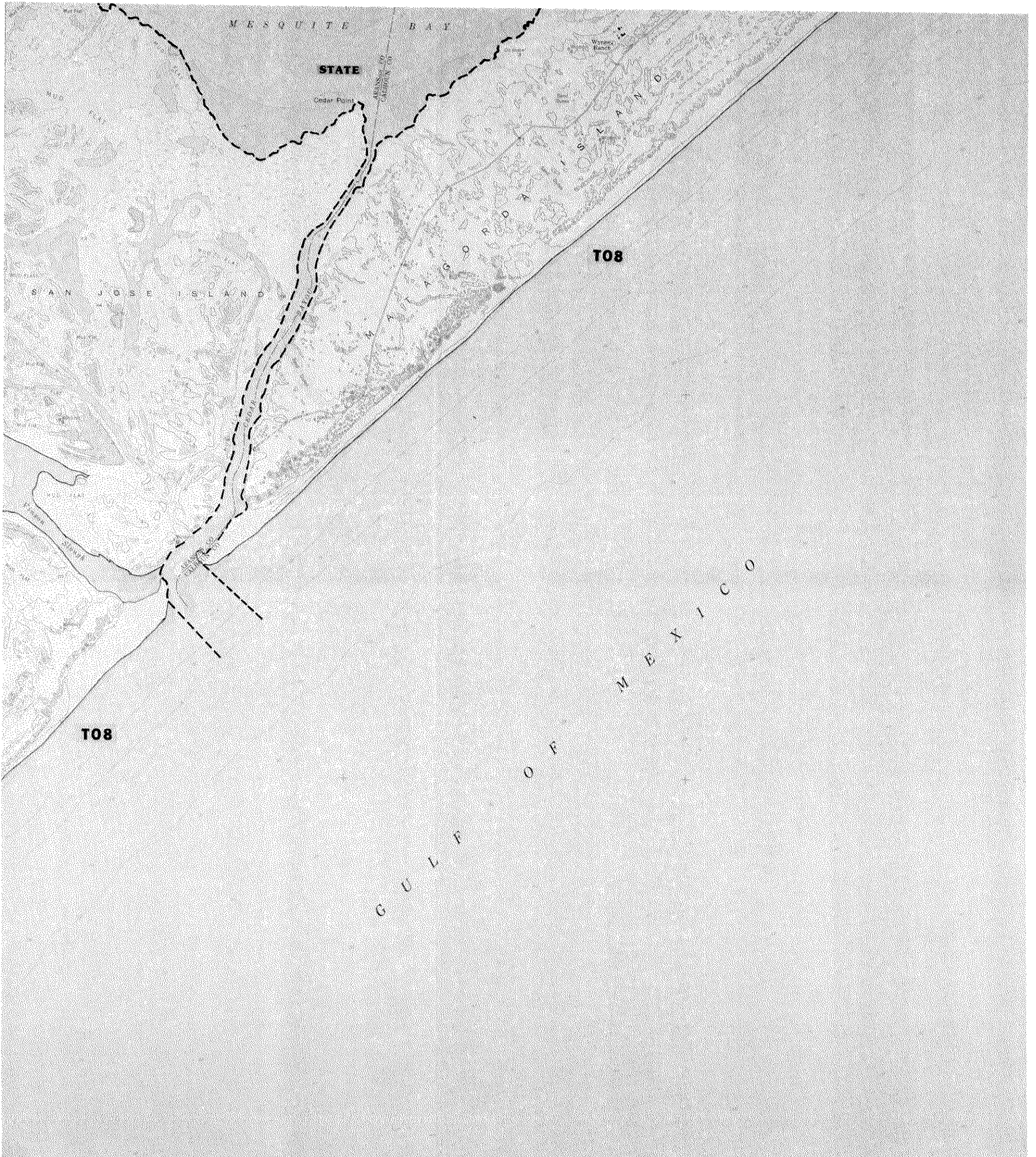
QUADRANGLE
PANTHER POINT
TEXAS



- Solid lines depict recommendations for additions to or deletions from the Coastal Barrier Resources System. (Section 10 of P.L. 97 - 348.)
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- Dotted lines depict approximate boundaries of an undeveloped coastal barrier that is "otherwise protected" or a military or coast guard property.



