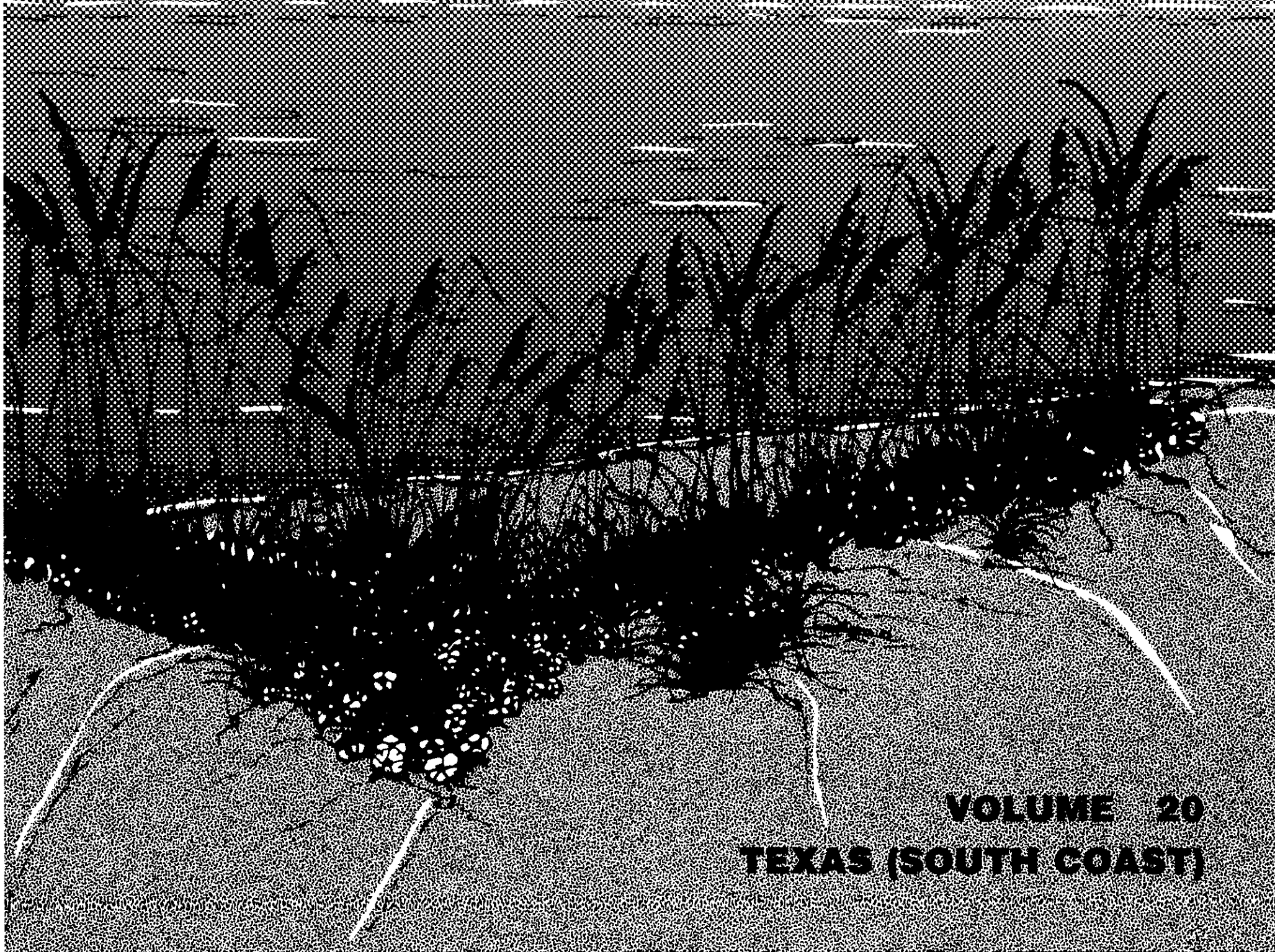


REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM

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



**VOLUME 20
TEXAS (SOUTH COAST)**

U.S. Department of the Interior



REPORT TO CONGRESS: COASTAL BARRIER RESOURCES SYSTEM

VOLUME 20

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

TEXAS (SOUTH COAST)

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

**United States Department of the Interior
William P. Horn, Assistant Secretary for Fish and Wildlife and Parks**

1988

TABLE OF CONTENTS

	<u>Page</u>
Introduction.....	1
Background.....	1
Coastal Resource Management.....	2
Existing CBRS Units.....	4
Table: CBRS Units Established by Congress, 1982.....	5
References.....	5
Recommended Additions and Modifications.....	6
Table: Summary of Recommendations.....	7
State Comment Letters.....	8
Other General Comment Letters Concerning South Texas.....	9
Index to Existing and Proposed CBRS Units.....	25
Table: Maps Depicting Existing and Proposed CBRS Units.....	26
Table: Maps Depicting Otherwise Protected, Military, and Coast Guard Lands on Undeveloped Coastal Barriers.....	26
Map Key.....	27
Individual Unit Comment Summaries, DOI Responses, and Maps.....	28

TEXAS (SOUTH 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 south 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 south 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 aggregate

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 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 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 27, 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 south coast of Texas is provided below. Each unit is identified by its ID code and name (established by Congress in 1982) and the county in which it is located.

T10-North Padre Island (Kleberg). This unit extends northward from the Padre Island National Seashore to the boundary of Kleberg and Nueces Counties. This county boundary marks the beginning of the "Padre Isles" development. The landward boundary of this CBRS unit cuts off the back one-third of the island, which contains blowout dune systems, salt marsh, and dredge spoil mounds.

Padre Island is a high-profile barrier with well-developed, relatively continuous foredunes that average 20 to 25 feet in elevation. A beach ridge and swale system with elevations between 5 and 10 feet lies in front of these dunes. The combination of wide beaches, high well-developed foredunes, and an abundant supply of sand makes North Padre more resilient to storm and hurricane damage than low-profile barriers. The high dune line helps dissipate breaking storm waves, preventing numerous washovers. The large supply of sand in the system replenishes the beach sands at the expense of the foredune ridge. During Hurricane Carla (1961), 150 feet of the dune line were eroded. However, strong winds built up sand in mounds in front of the eroded dune line. These incipient dunes show the island's post-storm rebuilding in the nearbeach zone. Longshore sediment transport along northern Padre Island changes direction from southerly in winter to northerly in summer. Padre Island and Mustang Island (north of this unit) have historically been accretional; however, a diminished sediment supply is probably why this trend is presently reversing. Erosion rates between 1 and 3 feet per year have been recorded for this area in the past century.

Environments toward the back of Padre Island include dunes, bay margin sand shoals, underwater grass flats, and barren, infrequently flooded wind-tidal flats. The lower elevations observed on the landward side of the barrier are frequently flooded during storm surges or by water piled against the back of the barrier during strong and persistent northerly winds.

T11-South Padre Island (Cameron and Willacy). This unit extends southward from the Mansfield Ship Channel over about 25 miles of Padre Island shoreline to the beginning of State Highway 100; the unit covers the entire width of the island. Padre Island is separated from the mainland by Laguna Madre.

Southern Padre Island exhibits a moderate profile in comparison to the 20- to 25-foot

CBRS UNITS IN SOUTH TEXAS ESTABLISHED BY CONGRESS, 1982

Unit Name	Unit ID Code	County	Shoreline Length (miles)	Total Area (acres)	Fastland Area (acres)
North Padre Island	T10	Kleberg	6.4	5,132.3	3,739.0
South Padre Island	T11	Cameron	25.8	46,162.9	5,758.0
Boca Chica	T12	Willacy Cameron	5.3	2,522.4	1,243.6
Totals:			37.5	53,817.6	10,740.6

foredunes of middle and northern Padre Island. The southern part of the island is marked by a discontinuous dune line with elevations in the 10- to 15-foot range. These dunes are breached in numerous places by old and recent washover channels. Southern Padre Island is susceptible to washover because of both its low profile and relatively narrow width (Morton and Pieper 1975a). Storms in 1933 and 1967 (Beulah) produced surges approaching 12 feet which caused extensive salt marsh flooding and substantial retreat of the existing foredune ridge. Hurricane Carla (1961) caused as much as 150 feet of foredune retreat on southern Padre (Hayes 1967). Hurricane Allen (1980) completely inundated most of southern Padre Island, changing its morphology to that of a washover terrace (Nummedal 1982).

The southern Texas coast was built by northerly directed longshore sediment transport. The source of this coarse sediment was primarily older delta deposits of the Rio Grande. The accretionary phase of Padre Island and Brazos Island has been altered to an erosional trend by decreases in sediment supply. This decrease is the result of (1) dams on the Rio Grande, (2) disruption of longshore sediment transport by jetties at the Brazos-Santiago Pass, and (3) lack of sufficient coarse sediment in nearshore innershelf deposits. Generally, net erosion on southern Padre Island has been reported in excess of 10 feet per year, except in the vicinity of the Mansfield Ship Channel jetty.

T12-Boca Chica (Cameron). This unit is contained between the jettied channel of Brazos-Santiago Pass and the mouth of the Rio Grande River. The unit is actually composed of two subunits separated by the former Brazos Island State Recreation Area. The northern subunit lies between South Bay and the Gulf of Mexico. The southern subunit fronts deltaic deposits whose origins are probably the Rio Grande.

Brazos Island is an accumulation of delta-front sands located on the flanks of the Rio Grande. Sediments from the Rio Grande were transported northward by longshore currents. The island's morphology can be described as discontinuous dunes with elevations averaging 20 feet. Extensive wash-over channels exist between the dune ridges. In general, the foredune ridge is poorly defined in this CBRS unit. An accretionary period observed at Brazos Island between 1854 and 1937 has reversed to an erosional trend. Brazos Island is presently eroding at rates between 10 and 40 feet per year. Extreme erosion

occurs near Boca Chica Beach and is influenced by the migrating of the Rio Grande.

The Brazos Island shoreline has historically changed dramatically due to shifts in the Rio Grande channel. Charts between 1854 and 1937 show the outlet migrating northward over 4,000 feet. A southward movement of the Rio Grande channel (1,000 feet) was recorded between 1958 and 1960. In 1962, Hurricane Carla cut a new channel 4,000 feet to the south, near the vicinity of the outlet location originally observed in 1854. After this southerly relocation, the river mouth again began migrating northward. In 1967, Hurricane Beulah caused another southward shift of the Rio Grande. However, the cycle of northerly channel migration resumed. By 1974, the channel had moved 750 feet to the north.

REFERENCES

- Davenport, S. 1980. Texas 1980, year of the coast. Texas General Land Office, Austin. 108 pp.
- Dyer, D.L. 1983. The Coastal Barrier Resources Act: a review and evaluation. M.S. Thesis. School of Public Affairs, The University of Texas at Austin. 189 pp.
- Fisher, W.L., J.H. McGowen, L.F. Brown, Jr., and C.G. Groat. 1973. Environmental geologic atlas of the Texas coastal zone, Galveston/Houston area. Bureau of Economic Geology, Austin, Tex. 91 pp.
- Hayes, M.O. 1967. Hurricanes as geological agents: case studies of Hurricanes Carla, 1961, and Cindy, 1963. Tex. Bur. Econ. Geol. Rep. Inv. 61. 54 pp.
- McGowen, J.H., L.E. Garner, and B.H. Wilkinson. 1977. The gulf shoreline of Texas: processes, characteristics, and factors in use. Tex. Bur. Econ. Geol. Circ. 77-3. 27 pp.
- Morton, R.A., and M.J. Pieper. 1975a. Shoreline changes on Brazos Island and South Padre Island (Mansfield Channel to mouth of the Rio Grande): an analysis of historical changes of the Texas gulf shoreline. Tex. Bur. Econ. Geol. Circ. 75-2. 39 pp.
- Morton, R.A., and M.J. Pieper. 1975b. Shoreline changes in the vicinity of the Brazos River Delta (San Luis Pass to Brown Cedar Cut): an analysis of historical

changes of the Texas gulf shoreline. Tex. Bur. Econ. Geol. Circ. 75-4. 47 pp.

Morton, R.A., and M.J. Pieper. 1976. Shoreline changes on Matagorda Island and San Jose Island: an analysis of historical changes of the Texas gulf shoreline. Tex. Bur. Econ. Geol. Circ. 76-4. 42 pp.

Morton, R.A., M.J. Pieper, and J.H. McGowen. 1976. Shoreline changes on Matagorda Peninsula (Brown Deer Cut to Pass Cavallo): an analysis of historical changes of the Texas gulf shoreline. Tex. Bur. Econ. Geol. Circ. 76-6. 76 pp.

Nummedal, D. 1982. Hurricane landfalls along the N.W. gulf coast. Pages 65-78 in D. Nummedal, ed. Sedimentary processes and environments along the Louisiana-Texas coast. Field trip guidebook for the 1982 annual meeting of the Geological Society of America, New Orleans, La.

Schwartz, A.R. 1983. Private leisure at public expense. The Texas Observer, Nov. 11, 1983, p. 4-7.

U.S. Army Corps of Engineers. 1962. Report on Hurricane Carla, 9-12 September 1961: Galveston, Tex.

RECOMMENDED ADDITIONS AND MODIFICATIONS

The Department of the Interior recommends that all undeveloped, unprotected coastal barriers and associated aquatic habitat in south Texas, including secondary barriers within major embayments, be added to the Coastal Barrier Resources System. The DOI also recommends that otherwise protected, undeveloped coastal barriers be excluded 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 south 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). The proposed additions to CBRS unit T12 delineated in the 1987 Draft Report included a portion of the Brownsville Ship Channel. The DOI has revised the recommended boundaries of the additions to exclude the Ship Channel. 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 current position on each unit or proposed unit identified in the inventory 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 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 include a net addition of 10,741 acres to the CBRS in south Texas, less than one-third of this is fastland. 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 can 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 south 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 the following section), the letters referring

to GLO lands were about evenly split, half supporting their addition to the CBRS and half opposing it. Six commenters suggested that Mustang Island, near Corpus Christi, be added to the CBRS. All of Mustang Island, however, is either State-protected or developed and thus ineligible for addition to the CBRS.

Substantive comments concerning individual existing or proposed CBRS units on the south Texas coast are discussed and reprinted in the following section, interspersed with the appropriate maps.

SUMMARY OF RECOMMENDATIONS FOR COASTAL BARRIERS ON THE SOUTH 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
TX-17	Shamrock Island	Nueces	27	2.6	202	202	Add to CBRS
T10	North Padre Island	Kleberg	27	6.4	5,132	3,721	No change to existing CBRS unit
TX-18	Baffin Bay	Kleberg	27	1.6	367	97	Add to CBRS
TX-19	Starvation Point	Kleberg	27	1.7	143	78	Add to CBRS
TX-20	Cayo Del Infiernillo	Kleberg	27	2.5	247	102	Add to CBRS
TX-21	Kleberg Point	Kleberg	27	1.4	252	33	Add to CBRS
T11	South Padre Island	Willacy Cameron	27	25.8	46,163	5,725	No change to existing CBRS unit
T12	Boca Chica	Cameron	27	6.3	11,778	4,025	Add new area to existing CBRS unit
Total - CBRS as Recommended				48.3	64,284	13,983	
Existing CBRS				37.5	53,818	10,741	
Net Change in CBRS				+10.8	+10,466	+3,242	

^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 SOUTH 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.

Gary Mauro
Commissioner
General Land Office
Steiner F Austin Building
700 North Congress Avenue
Austin, Texas 78701
(512) 463-5256

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.

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, Ayres, 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.

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,

Gary Mauro
Gary 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
19th 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
512 463-3264

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
Garry Mauro, Chairman
School Land Board

Lola L. Bonner
Lola L. Bonner, Member

Bill Warnick
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., M-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
512 463-3264

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
Texas Land Commissioner


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. Attie Club, 457 S.W.2d 41 (Tex. 1970).

Sincerely,


JIM MATTOX
Attorney General of Texas

JAM/SW/er

SIX FOUR EIGHT EIGHT SUPREME COURT BUILDING AUSTIN, TEXAS 78711-8818

TOTAL P.03



THE ATTORNEY GENERAL
OF TEXAS

1483

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.

SIX FOUR EIGHT EIGHT SUPREME COURT BUILDING AUSTIN, TEXAS 78711-8818

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
Page 3

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.

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 1986, 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

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 federal government should not be subsidizing development in hazardous areas which destroys productive coastal ecosystems, endangers the lives and properties of shoreline residents, and costs federal taxpayers millions of dollars each year in flood insurance claims and disaster relief.

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. Unfortunately, however, development in these unstable coastal areas continues to grow at a frightening pace. We feel strongly, therefore, that it is essential that the Department recommend maximum expansion of the System to include the eligible areas on all of America's coasts

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, including many songbirds and such endangered species as the whooping crane, bald eagle, brown pelican, and peregrine falcon. In addition, Texas wetlands provide essential wintering habitat for over a million waterfowl and prime nursery grounds for many commercially and recreationally important fish and shellfish species. This rich array of nationally important coastal resources combined with Texas' high probability of hurricanes--over a 13% chance of a hurricane occurring somewhere on the Texas coast each year--makes coastal protection under CBRA a necessity. We urge the Department to stand firm behind its current recommendations for additions of Texas acreage into the CBRS and oppose any deletions of existing acreage from the System.

TX-17 Mustang Island

The bayside 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. This unit was originally considered for inclusion in the 1982 CBRS designations but was dropped due to political pressure. We urge the Department to reconsider and include Mustang Island in its final recommendations. We also request the addition of the area known as the "cave" in this unit because it is a very productive wetlands area.

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. The broad expanses of wetlands in the Boca Chica area are extremely high in wildlife diversity, including over 90 species of fish. These wetlands are also critical to birds migrating along the Central and Mississippi Flyways and many wintering waterfowl and shore birds, as well as the endangered brown pelican and peregrine falcon. Unfortunately, this productive coastal ecosystem is slated for a major resort development, Playa del Rio, which will generate an estimated population of 15,000 people in the area. This development would destroy some 5800 acres of wetlands--the largest loss of wetlands to residential development anywhere in the United States. It will also exacerbate the water shortages already being experienced in the area, threaten Boca Chica's abundant wildlife populations through habitat loss and pollution, and endanger the lives and property of the thousands of people who settle in this hurricane-prone region. We urge the Department to stand firm in its decision to recommend the inclusion of additional area to T-12.

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.

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. Use of this expanded definition in delineating CBRS units is consistent with the conservation goals of CBRA and would allow for the inclusion of such new geological formations as undeveloped beach rock, cemented dunes, fringing mangroves and associated coral reefs, cheniers, discontinuous outcrops of bedrock, and coarse glacial deposits. Since these areas serve the same function as coastal barriers and are as vulnerable to development pressure, sea level rise, and storm damage as traditionally-defined coastal barriers, it is appropriate that they also be protected within the System.

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. Following are our comments on some of the specific areas.

sierra
 CLUB



591

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. In addition we would like to see federal, state, local, and private protected lands also included in the system. We are particularly concerned that the area around South Bay and Boca Chica be included in the system (additions to T12) to ensure that this important, unique, and productive ecosystem is not destroyed by developments like the proposed Playa Del Rio. Below are listed our specific comments as they relate to the Executive Summary of the above mentioned report and any recommendations it contains.

- 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. All possible areas need to be protected.
- 2) Associated Aquatic Habitats - We fully support that all aquatic habitats associated with existing and proposed CBRS units be added to the CBRS. If this is not done our fish, wildlife, and other natural resources of the coast will be left unprotected.
- 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 (federal, state, or local) be added to CBRS. We also support including privately owned coastal barriers held for conservation purposes be added to CBRS. We also believe that what is good for the goose is good for the gander and that federal, state, and local conservation and recreation lands also be included. These lands are subject to the same development types of pressures especially since the Reagan Administration has been trying to privatize or lease out so much government land.
- 5) Federal Stewardship: The Acquisition Alternative - We do not favor additions to government managed lands being exempt from CBRS. We do favor excess/surplus lands be included in CBRS. We also favor more acquisition by all levels of government and then protection of these lands. This should be emphasized in CBRS for the federal government.

"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

715

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 coast 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.
3527 AVENUE QUE HALP
GALVESTON, TEXAS 77550
TEL: 409-762-7188/761-4707

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 offshore 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 as 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. Inclusion 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&MS. I would urge that while cooperation or agreement is needed, the F&MS 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 OMB 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, ^{Pacific} Great Lakes, Bays) of the United States, whether by sand or cliff, whether primary or secondary to the open water, and the adjacent... ^{and Islands}

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, Ph.D.

Claunch and Associates, P. C.
- LAND SURVEYORS -
P. O. Box 3582
BROWNSVILLE, TEXAS 78520
Phone (512) 542-4792

June 15, 1987

President Ronald Reagan
Donald P. Hodel, Secretary of the Interior
William P. Horn, Asst. Sec. for Fish, Wildlife & Parks
Senator Lloyd M. Bentsen
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.

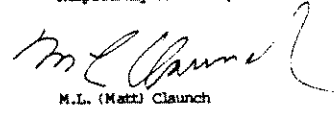
1. Contrary to the assertions of the representatives of the Dept. of the Interior, this Report, and its recommendations, have not been prepared, as specified by law, with "opportunity for, and (consideration of) - public comment." Their statements that "press releases" had been submitted to local media 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.

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

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 Nueces, 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.

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's 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



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. (EH&A) 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

916 Capital of Texas Highway South • P.O. Box 519 • Austin, Texas 78767 • (512) 327-6840 • Telex 1561212

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 of 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.

ESPEY, HUSTON & ASSOCIATES, INC.

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

1123

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.

JOBES AND LOCAL ECONOMY

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

Coastal Barrier Study Group

Hockaday, page 2

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.

Coastal Barrier Study Group

Hockaday, page 3

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.

Coastal Barrier Study Group

Hockaday, page 4

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

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

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

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 dicker 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.

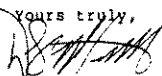
Including all of this unit in Padre Island National Seashore would be an enormous windfall for owners south of this unit and should almost immediately stimulate controlled development and increase the land value for property owners in and near the Town of South Padre Island and the City of Port Isabel.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

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

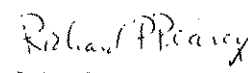
Gentlemen:

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

521

April 6, 1987

Mr. Harold E. Rawlings
 8705 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.

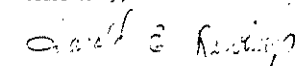
Texas does not need development along our precious coast and marsh lands. Lets give the wildlife and marine life a chance. Untold thousands of ducks, geese, and all types of shore birds inhabit these marsh lands twelve months out of the year.

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,



May 28, 1987

710

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 Royder
 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 I. Brand
23306 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 I. Brand

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

876

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

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 taped so that a few socially & environmentally irresponsible individuals ^{M.P.C.} ~~can~~ get rich with an insurance guarantee subsidy at the expense of the general public & at the cost of a vitally important portion of our environment.

Those few jobs they are bleating 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

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 doesn'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 Atzels
628 Lindale Dr apt #119
Brownsville, TX 78521

-541-2873

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 McElvri
Hensley

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 enlargening the areas not covered by Federal flood insurance.

Sincerely yours,

Mark Waite

1127

231 Rosebud
Corpus Christi, Texas 78404
June 18, 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 CBRSS 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 CBRSS. 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

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

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 Louse
P.O. Box 80
Port Bolivar, Tex. 77650

927

Pauline M. Abbott
130 East Whiting, Box 2883
South Padre Island, TX 78997

6/15/87

Gentlemen:

I'm 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 Reed 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 do think the development they want to put on Boca Chica

is awful -

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

Coastal Barriers Study Gp.
National Park Service
Dept of Interior

6-22-87 1429

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

231 Rosebud
Corpus Christi, Texas 78404
February 25, 1988 1767

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 A. Berryhill, Jr.
Henry A. Berryhill, Jr.
Consulting Geologist

cc: Senator Lloyd Bentsen



State of Texas
House of Representatives
Austin

1367

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
2400 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-9608

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

DISTRICT OFFICE
DALLAS, TEXAS 75208
REPUBLIC BANK TOWER Room 1218
400 SOUTH ZANE BOULEVARD
DALLAS, TEXAS 75216
(214) 787-2816
GRAND PRAIRIE, TEXAS 75051
REPUBLIC BANK TOWER Room 720
801 WEST FRENCH
GRAND PRAIRIE, TEXAS 75051
(214) 282-1503
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,

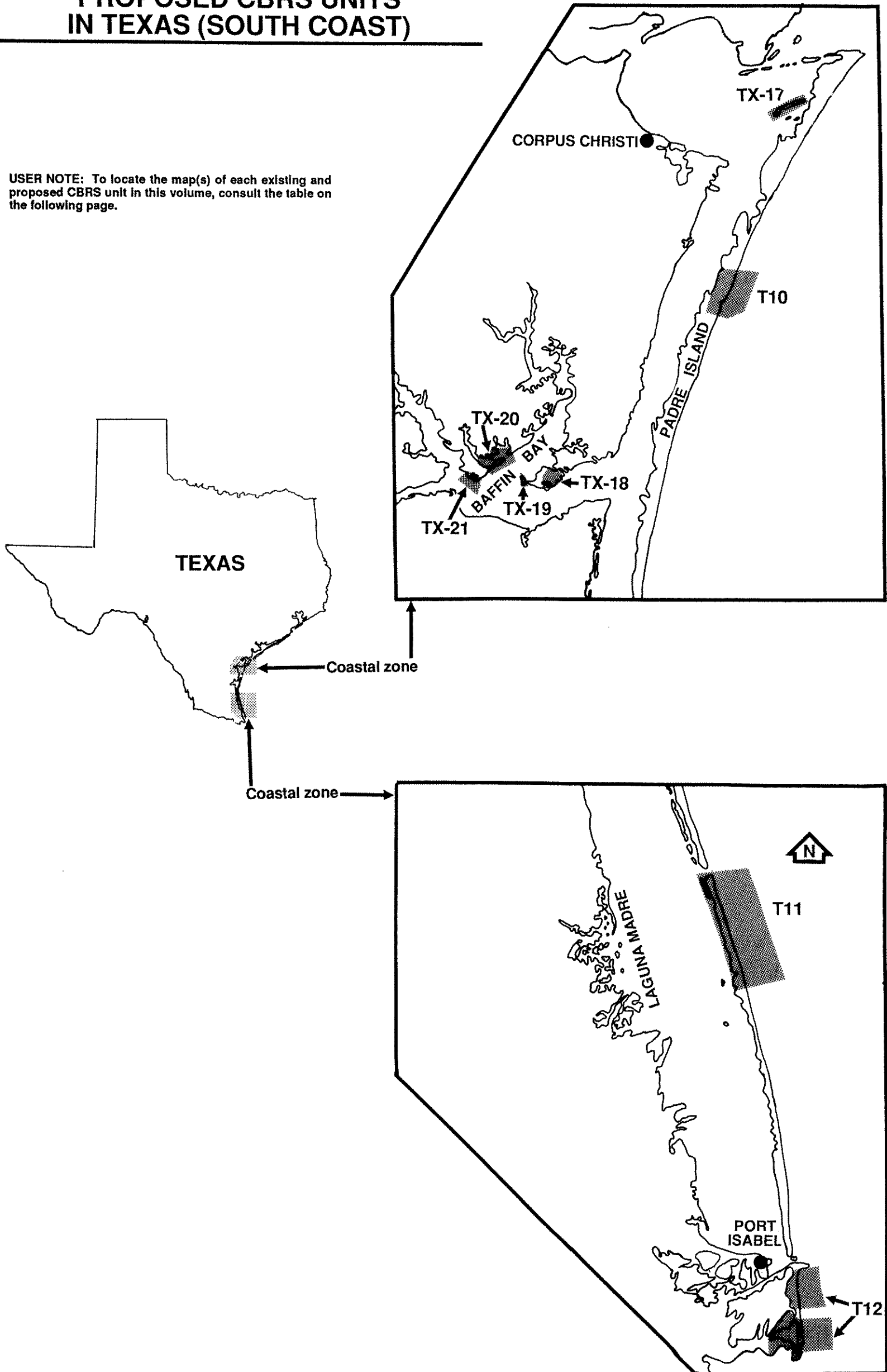
Martin Frost

MARTIN FROST
Member of Congress

MF:kbm

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

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



MAPS DEPICTING EXISTING AND PROPOSED CBRS UNITS

Unit ID Code	Unit Name	USGS Topographic Map or Map Composite	Page
T10*	North Padre Island	Pita Island	30
		South Bird Island	31
T11*	South Padre Island	South of Potrero	
		Lopeno SE	48
		Green Island	50
		North of Port Isabel NW	51
		North of Port Isabel SW	52
		Three Islands	53
		La Coma	54
T12*	Boca Chica	Port Isabel	72
TX-17	Shamrock Island	Port Ingleside	28
TX-18*	Baffin Bay	Point of Rocks	40
TX-19*	Starvation Point	Kleberg Point	41
TX-20*	Cayo Del Infiernillo	Kleberg Point	41
TX-21*	Kleberg Point	Kleberg Point	41

*Public comment summaries and DOI responses follow unit maps.

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

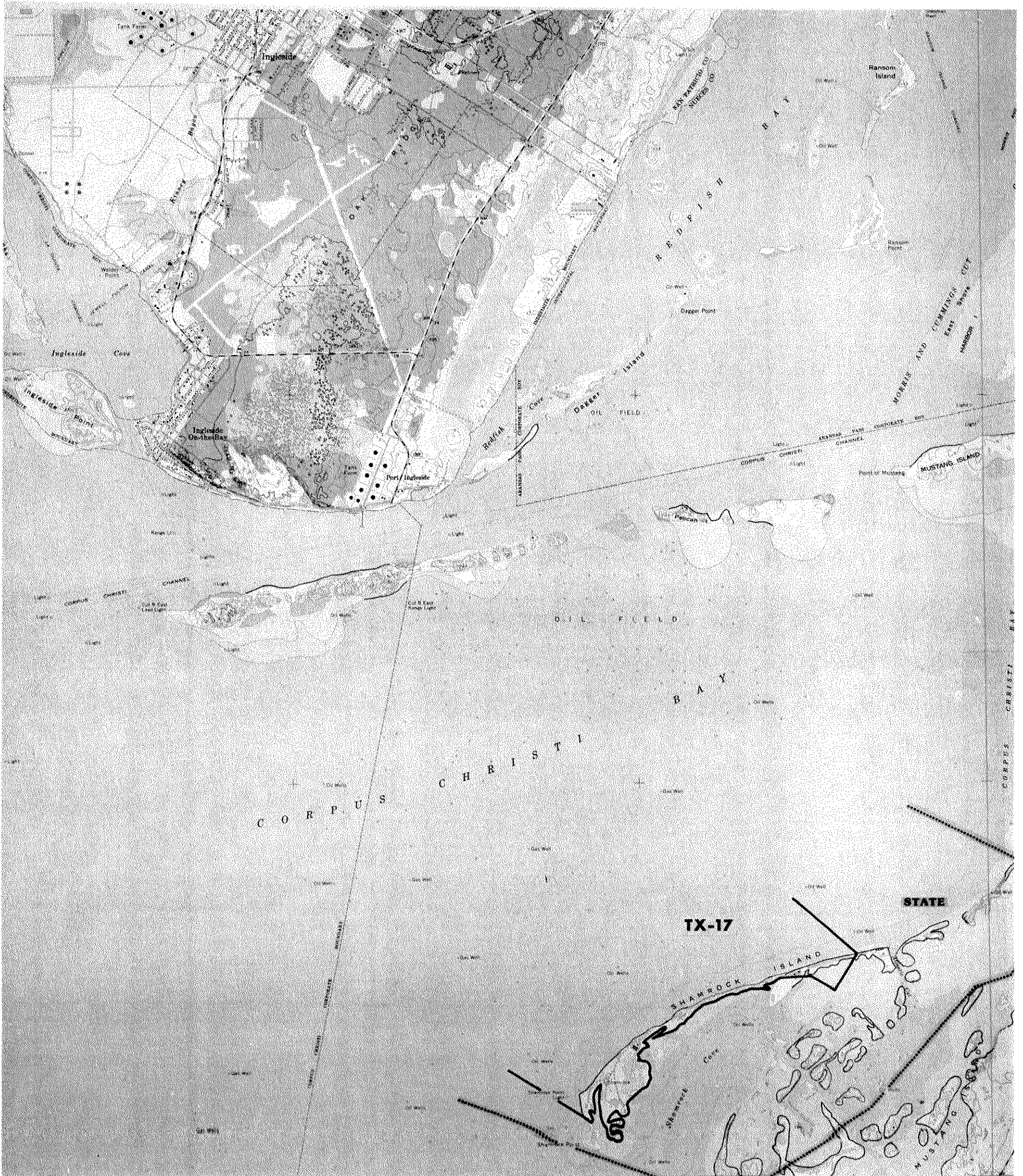
USGS Topographic Map or Map Composite	Coastal Barrier Status	Page
Port Ingleside	State	28
Crane Islands NW	State	29
Pita Island	Federal, State, Local	30
South Bird Island	Federal	31
South Bird Island SE	Federal	39
Point of Rocks	Federal	40
Kleberg Point	State	41
Yarborough Pass	Federal	43
Potrero Cortado	Federal	44
Potrero Lopeno NW	Federal	45
Potrero Lopeno SW	Federal	46
South of Potrero Lopeno NW	Federal	47
South of Potrero Lopeno SE	Federal, State	48
Port Mansfield	State	49
Green Island	State	50
North of Port Isabel SW	State	52
Three Islands	State	53
La Coma	State	54
Port Isabel	State	72

*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.



