

APPENDIX A

**TEXAS COASTAL MAMAGEMENT PROGRAM
CONSISTENCY DETERMINATION**

**SECTION 206
ECOSYSTEM RESTORATION PROJECT**

**UNIVERSITY OF TEXAS
MARINE SCIENCE INSTITUTE
PORT ARANSAS, TEXAS**

**U.S. ARMY ENGINEER DISTRICT
GALVESTON, TEXAS
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5.1 Introduction

The Texas Coastal Management Program (TCMP) was submitted to NOAA for review pursuant to § 306 of the Federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq. The office of Ocean and Coastal Resource Management approved the TCMP in 1996. Federal approval of the TCMP requires that Federal actions occurring within the TCMP boundary be consistent with the goals and policies of the TCMP. To show compliance, Federal agencies responsible for these actions must prepare a consistency determination and submit it to the State for review. Details of the ecosystem restoration project as well as environmental impacts, are presented in previous section of this EA and will be referenced in this determination.

5.2 Impacts on Coastal Natural Resource Areas

The CMP's regulatory program focuses on management of 16 areas of particular concern identified as Coastal Natural Resource Areas (CNRAs). Several of the CNRAs listed in 31 TAC §501.3 are found reasonably close to the project area discussed in this EA. A short description of each CNRA near the project and methods to minimize or avoid potential impacts is provided below.

5.2.1 Waters of the Open Gulf of Mexico

Waters of the open Gulf of Mexico are located immediately southeast of the project site. All construction activities, including excavation and placement of excavated material, will occur in uplands on the project site. Therefore waters of the open Gulf will not be impacted.

5.2.2 Waters Under Tidal Influence

The project is located in a region which experiences tidal influence. Construction of the project represents a minimal impact because there will be no dredging or placement of dredged materials in tidal waters. All excavation and placement of excavated material will occur in uplands prior to introducing tidal flow into the system, so there will be no releases of suspended solids into tidal waters during construction, and no State § 401 Water Quality Certification is required.

5.2.3 Submerged Lands

The areas immediately adjacent to the project site are characterized as submerged land. There will be no impacts to submerged lands as a result of the project, since the project will be constructed in uplands behind the existing UTMSI marina bulkhead and South Jetty. Placement of excavated and construction materials will occur in uplands.

5.2.4 Coastal Barriers

The project site does not occur within a State coastal barrier area. However, four coastal barrier areas do occur in the surrounding areas of the project site. Two of the areas extend north along San Jose Island (T08 and T08P) located on the north side of Aransas Pass opposite the project site, and the other two are located more than 5 miles south of the project site on or near the lower part of Mustang Island (TX-15P and TX-17P). Impacts to these coastal barriers are highly unlikely, since the project will be constructed in uplands behind the existing UTMSI marina bulkhead and South Jetty, and placement of excavated and construction materials will in uplands.

5.2.5 Coastal Shore Areas

Coastal shore areas occur within 100 feet landward of the high water mark on submerged land. These resource areas function as buffers, protecting upland habitats from erosion and storm damage and adjacent marshes and waterways from water quality degradation. This type of area is located at the entrance channel to the Corpus Christi/Aransas Ship Channels, where the channels traverse Aransas Pass to the Gulf of Mexico. The project site is situated behind the South Jetty or is located beyond the limits of nearby coastal shore areas bordering the Gulf of Mexico to west. The project will have no impact on this CNRA.

5.2.6 Gulf Beaches

Gulf beaches border the Gulf of Mexico and extend inland from the line of mean low tide to the natural vegetation line. Aransas Pass, located between San Jose and Mustang Islands, traverses a Gulf beach area. San Jose Island is located on the north side of Aransas Pass, opposite the project site, and is currently undeveloped. Mustang Island, especially the City of Port Aransas, is highly developed for tourism and recreation. The project site is located on Mustang Island in the southwestern portion of the City of Port Aransas close to the South Jetty. However the site is situated in a well-maintained area of the UTMSI campus located north of the beach and dunes. No excavation or placement of construction material will occur in these areas.

5.2.7 Critical Dune Areas

The Gulf beaches on both sides of Aransas Pass can be characterized as having active sand dune systems. The proposed project is located landward of the existing GLO dune line and will not involve construction in sand dune areas. Dune areas will be created in existing uplands around the periphery of the wetland excavation area using excavated material to complete the ecosystem and protect the site from wind and high water events, lessening the impact of washover into the marsh system.