Base Map is the U.S. Geological Survey 1:24,000 scale quadrangle.



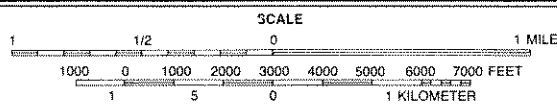
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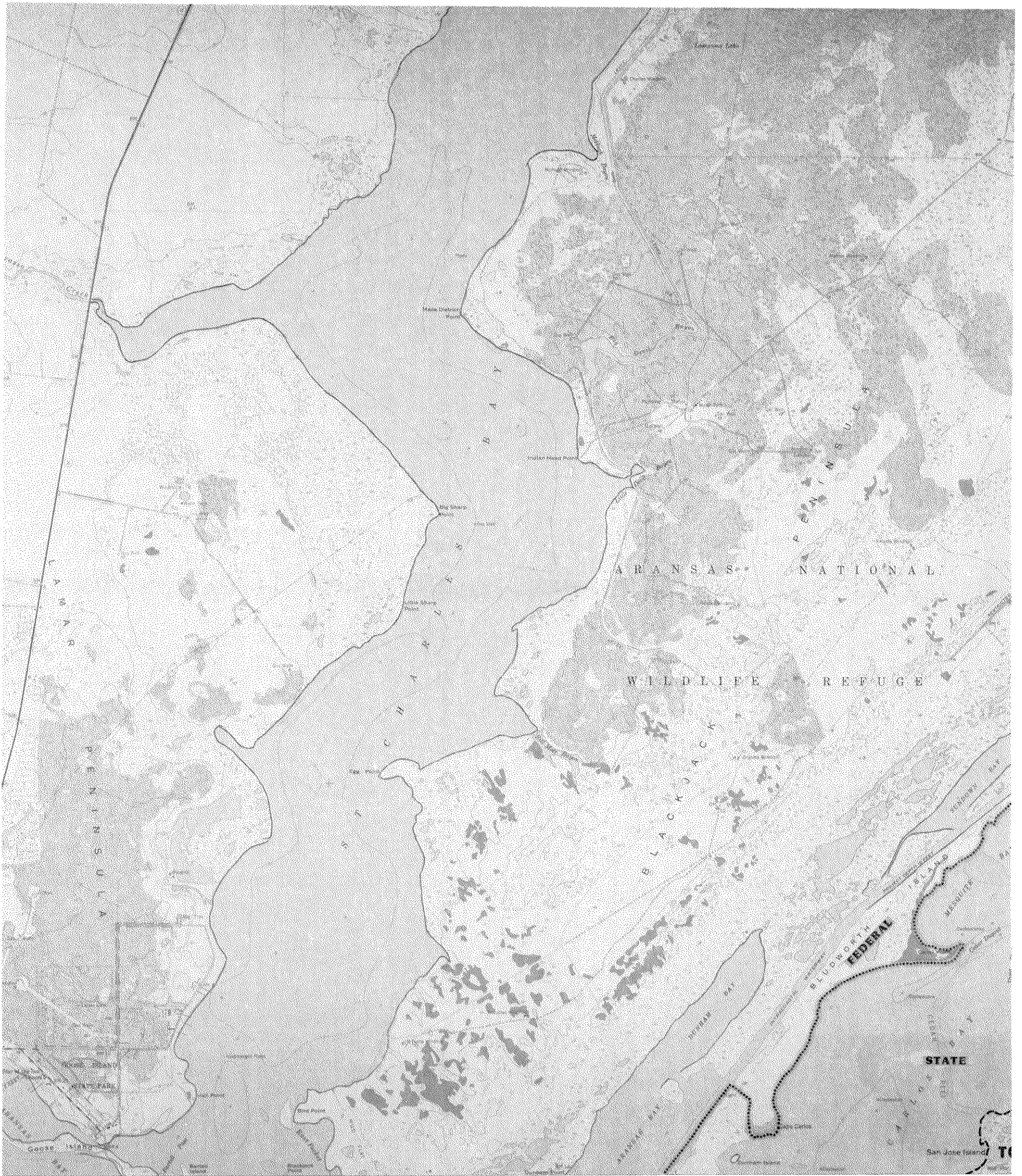
QUADRANGLE
ST. CHARLES BAY SE
TEXAS