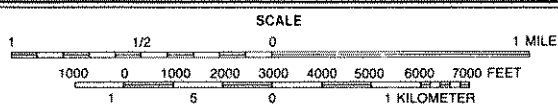
Report to Congress on the Coastal Barrier Resources System

**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

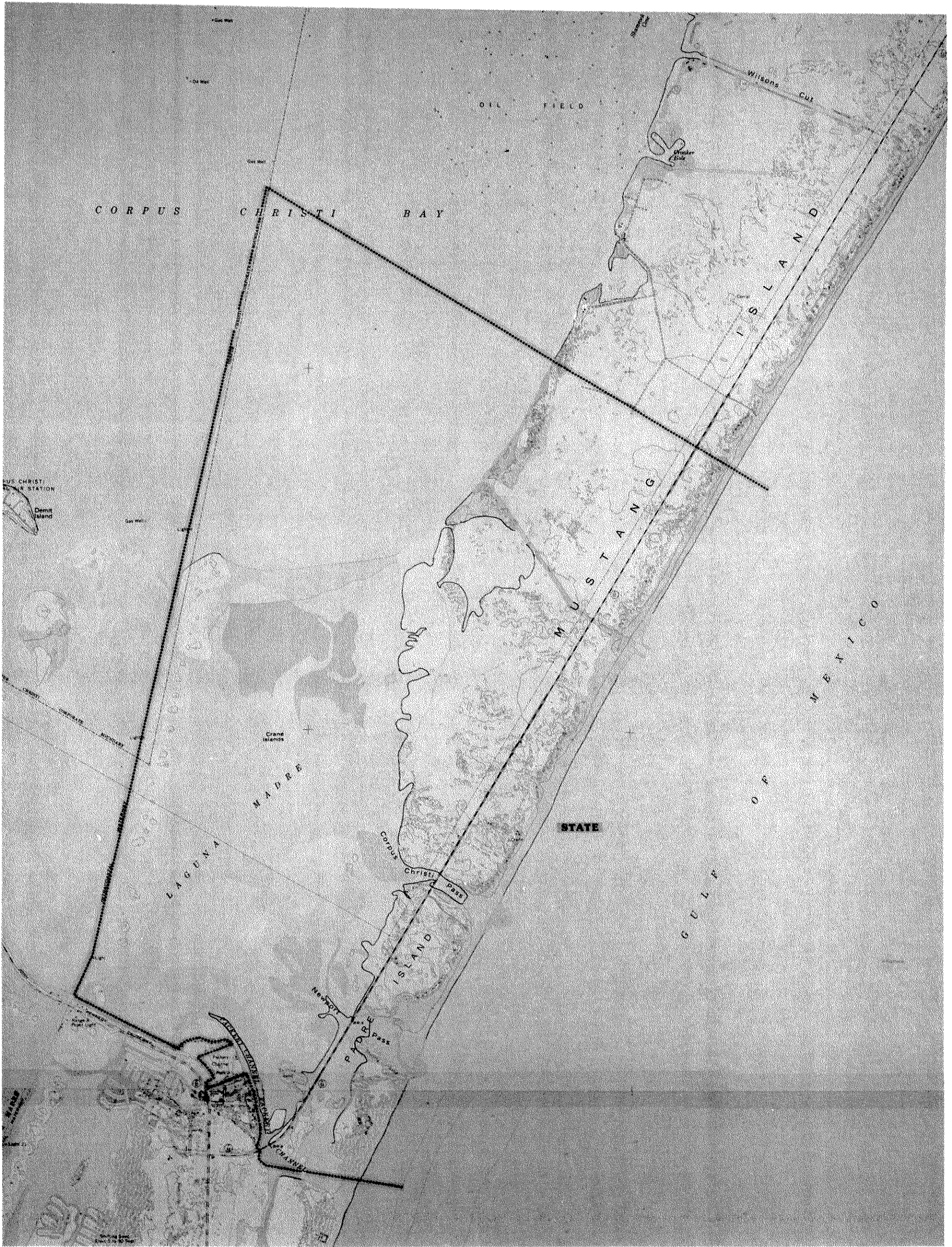
QUADRANGLE
PORT INGLESIDE
TEXAS



- 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.



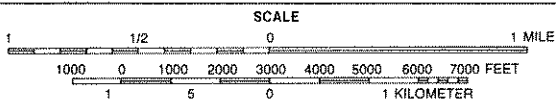
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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

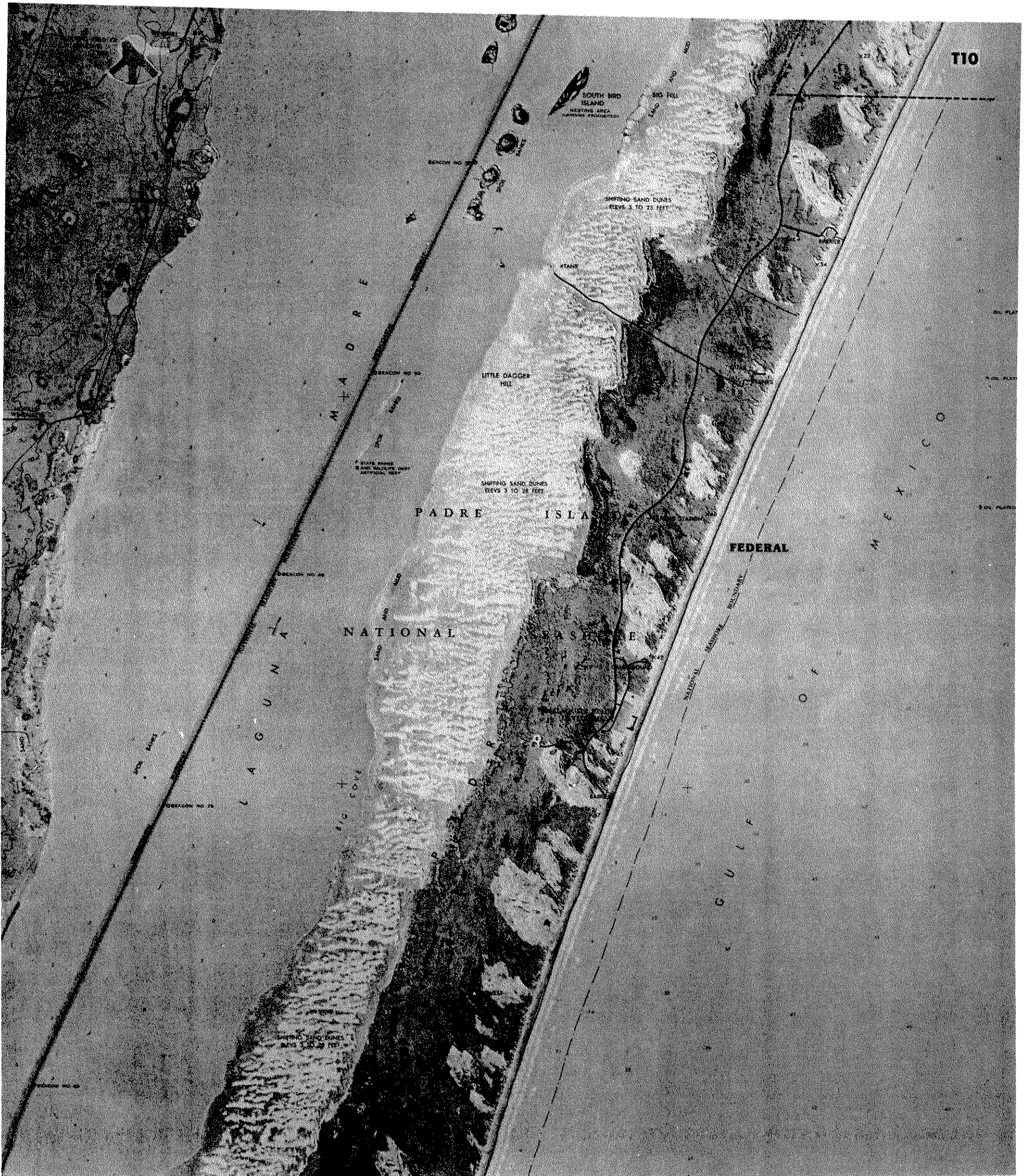
QUADRANGLE
CRANE ISLANDS NW
TEXAS



- 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.



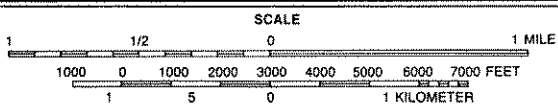
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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

QUADRANGLE
SOUTH BIRD 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.

T10 - NORTH PADRE ISLAND

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

Other Comments: Twelve comment letters concerning CBRS unit T10 were received. All but two of these, including those from Kleberg County and the City of Corpus Christi, either opposed the proposed additions to T10 in the 1987 Draft Report or requested the deletion of the entire existing unit from the CBRS. The three major arguments for deletion were: (1) the area should be considered developed because there is a State highway and a waterline through the unit to the National Seashore; (2) as gateway to the National Seashore, development of the area should not be inhibited; and (3) there is no need for CBRS units in this area because individual landowners are managing their property in an environmentally

conscious manner. Representative, substantive comment letters are reprinted below. See also the General Comment Letters section.

Response: All of existing CBRS unit T10 fully qualified for inclusion in the CBRS in 1982. The presence of a road and waterline through a barrier is not, by itself, a criterion for exclusion from the CBRS as developed property. Location near a public park and landowner management actions are also not criteria for deletion from the CBRS. All of the proposed additions to T10 in the 1987 Draft Report are State-protected wetlands (GLO land); these areas are not recommended for addition to the CBRS in this final report.

DOI Recommendation: The DOI recommends no changes in this existing CBRS unit.

W. C. McDANIEL
County Judge



COUNTY of KLEBERG
KINGSVILLE, TEXAS

1366

P. O. Box 752
Kingsville, Tx. 78363
512-592-2411

June 10, 1987

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

Re: Kleberg County Response to the Interior's "Report to Congress: Coastal Barrier Resources System" (March, 1987)

Dear Mr. McGilvrey:

Following is Kleberg County's response to the Department of Interior's 1987 recommendation to Congress on the Coastal Barrier Resources System (CBRS). Attached to these comments is a resolution passed by the Kleberg County Commissioner's Court reaffirming the positions stated herein.

In response to the Department of Interior's "Report to Congress: Coastal Barrier Resources System" (March, 1987), the Kleberg County Commissioner's Court recommends the following:

Recommendations

1. No expansion of the CBRS in Kleberg County. This includes areas TX-18, TX-19, TX-20, TX-21 and the additional wetland areas to T-10.
2. The removal of T-10 from the CBRS.
3. All state and public lands, current and future, be classified as "otherwise protected".
4. Modifications to the CBRS should be initiated at the local and state levels.

The above recommendations have been developed based on the following information and justification. For your consideration, the following is provided:

Supporting Information

1. The property owners have historically managed areas T-10, TX-18, TX-19, TX-20 and TX-21 in an environmentally conscious manner. As is evident, the integrity of the coastal environment in these areas is still intact. The existing property owners recognize the value of the dunes and coastal habitat. The stewardship of these properties has been and should continue to be fully controlled by the property owners. Having any areas in Kleberg County in the CBRS limits the property owners ability to manage and develop their lands as they see fit as has always been the case in the past. Historical practices by these stewards of the these lands is commendable. All rights to management of areas T-10, TX-18, TX-19, TX-20 and TX-21 should remain locally controlled by the property owners.

2. Any modification to the CBRS should be initiated at the local level first and then the State level. The Kleberg County Commissioners Court has established a committee to review Dune Protection Ordinances in respect to Kleberg County. Again this is another step in developing local controls for development within areas T-10, TX-18, TX-19, TX-20 and TX-21.

3. The recreational demands on T-10 is far greater than existing facilities in this area can provide. Future demand will be even greater due to the increased tourism activity in Coastal counties. We recommend that all State and public lands, present and future, be classified as "otherwise protected" and remain excluded from the CBRS.

Area T-10 is the "gateway to the National Seashore". The recreational potential of this property is very great and development of recreational amenities is greatly needed to meet current and future demands. Basic services such as beach access, sanitation, transportation and security need to be greatly expanded. Development of recreational facilities to provide needed services in T-10 will only enhance the services offered at the National Sea Shore.

Representatives from certain property owners on Padre Island have expressed their interest to Kleberg County to provide for future public lands for recreational development. Kleberg County will pursue these opportunities.

4. If development occurs in area T-10, Kleberg County will benefit substantially due to the increased economic impacts created by such development. This development is sorely needed due to the severely depressed economy in South Texas and Kleberg County.

Kleberg County experienced a 40% decrease in mineral valuations in 1986 and a 39% decrease in mineral valuations in 1987. This is equal to a \$1.28 billion dollar decrease in mineral valuation netting a loss of approximately \$5 million to the Kleberg County general fund. No one industry can fully recoup these losses but tourism is Kleberg County's most viable area for expansion at present.

Tourism has replaced agriculture as the number 2 industry in Texas. The primary visitor attraction to the Texas Coast is the barrier island shore fronts. Area T-10 is already inundated with these tourists yet lacks adequate quality accommodations and services in Kleberg County.

It is unreasonable to force the entire burden of public facility development and services such as beach access, sanitation, transportation and security on Kleberg County since most of the visitors are out-of-county and out-of-staters.

Tourism has been identified in Kleberg County as a primary source of development to generate tourism dollars through proper facility development. Development of proper recreational amenities in area T-10 will mean the creation of many needed jobs, increased tourism expen-

ditures, and the resulting increased revenue sources to Kleberg County such as property and sales taxes.

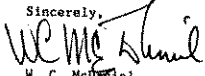
Diversification into the tourism industry is greatly needed in Kleberg County. Development of recreational facilities controlled locally on Padre Island in area T-10 provides a bright spot economically to Kleberg County.

5. Areas TX-18, TX-19, TX-20 and TX-21 plus the addition of wetland areas to T-10 should not be considered as these formations and areas are not "primary coastal barriers and associated aquatic habitat" but "secondary barriers in an embayment, Baffin Bay." The inclusion of areas TX-18, TX-19, TX-20 and TX-21 into the CBRS are not germane to the original intent of the CBRS.

6. Finally, basic infrastructure already exists in areas T-10 and was constructed to meet future development needs. A state highway connects Nueces County with the National Sea Shore. The water line servicing the National Sea Shore was oversized by participation of the property owner to provide for initial development needs. Since the construction of infrastructure is the first major investment in development, consideration should continue to be given to the existence of infrastructure in T-10 in determining whether this coastal barrier is developed.

Kleberg County thanks the Barrier Island Task Force for the opportunity to present its view points regarding the Department of Interior's "Report to Congress: Coastal Barrier Resources System" (March, 1987). Your serious consideration of Kleberg County's recommendation will be appreciated.

Sincerely,


W. C. McDaniel
County Judge

NR/gbv

THE STATE OF TEXAS |
COUNTY OF KLEBERG |

BE IT REMEMBERED, that on this the 8th day of June, 1987, the Commissioners' Court of Kleberg County, Texas, met in Regular Session to consider the following business, to-wit:

PRESENT: Hon. W. C. McDaniel, Judge Presiding
Doyle Dreyer, Commissioner, Pct. 1
E. S. Roberts, Jr., Commissioner, Pct. 2
Earl Hubert, Commissioner, Pct. 3
Romeo Lomas, Commissioner, Pct. 4
J. S. Scarborough, III, Sheriff
Janet Brown, County Auditor
Sam D. Deanda, County Clerk

COURT was opened by Proclamation, and pursuant to law, whereupon the following among other, was had to-wit:

IN THE MATTER OF ADOPTING RESOLUTION CONCERNING COASTAL BARRIER STUDIES GROUP

The above matter coming on for consideration and it appearing to the Court that by adopting said Resolution and that if this went into the Coastal Barrier as set forth by the Government, it would remain undeveloped and it could not be anything built on said land because of the requirements that flood insurance could not be obtained. Motion was made by Commissioner Lomas and seconded by Commissioner Roberts that said Resolution be adopted. Upon vote, motion carried unanimously. Said Resolution as follows:

CONCURRING WITH THE FINDINGS OF THE SOUTH TEXAS BARRIER ISLAND TASK FORCE AND URGING THE COASTAL BARRIER STUDIES GROUP, THE SECRETARY OF THE INTERIOR, AND THE MEMBERS OF CONGRESS TO ACCEPT THE RECOMMENDATIONS OF THE SOUTH TEXAS BARRIER TASK FORCE;

WHEREAS, the Kleberg County Commissioners Court is a participant in the South Texas Barrier Island Task Force; and

WHEREAS, Kleberg County and the South Texas Barrier Island Task Force takes exception to much of the U. S. Department of Interior's draft report to Congress on the Coastal Barrier Resources System published in April, 1985; and

WHEREAS, Kleberg County and the Task Force has determined that implementation of the provisions of the draft report would severely harm the economy of South Texas through the loss of future jobs and their attendant wages and salaries.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF KLEBERG, TEXAS:

SECTION 1. The Coastal Barrier Studies Group of the U. S. Department of the Interior, the Secretary of the Interior, and the Members of Congress are urged to accept the recommendations of the South Texas Barrier Island Task Force.

SECTION 2. The County Commissioners Court concurs with the summary recommendations of the South Texas Barrier Island Task Force:

---- That no additional areas in Kleberg County be given the "undeveloped" designation.

---- That a 4,200 acre tract immediately north of the Padre Island National Seashore be reclassified as "developed" due to the presence of a paved highway and water services as well as a potential for tourism related improvements.

SECTION 3. That the County Clerk be directed to forward copies of this Resolution to the Coastal Barriers Study Group of the U. S. Department of the Interior, the Secretary of the Interior, the Members of Congress representing this area, and the Governor of Texas..

ATTEST:

/s/ Sam D. Deanda
Sam D. Deanda, County Clerk

/s/ W. C. McDaniel
W. C. McDaniel, County Judge

/s/ Doyle Dreyer
Doyle Dreyer, Commissioner, Pct. 1

/s/ Earl Hubert
Earl Hubert, Commissioner, Pct. 3

/s/ Jack Roberts
Jack Roberts, Commissioner, Pct. 2

/s/ Romeo Lomas
Romeo Lomas, Commissioner, Pct. 4

APPROVED:
8th Day of May, 1987

THE STATE OF TEXAS |
COUNTY OF KLEBERG |


I, SAM D. DEANDA, County Clerk of the County Court of Kleberg County, Texas, do hereby certify that the above and foregoing is a true and correct copy of a portion of the minutes of the Regular Session of June 8, 1987, IN RE:

IN THE MATTER OF ADOPTING RESOLUTION CONCERNING COASTAL BARRIER STUDIES GROUP

as the same now appears of record in my office in Volume 6, Page 545, Commissioners' Court Minutes of Kleberg County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, at office in Kingsville, Kleberg County, Texas, this 10th day of June, 1987.

SAM D. DEANDA, COUNTY CLERK &
EX-OFFICIO CLERK OF THE
COMMISSIONERS' COURT OF KLEBERG
COUNTY, TEXAS

By: 
Deputy



June 23, 1987

City of Corpus Christi

The Honorable Donald Hodel
Secretary of the Interior
Room 6151, Interior Building
18th and 'C' Streets, Northwest
Washington, D. C. 20240

Dear Mr. Hodel:

"Report to Congress: Coastal Barrier Resources System" (March 1987) has been reviewed, and comments have been provided by the Barrier Island Task Force reflecting the interests of citizens of Corpus Christi. I want to associate myself with those comments, which were provided by Chairman Linda Strong's letter to you dated June 22, 1987.

The Corpus Christi City Council has participated at every opportunity in the development of legislation and regulations to protect barrier islands. Mustang Island and Padre Island are important residential, commercial, recreation, environment, and economic resources of our community, of Texas, and of the nation. We have given priority to those actions necessary to assure quality development on barrier islands and to conserve those precious resources for the benefit of present and future generations.

The March 1987 report to Congress includes changes from previous drafts which are responsive to some of our concerns. We appreciate the cooperation from your staff that has made it possible for us to understand the issues and make our views known.

We believe that the process of study and public input over the past several years has been productive, and that the report you will make to Congress will reflect achievement of the goals of the Coastal Barrier Resources Act. We would urge you to reconsider proposing a joint study by several federal agencies to develop alternative guidelines on which to base decisions concerning redevelopment of coastal barriers following major storms or hurricanes. Engaging in such a study would only continue the uncertainty about federal policies affecting barrier islands, and it would duplicate past efforts. The money for such a study could be better used in other areas.

302 South Shoreline - P.O. Box 9277 - Corpus Christi, TX 78469-9277 (512) 880-3000

Thank you for providing us the opportunity to comment on this important report. Your consideration of our suggestions is appreciated.

Sincerely,
Betty Turner
Mayor

Barrier Island Task Force

June 22, 1987

The Honorable Donald Hodel
Secretary of the Interior
Room 6151, Interior Building
18th and 'C' Streets, Northwest
Washington, D.C. 20240

Re: "Report to Congress: Coastal Barrier Resources System" (March 1987)

Dear Mr. Secretary:

The Barrier Island Task Force of the Corpus Christi Chamber of Commerce was established in 1985 to respond to the Department of the Interior's proposals to expand the Coastal Barrier Resources System, which was created by the Coastal Barrier Resources Act of 1982. The Task Force consists of representatives of the public and private sectors in Corpus Christi and the surrounding areas, including: Nueces County, Kleberg County, San Patricio County and Aransas County. (See attached Task Force Steering Committee roster.) The Task Force is coordinating its efforts with other areas of the Texas Gulf Coast, including: Galveston County, Brazoria County, Matagorda County, Willacy County and Cameron County.

Following is the Barrier Island Task Force's response to the Department of the Interior's 1987 recommendations to Congress on the Coastal Barrier Resources System (CBRS):

In response to Interior's 1985 "Draft Report to Congress on CBRS," in 1985 the Barrier Island Task Force adopted the following position statement:

Task Force Objectives:

- 1. Balance conservation and development goals.
2. Concentrate future development where infrastructure already exists.

Task Force Recommendations:

- 1. Continue exclusion of all State and public lands (i.e., retain the classification of "otherwise protected" for public lands).
2. No expansion of CBRS.
3. Modification of the Coastal Barrier Resources Act (CBRA):
A. To put initiative for any changes at the State Level.
B. To require an economic impact statement (EIS) on any proposed changes.

Secretary Hodel
June 22, 1987
Page 2

- 4. Rejection of post-storm reclassification procedures (i.e., reclassification of areas where storm damage exceeds 50% from "developed" to "undeveloped").
5. Removal of area mistakenly classified as "undeveloped" (i.e., CBRS Unit T-10: North Padre Island, located in Kleberg County).
6. Circulation of all Interior draft reports and recommendations for review and comment by local and state governments, and the public, prior to submission to Congress.

The Task Force's position statement, along with supporting arguments and documentation, were included in the Task Force's "Report to Congress on Proposed Department of Interior Barrier Island Program" (September 1985).

The Task Force wishes to commend the Department of the Interior for resolving several of the Task Force's concerns relating to Interior's 1985 proposals. However, the Task Force wishes to re-emphasize its 1985 position statement relating to Interior's 1987 recommendations to Congress:

1. Continue Exclusion of all State and Public Lands.

Interior's 1987 recommended additions to CBRS include lands under the ownership and management of the State of Texas and the Texas General Land Office, including several thousand acres of submerged lands; the Task Force recommends that all State and public lands retain the classification as "otherwise protected," and remain excluded from CBRS.

2. No Expansion of CBRS.

The Task Force commends Interior for its recognition of the management efforts of local governments in the Corpus Christi area, as indicated by the removal from further consideration of Units TX-14, TX-15, TX-16 and TX-17, located in Nueces County and Aransas County. However, the Task Force is opposed to any expansion of CBRS, especially the additions to include State lands, portions of the Gulf Intracoastal Waterway (GIWW), and "secondary coastal barriers" in embayments such as Baffin Bay (i.e., Units TX-18, TX-19, TX-20, TX-21). CBRS should be limited to the "primary coastal barriers" seaward of GIWW and excluding all lands under the management of State or local governments (i.e., "otherwise protected").

3. Modification of CBRA:

A. To put initiative for any changes at the State level.

The Task Force continues its 1985 position.

B. To require an economic impact statement (EIS) on any proposed changes.

The Task Force understands that Interior considers the 1983 Final Environmental Statement (FES) as meeting the requirements for an economic impact analysis. The Task Force does not accept the 1983 FES as satisfying the need for a complete EIS to address the



impact on the local economy, including jobs and tax revenues to local, state and federal government. The 1985 Task Force Report includes an EIS for Nueces County, which was commissioned by the Task Force. The Task Force recommends that requirements for economic impact statements be specified by amendment to CBRA.

4. Rejection of Post-Storm Reclassification Procedures.

Interior's 1987 recommendations to Congress contain no reference to the post-storm reclassification procedures as described within the 1985 "Draft Report to Congress on CBRS." The Task Force commends Interior for deleting this proposal from its 1987 recommendations to Congress.

5. Removal of Areas Mistakenly Classified as "Undeveloped".

The Task Force acknowledges that Interior has reviewed the status of CBRS Unit T-10, and does not consider the area "developed." However, the Task Force requests that Interior and Congress reconsider Unit T-10 for deletion from CBRS. Unit T-10 is located in Kleberg County between the Padre Island National Seashore and Nueces County, and within the extra-territorial jurisdiction (ETJ) of the City of Corpus Christi; the area's isolation from the rest of Kleberg County creates serious problems in law enforcement and management of the area. The present situation creates a "no man's land" for an area that is considered as the gateway to the National Seashore, and severely limits the potential for recreational development.

The National Seashore was established by Congress in 1962. At that time, it was the understanding of property owners and local governmental officials that the northern and southern ends of Padre Island would remain available for development. As stated in a February, 1959 Field Investigation Report prepared by the National Park Service (Region 3): "Optimum boundaries suggested for a Padre Island National Seashore embrace an 88 mile stretch of the island. These suggested boundaries leave out the northern 10 miles and southern 15 miles of the island so as to provide space for the expansion of tourist developments already begun at the ends of the island."

The current boundaries include the undeveloped central portion of Padre Island extending 68.5 miles north from the Mansfield Channel.

Based on the understanding that public and private property adjacent to the National Seashore would remain available for tourist development, the Task Force recommends that Interior officials consult with property owners, Kleberg County and the City of Corpus Christi to review the status of Unit T-10 and to consider reclassification of Unit T-10 for deletion from CBRS contingent upon development of a land use plan which is consistent with long-term conservation and development goals of local governments and the National Seashore.

6. Circulation of all Interior draft reports for review and comment by local and state government, and the public, prior to submission to Congress.

The Task Force commends Interior for the opportunity to review the 1987

recommendations and maps for comment during the 90-day public comment period.

The Task Force also wishes to address the following issues which were not included in the Task Force's 1985 Report:

1. Designation of "Associated Aquatic Habitat".

The Task Force is concerned about the arbitrary manner in which Interior has designated "associated aquatic habitat" for addition to CBRS. It is the Task Force's understanding that the boundaries were determined by measuring inland from existing CBRS Units one mile for open water, and five miles for wetlands. While the Task Force is opposed to any expansion of CBRS, if "associated aquatic habitats" are to be considered then designation of these areas should be done by a more scientific basis consistent with the purpose of CBRA.

2. Designation of Portions of Ship Channels and the Gulf Intracoastal Waterway (GIWW).

The Task Force is concerned about the recommendations to add portions of ship channels and GIWW to CBRS. Due to the importance of these waterways to commerce and recreation on the Gulf Coast, the Task Force recommends that GIWW and all ship channels remain excluded from CBRS.

3. References to the Texas Catastrophe Property Insurance Pool (Catpool).

The Task Force recommends that the references to the Texas CATPOOL in Volumes 19 and 20 of Interior's report to Congress be updated. A fact sheet on CATPOOL prepared by the Insurance Information Institute is attached. In addition, the 70th Texas Legislature has passed legislation to strengthen CATPOOL which is referred to by the Insurance Information Institute as "the largest and most efficient 'wind pool' in the U.S. ...". The key provisions of the legislation are:

1. the establishment of building code inspections by the State Board of Insurance; this would provide for inspections for all areas of coastal counties, including unincorporated areas;
2. the appointment of an advisory committee by the State Board of Insurance to advise the Board on building specifications in the CATPOOL Plan of Operations; this committee will provide for input by municipalities and the building industry from coastal counties;
3. the establishment of procedures for any interested party to petition the State Board of Insurance for amendments to the CATPOOL Plan of Operations.

It was determined through negotiations among the insurance industry, coastal communities, the State Board of Insurance and State legislators, that stricter enforcement of existing building codes, not stricter building codes, was the crucial issue. The Texas CATPOOL illustrates how the State of Texas is taking steps to insure quality growth along the Texas Gulf Coast.

4. Flood Disaster Protection Act of 1973 (FDPA).

The FDPA prohibits federally insured lending institutions from extending credit secured by improved real estate within flood hazard areas in which flood insurance has been made available under the National Flood Insurance Act of 1968 (NFIA), if the property is not adequately covered by flood insurance (Section 102-b, FDPA). Section 11 of CBRA, which amends Section 1321 of NFIA and prohibits federal flood insurance within CBRS units, states: "A federally insured financial institution may make loans secured by structures which are not eligible for flood insurance by reason of this section."

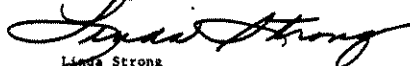
It is uncertain how these provisions may affect actual lending practices by federally insured lending institutions. The Task Force will be requesting rulings by the Comptroller of Currency, FDIC and FSLIC to determine what lending restrictions may be in effect within CBRS units.

5. Proposed Joint Study to be undertaken by DOI, DOD, FEMA and NOAA.

The Task Force objects to Interior's recommendation for a joint study "to develop alternative guidelines on which to base decisions concerning redevelopment of coastal barriers following major storms or hurricanes". The Task Force contends that such a study goes beyond the scope of CBRA, and should not be considered as an amendment to CBRA. If such a study is conducted, it should include an analysis of all economic factors related to coastal development, not only alleged subsidies. Interior has not satisfactorily demonstrated that programs, such as federal flood insurance, are subsidies. Total costs and benefits must be considered to determine whether coastal development is "subsidized". Further, such a study should include all areas in the country which may be vulnerable to natural disasters (e.g., floods, tornados, earthquakes, droughts); a study of coastal development only would be inadequate and discriminatory.

The Task Force appreciates the opportunity to respond to the Department of Interior's recommendations to Congress. Please contact us if you have any questions.

Sincerely,



Linda Strong
Chairman
Barrier Island Task Force

cc: Frank McGilvray, Coordinator
Coastal Barriers Study Group
Texas Congressional Delegation



976

KINGSVILLE CHAMBER OF COMMERCE

PO BOX 1030
838 EAST KING
KINGSVILLE, TEXAS 78363
TELEPHONE 512/592-8438

June 19, 1987

Ms. Barbara Wyman
Special Assistant to the Secretary
Department of the Interior
Washington, D.C. 20510

Dear Ms. Wyman:

On behalf of the Kingsville Chamber of Commerce, I want to support and reiterate the position of the Kleberg County Commissioner's Court regarding the Coastal Barriers Resources System.

In particular, we recommend:

- 1.) No expansion of the CBRS in Kleberg County. This includes areas TX-18, TX-19, TX-20, TX-21 and the additional wetlands areas to T-10.
- 2.) The removal of T-10 from the CBRS.
- 3.) All state and public lands, current and future, should be classified as "otherwise protected".
- 4.) Modifications to the CBRS should be initiated at the local and state levels.

The reasons for these recommendations are attached. In addition regarding T-10, it was understood by local officials that when the National Seashore was acquired in Kleberg County, the remaining area in Kleberg County would be left out of the Seashore so that development could occur. This action will not be possible under the proposed recommendations.



KINGSVILLE CHAMBER OF COMMERCE

PO BOX 1030
635 EAST KING
KINGSVILLE TEXAS 78363
TELEPHONE 512/592-6438

We urge the adoption of the above recommendations. We also appreciate the willingness of Department officials to meet with interested residents and officials to review this matter.

Sincerely,

Steve Altman

Dr. Steve Altman
President

Enc.

cc: Interested parties

SA/mg



COASTAL BEND AUDUBON SOCIETY

1142

P. O. Box 6211

Corpus Christi, Texas 78411

21 June 1987

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

Dear Study Group:

I wish to express the strong support of our 530 member Coastal Bend Audubon Society for the proposed additions to the Coastal Barrier Resources System. The very attractive benefits of conserving precious coastal resources while at the same time saving the taxpayers' dollars is far-sighted indeed! But we feel that you have erred by not including large areas on the Pacific and Great Lakes coastline and we would hope that you reconsider that decision.

A few other comments pertain to the Coastal Bend and South Texas coast. First, we regret the accommodation to political and/or special interest pressure to remove sections of North Padre and Mustang Islands that clearly qualified for designation. The lobbying effort by members of the Corpus Christi City Council and a handful of real estate speculators apparently was successful in having the rules bent in their favor. Not only does that type of decision undermine public confidence in government, it will no doubt cost us dearly in the future.

I know the DOI is sensitive to the average federal government cost of \$25,000/acre for development subsidies and the even more expensive (\$53,000/acre) to rebuild storm ravaged property. The projected property value for North Padre Island is expected to be in the billions of dollars by the turn of the century. The infrastructure of roads, bridges, and waste treatment will be heavily dependent upon federal subsidies to maintain and rebuild. Not to mention the damage that will result to residential and commercial property, all of which will be covered by flood insurance and disaster relief loans. A hidden cost will be the upgrading and/or elevating of the J.F. Kennedy Cswy. so that it can carry the evacuation load for the increased population that will reside on the island and need to escape a hurricane.

CBAS response to CBRS, 21 Jun 87

Other areas of concern are in the South Texas coast. First, some threatened avian species' nesting and roosting habitat is located on spoil islands along the western edge of the Intracoastal Waterway in the lower Laguna Madre. These islands should be included in the System. Secondly, we fully support your decision to expand the System to the South Bay and Boca Chica area. Please resist proposals to intrude into this unique hypersaline lagoon. It is highly vulnerable to flooding and will need repeated funding to support development. Its wetlands and waters support a high diversity and quantity of bird, fish, and shellfish life. It deserves all the protection it can get.

We realize that the developers and real estate speculators are entitled to make a fair amount of return on the money they risk. But one has to ask just who in the long run is really accepting the risk. The initial developer will move on in 3-5 years having made their profit. The long-term cost of maintaining and rebuilding will be borne by we taxpayers. And if a bank or savings and loan go belly up due to bad investments or if the risks catch up to them then the FSLIC will bail them out. Developers can always file bankruptcy and just walk away from a bad investment.

All of this mess is driven by inconsiderate and greedy people. It seems such a waste to allow development onto these fragile sand islands so that a few can cash in on the beauty and uniqueness which was meant for all of us to share. After the condos, apartment houses, and private yacht clubs become overbuilt and under-maintained the beauty will no longer be there for us to enjoy.

Sincerely yours,

Thomas L. Grantland
Thomas L. Grantland, President
Coastal Bend Audubon Soc.

copy: Congressman Solomon Ortiz
Senator Lloyd Bentsen
Senator Phil Gramm

946

June 15, 1987

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

Gentlemen:

This is written to support expansion of the Coastal Barrier System to include the proposed Padre Island portion and to ask that the Mustang Island section be increased to include those lands between existing condominiums as of 1 July, 1985.

It is my understanding that some of the properties that would be affected are privately owned. As a supporter of private holdings and free enterprise, it is not my intention to propose interference with lawful use of these properties. It is my firm opinion, however, that development of these lands should not be supported in any way whatsoever by government grants, subsidies or insurance coverage. Neither should the taxpayers of this country be responsible for their clean-up and rehabilitation in the event of hurricane or other natural disaster.

The same applies to State and County properties. If disaster should once again damage or destroy State or County parks, I, as a citizen of both, am perfectly willing to pay for their repair and restoration from my share of State and local taxes and federal monies should not in any way be involved.

There is one other point. Some of the subject areas are natural habitats and breeding grounds for species of fish, animals, birds and plants that make the Gulf Coast of Texas an unique and wonderful place to live and visit. Overdevelopment will so change them that the areas will lose much of their attractiveness for the public and real estate promoters alike.

Again, I support expansion of the Coastal Barrier System in general; and, in particular, as it applies to North Padre Island. Where Mustang Island is concerned, special additional attention should be given to include those undeveloped areas between existing condominiums.

Very truly yours,

John S. Jarbot
John S. Jarbot
829 Egyptian Drive
Corpus Christi, Texas 78412

JST/jr

cc: Senator Lloyd Bentsen
Senator Phil Gramm
Congressman Solomon Ortiz


KING RANCH, INC.

