



**Jerry Patterson,
Commissioner**

Water Dependent Uses and Coastal Development

**Coastal Resources Division
Texas General Land Office**



Texas Coastal Management Program (TCMP)



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The purpose of the TCMP is to improve the management of coastal natural resource areas (CNRAs) and to ensure long-term ecological and economic productivity of the coast.

The Coastal Coordination Council (Council) was established as a forum for coordinating state, federal, and local programs and activities of the Texas Coast.



Coastal Coordination Council



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Chairman:

- **The Honorable Jerry Patterson**
Commissioner, General Land Office

Members:

- **The Honorable H.S. Buddy Garcia**
Commissioner, Texas Commission on Environmental Quality
- **The Honorable Elizabeth Jones**
Commissioner, Railroad Commission of Texas
- **Mr. Ned Holmes**
Chairman, Texas Transportation Commission
- **Dr. Robert R. Stickney**
Director, Texas Sea Grant College Program
- **Mr. Edward G. Vaughan**
Member, Texas Water Development Board
- **Mr. Jose Dodier**
Member, Texas State Soil and Water Conservation Board
- **Ms. Karen J. Hixon**
Member, Texas Parks and Wildlife Commission
- **Mr. Bob McCan**
Agriculture Representative
- **Mr. James R. Matz**
Local Business Representative
- **Mr. George Deshotels**
Local Government Representative
- **Reverend Robert "Bob" Jones**
Local Citizen Representative

Texas Coastal Management Program



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The TCMP was designed to meet requirements for the participation in the Federal Coastal Zone Management Program.

Under the TCMP, the General Land Office coordinates the following for the Council:

- Review of Federal Actions
- Coastal Preserve Program



Texas Coastal Management Program



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Under the TCMP, the General Land Office administers the following programs for the Council:

- Grants
- Non Point Source Pollution Control
- Permit Service Center (Permitting Assistance)
- Beach Watch
- Coastal Impact Assistance



Coastal Zone Management Act (1972)



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- Provides the General Land Office the responsibility to review federal agency actions and activities to ensure that they are consistent with state goals and policies (TCMP).
- Additionally, applicants seeking federal permits in coastal areas must provide a “consistency certification” stating that the proposed project is consistent with the TCMP.

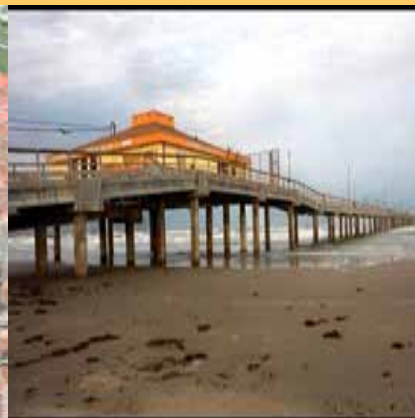




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Water Dependent Structures

- §501.3(14) defines water-dependent use
- §501.24 provides the policies for construction of waterfront facilities and other structures on state-owned submerged lands.





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What Texas is Experiencing...

- Notable trend of residential structures within CNRAs.
- Applicants do not apply for the appropriate state permit(s).
- USACE looking to the Council to deem projects inconsistent with the goals and policies of TCMP during the federal consistency process.
- USACE staff frustrated with current limitations of “slam dunk” permit denial available only through federal consistency and 401 Certifications.

What Texas is experiencing...



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Area depicted above was proposed for residential development.

*RGL 90-08 – Applicability of Section 404 to Pilings

What Texas is experiencing...



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Proposed to construct an approximate 0.148-acre amenity area containing a swimming pool, cabana structure, patio areas and a parking area adjacent to the Laguna Madre

Approximately 0.132-acre of waters of the US, including wetlands, would be filled, including 0.017 acre of saltwater coastal flat and 0.115 acre of mangrove wetlands. No mitigation proposed



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Why Aren't State Permits Applied For?

- Texas Natural Resource Code §51.302
Code states an easement must be obtained for any structure or facility on state-owned land.
- It is the policy of the General Land Office NOT to authorize residences on state-owned submerged land.
A residence is NOT water dependent, and authorization of a use that is not water dependent is not consistent with the goals and policies of the TCMP.



Pressure of Development



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- Multi-million dollar condos and homes constructed on beachfront lots
- Beachfront property owners are increasingly requesting that local governments close the beaches to vehicular traffic
- Public access may continue to change from vehicular to pedestrian
- Local governments struggle with balancing the desires of beachfront property owners and public's right of access



Responsive Action by the State of Texas



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- Day use of the Texas beaches contributes \$2.6 billion to the Texas economy.
- To balance the economic importance of public beach access and coastal development, the Open Beaches Act (OBA) was amended in 1991 to give the GLO authority to promulgate rules.
- These rules established guidelines for local governments to develop beach access and dune protection plans consistent with the OBA, DPA, and Beach/Dune Rules.



Responsive Action by the State of Texas



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- Rules out for public comment ends September 15, 2008
- Definitions of small-scale construction, large-scale construction, and dune restoration
- Rules for determining the line of vegetation determination if no clearly marked line exists
- Dune protection lines re-established further landward to allow protection of all critical dune areas
- Beach user fees - allow revenue accounts
- Large-scale construction – 30 days
- Plan amendments – 90-day, 60-day, and 30-day review
- Erosion Response Plans (ERPs)



Questions...

**For more information about the
General Land Office, please visit**

www.glo.state.tx.us



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