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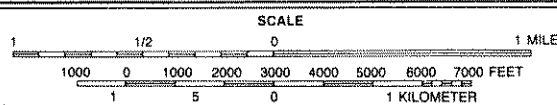
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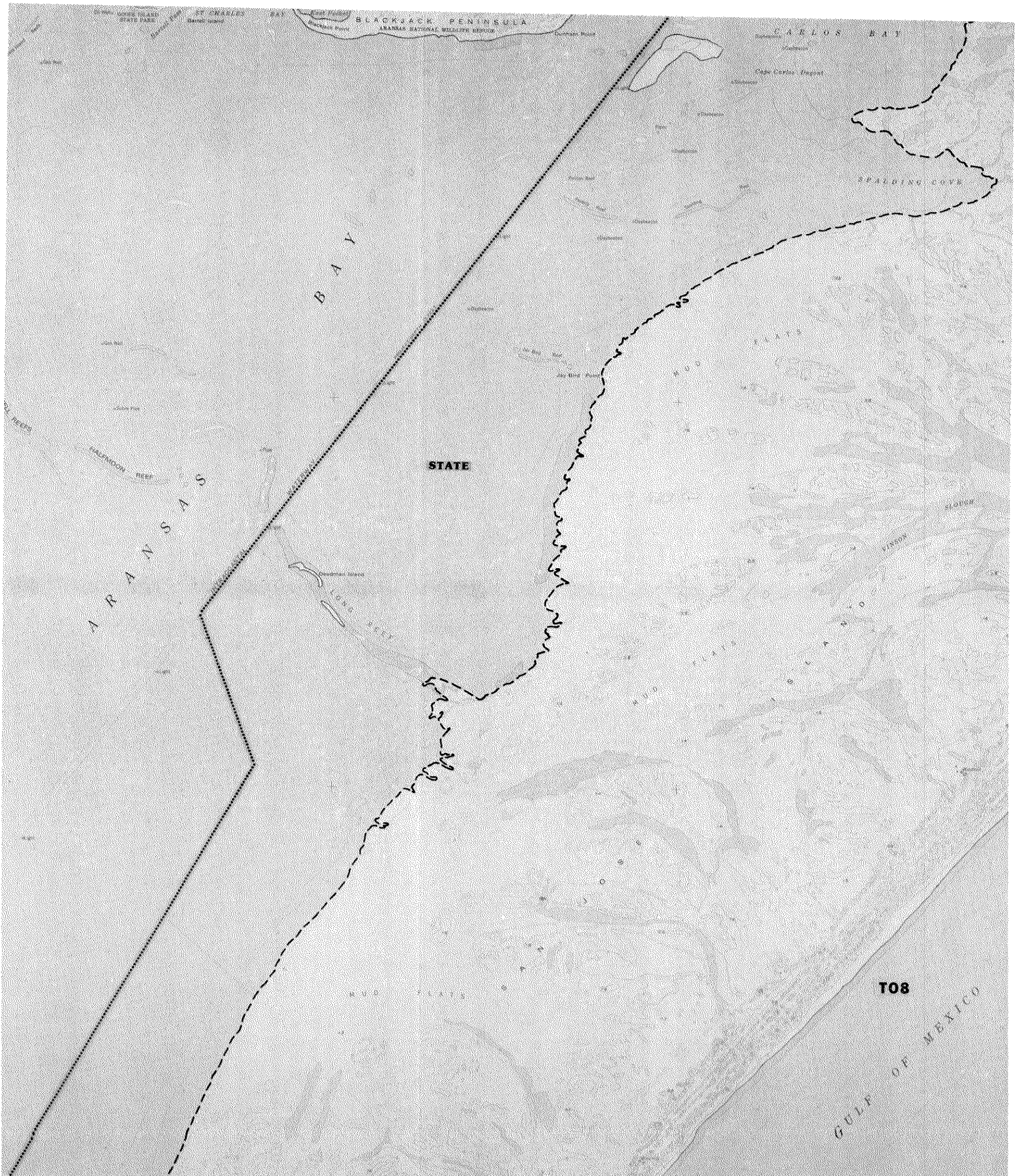
QUADRANGLE
ST. CHARLES BAY
TEXAS



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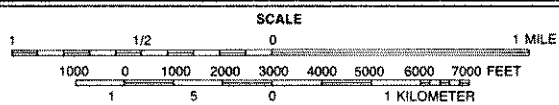