1578

JAMES H. CLEMENT
PRESIDENT
JOHN B. ARMSTRONG
EXECUTIVE VICE PRESIDENT
W. B. YARBOROUGH
VICE PRESIDENT
STEPHEN J. KLEBERG
VICE PRESIDENT
SECRETARY & TREASURER

June 15, 1987

J.H. CLEMENT, JR.
VICE PRESIDENT
RONALD L. KELLEY
VICE PRESIDENT
AMBASSY SECRETARY
DONALD L. ARCHER
VICE PRESIDENT
LEROY G. DENMAN, JR.
GENERAL COUNSEL

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

Dear Sirs:

RE: Response to the Interior's - "Report to Congress: Coastal Barrier Resources System" (March, 1987)

1. Request areas TX-18, TX-19, TX-20 & TX-21 be removed from consideration as additions to the Coastal Barrier Resources System in Kleberg County in the Report to Congress: Coastal Barrier Resources System.
2. Request that area T-10 in Kleberg County be deleted from the Coastal Barriers Resources System as otherwise developed with basic infrastructure and with any future development of this area being controlled locally.
3. Request the area T-11 in Willacy and Cameron counties be removed because it too can be controlled locally.

Points of Argument

Point 1: King Ranch has always managed its lands with conservation and preservation of the natural environment in mind. By adding TX-18, TX-19, TX-20 and TX-21, the federal government encroaches upon the King Ranch's ability to manage its own lands and is not its exceptional record can speak necessary since the exceptional management record can speak for itself.

Point 2: Area TX-18, TX-19, TX-20 and TX-21 are secondary coastal barriers in an embayment, Baffin Bay. The Coastal Barrier Resources System should be limited to "primary coastal barriers" and "associated aquatic habitat."

KINGSVILLE, TEXAS 78363 - TELEPHONE (512) 592-8411 - CABLE KINGRANCH - TELEX 778-441

Mr. Frank B. McGilvrey
June 15, 1987
Page 2

Point 3: If development occurs in T-10, the economic potential is great due to the recreational and tourism potential this type land offers. An expanded property tax base, sales taxes and other revenue sources generated by local governmental entities would decrease the tax burden on the King Ranch, Inc., especially in light of the declining oil and gas industry in Kleberg County.

Summary

King Ranch has and will continue to manage our lands in a way that focuses on protecting the environment. The King Ranch, Inc. requests that areas TX-18, TX-19, TX-20 and TX-21 be removed from consideration to the CBRS as the King Ranch is capable of managing its own land. These areas are not primary coastal barriers and associated aquatic habitat and should not be considered as the same.

King Ranch also requests that area T-10 be removed from the CBRS. Kleberg County is in great need of diversifying its economy and tourism and recreational development shows the greatest potential at present. Locally controlled development on Padre Island is important to increasing Kleberg County's property tax base, and to provide needed jobs and construction in a severely depressed economy.

Finally, area T-11 should also be removed for the same reasons as T-10. King Ranch has acreage in Willacy County and could be affected as discussed above.

I appreciate your group taking the time to travel the various areas and hearing our side of the problem.

Sincerely,


J. H. Clement, Jr.

JHCjr/od

cc: Congressmen

JUNE 12, 1987

1579

MR. FRANK B. MC GILVREY
COASTAL BARRIERS COORDINATOR, FISH & WILDLIFE SERVICE
COASTAL BARRIERS STUDY GROUP
NATIONAL PARK SERVICE
U.S. DEPARTMENT OF INTERIOR
P.O. BOX 37127
WASHINGTON, D.C. 20013-7127

REF: MULLIN FAMILY RESPONSE TO THE INTERIOR'S "REPORT TO CONGRESS: COASTAL BARRIER RESOURCE SYSTEM" (FEB. 87) (REPRESENTATIVE'S REPORT BRIEF)

DEAR MR. MC GILVREY:

IN RESPONSE TO THE DEPARTMENT OF INTERIOR'S 1987 RECOMMENDATION TO CONGRESS ON THE COASTAL BARRIER RESOURCES SYSTEM (CBRS) IT IS MY OPINION THAT THE MULLIN FAMILY RECOMMENDS THE FOLLOWING AS LAND/PROPERTY OWNERS OF CERTAIN AREAS EFFECTED. THE RECOMMENDATIONS ARE AS FOLLOWS:

RECOMMENDATIONS:

- A. NO EXPANSION OF THE CBRS IN THE KLEBERG COUNTY IN WHICH INCLUDE ANY ADDITIONAL WETLANDS TO T-10.
- B. THE REMOVAL OF T-10 FROM THE CBRS.
- C. ALL STATE/PUBLIC LANDS, CURRENT AND FUTURE, TO BE CLASSIFIED AS "OTHERWISE PROTECTED" AND REMAIN EXCLUDED FROM THE CBRS.
- D. MODIFICATIONS TO THE CBRS SHOULD BE INITIATED AT THE LOCAL AND STATE LEVELS.

SUPPORTING INFORMATION:

1. THE MULLIN FAMILY, AS PROPERTY OWNERS HAVE HISTORICALLY MANAGED T-10 IN AN ENVIRONMENTALLY CONSCIOUS MANNER AND WILL CONTINUE TO DO SO IN THE FUTURE. AS IS EVIDENT, THE INTEGRITY OF THE COASTAL ENVIRONMENT IN THESE AREAS IS STILL INTACT. THE MULLIN FAMILY AS PROPERTY OWNERS RECOGNIZE AND BELIEVE THE VALUE OF THE DUNES AND COASTAL HABITAT. THE MULLIN FAMILY, HAVING STEWARDSHIP TO CERTAIN AREAS OF THESE PROPERTIES, HAVE BEEN AND SHOULD CONTINUE TO CONTROL THE AREA AS IN THE PAST. HAVING THE T-10 AREA IN THE CBRS LIMITS THE PROPERTY OWNERS ABILITY TO MANAGE AND DEVELOP THE LANDS AS THEY SEE FIT AS IT HAS ALWAYS BEEN IN THE PAST. THE MULLIN FAMILY'S HISTORICAL REPUTATION AND MANAGEMENT OF THESE LANDS ARE COMMENDABLE. IT IS FIRMLY BELIEVED THAT ALL RIGHTS TO MANAGEMENT OF THE LAND TO INCLUDE T-10 SHOULD REMAIN LOCALLY CONTROLLED BY THE PROPERTY OWNERS.

2. THE KLEBERG COUNTY COMMISSIONERS COURT HAVE ESTABLISHED A COMMITTEE TO REVIEW DUNE PROTECTION ORDINANCES IN RESPECT TO AREAS WITHIN

PAGE 2

KLEBERG COUNTY. THIS IS ANOTHER STEP IN DEVELOPING LOCAL CONTROLS FOR DEVELOPMENT IN THE T-10 AREA.

3. DUE TO THE INCREASED TOURISM ACTIVITY IN COASTAL COUNTIES, THE RECREATIONAL DEMAND ON T-10 IS FAR GREATER THAN EXISTING FACILITIES IN THIS AREA CAN PROVIDE. AREA T-10 IS THE "GATEWAY TO THE NATIONAL SEASHORE ON PADRE ISLAND". THE RECREATIONAL POTENTIAL OF THIS PROPERTY IS VERY GREAT AND DEVELOPMENT OF RECREATIONAL AMENITIES IS GREATLY NEEDED TO MEET CURRENT AND FUTURE DEMANDS. THERE IS AN INTEREST THAT HAS BEEN DISCUSSED WITH KLEBERG COUNTY OFFICIALS TO PROVIDE FOR THE FUTURE PUBLIC LANDS FOR RECREATIONAL DEVELOPMENT.

4. KLEBERG COUNTY COULD AND WOULD BENEFIT SUBSTANTIALLY DUE TO THE INCREASED ECONOMIC IMPACT IF DEVELOPMENT WOULD OCCUR IN T-10 AREA.

5. TOURISM HAS BEEN IDENTIFIED AS A PRIMARY SOURCE OF DEVELOPMENT IN KLEBERG COUNTY TO GENERATE TOURISM DOLLARS THROUGH PROPER DEVELOPMENT. THE POSSIBILITY OF PROPER RECREATIONAL AMENITIES IN AREA T-10 WILL MEAN THE RETURN OF MANY NEEDED JOBS, INCREASED TOURISM, AND INCREASING REVENUE FROM PROPERTY AND SALES TAXES FOR KLEBERG COUNTY. IN TURN IT WOULD BENEFIT, NOT ONLY, THE PROPERTY OWNER BUT THE CITIZENS OF KLEBERG COUNTY AND SURROUNDING COMMUNITIES AS WELL.


6. PROPERTY OWNERS OF T-10 AREAS HAVE HISTORICALLY MANAGED, AND WILL CONTINUE TO MANAGE, THE AREA IN AN ENVIRONMENTALLY CONSCIOUS MANNER. WHO WOULD BE MORE OR OVERLY CONCERNED ABOUT THE T-10 AREA MORE THAN THE PROPERTY OWNERS WHO HAVE THE DIRECT CONTACT OF THE AREA AS A PART OF THEIR LIVES.

SUMMARY BRIEF:

AS RESPONSIBLE LAND OWNERS AND CONSCIOUS PERSONS OF OUR SOCIETY, THE ITEMS MENTIONED ABOVE WILL BE STRONGLY SUPPORTED AND REAFFIRMED BY THIS LETTER.

YOUR SINCERE AND SERIOUS CONSIDERATION OF THESE RECOMMENDATIONS WILL BE GREATLY APPRECIATED AND WE ALSO APPRECIATED THE OPPORTUNITY TO PRESENT THIS POSITION AND RECOMMENDATIONS. THANKS TO THE BARRIER ISLAND TASK FORCE FOR THE OPPORTUNITY TO EXPRESS A VIEW POINT REGARDING THE DEPARTMENT OF INTERIOR'S REPORT TO CONGRESS: "COASTAL BARRIER RESOURCES SYSTEM" (FEB. 87).

RESPECTFULLY,


A.J. SANDOVAL III
REPRESENTATIVE
State of Texas
Legislative Committee, H. 72947

Riviera I. S. D.

1580

R. L. BRYAN
RIVIERA, TEXAS 75574

RAMIRO DE LA PAZ
Principal
Navy Elementary
312-296-367

NEVILLE BALLARD
Superintendent
Riviera

KETHM CHAPMAN
District
Manager
Riviera
June 12, 1987

Position Statement

Riviera Independent School District Response to DOI "Report to Congress: Coastal Barrier Resources System".

The Riviera I.S.D. respectfully requests that those parts of North Padre Island which are included within the boundaries of Kleberg County not be included in the "undeveloped" category. The above request is made on the basis of two factors.

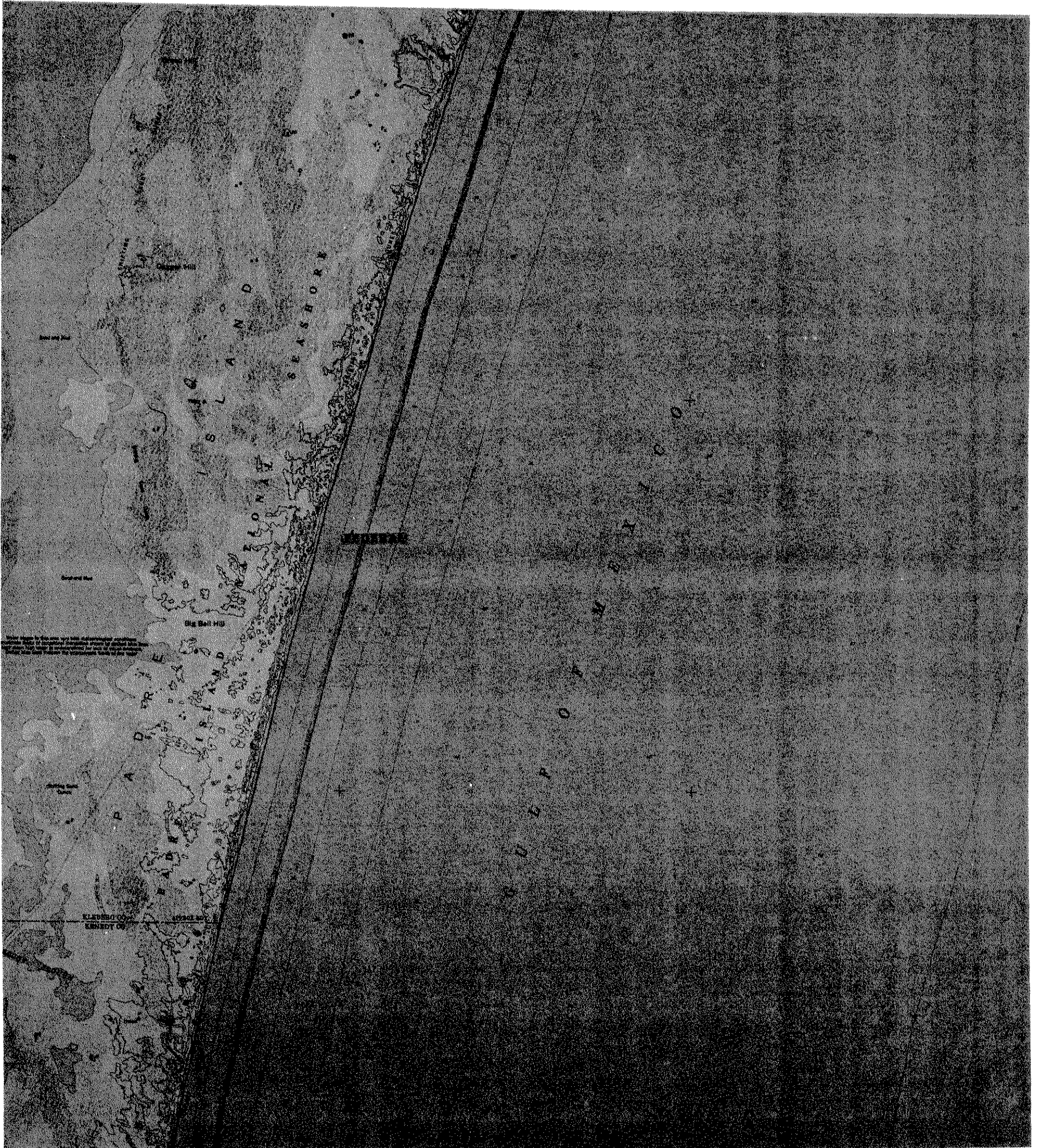
First, the Riviera I.S.D. has historically depended on two primary sources of revenue for the education of its children, petroleum and agriculture. Global politics beyond our control have all but eliminated petroleum as a source of revenue while a stressed and depressed agricultural economy combined with legislated changes in property tax laws have eliminated agriculture as a significant source of tax revenue. Controlled development of our barrier islands remains as the only viable local resource left to us as a source of revenue for the education of our children. The inclusion of those portions of North Padre Island located within the boundaries of Kleberg County in the "undeveloped" category essentially removes our only remaining source of future revenue generation.

Second, an examination of coastal beaches in the coastal bend area shows clearly that protection and preservation of coastal areas has occurred at the optimum level in those areas where there has been a cooperative relationship between the private and public sector. Beach areas which are left totally undeveloped and under the sole responsibility of government suffer from tremendous public use pressures without generating the revenues necessary to assure their protection. While user fees may be imposed these fees alone cannot possibly generate a level of revenue necessary to provide even a minimum level of services. Classifying these areas as undeveloped effectively removes the property from the tax base. Maintenance and protection of the areas from overuse will require an infusion of money from other rapidly diminishing sources. A classification which would allow a level of controlled development would seem more beneficial. The more recently developed areas of Mustang Island in Nueces County could serve as a model of the benefits that can accrue to both the environment and government when there is a cooperative effort between the public and private sector.

For these reasons the board of trustees of the Riviera I.S.D. joins with other local government agencies and property owners to respectfully request that the above described areas be removed from the "undeveloped" classification.



Sea Hawks



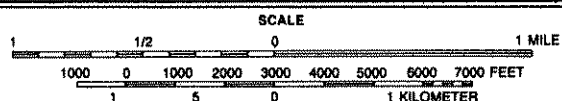
UNITED STATES
DEPARTMENT OF THE INTERIOR



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

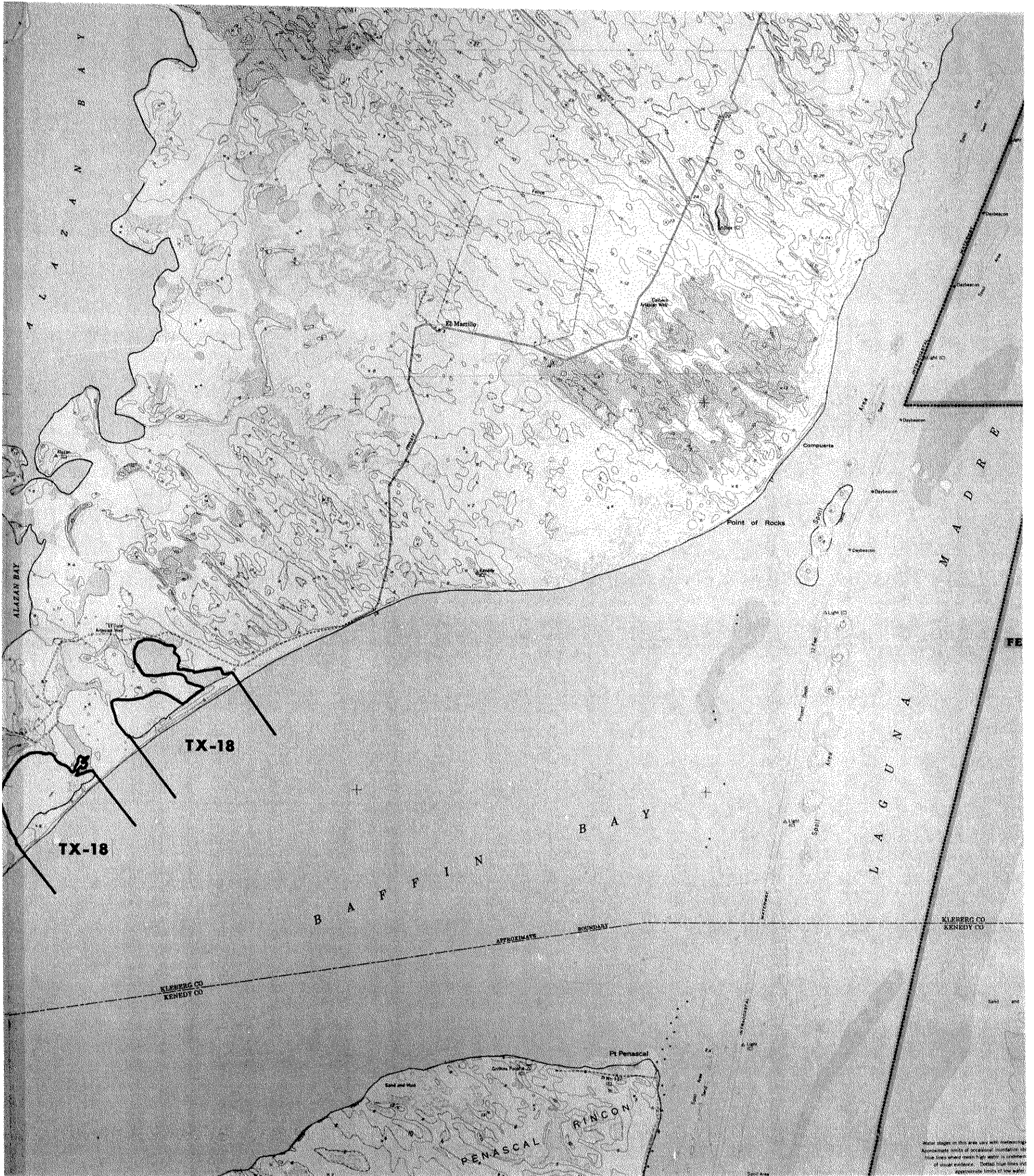
QUADRANGLE
SOUTH BIRD ISLAND SE
TEXAS



- 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.



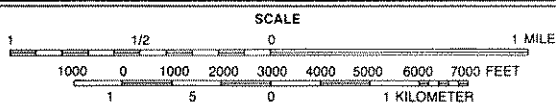
UNITED STATES
DEPARTMENT OF THE INTERIOR



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

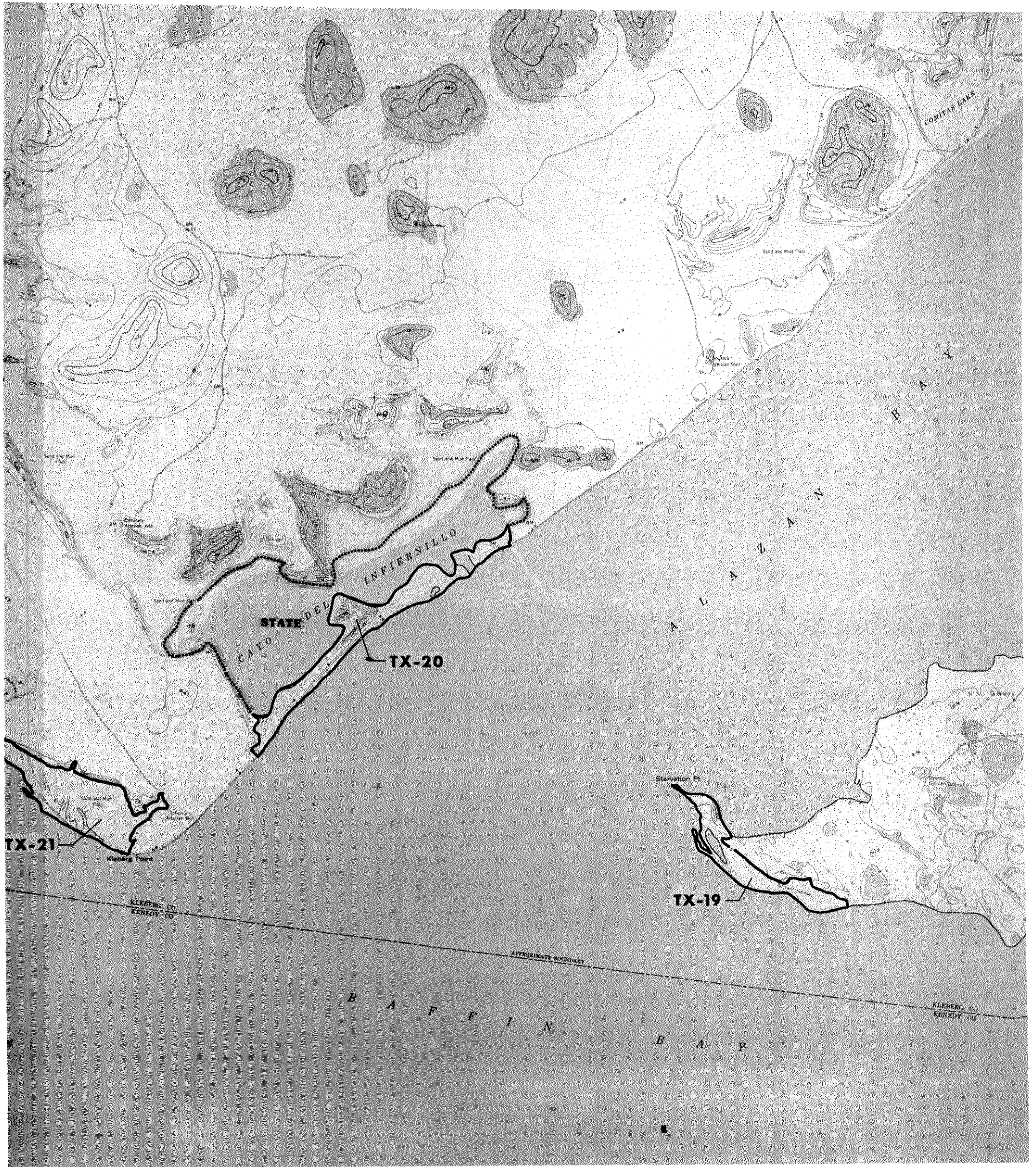
QUADRANGLE
POINT OF ROCKS
TEXAS



- 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.



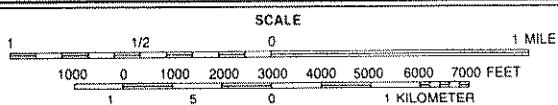
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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

QUADRANGLE
KLEBERG 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.

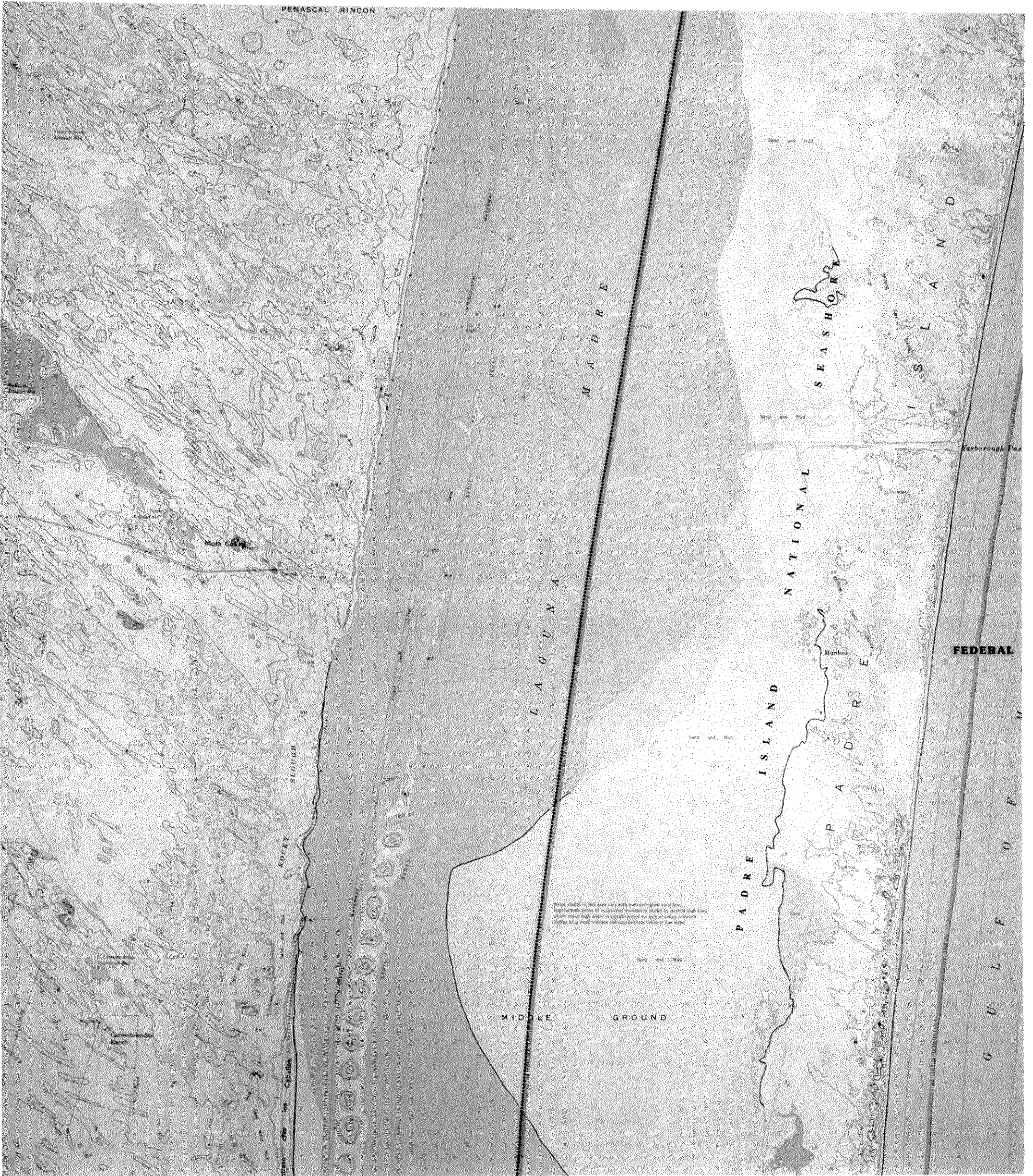
TX-18 - BAFFIN BAY; TX-19 - STARVATION POINT;
TX-20 - CAYO DEL INFIERNILLO; TX-21 - KLEBERG POINT

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

Other Comments: Four comments were received opposing the addition of these four units to the CBRS. All were part of letters opposing any additions to the CBRS in Kleberg County. The letters are reprinted under T10 (letters number 976, 1336, 1397, and 1578).

Response: All four of these units are fully qualified undeveloped secondary barriers.

DOI Recommendation: The DOI recommends adding TX-18, TX-19, TX-20, and TX-21 to the CBRS.



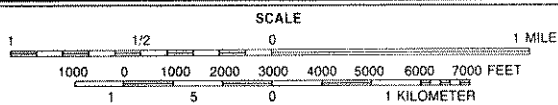
Report to Congress on the Coastal Barrier Resources System

**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

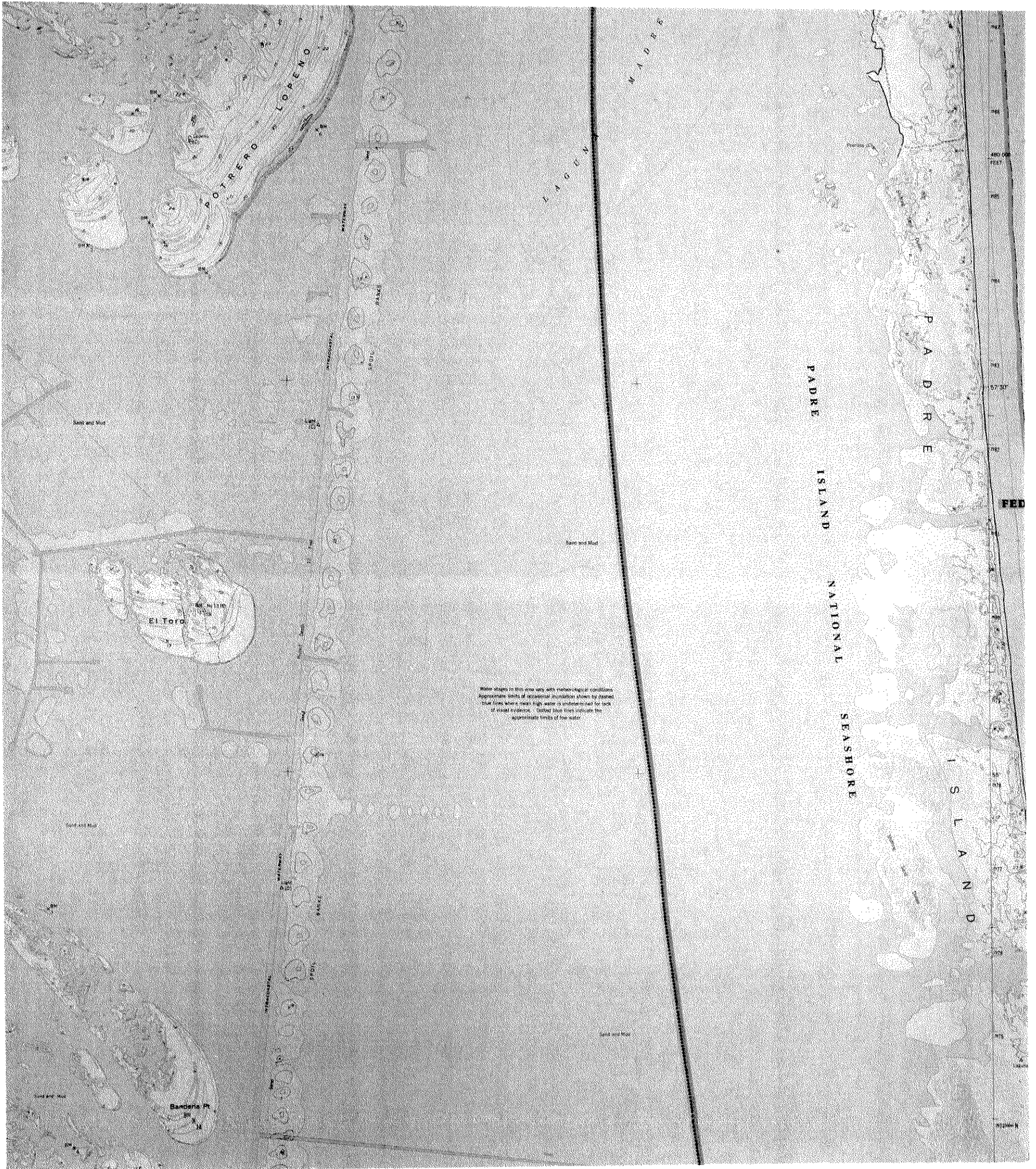
QUADRANGLE
YARBOROUGH PASS
TEXAS



- 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.



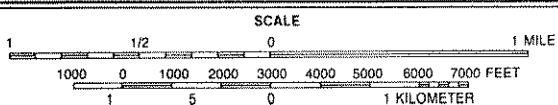
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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

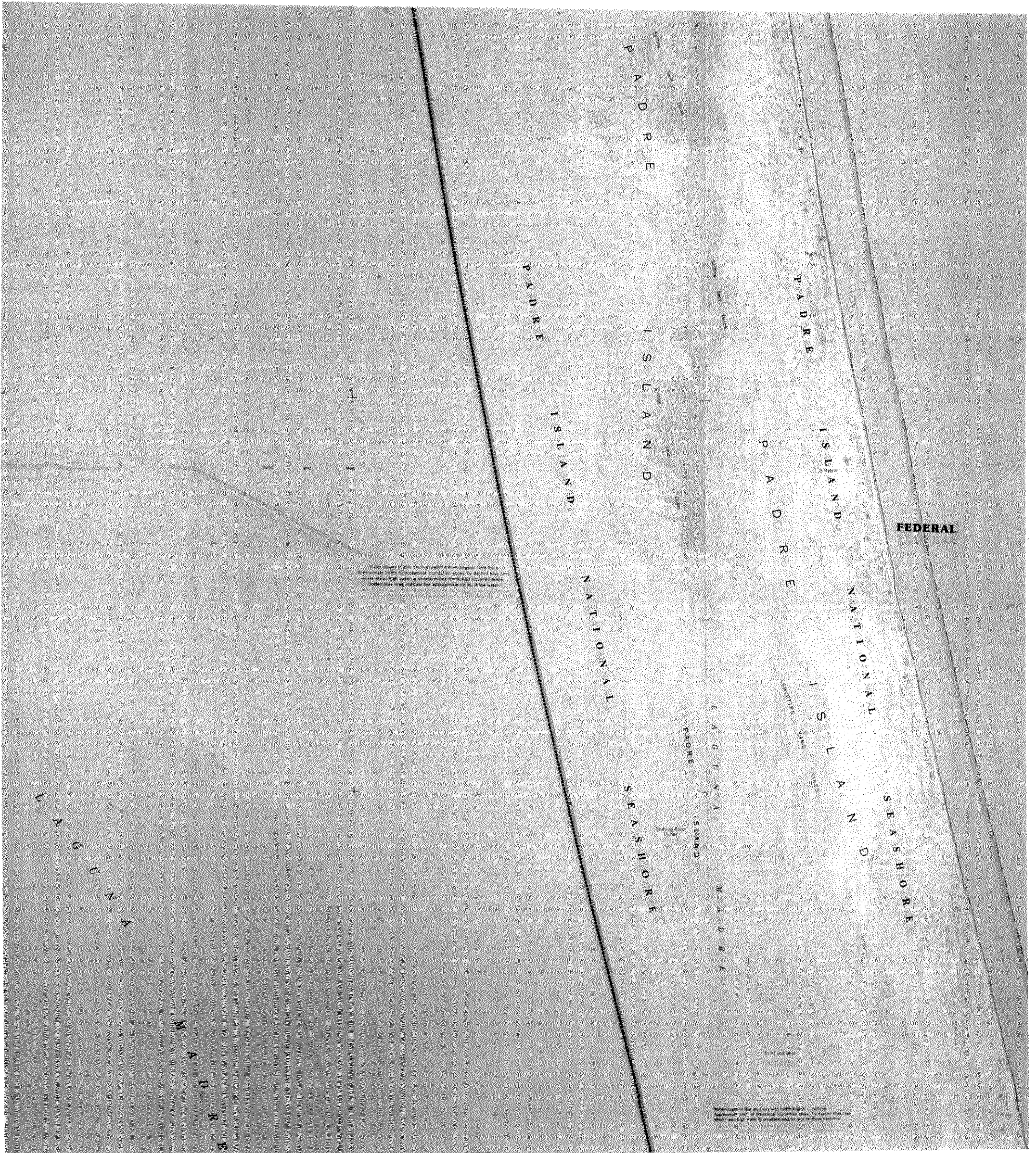
QUADRANGLE
POTRERO LOPEÑO NW
TEXAS



- 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.