5.2.8 Special Hazard Areas

Special Hazard areas are areas designated by the administrator of the Federal Insurance Administration under the National Flood Insurance Act as having special flood, mudslide, and/or flood-related erosion hazards. The project site is located on a barrier

island, immediately behind the beach and dunes; this area has not been previously mapped, according to Flood Insurance Rate Maps. Site elevations range between 2 and 8 feet (NAVD 88). Adjacent low-lying areas of similar elevations are mapped as Flood Zone V. While the activities associated with the project must be located in an area that is likely floodplain to make the action feasible, the proposed project will not induce increased flooding in developed areas, and will not contribute to increased future flood damages.

5.2.9 Critical Erosion Areas

These areas are those Gulf and bay shorelines that are undergoing erosion and are designated by the Commissioner of the General Land Office under Texas Natural Resources Code, §33.601(b). The nearest critical erosion area to the project site is located approximately 10 miles west of the City of Port Aransas on the south side of the CCSC. The proposed project will not impact this critical erosion area due to the nature of the proposed project and its distance from the critical erosion area.

5.2.10 Coastal Historic Areas

These areas consist of sites listed or eligible for the National Register for Historic Places and State Archaeological Landmarks. Compliance with the TCMP regarding coastal historic areas is accomplished through procedures established by Section 106 of the National Historic Preservation Act of 1965, as amended. These coastal historic sites are discussed in Section 3.8 of this EA, with impacts discussed in Section 4.7.

5.2.11 Coastal Wetlands

No significant expanse of natural coastal wetlands is located in close proximity to the project site. The closest natural coastal wetlands to the project site are located on the bay side of Mustang Island, and west and east of Harbor Island. Therefore, there will be no adverse impacts to these resources as a result of the proposed action.

5.2.12 Oyster Reefs

While several significant oyster reefs occur in Corpus Christi Bay, more oyster reefs are known to occur within waters immediately adjacent to the project area. The nearest known oyster reef is located approximately 2 miles from the project site on the northwest side of Harbor Island. Therefore, no oyster reefs will be impacted by the proposed project.

5.2.13 Hard Substrate Reefs

There are no naturally occurring hard substrate formations in close proximity to the project site. The closest rock outcrop is located just north of the City of Aransas Pass and is crossed by the Gulf Intracoastal Waterway. The closest serpulid worm reefs are located farther south in the Laguna Madre and Baffin Bay.

5.2.14 Tidal Sand and Mud Flats

Tidal sand and mud flats are areas of silt, clay, or sand substrate, without regard to whether it is vegetated by algal mats, that occur in intertidal areas and that are regularly or intermittently exposed and flooded by tides, including tides induced by weather. There are no tidal sand or mud flats located on the project site. Therefore, no impacts to these resources will occur as a result of the project.

5.2.15 Coastal Preserves

This natural resource includes only State lands and parks. There are no designated Texas Coastal Preserves located in the vicinity of the project. The nearest State-owned land area is Mustang Island State Park, located within Coastal Barrier Resource Unit TX-15P approximately 10 miles southwest of the project site. No impacts to this area will occur as a result of the project.

5.3 Compliance with Goals and Policies

5.3.1 Section 501.14(j) - Dredging and Dredged Material

The project does not involve any dredging or dredged material placement in aquatic areas. All construction and excavation, except for the addition of culvert structures through the existing UTMSI marina bulkhead and South Jetty, will be performed in uplands. All placement of excavated material will occur in uplands. Therefore, the proposed action is in compliance with this section.

5.3.2 Compliance with §501.14(h) - Development in Critical Areas

No construction, excavation or placement in critical areas will occur as a result of the proposed project construction described in this EA. Therefore, the proposed action is in compliance with this section.

5.3.3 Compliance with §501.15 - Policy for Major Actions

The proposed action does not constitute a major action. The project will not require an Environmental Impact Statement.

5.4 Texas Coastal Management Plan Consistency Determination

The project change discussed in this EA has been reviewed for consistency with the goals and policies of the TCMP. CNRAs in the project area are identified and evaluated for potential impacts from the proposed action. It is determined that this action will not adversely impact the CNRAs.

Based on this analysis, the USACE finds that the project change discussed in this EA for the UTMSI Ecosystem Restoration project is consistent with the goals and policies of the Texas Coastal Management Program to the maximum extent practicable.

Date

Leonard D. Waterworth
Colonel, Corps of Engineers
District Engineer