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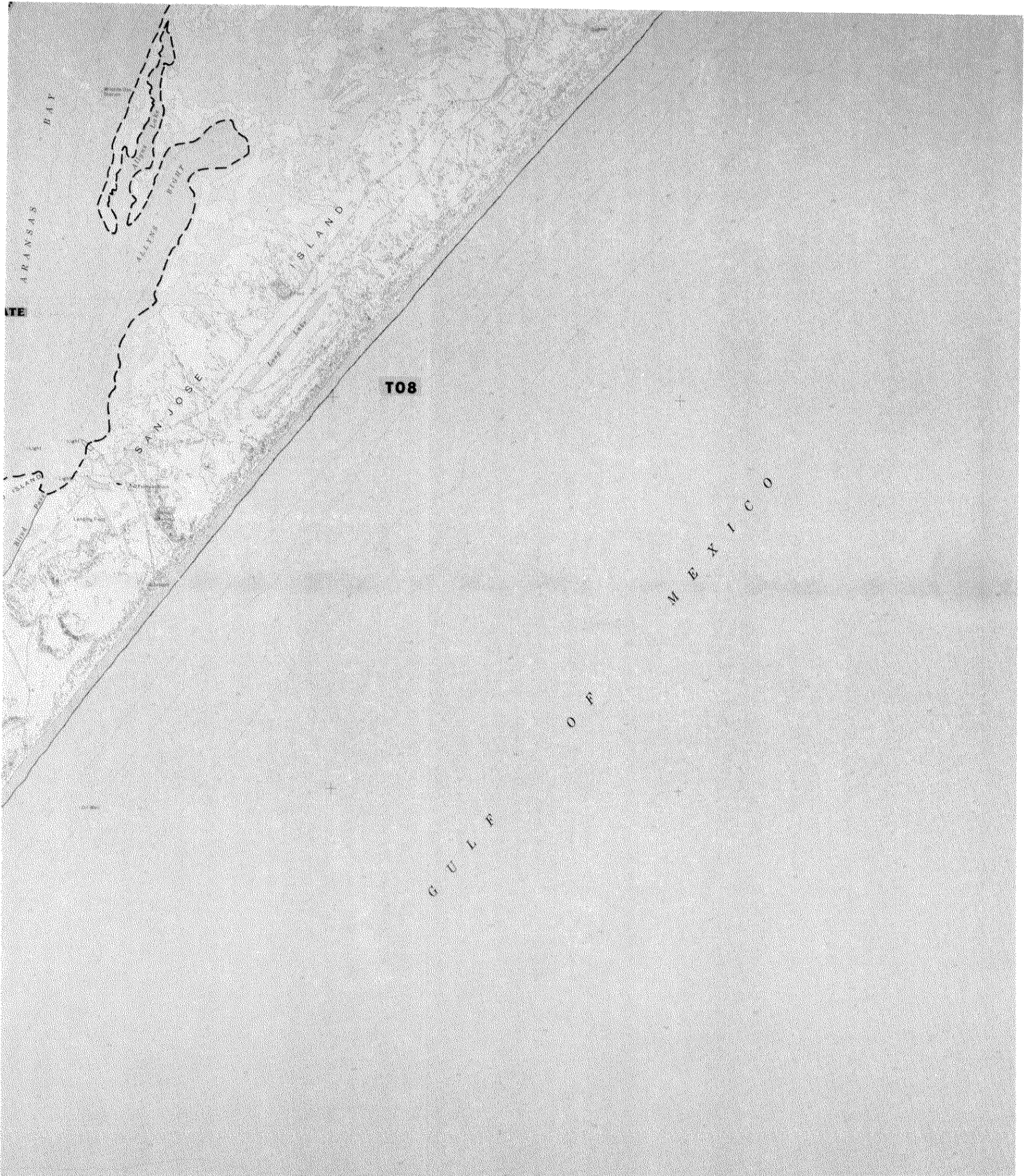
QUADRANGLE
ST. CHARLES BAY SW
TEXAS



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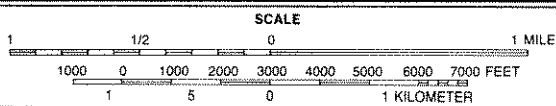