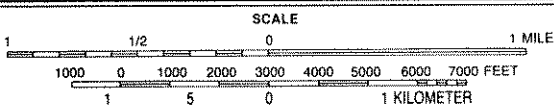
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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

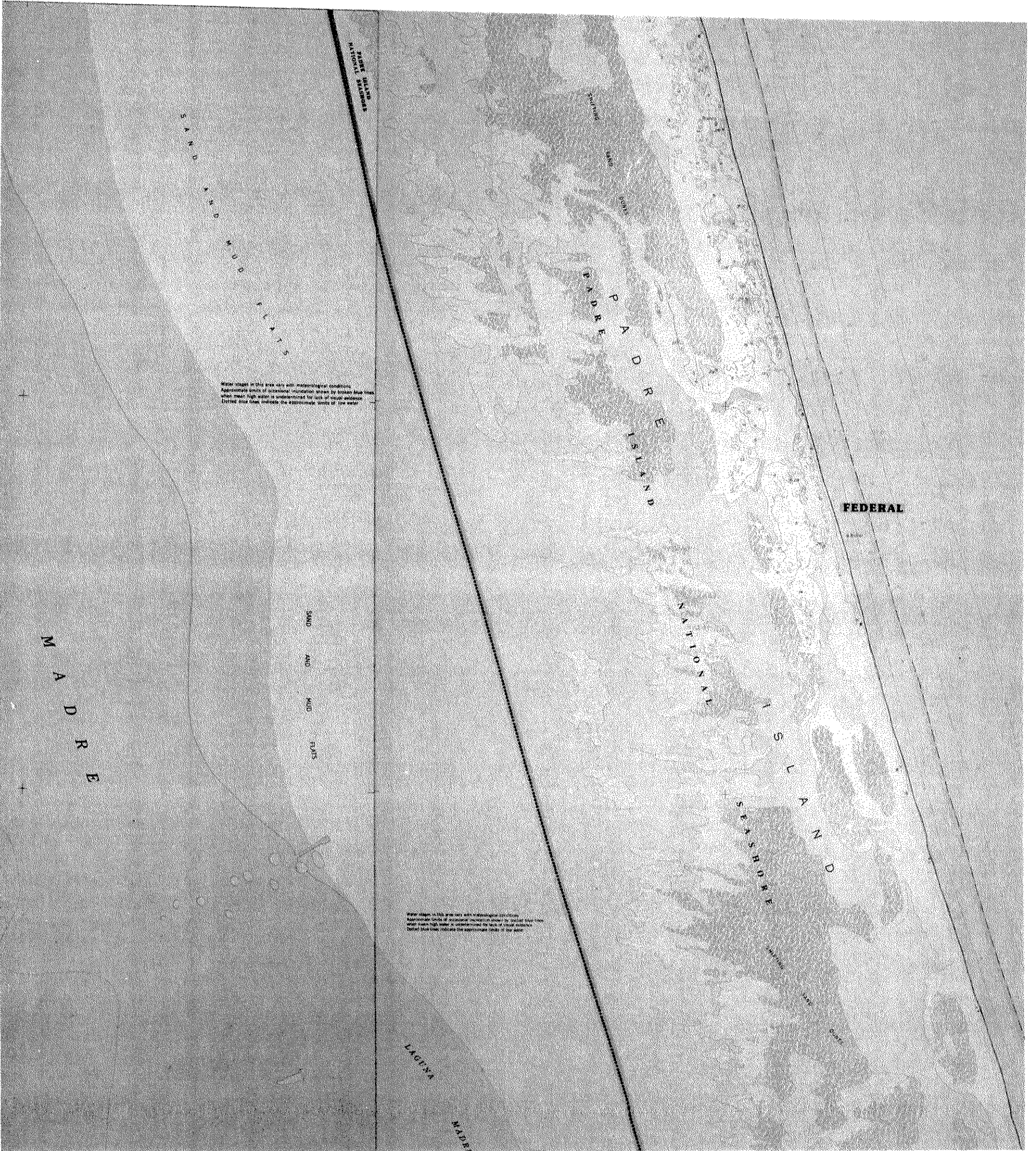
QUADRANGLE
POTRERO LOPEÑO SW
TEXAS



- 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.



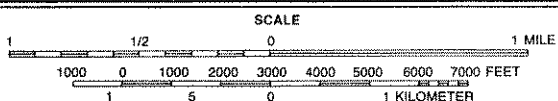
UNITED STATES
DEPARTMENT OF THE INTERIOR



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

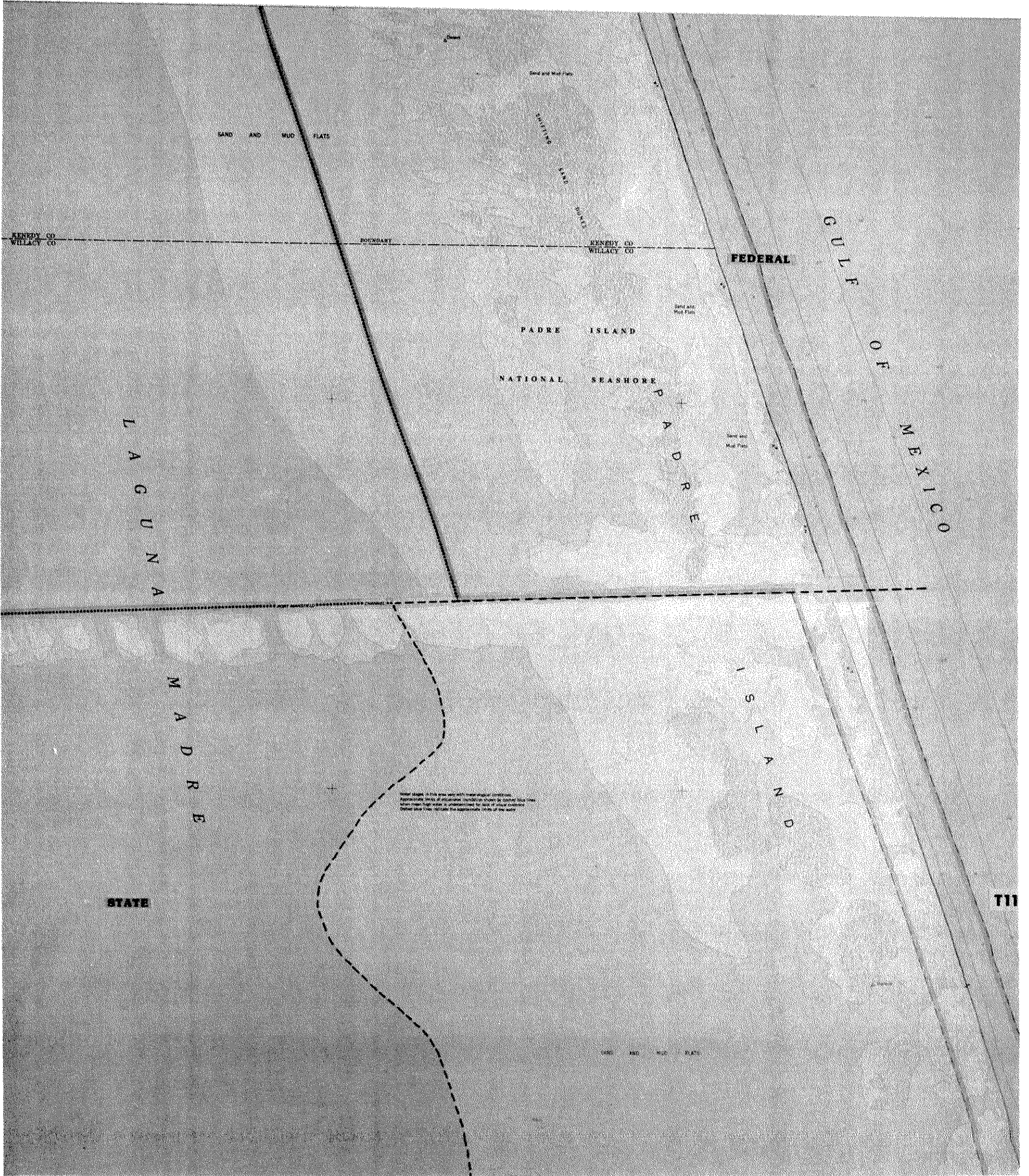
QUADRANGLE
SO. OF POTRERO LOPENO NW
TEXAS



- 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.



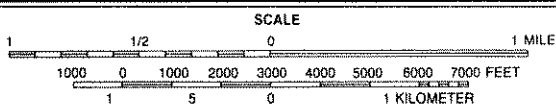
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR



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

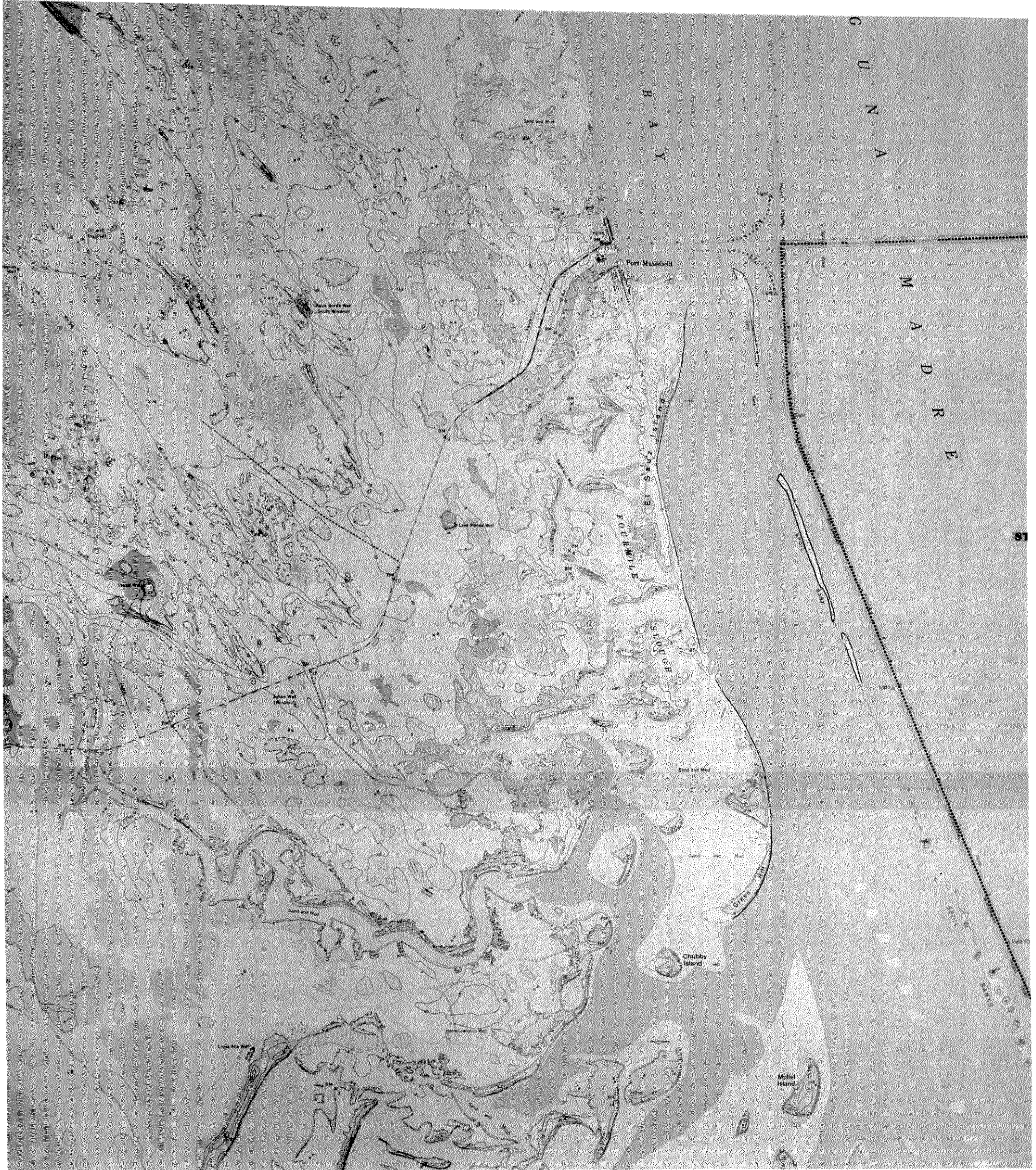
QUADRANGLE
SO. OF POTRERO LOPEÑO SE
TEXAS



- 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.



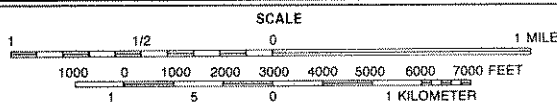
Report to Congress on the Coastal Barrier Resources System

**UNITED STATES
DEPARTMENT OF THE INTERIOR**



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

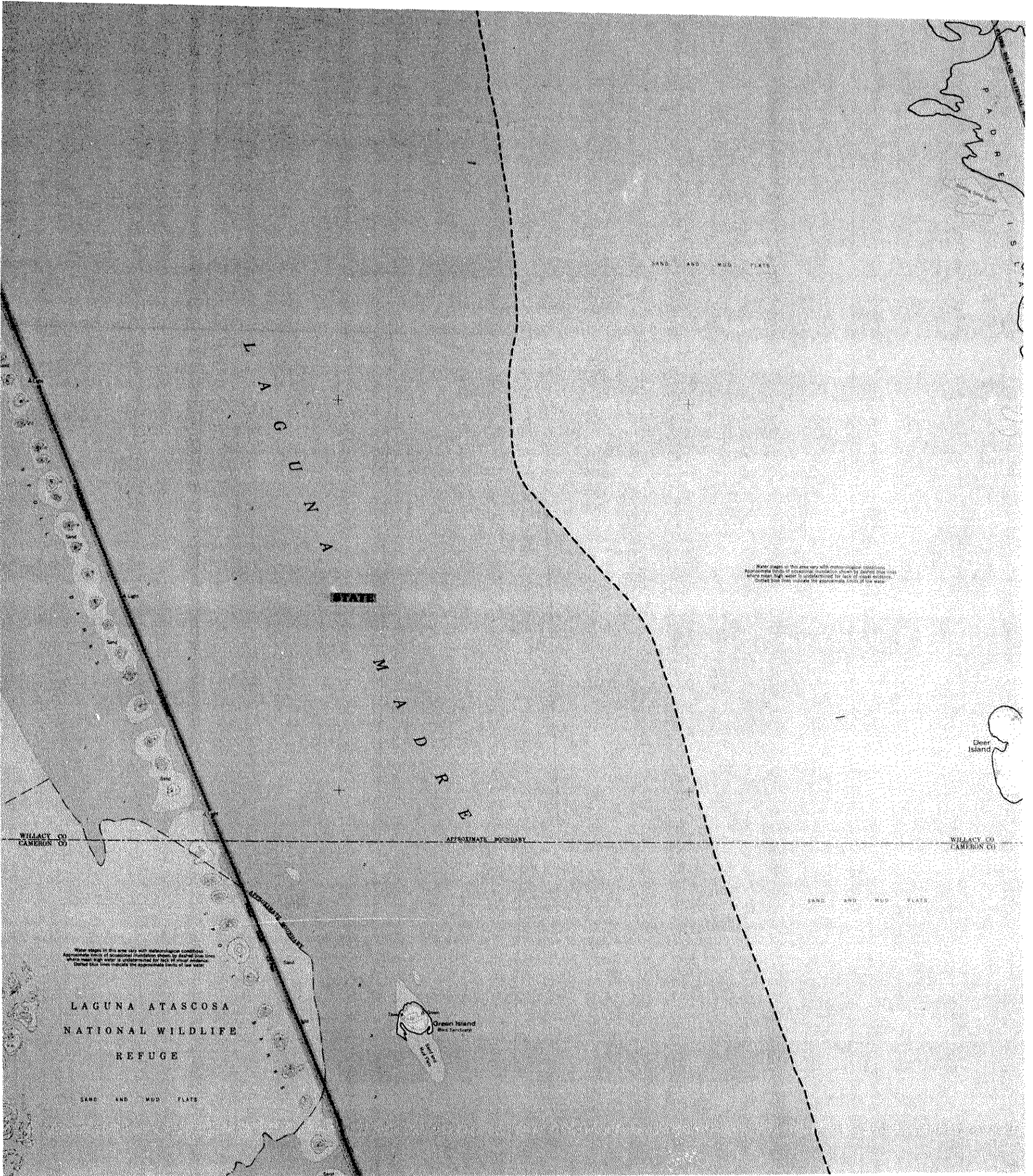
QUADRANGLE
PORT MANSFIELD
TEXAS



- 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.



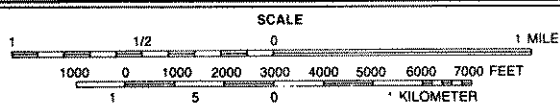
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR

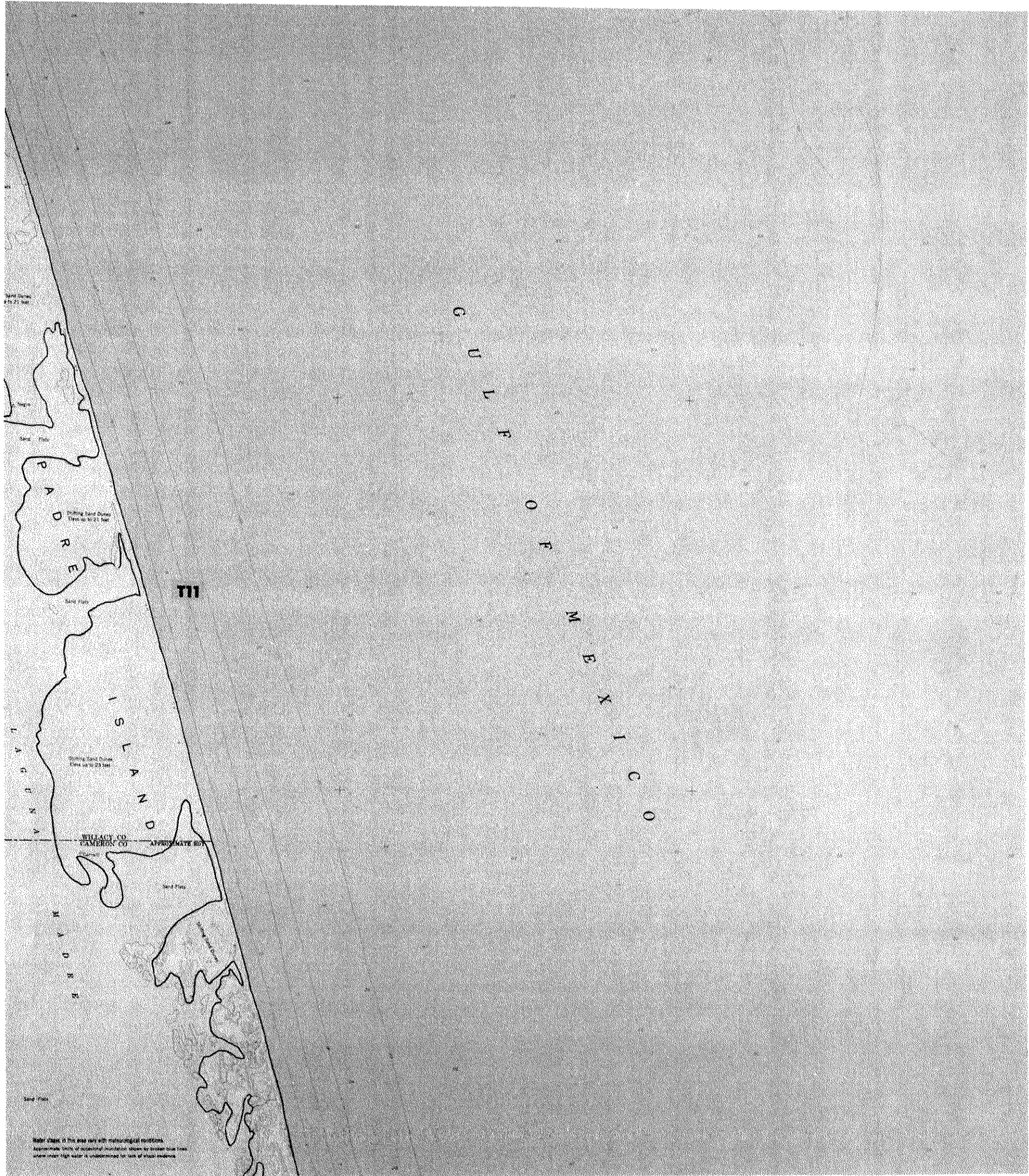


Mapped, edited and published
by the Coastal Barriers Study Group
U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
GREEN 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.



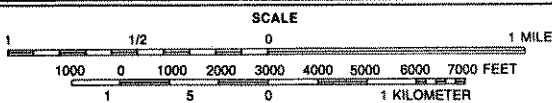
Report to Congress on the Coastal Barrier Resources System

**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

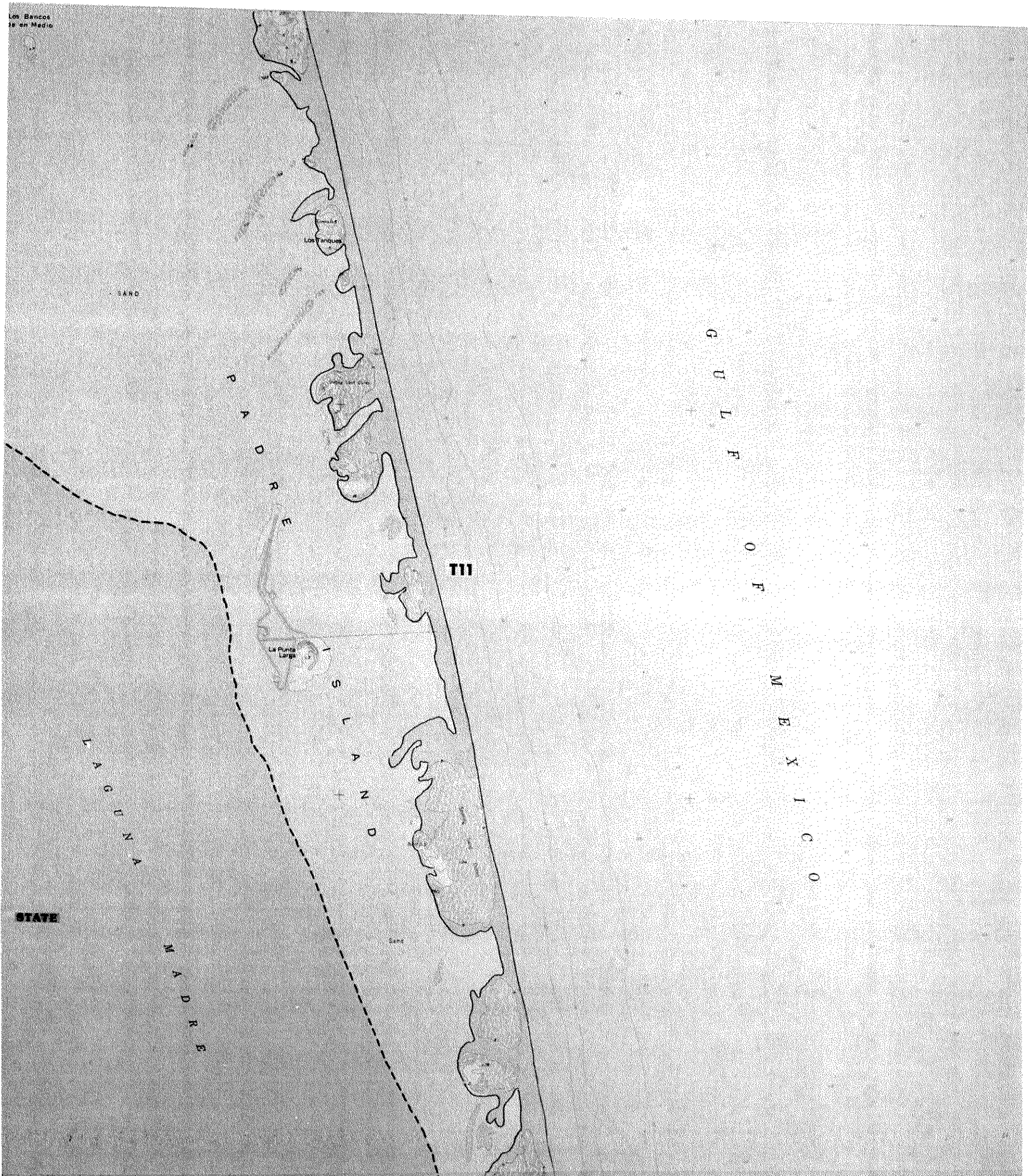
QUADRANGLE
NORTH OF PORT ISABEL NW
TEXAS



- 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.



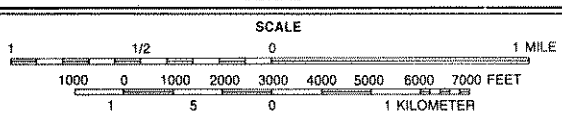
Report to Congress on the Coastal Barrier Resources System

UNITED STATES
DEPARTMENT OF THE INTERIOR

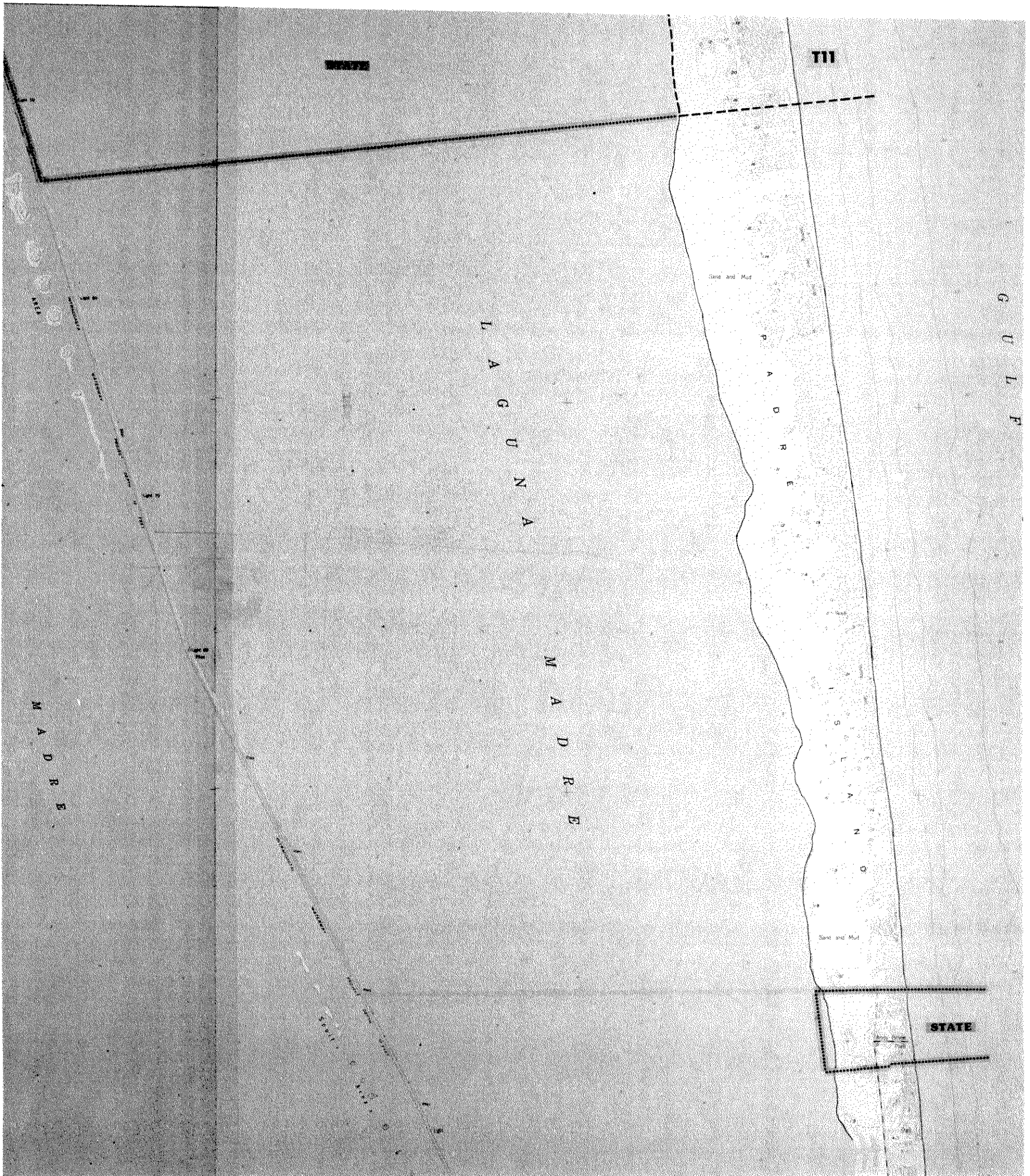


Mapped, edited and published
by the Coastal Barriers Study Group
U.S. Department of the Interior
Washington, D.C. 20240

QUADRANGLE
NORTH OF PORT ISABEL SW
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.



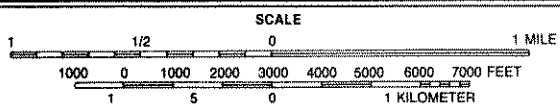
UNITED STATES
DEPARTMENT OF THE INTERIOR



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
LA COMA
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.

T11 - SOUTH PADRE ISLAND

State Position: The State of Texas requests that all of existing unit T11 be deleted from the CBRS.

Other Comments: Eighty-six comment letters with 253 petition signatures were received concerning T11. About half of the commenters and all of the petitioners supported additions to T11, including the 7½-mile stretch north of the Town of South Padre Island and Andy Bowie State Park. Of those opposing any additions to T11, many, including Cameron and Willacy Counties, the Town of South Padre Island, and the South Padre Island Tourist Bureau, also requested the deletion of the existing unit from the CBRS. Several commenters were particularly opposed to the addition of the 7½-mile stretch north of the State Park to the CBRS.

Arguments for deleting T11 from the CBRS and/or not adding new areas to it included: (1) portions of the unit and proposed additions are developed, (2) inclusion of these areas in the CBRS will result in economic hardship in south Texas, and (3) Congress specifically left some of the island out of the CBRS in 1982 because it was, or so that it could be, developed. Several commenters mistakenly thought the CBRS involved Federal condemnation and acquisition of property.

Thirty-one commenters requested that the spoil islands west of the Gulf Intracoastal Waterway (GIWW) in the lower Laguna Madre be added to the CBRS. Representative, substantive comment letters concerning T11 are reprinted below. See also the General Comment Letters section and the letters under T12.

Response: The DOI has carefully reviewed the status of South Padre Island using both the 1982 aerial photographs of the unit and site visits in 1985 and 1987. All of the

existing CBRS unit is undeveloped according to DOI criteria. Although State Highway 100 traverses a portion of the island, a road, by itself, does not constitute development.

As discussed in greater detail in Volume 1, the CBRA does not involve taking land from property owners, or affect the rights of landowners to do what they wish with their land. The CBRA only prohibits the use of Federal monies that subsidize development within the designated CBRS units.

All of the proposed additions to T11 in the 1987 Draft Report are State-protected wetlands (GLO lands); these areas are not recommended for addition to the CBRS in this final report.

Although the 7½-mile stretch of South Padre Island north of the State Park was undeveloped in 1982 and the DOI recommended that it be included in the CBRS, the Congress specifically excluded it from the CBRS. The DOI visited South Padre Island in both 1985 and 1987 and found that the area remains undeveloped. The DOI is of the opinion that it fully qualifies for addition to the CBRS under DOI criteria.

All of the Laguna Madre is protected by the State (GLO lands), therefore, the DOI is not recommending any additions to the CBRS in the Laguna.

DOI Recommendation: The DOI recommends no changes in this existing CBRS unit. Although the 7½-mile stretch north of the State Park appears to qualify as an undeveloped coastal barrier under DOI criteria, it is not recommended for addition to the CBRS because the DOI recommended it in 1982 and Congress considered and rejected it during its deliberations on the CBRA. If the Congress wishes additional information regarding this area, the DOI will provide it upon request.

1559

STATE OF TEXAS I
COUNTY OF WILLACY I

RESOLUTION

Whereas, approximately 16,000 acres in Willacy County, Texas, located on South Padre Island, Texas are presently included in the Coastal Barrier Resources System Unit T-11, and

Whereas, the United States Department of Interior is proposing to further expand the acreage included in Unit T-11 located in Willacy County, Texas, and

Whereas, the continued inclusion and further additions to the Coastal Barrier Resources System Unit T-11 will economically prohibit private development, and

Whereas, the economic preclusion of development in this portion of the State of Texas will effectively restrict public enjoyment of the area, and

Whereas, the region effected by the inclusion of Willacy County in the Coastal Barrier Resources System will further burden an already stagnant regional economy

Therefore, be it resolved that the County Commissioners' Court of Willacy County, Texas respectfully disapproves of the inclusion of any portion of Willacy County in the Coastal Barrier Resources System and requests all current inclusion be deleted and further additions be denied.

Passed, Approved and Adopted on this the 13th day July, 1987.

Attest:

Lalo Gomez, County Clerk
Ex-Officio Clerk of the
Commissioners' Court of
Willacy County, Texas

By Tony Flores, Deputy

Bill Rapp
Bill Rapp, Willacy County Judge

TESTIMONY
ON

CAMERON COUNTY'S POSITION REGARDING:

THE UNITED STATES DEPARTMENT OF INTERIOR'S PROPOSED ADDITIONS TO
T11 (SOUTH PADRE ISLAND) AND T12 (BOCA CHICA) OF THE COASTAL
BARRIER RESOURCES SYSTEM

Presented
June 22, 1987

By

The Honorable Jack A. Goolsby
County Judge, Cameron County, Texas

1083

JACK A. GOOLSBY
COUNTY JUDGE
CAMERON COUNTY



County Courthouse
964 E. Harrison St.
Brownsville, Tx 78520
512-544-0830

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 Coastal Barriers Study Group:

Enclosed is a position paper reflecting the concerns of Cameron County in regard to proposed additions to T11 (South Padre Island) and T12 (Boca Chica) of the Coastal Barriers Resources System. I appreciate your consideration of this document and would be happy to provide any additional information you may need.

Sincerely,

Jack A. Goolsby
Jack A. Goolsby
County Judge
Cameron County

JAG/prh

Enclosure

I. EXISTING AND PROPOSED CBRS DESIGNATED AREAS

The U.S. Department of Interior is currently studying the inventory of the Coastal Barrier Resources System. Currently within the CBRS are:

T11-South Padre Island: "This unit extends southward from the Mansfield Ship Channel over about 25 miles of Padre Island shoreline to the beginning of State Highway 100."

T12-Boca Chica: "This unit is contained between the jettied channel of Brazos-Santiago Pass and the mouth of the Rio Grande River. . . . actually composed of two subunits separated by the former Brazos Island State Recreation Area. The northern subunit lies between South Bay and the Gulf of Mexico. The southern subunit fronts deltaic deposits whose origins are probably the Rio Grande."

The Department of Interior is currently proposing that Congress consider the following additions to the CBRS:

T11: Wetlands between barriers and mainland

Reconsider adding 7.5 miles previously left out.

T12: Wetlands, South Bay, and Old Brazos State Island Recreation Area.

This would mean expansion from 181,565 acres to 426,400 acres, and 161 miles to 208.6 miles.

Cameron County opposes the proposed additions because the following were not considered:

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

II. RECONSIDERATION OF DEFINITION OF DEVELOPED LAND AND REASSESSMENT OF NEED FOR ADDITIONAL CERS LAND

Narrow Definition of "Undeveloped"

The D.O.I.'s definition of "undeveloped" does not take into account the most vital part of the whole ecological unit; the human inhabitants in and around the areas being considered for addition to the CERS. Much of what fits the D.O.I.'s definition are in fact integral parts of planned development already underway. Any such definitions must be based upon an understanding of the existing economic conditions in the area.

Adequate Land Already Protected

Additions to the CERS in this area are not needed; 45,187 acres (Laguna Atascosa) and 67.5 miles (Padre Island National Seashore) are already protected. A humane priority list would place people first; therefore, we need to use our natural resources to conserve our people by giving them jobs.

Development makes jobs possible for people. The inevitable end of development is not to destroy our natural resources but to enhance them, allowing more citizens access to them. In fact, properly planned and carefully executed development can have a minimal adverse impact on natural values. Such limited development will allow the economic growth of Cameron County to continue and permit the Valley's citizens to enjoy their deserved quality of life and well-being without placing an undue burden on their government for subsistence and existence.

2

Capability Locally of Protecting Environment

Cameron County acknowledges the federal government's vital role in many areas of coastal management as cited above but believes that the topic of land use regulation should be handled by duly elected state and local government officials. State and local government protection of undeveloped coastal public lands precludes the need for additional federal controls of these lands.

The state of Texas has an extensive set of statutes to govern the use of public lands. Of particular relevance to barrier island concerns is the Coastal Public Lands Management Act, which mandates that the natural resources of the surface estate in coastal public land shall be preserved. These resources include natural aesthetic values for the protection and nurture of all types of marine life and wildlife. The Act dictates that development not be allowed unless it is shown that the public interest will not be significantly impaired. The Act also requires that any development take into consideration the protection of marine life and wildlife.

The state's initiative in the protection of coastal resources is further evidenced by 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.

In addition, 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 has been recognized by the General Land Office and the School Land Board. The state deserves credit for appreciating the benefits of protecting the renewable resources of the barrier region and for the long-term protection that has been ensured as a result.

On the local level, the elected officials of Cameron County have adopted and adhered to careful measures to restrict development on South Padre Island in order to protect its environmental characteristics as a coastal beach area and a protective barrier for the mainland. Due to these measures, the pattern of development on the mainland has been enhanced.

Additionally, no evidence has developed to indicate that limited and carefully regulated construction on portions of South Padre Island would adversely affect fish, wildlife or other natural resources. Moreover, the economic impact of prohibiting further development on South Padre Island will far outweigh the costs of any federal financial assistance invested in future construction. See Table 1: Total Estimated Economic Losses (1985 - 2000).

4

III. EXISTING REGULATORY CONTROLS AND MANAGEMENT CAPABILITIES

Existing Regulatory and Management Controls

Coastal areas are adequately protected by current regulatory processes at the federal, state, and local levels. The following is a brief list of the major regulatory programs that now cover all Texas barrier islands:

Federal Level:

- USCE- Sec. 404 Wetlands
- USCE- Sec. 10 Constructions
- National Flood Insurance Program (which indicates local flood hazard prevention codes)
- Various EPA programs relating to waste disposal
- Review and comment by Fish and Wildlife Services and National Marine Fisheries Services to the Sec. 404 and Sec. 10 permit actions
- Not specifically enumerated are many financial assistance or social service programs implemented by almost every cabinet level agency.

State Level:

- Coastal Public Lands Management Act by General Land Office
- Attorney General supervision of Open Beaches Act
- Dune Protection Act (by counties with General Land Office)
- Stringent set of minimum building codes required to obtain windstorm insurance seaward of the Intracoastal Water way--i.e. on the barrier islands (Texas Catastrophe Property Insurance Association)
- Wide range of environmental quality programs under auspices of one or more of the following agencies: State Health Department, Parks and Wildlife, Water Commission, and Air Control Board.

Local Government Level:

- Areas located within municipal ETJ's (extraterritorial jurisdictions) are subject to various controls including subdivision regulations.
- The Dune Protection Act is implemented by counties with technical assistance from the State. This requires the preservation of beachfront dunes and keeps them in place to provide both storm protection and wildlife habitat immediately behind the beach. (From the Report on Proposed Department of Interior Barrier Island Program, Barrier Island Task Force)

3

IV. HISTORICAL AND CURRENT ECONOMIC CONDITIONS

Impoverished Economy--Great Need for Jobs

Cameron County (pop. 249,800) includes the cities of Brownsville, Harlingen, San Benito, Port Isabel, South Padre Island, and 8 smaller towns. It is one of the poorest metropolitan areas in the United States, with per capita income averaging \$4,300 per year or 49% lower than the national average.

Some 142 (13,200 in the Brownsville-Harlingen Texas Metropolitan Statistical Area alone) of our labor force are currently out of work, making ours the third highest unemployment level in the state behind another Rio Grande Valley area--McAllen, Edinburg, Mission--with 16.4%. Our people are desperate:

*Over 30% of Cameron County residents are receiving food stamps.

*1 out of 3 families in the county depends on some form of government assistance, effectively draining federal, state, and local government resources.

Cameron County has long depended on agriculture and retail trade with Mexico for its economic base. This dependence, though, resulted in economic disaster for the county when the citrus industry was almost totally destroyed by the devastating freeze of 1983. In addition, the Mexican government dramatically devalued its currency--the peso--in 1982-1983 and has steadily continued this devaluation. With less buying power, Mexican consumers are purchasing significantly fewer American products, which has directly affected local retail stores.

Reliance on Tourism Industry

In recovering from these adverse effects and the severe depression felt statewide from the oil industry's collapse, Cameron County is diversifying into manufacturing and light industry and more heavily promoting recreation and tourism. In fact, due to the attractions of our semi-tropical climate, beautiful beaches, and proximity to Mexico, tourism has become the Valley's second largest industry. It is in these areas of light industry, recreation, and tourism that we hope to find employment for our people.

Over the last 10 years, Cameron County has grown by 50%, increasing demand for recreation and leisure-oriented areas. The proposed CERS additions--Hoca Chica (T12) and South Padre Island (T11)--are areas planned to accommodate this vital new tourism industry. Our success in pulling ourselves out of our current economic slump is heavily dependent on this new development.

5

V. ONGOING AND POTENTIAL ECONOMIC GROWTH

Positive Impact of Tourism on Area Economy

The tourism industry has directly benefited Cameron County by attracting new industries and the substantial capital investments that go with them, creating 10,000+ new jobs within the last 5 years.

Boca Chica--Playa del Rio

Located on Boca Chica Beach, this resort community would cover a 12,500-acre development, costing \$60 billion over a 30-year period.

South Padre Island

This town of 1,070 residents attracts 2.5 million visitors each year. Its tourism-related economy employs 13,400 people. While all other state sales tax figures for 1986 were down significantly, South Padre Island's were up 21.7%.

Proposed Projects

Through expansion and development, Cameron County is gradually changing from an impoverished area with little or no future into a dynamic region of bright economic possibilities.

- *250-room Embassy Suites, costing \$3 million
*4,800-square-foot addition to Holiday Inn, costing \$1.5 million

*combination municipal golf course and 350-room motel complex, costing \$4 million.

*activity center of 28,000 square feet, costing \$7 million

*The Shores, a 248-acre site in Laguna Madre, adjacent to Andy Bowie Park and Park Road 100, accommodating large single-family residences.

Planned Public Works projects include:

*improvements to public areas of Isla Blanca Park, costing \$1.2 million initially and \$10 million total

*improvements to Padre Boulevard (State Park Road 100) and GulfBoulevard, costing \$2.8 million in state and local funds.

*Artificial Reef to develop greater volume of marine life, attracting a greater number and variety of tourists.

The land that the Department of the Interior wishes to add to the Coastal Barrier Resources System is a crucial part of our intensified effort to strengthen recreation and tourism attractions, thus providing much-needed employment.

Damage to Industrial Expansion Prospects Caused by Proposed CBRS Additions

In addition to the appeal of our natural resources, low electricity costs may provide industries an incentive to relocate to Cameron County. Magic Valley Electric Company serves the Boca Chica area, a prime area for future development.

Adding to T12 (Boca Chica) would also certainly affect dredging and operation of the Brownsville Navigation Ship Channel, severely handicapping the functioning of the deep-water port.

Finally, the potential income and jobs lost over 1985-2000 merit careful reconsideration of adding to T11 and T12. Over \$3,920.6 million in income, 6,947 construction jobs, and 10,305 operations jobs would never be available to bolster our fragile economy.

VI. IMPACT OF PROPOSED DESIGNATIONS ON TAX REVENUE

Devastating Impact on Tax Rolls

Removing these lands from the tax rolls would have a devastating effect on the tax revenues of Cameron County and the Fort Isabel School District because landowners/investors are already paying taxes on this land.

Based on estimates cited in the Texas Input/Output Model, Cameron County would suffer heavy losses in tax revenues as a result of the reclassification of these lands:

Table with 2 columns: Tax Type and Amount. Rows include Sales Tax (83.6 million), Federal Income Tax (705.7 million), FICA (627.6 million), Ad Valorem (355.5 million), and Hotel/Motel Tax (15.6 million).

Considering that financing education is the primary function of state-owned lands in Texas, the proposed reclassification of these lands would severely reduce future revenue sources for public school programs.

In addition, DOI reclassification would transfer the burden of financing education to resident property owners. Thus, the prudent use and development of coastal public lands is clearly in the public's best interest.

VII. LEGAL CONSIDERATIONS OF "TAKING" PRIVATE PROPERTY FOR PUBLIC USE

Justification for Federal Subsidies

Including land in the Coastal Barrier Resources Act was originally intended to limit costs from federally subsidized flood insurance, the affect being to virtually kill development and adversely affect property values.

Why should government assistance programs be available to limited areas with development potential on the barrier islands? Investors have done much to minimize risk. Construction techniques have improved considerably in the ten years since the Act was passed.

Substantial Losses to Investors

Parts of the 7.5 miles north of Andy Bowie Park (T11) have already been divided into 27 subdivisions. If this land is included in the Coastal Barrier Resources System, property owners will likely find it impossible to sell or develop their land.

In 1985, Cameron County Fresh Water Supply District No. 1 annexed 580 acres, enabling it to provide water and sewer service to that tract for future development. The developer has paid over 1.5 million dollars to the Water District in annexation costs alone and will spend many more millions of dollars before the development is complete.

This confidence in the future of development on South Padre Island is further illustrated by other inquiries and applications for annexation to the Water District by landowners north of Andy Bowie Park. These landowners and developers have been developing plans and expending funds, relying on the present status of the federal law.



P.O. BOX 3410 · SOUTH PADRE ISLAND, TEXAS 78597 · PHONE: 512-761-6456

June 18, 1987

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

Implications of Recent Supreme Court Ruling

In allowing people to invest in and begin developing this land, then "changing the rules" so that their investments are essentially lost, the government would be effectively "taking" their property. The Supreme Court ruled recently that property owners must be compensated when new restrictions are placed, even temporarily, on the use of their land. Does the Department of the Interior intend to compensate all those who have invested economy-boosting monies in these tracts of land? Consider also the 682 public comments you received on this issue, the majority of which opposed the CBRS expansion. This overwhelming opposition certainly warrants reconsideration of your recommendations.

CONCLUSION

In considering whether to recommend adding to T11 and T12, the Department of the Interior should take into account the tremendous negative impact such a decision could have:

- *Loss of 26,900 jobs annually
- *Reduction of \$4.1 billion in construction monies, not including land costs.
- *Loss of \$6.2 billion in associated income
- *Loss of \$3.2 billion in tax revenues to local, state, and federal governments.

A reasonable compromise between investors/developers and environmentalists can surely be reached, a compromise that provides for economic development and expanding job opportunities while conserving the environment.

Cameron County is an economically depressed area. Diminishing the potential for tourist development in the area deliberately ensures Cameron County's standing as the poorest region in the United States. In an article that appeared in the June 8, 1987 issue of Newsweek Magazine, the Valley was billed as, "the grim new Appalachia". Cameron County ranked No. 2 behind Hidalgo County as the poorest metropolitan area in the United States. Cameron County's unemployment rate is 15% which represents a figure of 13,200 unemployed persons.

Tourism is the second leading industry in the State of Texas and is the second leading industry in Cameron County. Tourism development represents the county's greatest potential for economic growth. The Department of Interior's recommendation to expand the CBRS poses a tremendous threat to the economic growth of the area.

In 1982 when the Coastal Barrier Resources Act was enacted, Cameron County requested that it be excluded from the CBRS. Congress specifically excluded 7.5 miles of South Padre Island from the system. The Department of Interior report suggests that consideration be given to the inclusion of the 7.5 mile area in the CBRS and furthermore, recommends that present units not be removed from the CBRS. The tremendous economic benefits levied against the non-existent or minimal environmental benefits do not justify the inclusion of the 7.5 mile portion of South Padre Island or any other areas of Cameron County in the CBRS.

The Town of South Padre Island would be virtually "land locked" with no potential for development north of its present boundaries should the 7.5 mile portion be included in the CBRS. The subdivision plats that have been recorded, the Cameron County Fresh Water District No. 1 subdivision annexations, the subdivision currently under construction, and the Town's and the County's plans for facilities and recreational improvements in the 7.5 mile area will not be realized. The opportunities and potential jobs will be irretrievably lost to citizens of Cameron County who are already living at or near poverty levels. It is imperative to maintain the incentive for private sector investment and development of South Padre Island and allow for planned ecological growth in order to provide for the best use of the land to meet the needs of the citizens of Cameron County.

Please render your assistance in re-assessing the report's recommendations to expand the CBRS. Furthermore, we ask that every effort be put forth in removing all areas of Cameron County from the CBRS. The goals and can be readily realized by permitting future development of South Padre Island in the context of policies designed to preserve and protect, and to the extent required, the environmental resources of the area. But to eliminate the prospects of future development will virtually ensure that Cameron County will drown in a sea of opportunity. Your assistance in preventing such from occurring is of dire consequence to the economic well being of the Lower Rio Grande Valley.

With greatest respect, we remain

Sincerely yours,

Robert N. Pinkerton, Jr.
Mayor

Jane Rosamond
Mayor Pro-Tem

Edmund K. Cyganiewicz
Alderman

James E. Way
Alderman

Larry A. Sagner
Alderman

Maude Furcron
Alderman

Enclosures
/cnb

RESOLUTION NO: 257

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS, OPPOSING THE RECOMMENDATION OF THE UNITED STATES DEPARTMENT OF INTERIOR TO EXPAND THE AREAS OF THE COASTAL BARRIER RESOURCES SYSTEM, AND THAT ALL AREAS OF CAMERON COUNTY INCLUDED IN THE COASTAL BARRIER RESOURCES ACT OF 1982 BE EXCLUDED FROM THE COASTAL BARRIER RESOURCES SYSTEM, AND RESOLVING ALL MATTERS THEREOF.

WHEREAS, the enactment of the Coastal Barrier Resources Act of 1982 (P.L. 97-348) has severely impeded the tourist development potential of South Padre Island and Cameron County; and

WHEREAS, the recommendations by the United States Department of Interior to expand the Coastal Barrier Resources System to include additional portions of South Padre Island and Cameron County would have a tremendous negative impact on the economic future of Cameron County; and

WHEREAS, tourism is the second leading industry in the State of Texas and the second leading industry in Cameron County and the corresponding tourist development represents Cameron County's greatest potential for economic growth; and

WHEREAS, the Cameron County cities of South Padre Island, Brownsville and Harlingen consistently rank in the top ten destinations for both short term and long term United States visitors to Texas which rank Cameron County eighth in the State in total tourist development expenditures of \$242,152,000; and

WHEREAS, the tourist development expenditures contribute to the employment of 13,400 persons in the service industry of Cameron County; and

WHEREAS, Cameron County presently suffers from a fifteen percent (15%) unemployment rate representing a figure of 13,200 unemployed persons; and

WHEREAS, South Padre Island annually receives more than 2.5 million visitors who contribute an estimated \$25 million dollars into the local economy; and

WHEREAS, it is imperative to maintain the incentive for private sector investment and development of South Padre Island and allow for planned ecological growth in order to provide for the best use of the land to meet the needs of the local community and Cameron County in general, and

WHEREAS, any effort to curtail the coastal tourism development will virtually stifle the potential of South Padre Island, Cameron County and the Rio Grande Valley.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS:

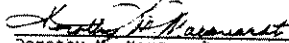
Section 1. All areas in Cameron County, Texas presently included in the Coastal Barrier Resources Act of 1982 (P.L. 97-348) be excluded.

Section 2. All areas in Cameron County, Texas proposed to be added for inclusion in the Coastal Barrier Resources Act be excluded.

Passed the 17th day of June, 1987.


Robert N. Pinkerton, Jr.
Mayor

Attest:


Dorothy M. Marquardt
City Secretary



P.O. BOX 3410 · SOUTH PADRE ISLAND, TEXAS 78597 · PHONE 512-751-6456

Thursday, June 11, 1987
4:00 P.M.
Robert E. Lee Youth Center
Brownsville, Texas 78520

OFFICIAL STATEMENT

Public comment presented by Mayor Robert N. Pinkerton, Jr., Town of South Padre Island, at a public hearing conducted by the U.S. Department of Interior regarding the proposed recommendations for additions to or deletions from the Coastal Barrier Resources System.

"The Town of South Padre Island is vehemently opposed to the U.S. Department of Interior's recommendation to add any portion of Cameron County to the Coastal Barrier Resources System. Furthermore, the Town remains steadfast in its opposition to the inclusion of any portion of Cameron County in the Coastal Barrier Resources System.

South Padre Island is the leading coastal resort in the State of Texas and is one of the major coastal resort attractions in the United States. Tourism is the only industry of this community. Cameron County is heavily dependent on tourism and the development of South Padre Island. Any effort to curtail coastal tourist development will be devastating to the local and regional economy. The inclusion of portions of South Padre Island in the Coastal Barrier Resources System poses a far greater threat to the

future of the area's economic viability than any natural disaster could present. It is imperative to maintain the incentive for private sector investment and development of South Padre Island and allow for the planned ecological growth in order to provide the best land use for meeting the needs of the local community and Cameron County in general.

The economic future of Cameron County depends heavily on the development of South Padre Island. Any proposal to stifle the potential of South Padre Island will virtually ensure the languishing of what is now a stagnant economy."



June 19, 1987

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

Gentlemen:

The South Padre Island Tourist Development Bureau supports Resolution No. 257 of the Town of South Padre Island, Texas, which calls for all areas in Cameron County, Texas, proposed by the U. S. Department of the Interior for inclusion in the Coastal Barrier Resources System be excluded; and that all areas of Cameron County presently included in the Coastal Barrier Resources Act of 1982 be excluded.

As the lead agency for tourist development on South Padre Island, the Tourist Bureau believes that the Department of the Interior has not devoted adequate consideration or study of the potential for long-term negative impacts on the human environment and economy by the proposed Coastal Barrier Resources Act expansions on South Padre Island and Cameron County in general.

Furthermore, it has come to the Tourist Bureau's attention that Department of Interior Planners failed to make actual on-site studies of certain proposed expansions in Cameron County and that state, municipal, and other interested agencies were not consulted in the planning process.

The Tourist Bureau must conclude that the Department of the Interior's proposed Coastal Barrier Resources System expansions were based on limited study, apparently arbitrary decisions, and limited public input from Cameron County.

Therefore, we urge the Department of the Interior to withdraw all proposed Coastal Barrier Resources System expansions in Cameron County and to consider the exclusion of all areas in Cameron County presently included in the Coastal Barrier Resources Act of 1982.

Respectfully submitted,

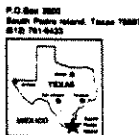
Leo Silva
Chairman of the Board

LS/jfm

The Beach... The Border...



1043



United Association of Journeymen and Apprentices
of the Plumbing and Pipe Fitting Industry

1576

823 2809 South Highway 83
Harlingen, TX 78550

MAIL MATTER

6/19/87

Mr. Donald P. Hodel, Secretary
U. S. Department of Interior
National Park Service
P. O. Box 37127
Washington, DC 20013-7127

Re: Coastal Barrier Resources Act

Dear Secretary Hodel:

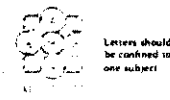
On Thursday, June 11, 1987, a hearing was held in Brownsville, Texas concerning the expansion of T-12 and T-11 of the Coastal Barrier Resources System.

It was quite obvious that the people holding the hearing had their mind made up as to what the recommendation to you and Congress would be and, that is, to expand the many acres in Texas which is, according to my understanding, 180,000 to over 400,000 acres with little, if any, regard given to the effect this would have upon people living in this area.

All the emphasis seems to be upon making our environment a better place for the fishes and birds, etc. with no regard to the affect such action would have upon the economy in the area or how working people might survive at the time. There is no question that most people in Cameron County would like to see areas T-11 and T-12 not expanded, or left as they are.

Since many of these arrangements were made in 1982, it seems grossly unfair for people that might have made investments in land in these areas which under the circumstances would have a far lesser value, if any, if T-11 and T-12 are expanded. I don't believe it is the intention of anyone that the Federal government subsidize any development and certainly any development on the beach, and the above mentioned area is more than welcome.

In this part of South Texas there is no major industry whatsoever. The entire area is dependent on agriculture and tourism, and, it seems the government's first priority should be encouraging any kind of development that would put people to work and take them off direct government subsidy rolls.



Mr. Donald P. Hodel, Secretary - 2 - June 19, 1987
U. S. Department of Interior

We feel the Federal and State agencies such as the Army Corps of Engineers, U. S. Fish and Wildlife, E.P.A. plus the many organized public organizations such as the Sierra Club, Audubon Society, G.S.A., and many other organizations provide adequate concern, protection and restraints on developments. Perhaps more concern should be considered for human needs.

My position as Business Manager of Local Union 823 Plumbers and Pipe Fitters, the South Texas Building Trades Executive Board, Secretary-Treasurer of the Texas Pipe Trades Association and Vice-President of Texas AFL-CIO, has involved me in many projects over the years, most of which, for one reason or the other, did not become a reality.

We have been working diligently with local developers in the development of Playa Del Rio which is in T-12. We have been talking with other developers which is American General Insurance Company concerning future development on South Padre Island. Any of these that would come about would mean jobs for so many citizens of Cameron County. It is grossly unfair to consider, after all the investments that have been made both by Playa Del Rio and American General to scuttle their efforts and shatter the dreams of employment of so many people.

I think consideration might be given to the vast number of acres in South Texas, such as the King Ranch and many other game reserves, and the vast amount of land that has been dedicated primarily for wild life. To not give consideration to the people who pay taxes and how they are going to pay them, and to deny people in South Texas the chance to work at a decent wage with so many hopes, prayers and efforts put into this will be a great disappointment.

I believe when all the facts are weighed that you, Congress and those others in the high elected offices will give some human consideration to human needs and well being.

Sincerely yours,

Eddie B. Long

Eddie B. Long
Business Manager
U. A. Local Union No. 823

EBL:bjh

NATIVE PLANT PROJECT

1129

June 18, 1987

Box 1433
Edinburg, Tx 78540

Coastal Barriers Study Group
DOI, NPS - 498
P.O. Box 37127
Washington, D.C. 20013

Dear Study Group:

The Native Plant Project is a local conservation organization with approximately 100 members in Texas' Rio Grande valley. It was founded in 1983 by concerned professionals and laypersons in order to further research, protection, and propagation of the unique native flora of this subtropical region. The Project's Board of Directors voted unanimously to submit brief comments in support of the preliminary recommendations for the expansion of the Coastal Barriers Resources System. It is our feeling that all undeveloped coastline and associated aquatic habitats should be a part of the System.

We recommend that area T-11 be extended westward to include the small islands along the intercoastal waterway, as they are clearly barrier-associated aquatic habitats, and have high value as nesting and resting areas for many bird species, including several threatened and endangered species, as long as they are left undisturbed. Furthermore, T-11 should include the 7.5 mile stretch southward to the town of South Padre Island. That area is undeveloped, very flat, and is rapidly losing its vegetative cover, due largely to the lack of any local, state or federal dune protection legislation.

We recommend that area T-12 extend southward to the banks of the Rio Grande. The area is an extension of the South Bay tidal flats and marsh, and contains at least 2 endangered plant species, *Anthericum chandlieri* and *Amprosia cheiranthifolia*. The vegetative cover is characteristic of marsh and salt prairie, not of uplands. The whole area floods readily and frequently, and there is no valid reason to exclude it from the System.

We urge the Study Group and the Secretary of the Interior to resist the pressure of the developers and other profit-driven special interest groups who want to diminish or abolish the Coastal Barriers System. The coastal natural resources here on the South Texas Coast are too valuable, too unique, and very threatened. We desperately need the Coastal Barriers Act.

Sincerely,

James D. Chapman

James D. Chapman
Vice President

To: Coastal Barriers Study Group
DOI, National Park Service - 498
P.O. Box 37127, Washington, D.C. 20013

1167 6/22/87

1044

First National Bank of San Benito

Robert B. Dunkin
President

Dear Study Group:

We support the proposed expansion of the Coastal Barriers Resources System. We in addition urge that the South Padre Island segment (map T 11) be extended westward to include the spoil islands along the Intercoastal Waterway, and extended southward to the town of South Padre Island's city limits. Also, the South Bay/Boca Chica segment (map T 12) should be extended southward to the Rio Grande river. These areas all have high wildlife value, are undeveloped coastal barrier formations, and are extremely susceptible to flooding. They clearly fit the CBRA criteria and should be part of the expanded system.

June 18, 1987

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

Dear Gentlemen:

I am writing you this letter in opposition to your proposed plan to increase the coastal barrier areas in South Texas. I have lived in South Texas all of my life and have been active in the economic growth and development of our community. As past president of both, the Harlingen and San Benito Chambers of Commerce, I have worked in the establishment of thousands of new jobs within Cameron County and feel qualified to speak on the economic growth and development of our area. I feel your proposed project to expand those areas, which in effect would prevent future development, presents an economic burden on those people living in our county - a burden we cannot afford. Our current tax basis is too small to support the services that we, as citizens of Cameron County, must have. The Federal Government's intrusion into this area will only aggravate this serious problem in one of the nation's poorest counties. Your effective removal of millions of dollars of value from future tax rolls will have a detrimental effect upon the future growth of Cameron County. This action by the Federal Government is not only unconstitutional, but is also unwarranted. There are plenty of coastal areas that will never be developed due to remoteness of their locations. To restrict the development on prime properties in Cameron County is a crime.

I can well remember as a teenager attending the hearings on the establishment of the Padre Island National Seashore and being told at that time it would be all the property that the government would take and that it would be adequate for all foreseeable public needs. I can also remember the

P.O. Box 2030 · 1151 West Hwy. 77 · San Benito, Texas 78586 · 512/399-3331

Name	Mailing Address
Mr. & Mrs. L. R. Latham	PE 5 Box 455 San Benito, TX 78584
Harriet P. Casner	805 Hacienda La Brea Brownsville, TX 78401
J. E. Law	2221 Bayle Hgn, Zn 78550
D. Morales	312 Fern McAllen, Tx. 78501
James Payne	4801 Boca Chica Brownsville, TX 78521
Jaquie Williams	706 East 14th Street Brownsville, TX 78401
W. E. Walker	426 Winnie Brownsville, TX 78401
John Schulz	201 Beach Laguna Vista, TX 78558
Leonida Lopez	2326 E. Washington Harlingen, TX 78550
Elizabeth L. L. L. L.	707 Mesquite Laguna Vista, TX 78558
Princess L. L. L.	707 Mesquite DR LAGUNA VISTA 743-3355
Donna L. L.	PO Box 4083 Brownsville, TX 78521
John F. Martin	P.O. Box 2891, McAllen, TX 78502
Vanessa L. L.	RD 1 Box 315 San Benito, TX 78586
John L. L.	1406 E. Lockheed Harlingen, TX 78550
Richard L. L.	RT 1 Box 325 San Benito, TX 78586

(and 237 additional signatures)

words of a very well known northeastern Senator who stated that he wanted to keep South Padre Island undeveloped and unspoiled so that individuals could feel free to hike into it and enjoy its natural beauty. In all those years since the establishment of the national seashore, I do not know of one person who has ever put his pack on his back and hiked into the area to enjoy its natural beauty. Needless to say, the Senator did not visit the Island during the height of the summer when the climatic elements could well rival the Sahara Desert. No one can carry enough fresh water to cover more than one day of walking on South Padre Island without being re-supplied.

That same type of mentality I see, today, in individuals who know very little about the real ecology or conditions of the area. They are largely a group of preservationists who see the extinction of the human race as the eventual answer to our ecology problems. I am also tired of seeing on television those speaking for this preservation movement who have done nothing to create new jobs or assist the economic growth of our area. They speak with such piety and yet they have done nothing to warrant the attention they have received in their fight to extend the coastal barrier areas in Cameron County. When it comes time to develop a livelihood for South Texans or work on committees that promote our growth and development, I never see them.

I can assure you that I speak with the same voice as thousands of other businessmen in our area, people who pay the bills and provide the jobs. I think it is time that we be heard above the loud clamoring voices of those who do nothing but cry wolf whenever there is an economic project that threatens to change the status quo of some often desolate area.

Over my lifetime, I have watched the growth and development of South Padre Island and I can only say that today the ecology has improved. In the late 1950's, my family built one of the first houses on South Padre Island. Today, I can honestly say the waters around South Padre Island are cleaner than they were when we had our home because the growth and development of South Padre Island as a community has brought in technology for sewage treatment and has stabilized the movement of sand from the Island into the shallow lagoon that was slowly choking it out of existence. I challenge any fisherman who fails to realize that fishing is better today than it was back in the 50's when I first started fishing.

I believe what you are proposing to be unconstitutional as it destroys the value of land without fair compensation by the Federal Government. I believe that in any court of law this will be upheld, and that in the eventual end, will be a retraction of the law or a cost settlement by the Federal Government. I can assure you, as a taxpayer I will be angered to have to pay the cost of defending this legislation that is obviously unconstitutional. I strongly suggest that if you so desire to extend the national seashore area, that you go out and buy the property and own it fee simple title. I see no need for our Federal Government, however, to waste such money as I sincerely look forward to the area of Boca Chica to be developed as nicely as South Padre Island. Modern construction and development techniques will stabilize the area and in the long run will protect the ecology more than allowing it to slowly fill in. To deny Cameron County and the citizens of our country the opportunity to develop this area into one that can be used by all, will be a violation of the trust placed in your department's hands when it was organized.

Again, register my strong disapproval of any efforts by your department to increase the coastal barrier area within Cameron County.

Sincerely yours,

Robert Dunkin
Robert B. Dunkin
President

RBD/gm

P.O. Box 2030 · 1151 West Hwy. 77 · San Benito, Texas 78586 · 512/399-3331

P.O. Box 2030 · 1151 West Hwy. 77 · San Benito, Texas 78586 · 512/399-3331

863

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

Dear Study Group Members:

I wish to express my support for your proposed additions to the Coastal Barriers Resources system. An Act that conserves valuable coastal natural resources and benefits the taxpayer is far-sighted.

The area of South Padre Island, Texas with which I am most familiar, is subject to flooding and severe damage even during minor Gulf Coastal storms. A case in point...prior to 1980, 26 washovers (transverse features on South Padre Island formed by storm surges) had a mean width of 238 meters. However, after Hurricane Allen in 1980, the number of washovers was 27 but the mean width had nearly doubled to 434 meters. Hurricane Allen destroyed Park Road 100 where the storm surge washed across the island. Only one escape route is available on South Padre Island during a storm... Park Road 100.

Indeed the South Texas coastline needs all the protection we can give it.

Sincerely,
Robert Lorard
Robert Lorard
1116 South 13th
Edinburg, Texas 78539

896

June 11, 1987

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

Dear Study Group:

I support the Coastal Barriers Resources Act and the proposed revisions. I have lived on a coastal barrier island since 1971 and have visited beaches throughout the United States since childhood. I have worked with the Barrier Island Watch group since the '70's and am also Conservation Chair for the Lower Rio Grande Valley Group of the Lone Star Chapter Sierra Club.

The Department of the Interior is commended for taking the lead in protecting these valuable natural resources known as the coastal barriers and the wetlands associated with them. The revisions are excellent as far as they go. We would certainly like to see more put into the protection of the act such as the Great Lakes and West Coast areas. Closer to home, the seven miles from the North city limit of the Town of South Padre Island to the end of Park Road 100 is undeveloped and meets all of the criteria to be included. It was left out in 1982. This bad mistake should be rectified at this time. We recommend that the Congress include it in its deliberations.

The Boca Chica section from the mouth of the Rio Grande to the Brownsville Ship Channel is eroding at a steady rate, perhaps the greatest annual rate of erosion on the Texas coast. This area and the wetlands of South Bay deserve inclusion. Much of the area is already protected and should so remain.

We have serious concern about the "otherwise protected lands". That designation seems no longer practical. We suggest that each of these areas be considered as a separate parcel. We believe the "otherwise protected lands" in Texas to be in jeopardy and ask that they be included in the revisions to the Coastal Barrier Resources Inventory. We have had an example set for us in lease options for development given, as in the case of the Brazos Island State Park. It deserves the protection of the act.