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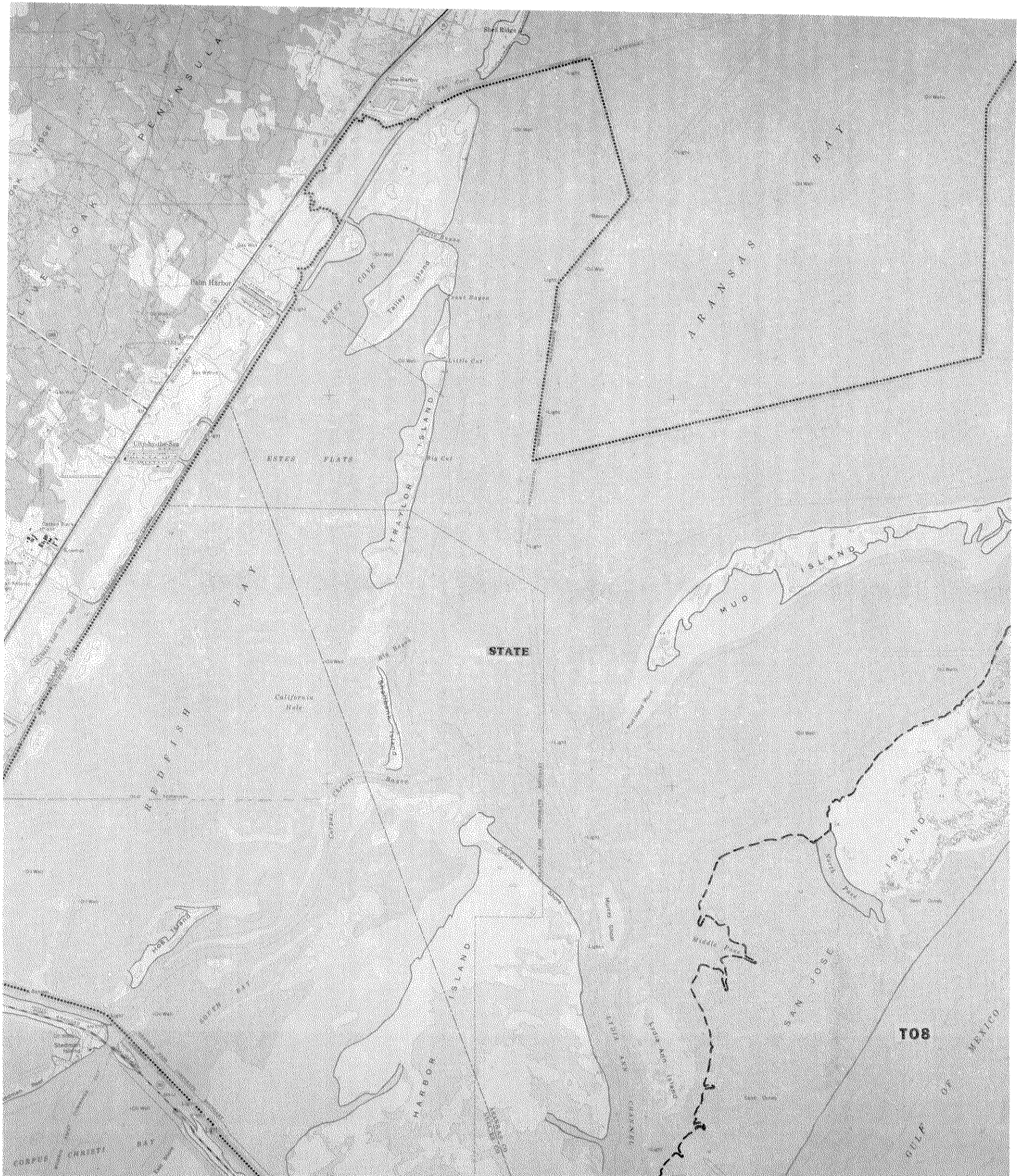
QUADRANGLE
ALLYN'S BIGHT
TEXAS



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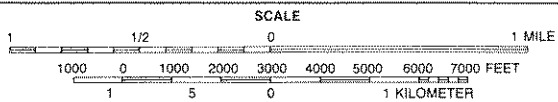
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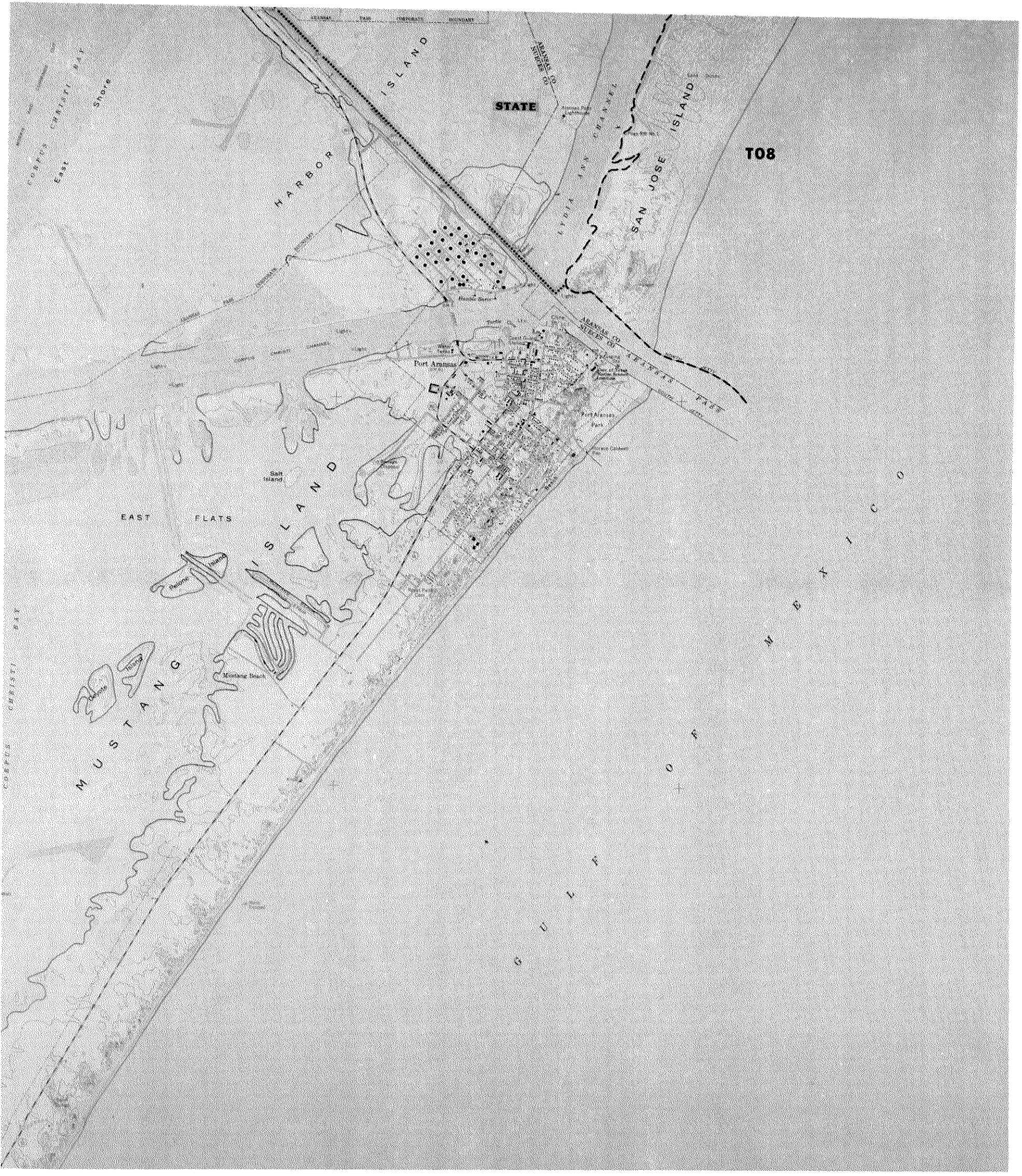
QUADRANGLE
ESTES
TEXAS



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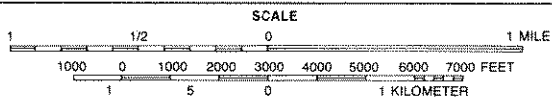
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QUADRANGLE
PORT ARANAS
TEXAS



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