We applaud the Department of the Interior and the Congress for taking responsible steps to protect human life and property. We know that each hurricane to reach our shores brings with it millions of dollars in property damages, loss of human life and uncountable pain and human suffering. We believe the Act will reduce wasteful Federal expenditure for emergency relief and flood insurance, as it was designed to do. Those lands included will be saved from the destruction of the fragile coastal ecosystem and the wildlife it supports. These lands are a national treasure both for their scenic and recreational value and their vast economic value to the tourism and fishing industries. They must be preserved for all.

Thank you for the opportunity to comment. *Mary Lou Campbell*
mary lou campbell post office box 2189 south padre island texas 78597 512 943 5571

875

P. O. Box 592
Olmite, TX 78575
June 14, 1987

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

Gentlemen:

In a recent issue of the BROWNSVILLE HERALD, it was reported that you had invited comments on the proposals concerning development of South Padre Island and the Boca Chica beach in Brownsville.

I would like to voice my vote against development of any more of these areas than has already been done. It seems to me that we need some undeveloped beaches in this country and there aren't many places left where there is a choice.

The development thus far on South Padre Island leaves a lot to be desired insofar as conservation of the only natural resource we have in this part of the country - beautiful scenery and unspoiled beaches. The greedy business people on South Padre have built so many T-shirt shops and condominiums that there isn't much left to enjoy there until you get past Andy Bowie Park.

It is also a commonly stated fact down here that the dunes are a necessary part of the area as far as storms are concerned and you have only to drive by the beaches now to see that all the dunes have been destroyed wherever building has taken place.

I am not a scientific person and I really don't know much about conservation and ecology but I do know that the "improvements" made on South Padre Island the last several years have done nothing to enhance it for tourists, natives or anyone else. There is no reason to believe that any future "improvements" will be any better and Boca Chica Beach would, in my opinion, be much better left as it is where anyone who cares can still see a beach like they used to be. We honestly don't need another Miami Beach where the beach is just like being alongside a giant swimming pool.

When making your decision, please remember that there are a lot of kids in this country who have never seen a beach and try to save at least a part of one for them.

Very truly yours,
Barbara J. Knabe
Barbara J. Knabe

June 15 - 1987

Wesley Schriber
86 Ala A Blvd
Bonnville, Tx
78522

934

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

Members of the Study Group:

I want to voice my wholehearted support for your proposed additions to the Coastal Barriers Resources System. An Act that both conserves precious coastal resources and benefits the U.S. taxpayer is far-sighted.

Concerning the South Texas coast:

(1) The spoil islands along the western edge of the Intracoastal Waterway in the lower Laguna Madre are extremely valuable roosting and nesting habitat for birds which include some threatened species. These areas should be included in the System.

(2) I support 100% your decision to expand the System in the South Bay and Boca Chica area. This unique hypersaline lagoon system is extremely vulnerable to flooding, and its wetlands and waters support an incredible diversity and quantity of bird, fish, and shellfish life. It deserves and needs all the protection it can get.

Sincerely,

Wesley Schriber

cc: Sen. Phil Gramm
Sen. Lloyd M. Benson, Jr.
Rep. Solomon Ortiz

P.S. Why were the Pacific and Great Lakes coastlines not included in your Study?

940

1402 So. Border # 765
Westlaco, TX 78596
June 15, 1987

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

To the Study Group:

We wish to express wholehearted support for your proposed additions to the Coastal Barriers Resources System, an action to conserve irreplaceable coastal resources while at the same time helping the U. S. taxpayer in these days of horrendous national budget deficits. Please hold firm in your recommendations to conserve more of our coastal resources.

In the latter connection, the spoil islands along the western edge of the Intracoastal Waterway in the lower Laguna Madre area of the South Texas coast should be included in the System; the islands are extremely valuable roosting and nesting habitat for birds that include some of the threatened species.

And of particular importance to our region is your decision to expand the Coastal Barriers Resource System in the South Bay and Boca Chica area of the South Texas coast. This unique lagoon system is extremely vulnerable to flooding, from a hazards standpoint; and its wetlands and waters support an incredible diversity and quantity of bird, fish, and shellfish life. We don't want to see the natural area destroyed; it deserves all the help it can get.

We thank you for your help in all of these protective measures.

Yours truly,
T. A. Pollard
Tina Pollard

JOHNSTON, RALPH REED & CONE
ATTORNEYS AT LAW
8800 TOWER LIFE BUILDING
SAN ANTONIO, TEXAS 78205
TELEPHONE 512 582-0511

951

CHRISTIE E. JOHNSON (1904-1975)
MURRAY L. JOHNSON, JR.
VERDOORE J. RALPH
RICHARD L. REED
RUSSE E. CONE
JAMES J. YATES
TIMOTHY A. WATT
COLLEEN MULLIN GOFF
PAMELA HARRY ELLIOTT

June 19, 1987

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

Re: Comment on Proposed Changes in Coastal Barriers Resources System -- South Padre Island, Texas

Gentlemen,

As a marina owner, investor and frequent visitor to South Padre Island and Port Isabel, Texas, I want to urge that no more of South Padre Island be included in the Coastal Barrier Resources System. In particular, I urge that the 7 1/2 mile area immediately North of the Town of South Padre Island not be included in the proposed additions to the System. Portions of the 7 1/2 mile area are in various stages of development. Substantial industry has developed in the South Padre Island and Port Isabel area and there is a major bridge to the island. The island is the hope and expectation for economic stimulus for the Rio Grande Valley Tourist development.

The SPI Bridge and Town infrastructure invites, is designed to accommodate, and does accommodate a high level of activity from tourist and recreational visitors and requires continuous provision of health and sanitation services as well as habitable accommodations.

This is a natural and inevitable development area which can be developed without undue risk to the federal government. A certain portion of the island should remain entitled to the forms of Federal Assistance and participation available to other developments for orderly development. There is need for water and sewer services which are tied to Federal Government participation.

Once it is included it may never be deleted. By continuing the exclusion from the system of the portion of SPI up to the present end of the State Hwy 100 would be a reasonable provision to permit the City of South Padre Island to provide the area services and development necessary to the area's reasonable anticipated growth.

Very truly yours,
Murray L. Johnston
Murray L. Johnston, Jr.

MLJjr:beh

1058

Ms. Merriwood Ferguson
95 Poinciana, #137
Brownsville, Texas 78521

June 19, 1987

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

Re: Draft Report to Congress
Coastal Barrier Resources System

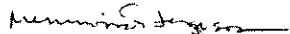
Gentlemen:

I would like to commend you for the excellent report on the Coastal Barrier Resource Systems of the Atlantic and Gulf coast. I support your recommendations to retain existing units and expand units along the Gulf coast. Your report sums up the dangers of developing these areas very well and I sure don't think the Federal government needs to continue subsidizing private development in areas where there is a proven hazard. The following are specific comments on the proposal and recommendations:

1. I support your proposals to expand Units T11 and T12. While I understand your criteria for including areas in the system, what is your criteria for excluding areas or taking out proposed areas?
2. I hope that you might reconsider the southern boundary of Unit T12 and extend it to include areas along the river. In looking at it on the map using the scale, there doesn't appear to be but maybe a half of mile, at most, from the mouth and then the boundary cuts back in towards the north away from the river.
3. While there is considerable controversy surrounding the Department of Interior's possible inclusion of the approximately 74 mile stretch beyond the town of South Padre Island (Unit T11), I do believe it meets all the criteria you have used in your decision making. This area is extremely susceptible to washover and has not built back up since Hurricane Allen skirted the area in 1980.

I appreciate the opportunity to make these comments and hope that Congress will see the need to protect these areas, along with reducing the Federal deficit.

Yours truly,


Merriwood Ferguson

Coastal Barriers Study Group
June 22, 1987
Page Two

1. Substantial development activity had been completed in this area, both by local governmental units, and by the owners of many of the tracts of land within this area. That development activity is described in the attached letter, dated September 18, 1982, from Mr. R. K. Whittington, then Mayor of the City of Harlingen, Texas, to Congressman Thomas B. Evans, Jr.

2. The designation of the 7.5 mile area as a part of the CBRS would have resulted in an unjustified and unreasonable adverse impact on the already fragile economy of the Lower Rio Grande Valley of Texas, without any offsetting benefits, and without furthering the stated goals and purposes of the CBRA. The disastrous impact on the economy of the Lower Rio Grande Valley of Texas, which would have resulted from the inclusion of the area in question into the CBRS, is described in the attached Position Paper, dated July 5, 1982, and entitled "Negative Economic Impact of Section 341(d)(1) of the Omnibus Budget Reconciliation Act of 1981 and the Coastal Barrier Resources Act on the Lower Rio Grande Valley, Texas."

Both of these considerations were valid reasons for excluding the area in question from the CBRS in 1982, and they are even more compelling today. Local governmental units and property owners have invested many millions of dollars in additional development activity (since 1982), in reliance on the Congressional exclusion of this area from the CBRS. In reliance on the Congressional exclusion, the Cameron County Fresh Water Supply District Number One (the "District") annexed approximately 800 acres of the area in question into the District. In connection with this Annexation, and in reliance on the exclusion, property owners in the area have paid in excess of \$1,600,000 in annexation fees to the District, and have acquired and conveyed to the District over 200 acre-feet of water rights, at a cost of more than \$125,000.00. Additionally, property owners in the area in question have agreed with the District to acquire and convey to the District more than 2800 acre-feet of additional water rights, to construct and convey to the District water transmission lines, laterals, lift stations, pumps and related improvements to be located on the land in question, and to construct and convey to the District a waste water treatment plant to be located on the land in question. In addition to these expenditures by property owners, the District itself has expended many millions of dollars in improvements necessary to service the development of the annexed property. Property owners in the area in question have also expended large sums of money for planning and architectural services, and construction has already begun on at least one residential resort development within the area in question. All of this development activity


Interests
1101

800 SECOND BOULEVARD
SUITE 400
NORTHROCK, L. 78080

June 22, 1987

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

RE: Public Comment regarding Proposed Recommendations, in
Report by Secretary of Interior to Congress, under
Section 10 of the Coastal Barrier Resources Act

Gentlemen:

This letter is intended as a public comment with respect to the proposed recommendations of the Secretary of the Interior, under Section 10 of the Coastal Barrier Resources Act ("CBRA"), regarding additions to or deletions from the Coastal Barrier Resources System ("CBRS") and modifications to the boundaries of the CBRS.

This comment concerns South Padre Island, in Cameron County, Texas, which has been assigned the designation of CBRS Unit T-11. At the time this unit was established by Congress in 1982, Congress excluded 7.5 miles of this island from the CBRS unit. This 7.5 mile area is located immediately North of the existing town of South Padre Island, and extends to the Northern end of State Highway 100 on South Padre Island. I am the owner of approximately 600 acres of land within this 7.5 mile portion of South Padre Island. The Secretary of the Interior, in the proposed recommendations, has stated that there is no development within this 7.5 mile area, and suggests that Congress may wish to reconsider the exclusion of this 7.5 mile area.

It is my opinion that the assertion in the proposed recommendations, that there is no development in this area, is completely inaccurate, and that the considerations which led Congress to exclude this area from the CBRS are even more compelling today than they were in 1982.

The area in question was excluded by Congress from the CBRS in 1982, for two important reasons:

Coastal Barriers Study Group
June 22, 1987
Page Three

has been done in reliance on the Congressional exclusion of this area from the CBRS in 1982. The designation of this area as an undeveloped coastal barrier within the CBRS at this time would deprive the property owners of the benefit of these multi-million dollar investments, which were made in reliance on the exclusion. Further, the District, which has agreed to annex and provide water services to the area in question, in reliance on the 1982 Congressional exclusion, would now face the loss of federal assistance necessary for its continued existence.

Similarly, the economic impact of the designation of the area in question as a part of the CBRS would be even more devastating to the economy of the Lower Rio Grande Valley in Texas than it would have been in 1982. The Valley is a three county area with a 1980 population of over 500,000 persons, approximately 80% of whom are Mexican-Americans. Two of these counties, Cameron and Hidalgo counties, were at that time the poorest and next to poorest metropolitan areas in the United States, in per capita income. Tourism is the second largest industry in the Valley, after farming. Since 1982, three important economic events have occurred which make the exclusion of the area in question from the CBRS even more critical to this fragile economy. The drastic devaluation of the Mexican peso, the drastic reduction in oil and gas prices, and the drastic decline in farm prices have had a tremendous negative impact on economy of the Valley, and have made the tourism industry, and the related construction industry, even more critical to the survival of this economy. From August 1982 to the present, the peso decreased in value from approximately 45 pesos to the dollar to approximately 1,300 pesos to the dollar. This devaluation, combined with restrictions by the Mexican Federal government on the exit of pesos from Mexico, has destroyed that segment of the local economy reliant upon wholesale and retail trade with Mexico. Likewise, the dramatic decline in oil and gas prices over the past few years has severely curtailed oil and gas exploration, development and production activity, eliminating another source of jobs and funds from the local economy. The reduction in farm prices has severely curtailed the buying power of farmers, which has adversely impacted all phases of the regional economy. The tourism industry is the only major industry in the region which has not suffered severe setbacks since 1982. The portion of South Padre island in question is the last portion of the island available for any substantial development, and development of the area in question is necessary for the continued vitality of the South Padre Island area as a resort center.

Coastal Barriers Study Group
June 22, 1987
Page Four

The area in question represents only a small fraction of the many miles of South Padre Island already included in the CBRS, or in the National Seashore. The development of the area in question is vital to the regional economy, and it is, in fact, already being developed. The continued development of this small portion of South Padre Island, when so many miles of it are permanently protected from development, will have no measurable impact on the protection of wildlife or natural resources. With respect to the budgetary goals of the CBRA, the additional cost of welfare and other federal government social service programs resulting from the inclusion of the area in question into the CBRS, and the damaging effect of such an action on the local economy, will far outweigh the cost of federal financial assistance invested in future development.

Accordingly, I urge the Secretary of the Interior to recommend, in the report to Congress under Section 10 of the CBRA, that the 7.5 mile area in question continue to be excluded from the CBRS.

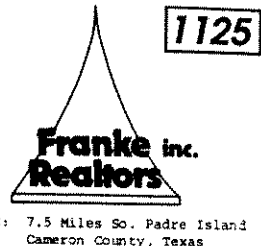
Sincerely,
HP Pinnell
HP Pinnell

HP:lm1

Enclosures

June 22, 1987

Coastal Barriers Study Group
Department of the Interior
National Park Service
P. O. Box 37127
Washington, D.C. 2001307127



Dear Sirs:

In a recent review of the March, 1987 draft report to congress of the Coastal Barrier Resources System, I notice that the 7.5 miles north of the Town of South Padre Island had been excluded from your recommendations for inclusion in the Coastal Barrier Resources System. However, reference was made that congress may want to reconsider and include this area within the system, as at the present time it remains an undeveloped area.

There are 3 major property owners within this 7.5 mile area, one of which is my brother and me. We own a tract containing approximately 250 acres at the south end of this area. We are currently in the process of developing a subdivision called THE SHORES on this parcel. THE SHORES will contain single-family, and multi-family homesites, as well as locations for commercial development including hotels and condominiums. We began the initial planning of this development in 1981, and are currently in the process of dredging the bayside of this project. Completed to date is almost all of the perimeter channel fronting the Laguna Madre. Needless to say, we have invested many millions of dollars in this property and the development of it; and although there are no existing structures on it, it is certainly far from a property that is undeveloped. If it were not for the soft real estate market we have, and have had for the past several years, Phase One of this project would already be completed.

In order for you to fully understand the details of the project I am describing to you, I am enclosing a copy of our brochure which, I feel, will better describe our development.

The other 2 major property owners are also in various stages of development of their parcels, and I am sure they have, or will, make you aware of the plans they have and the expenditures they have incurred to date.

For these reasons I urge you to delete from your report to congress the portions which suggest that congress may want to reconsider this 7.5 mile area. I would further urge that you consider excluding all property located in Cameron County in your proposal, as I think the economic impact to our already depressed economy will be disastrous.

Thank you for allowing me to comment on this situation. If you have any questions or would like further details on our project, please do not hesitate to call.

Sincerely yours,

Richard Franke
Richard Franke
2805 Padre Blvd.

DENNIS A. FRANKE
RICHARD FRANKE
REALTOR

p.o. box 2108 phone (512) 761-2606 south padre island, texas 78597

JUNE 20, 1987
THE COASTAL BARRIERS STUDY GROUP
US DEPARTMENT INTERIOR
NATIONAL PARK SERVICE
P.O. BOX 37127
WASHINGTON, D.C. 20013

1136 257 ELMAUE
ELMHURST,
IL. 60126

DEAR STUDY GROUP,

I AM WRITING TO STATE MY OPPOSITION TO YOUR COASTAL ACT TO INCLUDE ADDITIONAL LAND ON SOUTH PADRE ISLAND.

I AM A LAND OWNER OF PROPERTY NORTH OF THE VILLAGE OF SOUTH PADRE ISLAND. I PURCHASED THE LAND TEN YEARS AGO AS AN INVESTMENT FOR RETIREMENT. SOMEDAY MY WIFE AND I HOPE TO BUILD A RETIREMENT HOME ON THE PROPERTY. THIS HAS BEEN A DREAM OF OURS FOR THE PAST TEN YEARS. WE HAVE INVESTED MOST OF OUR LIFE SAVINGS TO PURCHASE THE PROPERTY. IT COULD BECOME WORTHLESS.

THE COASTAL BARRIERS ACT LANDS ALREADY INCLUDES OTHER WILDLIFE REFUGES IN CAMERON AND WILLACY COUNTIES AS WELL AS NATIONAL SEASHORE AREAS ON PADRE ISLAND. THAT IS PLENTY OF PROPERTY SET ASIDE FOR NATURE LOVERS. PLEASE STOP YOUR AGGRESSIVE TAKEOVER OF MORE LAND ON SOUTH PADRE ISLAND!

RESPECTFULLY,
Michael E. Foster
MICHAEL E. FOSTER

To Coastal Barriers Study Group -

Dear Study Group:
We wish to voice our whole hearted support for your proposed additions to the Coastal Barriers Resources System. We are primarily interested in the Laguna Madre, South Bay and Boca Chica Areas. Too much vital coastal areas have already been lost; the remain may must be protected and saved for future generations.

Also we do not want to have our tax dollars go to help pay insurance claims to greedy builders who construct on land that easily can be destroyed. Hurricane winds do real damage.

Sincerely

Mr & Mrs John O Larson
923 W Johnson
Nardinigen
Texas 78550

1073

American General
Investment Corporation

1207

June 15, 1987

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

Gentlemen:

American General Corporation, through its wholly owned subsidiary, South Padre Land Company, acquired roughly 22,000 acres on South Padre Island in 1977.

South Padre Island is a narrow strip of land that separates Laguna Madre and the Gulf of Mexico. The island is approximately 34 miles from its northern boundary of the Mansfield Channel to the Port Isabel Channel in the south. This barrier island provides protection from the full impact of the sometimes fierce Gulf storms. The land owned by South Padre Land Company is still in its natural state, being sand and barrier flats covered to some extent by native grasses. The majority of the island is only 5 to 10 feet above sea level and has no man-made improvements to prevent inevitable natural erosion.

The 22,000 acres is composed of four (4) separate tracts. Tract I has the only existing improvement, State Park Road 100. State Park Road 100 extends through the length of Tract I and terminates some 2.5 miles to the north of the northern boundary.

Tract I contains approximately 730 acres. The tract extends from Laguna Madre to the Gulf of Mexico and has approximately 1.5 miles of Gulf frontage. This tract is south of the area to be included in the Coastal Barrier Resources System.

Tract II begins roughly 3 miles to the north of the end of State Road 100 and extends 1.5 miles to the north. This tract extends from the Gulf of Mexico to Laguna Madre and contains approximately 1,650 acres.

Tract III contains approximately 3,346 acres. The southern boundary of Tract III is roughly 5.75 miles north of Tract II. This tract has 2 miles of frontage on the Gulf of Mexico. Like Tracts I and Tract II, Tract III extends from Laguna Madre to the Gulf.

Tract IV's southern border is 5 miles north of the boundary of Tract III. Tract IV has been partially platted for subdivisions. The total acreage in the tract is approximately 16,000 acres. This tract also extends from Laguna



1

Madre to the Gulf of Mexico. There is approximately 6 1/2 miles of Gulf frontage.

Since 1978, numerous studies have been commissioned in order for American General to develop a comprehensive master plan to maximize the potential of the property.

Lyons Associates, associated with Peat, Marwick, Mitchell & Co., were commissioned to do a two-stage report. These studies were completed in 1978 and 1979, respectively.

The stage one report investigated the potential concepts for development, construction costs and market values, and environmental considerations. Stage one resulted in a favorable opinion for development as a viable destination resort.

The stage two report refined the destination resort concept and restricted its investigation to Tract I. This report addressed the economic feasibility as well as the environmental concerns of developing a resort of this magnitude in this specific area. In addition, the report addressed the concerns of all those involved as to water service for the property.

A separate, independent study was commissioned, completed in July of 1984, dealing with the creation and construction of a desalinization facility to service the property. This study, by Jones and Neuse, Inc., analyzed the desalinization alternatives for South Padre Island. American General is committed to bringing potable water to this area of South Padre Island enabling the development of a resort community. American General Investment Corporation and Jones and Neuse, Inc. keep in close contact concerning the most recent developments in desalinization technology.

As is obvious by American General's consistent attention and actions concerning the potential development on South Padre Island, our commitment to improving the area is active and sincere. American General has the expertise and strength to transform the development plans into a world class destination resort. A resort of this magnitude has the tremendous potential of generating substantial and far reaching positive economic growth in an area that has been bludgeoned by a stagnant economy and devalued Mexican peso. The considerable number of permanent jobs necessarily created, along with the constant potential flow of dollars into the area, further illustrate the immense benefits to be derived from this development.

This potential will be not frustrated, but destroyed if the additional area proposed, as well as that already in, the Coastal Barrier Resources System is allowed. The potential development would not thwart the United States Department of the Interior's laudable efforts to preserve and protect our coastal areas. We submit this type of development would enhance the natural attributes of the island, provide desperately needed human assistance in the prevention of the inevitable and constant process of natural erosion, and expand the tax base to an area suffering from economic hardships.

2

In conjunction with the referenced plans for South Padre Island, American General worked closely with members of the Texas Senate and House to assure the passage of Senate Bill 10. Sponsored by Senator Uribe and Representative Hackney, Senate Bill 10 provides for the barrier islands to be included in the definition of a "qualified subdivision." This means that the Texas Railroad Commission upon application by the surface owner for the designation of a qualified subdivision will hold a public hearing before approving, disapproving, or amending such application. The area per subdivision application may not exceed 160 acres and the subdivision will include two or more operations or drill sites, each with an area of two or more acres, and road and pipeline easements to allow access to the site for mineral development.

This legislation was passed by both Houses of the Texas Legislature and has been signed by Governor Clements. The passage of Senate Bill 10 is a very positive stamp of approval by the Texas Legislature for development on the barrier islands.

Senate Bill 10 was actively supported by:

- Texas Association of Builders
- Greater Houston Builders Association
- Texas Mid-Continent Oil & Gas Association
- Mischer Development Corporation
- Association of General Contractors, Texas Building Branch

We respectfully request that Area III of the Coastal Barrier Resources System be removed from the Department of the Interior's Plan and that any additions be disallowed.

Sincerely,

F. Max Schuette
President

FMS:mt

3

1339

*Near Coastal Barrier Study Group,
In 1971 my sister and brother + I bought land on S. Padre Island as a hedge against the inflation of my parents' retirement. It took us 10 long years to pay off the 13 acres of beach north of Bowie Park.*

We are praying that you will not take this land as more Nat. Seashore. You already have 85 miles of beach. ^{possibly} We are all quite upset about the loss of our land. ^{Sincerely,} Molly Starovich

MYRA CARRUTH HILLSAPPS
8602 THUNDERBIRD ROAD
AUSTIN, TEXAS 78736
(512)288-1414

1518

July 6, 1987

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

It has recently come to my attention that your survey team has proposed to include under the jurisdiction of the Coastal Barrier Act of 1980 certain wetlands along the Texas coast, specifically property within Cameron County and adjacent to a resort community on South Padre Island.

My husband and I will one day return to this area when we retire and have a vested interest in its future. Therefore, I wish to lodge a formal protest against this inclusion. By effectively prohibiting any future development of beachfront property in this area you are condemning its sole economic base to extinction, namely the tourist industry, by which a significant proportion of its residents make their living.

I am aware of the conservationist intent of your study and certainly feel that the original thrust of the Act is laudatory. However, the additional inclusion of land within this area will only serve to worsen the economic depression being experienced in Cameron County, as well in surrounding communities. It is, in my opinion, irresponsible and shortsighted to place economic well-being and human quality of life at the bottom of your list of priorities. Certainly a balance can be achieved whereby both the quality of human life and wild-life can be sustained.

I suspect that, if you were to ask their opinion, a large majority of the affected population in this area would confirm my statements.

Sincerely,

Myra Carruth Hillsapps

1632

255 Arequa Ridge Drive
Colorado Springs
Colorado 80919
20 June 1987

Mr. Frank B. McGilvrey
The Department of the Interior
Washington, D. C.

Dear Mr. McGilvrey:

I have just learned about the possible inclusion of additional land on South Padre Island, Texas, in the Federal Coastal Barriers Act. I am co-owner of property on South Padre Island that would be affected and I am appalled at the arbitrary action by the Department of the Interior.

The proposal to include all of South Padre Island north of the unincorporated area is in itself arbitrary, unfair and a gross disregard of the rights of the current landowners. Even worse, the very consideration, announcement and publication of such a proposal in and of itself virtually condemns the property from re-sale and/or development. It now makes little difference whether such a proposal is approved by the Congress at this time or not because even if the proposal fails now, the spectre of such a proposal surfacing again in the future has the same impact as if the proposal was approved. The result is that I, as a landowner since 1969, will hereafter pay taxes which are currently outrageous, with absolutely no potential for use, resale, development or control.

The lack of foresight by the Department of the Interior shows an unbelievable failure to consider the property owners. Once development was permitted on South Padre Island, with government, state, county and public funds, the Government and other state and local agencies involved in funds support made a commitment that in effect (1) allowed and encouraged growth, (2) perpetuated that growth and (3) placed no limits on the duration geographic extent of the support. The effect was, for myself, very misleading in that there were no indications that the U. S. Government would not continue to support flood insurance and road work; factors essential for anyone, like myself, who saw South Padre Island as a desirable long term investment. And, in my case, a very personal one.

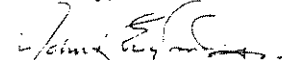
I was born in Mercedes, Texas, and raised in Harlingen, Texas in the Lower Rio Grande Valley. For years I roamed South Padre Island when it was barren sand dunes. Access to the Island was by sailboat with my father and family, later by row boat until the ferry was introduced and I could afford the price. I had always wished to own a part of the Island, as it was a most enjoyable and important land area in my youth. When in 1969 I could first afford it, with the help of another party, our limited funds couldn't buy anything closer to the city of South Padre Island than the North half of tract 62, South Padre Island Investment Co., which is just a short way north of Andy Bowie Park. It was our hope that once the road was extended through our tract we would either sell or develop the property. Neither option has worked out because of many problems--the road not extended through our tract, water supply, hurricane destruction, etc. Now, however, whatever possibility would still be available to us is completely and finally ended by the subject proposal whether favorably considered or not. Accordingly, I submit that the Department of the Interior has acted in such a way as to impose a severe injustice on myself and my partner from which we have no recourse other than sue the Federal Government and what are our chances and costs apt to be in that course action?

I will concede, given events as they have occurred through 1986, that our purchase of South Padre Island property was not the best investment; we have never received a serious offer. Now, however, the proposal the Department of the Interior is shaping virtually condemns the property we own as worthless in a commercial sense and offers no recourse, no capacity to recover the original dollars invested or even realize any opportunities to manage our property.

Why doesn't the U. S. Government assume responsibility for all of Padre Island North of the unincorporated boundary of South Padre Island and reimburse landowners for at least their original, document purchase price, or, why doesn't the U. S. Government establish the paved road north of the incorporated area of South Padre Island as a toll road to off-set costs of maintenance and/or repair? The extension of the road to Fort Mansfield would open up a vast area of Gulf Shore for use by the people while restricting other areas from people use to preserve the wild life habitate. Such actions and programs

as described above have been used and supported by the Government in many other locations within the United States. I cannot believe that there is not some approach/course of action which would be acceptable to all parties; the Government, environmentalists and landowners if the Department of the Interior would put some thought, time and effort into it. Up until now what has occurred is what often happens; a Government Beurocracy, unfeeling, unconcerned and unimaginative taking a position that ignores someones rights.

Sincerely,


John K. England, Jr.

938

WILLIAM W. MOOBERRY
1983-1987

LAW OFFICES OF
MOOBERRY AND HURT, P.C.
401 E. LOS EBANOS BLVD.
BROWNSVILLE, TEXAS 77820
317-842-2339
A Professional Corporation

EUGENE S. HURT

June 15, 1987

Coastal Barrier Study Group
Washington, D. C.

Re: Texas Coastal Barrier
Study.

Gentlemen:

I am enclosing statement in opposition to the inclusion of South Padre Island Texas properties located in Cameron County, Texas, in the prohibited Zone.

There are many, many investors who will be adversely affected by the recommended action of the Study Group, who like the seventeen I represent as Trustee, will have their good faith plans for retirement income negated.

We feel that our Government will be breaking faith with us if they now accomplish by indirection what they failed to accomplish at the time the Padre Island National Seashore was established.

The threat to the Texas Tourist Industry is too great to ignore and, the cost to the Government can possibly be greater than the costs of the so-called subsidy, if a class action suit invoking the principles established by the Supreme Court in the First Evangelical Lutheran Church Case is successful. You may rest assured that the question of a taking will be litigated.

On behalf of my associates and hundreds or thousands of others like us I entreat you to reconsider your recommendations and give some consideration to the economic impact and the human element if your recommendations are adopted.

Respectfully yours

CC: Senators Bentsen & Gramm
CC: Congressmen De La Garza and Ortiz

PRACTICE LIMITED TO WILLS, ESTATES AND PROBATE
BY APPOINTMENT ONLY

LAW OFFICES OF
MOOBERRY AND HURT, P.C.
401 E. LOS EBANOS BLVD.
BROWNSVILLE, TEXAS 77820
317-842-2339
A Professional Corporation

EUGENE S. HURT

June 11, 1987

TO WHOM IT MAY CONCERN:

REFERENCE: SOUTH PADRE ISLAND
TRACT 26 TRUST INVESTORS

GENTLEMEN:

In 1958, a group of Brownsville, Texas businessmen purchased Tract 26 South Padre Island Subdivision as a long term investment, as a part of their retirement plans. For over twenty-five years these investors paid taxes on the land which was sold in the year 1983. Under the terms of the sale, the purchasers who are members of a Limited Partnership, paid a down payment and gave back a promissory vendor's lien purchase money note with interest only payable for the first ten years and principal payable in 1993.

At time of closure the Investors each paid their capital gain tax arising from the sale and have been paying taxes on the semi-annual interest payments as received.

At the time of the sale in 1983 the property was valued at and sold for approximately \$8,000.00 per acre. If the subject property is placed in a prohibited zone as proposed, the property will lose 90 to 95 % of its market value. Not only will the Investors lose the interest income for the next six years but the present Owners-Debtors will undoubtedly default on their obligation and force a foreclosure.

It is our position that the action of the Government under the existing circumstances will constitute a forced taking of our property and that we will be entitled to reimbursement from the Government for our losses under the principles set forth by the Supreme Court of the United States in its recent judgment in the case of the First English Evangelical Lutheran Church.

Not only will individual property owners be damaged by loss of values and destruction of marketability of their property but the tax base of Cameron County, Texas and the Port Isabel School District will be severely reduced as their present high valuations based on market value will have to be revised.

PRACTICE LIMITED TO WILLS, ESTATES AND PROBATE
BY APPOINTMENT ONLY

LAW OFFICES OF
MOOBERRY AND HURT, P.C.
401 E. LOS EBANOS BLVD.
BROWNSVILLE, TEXAS 77820
317-842-2339
A Professional Corporation

EUGENE S. HURT

William P. Horn
Asst. Secretary of Fish & Wildlife
C/O Department of the Interior
Washington D.C. 20240

1765

March 18, 1988

Dear Mr. Horn:

I bought my land on South Padre Island almost 10 years ago so that I could build my home for retirement. Now I understand that you and your department have eliminated flood insurance for properties north of route 100, since 1982. And are now in the process of eliminating flood insurance for the rest of the properties.

Mr. Horn will you please tell me how can an average U.S. citizen prepare himself for old age? If you and your department keep changing the rules in the middle of the game, and making it impossible for me and other owners to build our properties,

I would appreciate it if you could stop this policy of no growth for South Padre Island. I have also written letters to my senators and congressman regarding this matter. I hope it will be resolved in a satisfactory fashion for all concern.

Sincerely,

VICTOR HAZAROF
6236 N. Albany
Chicago Il 60659

The no-growth philosophy of the opponents of development on barrier islands is completely devoid of objectivity and completely leaves out the human element. This battle was fought over thirty years ago when the Congress was urged to place all of Padre Island in the National Seashore. The Congress refused to buy their argument then and limited the taking for the National Seashore to approximately 88 miles of the Island. Having been unsuccessful in their efforts to halt all development on the entire Island before Congress, they are now trying to come in through the back door and take away the property rights of Island land owners by bureaucratic regulations without compensating the landowners.

The Supreme Court in effect stated that "if the public wants to maintain a freshwater wetland, landmark or view, the "Public" must pay for it. There is no question that the Government under its powers of eminent domain can force property owners to give up their property, but the Supreme Court has said that it must pay just compensation for the taking, and that limitation on the highest and best use of the property constitutes a taking.

We respectfully urge the "powers that be" to leave that part of Padre Island which is not in the National Seashore Area out and leave us alone and thus avoid years of expensive litigation and millions of dollars of losses which will eventually have to be borne by the "public" which the environmentalist purportedly seek to protect.

Many members of the South Padre Island Tract 26 Trust live out of Brownsville or out of the State and are not present to register their opposition but would undoubtedly do so if they were present.

PRACTICE LIMITED TO WILLS, ESTATES AND PROBATE
BY APPOINTMENT ONLY

1754

3285 N.E. 166 St.
N. Miami Beach, Fla 33160
March 17, 1988

Honorable William Lehman, Congressman
2020 N.E. 165 St.
N. Miami Beach, FL 33160

Dear Sir:

I was informed today, of an action contemplated by the Dept. of Interior that will be disastrous to me and others. Any comments by the public must be received by William F. Horn, Asst. Secretary of Fish & Wildlife, c/o Dept. of the Interior, Wash. D.C. 20240, by 3/16/88. Obviously, time is of the essence; I ask your help.

In 1954, I purchased acreage on the southern end of Padre Island (called South Padre Island), a 115 mile island off the coast of Texas, connected to the mainland by causeways. Approximately 70 miles (more than 60%) is a National Sea Park. Over the years, I saw my land slowly grow in value. My enthusiasm carried over to friends and acquaintances, and in groups we bought additional acreage.

In 1982, Congress enacted the Coastal Resources Barrier Act (CRBA), prodded and urged on by a well-organized, well-heeled, and very vocal group of environmentalists. The vast majority of us don't belong to any pressure groups, so the vociferous few have their voices heard, and their influence felt. This CRBA, in effect, added to the National Seashore on its southern end, without Congress having to pay for the land. This Act gobbled up approximately 20 more miles of S.P.I., including 3 parcels of land our groups had bought previously. This Act eliminated Federal Flood Insurance on these 22 miles of gulf-front. No Federally insured (FDIC or FSLIC) bank or savings and loan institutions is allowed to finance projects. No further federal funds for highways, sewage treatment facilities, airports, bridges, and erosion projects. In short our properties became valueless; numerous requests to realtors for offers on our properties result in no quotes.

The town of South Padre occupies miles of the island at its southern tip. Its main road extends 7 1/2 miles north beyond the town limits. Above that the CRBA is in effect. My last piece of property is on this 7 1/2 mile of road north of the town. Now, this same CRBA is about to deprive me and all the other landowners again. The Dept. of Interior has declared its intention of including this 7 1/2 mile strip under the CRBA, and has asked for comments from the public. The Dept of Interior claims that the government loses money on the Federal Flood Insurance so they want to place us under the CRBA. Can't they see that we would be only too happy to pay increased premiums if that would prevent the "affective confiscation" of our properties? Can't they see that the rapidly growing town of South Padre would be stifled?

I urge you to contact the above mentioned Asst. Secretary of Interior, to request not only that this last 7 1/2 miles of S.P.I. be not included in the CRBA, and just as importantly, reverse the application of the CRBA to the 22 miles south of the National Sea Park. The decision is not embedded in law; it is left to the discretion of the Dept. of Interior.

I have worked hard to pay my mortgages and taxes for the last 32 years. Help us please, to keep our hopes alive, and our legitimate rights as landowners. This CRBA is a discriminatory action against a small group, which should not be tolerated by our informed congressmen. I speak not only for myself, but for the many members of my group who live in your district who purchased property on S.P.I., including doctors, dentists, pharmacists, and businessmen. Again, time is very short. Would you please call and speak to Mr. Horn?

Our appreciation and thanks.

Sincerely,
Samuel Deutch

ENCLOSED IS A LIST OF THE NAMES REFERRED TO IN THE ABOVE LETTER.
COPIES TO: SWATHA LINTON CHILDS, SENIOR LEGAL COUNSEL, AND CONGRESSMAN
WILLIAM LEHMAN

1782

March 2, 1988
P.O. Box 2711
South Padre Island
Texas 78571

William P. Horn
Asst. Secretary of Fish & Wildlife
c/o Dept. of the Interior
Washington, D.C. 20240

Dear Mr. Horn,

In 1971, my wife and I retired and fell in love with South Padre Island, Texas. We decided it was to be the retirement home in future years.

We had found a real estate agent's "flyer" in our motel room concerning the sale of land north of Hwy. 113. We thought it a good investment for our retirement. First, we returned to New York State to talk to our five (5) children as; it would take three years to pay for the land; and - they would have to cooperate.

Four of the five had visited here and, alas, loved the area. They all voted; for the sale, even though they would have to sacrifice any extra monies.

We took our savings; for the deposit on the land and began to pay for the ten years of payments. It was a long, hard uphill and; there were months we had difficulty scraping together the payment as some of our children were in college. But - we kept telling ourselves

2) that our sacrifice would pay off when we needed extra money in our retirement years. And - we did retire here in 1981 feeling well-served for our future.

Now - the government wants to take the development of our land away from us! Were those years of struggling in vain? We can't afford to lose such invested money! And - we're paying high taxes on that land.

We are on a limited income, no pension, no inheritance just - Social Security, two years of I.R.A. and a few investments. In which, the largest is our island investment. We were looking forward to the sale of that land to ease for us until - death!

I plead our cause! I was not a victim or fancy of wealthy people to buy that land! It was a carefully planned idea to assist me in our future.

Our state has more shoddy than any other state! There is only had a hurricane every 13 years. And - remember, those first years there were no warnings of hurricanes. Plus - our strict building codes, of today, result in hurricane - proof structures.

The National Seashore

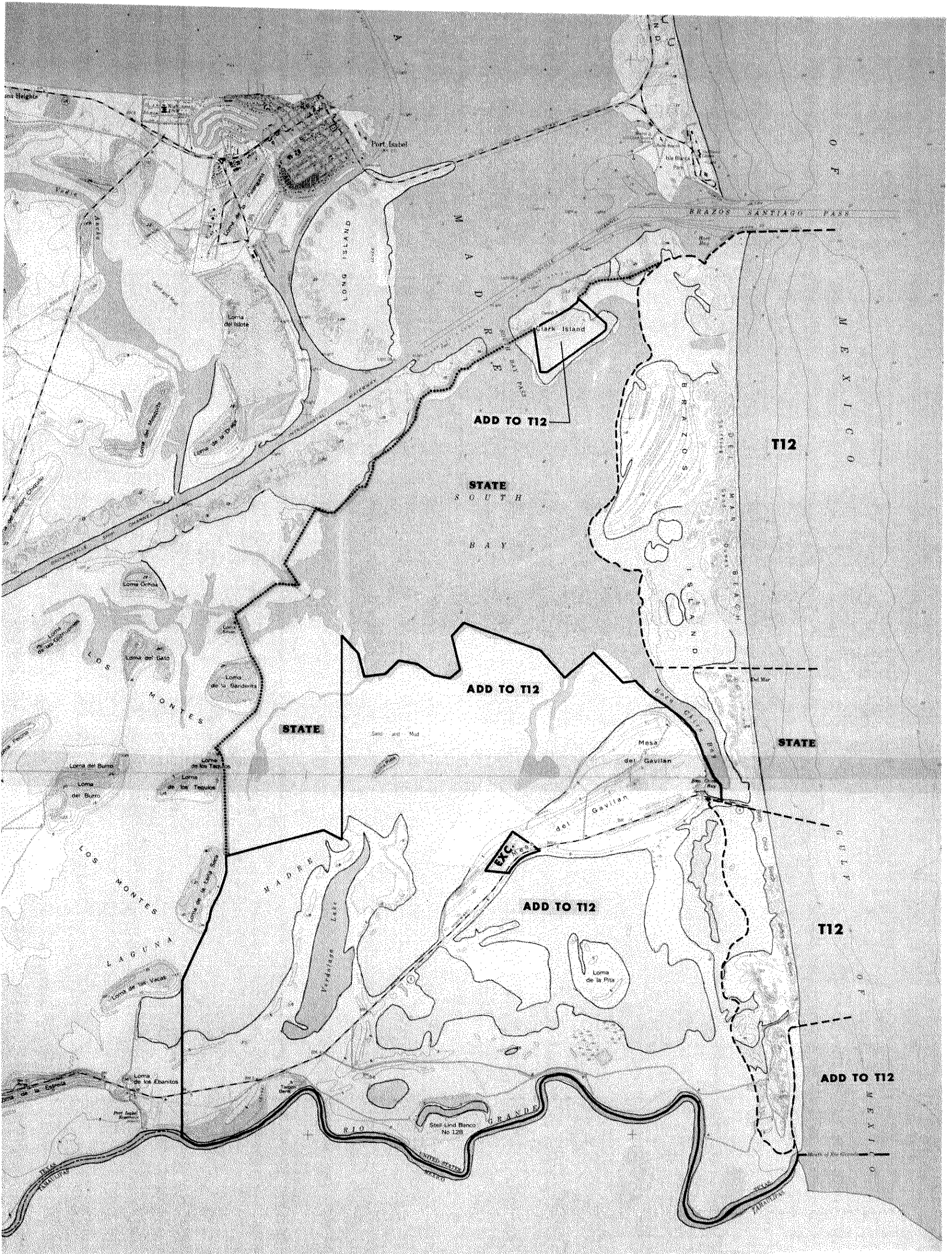
3) extends to 85 miles north
of "Port Mansfield Cut" - to Cape
Christie. Give us Teperana the land
south of the "cut" for the Town
of South Padre Island.

Raise the insurance rates! We'd
prefer that to losing our future.
If we all sued the government
for today's cost of our investment,
could it be mighty expensive!

Wonder if you are a Texan
or - if not, have you ever been here
to see the situation? I suggest
you know the whole story.

I pray you consider my
plea. Thank you.

Edward W. Foster



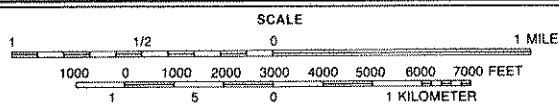
Report to Congress on the Coastal Barrier Resources System

**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
PORT ISABEL
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.

T12 - BOCA CHICA

State Position. The State of Texas opposes all additions to the CBRS. The State supports the exclusion of the Brownsville Ship Channel from the CBRS.

Other Comments: One hundred comment letters with 3,440 petition signatures were received concerning T12. Seventy-two of these letters and all of the petitioners supported the proposed additions to T12. Twenty-four letters opposed the proposed additions to T12 or requested the deletion of the existing unit from the CBRS, including those from Cameron County, the Brownsville and Port Isabel/San Benito Navigation Districts, and the South Padre Island Tourist Bureau.

The major focus of many of these letters was the proposed addition of the former Brazos Island State Recreation Area to the CBRS. Supporters argue that because the area is no longer a State Park, it should be added to the CBRS to "protect" it from development. Opponents argue it should still be excluded from the CBRS as otherwise protected because it is GLO land and/or it does not meet DOI criteria to be considered a coastal barrier. The developer of the proposed Playa del Rio project argues that he has invested considerable money in acquisition and planning for the area and would suffer substantial economic hardship if the area is added to the CBRS.

Several letters opposed the inclusion of a portion of the Brownsville Ship Channel and adjacent spoil banks in the proposed additions to T12 in the 1987 Draft Report. These letters argue that the spoil banks are heavily modified and that the Congress has authorized a widening and deepening of the channel and inclusion in the CBRS would make this project more difficult.

Several commenters also requested that a developed area along the Boca Chica Highway included in the proposed additions delineated in the 1987 Draft Report be excluded from DOI's final recommendations for addition. A few commenters asked that the proposed southern boundary of the additions be moved south to the Rio Grande, to include all the wetlands.

Representative, substantive comment letters concerning T12 are reprinted below. See also the General Comment Letters section and the letters under T11.

Response: Considerable discussion about T12 occurred both within the Department and in

Congressional hearings during 1982. Congress determined that Boca Chica did qualify as an undeveloped coastal barrier and included it within the CBRS. The Department has carefully reexamined T12 and confirms the determination of Congress. The unit fully meets DOI criteria and the Department finds no rationale for its deletion from the CBRS.

In 1985, the State of Texas removed the Brazos Island State Recreation Area from the jurisdiction of the State Parks and Wildlife Department and returned it to the jurisdiction of the General Land Office (GLO). The GLO then signed a lease option agreement with a developer, Playa del Rio, Inc., for the property. In May 1986, the developer relinquished the lease option but retained a conditional easement to build a highway through the Island. In June 1986, GLO offered Brazos Island back to the Parks and Wildlife Department for use as a public park. Parks and Wildlife has not yet made a formal decision about the property; however, as stated earlier, in 1987, the GLO promulgated rules which require that the Island be used primarily for wildlife refuge, sanctuary, or natural resources conservation purposes. Because of these rules, the DOI considers GLO lands State-protected.

The DOI is recommending that existing Federal navigation channels be excluded from the CBRS. This recommendation includes the Brownsville Ship Channel. The spoil banks are heavily modified and do not qualify for addition to the CBRS under DOI criteria.

The DOI agrees that the small community along the Boca Chica Highway exceeds DOI's definition of developed and is ineligible for addition to the CBRS. The DOI's delineation of the southern boundary of T12 was meant to follow the interface between the estuarine and riverine environments. Examination of U.S. Fish and Wildlife Service wetland maps has shown that the estuarine environment in this coastal region extends all the way to the river.

DOI Recommendation: The DOI recommends adding the unprotected associated aquatic habitat to the existing CBRS unit. This recommended addition does not include the Brownsville Ship Channel and spoil banks or the development along the Boca Chica Highway. Because Brazos Island is State-protected, the DOI does not recommend that it be added to the CBRS.

JACK A. GOOLSBY
COUNTY JUDGE
CAMERON COUNTY



1423
County Courthouse
964 E. Harrison St.
Brownsville, Tx. 78520
512 544-0830

June 16, 1987

Mr. Donald P. Hodel, Secretary
U. S. Department of the Interior
Coastal Barriers Study Group
C Street (between 18th and 19th Sts., Northwest)
Washington, D.C. 20240

Dear Mr. Secretary:

Under separate cover I am forwarding to you the position of Cameron County relative to the Coastal Barrier Resources System expansion. Our position paper is being forwarded through the review committee channels given to us at the recent meeting here in Brownsville. We were read at the recent public meeting, the purposes of the act creating the Coastal Barrier Resources System. There are 3 main purposes:

- 1) Public safety.
- 2) Protection of wild and marine life
- 3) Protection of natural resources

Let me address these 3 issues to you very briefly and I hope that this short letter will inspire you to assure that the position of Cameron County relative to the expansion is thoroughly reviewed and understood. The impact of this proposed expansion, if adopted, will produce a devastating effect not only on Cameron County, but South Texas. It also puts us at an economic disadvantage with the areas not in the CBRS. Insofar as the public safety is concerned, during the Hurricane of 1967 (Beulah) and the hurricane of 1980 (Allen) there were no casualties in Cameron County. During the most recent tornadoes in West Texas and the floods in Central Texas, there were about 50 people killed. We believe that the Texas Emergency Management System is thoroughly capable of assuring the public safety in times of hurricanes and no additional protection is needed along the coast through the Coastal Barrier Resources System.

In 1962, when the Padre Island National Seashore was created, we were told that this was all the land on Padre Island that would be needed for the protection of marine and wild life.

Mr. Donald P. Hodel
June 16, 1987
Page 2

Since that time, an additional 46,000 acres were taken to create the Laguna Atascosa Wildlife Refuge. We agreed with that refuge and still believe it is a fine thing. That, we have no problem with. The northernmost area of Willacy County and all of the land in Kenedy County to the west of Padre Island, stretching all the way to U.S. Highway 281 is used for ranching activities. There are approximately 1 million acres of land being used by these ranching activities and these 1 million acres are virtually inaccessible to the public. This 1 million acre refuge is probably one of the world's largest. We have no problem with this area on Padre Island being in the Coastal Barrier Resources System because of its inaccessibility to the public and the potential for development is virtually nonexistent.

The third purpose of the act to preserve natural resources in undeveloped areas is another point with which we take issue. In the process of development of land the first step is platting and subdividing. In both Cameron and Willacy Counties, numerous subdivisions have already been platted, subdivided and approved by the counties involved. We believe that this makes the land already under development. In order to further develop these lands, extension of roadways and utilities will be required. If these lands are included in the Coastal Barrier Resources System development would be virtually impossible without flood insurance or federal monies to assist in the development. Many people have already invested as much as \$5,000 per acre in the seven miles already subdivided to the north of Cameron County Park known as Andy Bowie. We believe these citizens have the right to use this land for their private use. I would remind you of the recent Supreme Court decision concerning the taking of private property for governmental purposes. It is simply not fair to these individuals who want to live on Padre Island and are awaiting only accessibility and utilities in order to build and reside there.

Bordering the T-12 area, we have plans under way to construct a new international bridge linking the Republic of Mexico with the Port of Brownsville. This bridge is essential to the transportation needs of both Mexico and the United States.

In conclusion, Mr. Secretary, to restrict the further development of South Padre Island is inflicting more economic

Mr. Donald P. Hodel
June 16, 1987
Page 3

woes on an area of the country that is already economically depressed by the financial condition of the Republic of Mexico, by the recent freeze which destroyed much of the citrus industry in this area. Both of these factors have contributed to the very high unemployment rate now existing in Cameron, Hidalgo and Starr Counties. We want and need the opportunities to develop South Texas so that we can recover economically and put our people into gainful employment. We believe that the land areas from the Fort Mansfield Channel North is more than adequate to satisfy the protection of marine and wild life and the natural resources of Padre Island. I am asking you to please consider the needs of Cameron County and to not only leave the seven miles of land area North of Andy Bowie Park alone, but delete all of the areas of Padre Island in Cameron County in T-11 and any expansion the T-12 area to the Southeast of Brownsville.

Sincerely yours,

Jack A. Goolbsy
JACK A. GOOLSBY
County Judge

JAG/mgp

JACK A. GOOLSBY
COUNTY JUDGE
CAMERON COUNTY



1725
County Courthouse
964 E. Harrison St.
Brownsville, Tx. 78520
512/544-0830

March 14, 1988

Ms. Audrey Dixon
Coastal Barriers Study Group
National Parks Service
1100 "L" Street Northwest, Room 3319
Washington, D.C. 20005

RR: Section 10, Coastal Barriers Resources Act (16 U.S.C. 3509)

Dear Ms. Dixon:

Recently, the U.S. Department of the Interior (DOI) issued a draft of the Supplemental Legislative Environmental Impact Statement (LEIS), which contains recommendations to the Congress on the Coastal Barriers Resources System (CBRS). The LEIS includes the addition of several areas in Cameron County to existing CBRS units in South Padre Island (T11) and Boca Chica (T12).

Cameron County is concerned because the proposed additions have already been targeted for development, and in many cases, are integral parts of multi-million dollar investments. This development is necessary to promote the Valley's tourist trade, which along with manufacturing and light industry, has helped Cameron County to recover from recent economic disasters brought upon us by the steady devaluation of the peso, and the state-wide depression resulting from the oil industry's collapse.

Since CBRS designation will make the proposed areas ineligible for flood insurance, development efforts in these areas of Cameron County could come to a screeching halt!

Consequently, the Cameron County Commissioners' Court has adopted a Resolution of opposition to the proposed additions (Copy attached), and we respectfully request that you delete these areas from inclusion in the CBRS. Cameron County is willing to work towards a compromise which will provide for continued economic development and expansion of job opportunities in Cameron County while conserving the environment.

I will look forward to hearing from you with regard to this matter.

Sincerely,

Adolph Thomas, Jr.
Adolph Thomas, Jr.
County Judge Pro-Tem

Attachment

ATjr/hgk

1196



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

Gentlemen:

The purpose of this letter is to request that the northern boundary of the proposed addition to Unit T12 of the Coastal Barrier Resources System be moved at least 3000 feet south of the Brownsville Ship Channel. On page 20 of volume 20 of the February 1987 proposed Department of the Interior recommendations the northern boundary is shown running along the center line of the ship channel. That location would then include a key portion of the channel and the already developed upland dredge disposal areas in Unit T12 and thus degrade the ability of the Port of Brownsville to remain responsive to modern day transportation needs.

As you know, the Water Resources Development Act of 1986 recognized the much needed widening of the channel from 200 to 300 feet along with deepening from 36 to 42 feet and the improvements were authorized by the Congress and signed into law by the President. Without the federal investment it will be impossible for the project to proceed and an outdated port facility will jeopardize all the past investments by the federal government and the local citizens as well as deny South Texas of an important asset needed in its efforts to become an economically viable part of our nation.

The objective of the boundary relocation is to exclude the existing channel, the authorized channel, the dredge disposal areas along the channel and the ocean jetties with maintenance right-of-way from the Coastal Barriers Resources System. The disposal areas extend along the south bank of the ship channel, are located on upland areas, are well developed with levees and sophisticated drainage structures and represent a significant investment by the citizens of the Brownsville Navigation District.

We very much appreciate the time and attention given to this issue by members of the study group during their visit to the Brownsville area last week. We were pleased to have the opportunity to present our case and provide for a tour of the areas in question.

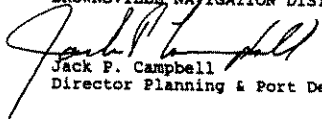
P.O. Box 3070 / Brownsville, Texas 78520 / 512/831-4592 / Telex 766612

The Coastal Barriers Study Group
Page 2.
June 19, 1987

The Port of Brownsville is governed by a Board of Navigation and Canal Commissioners elected by the citizens of the Brownsville Navigation District, a political subdivision of the State of Texas. I am enclosing a resolution passed by the Board at their regular meeting this week that states their official position on Unit T12 of the system. We request your consideration and support.

Sincerely,

BROWNSVILLE NAVIGATION DISTRICT


Jack P. Campbell
Director Planning & Port Development

br

Encl.

RESOLUTION

WHEREAS, the Coastal Barriers Study Group of the Department of Interior is considering a recommendation to increase the size of Unit T12 of the Coastal Barrier Resources System; and

WHEREAS, the proposed northern boundary of Unit T12 would then run along the center line of the Brazos Island Harbor Navigation Channel (Brownsville Ship Channel); and

WHEREAS, Unit T12 would then include the right of way area and the upland spoil disposal areas for the Brownsville Ship Channel; and

WHEREAS, the spoil disposal areas are well developed, man-made, leveed upland areas with state of the art drainage structures; and

WHEREAS, such inclusion would deny the use of federal funds to deepen and widen the Brownsville Ship Channel; and

WHEREAS, the deepening and widening of the Brownsville Ship Channel has been authorized by the Congress of the United States in the Water Resources Development Act of 1986; and

WHEREAS, continued improvements to the Brownsville Ship Channel are essential to the usefulness of the channel and to the economy of the Lower Rio Grande Valley and express the will of the Congress of the United States;
NOW, THEREFORE:

BE IT RESOLVED BY THE BOARD OF NAVIGATION AND CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS:

Section 1: That this Board strongly desires and urgently recommends that the area within 3000 feet of the center line of the Brownsville Ship Channel be excluded from the Coastal Barrier Resources System.

Section 2: That Certified copies of this Resolution be delivered to the Governor of the State of Texas, the Secretary of the Interior and other interested parties.

I, W. W. Reed, Jr., Chairman of the Board of Navigation and Canal Commissioners of the BROWNSVILLE NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution adopted by said Board at a regular meeting held on Wednesday, June 17, 1987, at 3:00 O'clock P.M. and that the same has not been altered, amended, or rescinded.

TO CERTIFY WHICH WITNESS MY HAND AND THE SEAL of said District on this, the 17th of June, A. D. 1987.


W. W. Reed, Jr.

1139



June 16, 1987

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

Dear Sirs:

As Chairman of the Port Isabel/San Benito Navigation District board of Canal Commissioners, I would like to go on record as opposed to the inclusion of additional Cameron County land in the Coastal Resources System. I and my fellow board members were elected by the citizens of Cameron County to promote Navigation and the development it creates in the Laguna Madre Area. Inclusion of additional land in the vicinity of the Brazos Santiago Pass will prevent our sister Port of Brownsville from deepening and widening the channel that serves Brownsville and the Port of Port Isabel.

We consider this deepening and widening project to be vital to the long term viability of our Port and to the Port of Brownsville. Our location on the far southern tip of Texas makes waterborne commerce essential to the economic well being of the entire South Texas area.

I hope that you consider our feelings and interests in making your decision and we appreciate this opportunity to make our opinions known. The Board will meet on the 24th of this month and pass a resolution stating our feelings in this matter.

Sincerely,

[Signature]
Lionel Betancourt
Chairman
Port Isabel/San Benito
Navigation District
Cameron County
Texas



1143

TEXAS COMMITTEE ON NATURAL RESOURCES
5934 Royal Lane, Suite 223
Dallas, Texas 75230
(214) 368-1791

June 22, 1987

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

Dear Sirs,

Texas Committee on Natural Resources supports the recommendations on the expansion of the Coastal Barriers Resource System. In addition, we urge you to reconsider including the Pacific Northwest and Great Lakes areas.

Texas Committee on Natural Resources is an 800-member, state-wide conservation organization with an 18-year history of activism in Texas matters.

Coastal Barriers protect some of the world's most productive habitats. Development of these areas usually causes serious environmental harm, and it leads to excessive federal expenditures for flood insurance claims and related damages.

We are concerned about the diminishing wetlands and coastal habitat of the Texas coast. The spoil islands along the western edge of the Inter-coastal Waterway in the lower Laguna Madre are extremely valuable bird habitat and has a concomitant value for tourist attraction/economic boost.

Additionally, South Bay and Boca Chica areas are in need of protection because of their incredibly diverse ecosystem important to habitat maintenance for a vast area.

Sincerely,

[Signature]
Janice Bezanson
Chairman

cc: Texas Congressional Delegation

WA

1135



LOWER RIO GRANDE GROUP
LONE STAR CHAPTER



20 June 1987

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

Dear Study Group:

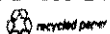
On behalf of the Lower Rio Grande Sierra Club I wish to voice our support for your proposed additions to the Coastal Barriers Resources System. The time has come to stop the unnecessary and destructive development along the Texas coast. Too many developers ignore the fact that the coastal barrier islands are dynamic and completely vulnerable to storms. These developers can only continue as long as the U.S. Government underwrites their flood insurance. There is no need for more development since hundreds of concrete condominiums are sitting empty along the Texas coast. Only the developers greed is evident and such greed destroys precious coastal wetlands. The proposed additions would be of tremendous ecological and economical value. Ecologically it would protect our valuable coastal resources and economically would benefit the U.S. taxpayers.

Two comments pertaining to the South Texas coast. First, the spoil islands along the western edge of the Intercoastal Waterway in the lower Laguna Madre are extremely valuable roosting and nesting habitat for birds which include some threatened species. These areas should be included in the System. Second, we wholeheartedly support your decision to expand the System in the South Bay and Boca Chica area. This unique hypersaline lagoon system is extremely vulnerable to flooding, and its wetlands and waters support an incredible diversity and quantity of bird, fish and shellfish life.

Sincerely yours,

[Signature]
Glenn D. Boward
Chairman

1022 S. NEBRASKA AVE. WESLACO, TEXAS 78596 (512) 969-2113



967



LONE STAR CHAPTER

COASTAL AFFAIRS COMMITTEE

200 East 11th Street
Weslaco, Texas 78596
June 17, 1987

Coastal Barriers Study Group
National Park Service - 498
P.O. Box 37127
Washington, D.C. 20013

Dear Study Group:

These comments are on behalf of the 13,000 Texan members of the Lone Star Chapter of the Sierra Club. We fully support the reauthorization of the Coastal Barriers Resources Act and the proposed expansion of the System. This Act makes the utmost sense on economic grounds, on human safety grounds, and on natural resource protection grounds. We recommend the following additions to the System.

1. The Pacific Coast and the Great Lakes coastline. The problems of flooding, erosion, sea-level rise, and development impacts on coastal natural resources all apply with equal validity here.
2. The South Padre Island section (Map T11) should extend southward to the city limit of the town of South Padre Island. This area remains undeveloped, is extremely narrow and flat, with numerous wide washovers. Last fall a storm off the coast of Florida caused an 18 inch higher tide than normal, which washed across the island and did extensive damage to highway 100. It is sheer economic lunacy to permit subsidies which encourage development of this 7 mile stretch.
3. The South Bay/Boca Chica section (Map T12) should extend both westward, to include the tidal flats surrounding the lomas, and southward to the Rio Grande River. The tidal flats and coastal marsh extend to the river (and to the south on the Mexican side). The river simply cuts through a large coastal marsh and prairie. The entire area is a floodplain, is extremely unstable due to the river's changing course at the mouth (it has moved 750 feet since hurricane Allen in 1980) and is an area where beach erosion is very high - 10 to 40 feet per year (Morton 1985). Development should not occur here. It should remain the productive "world class" wetlands that it already is.

Sincerely,

[Signature]

Jim Chapman
Coastal Affairs Coordinator

copy: Rep. Kika D. La Garza
Rep. Solomon Ortiz

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." John Muir

1130



BIRD RESCUE

200 EAST 11th STREET
WESLACO, TEXAS 78596
(512) 968-1719

June 15, 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 Coastal Barriers Study Group,

We are a wildlife rehabilitation and education program here in southernmost Texas. We handle more than 1,000 birds each year, many of them coming to us from folks in the 2 southernmost Texas counties, Willacy and Cameron. It is apparent that there is a high diversity of protected birds in this area and that the majority of problems associated with these species are human-related. Of particular concern is loss of habitat, for greater than 90% of the original natural areas of this region have been altered, leaving little left for wildlife resources. Because of their heritage and ecological values, and because of their additional economic importance to this region (through hunting, fishing, tourism, bird-watching, shrimp and photography), these resources are of utmost value to this nation left in their natural state.

We thus fully support the continuation and expansion of the Coastal Barriers Resources System throughout the country, and in particular, here in southernmost Texas. There is no reason why the United States taxpayers should be underwriting the flood insurance and other subsidies for development in coastal barrier ecosystems, losing natural resources and tax monies at the same time!

Development in our free enterprise system should proceed at the developers' risk...not at the risk of the federal government. We believe that such development will, in fact, continue but at inland and already-developed areas where the risk of total obliteration is significantly less...and where the risk is borne by those profiting from the venture.

Please expand the current boundaries in southern Texas to include the natural and spoil islands west of the Intracoastal Waterway boundary now delineated. These islands meet all COBRA criteria and should never have been left out. Please also expand the southern U.S. boundary to the Rio Grande River. The Rio Grande cuts through a natural barrier island/wetland ecosystem which extends north into the United States and south into Mexico. The ecosystem functions as a whole and leaving part of it (the Rio Grande) out makes no ecological sense. In addition, the area in question is currently not protected in any other manner and yet represents the most endangered habitat in this entire region with far less than 1% of original natural area remaining. There is every prudent reason available to back your inclusion of the Greater South Bay/Boca Chica areas into the System. These areas, and the northernmost part of that same ecosystem known as Bahia Grande, are extremely high in wildlife values, are extremely susceptible to flooding and hurricanes, are under no recognizable protection, and are under immense development pressures. We fully support inclusion of the entire area, including Bahia Grande, in the COBRA System.



BIRD RESCUE

200 EAST 11th STREET
WESLACO, TEXAS 78596
(512) 968-1719

We are enclosing a copy of our 1986 statistical reports on numbers of birds cared for and the reasons for their problems. The reports will back up the region's diversity of migratory bird species and the problems directly attributed to humans. In addition, we include a listing of the birds identified on our 1987 Spring Boat Tours of the Lower Laguna Madre/South Bay/Brownsville Ship Channel, again showing high diversity and numbers of migratory birds.

We wish to remain on the mailing list for future information about your work. We request a copy of your final report to Congress when it is ready.

Thank you for your work to date. We support a final report which expands yet further your current recommendations. With such a report the United States will be one step towards reducing the federal tax burden while also protecting economically and ecologically valuable natural resources. One BIG step.

Sincerely,
Cynthia Chapman
Cynthia Chapman
President

CC/me
Encs.

CC: Senator Lloyd Bentsen
Senator Phil Gramm
Congressman Kika de la Garza
Congressman Solomon Ortiz

1301

SOUTH BAY TASK FORCE

P.O. Box 8124
Weslaco, Texas 78596
(512) 943-6571 / 968-1719

June 20, 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 Study Group,

The South Bay Task Force is a working coalition of groups and individuals from all over the United States and Canada who are working to see that the southernmost portions of Cameron County, Texas, are permanently protected in their natural state.

We believe that these areas are extremely valuable to the people of Texas and to the rest of the continent because they are home (permanent and migratory) to such a widely diverse assemblage of plants and animals. We understand that protecting these areas in their natural state will:

- 1 - preserve those wildlife, historical and archeological values which are found here and no where else;
- 2 - enhance our natural heritage for the generations to come; and
- 3 - benefit for the long-term our local and regional tourism, fishing, shrimp and hunting economies.

We are actively working to see that these areas are included in our federal wildlife refuge or national park system.

Since summer of 1986 we have gathered signatures on petitions supporting the wildlife values of southernmost Cameron County, and seeking its permanent protection. We include here a set of those petitions gathered to date. They represent 3,187 individuals.

We ask that these petitions be included in the public record for the continuation and expansion of the Coastal Barriers Resources System as it relates to the Greater South Bay/Boca Chica area. We would like to see you include in the system the Bahia Grande area to the immediate north and the Rio Grande River to the south. Both areas (and the area further south in Mexico) are all part of the same functioning ecosystem and meet the COBRA criteria.

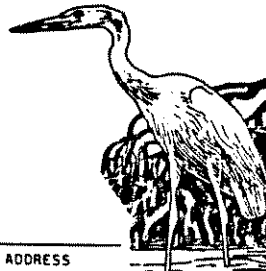
Please keep us informed of the progress of the Coastal Barriers Resources System. We thank you for your attention to our comments.

Sincerely,
Karen Boward
Karen Boward

Encs. - petitions
cc: Senators Phil Gramm & Lloyd Bentsen
Congressmen Solomon Ortiz & Kika de la Garza

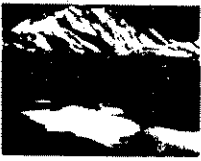
WE BELIEVE THAT THE COASTAL AND RIVER WILDERNESS AREAS OF SOUTHEASTERN CAMERON COUNTY ARE EXTREMELY VALUABLE TO THE PEOPLE OF TEXAS AND TO THE REST OF OUR COUNTRY. WE SUPPORT THE CREATION OF A NATIONAL PARK OR REFUGE FROM THE RIO GRANDE TO BAHIA GRANDE, INCLUDING SOUTH BAY AND BRAZOS ISLAND. BY PRESERVING THE WILDLIFE, HISTORICAL, AND ARCHEOLOGICAL VALUES FOUND HERE, AND NO WHERE ELSE, WE WILL ENHANCE OUR NATURAL HERITAGE FOR THE GENERATIONS TO COME, AND WE WILL BENEFIT THE LOCAL & REGIONAL TOURISM AND FISHERIES INDUSTRIES IMMENSELY.

WE APPRECIATE YOUR SUPPORT.



NAME	FULL MAILING ADDRESS
<i>Heart B. Roberts</i>	4 Cowan Terrace, Brownsville, Texas 78521
<i>William M. Hays</i>	600 Lakeside Blvd., Apt # 4, Brownsville, Texas 78520
<i>David M. Hays</i>	P.O. Box 1442, Los Frescos, Texas 78566
<i>David P. Hays</i>	6934 Bonham Rd. - Brownsville, Tex
<i>David A. Fox</i>	25 Boca Chica Brownsville, Tex
<i>David C. Hays</i>	5224 R. 19th Lot #51 Brownsville, Tex 78521
<i>David Hays</i>	77 Bay Ave. Brownsville, TEX. 78520
<i>David Hays</i>	2842 Columbia St Brownsville, Tex
<i>David Hays</i>	73 2nd St Brownsville, Tex
<i>David Hays</i>	1909 E. Monroe, Houston, Texas
<i>David Hays</i>	P.O. Box 516 Rio Hondo, Texas 78563
<i>David Hays</i>	P.O. Box 851 Houston, Tex 78551
<i>David Hays</i>	153 Highland Ave. Tex 78520
<i>David Hays</i>	PO Box 1442 Los Frescos, TX 78566

(and 3,173 additional signatures)



901

SIERRA CLUB
LEGAL DEFENSE FUND, INC.

Sierra, Mt. McKinley Amel Adams 1600 Broadway Street, Suite 1600 Denver, Colorado 80202 (303) 861-9898

June 15, 1987

ROCKY MOUNTAIN OFFICE

Lori Potter
H. Anthony Ruckel
Karin P. Sheldon
Staff Attorneys

Douglas L. Honnold
Law Attorney

Other Offices

SAN FRANCISCO OFFICE

2044 Fillmore Street
San Francisco, CA 94113
415 367-6100

WASHINGTON, D.C. OFFICE

1510 P Street, N.W.
Suite 300
Washington, DC 20001
202 607-2400

ALASKA OFFICE

419 5th St.
Suite 121
Juneau, AK 99801
907 486-2711

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

Dear Study Group:

I submit these comments in general support of the recommendations for additions to the Coastal Barrier Resources System in south Texas. This area, known as South Bay, is an important ecosystem containing some of the last undeveloped coastal wetlands and barrier islands in Texas. We also request that the Study Group recommend the inclusion of spoil islands in the Laguna Madre and the seven miles north of the city limits of the town of South Padre Island.

My clients, the Sierra Club and the Frontera Audubon Society, will submit separate comment letters which will detail the natural resources of this ecosystem. I direct my comments to the issue of the need for CBRA protection for this ecosystem, particularly Brazos Island and South Bay itself, in that these areas "are not included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in section 170(h)(3) of Title 26, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes." Coastal Barrier Resources Act, § 3; 16 U.S.C. § 3502(1)(B)(ii).

In 1982, the Department of the Interior considered the addition of Brazos Island, an undeveloped barrier, in its "interim proposed designation" list. However, the proposal deleted the so-called Brazos Island State Recreation Area at the insistence of the Texas Parks and Wildlife Department, which claimed that the area was "otherwise protected". See Memorandum from Chairman, Coastal Barriers Task Force, to Secretary, dated July 27, 1982 (enclosed). In 1985, the Texas General Land Office advised the Parks and Wildlife Department that GLO considered unconstitutional the original transfer of the recreation area to the Department, in that the permanent

Coastal Barriers Study Group
June 15, 1987
Page Two

school fund was not compensated for the land. The Department acquiesced in this interpretation. GLO resumed management of the land, and promptly signed a lease option with a resort developer, Playa del Rio Inc., for the tract. (See Option Agreement dated February 5, 1986, copy enclosed.)

Under a storm of public protest, the developer relinquished the lease option but retained a highly-controversial easement to build a highway through Brazos Island. My clients have strongly opposed both the lease option and the easement as violative of federal law and of the public trust. In June, 1986, GLO offered the area back to Parks and Wildlife to manage as a park, but a full year has passed and the Parks Department has still not responded to the offer. (See enclosed letters from Texas Land Commissioner Mauro to Charles Travis, Director, Parks and Wildlife; and from General Land Office Attorney Jonathan Steinberg to Lori Potter, Sierra Club Legal Defense Fund attorney.)

Given this record of mismanagement, delay, and environmental insensitivity on the part of Texas state agencies, I do not believe that the Coastal Barrier Study Group can consider this tract "otherwise protected", and therefore should include it in the final recommendations for addition to the System. While the General Land Office argues in its June 5, 1987 comment letter to the Study Group that all of these lands are protected -- just as was argued in 1982 -- its actions over the past two years belie that claim.

At the same time that it gave a commercial resort developer an option on the Brazos Island State Recreation Area (February 5, 1986), GLO signed a second lease option with the same developer for 729 acres of submerged lands in South Bay. (See Option Agreement, enclosed.) This acreage also falls within the newly-proposed revisions and is not "otherwise protected" in any apparent way. We think that the placement of these lands within the System is essential.

In sum, my clients support the Department's recommendations for inclusion of units T-11 and T-12 in South Texas, with the qualifications noted above. We urge the Study Group to deny the request by the Texas General Land Office to consider this land "otherwise protected". Thank you for your consideration of these comments.

Yours truly,

Lori Potter

871

frontera audubon society

Box 2808
South Padre Island,
Texas 78597

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:

We wish to support your proposed additions to the Coastal Barriers Resources System. This Act conserves precious coastal resources as well as being beneficial to the U. S. taxpayer. We also feel that the Pacific and Great Lakes Coastlines should be included in this Act.

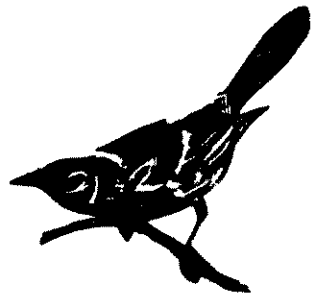
We totally agree with your decision to expand the system in the South Bay and Boca Chica area. This unique hypersaline lagoon system is extremely vulnerable to flooding, and its wetlands and waters support an incredible diversity and quantity of bird, fish, and shellfish life. Also the spoil islands along the western edge of the Intercoastal Waterway in the Lower Laguna Madre are extremely valuable roosting and nesting habitat for birds which include some threatened species.

Sincerely yours,

FRONTERA AUDUBON SOCIETY
Ann Drefke

Conservation chairman

cc-Congressman Solomon Ortiz



"To Increase Environmental Awareness"

PLAYA DEL RIO

1575

June 22, 1987

Mr. Donald P. Hodel, Secretary
U.S. Department of the Interior
Coastal Barriers Study Group
C Street (between 18th and 19th Sts, N.W.)
Washington, D.C. 20240

Dear Secretary Hodel:

In the area of the Rio Grande Valley of Texas, lies the poorest and the second poorest counties of the United States in terms of effective buying income according to the 1980 Census. After the census was taken, we received a devastating blow with the devaluation of the Mexican peso and as if that wasn't enough the Rio Grande Valley's citrus industry was destroyed through a freeze. The population of the Rio Grande Valley is even eighty percent (80%) Mexican-American and consistently has one of the highest unemployment throughout the United States. It is in this area that the units designated as T11 and T12 are located.

Your committee has called for an expansion of both of these units. The net effect of this would be to dissuade any development along the coast and thereby put the Rio Grande Valley at a competitive disadvantage with the rest of the nation the Tourist Industry.

There are other areas that are similarly situated but are being excluded and it is my understanding that the decision was based on the economics of the situation. The first observation would be what Frank McGilvrey of your study group admitted and that is that similarly situated property was being treated in a dissimilar fashion. In the Rio Grande Valley you have the additional factor of a high concentration of an impoverished ethnic group. Further, if the economics of a situation is going to be considered then clearly the poorest area of the United States should not have disincentives for construction and development in an area that would attract more tourists.

The Playa del Rio project is located in the area designated as T12. In that area you have included the Brownsville Navigation District Ship Channel which is a form of development; the area of Kopernick Shores which is a subdivision with homes in it and the bulk of the Playa del Rio project in which literally Millions of Dollars have been spent to plan, permit and develop

Playa del Rio, Inc.
955 West Price Road
Brownsville, Texas 78520
512-546-9991

International Resort that at build out would create over twenty thousand jobs on site.

With first liens, second liens and money spent on masterplanning, environmental planning and permitting infrastructure planning and construction there are approximately Forty Million Dollars (\$40,000,000.00) at risk. The plans call for construction above the 100 year flood elevation levels and the construction requirements to call for buildings that would be hurricane resistant. The additional premiums paid would help spread the risk on a bigger risk pool and therefore help make that risk pool more self sufficient.

Clearly if a long term economic impact study were made I think you would find that the United States Government would save money by: spreading the risk over a bigger pool; creating jobs that would take people off the welfare rolls in the poorest area of the United States; increase the tax base on an overly burdened county and State Government; produce more sales tax and income tax that would help fund government services that people have a right to enjoy.

I would request at this time that T11 and especially T12 be eliminated from the Coastal Barriers Resources Area so that the poorest area of the United States not have disincentives created for development and that the at risk money of Playa del Rio, Inc. not be put at any further risk by your agencies actions.

Thank you for your attention to this matter and until our next communication I remain,

Sincerely yours,

Porchie F. Grady
Porchie F. Grady
President

20 April 1987

Page -2-

I than you for your attention to this matter, as always, I remain,

u. d. d. d.
Sincerely yours,

cc: Senator Phil Gramm
Senator Lloyd Bentson
Congressman Solomon Ortiz
Governor Bill Clements

AL SENTENO
COUNTY CHAIRMAN



P. O. BOX 3803
BROWNSVILLE, TEXAS 78520

20 April 1987

221

546-5596
512/

Coastal Barriers Study Group
National Park Service, (498)
P. O. Box 37127
Washington, D. C. 20013-7127

RE: Coastal Barriers Resources System

Gentlemen:

I have been living within the area of Cameron County for over 40 years and during all the time that I have been living in Cameron County, that area of Boca Chica which you have designated as T12 has always been a main part of the mainland. I have never seen any islands out there other than South Padre Island. It is an area that has Southbay, which is the only important wetland area but other than that, that whole area is nothing but salt flats that are primarily dry throughout most of the year. Certainly not productive or contributing to any kind of food chain.

The Playa del Rio project is proposed for this area and the Developers have invested many many millions of dollars getting it ready and now you come in proposing further expansion of the area of T12.

In case you don't realize it, the area of the Rio Grande Valley is one of the poorest in the United States. Populated primarily by Mexican-Americans and your expansion of T12 will inhibit any kind of development that will create jobs for the community which are sorely needed. These are not just lines on a map but it involves the potential livelihood of a community that is suffering tremendously already.

For all the reasons stated above, I would request the elimination of T11 and more specifically, the elimination of that part of the mainland known as Boca Chica which you have designated as T12 out of the Coastal Barriers Resources System.

749

THOMAS R. MORRIS
P.O. BOX 644
EDINBURG, TEXAS 78540

June 9, 1987

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

RE: Additions to the Coastal Barriers Resources System

Dear Study Group,

I wish to voice my support for the additions to the Coastal Barriers Resources System. This act both conserves precious coastal resources and benefits the U.S. taxpayer.

I ask that you help support the decision to expand the System in the South Bay and Boca Chica area of South Texas. This unique hypersaline lagoon system is extremely vulnerable to flooding, and its wetlands and waters support an incredible diversity and quantity of bird, fish and shellfish life. It deserves all of the protection it can get.

Sincerely,

Thomas R. Morris
Thomas R. Morris

cc
Honorable E. "Kika" de la Garza
U.S. House of Representatives

861

The Coastal Barriers Study Group
Dept. of Interior Ntl. Park Service
P. O. Box 37127
Washington D. C. 20013-7127

-12-87

Re: Taking of Texas Beaches

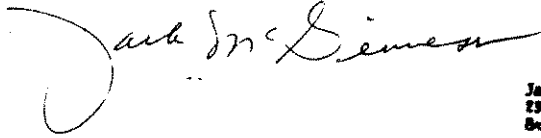
The Rio Grande Valley of Texas needs all of the development that it can get. I have been in Brownsville Texas, for thirty years and I have never seen the economy in such had a position that it is in today. Why in the world would anyone in the Government want to kick us when we are down. I would think that the human beings would come before the wildlife. After all, if God wanted the wildlife to prevail over humans then he would have featured the wildlife in the Garden of Eden instead of Adam and Eve.

Lets face it, the United States is in terrible financial trouble and wants to generate more revenue, and here you are putting had cuffs on development that would bring in more taxes than the "Birds" I would like to know how much taxes the "Birds" are going to pay.

I am sure that this will end up in the "round file", but I just had to have my say.

If you did read ~~XXXXX~~ this, thank you for your time.

Sincerely,



Jack McGinness Realty
2334 Boca Chica 118
Brownsville, TX 78521

Tropecos

P.O. Box 488
Olmato, Texas 78575
(512) 350-9937

962

16 June 1987

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

Dear Study Group:

As a taxpayer, I give my total unqualified support to your proposed expansion of the Coastal Barriers Resource System. It will protect all U. S. taxpayers and aid in balancing the budget by eliminating the use of Federal, State and Local funds to directly and indirectly subsidize the development of these lands (roads, bridges, sewers, etc.) and subsequent predictable costs for emergency relief and flood insurance which runs into the billions of dollars each year. I become particularly irate when I find our tax dollars being used to back unscrupulous developers, realtors and others who destroy these lands for personal gain, and to assist buyers of the resulting properties who are either too naive to realize the consequences of buying in these coastal areas or have the immoral attitude of "let the taxpayer foot the bill".

As a professional in forest protection and a conservationist I also give my wholehearted support to your recommendation for such Government action taken now will directly and indirectly protect fragile yet highly productive, interdependent ecosystems for the future of the world. I am very elated that you included the South Bay and Boca Chica areas of South Texas. They and the adjacent wetlands are biologically very unique. Further, the Bay itself is the incubating area for a good percentage of the shrimp and fish caught by area commercial interests. These areas flood easily and any development would make them most vulnerable.

978

Although they lie along your five mile limit I do suggest that you include the spoil islands along the western edge of the Intercoastal Waterway in the lower Laguna Madre as they are extremely valuable resting and nesting habitats for birds, many of which are endangered.

Sincerely,



Edgar W. Clark PhD

cc: Congressmen Lloyd Bentsen, Phil Gramm, Kika de la Garza, and Solomon Ortiz

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

Dear Sirs:

I write regarding the "Proposed Recommendations for Additions to or Deletions from the Coastal Barrier Resources System," more specifically, the inclusion of T-12 - Boca Chica in the system. I support the inclusion of the Boca Chica segment in the system, and urge you most strongly not to delete the segment from your recommendations.

As a resident of the area, in the subdivision formerly called "Kinney Shores," I have an interest in the proper maintenance of the area's natural resources. Once this land is given over to development, its special character will be forever lost.

Pressure to remove the T-12 - Boca Chica segment from the system comes almost entirely at the instigation of developers who would like to build

page 2

a complex called "Playa del Rio." They have succeeded in convincing the more distant residents of Brownsville that their project would ensure jobs and prosperity for that community.

I believe the developers and residents are ignoring economic reality. South Padre Island, just to the north of the Boca Chica segment, is in severe straits. Property is dumped on the market at one-twentieth its value in an effort to unload it. If such is the condition of a well-known, established resort complex, how can a new complex make economic sense?

Certainly the residents of Brownsville, 24 miles away, would have jobs for a couple years if the T12 Boca Chica segment is deleted from the recommendations - virtually granting carte blanche to the developers - but they do not perceive the long term costs. This is due primarily to the questionable hard-sell technique of the "Playa del Rio" venture, which has used a mixture of half-truths and scare tactics. This area is what South Padre used to be like. It

page 3

provides habitat for birds, mammals, and reptiles. South Padre Island has already been given over to development, the last portion of wild land need not be sacrificed as well.

I refuse to argue from rumor and supposition, so cannot make two arguments that also seem cogent. But I would urge you to consider that the Rio Grande River, at its mouth, has become an important point of transit for marijuana, cocaine, and illegal immigration. A development such as that proposed by Playa del Rio would exacerbate an already difficult situation.

Please inform me about your plans for this area, and, if possible, quell the fears of residents that they would be forced to move if the inclusion of the T12-Boca Chica segment is approved.

Very truly yours,
Thomas L. Gerleman
Thomas G. Gerleman
Attorney at Law
Instructor of Agricultural Economics

33 Weems St.
Boca Chica R. Branch
Brownsville, TX 78521

1055

frontera audubon society

243 Shoreline Dr.
Brownsville, TX 78520
June 17, 1987

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

Dear Study Group:

Your expansion of the Coastal Barriers Resource System to include the South Bay and Boca Chica areas of South Texas would not only be a boon to the average American taxpayer, but especially to those of us in the immediate area. Should opportunists unwisely develop these precious coastlines being assured their bridges, roads, buildings, etc., would be insured by the U. S. Government against storm and water damage, the present residents of Cameron County, TX, most of whom could not afford the luxuries of an expensive resort, might suffer most heavily, while at the same time losing the natural protection of the coastal barriers and the many other benefits now afforded by South Bay and the surrounding wetlands.

I am also hopeful that certain spoil islands on the western edge of the Intercoastal Waterway in the lower Laguna Madre may be included in your survey because they provide nesting grounds for endangered bird species.

Please help us prevent the erosion and ultimate destruction of our fast disappearing wetlands.

Sincerely,

Sylvia Robinson
SYLVIA ROBINSON
Bio. Tech. USDA, Retired

1074

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

19 June 1987

Dear Study Group:

As a coastal resident and property owner, I wish to express my total support for all proposed additions to the Coastal Barriers Resources System. This wise action will save not only priceless, irreplaceable wetlands but hard-earned tax dollars. There can be no rational opposition to this expansion. As a resident of the lower Rio Grande valley committed to preserving our local natural resources, I am especially interested in seeing that the proposed additions to T12 in the Boca Chica/South Bay area are included.

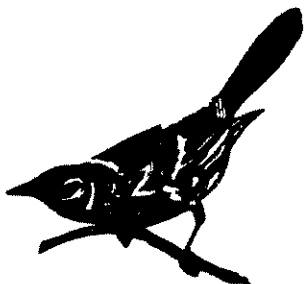
I applaud your efforts to protect our natural and financial resources. Thank you.

Sincerely,

John Schulze
John Schulze
201 Beach Blvd.
Laguna Vista, TX 78578

cc: Sen. Lloyd Bentsen
Sen. Phil Gramm
Rep. Solomon Ortiz

"To Increase Environmental Awareness"



Michael Dickson - 1807 Stillbrooke - Houston, Texas
March 24, 1987

11

Dear Mr. Hodel:

I would like to commend your department for the additions you are trying to make to the Coastal Barrier Resource System. It doesn't really matter if the drive is Reaganomic cost-cutting or right-minded conservationism. The result in this case is the same. Particularly, I would like to see your department hang tough (as we say down here in Texas) on the matter of the area around Boca Chica Beach in South Texas. The planned Playa del Rio resort boondoggle needs to be stopped. Thanks.

Sincerely,
M. Dickson
Michael Dickson

6-16-87

1133

Coastal Barrier Study Group,
This is concerning the Secretary of Interior proposal to expand the coastal Barrier Resources designated area of T12, we are very much against it, since it includes the area my husband and I live in and have been for some time.

This is an established residential community, mostly retired people, living on a limited income. This is our home & we love it here.

We are tax payers and we do not want our area, Kapernik Shores in Boca Chica changed in any way, except improvements. There is already enough land set aside for wild life.

Sincerely,
Stanley Majewski

1185

June 20, 1987

Dear Study Group:

Concerning the proposed additions to the Coastal Barrier Resources System, I am in complete agreement and give my sincere support to this effort.

I cannot speak for other areas of the country but for the area known as T12 (Boca Chica Beach) it is a most precious and unique piece of land and it needs all the protection it can get. I cannot stress that enough.

I have lived here all my life. I can tell you Brownsville has little to offer in terms of natural beauty. We have no hills, mountains, streams, forests, etc. If it wasn't for Boca Chica Beach we would have to drive hundreds of miles to see and enjoy God's beautiful handiwork.

I attended the public meeting in Brownsville on June 11th. I know the

object of the meeting was not economic but since it came up repeatedly during the two hour session I would like to make a few comments. It is true, we are a poor area but what little we do have depends on the wetlands. Those wetlands are our support system for our fishing and shrimp industry which has a major bearing on our local economy. If those wetlands are not protected it is quite possible that permanent damage will be done to that industry. As for tourism, many Winter Texans come to the valley to enjoy what Boca Chica has to offer. If it is a resort they want we are fortunate enough to have Padre Island. One resort area is enough. By the way, Padre Island doesn't seem to be helping our local economy any. I realize people are crying for jobs, or so it seems, but to allow a

Developers to go in to the T12 area and cause total devastation would not be worth the few local jobs that would be available for our people.

One other thing, this area brings in a tremendous amount of sports fishermen and hunters which is a boost to our economy.

Please do everything humanly possible to protect T12. Not putting it into protection runs several risks. One being, we could possibly have a dead sea in the future. No development is worth that.

I want Boca Chica beach intact for all the generations to come to love & enjoy. It is all we have.

1738 Carthage Ct
Brownsville, Texas 78520

Thank you,
Linda Payne

1225

June 18th., 1987

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

Dear Mr. Hodel:

I read your article "The need to seek oil in Arctic refuge." I agree with you on every count to seek oil in the coastal plains of the Arctic National Wildlife Refuge.

The following is an example of the poor judgment environmentalists used in stopping the developers of Playa Del Rio (resort located at the southern most end of South Padre Island, Texas.) The environmentalists would like a sanctuary for birds, wildlife and wet lands. The Playa development would mean jobs for many people. The Interior Dept. was in Brownsville, Texas the other day seeing what they could take away from Playa Del Rio. There are other areas the Interior Dept. have excluded-why not Playa Del Rio? Aren't human lives more important than bird sanctuaries (which we have quite a few of down here in Texas) and wet lands inasmuch as the environmentalists do not know what savings the wet land results would be.

I would appreciate your looking into this matter and let the Playa Del Rio development go ahead.

Very truly yours,

Jucille Frazer
716 Westway
McAllen, TX 78501

1170

June 21, 1987

Dear Sirs,

We are responding to the letter we received concerning the Coastal Barrier Study.

We have a home and vacant property on Kopernick Shores. We bought this land in good faith and a good future for us, our children and grandchildren.

We have been paying taxes on this land for nearly twenty years and in return have received no help from any government agency. We have not even been given the privilege of fresh drinking water but are still charged for the salty gulf water we are subjected to use. Our taxes have helped support nearby cities which have blossomed while we have been neglected. We, as a community, have been paying out of our own pockets for normal city services denied us such as street lights, sewers and garbage removal.

We care about where we live and the future of the land and put our savings here. Now, not only are they trying to deny us from getting any insurance for our homes, they want to take away our homes. We too are human resources and need protection. Please help us.

Antoni Wlodarczyk
& Family

27 Weems Street
Kopernick Shores
Brownsville, Texas

78521

1306

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

Dearest Study Group,

The Coastal Barriers are important to me because it protects some of the World's most productive ecosystems. These Coastal Barriers here in Texas include estuaries, marshes and aquatic habitats.

The Coastal Barriers buffer the mainland from storm waves (hurricane, tropical depressions and ect.) from erosion and flooding.

The Coastal Barrier Resources Act was passed in 1982 to discourage the development of these coastal areas.

What the Resources Act means is that there will be No Federal Funding for roads, bridges, sewers, water lines, gas lines, housing or flood insurance.

With the stroke of a pen the expansion of the Coastal Barriers would become even more of an asset to the government; in that it would save Uncle Sam millions and protect God's creatures.

I do not think that it is right for our government to promote the destruction of this fragile area, which includes extremely valuable roosting and nesting habitat. Those threatened species which reside here may eventually become endangered.

I support 100% Your decision to expand the Coastal Barrier System to include the South Bay, Boca Chica and Spoil Islands located along the Western Edge of the Intercoastal Waterway in the Lower Laguna Madre.

Yours Truly
and
Sincerely

Alvin J. West

1382

LAW OFFICES OF
ROBERT F. BARNES
INTERNATIONAL TRADE BUILDING
MIDALGO, TEXAS 78557
(512) 843-2251
(512) 843-2255

P.O. BOX 386

TELECOPIER
(512) 843-2511
TELEX
76-7633

June 17, 1987

Honorable William Hodel
Secretary of the Interior
Washington D. C.

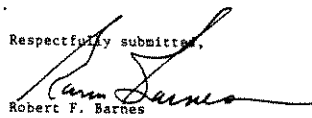
Dear Secretary Hodel,

I am adding my name to the list of the people objecting to the expansion of the Coastal Barrier Resources Act in the area known as T-12.

I am presently the owner of approximately 1200 acres in this location, which is now under contract for sale. At the time the contract was entered into the expansion of T-12 was not considered. If you pursue this expansion of T-12 to include the additional 15,000 acres of Boca Chica property, the economic ramifications are and will be unbearable to the area due to the depressed financial situation of the Lower Rio Grande Valley.

I urge you therefore, to consider not only my situation but the other voices you have heard coming from this area.

Respectfully submitted,



Robert F. Barnes

RFB:jb

1419

LAW OFFICES
OF
EDWARD F. BUTLER
(NOT A PARTNERSHIP OR PROF. ASSO. OR CORP.)
2009 PADRE BLVD. SUITE "A"
P.O. BOX 3295, SOUTH PADRE ISLAND, TEXAS 78997
(512) 761-4400
(512) 761-2536
RIO GRANDE VALLEY TOLL FREE MOBIL PHONE
(512) 350-9224

REGIONAL OFFICES
884 RIDGEWOOD
BROWNSVILLE, TX 77822
(512) 846-2721
520 N. O'CONNOR RD
SUITE 470
INTERSTATE BANK
LAS COLINAS TOWER
IRVING, TEXAS 75038
(414) 558-2177
100 NORTH MAIN BLDG
SUITE 3002
MEMPHIS, TN 38103
(801) 525-8277

June 23, 1987

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

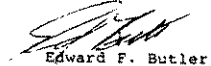
Gentlemen:

As the immediate past President of the Port Isabel/South Padre Island Chamber of Commerce, as a licensed practicing attorney with offices on South Padre Island and in Brownsville, Texas and as a concerned citizen, I wish to express to you my extreme dissatisfaction with the recommendation of your committee thus far.

First of all I wish to point out that the study committee had no representatives from business, industry or the public and all members of the committee were from environmentalist oriented groups.

All of South Padre Island from Boca Chica to the Mansfield cut should be available for development. All of Boca Chica to the Mexican Border should be available for development, including the Port Isabel/Brownsville Navigation District.

Very truly yours,



Edward F. Butler

EFB/ag

06238701.efb

** Certified as a Civil Trial Advocate by the National Board of Trial Advocacy*

1577

Holdax Engineering Co.

2390 Central Blvd. / Suite "Q" / P.O. Box 5774 / Brownsville, Texas 78520
(512) 541-9658

Professional Engineers

Registered Public Surveyors

June 18, 1987

Mr. Donald R. Hodel, Secretary
U.S. Dept. of the Interior
Coastal Barrier Study Group
C Street (between 18th & 19th St
Northwest)
Washington, DC 20240

REF: C.O.B.R.A.
UNIT T-12

Dear Sir:

I request that Unit T-12 be deleted from the "Report to Congress Coastal Barrier Resource System" (Proposed Recommendation for additions to or deletions from the Coastal Barrier Resource System).

The area included in Unit T-12 is heavily used by the public for recreational purposes. On a normal weekend the beach between the Rio Grande and the Brownsville-Santiago Pass will receive 1,500 plus car loads of visitors per day. This is based on actual traffic counts.

The normal funding for roads, parks, utilities and other infrastructure needed to serve these visitors is normally partially paid for with public funds which are controlled and dispersed by federal agencies. This infrastructure is for the benefit of the citizens not some "bad old Developer". The funding for this infrastructure is the rightful share of Federal Tax Dollars belonging to the local taxpayer; and the local taxpayer should not be required to pay twice for this funding, once to the Federal Government with taxes which would be collected from the local people but would not be dispersed back due to C.O.B.R.A. and pay the second time either by purely local taxes or by doing without this needed infrastructure.

Within the Unit T-12, as proposed in Volume 20, dated February, 1987, there are over 1,600 lots in recorded subdivisions and approximately 30 family homes.

MR DONALD R HODEL SECRETARY
C.O.B.R.A. UNIT T-12

PAGE 2
JUNE 18, 1987

I have not researched the exact appraisal value the Cameron County Appraisal District has presently placed the property within Unit T-12, but I expect it to be approximately ten million dollars which produces for the local taxing agencies approximately \$150,000.00 per year in property taxes. When this property is fully developed the tax revenue will be in excess of fifteen million dollars per year.

If Unit T-12 remains as proposed and the property remains undeveloped; which I understand is the goal of "C.O.B.R.A.", then the other property owners in Cameron County will have to pay the difference between taxes required and the taxes lost due to the land in Unit T-12 losing its value.

Cameron County has one of the highest rates of unemployment and lowest Per Capita Income in the nation. We in Cameron County are trying very hard to develop our tourist industry in order to provide employment and raise the Per Capita Income. The gulf and beaches of Cameron County are the major resources we have to compete with other areas for tourism. If we are unable to develop our Gulf frontage we will lose the advantage of these major resources.

Your favorable consideration of this request is greatly appreciated.

Sincerely,



J.L. Holder



746

Biology Department
(512) 381-3537

5 June 1987
Coastal Barriers Study Group
National Park Service
P.O. Box 37127
Washington, D.C. 20013-7127

Dear Sirs,

I support your efforts to expand the Coastal Barrier Resources System. This program is one which I believe will help protect the barrier islands and seashores along the Gulf and Atlantic coasts. Any strengthening of its provisions, expansions or additions to the System is highly desirable for now and in the future. I am particularly pleased that several areas in the southernmost tip of Texas have been cited for inclusion. These are sensitive areas ecologically and their protection through the Coastal Barrier Resources Act will help to preserve these ecosystems for future generations of Americans.

Sincerely,

Robert J. Edwards
Robert J. Edwards
Associate Professor of Biology

1201 West University Drive / Edinburg, Texas 78539-2999 / (512) 381-2011
An Equal Opportunity / Affirmative Action Employer

810

Hurst, Texas
June 12, 1987

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

Dear Study Group:

As President of the Ft. Worth Audubon Society I wish to speak for our members in regard to the report of your proposed addition to the Coastal Barriers Resources System. Many of us visit the South Bay and Boca Chica area and the rest of the Rio Grande valley a least once a year. We see birds there that can be seen nowhere else in the U. S. To lose their habitat would be a crime.

Sincerely yours,

J. M. Sifford
J. M. Sifford, President
Ft. Worth Audubon Society

copy: Congressman Jim Wright

Fowler Realty

1079

INCORPORATED REALTORS
1205 N. Expressway, (P.O. Box 3865) Brownsville, Tx. 78520 • (512) 546-2415 • (Merrill-Lynch Bldg.)

Mr. Donald Hodel, Secretary Of The Interior June 16, 1987 Page 2

June 16, 1987

Mr. Donald Hodel,
Secretary Of The Interior
Washington, D.C. 20240

Re: Coastal Barrier
Resources System

Dear Secretary Hodel:

I have first enclosed a list of over 300 names of persons who attended the forum held in Brownsville, Texas on Thursday, June 11, 1987. There is a great amount of concern in regards to your recommendation to Congress both pro and con on the issue.

The recommendation you make the Congress regarding the Coastal Barrier Resource System as it pertains to Cameron County, Texas must consider the economic impact. This county has been through economic hardship in the past four (4) years. When the economy of Mexico and the United States faltered, this county took the brunt of it. Oil related industry such as Union Carbide had to shut down, Marathon oil had to let a majority of its work force go and many others. This had a major effect on the community; retail sales dropped, stores to numerous to list, closed and are still closing, adding to the almost 18% unemployment in the county.

The sensitive ecological factor of the Coastal Barrier of Cameron County can be taken care of by ordinances, either City, County or State. The habitats of various wildlife will be preserved through better maintained areas, from both State and National wildlife authorities.

Secretary Hodel, your recommendation is important to this issue, but more important are jobs for people. If people cannot find employment and cannot feed a family, they begin to hunt for food and all the wildlife protection known, cannot stop a person from feeding a family,

Very Truly Yours,

Larry Jokl
Larry Jokl,
Past Pres. Brownsville Board Of Realtors
Past Pres. Brownsville Chamber Of Commerce

LJ/yd
Enclosure

1151

1835 S. Oklahoma Ave.
Brownsville, TX 78520
June 20, 1987

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

Dear Study Group:

Please help the tax payers of Cameron County, Texas, from our own politicians who, in general, want to sell out "everyone's" precious and productive wetlands to profiteers, especially when they themselves have invested in wetland acreage. Their desire that the U.S. taxpayer be responsible for any of their losses caused by high winds or water is preposterous, but not only would the Cameron County taxpayers be further burdened, but they would lose the protection of the coastal barriers and intervening wetlands in the event -- a certainty -- of a hurricane.

Though this may not be the proper place to discuss the matter, the loss to the general ecology would be tragically irreparable, and I, among many, are relying on your recommendations to our Government to take the course of wisdom and to continue to act in behalf of the nation rather than a few greedy people who attempt to disguise their avarice as genuine economic advantage to this area.

Most Sincerely,

Tom H. Robinson
TOM H. ROBINSON

1190

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

18 June 1987

Dear Study Group:

Today the last dusky seaside sparrow died. This means the extinction of one more species of animal and brings us one step closer to extinction ourselves. This bird was lost solely through the destruction of its habitat. The proposed additions to the Coastal Barriers Resources System would help stop this senseless destruction of habitat and life. As a resident of the Rio Grande Valley I am especially interested in the spoil islands in the lower Laguna Madre and in the South Bay and Boca Chica areas. The preservation of these areas is vital to the preservation of many species of bird and animal. How many species must die out before we take actions to save our world? Remember-- extinction is forever!

Sincerely yours,

Leah Larson
Leah Larson
201 Beach Blvd.
Laguna Vista, Texas 78578

1750

605 S. Chicago St.
South Bend, IN 46619
March 10, 1988

Wm. P. Horn
Asst. Sec. of Fish & Wildlife
c/o Dept. of the Interior
Washington, D.C. 20240

Dear Sir:

I am writing you as a concerned So. Padre Island, Texas property owner to:

1. Prevent the further elimination of flood insurance on the South Texas coast.
2. Reversing the decision to remove flood insurance availability from the northern portion of So. Padre Island.
3. Explore legal remedies against the U.S. Department of the Interior to prevent this action in the event the lobbying efforts are unsuccessful.

I ask you to reconsider this legislation and vote as if you were a landowner in this area. There has already been enough land set aside for conservational purposes in this area, so now why not allow for some development. Your kind consideration would be greatly appreciated.

Sincerely,

Alex R. Retek
Mr. & Mrs. Alex R. Retek

cc: Congressman John Hiler
501 E. Monroe St.
So. Bend, IN 46601

Senator Richard L. Lugar
SH 306 Senate Office Bldg.
Washington, D.C. 20510-1401

1753

3735 West Bay Circle
Dallas, Texas 75214
March 9, 1988

Mr. William P. Horn
Assistant Secretary of Fish & Wildlife
C/O Department of the Interior
Washington, D. C. 20240

Re: Coastal Barrier Resources Act;
elimination of flood insurance on
South Padre Island, Texas, and Boca
Chicago Beach, Texas.

Dear Mr. Horn:

We would like to urge you to exert your best efforts in preventing the further elimination of federally guaranteed flood insurance on the South Texas Coast the aid in reversing the decision to remove flood insurance availability from the northern portion of South Padre Island and Boca Chica Beach for the following reasons:

- (1) It seems very discriminatory to allow some owners on South Padre Island access to this insurance and deny it to others. This is contrary to our American Way. It should be available to all or none.
- (2) There is no reason to eliminate this insurance program if the premiums are adjusted to stem any federal loss. This offers protection to those people in the program, equally spreading the risk, with no cost to the federal government. It would seem to be a "no lose" proposition.
- (3) There is no viable alternative to this insurance since, as a practical matter, private insurance would be unobtainable.
- (4) It is unfair to those owners who bought their property when this insurance was available and will now suffer great economic harm if it is withdrawn.
- (5) With Texas now experiencing economic difficulties, it would seem that we are not taking advantage of a valuable asset of Texas--South Padre Island--and we feel it should be developed and promoted as a tourist attraction with the resultant economic benefits that would ensue to all of the people of Texas. This would also lessen the tax burden now carried by our citizens in Texas, as it would supply a much-needed source of funds. Turning South Padre into a wasteland or another "Natural Seashore" was not a success considering the condition of the present one and would require maintenance cost, instead of generating income.

Sincerely yours,
W. A. W. W. W.

